

SUBCHAPTER P—PORTS AND WATERWAYS SAFETY

PART 160—PORTS AND WATERWAYS SAFETY—GENERAL

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AUTHORITY: 33 U.S.C. 1223, 1231; 46 U.S.C. Chapter 701; Department of Homeland Security Delegation 0170. Subpart D is also issued under the authority of 33 U.S.C. 125 and 46 U.S.C. 3715.

SOURCE: CGD 79-026, 48 FR 35404, Aug. 4, 1983, unless otherwise noted.

Subpart A—General

§ 160.1 Purpose.

(a) This subchapter contains regulations implementing the Ports and Waterways Safety Act (33 U.S.C. 1221) and related statutes.

§ 160.3 Definitions.

For the purposes of this subchapter:

Bulk means material in any quantity that is shipped, stored, or handled

without the benefit of package, label, mark or count and carried in integral or fixed independent tanks.

Captain of the Port means the Coast Guard officer designated by the Commandant to command a Captain of the Port Zone as described in part 3 of this chapter.

Commandant means the Commandant of the United States Coast Guard.

Commanding Officer, Vessel Traffic Services means the Coast Guard officer designated by the Commandant to command a Vessel Traffic Service (VTS) as described in part 161 of this chapter.

Deviation means any departure from any rule in this subchapter.

District Commander means the Coast Guard officer designated by the Commandant to command a Coast Guard District as described in part 3 of this chapter.

ETA means estimated time of arrival.

Length of Tow means, when towing with a hawser, the length in feet from the stern of the towing vessel to the stern of the last vessel in tow. When pushing ahead or towing alongside, length of tow means the tandem length in feet of the vessels in tow excluding the length of the towing vessel.

Person means an individual, firm, corporation, association, partnership, or governmental entity.

State means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Trust Territories of the Pacific Islands, the Commonwealth of the Northern Marianas Islands, and any other commonwealth, territory, or possession of the United States.

Tanker means a self-propelled tank vessel constructed or adapted primarily to carry oil or hazardous materials in bulk in the cargo spaces.

Tank Vessel means a vessel that is constructed or adapted to carry, or that carries, oil or hazardous material in bulk as cargo or cargo residue.

Vehicle means every type of conveyance capable of being used as a means of transportation on land.

§ 160.5

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Vessel means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

Vessel Traffic Services (VTS) means a service implemented under Part 161 of this chapter by the United States Coast Guard designed to improve the safety and efficiency of vessel traffic and to protect the environment. The VTS has the capability to interact with marine traffic and respond to traffic situations developing in the VTS area.

Vessel Traffic Service Area or *VTS Area* means the geographical area encompassing a specific VTS area of service as described in Part 161 of this chapter. This area of service may be subdivided into sectors for the purpose of allocating responsibility to individual Vessel Traffic Centers or to identify different operating requirements.

NOTE: Although regulatory jurisdiction is limited to the navigable waters of the United States, certain vessels will be encouraged or may be required, as a condition of port entry, to report beyond this area to facilitate traffic management within the VTS area.

VTS Special Area means a waterway within a VTS area in which special operating requirements apply.

[CGD 90-020, 59 FR 36323, July 15, 1994]

§ 160.5 Delegations.

(a) District Commanders and Captains of the Ports are delegated the authority to establish safety zones.

(b) Under the provisions of §§ 6.04-1 and 6.04-6 of this chapter, District Commanders and Captains of the Ports have been delegated authority to establish security zones.

(c) Under the provisions of § 1.05-1 of this chapter, District Commanders have been delegated authority to establish regulated navigation areas.

(d) Subject to the supervision of the cognizant Captain of the Port and District Commander, Commanding Officers, Vessel Traffic Services are delegated authority under 33 CFR 1.01-30 to discharge the duties of the Captain of the Port that involve directing the operation, movement, and anchorage of vessels within a Vessel Traffic Service area including management of vessel traffic within anchorages, regulated

navigation areas and safety zones, and to enforce Vessel Traffic Service and ports and waterways safety regulations. This authority may be exercised by Vessel Traffic Center personnel. The Vessel Traffic Center may, within the Vessel Traffic Service area, provide information, make recommendations, or, to a vessel required under Part 161 of this chapter to participate in a Vessel Traffic Service, issue an order, including an order to operate or anchor as directed; require the vessel to comply with orders issued; specify times of entry, movement or departure; restrict operations as necessary for safe operation under the circumstances; or take other action necessary for control of the vessel and the safety of the port or of the marine environment.

[CGD 79-026, 48 FR 35404, Aug. 4, 1983, as amended by CGD 88-037, 53 FR 21815, June 10, 1988; CGD 90-020, 59 FR 36324, July 15, 1994]

§ 160.7 Appeals.

(a) Any person directly affected by a safety zone or an order or direction issued under this subchapter may request reconsideration by the official who issued it or in whose name it was issued. This request may be made orally or in writing, and the decision of the official receiving the request may be rendered orally or in writing.

(b) Any person directly affected by the establishment of a safety zone or by an order or direction issued by, or on behalf of, a Captain of the Port may appeal to the District Commander through the Captain of the Port. The appeal must be in writing, except as allowed under paragraph (d) of this section, and shall contain complete supporting documentation and evidence which the appellant wishes to have considered. Upon receipt of the appeal, the District Commander may direct a representative to gather and submit documentation or other evidence which would be necessary or helpful to a resolution of the appeal. A copy of this documentation and evidence is made available to the appellant. The appellant is afforded five working days from the date of receipt to submit rebuttal materials. Following submission of all materials, the District Commander issues a ruling, in writing, on the appeal. Prior to issuing the ruling, the

District Commander may, as a matter of discretion, allow oral presentation on the issues.

(c) Any person directly affected by the establishment of a safety zone or by an order or direction issued by a District Commander, or who receives an unfavorable ruling on an appeal taken under paragraph (b) of this section, may appeal through the District Commander to the Assistant Commandant for Marine Safety, Security and Environmental Protection, U.S. Coast Guard, Washington, DC 20593. The appeal must be in writing, except as allowed under paragraph (d) of this section. The District Commander forwards the appeal, all the documents and evidence which formed the record upon which the order or direction was issued or the ruling under paragraph (b) of this section was made, and any comments which might be relevant, to the Assistant Commandant for Marine Safety, Security and Environmental Protection. A copy of this documentation and evidence is made available to the appellant. The appellant is afforded five working days from the date of receipt to submit rebuttal materials to the Assistant Commandant for Marine Safety, Security and Environmental Protection. The decision of the Assistant Commandant for Marine Safety, Security and Environmental Protection is based upon the materials submitted, without oral argument or presentation. The decision of the Assistant Commandant for Marine Safety, Security and Environmental Protection is issued in writing and constitutes final agency action.

(d) If the delay in presenting a written appeal would have significant adverse impact on the appellant, the appeal under paragraphs (b) and (c) of this section may initially be presented orally. If an initial presentation of the appeal is made orally, the appellant must submit the appeal in writing within five days of the oral presentation to the Coast Guard official to whom the presentation was made. The written appeal must contain, at a minimum, the basis for the appeal and a summary of the material presented orally. If requested, the official to whom the appeal is directed may stay

the effect of the action while the ruling is being appealed.

[CGD 79-026, 48 FR 35404, Aug. 4, 1983, as amended by CGD 88-052, 53 FR 25122, July 1, 1988; CGD 96-026, 61 FR 33668, June 28, 1996; CGD 97-023, 62 FR 33364, June 19, 1997; USCG-2002-12471, 67 FR 41333, June 18, 2002]

Subpart B—Control of Vessel and Facility Operations

§ 160.101 Purpose.

This subpart describes the authority exercised by District Commanders and Captains of the Ports to insure the safety of vessels and waterfront facilities, and the protection of the navigable waters and the resources therein. The controls described in this subpart are directed to specific situations and hazards.

§ 160.103 Applicability.

(a) This subpart applies to any—

(1) Vessel on the navigable waters of the United States, except as provided in paragraphs (b) and (c) of this section;

(2) Bridge or other structure on or in the navigable waters of the United States; and

(3) Land structure or shore area immediately adjacent to the navigable waters of the United States.

(b) This subpart does not apply to any vessel on the Saint Lawrence Seaway.

(c) Except pursuant to international treaty, convention, or agreement, to which the United States is a party, this subpart does not apply to any foreign vessel that is not destined for, or departing from, a port or place subject to the jurisdiction of the United States and that is in:

(1) Innocent passage through the territorial sea of the United States;

(2) Transit through the navigable waters of the United States which form a part of an international strait.

§ 160.105 Compliance with orders.

Each person who has notice of the terms of an order issued under this subpart must comply with that order.

§ 160.107

§ 160.107 Denial of entry.

Each District Commander or Captain of the Port, subject to recognized principles of international law, may deny entry into the navigable waters of the United States or to any port or place under the jurisdiction of the United States, and within the district or zone of that District Commander or Captain of the Port, to any vessel not in compliance with the provisions of the Port and Tanker Safety Act (33 U.S.C. 1221-1232) or the regulations issued thereunder.

§ 160.109 Waterfront facility safety.

(a) To prevent damage to, or the destruction of, any bridge or other structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to such waters, and to protect the navigable waters and the resources therein from harm resulting from vessel or structure damage, destruction, or loss, each District Commander or Captain of the Port may:

(1) Direct the handling, loading, unloading, storage, and movement (including the emergency removal, control and disposition) of explosives or other dangerous articles and substances, including oil or hazardous material as those terms are defined in 46 U.S.C. 2101 on any structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to those waters; and

(2) Conduct examinations to assure compliance with the safety equipment requirements for structures.

[CGD 79-026, 48 FR 35404, Aug. 4, 1983, as amended by USCG-1998-3799, 63 FR 35531, June 30, 1998]

§ 160.111 Special orders applying to vessel operations.

Each District Commander or Captain of the Port may order a vessel to operate or anchor in the manner directed when:

(a) The District Commander or Captain of the Port has reasonable cause to believe that the vessel is not in compliance with any regulation, law or treaty;

(b) The District Commander or Captain of the Port determines that the vessel does not satisfy the conditions for vessel operation and cargo transfers specified in § 160.113; or

(c) The District Commander or Captain of the Port has determined that such order is justified in the interest of safety by reason of weather, visibility, sea conditions, temporary port congestion, other temporary hazardous circumstances, or the condition of the vessel.

§ 160.113 Prohibition of vessel operation and cargo transfers.

(a) Each District Commander or Captain of the Port may prohibit any vessel, subject to the provisions of chapter 37 of Title 46, U.S. Code, from operating in the navigable waters of the United States, or from transferring cargo or residue in any port or place under the jurisdiction of the United States, and within the district or zone of that District Commander or Captain of the Port, if the District Commander or the Captain of the Port determines that the vessel's history of accidents, pollution incidents, or serious repair problems creates reason to believe that the vessel may be unsafe or pose a threat to the marine environment.

(b) The authority to issue orders prohibiting operation of the vessels or transfer of cargo or residue under paragraph (a) of this section also applies if the vessel:

(1) Fails to comply with any applicable regulation;

(2) Discharges oil or hazardous material in violation of any law or treaty of the United States;

(3) Does not comply with applicable vessel traffic service requirements;

(4) While underway, does not have at least one licensed deck officer on the navigation bridge who is capable of communicating in the English language.

(c) When a vessel has been prohibited from operating in the navigable waters of the United States under paragraphs (a) or (b) of this section, the District Commander or Captain of the Port may allow provisional entry into the navigable waters of the United States, or into any port or place under the jurisdiction of the United States and within

the district or zone of that District Commander or Captain of the Port, if the owner or operator of such vessel proves to the satisfaction of the District Commander or Captain of the Port, that the vessel is not unsafe or does not pose a threat to the marine environment, and that such entry is necessary for the safety of the vessel or the persons on board.

(d) A vessel which has been prohibited from operating in the navigable waters of the United States, or from transferring cargo or residue in a port or place under the jurisdiction of the United States under the provisions of paragraph (a) or (b)(1), (2) or (3) of this section, may be allowed provisional entry if the owner or operator proves, to the satisfaction of the District Commander or Captain of the Port that has jurisdiction, that the vessel is no longer unsafe or a threat to the environment, and that the condition which gave rise to the prohibition no longer exists.

[CGD 79-026, 48 FR 35404, Aug. 4, 1983, as amended by CGD 96-026, 61 FR 33668, June 28, 1996; USCG-1998-3799, 63 FR 35531, June 30, 1998]

§ 160.115 Withholding of clearance.

Each District Commander or Captain of the Port may request the Secretary of the Treasury, or the authorized representative thereof, to withhold or revoke the clearance required by 46 U.S.C. App. 91 of any vessel, the owner or operator of which is subject to any penalties under 33 U.S.C. 1232.

[CGD 79-026, 48 FR 35404, Aug. 4, 1983; 48 FR 39059, Aug. 29, 1983, as amended by USCG-1998-3799, 63 FR 35531, June 30, 1998]

Subpart C—Notification of Arrival, Hazardous Conditions, and Certain Dangerous Cargos

SOURCE: USCG-2002-11865, 68 FR 9543, Feb. 28, 2003, unless otherwise noted.

§ 160.201 General.

This subpart contains requirements and procedures for submitting Notices of Arrival (NOA) and Notice of Hazardous Condition. The sections in this subpart describe:

- (a) Applicability and exemptions from requirements in this subpart;
- (b) Required information in an NOA;
- (c) Required changes to an NOA;
- (d) Methods and times for submission of an NOA and changes to an NOA;
- (e) How to obtain a waiver; and
- (f) Requirements for submission of the Notice of Hazardous Conditions.

§ 160.202 Applicability.

(a) This subpart applies to U.S. and foreign vessels bound for or departing from ports or places in the United States.

(b) This subpart does not apply to recreational vessels under 46 U.S.C. 4301 *et seq.*

(c) Unless otherwise specified in this subpart, the owner, agent, master, operator, or person in charge of a vessel regulated by this subpart is responsible for compliance with the requirements in this subpart.

(d) Towing vessels controlling a barge or barges required to submit an NOA under this subpart must submit only one NOA containing the information required for the towing vessel and each barge under its control.

§ 160.203 Exemptions.

(a) Except for reporting notice of hazardous conditions, the following vessels are exempt from requirements in this subpart:

(1) Passenger and supply vessels when they are employed in the exploration for or in the removal of oil, gas, or mineral resources on the continental shelf.

(2) Oil Spill Recovery Vessels (OSRVs) when engaged in actual spill response operations or during spill response exercises.

(3) Vessels operating upon the following waters:

(i) Mississippi River between its sources and mile 235, Above Head of Passes;

(ii) Tributaries emptying into the Mississippi River above mile 235;

(iii) Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway and the Red River; and

(iv) The Tennessee River from its confluence with the Ohio River to mile

zero on the Mobile River and all other tributaries between those two points.

(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:

(1) Vessels 300 gross tons or less, except for vessels entering any port or place in the Seventh Coast Guard District as described in 33 CFR 3.35-1(b).

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

(3) Vessels arriving at a port or place under force majeure.

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

(5) Public vessels.

(6) Except for tank vessels, U.S. vessels operating solely between ports or places in the United States on the Great Lakes.

(c) Vessels less than 500 gross tons need not submit the International Safety Management (ISM) Code Notice (Entry (7) to Table 160.206).

(d) Vessels operating solely between ports or places in the continental United States need not submit the Cargo Declaration (Customs Form 1302), (Entry (8) to Table 160.206).

(e) This section does not exempt any vessel from compliance with the U.S. Customs Service (USCS) reporting or submission requirements.

(f) U.S. vessels need not submit the International Ship and Port Facility Code (ISPS) Notice information (Entry (9) to Table 160.206).

[USCG-2002-11865, 68 FR 9543, Feb. 28, 2003, as amended by USCG-2003-14749, 68 FR 39313, July 1, 2003]

EFFECTIVE DATE NOTE 1: By USCG-2002-11865, 68 FR 27908, May 22, 2003, in §160.203, paragraphs (d) and (e) were suspended, effective May 22, 2003.

EFFECTIVE DATE NOTE 2: By USCG-2003-14749, 68 FR 39313, July 1, 2003, §160.203 was amended by adding paragraph (f), effective July 1, 2003 to Nov. 25, 2003.

§ 160.204 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.

Barge means a non-self propelled vessel engaged in commerce.

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 (CDC) includes any of the following:

(1) Division 1.1 or 1.2 explosives as defined in 49 CFR 173.50.

(2) Division 1.5D blasting agents for which a permit is required under 49 CFR 176.415 or, for which a permit is required as a condition of a Research and Special Programs Administration exemption.

(3) Division 2.3 "poisonous gas", as listed in 49 CFR 172.101 that is also a "material poisonous by inhalation" as defined in 49 CFR 171.8, and that is in a quantity in excess of 1 metric ton per vessel.

(4) Division 5.1 oxidizing materials for which a permit is required under 49 CFR 176.415 or for which a permit is required as a condition of a Research and Special Programs Administration exemption.

(5) A liquid material that has a primary or subsidiary classification of Division 6.1 "poisonous material" as listed in 49 CFR 172.101 that is also a "material poisonous by inhalation," as defined in 49 CFR 171.8 and that is in a bulk packaging, or that is in a quantity in excess of 20 metric tons per vessel when not in a bulk packaging.

