
United States Coast Guard

Notice of Proposed Rulemaking

**Vessel Requirements for Notices of Arrival and Departure,
and Automatic Identification System—USCG-2005-21869**



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Homeland
Security



Current NOA Requirements

General Overview

- Applicability and Exemptions,
 - When to Submit NOA,
- NOA Required Information,
 - Method of Reporting,

General Overview of Current NOA Requirements Applicability

- U.S. and foreign vessels bound for the U.S. over 300 gross tons

Exemptions:

- U.S. recreational vessels
- OSRV's engaged in actual spill response or exercise
- Passenger/supply vessels in exploration OR removal of oil, gas, or mineral resources on the OCS
- (Basically) Vessels that operate above MM 235 on Mississippi River

General Overview

Exemptions (cont)

- If not carrying CDCs:
 - Vessels 300 gt or less (except foreign vessels arriving in District 7, which includes most of Florida and the Caribbean Islands)
 - Force Majeure
 - Towing vsls & barges operating solely between Continental U.S.
 - Public Vessels
 - U.S. vessels operating solely in Great Lakes (except tank)
 - Vessels operating exclusively within a COTP Zone

General Overview

Timeframe

Initial Submission

- Voyage > 96 hours, then NOA submitted at least 96 hours prior to intended arrival
- Voyage < 96 hours, then ***before departure*** but at least 24 hours prior to intended arrival

General Overview Information

Each NOA must contain all of the information in table 33 CFR
160.206

- Vessel Information
- Voyage Information
- Cargo Information
- Information for each Crewmember Onboard
- Information for each Person Onboard in Addition to Crew
- Operational condition of equipment required by §164.35 of this chapter
- International Safety Management (ISM) Code Notice
- Cargo Declaration (Customs Form I302) as described in 19 CFR 4.7
- International Ship and Port Facility Code (ISPS) Notice



General Overview

Methods of Reporting

- Electronic (only method accepted by CBP)
- eNOAD website
- XML
- Infopath
- Phone
- Fax
- By regular email

NOA Proposed Regulatory Changes

- Applicability
 - All foreign commercial vessels
 - All U.S. commercial vessels arriving from a foreign port
- Exemptions
 - Added foreign vessels 300 gross tons or less not engaged in commercial service and not carrying CDC
 - Removed exemption for foreign commercial vessels under 300 gross tons

NOA Required Information- Proposed Changes

- In addition to current required information
 - Adding a requirement for Maritime Mobile Service Identity Number (MMSI)- associated with AIS
 - Requiring passport country of issuance and date of expirations for individuals who present a passport
 - Indicate if vessel is less than 300 gross tons and if voyage is less than 24 hrs
 - Clarify last five **foreign** ports visited
 - Last Port of Call (foreign or domestic)

Changes in Submission Time

Initial Submission

- Submission times for vessels >300 gross tons remain the same
- Foreign vessels < 300 gross tons would have the same submission requirements as vessels greater than 300 gross tons
- U.S. commercial vessels less than 300 gross would have the same submission requirements as vessels greater than 300 gross tons unless voyage < 24 hrs, then NOA can be submitted 60 minutes prior to departure from a foreign port or place

Notice of Departure (NOD)

- This rulemaking proposes to add a NOD for all vessels that are required to submit a NOA.
 - All vessels must submit an NOD no later than 60 minutes prior to departure.
 - Updates must be made as soon as practicable but no later than 12 hours after departure.

Methods of Reporting

This NPRM proposed to allow electronic submission only:

- eNOAD website
- XML
- Infopath

Maritime Transportation Security Act of 2002

Paraphrasing 46 USC §70114 - Automatic identification system

On the navigable waters of the U.S., each of the following shall be equipped with and operate an AIS under regulations prescribed by the USCG

- **Self-propelled commercial vessel of at least 65 feet,**
- **Towing vessel of more than 26 feet and 600 hp,**
- **Passenger vessels as determined by the USCG, and,**
- **Any other vessel deemed necessary for its safe navigation**

The USCG--

- May exempt a vessel from...if the Secretary finds that an AIS is not necessary for the safe navigation of the vessel*...; and,
- May waive the application...on certain U.S. waters...if it finds that AIS is not needed for safe navigation on those waters.
- Shall prescribe regulations implementing AIS including requirements for the operation and maintenance of AIS.