(6) Class 7, "highway route controlled quantity" radioactive material or "fissile material, controlled shipment," as defined in 49 CFR 173.403.

(7) Bulk liquefied chlorine gas and Bulk liquefied gas cargo that is flammable and/or toxic and carried under 46 CFR 154.7.

(8) The following bulk liquids:

- (i) Acetone cyanohydrin,
- (ii) Allyl alcohol,
- (iii) Chlorosulfonic acid,
- (iv) Crotonaldehyde,
- (v) Ethylene chlorohydrin,
- (vi) Ethylene dibromide,
- (vii) Methacrylonitrile, and
- (viii) Oleum (fuming sulfuric acid).

Charterer means the person or organization that contracts for the majority of the carrying capacity of a ship for the transportation of cargo to a stated

port for a specified period. This includes “time charterers” and “voyage charterers.”

Crewmember means all persons carried on board the vessel to provide navigation and maintenance of the vessel, its machinery, systems, and arrangements essential for propulsion and safe navigation or to provide services for other persons on board.

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 the safety of any vessel, bridge, structure, or shore area or 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.

Nationality means the state (nation) in which a person is a citizen or to

which a person owes permanent allegiance.

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

Persons in addition to crewmembers mean any person onboard the vessel, including passengers, who are not included on the list of crewmembers.

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 in 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.

Time charterer means the party who hires a vessel for a specific amount of time. The owner and his crew manage the vessel, but the charterer selects the ports of destination.

Voyage charterer means the party who hires a vessel for a single voyage. The owner and his crew manage the vessel, but the charterer selects the ports of destination.

§ 160.206 Information required in an NOA.

(a) Each NOA must contain all of the information items specified in Table 160.206.

TABLE 160.206—NOA INFORMATION ITEMS

Required information	Vessels not carrying CDC	Vessels carrying CDC	
		Vessels	Towing vessels controlling vessels carrying CDC
<i>(1) Vessel Information:</i>			
(i) Name;	X	X	X
(ii) Name of the registered owner;	X	X	X
(iii) Country of registry;	X	X	X
(iv) Call sign;	X	X	X
(v) International Maritime Organization (IMO) international number or, if vessel does not have an assigned IMO international number, substitute with official number;	X	X	X
(vi) Name of the operator;	X	X	X
(vii) Name of the charterer; and	X	X	X
(viii) Name of classification society	X	X	X
<i>(2) Voyage Information:</i>			
(i) Names of last five ports or places visited;	X	X	X
(ii) Dates of arrival and departure for last five ports or places visited;	X	X	X

TABLE 160.206—NOA INFORMATION ITEMS—Continued

Required information	Vessels not carrying CDC	Vessels carrying CDC	
		Vessels	Towing vessels controlling vessels carrying CDC
(iii) For each port or place in the United States to be visited list the names of the receiving facility, the port or place, the city, and the state;	X	X	X
(iv) For each port or place in the United States to be visited, the estimated date and time of arrival;	X	X	X
(v) For each port or place in the United States to be visited, the estimated date and time of departure;	X	X	X
(vi) The location (port or place and country) or position (latitude and longitude or waterway and mile marker) of the vessel at the time of reporting; and	X	X	X
(vii) The name and telephone number of a 24-hour point of contact	X	X	X
(3) <i>Cargo Information:</i>			
(i) A general description of cargo, other than CDC, onboard the vessel (e.g.: grain, container, oil, etc.);	X	X	X
(ii) Name of each certain dangerous cargo carried, including cargo UN number, if applicable; and		X	X
(iii) Amount of each certain dangerous cargo carried		X	X
(4) <i>Information for each Crewmember Onboard:</i>			
(i) Full name;	X	X	X
(ii) Date of birth;	X	X	X
(iii) Nationality;	X	X	X
(iv) Passport or mariners document number (type of identification and number);	X	X	X
(v) Position or duties on the vessel; and	X	X	X
(vi) Where the crewmember embarked (list port or place and country) ...	X	X	X
(5) <i>Information for each Person Onboard in Addition to Crew:</i>			
(i) Full name;	X	X	X
(ii) Date of birth;	X	X	X
(iii) Nationality;	X	X	X
(iv) Passport number; and	X	X	X
(v) Where the person embarked (list port or place and country)	X	X	X
(6) <i>Operational condition of equipment required by § 164.35 of this chapter ..</i>	X	X	X
(7) <i>International Safety Management (ISM) Code Notice:</i>			
(i) The date of issuance for the company's Document of Compliance certificate that covers the vessel;	X	X	X
(ii) The date of issuance for the vessel's Safety Management Certificate; and	X	X	X
(iii) The name of the Flag Administration, or the recognized organization(s) representing the vessel flag administration, that issued those certificates	X	X	X
(8) <i>Cargo Declaration (Customs Form 1302) as described in 19 CFR 4.7</i>	X	X	X
(9) <i>International Ship and Port Facility Code (ISPS) Notice*:</i>			
(i) The date of issuance for the vessel's International Ship Security Certificate (ISSC), if any;	X	X	X
(ii) Whether the ISSC, if any, is an initial Interim ISSC, subsequent and consecutive Interim ISSC, or final ISSC;	X	X	X
(iii) Declaration that the approved ship security plan, if any, is being implemented;	X	X	X
(iv) If a subsequent and consecutive Interim ISSC, the reasons therefor;	X	X	X
(v) The name and 24-hour contact information for the Company Security Officer; and	X	X	X
(vi) The name of the Flag Administration, or the recognized security organization(s) representing the vessel flag Administration that issued the ISSC.	X	X	X

* The information required by items 9(i)-(iii) need not be submitted before January 1, 2004. All other information required by item 9 need not be submitted before July 1, 2004.

(b) Vessels operating solely between ports or places in the continental United States need submit only the name of and date of arrival and departure for the last port or places visited to meet the requirements in entries

(2)(i) and (ii) to Table 160.206 of this section.

(c) You may submit a copy of INS Form I-418 to meet the requirements of entries (4) and (5) in Table 160.206.

(d) Any vessel planning to enter two or more consecutive ports or places in the United States during a single voyage may submit one consolidated Notification of Arrival at least 96 hours before entering the first port or place of destination. The consolidated notice must include the name of the port or place and estimated arrival date for each destination of the voyage. Any vessel submitting a consolidated notice under this section must still meet the requirements of §160.208 of this part concerning requirements for changes to an NOA.

[USCG-2002-11865, 68 FR 9543, Feb. 28, 2003, as amended by USCG-2003-14749, 68 FR 39313, July 1, 2003]

EFFECTIVE DATE NOTE 1: By USCG-2002-11865, 68 FR 27908, May 22, 2003, in §160.206, in paragraph (a), item (8) in table 160.206 was suspended, effective May 22, 2003.

EFFECTIVE DATE NOTE 2: By USCG-2003-14749, 68 FR 39313, July 1, 2003, §160.206 was amended in the table in paragraph (a), by adding paragraph (9), effective July 1, 2003 to Nov. 25, 2003.

§ 160.208 Changes to a submitted NOA.

(a) Unless otherwise specified in this section, when submitted NOA information changes, vessels must submit a notice of change within the times required in §160.212.

(b) Changes in the following information need not be reported:

(1) Changes in arrival or departure times that are less than six (6) hours;

(2) Changes in vessel location or position of the vessel at the time of reporting (entry (2)(vi) to Table 160.206); and

(3) Changes to crewmembers' position or duties on the vessel (entry (5)(v) to Table 160.206).

(c) When reporting changes, submit only the name of the vessel, original NOA submission date, the port of arrival, the specific items to be corrected, and the new location or position of the vessel at the time of reporting. Only changes to NOA information need to be submitted.

§ 160.210 Methods for submitting an NOA.

(a) *Submission to the National Vessel Movement Center (NVMC).* Except as provided in paragraphs (b) and (c) of this section, all vessels required to sub-

mit NOA information in §160.206 (entries 1-7 to Table 160.206) to the NVMC, United States Coast Guard, 408 Coast Guard Drive, Kearneysville, WV, 25430, shall do so by:

(1) Telephone at 1-800-708-9823 or 304-264-2502;

(2) Fax at 1-800-547-8724 or 304-264-2684; or

(3) E-mail at *SANS@NVMC.USCG.gov*.

NOTE TO PARAGRAPH (a): Information about the National Vessel Movement Center is available on its Web site at *http://www.nvmc.uscg.gov/*. You may submit the notice using any electronic format available on the NVMC website.

(b) *Saint Lawrence Seaway transits.* Those vessels transiting the Saint Lawrence Seaway inbound, bound for a port or place in the United States, may meet the submission requirements of paragraph (a) of this section by submitting the required information to the Saint Lawrence Seaway Development Corporation and the Saint Lawrence Seaway Management Corporation of Canada by fax at 315-764-3235 or at 315-764-3200. The Cargo Declaration (Customs Form 1302) in entry (8) in Table 160.206 must be submitted electronically to the USCS, as required by paragraph (d) of this section.

(c) *Seventh Coast Guard District.* Those vessels 300 or less gross tons operating in the Seventh Coast Guard District must submit an NOA to the cognizant Captain of the Port (COTP). The Cargo Declaration (Customs Form 1302) in entry (8) in Table 160.206 must be submitted electronically to the USCS, as required by paragraph (d) of this section.

(d) *Submission to the United States Customs Service's Sea Automated Manifest System (AMS).*

(1) Beginning July 1, 2003, the Cargo Declaration (Customs Form 1302) in entry (8) in Table 160.206 must be submitted electronically to the USCS Sea AMS by one of the following methods:

(i) By direct connection with USCS or by purchasing the proper software; or

(ii) Using a service provider or a Port Authority.

(2) To become a participant in Sea AMS, submitters must provide a letter of intent to USCS prior to first submission.

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EFFECTIVE DATE NOTE: By USCG-2002-11865, 68 FR 27908, May 22, 2003, in §160.210, the last sentence of paragraph (b), the last sentence of paragraph (c), and paragraph (d) were suspended, effective May 22, 2003.

§ 160.212 When to submit an NOA.

(a) *Submission of NOA.* (1) Except as set out in paragraph (a)(2) of this section, all vessels must submit NOAs within the times required in paragraph (a)(3) of this section.

(2) Towing vessels, when in control of a vessel carrying CDC and operating solely between ports or places in the continental United States, must submit an NOA before departure but at least 12 hours before entering the port or place of destination.

(3) Times for submitting NOAs areas follows:

If your voyage time is—	You must submit an NOA—
(i) 96 hours or more; or,	Before departure but at least 96 hours before entering the port or place of destination; or
(ii) Less than 96 hours.	Before departure but at least 24 hours before entering the port or place of destination.

(b) *Submission of changes to NOA.* (1) Except as set out in paragraph (b)(2) of this section, vessels must submit changes in NOA information within the times required in paragraph (b)(3) of this section.

(2) Towing vessels, when in control of a vessel carrying CDC and operating solely between ports or places in the continental United States, must submit changes to an NOA as soon as practicable but at least 6 hours before entering the port or place of destination.

(3) Times for submitting changes to NOAs are as follows:

If your remaining voyage time is—	Then you must submit changes to an NOA—
(i) 96 hours or more;	As soon as practicable but at least 24 hours before entering the port or place of destination;
(ii) Less than 96 hours but not less than 24 hours; or	As soon as practicable but at least 24 hours before entering the port or place of destination; or
(iii) Less than 24 hours.	As soon as practicable but at least 12 hours before entering the port or place of destination.

(c) *Submission of the Cargo Declaration (Customs Form 1302).* (1) Except as set

out in paragraph (c)(2) of this section, all vessels must submit to USCS the Cargo Declaration (Customs Form 1302) in entry (8) to Table 160.206, within the times required in paragraph (a)(3) of this section.

(2)(i) Except for vessels carrying containerized cargo or break bulk cargo, vessels carrying bulk cargo may submit the Cargo Declaration (Customs Form 1302), (Entry (8) to Table 160.206) before departure but at least 24 hours before entering the U.S. port or place of destination.

(ii) Vessels carrying break bulk cargo operating under a USCS exemption granted under 19 CFR 4.7(b)(4)(ii) may, during the effective period of the USCS exemption, submit the Cargo Declaration (Customs Form 1302), (Entry (8) to Table 160.206) before departure but at least 24 hours before entering the U.S. port or place of destination.

EFFECTIVE DATE NOTE: By USCG-2002-11865, 68 FR 27908, May 22, 2003, in §160.212, paragraph (c) was suspended, effective May 22, 2003.

§ 160.214 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.

§ 160.215 Notice of hazardous conditions.

Whenever there is a hazardous condition either aboard a vessel or caused by a vessel or its operation, the owner, agent, master, operator, or person in charge shall immediately notify the nearest Coast Guard Marine Safety Office or Group Office. (Compliance with this section does not relieve responsibility for the written report required by 46 CFR 4.05-10.)

**PART 161—VESSEL TRAFFIC
MANAGEMENT**

Subpart A—Vessel Traffic Services

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- 161.55 Vessel Traffic Service Puget Sound and the Cooperative Vessel Traffic Service for the Juan de Fuca Region.
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AUTHORITY: 33 U.S.C. 1223, 1231; 46 U.S.C. 70114, 70117; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.

SOURCE: CGD 90-020, 59 FR 36324, July 15, 1994, unless otherwise noted.

Subpart A—Vessel Traffic Services

GENERAL RULES

§ 161.1 Purpose and Intent.

(a) The purpose of this part is to promulgate regulations implementing and enforcing certain sections of the Ports and Waterways Safety Act (PWSA) setting up a national system of Vessel Traffic Services that will enhance navigation, vessel safety, and marine environmental protection, and promote safe vessel movement by reducing the potential for collisions, rammings, and groundings, and the loss of lives and property associated with these incidents within VTS areas established hereunder.

(b) Vessel Traffic Services provide the mariner with information related to the safe navigation of a waterway. This information, coupled with the mariner's compliance with the provisions set forth in this part, enhances the safe routing of vessels through congested waterways or waterways of particular hazard. Under certain circumstances, a VTS may issue directions to control the movement of vessels in order to minimize the risk of collision between vessels, or damage to property or the environment.

(c) The owner, operator, charterer, master, or person directing the movement of a vessel remains at all times responsible for the manner in which the vessel is operated and maneuvered, and is responsible for the safe navigation of the vessel under all circumstances. Compliance with these rules or with a direction of the VTS is at all times contingent upon the exigencies of safe navigation.

(d) Nothing in this part is intended to relieve any vessel, owner, operator, charterer, master, or person directing the movement of a vessel from the consequences of any neglect to comply with this part or any other applicable law or regulation (e.g., the International Regulations for Prevention of Collisions at Sea, 1972 (72 COLREGS) or the Inland Navigation Rules) or of the neglect of any precaution which may be required by the ordinary practice of

seamen, or by the special circumstances of the case.

§ 161.2 Definitions.

For the purposes of this part:

Cooperative Vessel Traffic Services (CVTS) means the system of vessel traffic management established and jointly operated by the United States and Canada within adjoining waters. In addition, CVTS facilitates traffic movement and anchorages, avoids jurisdictional disputes, and renders assistance in emergencies in adjoining United States and Canadian waters.

Hazardous Vessel Operating Condition means any condition related to a vessel's ability to safely navigate or maneuver, and includes, but is not limited to:

(1) The absence or malfunction of vessel operating equipment, such as propulsion machinery, steering gear, radar system, gyrocompass, depth sounding device, automatic radar plotting aid (ARPA), radiotelephone, Automatic Identification System equipment, navigational lighting, sound signaling devices or similar equipment.

(2) Any condition on board the vessel likely to impair navigation, such as lack of current nautical charts and publications, personnel shortage, or similar condition.

(3) Vessel characteristics that affect or restrict maneuverability, such as cargo arrangement, trim, loaded condition, underkeel clearance, speed, or similar characteristics.

Navigable waters means all navigable waters of the United States including the territorial sea of the United States, extending to 12 nautical miles from United States baselines, as described in Presidential Proclamation No. 5928 of December 27, 1988.

Precautionary Area means a routing measure comprising an area within defined limits where vessels must navigate with particular caution and within which the direction of traffic may be recommended.

Towing Vessel means any commercial vessel engaged in towing another vessel astern, alongside, or by pushing ahead.

Vessel Movement Center (VMC) means the shore-based facility that operates the vessel tracking system for a Vessel Movement Reporting System (VMRS)

area or sector within such an area. The VMC does not necessarily have the capability or qualified personnel to interact with marine traffic, nor does it necessarily respond to traffic situations developing in the area, as does a Vessel Traffic Service (VTS).

Vessel Movement Reporting System (VMRS) means a mandatory reporting system used to monitor and track vessel movements. This is accomplished by a vessel providing information under established procedures as set forth in this part in the areas defined in Table 161.12(c) (VTS and VMRS Centers, Call Signs/MMSI, Designated Frequencies, and Monitoring Areas).

Vessel Movement Reporting System (VMRS) User means a vessel, or an owner, operator, charterer, Master, or person directing the movement of a vessel that is required to participate in a VMRS.

Vessel Traffic Center (VTC) means the shore-based facility that operates the vessel traffic service for the Vessel Traffic Service area or sector within such an area.

Vessel Traffic Services (VTS) means a service implemented by the United States Coast Guard designed to improve the safety and efficiency of vessel traffic and to protect the environment. The VTS has the capability to interact with marine traffic and respond to traffic situations developing in the VTS area.

Vessel Traffic Service Area or VTS Area means the geographical area encompassing a specific VTS area of service. This area of service may be subdivided into sectors for the purpose of allocating responsibility to individual Vessel Traffic Centers or to identify different operating requirements.

NOTE: Although regulatory jurisdiction is limited to the navigable waters of the United States, certain vessels will be encouraged or may be required, as a condition of port entry, to report beyond this area to facilitate traffic management within the VTS area.

VTS Special Area means a waterway within a VTS area in which special operating requirements apply.

VTS User means a vessel, or an owner, operator, charterer, master, or person directing the movement of a vessel, that is:

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(a) Subject to the Vessel Bridge-to-Bridge Radiotelephone Act; or

(b) Required to participate in a VMRS within a VTS area (VMRS User).

VTS User's Manual means the manual established and distributed by the VTS to provide the mariner with a description of the services offered and rules in force for that VTS. Additionally, the manual may include chartlets showing the area and sector boundaries, general navigational information about the area, and procedures, radio frequencies, reporting provisions and other information which may assist the mariner while in the VTS area.

[CGD 90-020, 59 FR 36324, July 15, 1994, as amended by CGE 97-023, 62 FR 33364, June 19, 1997; USCG-2003-14757, 68 FR 39364, July 1, 2003]

§ 161.3 Applicability.

The provisions of this subpart shall apply to each VTS User and may also apply to any vessel while underway or at anchor on the navigable waters of the United States within a VTS area, to the extent the VTS considers necessary.

§ 161.4 Requirement to carry the rules.

Each VTS User shall carry on board and maintain for ready reference a copy of these rules.

NOTE: These rules are contained in the applicable U.S. Coast Pilot, the VTS User's Manual which may be obtained by contacting the appropriate VTS, and periodically published in the Local Notice to Mariners. The VTS User's Manual and the World VTS Guide, an International Maritime Organization (IMO) recognized publication, contain additional information which may assist the prudent mariner while in the appropriate VTS area.

§ 161.5 Deviations from the rules.

(a) Requests to deviate from any provision in this part, either for an extended period of time or if anticipated before the start of a transit, must be submitted in writing to the appropriate District Commander. Upon receipt of the written request, the District Commander may authorize a deviation if it is determined that such a deviation provides a level of safety equivalent to that provided by the required measure or is a maneuver considered necessary

for safe navigation under the circumstances. An application for an authorized deviation must state the need and fully describe the proposed alternative to the required measure.

(b) Requests to deviate from any provision in this part due to circumstances that develop during a transit or immediately preceding a transit, may be made verbally to the appropriate VTS Commanding Officer. Requests to deviate shall be made as far in advance as practicable. Upon receipt of the request, the VTS Commanding Officer may authorize a deviation if it is determined that, based on vessel handling characteristics, traffic density, radar contacts, environmental conditions and other relevant information, such a deviation provides a level of safety equivalent to that provided by the required measure or is a maneuver considered necessary for safe navigation under the circumstances.

SERVICES, VTS MEASURES, AND OPERATING REQUIREMENTS

§ 161.10 Services.

To enhance navigation and vessel safety, and to protect the marine environment, a VTS may issue advisories, or respond to vessel requests for information, on reported conditions within the VTS area, such as:

- (a) Hazardous conditions or circumstances;
- (b) Vessel congestion;
- (c) Traffic density;
- (d) Environmental conditions;
- (e) Aids to navigation status;
- (f) Anticipated vessel encounters;
- (g) Another vessel's name, type, position, hazardous vessel operating conditions, if applicable, and intended navigation movements, as reported;
- (h) Temporary measures in effect;
- (i) A description of local harbor operations and conditions, such as ferry routes, dredging, and so forth;
- (j) Anchorage availability; or
- (k) Other information or special circumstances.

§ 161.11 VTS measures.

(a) A VTS may issue measures or directions to enhance navigation and vessel safety and to protect the marine

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environment, such as, but not limited to:

- (1) Designating temporary reporting points and procedures;
- (2) Imposing vessel operating requirements; or
- (3) Establishing vessel traffic routing schemes.

(b) During conditions of vessel congestion, restricted visibility, adverse weather, or other hazardous circumstances, a VTS may control, supervise, or otherwise manage traffic, by specifying times of entry, movement, or departure to, from, or within a VTS area.

§ 161.12 Vessel operating requirements.

(a) Subject to the exigencies of safe navigation, a VTS User shall comply with all measures established or directions issued by a VTS.

(b) If, in a specific circumstance, a VTS User is unable to safely comply with a measure or direction issued by

the VTS, the VTS User may deviate only to the extent necessary to avoid endangering persons, property or the environment. The deviation shall be reported to the VTS as soon as is practicable.

(c) When not exchanging voice communications, a VTS User must maintain a listening watch as required by § 26.04(e) of this chapter on the VTS frequency designated in Table 161.12(c) (VTS and VMRS Centers, Call Signs/MMSI, Designated Frequencies, and Monitoring Areas). In addition, the VTS User must respond promptly when hailed and communicate in the English language.

NOTE TO §161.12(c): As stated in 47 CFR 80.148(b), a very high frequency watch on Channel 16 (156.800 MHz) is not required on vessels subject to the Vessel Bridge-to-Bridge Radiotelephone Act and participating in a Vessel Traffic Service (VTS) system when the watch is maintained on both the vessel bridge-to-bridge frequency and a designated VTS frequency.

TABLE 161.12(c).—VTS AND VMRS CENTERS, CALL SIGNS/MMSI, DESIGNATED FREQUENCIES, AND MONITORING AREAS

Center MMSI ¹ Call Sign	Designated frequency (Channel designation)—purpose ²	Monitoring area ^{3,4}
Berwick Bay 003669950— <i>Berwick Traffic</i>	156.550 MHz (Ch. 11)	The waters south of 29°45' N., west of 91°10' W., north of 29°37' N., and east of 91°18' W.
Houston-Galveston— 003669954. <i>Houston Traffic</i>	156.550 MHz (Ch. 11)	The navigable waters north of 29° N., west of 94°20' W., south of 29°49' N., and east of 95°20' W.
<i>Houston Traffic</i>	156.250 Mhz (Ch. 5A) —For Sailing Plans only	The navigable waters north of a line extending due west from the southern most end of Exxon Dock #1 (20°43.37' N., 95°01.27' W.).
<i>Houston Traffic</i>	156.600 MHz (Ch. 12)	The navigable waters south of a line extending due west from the southern most end of Exxon Dock #1 (29°43.37' N., 95°01.27' W.)
<i>Houston Traffic</i>	156.250 Mhz (Ch. 5A) —For Sailing Plans only	
Los Angeles/Long Beach: MMSI/To be determined <i>San Pedro Traffic</i>	156.700 MHz (Ch.14)	<i>Vessel Movement Reporting System Area:</i> The navigable waters within a 25 nautical mile radius of Point Fermin Light (33°42.3' N., 118°17.6' W.).
Louisville: Not applicable <i>Louisville Traffic</i>	156.650 MHz (Ch. 13)	The waters of the Ohio River between McAlpine Locks (Mile 606) and Twelve Mile Island (Mile 593), only when the McAlpine upper pool gauge is at approximately 13.0 feet or above.
Lower Mississippi River ⁵ — 003669952 <i>New Orleans Traffic</i>	156.700 MHz (Ch.14)	The navigable waters of the Lower Mississippi River below 30°38.7' N., 91°17.5' W. (Port Hudson Light at 255 miles Above Head of Passes (AHP)), the Southwest Pass, and, within a 12 nautical miles radius around 28°54.3' N., 89°25.7' W. (Southwest Pass Entrance Light at 19.9 miles Below Head of Passes).
<i>New Orleans Traffic</i>	156.600 MHz (Ch.12)	<i>New Orleans Sector.</i> The navigable waters of the Lower Mississippi River bounded on the north by a line drawn perpendicularly at 29°56.4' N., 90°08.36' W. and on the south by a line drawn perpendicularly at 29°56.24' N., 89°59.86' W. (88 and 106 miles AHP).

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TABLE 161.12(c).—VTS AND VMRS CENTERS, CALL SIGNS/MMSI, DESIGNATED FREQUENCIES, AND MONITORING AREAS—Continued

Center MMSI ¹ Call Sign	Designated frequency (Channel designation)—purpose ²	Monitoring area ^{3,4}
New York—003669951 <i>New York Traffic</i>	156.550 MHz (Ch. 11) —For Sailing Plans only 156.600 MHz (Ch. 12) —For vessels at anchor	The area consists of the navigable waters of the Lower New York Bay bounded on the east by a line drawn from Norton Point to Breezy Point; on the south by a line connecting the entrance buoys at the Ambrose Channel, Swash Channel, and Sandy Hook Channel to Sandy Hook Point; and on the southeast including the waters of Sandy Hook Bay south to a line drawn at latitude 40 25' N; then west in the Raritan Bay to the Raritan River Railroad Bridge, then north into waters of the Arthur Kill and Newark Bay to the Lehigh Valley Draw Bridge at latitude 40 41.9N; and then east including the waters of the Kill Van Kull and the Upper New York Bay north to a line drawn east-west from the Holland Tunnel ventilator shaft at latitude 40 43.7' N, longitude 74 01.6' W, in the Hudson River; and then continuing east including the waters of the East River to the Throgs Neck Bridge, excluding the Harlem River.
<i>New York Traffic</i>	156.700 MHz (Ch. 14)	The navigable waters of the Lower New York Bay west of a line drawn from Norton Point to Breezy Point; and north of a line connecting the entrance buoys of Ambrose Channel, Swash Channel, and Sandy Hook Channel, to Sandy Hook Point; on the southeast including the waters of the Sandy Hook Bay south to a line drawn at latitude 40 25' N; then west into the waters of Raritan Bay East Reach to a line drawn from Great Kills Light south through Raritan Bay East Reach LGB #14 to Comfort PT, NJ; then north including the waters of the Upper New York Bay south of 40 42.40' N (Brooklyn Bridge) and 40 43.70' N (Holland Tunnel Ventilator Shaft); west through the KVK into the Arthur Kill north of 40 38.25' N (Arthur Kill Railroad Bridge); then north into the waters of the Newark Bay, south of 40 41.95' N (Lehigh Valley Draw Bridge).
<i>New York Traffic</i>	156.600 MHz (Ch. 12)	The navigable waters of the Raritan Bay south to a line drawn at latitude 40 26' N; then west of a line drawn from Great Kills Light south through the Raritan Bay East Reach LGB #14 to Point Comfort, NJ; then west to the Raritan River Railroad Bridge; and north including the waters of the Arthur Kill to 40 28.25' N (Arthur Kill Railroad Bridge); including the waters of the East River north of 40 42.40' N (Brooklyn Bridge) to the Throgs Neck Bridge, excluding the Harlem River.
Port Arthur ⁵ —003669955 <i>Sabine Traffic</i>	To be determined	The navigable waters south of 30°10' N., east of 94°20' W., west of 93°22' W, and, north of 29° 10' N.
Prince William Sound— 003669958 <i>Valdez Traffic</i>	156.650 MHz (Ch. 13)	The navigable waters south of 61°05' N., east of 147°20' W., north of 60° N., and west of 146°30' W.; and, all navigable waters in Port Valdez.
Puget Sound ⁶ <i>Seattle Traffic</i> —003669957	156.700 MHz (Ch. 14)	The waters of Puget Sound, Hood Canal and adjacent waters south of a line connecting Marrowstone Point and Lagoon Point in Admiralty Inlet and south of a line drawn due east from the southernmost tip of Possession Point on Whidbey Island to the shoreline.
<i>Seattle Traffic</i> —003669957	156.250 MHz (Ch. 5A)	The waters of the Strait of Juan de Fuca east of 124°40' W. excluding the waters in the central portion of the Strait of Juan de Fuca north and east of Race Rocks; the navigable waters of the Strait of Georgia east of 122°52' W.; the San Juan Island Archipelago, Rosario Strait, Bellingham Bay; Admiralty Inlet north of a line connecting Marrowstone Point and Lagoon Point and all waters east of Whidbey Island North of a line drawn due east from the southernmost tip of Possession Point on Whidbey Island to the shoreline.
<i>Tofino Traffic</i> —003160012	156.725 MHz (Ch. 74)	The waters west of 124°40' W. within 50 nautical miles of the coast of Vancouver Island including the waters north of 48° N., and east of 127° W.

TABLE 161.12(c).—VTS AND VMRS CENTERS, CALL SIGNS/MMSI, DESIGNATED FREQUENCIES, AND MONITORING AREAS—Continued

Center MMSI ¹ Call Sign	Designated frequency (Channel designation)—purpose ²	Monitoring area ^{3,4}
Victoria Traff—003160010	156.550 MHz (Ch. 11)	The waters of the Strait of Georgia west of 122° 52' W., the navigable waters of the central Strait of Juan de Fuca north and east of Race Rocks, including the Gulf Island Archipelago, Boundary Pass and Haro Strait.
San Francisco—003669956 San Francisco Traffic	156.700 MHz (Ch. 14)	The navigable waters of the San Francisco Offshore Precautionary Area, the navigable waters shoreward of the San Francisco Offshore Precautionary Area east of 122°42.0' W. and north of 37°40.0' N. extending eastward through the Golden Gate, and the navigable waters of San Francisco Bay and as far east as the port of Stockton on the San Joaquin River, as far north as the port of Sacramento on the Sacramento River.
San Francisco Traffic	156.600 MHz (Ch. 12)	The navigable waters within a 38 nautical mile radius of Mount Tamalpais (37°55.8' N., 122°34.6' W.) west of 122°42.0' W. and south of 37°40.0' N and excluding the San Francisco Offshore Precautionary Area.
St. Marys River—003669953 Soo Traffic	156.600 MHz (Ch. 12)	The waters of the St. Marys River between 45°57' N. (De Tour Reef Light) and 46°38.7' N. (Ile Parisienne Light), except the St. Marys Falls Canal and those navigable waters east of a line from 46°04.16' N. and 46°01.57' N. (La Pointe to Sims Point in Potagannissing Bay and Worsley Bay).

Notes:

¹ Maritime Mobile Service Identifier (MMSI) is a unique nine-digit number assigned that identifies ship stations, ship earth stations, coast stations, coast earth stations, and group calls for use by a digital selective calling (DSC) radio, an INMARSAT ship earth station or AIS. AIS requirements are set forth in §§ 161.21 and 164.46 of this subchapter.

² In the event of a communication failure, difficulties or other safety factors, the Center may direct or permit a user to monitor and report on any other designated monitoring frequency or the bridge-to-bridge navigational frequency, 156.650 MHz (Channel 13) or 156.375 MHz (Ch. 67), to the extent that doing so provides a level of safety beyond that provided by other means. The bridge-to-bridge navigational frequency, 156.650 MHz (Ch. 13), is used in certain monitoring areas where the level of reporting does not warrant a designated frequency.

³ All geographic coordinates (latitude and longitude) are expressed in North American Datum of 1983 (NAD 83).

⁴ Some monitoring areas extend beyond navigable waters. Although not required, users are strongly encouraged to maintain a listening watch on the designated monitoring frequency in these areas. Otherwise, they are required to maintain watch as stated in 47 CFR 80.148.

⁵ Until rules regarding VTS Lower Mississippi River and VTS Port Arthur are published, vessels are exempted of all VTS and VMRS requirements set forth in 33 CFR part 161, except those set forth in §§ 161.21 and 164.46 of this subchapter.

⁶ A Cooperative Vessel Traffic Service was established by the United States and Canada within adjoining waters. The appropriate Center administers the rules issued by both nations; however, enforces only its own set of rules within its jurisdiction. Note, the bridge-to-bridge navigational frequency, 156.650 MHz (Ch. 13), is not so designated in Canadian waters, therefore users are encouraged and permitted to make passing arrangements on the designated monitoring frequencies.

(d) As soon as is practicable, a VTS User shall notify the VTS of any of the following:

- (1) A marine casualty as defined in 46 CFR 4.05-1;
- (2) Involvement in the ramming of a fixed or floating object;
- (3) A pollution incident as defined in § 151.15 of this chapter;
- (4) A defect or discrepancy in an aid to navigation;
- (5) A hazardous condition as defined in § 160.203 of this chapter;
- (6) Improper operation of vessel equipment required by Part 164 of this chapter;
- (7) A situation involving hazardous materials for which a report is required by 49 CFR 176.48; and

(8) A hazardous vessel operating condition as defined in § 161.2.

[CGD 90-020, 59 FR 36324, July 15, 1994, as amended by CGD 95-033, 60 FR 28329, May 31, 1995; CGD 92-052, 61 FR 45326, Aug. 29, 1996; USCG-1999-6141, 64 FR 69636, Dec. 14, 1999; USCG-2003-14757, 68 FR 39364, July 1, 2003]

§ 161.13 VTS Special Area operating requirements.

The following operating requirements apply within a VTS Special Area:

- (a) A VTS User shall, if towing astern, do so with as short a hawser as safety and good seamanship permits.
- (b) A VMRS User shall: (1) Not enter or get underway in the area without prior approval of the VTS;

(2) Not enter a VTS Special Area if a hazardous vessel operating condition or circumstance exists;

(3) Not meet, cross, or overtake any other VMRS User in the area without prior approval of the VTS; and

(4) Before meeting, crossing, or overtaking any other VMRS User in the area, communicate on the designated vessel bridge-to-bridge radiotelephone frequency, intended navigation movements, and any other information necessary in order to make safe passing arrangements. This requirement does not relieve a vessel of any duty prescribed by the International Regulations for Prevention of Collisions at Sea, 1972 (72 COLREGS) or the Inland Navigation Rules.