* Note, the vessel exemption applies to individual vessels not a class.

AIS Rulemaking [Changes in **Bold-type**]

- ✓ 10/22/03, current AIS requirement published (33 CFR 164.46)
- ✓ 07/01/03-01/05/04, 3 meetings & comment period re: AIS expansion
- ✓ 10/31/05, agenda entry re: expansion of AIS to **all** navigable waters
- ✓ 12/16/08, NPRM published; 04/15/09, comment deadline (73 FR 78295)
- Proposed compliance date: NLT 7 month after Final Rule published
- AIS prices: Class A, \$2,800-5,000; Class B, \$700-1,500
 - Installation cost will vary by display options & interfacing
 - SOLAS requires interfacing to GPS, THD, ROT, back-up power
- Potentially could affect 17,442 vessels (14,506 small businesses), i.e.
 - Commercial self-propelled vessels of ≥ 65 feet
 - **No exclusions**
 - Towing vessels ≥ 26 feet and > 600 hp
 - Vessels with ≥ 50 passengers (vice 150 for hire)
 - **Hi-Speed vessels with ≥ 12 passengers for hire**
 - **Certain dredges & floating plants, &**
 - **Vessel moving certain dangerous cargoes**

Estimated Expanded AIS Population	
Ships ≥ 65ft	2,973
Freight Ship	298
Industrial Ship	748
MODU	210
OSV	553
Research Vessel	97
School Ship	19
Tank Ship	122
Unclassified	385
Unknown	541
Fishing ≥ 65ft	5,520
Documented	4,571
Undocumented (est.)	949
Towing ≥ 26ft & ≥ 600hp	4,560
Passenger	3,235
≥ 65 ft	2,167
$< 65'$ but ≥ 50 pax	1,062
> 30 kts & > 12 pax for hire	6
Dredges	35
Total (U.S.)	16,323
Foreign Flag ≥ 65ft	1,119
Total (All)	17,442

Highlighted Proposed AIS Rule Changes...

Spells out that ‘effective operating conditions’ includes the:

- **Ability to reinitialize the AIS (i.e. password knowledge),**
- **Ability to access AIS information from conning position,**
- **Accurate broadcast of an official MMSI,**
- **Accurate input & upkeep of all AIS data fields including system updates, and**
- **Continual operation of AIS & its associated devices when underway, at anchor, or moored in or near a channel or fairway; except when its use would compromise safety or security—which must be logged & reported to the USCG.**

Highlighted Proposed AIS Rule Changes...

- **AIS is primarily intended for use of the person controlling the vessel, who must maintain a periodic AIS watch.**
- **AIS does not relieve the vessel of duties regarding sound, lights or shapes nor radiotelephone requirements.**
- **AIS text messaging must be in English & solely regarding navigation safety information.**
- **AIS Pilot Port requirement extended to any vessel subject to pilotage & limits the distance between it & an AC outlet to no more than 3 feet.**

Highlighted Proposed AIS Rule Changes...

Applies to all U.S. Navigable Waters, no exemptions.

Individual yearly deviations/waivers permissible, but only for vessels:

- That solely operate within a very confined area
e.g. shipyard, fleeting area, etc.**
- On short & fixed schedules
e.g. a bank-to-bank river ferry service**
- Otherwise not likely to encounter other AIS users**



Automatic ID System (AIS)

- AIS Overview - What is AIS?
- How AIS Works
- What AIS Broadcasts
- Types of AIS
- AIS Messages...
 - "A" Position Report
 - "A" Static
 - "B" Position Report
- AIS Certification
- Carriage Requirements
- AIS References
- AIS Notices
- Frequently Asked Questions
- Ask a Question or Report an AIS Problem

Primary Mission Areas:

- Global Positioning System
- Differential GPS
- Nationwide DGPS
- LORAN C
- Inland River Vessel Movement Center
- Long Range Identification and Tracking
- Civil GPS Service Interface Committee
- Automatic Identification System
- Electronic Navigation & Charting
- Maritime Telecommunications

Maritime Information:

FREQUENTLY ASKED QUESTIONS

1. What is the AIS?
2. What is the AIS rule?
3. Are there alternatives to the AIS rule for small businesses?
4. How much does an AIS cost?
5. How does AIS help to increase security?
6. When must AIS be in operation?
7. Does the installation of the AIS require additional equipment in order for the AIS to operate properly?
8. Will it be necessary to have electronic navigational charts for use with the AIS?
9. If a fishing vessel has a Vessel Monitoring System (VMS), is that an acceptable substitute for the AIS?
10. Why have some AIS units stopped broadcasting valid position reports?
11. Why am I unable to see an AIS vessels' name or other static information (dimensions, call sign, etc.)?
12. Why do I sometimes see more than one vessel with the same MMSI or vessel name (i.e. NAUT)?
13. I just purchased and installed an AIS Class B, will AIS Class A user 'see' me?
14. Do AIS Class B devices meet current USCG AIS carriage requirements?
15. Is the USCG considering expanding AIS carriage to other vessels or outside of VTS areas?

1. What is the AIS? Per 47 CFR §80.5 AIS is a maritime navigation safety communications system standardized by the International Telecommunication Union (ITU) and adopted by the International Maritime Organization (IMO) that provides vessel information, including the vessel's identity, type, position, course, speed, navigational status and other safety-related information automatically to appropriately equipped shore stations, other ships, and aircraft; receives automatically such information from similarly fitted ships; monitors and tracks ships; and exchanges data with shore-based facilities. Read more on what it is, how it works, what it broadcasts, and, the messages it uses, etc.

2. What is the AIS rule? The U.S. Coast Guard has developed rules applicable to both U.S. and foreign-flag vessels that require owners and operators of most commercial vessels to install and use the AIS. The AIS rule is part of our domestic and international effort to increase the security and safety of maritime transportation. See 33 CFR parts 26, 161, 164, and 165. Current AIS regulations, 33 CFR §164.46, became effective on November 21, 2003, and, require that all vessels denoted 33 CFR § 164.46(a) be outfitted with an USCG 'type-approved' and 'properly installed' AIS no later than December 31, 2004. Read more.

3. Are there alternatives to the AIS rule for small businesses? No, there are no special provisions or alternatives in the AIS rules for small businesses. See Small Entity Compliance Guide to AIS.

February 25, 2009



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Title	Vessel Requirements for Notices of Arrival and Departure, and Automatic Identification System
Type	Rulemaking
Sub Type	Commercial Vessels
Sub Type Level 2	
Disposition	Pending
Action Office	G-LRA
Docket Subject	Subject: Vessel Requirements for Notices of Arrival and Departure, and Automatic Identification System
Docket Parties	
DMS Docket No.	
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Documents

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USCG-2005-21869-0001	Vessel Requirements for Notices of Arrival and Departure, and Automatic Identification System	12/16/2008	RULES	 	
USCG-2005-21869-0002	Regulatory Analysis & Initial Regulatory Flexibility	12/16/2008	SUPPORTING & RELATED MATERIALS		
USCG-2005-21869-0002.1	Regulatory Analysis & Initial Regulatory Flexibility	12/16/2008	SUPPORTING & RELATED MATERIALS		
USCG-2005-21869-0003	Valuing Mortality Risk Reductions in Homeland Security Regulatory Analyses - Final Report June 2008	12/16/2008	SUPPORTING & RELATED MATERIALS		
USCG-2005-21869-0003.1	Valuing Mortality Risk Reductions in Homeland Security Regulatory Analyses - Final Report June 2008	12/16/2008	SUPPORTING & RELATED MATERIALS		
USCG-2005-21869-0004	Environmental Checklist	12/16/2008	SUPPORTING & RELATED MATERIALS		
USCG-2005-21869-0004.1	Environmental Checklist	12/16/2008	SUPPORTING & RELATED MATERIALS		
USCG-2005-21869-0005	AIS Regulations - Now and Proposed	01/05/2009	SUPPORTING & RELATED MATERIALS		
USCG-2005-21869-0005.1	AIS Regulations - Now and Proposed	01/05/2009	SUPPORTING & RELATED MATERIALS		

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