Subpart B—Vessel Movement Reporting System

§ 161.15 Purpose and intent.

(a) A Vessel Movement Reporting System (VMRS) is a system used to monitor and track vessel movements VTS or VMRS area. This is accomplished by requiring that vessels provide information under established procedures as set forth in this part, or as directed by the Center.

(b) To avoid imposing an undue reporting burden or unduly congesting radiotelephone frequencies, reports shall be limited to information which is essential to achieve the objectives of the VMRS. These reports are consolidated into three reports (sailing plan,

position, sailing plan deviation and final).

[CGD 90-020, 59 FR 36324, July 15, 1994, as amended by USCG-2003-14757, 68 FR 39366, July 1, 2003]

§ 161.16 Applicability.

Unless otherwise stated, the provisions of this subpart apply to the following vessels and VMRS Users:

(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.

[CGD 90-020, 59 FR 36324, July 15, 1994, as amended by USCG-2003-14757, 68 FR 39366, July 1, 2003]

§ 161.17 Definitions.

As used in this subpart:

Center means a Vessel Traffic Center or Vessel Movement Center.

Published means available in a widely-distributed and publicly available medium (e.g., VTS User's Manual, ferry schedule, Notice to Mariners).

[USCG-2003-14757, 68 FR 39366, July 1, 2003]

§ 161.18 Reporting requirements.

(a) A Center may: (1) Direct a vessel to provide any of the information set forth in Table 161.18(a) (IMO Standard Ship Reporting System);

TABLE 161.18(A)—THE IMO STANDARD SHIP REPORTING SYSTEM

A	ALPHA	Ship	Name, call sign or ship station identity, and flag.
B	BRAVO	Dates and time of event	A 6 digit group giving day of month (first two digits), hours and minutes (last four digits). If other than UTC state time zone used.
C	CHARLIE	Position	A 4 digit group giving latitude in degrees and minutes suffixed with N (north) or S (south) and a 5 digit group giving longitude in degrees and minutes suffixed with E (east) or W (west); or.
D	DELTA	Position	True bearing (first 3 digits) and distance (state distance) in nautical miles from a clearly identified landmark (state landmark).
E	ECHO	True course	A 3 digit group.
F	FOXTROT	Speed in knots and tenths of knots.	A 3 digit group.
G	GOLF	Port of Departure	Name of last port of call.

TABLE 161.18(A)—THE IMO STANDARD SHIP REPORTING SYSTEM—Continued

H	HOTEL	Date, time and point of entry system.	Entry time expressed as in (B) and into the entry position expressed as in (C) or (D).
I	INDIA	Destination and expected time of arrival.	Name of port and date time group expressed as in (B).
J	JULIET	Pilot	State whether a deep sea or local pilot is on board.
K	KILO	Date, time and point of exit from system.	Exit time expressed as in (B) and exit position expressed as in (C) or (D).
L	LIMA	Route information	Intended track.
M	MIKE	Radio	State in full names of communications stations/frequencies guarded.
N	NOVEMBER	Time of next report	Date time group expressed as in (B).
O	OSCAR	Maximum present static draught in meters.	4 digit group giving meters and centimeters.
P	PAPA	Cargo on board	Cargo and brief details of any dangerous cargoes as well as harmful substances and gases that could endanger persons or the environment.
Q	QUEBEC	Defects, damage, deficiencies or limitations.	Brief detail of defects, damage, deficiencies or other limitations.
R	ROMEO	Description of pollution or dangerous goods lost.	Brief details of type of pollution (oil, chemicals, etc) or dangerous goods lost overboard; position expressed as in (C) or (D).
S	SIERRA	Weather conditions	Brief details of weather and sea conditions prevailing.
T	TANGO	Ship's representative and/or owner.	Details of name and particulars of ship's representative and/or owner for provision of information.
U	UNIFORM	Ship size and type	Details of length, breadth, tonnage, and type, etc., as required.
V	VICTOR	Medical personnel	Doctor, physician's assistant, nurse, no medic.
W	WHISKEY	Total number of persons on board.	State number.
X	XRAY	Miscellaneous	Any other information as appropriate. [i.e., a detailed description of a planned operation, which may include: its duration; effective area; any restrictions to navigation; notification procedures for approaching vessels; in addition, for a towing operation: configuration, length of the tow, available horsepower, etc.; for a dredge or floating plant: configuration of pipeline, mooring configuration, number of assist vessels, etc.].

(2) Establish other means of reporting for those vessels unable to report on the designated frequency; or

(3) Require reports from a vessel in sufficient time to allow advance vessel traffic planning.

(b) All reports required by this part shall be made as soon as is practicable on the frequency designated in Table 161.12(c) (VTS and VMRS Centers, Call Signs/MMSI, Designated Frequencies, and Monitoring Areas).

(c) When not exchanging communications, a VMRS User must maintain a listening watch as described in § 26.04(e)

of this chapter on the frequency designated in Table 161.12(c) (VTS and VMRS Centers, Call Signs/MMSI, Designated Frequencies, and Monitoring Areas). In addition, the VMRS User must respond promptly when hailed and communicate in the English language.

NOTE: As stated in 47 CFR 80.148(b), a VHF watch on Channel 16 (156.800 MHz) is not required on vessels subject to the Vessel Bridge-to-Bridge Radiotelephone Act and participating in a Vessel Traffic Service (VTS) system when the watch is maintained on both the vessel bridge-to-bridge frequency and a designated VTS frequency.

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(d) A vessel must report:

(1) Any significant deviation from its Sailing Plan, as defined in §161.19, or from previously reported information; or

(2) Any intention to deviate from a VTS issued measure or vessel traffic routing system.

(e) When reports required by this part include time information, such information shall be given using the local time zone in effect and the 24-hour military clock system.

[CGD 90-020, 59 FR 36324, July 15, 1994, as amended by USCG-2003-14757, 68 FR 39366, July 1, 2003]

§ 161.19 Sailing Plan (SP).

Unless otherwise stated, at least 15 minutes before navigating a VTS area, a vessel must report the:

(a) Vessel name and type;

(b) Position;

(c) Destination and ETA;

(d) Intended route;

(e) Time and point of entry; and

(f) Dangerous cargo on board or in its tow, as defined in §160.203 of this chapter, and other required information as set out in §160.211 and §160.213 of this chapter, if applicable.

§ 161.20 Position Report (PR).

A vessel must report its name and position:

(a) Upon point of entry into a VMRS area;

(b) At designated reporting points as set forth in subpart C; or

(c) When directed by the Center.

[CGD 90-020, 59 FR 36324, July 15, 1994, as amended by USCG-2003-14757, 68 FR 39366, July 1, 2003]

§ 161.21 Automated reporting.

(a) Unless otherwise directed, vessels equipped with an Automatic Identification System (AIS) are required to make continuous, all stations, AIS broadcasts, in lieu of voice Position Reports, to those Centers denoted in Table 161.12(c) of this part.

(b) Should an AIS become non-operational, while or prior to navigating a VMRS area, it should be restored to operating condition as soon as possible, and, until restored a vessel must:

(1) Notify the Center;

(2) Make voice radio Position Reports at designated reporting points as required by §161.20(b) of this part; and

(3) Make any other reports as directed by the Center.

[USCG-2003-14757, 68 FR 39366, July 1, 2003]

§ 161.21 Sailing Plan Deviation Report (DR).

A vessel must report:

(a) When its ETA to a destination varies significantly from a previously reported ETA;

(b) Any intention to deviate from a VTS issued measure or vessel traffic routing system; or

(c) Any significant deviation from previously reported information.

§ 161.22 Final Report (FR).

A vessel must report its name and position:

(a) On arrival at its destination; or

(b) When leaving a VTS area.

§ 161.23 Reporting exemptions.

(a) Unless otherwise directed, the following vessels are exempted from providing Position and Final Reports due to the nature of their operation:

(1) Vessels on a published schedule and route;

(2) Vessels operating within an area of a radius of three nautical miles or less; or

(3) Vessels escorting another vessel or assisting another vessel in maneuvering procedures.

(b) A vessel described in paragraph (a) of this section must:

(1) Provide a Sailing Plan at least 5 minutes but not more than 15 minutes before navigating within the VMRS area; and

(2) If it departs from its promulgated schedule by more than 15 minutes or changes its limited operating area, make the established VMRS reports, or report as directed.

[CGD 90-020, 59 FR 36324, July 15, 1994, as amended by CGD 97-023, 62 FR 33364, June 19, 1997; USCG-2003-14757, 68 FR 39367, July 1, 2003]

§ 161.25

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Subpart C—Vessel Traffic Service and Vessel Movement Reporting System Areas and Reporting Points

NOTE: All geographic coordinates contained in part 161 (latitude and longitude) are expressed in North American Datum of 1983 (NAD 83).

§ 161.25 Vessel Traffic Service New York Area.

The area consists of the navigable waters of the Lower New York Harbor bounded on the east by a line drawn from Norton Point to Breezy Point; on the south by a line connecting the entrance buoys at the Ambrose Channel, Swash Channel, and Sandy Hook Channel to Sandy Hook Point; and on the southeast including the waters of Sandy Hook Bay south to a line drawn at latitude 40°25'N.; then west into waters of the Raritan Bay to the Raritan River Rail Road Bridge; and then north including the waters of the Arthur Kill and Newark Bay to the Lehigh Valley Draw Bridge at latitude 40°41.9'N.; and then east including the waters of the Kill Van Kull and Upper New York Bay north to a line drawn east-west from the Holland Tunnel Ventilator Shaft at latitude 40°43.7'N., longitude 74°01.6'W. in the Hudson River; and then continuing east including the waters of the East River to the Throgs Neck Bridge, excluding the Harlem River.

NOTE: Although mandatory participation in VTSNY is limited to the area within the navigable waters of the United States, VTSNY will provide services beyond those waters. Prospective users are encouraged to report beyond the area of required participation in order to facilitate advance vessel traffic management in the VTS area and to receive VTSNY advisories and/or assistance.

[CGD 92-052, 61 FR 45327, Aug. 29, 1996]

§ 161.30 Vessel Traffic Service Louisville.

The VTS area consists of the navigable waters of the Ohio River between

McAlpine Locks (Mile 606.8) and Twelve Mile Island (Mile 593), only when the McAlpine upper pool gauge is at 13.0 feet or above.

[CGD 90-020, 59 FR 36324, July 15, 1994, as amended by USCG-1998-3799, 63 FR 35531, June 30, 1998]

§ 161.35 Vessel Traffic Service Houston/Galveston.

(a) The VTS area consists of the following major waterways and portions of connecting waterways: Galveston Bay Entrance Channel; Outer Bar Channel; Inner Bar Channel; Bolivar Roads Channel; Galveston Channel; Gulf ICW and Galveston-Freepport Cut-Off from Mile 346 to Mile 352; Texas City Channel; Texas City Turning Basin; Texas City Canal Channel; Texas City Canal Turning Basin; Houston Ship Channel; Bayport Channel; Bayport Turning Basin; Houston Turning Basin; and the following precautionary areas associated with these waterways.

(b) Precautionary Areas.

TABLE 161.35(B)—VTS HOUSTON/GALVESTON PRECAUTIONARY AREAS

Precautionary area name	Radius (yds.)	Center point	
		Latitude	Longitude
Bolivar Roads	4000	29°20.9'N	94°47.0'W
Red Fish Bar	4000	29°29.8'N	94°51.9'W
Bayport Channel.	4000	29°36.7'N	94°57.2'W
Morgans Point	2000	29°41.0'N	94°59.0'W
Upper San Jacinto Bay.	1000	29°42.3'N	95°01.1'W
Baytown	1000	29°43.6'N	95°01.4'W
Lynchburg	1000	29°45.8'N	95°04.8'W
Carpenters Bayou.	1000	29°45.3'N	95°05.6'W
Jacintoport	1000	29°44.8'N	95°06.0'W
Greens Bayou	1000	29°44.8'N	95°10.2'W
Hunting Bayou	1000	29°44.3'N	95°12.1'W
Sims Bayou ...	1000	29°43.1'N	95°14.4'W
Brady Island ..	1000	29°43.5'N	95°16.4' W
Buffalo Bayou	1000	29°45.0'N	95°17.3'W

Note: Each Precautionary Area encompasses a circular area of the radius denoted.

(c) Reporting Points.

TABLE 161.35(C)—VTS HOUSTON/GALVESTON REPORTING POINTS

Designator	Geographic name	Geographic description	Latitude/longitude	Notes
1	Galveston Bay Entrance Channel.	Galveston Bay Entrance CH Lighted Buoy (LB) "GB".	29°18.4'N; 94°37.6'W.	
2	Galveston Bay Entrance Channel.	Galveston Bay Entrance Channel LB 11 and 12.	29°20.6'N; 94°44.6'W.	

TABLE 161.35(c)—VTS HOUSTON/GALVESTON REPORTING POINTS—Continued

Designator	Geographic name	Geographic description	Latitude/longitude	Notes
E	Bolivar Land Cut	Mile 349 Intracoastal Waterway (ICW).	29°22.5'N; 94°46.9' W ...	Tows entering HSC also report at HSC LB 25 & 26.
W	Pelican Cut	Mile 351 ICW	29°21.4'N; 94°48.5' W ...	Tow entering HSC also report at HSC LB 25 & 26.
GCG	Galveston Harbor	USCG Base. At the entrance to Galveston Harbor.	29°20.0'N; 94°46.5'W.	
T	Texas City Channel	Texas City Channel LB 12	29°22.4'N; 94°50.9'W.	
X	Houston Ship Channel ICW Intersection.	Houston Ship Channel (HSC) LB 25 and 26.	29°22.1'N; 94°48.1'W. ...	Tow entering HSC from ICW or Texas Cut Only.
3	Lower Galveston Bay	HSC LB 31 and 32	29°23.5'N; 94°48.8'W.	
4	Red Fish Bar	HSC Lt. 53A & 54A	29°30.3'N; 94°52.4'W.	
P	Bayport Ship Channel ...	Bayport Ship Channel Lt. 8 and 9.	29°36.8'N; 94°59.5' W; ..	Report at the North Land Cut.
4A	Upper Galveston Bay	HSC Buoys 69 and 70	29°34.7'N; 94°55.8' W ...	Tows only.
5	Morgan's Point	Barbour's Cut	29°41.0'N; 94°58.9'W. ...	Abeam Barbour's Cut.
6	Exxon	Baytown Bend	29°43.5'N; 95°01.4'W.	
7	Lynchburg	Ferry crossing	29°45.8'N; 95°04.8'W.	
8	Shell Oil	Boggy Bayou	29°44.1'N; 95°08.0'W.	
9	Greens Bayou	Greens Bayou	29°44.8'N; 95°10.1'W.	
10	Hess Turning Basin	Hunting Bayou Turning Basin	29°44.3'N;95°12.1'W.	
11	Lyondell Turning Basin ..	Sims Bayou Turning Basin	29°43.2'N; 95°14.4'W.	
12	I-610 Bridge	I-610 Bridge	29°43.5'N; 95°16.0'W.	
13	Houston Turning Basin ..	Buffalo Bayou	29°45.0'N; 95°17.4'W.	

[CGD 90-020, 59 FR 36324, July 15, 1994, as amended by CGD 95-033, 60 FR 28331, May 31, 1995; USCG-2000-7223, 65 FR 40058, June 29, 2000]

§ 161.40 Vessel Traffic Service Berwick Bay.

(a) The VTS area consists of the navigable waters of the following segments of waterways: the Intracoastal Waterway (ICW) Morgan City to Port Allen Alternate Route from Mile Marker 0 to Mile Marker 5; the ICW from Mile Marker 93 west of Harvey Lock (WHL) to Mile Marker 102 WHL; the Atchafalaya River Route from Mile Marker 113 to Mile Marker 122; from

Bayou Shaffer Junction (ICW Mile Marker 94.5 WHL) south one statute mile along Bayou Shaffer; and from Berwick Lock northwest one statute mile along the Lower Atchafalaya River.

(b) VTS Special Area. The Berwick Bay VTS Special Area consists of those waters within a 1000 yard radius of the Southern Pacific Railroad Bridge located at Mile .03 MC/PA.

(c) Reporting Points.

TABLE 161.40(c)—VTS BERWICK BAY REPORTING POINTS

Designator	Geographic name	Geographic description	Latitude/longitude	Notes
1	Stouts Pass	Stouts Point Light "1" Mile 113—Atchafalaya River.	29°43'47" N 91°13'25" W	If transiting the Lock.
2	Berwick Lock	Mile 1.9 MC/PA	29°43'10" N 91°13'28" W	
3	Conrad's Point Junction	Buoy "1" Mile 1.5 MC/PA ..	29°42'32" N 91°13'14" W	
4	Swift Ships Flat Lake Junction.	Mile 3 MC/PA	29°43'26" N 91°12'22" W	
5	South Pacific Railroad Bridge.	Mile 0.3 MC/PA	29°41'34" N 91°12'44" W	
6	20 Grant Point Junction	Bayou Boeuf-Atchafalaya R. Mile 95.5 ICW.	29°41'18" N 91°12'36" W	
7	ICW	Overhead Power Cable Mile 96.5 ICW.	29°40'43" N 91°13'18" W	
8	Wax Bayou Junction	Light "A" Mile 98.2W ICW	29°39'29" N 91°14'46" W	

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TABLE 161.40(C)—VTS BERWICK BAY REPORTING POINTS—Continued

Designator	Geographic name	Geographic description	Latitude/longitude	Notes
9	Shaffer Junction	ICW-Bayou Shaffer Mile 94.5 ICW.	29°41'10" N 91°11'38" W	

[CGD 90-020, 59 FR 36324, July 15, 1994, as amended by CGD 95-033, 60 FR 28332, May 31, 1995; USCG-1998-3799, 63 FR 35531, June 30, 1998]

§ 161.45 Vessel Traffic Service St. Marys River.

(a) The VTS area consists of the navigable waters of the St. Marys River and lower Whitefish Bay from 45°57' N. (De Tour Reef Light) to the south, to

46°38.7' N. (Ile Parisienne Light) to the north, except the waters of the St. Marys Falls Canal, and to the east along a line from La Pointe to Sims Point, within Potagannissing Bay and Worsley Bay.

(b) Reporting Points.

TABLE 161.45(B)—VTS ST. MARYS RIVER REPORTING POINTS

Designator	Geographic name	Geographic description	Latitude/longitude	Notes
1	Ile Parisienne	Ile Parisienne Light	46°37.3'N; 84°45.9' W	Downbound Only.
2	Gros Cap Reef	Gros Cap Reefs Light	46°30.6'N; 84°37.1' W	Upbound Only.
3	Round Island	Round Island Light 32	46°26.9'N; 84°31.7'W.	
4	Pointe Louise	Pointe Louise Light	46°27.8'N; 84°28.2'W.	
5*	West End of Locks	West Center Pierhead Light	46°30.2'N; 84°22.2' W	Upbound Only.
6	East End of Locks	East Center Pierhead Light	46°30.1'N; 84°20.3' W	Downbound Only.
7	Mission Point	Light 99	46°29.2'N; 84°18.1'W.	
8	Six Mile Point	Six Mile Point	46°26.1'N; 84°15.4'W.	
9	Ninemile Point	Light 80	46°23.5'N; 84°14.1'W.	
10	West Neebish Channel	Light 29	46°16.9'N; 84°12.5' W	Downbound Only.
11	Munuscong Lake Junction	Lighted Junction Buoy	46°10.8'N; 84°05.6'W.	
12	De Tour Reef	De Tour Reef Light	46°56.9'N; 83°53.7'W.	

[CGD 90-020, 59 FR 36324, July 15, 1994, as amended by CGD 95-033, 60 FR 28332, May 31, 1995; USCG-1998-3799, 63 FR 35531, June 30, 1998]

§ 161.50 Vessel Traffic Service San Francisco.

The VTS area consists of all the navigable waters of San Francisco Bay Region south of the Mare Island Causeway Bridge and the Petaluma River Entrance Channel Daybeacon 19 and Petaluma River Entrance Channel Light 20 and north of the Dumbarton Bridge; its seaward approaches within a 38 nautical mile radius of Mount Tamalpais (37-55.8' N., 122-34.6' W.); and its navigable tributaries as far east as the port of Stockton on the San Joaquin River, as far north as the port of Sacramento on the Sacramento River.

[CGD 90-020, 59 FR 36324, July 15, 1994, as amended by CGD 95-033, 60 FR 28332, May 31, 1995]

§ 161.55 Vessel Traffic Service Puget Sound and the Cooperative Vessel Traffic Service for the Juan de Fuca Region.

The Vessel Traffic Service Puget Sound area consists of the navigable waters of the United States bounded by a line drawn from the Washington State coastline at 48°23'08" N., 124°43'37" W. on Cape Flattery to the Cape Flattery Light at 48°23'30" N., 124°44'12" W. on Tatoosh Island, due west to the U.S. Territorial Sea Boundary; thence northward along the U.S. Territorial Sea Boundary to its intersection with the U.S./Canada International Boundary; thence east along the U.S./Canada International Boundary through the waters known as the Strait of Juan de Fuca, Haro Strait, Boundary Pass, and the Strait of Georgia to the Washington State coastline at 49°00'06" N., 122°45'18" W. (International Boundary

Range C Rear Light). This area includes: Puget Sound, Hood Canal, Possession Sound, the San Juan Island Archipelago, Rosario Strait, Guemes Channel, Bellingham Bay, the U.S. waters of the Strait of Juan de Fuca and the Strait of Georgia, and all waters adjacent to the above.

(a) Vessel Traffic Service Puget Sound participates in a U.S./Canadian Cooperative Vessel Traffic Service (CVTS) to jointly manage vessel traffic in the Juan de Fuca Region. The CVTS for the Juan de Fuca Region consists of all waters of the Strait of Juan de Fuca and its offshore approaches, southern Georgia Strait, the Gulf and San Juan Archipelagos, Rosario Strait, Boundary Pass and Haro Strait, bounded on the northwest by 48°35'45" N.; and on the southwest by 48°23'30" N.; and on the west by the rhumb line joining 48°35'45" N., 124°47'30" W. with 48°23'30" N., 124°48'37" W.; and on the northeast in the Strait of Georgia, by a line drawn along 49°N. from Vancouver Island to Semiahmoo Bay; and on the southeast, by a line drawn from McCurdy Point on the Quimper Peninsula to Point Partridge on Whidbey Island. Canadian and United States Vessel Traffic Centers (Tofino, B.C., Canada, Vancouver, BC, Canada and Seattle, WA) manage traffic within the CVTS area irrespective of the International Boundary.

(b) VTS Special Areas. (1) The Rosario Strait VTS Special Area consists of those waters bounded to the south by the center of Precautionary Area "RB" (a circular area of 2,500 yards radius centered at 48°26'24" N., 122°45'12" W.), and to the north by the center of Precautionary Area "C" (a circular area of 2,500 yards radius centered at 48°40'34" N., 122°42'44" W.; Lighted Buoy "C"); and

NOTE: The center of precautionary area "RB" is not marked by a buoy. All precautionary areas are depicted on National Oceanic and Atmospheric Administration (NOAA) nautical charts.

(2) The Guemes Channel VTS Special Area consists of those waters bounded to the west by Shannon Point on Fidalgo Island and to the east by Southeast Point on Guemes Island.

(c) Additional VTS Special Area Operating Requirements. The following additional requirements are applicable

in the Rosario Strait and Guemes Channel VTS Special Areas:

(1) A vessel engaged in towing shall not impede the passage of a vessel of 40,000 dead weight tons or more.

(2) A vessel of less than 40,000 dead weight tons is exempt from the provision set forth in §161.13(b)(1) of this part.

(3) A vessel of less than 100 meters in length is exempt from the provisions set forth in §161.13(b)(3) of this part. Approval will not be granted for:

(i) A vessel of 100 meters or more in length to meet or overtake; or cross or operate within 2,000 yards (except when crossing astern) of a vessel of 40,000 dead weight tons or more; or

(ii) A vessel of 40,000 dead weight tons or more to meet or overtake; or cross or operate within 2,000 yards (except when crossing astern) of a vessel of 100 meters or more in length.

(d) Reporting Point. Inbound vessels in the Strait of Juan de Fuca upon crossing 124-W.

[CGD 90-020, 59 FR 36324, July 15, 1994, as amended by USCG-1998-3799, 63 FR 35531, June 30, 1998]

§ 161.60 Vessel Traffic Service Prince William Sound.

(a) The VTS area consists of the navigable waters of the United States north of a line drawn from Cape Hinchinbrook Light to Schooner Rock Light, comprising that portion of Prince William Sound between 146°30' W. and 147°20' W. and includes Valdez Arm, Valdez Narrows and Port Valdez.

(b) The Valdez Arm VTS Special Area consists of the waters of the Valdez Arm Traffic Separation Scheme (described in §167.1703 of this chapter); the waters northeast of a line drawn from shoreline to shoreline through the points 60°58.04'N, 146°46.52'W and 60°58.93'N, 146°48.86'W; and southwest of a line bearing 307° True from Tongue Point at 61°02.10'N, 146°40.00'W.

(c) The Valdez Narrows VTS Special Area consists of those waters of Valdez Arm, Valdez Narrows, and Port Valdez northeast of a line bearing 307° True from Tongue Point at 61°02'06" 146°40' W.; and southwest of a line bearing 307° True from Entrance Island Light at 61°05'06" N., 146°36'42" W.

(d) Additional VTS Special Area Operating Requirements. The following additional requirements are applicable in the Valdez Narrows VTS Special Area:

(1) No VMRS User shall proceed north of 61° N. without prior approval of the VTS.

(2) For a vessel listed in paragraph (c)(3) of this section—

(i) Approval to enter this area will not be granted to a vessel when a tank vessel of more than 20,000 deadweight tons is navigating therein;

(ii) A northbound vessel shall remain south of 61° N. until the VTS has granted permission to proceed; and

(iii) A southbound vessel shall remain in Port Valdez east of 146°35' W. and north of 61°06'N. until the VTS has granted permission to proceed.

(3) Paragraph (c)(2) of this section applies to—

(i) A vessel of 1600 gross tons or more; and

(ii) A towing vessel of 8 meters or more in length, except for a vessel performing duties as an escort vessel as defined in 33 CFR Part 168.

(e) Reporting Points.

TABLE 161.60(D)—VTS PRINCE WILLIAM SOUND REPORTING POINTS

Designator	Geographic name	Geographic description	Latitude/longitude	Notes
1A	Cape Hinchinbrook	Cape Hinchinbrook	60°16'18"N; 146°45'30" W	Northbound Only.
1B	Schooner Rock	Schooner Rock	60°18'42"N; 146°51'36" W	Southbound Only.
2A	Naked Island	Naked Island	60°40'00"N; 147°01'24" W	Northbound Only.
2B	Naked Island	Naked Island	60°40'00"N; 147°05'00" W	Southbound Only.
3A	Bligh Reef	Bligh Reef Light (Pilot Embark)	60°50'36"N; 146°57'30" W	Northbound Only.
3B	Bligh Reef	Bligh Reef Light (Pilot Disembark)	60°51'00"N; 147°01'24" W	Southbound Only.
4A	Rocky Point	Rocky Point	60°57'48"N; 146°47'30" W	Northbound Only.
4B	Rocky Point	Rocky Point	60°57'48"N; 146°50'00" W	Southbound Only.
5	Entrance Island	Entrance Island Light	61°05'24"N; 146°37'30"W	

[CGD 90-020, 59 FR 36324, July 15, 1994, as amended by CGD 95-033, 60 FR 28332, May 31, 1995; USCG-1998-3799, 63 FR 35532, June 30, 1998; USCG-2001-10254, 67 FR 53742, Aug. 19, 2002]

PART 162—INLAND WATERWAYS NAVIGATION REGULATIONS

Sec.

162.1 General.

162.15 Manhasset Bay, N.Y.; seaplane restricted area.

162.20 Flushing Bay near La Guardia Airport, Flushing, N.Y.; restricted area.

162.30 Channel of Tuckerton Creek, N.J.; navigation.

162.35 Channel of Christina River, Del.; navigation.

162.40 Inland waterway from Delaware River to Chesapeake Bay, Del. and Md. (Chesapeake and Delaware Canal).

162.65 All waterways tributary to the Atlantic Ocean south of Chesapeake Bay and all waterways tributary to the Gulf of Mexico east and south of St. Marks, Fla.

162.75 All waterways tributary to the Gulf of Mexico (except the Mississippi River, its tributaries, South and Southwest Passes and the Atchafalaya River) from St. Marks, Fla., to the Rio Grande.

162.80 Mississippi River below mouth of Ohio River, including South and Southwest Passes.

162.85 Yazoo Diversion Canal, Vicksburg, Miss., from its mouth at Kleinston Landing to Fisher Street; navigation.

162.90 White River, Arkansas Post Canal, Arkansas River, and Verdigris River between Mississippi River, Ark., and Catoosa, Okla.; use, administration, and navigation.

162.100 Ohio River at Louisville, KY.

162.105 Missouri River; administration and navigation.

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- 162.160 Vermilion, Lorain, Cleveland, Fairport, Ashtabula, and Conneaut Harbors, Ohio.
- 162.165 Buffalo and Rochester Harbors, New York.
- 162.175 Black Rock Canal and Lock at Buffalo, New York.
- 162.195 Santa Monica Bay, Calif.; restricted area.
- 162.200 Marina del Ray, Calif.; restricted area.
- 162.205 Suisun Bay, San Joaquin River Sacramento River, and connecting waters, CA.
- 162.210 Lake Tahoe, Calif.; restricted areas along south shore.
- 162.215 Lake Tahoe, Nev.; restricted area adjacent to Nevada Beach.
- 162.220 Hoover Dam, Lake Mead, and Lake Mohave (Colorado River), Ariz.-Nev.
- 162.225 Columbia and Willamette Rivers, Washington and Oregon; administration and navigation.
- 162.230 Columbia River, Wash.
- 162.235 Puget Sound Area, Wash.
- 162.240 Tongass Narrows, Alaska; navigation.
- 162.245 Kenai River, Kenai, Alaska; use, administration, and navigation.
- 162.250 Port Alexander, Alaska; speed of vessels.
- 162.255 Wrangell Narrows, Alaska; use, administration, and navigation.
- 162.260 Channel leading to San Juan Harbor, P.R.; use, administration, and navigation.
- 162.270 Restricted areas in vicinity of Maritime Administration Reserve Fleets.

AUTHORITY: 33 U.S.C. 1231; Department of Homeland Security Delegation No. 0170.

SOURCE: CGD 75-082, 42 FR 51759, Sept. 29, 1977, unless otherwise noted.

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Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose referenced horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

[CGD 86-082, 52 FR 33811, Sept. 8, 1987]

§ 162.15 Manhasset Bay, N.Y.; seaplane restricted area.

(a) *The restricted area.* An area in Manhasset Bay between the shore at Manorhaven on the north and the southerly limit line of the special anchorage area in Manhasset Bay, west area at Manorhaven (described in § 202.60 of this chapter), on the south; its axis being a line bearing 166°50' true from latitude 40°50'17.337", longitude 73°43'03.877", which point is on the south side of Orchard Beach Boulevard at Manorhaven; and being 100 feet wide for a distance of 380 feet in a southerly direction from the south side of Orchard Beach Boulevard, and thence flaring to a width of 300 feet at the southerly limit line.

(b) *The regulations.* (1) Vessels shall not anchor or moor within the restricted area.

(2) All vessels traversing the area shall pass directly through without unnecessary delay, and shall give seaplanes the right-of-way at all times.

§ 162.20 Flushing Bay near La Guardia Airport, Flushing, N.Y.; restricted area.

(a) *The area.* An area in the main channel in Flushing Bay extending for a distance of 300 feet on either side of the extended center line of Runway No. 13-31 at La Guardia Airport.

(b) *The regulations.* (1) All vessels traversing in the area shall pass directly through without unnecessary delay.

(2) No vessels having a height of more than 35 feet with reference to the plane of mean high water shall enter or pass through the area whenever visibility is less than one mile.

§ 162.30 Channel of Tuckerton Creek, N.J.; navigation.

(a) Power boats or other vessels propelled by machinery shall not proceed at any time within the limits of these waters at a greater speed than 8 statute miles per hour.

§ 162.35 Channel of Christina River, Del.; navigation.

(a) That vessels of over 20 tons capacity, propelled by machinery, shall not proceed at any time within the limits of these waters at a greater speed than 8 statute miles per hour.

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§ 162.40 Inland waterway from Delaware River to Chesapeake Bay, Del. and Md. (Chesapeake and Delaware Canal).

(a) *Applicability.* The regulations in this section are applicable to that part of the inland waterway from Delaware River to Chesapeake Bay, Del. and Md., between Reedy Point, Delaware River, and Old Town Point Wharf, Elk River.

(b) *Speed.* No vessel in the waterway shall be raced or crowded alongside another vessel. Vessels of all types, including pleasure craft, are required to travel at all times at a safe speed throughout the canal and its approaches so as to avoid damage by suction or wave wash to wharves, landings, riprap protection, or other boats, or injury to persons. Pilots and vessel operators transiting the canal and its approaches are warned that violation of this rule may result in having their privilege to transit the canal suspended. Passages of vessels through the canal will be monitored and specific cases will be investigated where damage by suction or wave wash does occur. Owners and operators of yachts, motorboats, rowboats and other craft are cautioned that large deep draft ocean-going vessels and other large commercial vessels ply the canal, and such owners and operators should be particularly careful to moor or anchor well away from the main ship channels, with moorings and lines which are sufficient and proper.

(c) *Right-of-way.* All vessels proceeding with the current shall have the right-of-way over those proceeding against the current. Large vessels or tows must not overtake and attempt to pass other large vessels or tows in the waterway. All small pleasure craft shall relinquish the right-of-way to deeper draft vessels, which have a limited maneuvering ability due to their draft and size.

(d) *Stopping in waterway.* Vessels will not be permitted to stop or anchor in the ship channel.

(e) *Water skiing.* Water skiing in the waterway is prohibited between Reedy Point and Welch Point.

(f) *Sailboats.* Transiting the canal by vessels under sail is not permitted between Reedy Point and Welch Point.

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NOTE: The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

§ 162.65 All waterways tributary to the Atlantic Ocean south of Chesapeake Bay and all waterways tributary to the Gulf of Mexico east and south of St. Marks, Fla.

(a) *Description.* This section applies to the following:

(1) *Waterways.* All navigable waters of the United States, natural or artificial, including bays, lakes, sounds, rivers, creeks, intracoastal waterways, as well as canals and channels of all types, which are tributary to or connected by other waterways with the Atlantic Ocean south of Chesapeake Bay or with the Gulf of Mexico east and south of St. Marks, Florida.

(2) *United States property.* All river and harbor lands owned by the United States in or along the waterways described in paragraph (a)(1) of this paragraph, including lock sites and all structures thereon, other sites for Government structures and for the accommodation and use of employees of the United States, and rights of way and spoil disposal areas to the extent of Federal interest therein.

(3) *Vessels and rafts.* The term "vessel" as used in this section includes all floating things moved over these waterways other than rafts.

(b) *Waterways—(1) Fairway.* A clear channel shall at all times be left open to permit free and unobstructed navigation by all types of vessels and rafts that normally use the various waterways or sections thereof. The District Commander may specify the width of the fairway required in the various waterways under his charge.

(2) *Stoppage in waterway, anchorage or mooring.* (i) No vessels or rafts shall anchor or moor in any of the land cuts or other narrow parts of the waterway, except in case of an emergency. Whenever it becomes necessary for a vessel or raft to stop in any such portions of the waterway it shall be securely fastened to one bank and as close to the bank as possible. This shall be done only at such a place and under such conditions as will not obstruct or prevent the passage of other vessels or craft. Stoppages shall be only for such periods as may be necessary.

(ii) No vessel or raft will be allowed to use any portion of the fairway as a mooring place except temporarily as authorized above without the written permission from the District Commander.

(iii) When tied up, all vessels must be moored by bow and stern lines. Rafts and tows shall be secured at sufficiently close intervals to insure their not being drawn away from the bank by winds, currents or the suction of passing vessels. Tow lines shall be shortened so that the different parts of the tow shall be as close together as possible. In narrow sections, no vessel or raft shall be tied abreast of another.

(iv) Lights shall be displayed in accordance with provisions of the Navigation Rules, International-Inland, Commandant Instruction M16672.2 (series).

(v) No vessel, even if fastened to the bank as prescribed in paragraph (b)(2)(i) of this section, shall be left without a sufficient crew to care for it properly.

(vi) Vessels will not be permitted to load or unload in any of the land cuts except as a regular established landing or wharf without written permission secured in advance from the District Commander.

(vii) No vessel, regardless of size, shall anchor in a dredged channel or narrow portion of a waterway for the purpose of fishing, if navigation is obstructed, thereby.

(viii) Except in cases of emergency the dropping of anchors, weights, or other ground tackle, within areas occupied by submarine cable or pipe crossings, is prohibited. Such crossings will ordinarily be marked by signboards on each bank of the shore or indicated on coast charts.

(3) *Speed.* (i) Vessels shall proceed at a speed which will not endanger other vessels or structures and will not interfere with any work in progress incident to maintaining, improving, surveying or marking the channel.

(ii) Official signs indicating limiting speeds through critical portions of the waterways shall be strictly obeyed.

(iii) Vessels approaching and passing through a bridge shall so govern their speed as to insure passage through the bridge without damage to the bridge or its fenders.

(4) *Assembly and handling of tows.* (i) All vessels drawing tows and equipped with rudders shall use two tow lines or a bridle and shorten them to the greatest possible extent so as to have full control at all times. The various parts of a tow shall be securely assembled with the individual units connected by lines as short as practicable. If necessary, as in the case of lengthy or cumbersome tows or tows in restricted channels, the District Commander may require that tows be broken up and may require the installation of a rudder, drag or other approved steering device on the tow in order to avoid obstructing navigation or damaging the property of others, including aids to navigation maintained by the United States or under its authorization, by collision or otherwise.

(ii) No tow shall be drawn by a vessel that has insufficient power or crew to permit ready maneuverability and safe handling.

(iii) Tows desiring to pass a bridge shall approach the opening along the axis of the channel so as to pass through without danger of striking the bridge or its fenders. No vessel or tow shall navigate through a drawbridge until the movable span is fully opened.

(iv) In the event that it is evident to the master of a towing vessel that a tow cannot be safely handled through a bridge, it will be brought to anchor and the towed vessels will be taken through the bridge in small units, or singly if necessary, or the tow will wait until navigation conditions have improved to such an extent that the tow can pass through the bridge without damage.

(5) *Projections from vessels.* No vessel carrying a deck load which overhangs or projects over the side of said vessel, or whose rigging projects over the side of the vessel so as to endanger passing vessels, wharves or other property, will enter or pass through any of the narrow parts of the waterway.

(6) *Meeting and passing.* Vessels, on meeting or overtaking, shall give the proper signals and pass in accordance with the Navigation Rules, International-Inland, Commandant Instruction M16672.2 (series). Rafts shall give to vessels the side demanded by proper signal. All vessels approaching dredges

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or other plant engaged on improvements to a waterway, shall give the signal for passing and slow down sufficiently to stop if so ordered or if no answering signal is received. On receiving the answering signal, they shall then proceed to pass at a speed sufficiently slow to insure safe navigation.

NOTE: The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

[CGD 75-082, 42 FR 51759, Sept. 29, 1977, as amended by CGD 93-072, 59 FR 39963, Aug. 5, 1994; USCG-2000-7223, 65 FR 40058, June 29, 2000]

§ 162.75 All waterways tributary to the Gulf of Mexico (except the Mississippi River, its tributaries, South and Southwest Passes and Atchafalaya River) from St. Marks, Fla., to the Rio Grande.

(a) The regulations in this section shall apply to:

(1) *Waterways.* All navigable waters of the U.S. tributary to or connected by other waterways with the Gulf of Mexico between St. Marks, Fla., and the Rio Grande, Tex. (both inclusive), and the Gulf Intracoastal Waterway; except the Mississippi River, its tributaries, South and Southwest Passes, and the Atchafalaya River above its junction with the Morgan City-Port Allen Route.

(2) *Bridges, wharves, and other structures.* All bridges, wharves, and other structures in or over these waterways.

(3) *Vessels.* The term "vessels" as used in this section includes all floating craft other than rafts.

(b) *Waterways:*

(1) A clear channel shall at all times be left open to permit free and unobstructed navigation by all types of vessels and tows normally using the various waterways covered by the regulations of this section

(2) *Fairway:* The District Commander may specify the width of the fairway required in the various waterways under his charge.

(3) *Anchoring or mooring:*

(i) Vessels or tows shall not anchor or moor in any of the land cuts or other narrow parts of the waterway, except in an emergency, or with permission of the District Commander. Whenever it becomes necessary for a vessel or tow to stop in any such

portions of the waterway, it shall be securely fastened to one bank and as close to the bank as possible. This shall be done only at such a place and under such conditions as will not obstruct or prevent the passage of other vessels or tows. Stoppages shall be only for such periods as may be necessary.

(ii) When tied up individually, all vessels and tows shall be moored by bow and stern lines. Tows shall be secured at sufficiently frequent intervals to insure their not being drawn away from the bank by winds, currents, or the suction of passing vessels. Lines shall be shortened so that the various barges in a tow will be as close together as possible.

(iii) Lights shall be displayed in accordance with provisions of the Navigation Rules, International-Inland, Commandant Instruction M16672.2 (series).

(iv) Whenever any vessel or tow is moored to the bank (paragraph (b)(3)(i) of this section) at least one crew member shall always remain on board to see that proper signals are displayed and that the vessel or tow is properly moored at all times.

(v) No vessel, regardless of size, shall anchor in a dredged channel or narrow portion of a waterway for the purpose of fishing if navigation is obstructed thereby.

(4) *Speed:* Speeding in narrow sections is prohibited. Official signs indicating limited speeds shall be obeyed. Vessels shall reduce speed sufficiently to prevent damage when passing over vessels or structures in or along the waterway.

(5) *Size, assembly, and handling of tows:*

(i) On waterways 150 feet wide or less, tows which are longer than 1,180 feet, including the towing vessel, but excluding the length of the hawser, or wider than one-half of the bottom width of the channel or 55 feet, whichever is less will not be allowed, except when the District Commander has given special permission or the waterway has been exempted from these restrictions by the District Commander. Before entering any narrow section of the Gulf Intracoastal Waterway, tows in excess of one-half the channel width, or 55 feet, will be required to stand by until tows which are less than one-half

the channel width or 55 feet wide have cleared the channel. When passing is necessary in narrow channels, overwidth tows shall yield to the maximum. Separate permission must be received from the District Commander for each overlength or overwidth movement. In addition, the following exceptions are allowed:

(ii) Gulf Intracoastal Waterway—Between mile 6.2 EHL (Inner Harbor Navigation Canal Lock) and mile 33.6 EHL tows of 78 feet in width will be allowed.

(iii) Gulf Intercoastal Waterway—Between mile 33.6 EHL and the Mobile Bay Ship Channel, tows of 108 feet in width will be allowed if under 750 feet in length including the towboat but excluding the length of the hawser.

(iv) Gulf Intracoastal Waterway—Mobile Bay Ship Channel to St. Marks, Fla., for tows made up of empty barges on the off or shallow side, a width of 75 feet will be allowed.

(v) All vessels pulling tows not equipped with rudders in restricted channels and land cuts shall use two towlines, or a bridle on one towline, shortened as much as safety of the towing vessel permits, so as to have maximum control at all times. The various parts of a tow shall be securely assembled with the individual units connected by lines as short as practicable. In open water, the towlines and fastenings between barges may be lengthened so as to accommodate the wave surge. In the case of lengthy or cumbersome tows, or tows in restricted channels, the District Commander may require that tows be broken up, and may require the installation of a rudder or other approved steering device on the tow in order to avoid obstructing navigation or damaging the property of others. Pushing barges with towing vessel astern, towing barges with towing vessel alongside, or pushing and pulling barges with units of the tow made up both ahead and astern of the towing vessel are permissible provided that adequate power is employed to keep the tows under full control at all times. No tow shall be drawn by a vessel that has insufficient power or crew to permit ready maneuverability and safe handling.

(vi) All tows navigating the Pass Manchac bridges in Louisiana are lim-

ited to no more than two barges, not to exceed a combined tow length of 400 feet (excluding the towboat). Vessel operators for tows exceeding these limits must request and receive permission from the COTP New Orleans prior to navigating the bridges. Requests should be made by telephoning the COTP at 504-589-7101. Any decision made by the COTP is final agency action.

(6) Projections from vessels: Vessels or tows carrying a deck load which overhangs or projects over the side, or whose rigging projects over the side, so as to endanger passing vessels, wharves, or other property, shall not enter or pass through any of the narrow parts of the waterway without prior approval of the District Commander.

(7) Meeting and passing: Passing vessels shall give the proper signals and pass in accordance with the International Rules, the Navigation Rules, International-Inland, Commandant Instruction M16672.2 (Series), where applicable. At certain intersections where strong currents, may be encountered, sailing directions may be issued through navigation bulletins or signs posted on each side of the intersections.

NOTE: The Corps of Engineers also has regulations dealing with this section in 33 CFR 207.

[CGD 75-082, 42 FR 51759, Sept. 29, 1977, as amended by CGD 78-050, 45 FR 43167, June 26, 1980; USCG-2000-7223, 65 FR 40058, June 29, 2000]

§ 162.80 Mississippi River below mouth of Ohio River, including South and Southwest passes.

(a) *Mooring on the Mississippi River between miles 311.5 AHP and 340.0 AHP.* (1) No vessel or craft shall moor along either bank of the Mississippi River between miles 311.5 AHP and mile 340.0 AHP except in case of an emergency, pursuant to an approved navigation permit, or as authorized by the District Commander. Vessels may be moored any place outside the navigation channel in this reach in case of an emergency and then for only the minimum time required to terminate the emergency. When so moored, all vessels shall be securely tied with bow and stern lines of sufficient strength and

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fastenings to withstand currents, winds, wave action, suction from passing vessels or any other forces which might cause the vessels to break their moorings. When vessels are so moored, a guard shall be on board at all times to ensure that proper signals are displayed and that the vessels are securely and adequately moored.

(2) Vessels may be moored any time at facilities constructed in accordance with an approved navigation permit or as authorized by the District Commander. When so moored, each vessel shall have sufficient fastenings to prevent the vessels from breaking loose by wind, current, wave action, suction from passing vessels or any other forces which might cause the vessel to break its mooring. The number of vessels in one fleet and the width of the fleet of vessels tied abreast shall not extend into the fairway or be greater than allowed under the permit.

(3) Mariners should report immediately by radio or fastest available means to the lockmaster at Old River Lock or to any government patrol or survey boat in the vicinity any emergency mooring or vessels drifting uncontrolled within the area described in paragraph (a)(1) of this section. It is the responsibility and duty of the master of a towing vessel releasing or mooring a vessel in this reach of the Mississippi River to report such action immediately.

(b) *Mooring on Mississippi River below Baton Rouge, La., including South and Southwest Passes.* (1) When tied up individually or in fleets, vessels shall be moored with sufficient lines and shore fastenings to insure their remaining in place and withstanding the action of winds, currents and the suction of passing vessels.

NOTE: The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

(Sec. 7, 38 Stat. 1053, as amended, (33 U.S.C. 471); Sec. 6(g)(1)(A) 80 Stat 937, (49 U.S.C. 1655(g)(1)(A)); Sec. 12, 92 Stat. 1471, (33 U.S.C. 1231); 49 CFR 1.46 (c)(1) and (n)(4))

[CGD 75-082, 42 FR 51759, Sept. 29, 1977, as amended by CGD 77-028, 46 FR 49851, Oct. 8, 1981; CGD8 87-09, 53 FR 15555, May 2, 1988]

§ 162.85 **Yazoo Diversion Canal, Vicksburg, Miss., from its mouth at Kleinston Landing to Fisher Street; navigation.**

(a) *Speed.* Excessive speeding is prohibited. A vessel shall reduce its speed sufficiently to prevent any damage when approaching another vessel in motion or tied up, a wharf or other structure, works under construction, plant engaged in river and harbor improvement, levees, floodwalls withstanding floodwaters, buildings submerged or partially submerged by high waters, or any other structure or improvement likely to be damaged by collision, suction, or wave action.

NOTE: The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

§ 162.90 **White River, Arkansas Post Canal, Arkansas River, and Verdigris River between Mississippi River, Ark., and Catoosa, Okla.; use, administration, and navigation.**

(a) The regulations in this section shall apply to:

(1) *Waterways.* White River between Mississippi River and Arkansas Post Canal, Ark.; Arkansas Post Canal, Ark.; Arkansas River between Arkansas Post Canal, Ark., and Verdigris River, Okla.; Verdigris River between Arkansas River and Catoosa, Okla.; and reservoirs on these waterways between Mississippi River Ark., and Catoosa, Okla.

(2) *Bridges, wharves and other structures.* All bridges, wharves, and other structures in or over the waterways described in paragraph (a)(1) of this section.

(3) *Vessels and rafts.* The term "vessels" as used in this section includes every description of watercraft used, or capable of being used, as a means of transportation on water, other than rafts.

(b) *Waterways:*

(1) *Fairway.* A clear channel shall at all times be left open to permit free and unobstructed navigation by all types of vessels and rafts that normally use the various waterways or sections thereof. The District Commander may specify the width of the fairway required in the waterways under his charge.

(2) *Anchoring or mooring in waterway.*

(i) No vessels or rafts shall anchor or moor in any of the land cuts or other narrow parts of the waterway, except in an emergency. Whenever it becomes necessary for a vessel or raft to stop in any such portions of the waterway, it shall be securely fastened to one bank and as close to the bank as possible. This shall be done only at such a place and under such conditions as will not obstruct or prevent the passage of other vessels or rafts. Stoppages shall be only for such periods as may be necessary.

(ii) Except temporarily, as authorized in paragraph (b)(2)(i) of this section, no vessel or raft will be allowed to use any portion of the fairway as a mooring place without written permission from the District Commander.

(iii) When tied up individually, all vessels shall be moored by bow and stern lines. Rafts and tows shall be secured at sufficiently close intervals to insure their not being drawn away from the bank by winds, currents, or the suction of passing vessels. Towlines shall be shortened so that the different parts of the tow will be as close together as possible. In narrow sections, no vessel or raft shall be tied abreast of another if the combined width of vessels or rafts is greater than 70 feet.

(iv) When a vessel is moored under an emergency condition, as provided in paragraph (b)(2)(i) of this section, at least one crew member shall remain in attendance to display proper lights and signals and tend the mooring lines. The crew member shall be provided with an adequate means of communication or signalling a warning in the event that, for any reason, the vessel or tow should go adrift. Immediately after completion of the emergency mooring, the lockmaster of the first lock downstream shall be notified of the character and cargo of the vessel and the location of such mooring.

(v) Vessels will not be permitted to load or unload in any of the land cuts, except at a regular established landing or wharf, without written permission secured in advance from the District Commander.

(vi) Except in an emergency, no vessel or raft shall anchor over revetted banks of the waterway, nor shall any

type vessel except launches and other small craft land against banks protected by revetment except at regular commercial landings.

(3) *Speed.* (i) Excessive speed in narrow sections is prohibited. Official signs indicating limiting speeds through critical sections shall be strictly obeyed.

(ii) When approaching and passing through a bridge, all vessels and rafts, regardless of size, shall control their speed so as to insure that no damage will be done to the bridge or its fenders.

(iii) Within the last mile of approach to unattended, normally open automatic, movable span bridges, the factor of river flow velocity, of vessel (and tow) velocity, and of vessel power and crew capability are never to be permitted to result in a condition whereby the movement of vessel (and tow) cannot be completely halted or reversed within a 3-minute period.

(iv) A vessel shall reduce its speed sufficiently to prevent any damage when approaching another vessel in motion or tied up, a wharf or other structure, works under construction, plant engaged in river and harbor improvement, levees withstanding floodwaters, buildings submerged or partially submerged by high waters, or any other manner of structure or improvements likely to be damaged by collision, suction, or wave action.

(4) *Assembly and handling of tows.* (i) All vessels drawing tows not equipped with rudders in restricted channels and land cuts shall use two towlines, or a bridle on one towline, shortened to the greatest possible extent so as to have maximum control at all times. The various parts of a tow shall be securely assembled with the individual units connected by lines as short as practicable. In open water, the towlines and fastenings between barges may be lengthened so as to accommodate the wave surge. In the case of length or cumbersome tows, or tows in restricted channels, the District Commander may require that tows be broken up, and may require the installation of a rudder or other approved steering device on the tow in order to avoid obstructing navigation or damaging the property of others. Pushing

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barges with towing vessel astern, towing barges with towing vessel alongside, or pushing and pulling barges with units of the tow made up both ahead and astern of the towing vessel is permissible provided that adequate power is employed to keep the tow under full control at all times.

(ii) No tow shall be drawn by a vessel that has insufficient power or crew to permit ready maneuverability and safe handling.

(iii) No vessel or tow shall navigate through a drawbridge until the movable span is fully opened.

(5) *Projections from vessels.* No vessels carrying a deck load which overhangs or projects over the side, or whose rigging projects over the side, so as to endanger passing vessels, wharves, or other property, shall enter or pass through any of the narrow parts of the waterway.

(6) *Meeting and passing.* Vessels on meeting or overtaking shall give the proper signals and pass in accordance with the Inland Rules and the Pilot Rules for Inland Waters. Rafts shall give to vessels the side demanded by proper signal. All vessels approaching dredges or other plant engaged on improvements to a waterway shall give the signal for passing and slow down sufficiently to stop if so ordered or if no answering signal is received. On receiving the answering signal, they shall then pass at a speed sufficiently slow to insure safe navigation. Vessels approaching an intersection or bend where the view is obstructed must exercise due caution. At certain intersections where strong currents may be encountered, sailing directions may be issued from time to time through navigation bulletins or signs posted on each side of the intersections which must be observed.

NOTE: The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

§ 162.100 Ohio River at Louisville, KY.

(a) *Emergency Mooring Buoys.* The U.S. Army Corp of Engineers has established four pairs of emergency mooring bouys. Each buoy is 10 feet in diameter with retro-reflective sides. The two buoys which comprise each pair are 585

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feet apart and are located approximately at:

(1) Indiana Bank—Mile 582.3 (near 18 Mile Island);

(2) Six Mile Island—Mile 597.5;

(3) Six Mile Island—Mile 598.2; and

(4) Kentucky Bank—Mile 599.8 (Cox's Park).

NOTE: All buoys, except those at Six Mile Island—Mile 598.2, are removed between May 1 and September 30. Due to the close proximity of the municipal water intakes, mooring of tank vessels laden with petroleum products or hazardous materials is not authorized on the Kentucky Bank, Mile 599.8 (Cox's Park).

(b) *The regulations.* A vessel must not use the emergency mooring buoys that have been established by the U.S. Army Corps of Engineers, unless specifically authorized. The Captain of the Port, upon request, may authorize the use of the emergency mooring buoys by downbound towing vessels that are awaiting Vessel Traffic Center approval to proceed.

[CGD 90-020, 59 FR 36333, July 15, 1994]

§ 162.105 Missouri River; administration and navigation.

(a) *Supervision.* The District Commander, Eighth Coast Guard District, has certain administrative supervision overreaches of the river within the limits of his district and is charged with the enforcement under his direction of emergency regulations to govern navigation on the river.

(b) *Navigation.* During critical flood stages on any particular limited reach of the Missouri River when lives, floating plant, or major shore installations and levees are endangered, the District Commander in charge of the locality shall have the authority to declare the reach of the river closed to navigation or to prescribe temporary speed regulations whenever it appears to him that such action is necessary to prevent immediate human suffering or to mitigate major property damage or destruction from wave action. The period of closure and all speed regulations prescribed by the District Commander shall be for the duration of the emergency as determined by the District Commander and shall be terminated at

the earliest practicable time that improved river conditions permit.

[CGD 75-082, 42 FR 51759, Sept. 29, 1977, as amended by USCG-1998-3799, 63 FR 35532, June 30, 1998]

§ 162.110 Duluth-Superior Harbor, Minnesota and Wisconsin.

(a) No vessel greater than 100 feet in length may exceed 8 miles per hour in Duluth-Superior Harbor.

(b) In the Duluth Ship Canal:

(1) No vessel may meet or overtake another vessel if each vessel is greater than 150 feet in length (including tug and tow combinations).

(2) An inbound vessel has the right of way over an outbound vessel.

[CGD 79-151, 46 FR 7960, Jan. 26, 1981]

§ 162.115 Keweenaw Waterway, Mich.

No vessel greater than 40 feet in length may exceed 8 miles per hour between Lily Pond and Pilgrim Point.

[CGD 79-151, 46 FR 7960, Jan. 26, 1981, as amended by CGD 09-00-010, 65 FR 53595, Sept. 5, 2000]

§ 162.117 St. Marys River, Sault Ste. Marie, Michigan.

(a) *The area.* The waters of the St. Marys River and lower Whitefish Bay from 45°57' N. (De Tour Reef Light) to the south, to 46°38.7' N. (Ile Parisienne Light) to the north, except the waters of the St. Marys Falls Canal, and to the east along a line from La Pointe to Sims Point, within Potagannissing Bay and Worsley Bay.

(b) *Definitions.* As used in this section:

Two-way route means a directional route within defined limits inside which two-way traffic is established, and which is intended to improve safety in waters where navigation is difficult.

Two-way traffic means that traffic flow is permitted in opposing directions, but a vessel may not meet, cross, nor overtake any other vessel in such a manner that it would be abreast of more than one other vessel within the defined limits of a waterway.

(c) *Anchoring Rules.*

(1) A vessel must not anchor:

(i) within the waters between Brush Point and the waterworks intake crib

off Big Point southward of the Point Aux Pins range; or

(ii) within 0.2 nautical miles of the intake crib off Big Point.

(2) In an emergency, vessels may anchor in a dredged channel. Vessels shall anchor as near to the edge of the channel as possible and shall get underway as soon as the emergency ceases, unless otherwise directed. Vessel Traffic Services St. Marys River must be advised of any emergency anchoring as soon as is practicable.

(3) Vessels collected in any part of the VTS Area by reason of temporary closure of a channel or an impediment to navigation shall get underway and depart in the order in which they arrived, unless otherwise directed by Vessel Traffic Service St. Marys River. Vessel Traffic Service St. Marys River may advance any vessel in the order of departure to expedite the movement of mails, passengers, cargo of a perishable nature, to facilitate passage of vessels through any channel by reason of special circumstance, or to facilitate passage through the St. Marys Falls Canal.

(d) *Traffic Rules.* (1) A vessel must proceed only in the established direction of traffic flow in the following waters:

(i) West Neebish Channel from Buoy "53" to Buoy "1"—downbound traffic only;

(ii) Pipe Island Course from Sweets Point to Watson Reefs Light—downbound traffic only.

(iii) Middle Neebish Channel from Buoy "2" to Buoy "76"—upbound traffic only; and

(iv) Pipe Island Passage to the east of Pipe Island Shoal and north of Pipe Island Twins from Watson Reefs Light to Sweets Point—upbound traffic only.

(2) A vessel 350 feet or more in length must not overtake or approach within .2 nautical miles of another vessel proceeding in the same direction in the following waterways:

(i) West Neebish Channel between Nine Mile Point and Munuscong Lake Junction Lighted Bell Buoy;

(ii) Middle Neebish Channel between Munuscong Lake Junction Lighted Bell Buoy and Nine Mile Point; and

(iii) Little Rapids Cut from Six Mile Point to Buoy "102".

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(3) When two-way traffic is authorized in Middle Neebish Channel, a vessel 350 feet or more in length must not meet, cross, or overtake another vessel at:

- (i) Johnson Point from Buoy "18" to Buoy "22";
- (ii) Mirre Point from Buoy "26" to Buoy "28"; or
- (iii) Stribling Point from Buoy "39" to Buoy "43".

(4) Paragraph (d)(2) of this section does not apply to a vessel navigating through an ice field.

(e) *Winter Navigation.* During the winter navigation season, the following waterways are normally closed:

- (1) West Neebish Channel, from Buoy "53" to Buoy "1";
- (2) Pipe Island Passage to the east of Pipe Island Shoal; and
- (3) North of Pipe Island Twins, from Watson Reef Light to Sweets Point.

(f) *Alternate Winter Navigation Routes.* (1) When West Neebish Channel is closed, Middle Neebish Channel (from Buoy "2" to Buoy "76") will be open either as a two-way route or an alternating one way traffic lane.

(i) When Middle Neebish Channel is a two-way route:

(A) An upbound vessel must use the easterly 197 feet of the channel. However, a vessel of draft 20 feet or more must not proceed prior to Vessel Traffic Center approval; and

(B) A downbound vessel must use the westerly 295 feet of the channel.

(ii) When Middle Neebish Channel is an alternating one-way traffic lane. A vessel must use the westerly 295 feet of the channel in the established direction of traffic flow.

(2) When Pipe Island Passage is closed, Pipe Island Course is a two-way route.

NOTE: The Vessel Traffic Service closes or opens these channels as ice conditions require after giving due consideration to the protection of the marine environment, waterway improvements, aids to navigation, the need for cross channel traffic (e.g., ferries), the availability of icebreakers, and the safety of the island residents who, in the course of their daily business, must use naturally formed ice bridges for transportation to and from the mainland. Under normal seasonal conditions, only one closing each winter and one opening each spring are anticipated. Prior to closing or opening these channels, interested parties including both

shipping entities and island residents, will be given at least 72 hours notice by the Coast Guard.

(g) *Speed Rules.* (1) The following speed limits indicate speed over the ground. Vessels must adhere to the following speed limits:

TABLE 162.117(G)—ST. MARYS RIVER SPEED RULES

Maximum speed limit between	Mph	Kts
De Tour Reef Light and Sweets Point Light	14	12.2
Round Island Light and Point Aux Frenes Light "21"	14	12.2
Munuscong Lake Lighted Buoy "8" and Everens Point	12	10.4
Everens Point and Reed Point	9	7.8
Reed Point and Lake Nicolet Lighted Buoy "62"	10	8.7
Lake Nicolet Lighted Buoy "62" and Lake Nicolet Light "80"	12	10.4
Lake Nicolet Light "80" and Winter Point (West Neebish Channel)	10	8.7
Lake Nicolet Light "80" and Six Mile Point Range Rear Light	10	8.7
Six Mile Point Range Rear Light and lower limit of the St. Marys Falls Canal Upbound	8	7.0
Downbound	10	8.7
Upper limit of the St. Marys Falls Canal and Point Aux Pins Main Light	12	10.4

Note: A vessel must not navigate any dredged channel at a speed of less than 5 statute miles per hour (4.3 knots).

(2) Temporary speed limit regulations may be established by Commanding Officer Vessel Traffic Service St. Marys River. Notice of the temporary speed limits and their effective dates and termination are published in the FEDERAL REGISTER and Local Notice to Mariners. These temporary speed limits, if imposed, will normally be placed in effect and terminated during the winter navigation season.

(h) *Towing Requirement.* A towing vessel must: (1) Maintain positive control of its tow south of Gros Cap Reef Light; (2) Not impede the passage of any other vessel;

(3) Not tow a vessel of 200 feet or less in length with a tow line longer than 250 feet; and

(4) Not tow a vessel of 200 feet or more in length with a tow line longer than the length of the towed vessel plus 50 feet.

[CGD 90-020, 59 FR 36333, July 15, 1994, as amended by CGD 95-033, 60 FR 28333, May 31, 1995; USCG-1998-3799, 63 FR 35532, June 30, 1998; USCG-2003-15404, 68 FR 37741, June 25, 2003]

§ 162.120 Harbors on Lake Michigan.

(a) No vessel greater than 40 feet in length may exceed 8 miles per hour in the harbors of Michigan City, Indiana; St. Joseph, South Haven, Saugatuck, Holland (Lake Macatawa), Grand Haven, Muskegon, White Lake, Pentwater, Ludington, Manistee, Portage Lake (Manistee County), Frankfort, Charlevoix, and Petroskey, Michigan.

(b) No vessel greater than 40 feet in length may exceed 4 miles per hour in the harbors of Menominee, Michigan and Wisconsin; Algoma, Kewaunee, Two Rivers, Manitowac, Sheboygan, Port Washington, Milwaukee, Racine, Kenosha and Green Bay, Wisconsin; and Waukegan, Illinois.

[CGD 79-151, 46 FR 7960, Jan. 26, 1981]

§ 162.125 Sturgeon Bay and the Sturgeon Bay Ship Canal, Wisc.

(a) In the Sturgeon Bay Ship Canal:

(1) No vessel may exceed 5 miles per hour.

(2) No vessel greater than 150 feet in length (including tug and tow combinations) may come about.

(3) No vessel 65 feet or greater in length (including tug and tow combinations) may either:

(i) Enter or pass through the canal two or more abreast; or

(ii) Overtake another vessel.

(4) No vessel may anchor or moor unless given permission to do so by the Captain of the Port.

(5) Each vessel must keep to the center, except when meeting or overtaking another vessel.

(b) In Sturgeon Bay and the Sturgeon Bay Ship Canal:

(1) Each laden vessel under tow must be towed with at least two towlines. Each towline must be shortened to the extent necessary to provide maximum control of the tow.

(2) Each unladen vessel may be towed with one towline.

(3) No towline may exceed 100 feet in length.

(4) No vessel may tow another vessel alongside.

(5) No vessel may tow a raft greater than 50 feet in width.

NOTE: The Corps of Engineers also has regulations dealing with these areas in 33 CFR Part 207.

[CGD 79-151, 46 FR 7960, Jan. 26, 1981]

§ 162.130 Connecting waters from Lake Huron to Lake Erie; general rules.

(a) *Purpose.* The regulations in §§ 162.130 through 162.140 prescribe rules for vessel operation in U.S. waters connecting Lake Huron to Lake Erie (including the River Rouge) to prevent collisions and groundings, to protect waterway improvements, and to protect these waters from environmental harm resulting from collisions and groundings.

NOTE: The Canadian Government has issued similar regulations which apply in the Canadian portion of the waterway. Provisions which apply only in Canadian waters are noted throughout the text.

(b) *Applicability.* (1) Unless otherwise specified, the rules in §§ 162.130 through 162.140 apply to all U.S. vessels and all other vessels in U.S. waters.

(2) The speed rules in § 162.138 apply to vessels 20 meters or more in length.

(3) The communication rules in § 162.132, the traffic rules in § 162.134, except for § 162.134(c)(2), and the anchorage rules in § 162.136 apply to the following vessels:

(i) Vessels of 20 meters or more in length;

(ii) Commercial vessels more than 8 meters in length engaged in towing another vessel astern, alongside, or by pushing ahead; and

(iii) Each dredge and floating plant.

(4) The traffic rules contained in § 162.134(c)(2) apply to the following vessels:

(i) Sailing vessels of 20 meters or more in length;

(ii) Power driven vessels of 55 meters or more in length;

(iii) Vessels engaged in towing another vessel astern, alongside or by pushing ahead; and

(iv) Each dredge and floating plant.

(c) *Definitions.* As used in §§ 162.130 through 162.140:

Captain of the Port means the United States Coast Guard Captain of the Port of Detroit, Michigan.

Detroit River means the connecting waters from Windmill Point Light to the lakeward limits of the improved

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navigation channels at the head of Lake Erie.

District Commander means Commander, Ninth Coast Guard District, Cleveland, Ohio.

Master means the licensed master or operator, the person designated by the master or operator to navigate the vessel, or, on a vessel not requiring licensed personnel, the person in command of the vessel.

River Rouge means the waters of the Short Cut Canal and the River Rouge from Detroit Edison Cell Light 1 to the head of navigation.

St. Clair River means the connecting waters from the lakeward limit of the improved navigation channel at the lower end of Lake Huron to St. Clair Flats Canal Light 2.

SARNIA TRAFFIC means the Canadian Coast Guard traffic center at Sarnia Ontario.

(d) *Laws and regulations not affected.* The regulations in §§162.130 through 162.140 do not relieve the owners or operators of vessels from complying with any other laws or regulations relating to navigation on the Great Lakes and their connecting or tributary waters.

(e) *Delegations.* The District Commander, in coordination with appropriate Canadian officials, may make local arrangements that do not conflict with these regulations in the interest of safety of operations, to facilitate traffic movement and anchorage, to avoid disputes as to jurisdiction and to take necessary action to render assistance in emergencies. This authority may be redelegated.

[CGD 78-151, 49 FR 18301, Apr. 30, 1984; 49 FR 26722, June 29, 1984, as amended by CGD 85-060, 51 FR 17016, May 8, 1986; CGD 93-024, 58 FR 59365, Nov. 9, 1993]

§ 162.132 Connecting waters from Lake Huron to Lake Erie; communications rules.

(a) *Radio listening watch.* The master of each vessel required to comply with this section shall continuously monitor:

- (1) Channel 11 (156.55 mhz) between Lake Huron Cut Lighted Buoy 11 and Lake St. Clair Light; and
- (2) Channel 12 (156.60 mhz) between Lake St. Clair Light and Detroit River Light.

(b) *Radiotelephone equipment.* Reports required by this section shall be made by the master using a radiotelephone capable of operation on a vessel's navigation bridge, or in the case of a dredge, from its main control station.

(c) *English language.* Reports required by this section shall be made in the English language.

(d) *Traffic reports.* (1) Reports required by this section shall be made to SARNIA TRAFFIC on the frequency designated for the radio listening watch in paragraph (a) of this section.

(2) Reports shall include the name of the vessel, location, intended course of action, and ETA at next reporting point.

(e) *Permanent reporting points.* The master of each vessel to which this section applies shall report as required by paragraph (d) of this section at the location indicated in Table I.

TABLE I

Downbound vessels	Reporting points	Upbound vessels
Report	30 Minutes North of Lake Huron Cut.	
Report	Lighted Horn Buoy "11"	Report.
	Lake Huron Cut Light "7"	
	Lake Huron Cut Lighted Buoy "1".	
Report	St. Clair/Black River Junction Light.	Report.
	Stag Island Upper Light	Report.
Report	Marine City Salt Dock Light ...	Report.
Report	Grande Pointe Light "23"	
	St. Clair Flats Canal Light "2"	Report.
Report	Lake St. Clair Light	Report.
Report	Belle Isle Light	
Report	Grassy Island Light	Report.
Report	Detroit River Light	Report.

(f) *Additional traffic reports.*

(1) A report shall be made upon leaving any dock, mooring, or anchorage, in the Detroit River, Lake St. Clair, and the St. Clair River except for—

- (i) Ferries on regular runs; and
- (ii) Vessels in the River Rouge.

(2) A report shall be made before maneuvering to come about.

(3) A report shall be made—

- (i) 20 minutes before entering or departing the River Rouge; and
- (ii) Immediately before entering or departing the River Rouge.

(g) *Report of impairment or other hazard.* The master of a vessel shall report to SARNIA TRAFFIC as soon as possible:

(1) Any condition on the vessel that may impair its navigation, including but not limited to: fire, defective steering equipment, or defective propulsion machinery.

(2) Any tow that the towing vessel is unable to control, or can control only with difficulty.

(h) *Exemptions.* Compliance with this section is not required when a vessel's radiotelephone equipment has failed.

[CGD 78-151, 49 FR 18301, Apr. 30, 1984; 49 FR 26722, June 29, 1984, as amended by CGD 85-060, 51 FR 17016, May 8, 1986; CGD 85-060, 51 FR 37274, Oct. 21, 1986]

§ 162.134 Connecting waters from Lake Huron to Lake Erie; traffic rules.

(a) *Detroit River.* The following traffic rules apply in the Detroit River:

(1) The West Outer Channel is restricted to downbound vessels.

(2) The Livingston Channel, west of Bois Blanc Island, is restricted to downbound vessels.

NOTE: The Amherstburg Channel, in Canadian waters east of Bois Blanc Island, is normally restricted to upbound vessels. No vessel may proceed downbound in the Amherstburg Channel without authorization from the Regional Director General.

(3) Between Fighting Island Channel South Light and Bar Point Pier Light 29D, no vessels shall meet or overtake in such a manner that more than two vessels would be abreast at any time.

(4) Between the west end of Belle Isle and Peche Island Light, vessels may only overtake vessels engaged in towing.

(b) *River Rouge.* In the River Rouge, no vessel shall overtake another vessel.

(c) *St. Clair River.* The following traffic rules apply in the St. Clair River:

(1) Between St. Clair Flats Canal Light 2 and Russell Island Light 33, vessels may only overtake vessels engaged in towing.

(2) Between Lake Huron Cut Lighted Buoy 1 and Port Huron Traffic Lighted Buoy there is a zone of alternating one way traffic. Masters shall coordinate their movements in accordance with the following rules;

(i) Vessels shall not overtake.

(ii) Vessels shall not come about.

(iii) Vessels shall not meet.

(iv) Downbound vessels which have passed Lake Huron Cut Lighted Buoy 7 have the right of way over upbound

vessels which have not reached the Port Huron Traffic Lighted Buoy. Upbound vessels awaiting transit of downbound vessels will maintain position south of the Port Huron Traffic Lighted Buoy.

(v) Vessels transiting the zone shall coordinate passage by using communication procedures in § 162.132.

(vi) Transiting vessels shall have the right of way over moored vessels getting underway within the zone.

(d) In the waters described in § 162.130(a), the District Commander or Captain of the Port may establish temporary traffic rules for reasons which include but are not limited to: channel obstructions, winter navigation, unusual weather conditions, or unusual water levels.

(e) The requirements of this section do not apply to public vessels of the U.S. or Canada engaged in icebreaking or servicing aids to navigation or to vessels engaged in river and harbor improvement work.

(f) The prohibitions in this section on overtaking in certain areas do not apply to vessels operating in the non-displacement mode. In this section, "non-displacement mode" means a mode of operation in which the vessel is supported by hydrodynamic forces, rather than displacement of its weight in the water, to an extent such that the wake which would otherwise be generated by the vessel is significantly reduced.

[CGD 78-151, 49 FR 18302, Apr. 30, 1984; 49 FR 26722, June 29, 1984, as amended by CGD 09-95-002, 60 FR 35701, July 11, 1995]

§ 162.136 Connecting waters from Lake Huron to Lake Erie; anchorage grounds.

(a) In the Detroit River, vessels shall be anchored so as not to swing into the channel or across steering courses.

NOTE: There is an authorized anchorage in Canadian waters just above Fighting Island and an authorized anchorage in U.S. waters south of Belle Isle (33 CFR 110.206).

(b) In the St. Clair River, vessels shall be anchored so as not to swing into the channel or across steering courses.

[CGD 78-151, 49 FR 18302, Apr. 30, 1984, as amended by CGD 85-060, 51 FR 17016, May 8, 1986]

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§ 162.138 Connecting waters from Lake Huron to Lake Erie; speed rules.

(a) *Maximum speed limit for vessels in normal displacement mode.* (1) Except when required for the safety of the vessel or any other vessel, vessels of 20 meters or more in length operating in normal displacement mode shall proceed at a speed not greater than—

(i) 12 statute miles per hour (10.4 knots) between Fort Gratiot Light and St. Clair Flats Canal Light 2;

(ii) 12 statute miles per hour (10.4 knots) between Peche Island Light and Detroit River Light; and

(iii) 4 statute miles per hour (3.5 knots) in the River Rouge.

(2) The maximum speed limit is 5.8 statute miles per hour (5 knots) in the navigable channel south of Peche Island (under Canadian jurisdiction).

(b) *Maximum speed limit for vessels operating in nondisplacement mode.* (1) Except when required for the safety of the vessel or any other vessel, vessels 20 meters or more in length but under 100 gross tons operating in the nondisplacement mode and meeting the requirements set out in paragraph (c) of this section, may operate at a speed not exceeding 40 miles per hour (34.8 knots)—

(i) During daylight hours (sunrise to sunset);

(ii) When conditions otherwise safely allow; and

(iii) When approval has been granted by the Coast Guard Captain of the Port, Detroit or Commander of the Ninth Coast Guard District prior to each transit of the area.

(2) In this section, “nondisplacement mode” means a mode of operation in which the vessel is supported by hydrodynamic forces, rather than displacement of its weight in the water, to an extent such that the wake which would otherwise be generated by the vessel is significantly reduced.

(c) *Unsafe vessels.* The Captain of the Port or the District Commander may deny approval for operations under paragraph (b) of this section if it appears that the design and operating characteristics of the vessels in question are not safe for the designated waterways, or if it appears that operations under this section have become unsafe for any reason.

(d) *Temporary speed limits.* The District Commander may temporarily establish speed limits or temporarily amend existing speed limit regulations on the waters described in § 162.130(a).

[CGD 09-95-002, 60 FR 35702, July 11, 1995]

§ 162.140 Connecting waters from Lake Huron to Lake Erie; miscellaneous rules.

(a) *Rules for towing vessels.* (1) A towing vessel may drop or anchor its tows only in accordance with the provisions of § 162.136.

(2) A towing vessel engaged in arranging its tow shall not obstruct the navigation of other vessels.

(b) *Pilots.* In the St. Clair River between Lake Huron Cut Lighted Buoy 1 and Port Huron Traffic Lighted Buoy, vessels shall not take on, discharge, or exchange pilots unless weather conditions would make the maneuver unsafe in the customary pilot area.

[CGD 78-151, 49 FR 18302, Apr. 30, 1984]

§ 162.145 Monroe Harbor, Mich.

(a) In the lake channel, no vessel greater than 40 feet in length may exceed 10 miles per hour.

(b) In the river channel:

(1) No vessel greater than 40 feet in length may exceed 6 miles per hour.

(2) No vessel may use a towline exceeding 200 feet in length.

[CGD 79-151, 46 FR 7960, Jan. 26, 1981]

§ 162.150 Maumee Bay and River, Ohio.

(a) In Maumee Bay (lakeward of Maumee River Lighted Buoy 49(L/L No. 770)), no vessel greater than 100 feet in length may exceed 12 miles per hour.

(b) In Maumee River (inward of Maumee River Lighted Buoy 49(L/L No. 770)):

(1) No vessel greater than 40 feet in length may exceed 6 miles per hour.

(2) No vessel greater than 100 feet in length (including tug and tow combinations) may overtake another vessel.

[CGD 79-151, 46 FR 7960, Jan. 26, 1981]

§ 162.155 Sandusky and Huron Harbors, Ohio.

(a) In Sandusky Harbor, no vessel greater than 40 feet in length may exceed 10 miles per hour.

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(b) In Huron Harbor, no vessel greater than 40 feet in length may exceed 6 miles per hour, except in the outer harbor where no vessel greater than 40 feet in length may exceed 10 miles per hour.

NOTE: The Corps of Engineers also has regulations dealing with these areas in 33 CFR Part 207.

[CGD 79-151, 46 FR 7960, Jan. 26, 1981]

§ 162.160 Vermilion, Lorain, Cleveland, Fairport, Ashtabula, and Conneaut Harbors, Ohio.

(a) In Vermilion Harbor, no vessel may exceed 6 miles per hour.

(b) In Lorain, Cleveland, Fairport, Ashtabula, and Conneaut Harbors, no vessel may exceed 6 miles per hour, except in the outer harbors, where no vessel may exceed 10 miles per hour.

NOTE: The Corps of Engineers also has regulations dealing with these areas in 33 CFR Part 207.

[CGD 79-151, 46 FR 7960, Jan. 26, 1981]

§ 162.165 Buffalo and Rochester Harbors, New York.

In Buffalo and Rochester Harbors, no vessel may exceed 6 miles per hour, except in the outer harbors where no vessel may exceed 10 miles per hour.

NOTE: The Corps of Engineers also has regulations dealing with these areas in 33 CFR Part 207.

[CGD 79-151, 46 FR 7960, Jan. 26, 1981]

§ 162.175 Black Rock Canal and Lock at Buffalo, New York.

In the Black Rock Canal and Lock, no vessel may exceed 6 miles per hour.

NOTE: The Corps of Engineers also has regulations dealing with these areas in 33 CFR Part 207.

[CGD 79-151, 46 FR 7960, Jan. 26, 1981]

§ 162.195 Santa Monica Bay, Calif.; restricted area.

(a) *The area.* The waters of the Pacific Ocean, Santa Monica Bay, in an area extending seaward from the shoreline a distance of about 5 nautical miles (normal to the shoreline) and basically outlined as follows:

Station	Latitude North	Longitude West
A	33°54'59"	118°25'41"
B	33°54'59"	118°28'00"
C	33°53'59.5"	118°31'37"
D	33°56'19.5"	118°34'05"

Station	Latitude North	Longitude West
E	33°56'25"	118°26'29"

(b) *The regulations.* (1) Vessels shall not anchor within the area at any time without permission.

(2) Dredging, dragging, seining, or other fishing operations which might foul underwater installations within the area are prohibited.

(3) All vessels entering the area, other than vessels operated by or for the United States, the State of California, the county of Los Angeles, or the city of Los Angeles, shall proceed across the area by the most direct route and without unnecessary delay. The area will be open and unrestricted to small recreational craft for recreational activities at all times.

(4) The placing of bouys, markers, or other devices requiring anchors will not be permitted.

(5) The city of Los Angeles will maintain a patrol of the area as needed.

§ 162.200 Marina del Rey, Calif.; restricted area.

(a) *The area.* That portion of the Pacific Ocean lying shoreward of the offshore breakwater and the most seaward 1,000 feet of the entrance channel between the north and south jetties, and basically outlined as follows:

Station	Latitude	Longitude
A	33°57'46.0"	118°27'39.5"
B	33°57'52.3"	118°27'43.6"
C	33°57'48.6"	118°27'48.8"
D	33°57'29.8"	118°27'34.7"
E	33°57'30.9"	118°27'29.1"
F	33°57'37.4"	118°27'33.8"
G	33°57'42.4"	118°27'23.0"
H	33°57'50.6"	118°27'28.3"

(b) *The regulations.* (1) Vessels shall not anchor within the area at any time without permission except in an emergency.

(2) Dredging, dragging, seining, or other fishing operations which might foul underwater installations within the area are prohibited.

NOTE: The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

§ 162.205 Suisun Bay, San Joaquin River, Sacramento River, and connecting waters, CA.

(a) *San Joaquin River Deep Water Channel between Suisun Bay and the easterly end of the channel at Stockton; use, administration and navigation*—(1) *Maximum speed.* The maximum speed for all ocean-going craft shall not exceed 10 miles per hour above the lower end of New York Slough, seven miles per hour above Criminal Point, or five miles per hour while passing any wharf, dock, or moored craft. As used in this paragraph, the speed of a vessel when navigating with the current shall be its rate of movement in excess of the velocity of the current.

(2) *Passing.* All craft passing other boats, barges, scows, etc., in motion, moored or anchored, shall slow down and take every necessary precaution to avoid damage.

(3) *Right of way.* (i) United States dredges, tugs, launches, derrick boats, and similar plant of contractors executing river and harbor improvement work for the United States, and displaying the signals prescribed by the regulations contained in Part 80 of this chapter shall have the right of way and other craft shall exercise special caution to avoid interference with the work on which the plant is engaged. Dredges, whether Federal or contractors' plant, working the channel must however, take special care to give ocean-going vessels sufficient room for passing, and must lift both spuds and the ladder, and pull clear, if an adequate width of clear channelway cannot otherwise be provided. Ocean-going vessels may show at the masthead a black ball not more than 20 inches in diameter as a signal to the dredge, and may also blow five long blasts of the whistle when within reasonable hearing distance of the dredge, such signal to be followed at the proper time by the passing signal described in the local pilot rules. The dredge shall promptly acknowledge both signals in the usual manner.

(ii) Light-draft vessels when meeting or being overtaken by ocean-going vessels, shall give the right of way to such vessels by making use of the shallower portions of the waterway.

(iii) Rafts and tows must promptly give the channel side demanded upon proper signal by a vessel, and must be handled in such a manner as not to obstruct or interfere with the free use of the waterway by other craft.

(4) *Collisions.* (i) Ocean-going vessels in collision in the channel or turning basin must, if still afloat and in a condition making anchorage necessary, be immediately removed to an approved anchorage ground, or if in such condition that beaching is necessary, they shall be temporarily beached on the northwest side of Mandeville Island or in the Old River.

(ii) Light-draft vessels suffering collision shall be disposed of as directed by the District Commander or his authorized representative.

(5) *Wrecks.* In no case following accidents of fire or collision will a vessel be allowed to remain either anchored or grounded in the channel, or beached at any place where it endangers other vessels, while settlement is pending with the underwriters.

(6) *Other laws and regulations.* In all other respects, the existing Federal laws and rules and regulations affecting navigable waters of the United States will govern in this channel.

(b) *Sacramento Deep Water Ship Channel between Suisun Bay and easterly end of Turning Basin at West Sacramento; use, administration, and navigation*—(1) *Maximum speed for all ocean going craft*—(i) *Between Tolands Landing (Mile 6.2) and Rio Vista Bridge.* When going against a current of two knots or more, the maximum speed over the bottom shall not exceed 8 knots. When going with the current, in slack water, or against a current of two knots or less, the maximum speed through the water shall not exceed 10 knots.

(ii) *Between Rio Vista Bridge and Port of Sacramento.* When going against a current of two knots or more, the maximum speed over the bottom shall not exceed 5 knots. When going with the current, in slack water, or against a current of two knots or less, the maximum speed through the water shall not exceed 7 knots.

(iii) *Speed past docks or moored craft.* Within 550 feet of the centerline of the

channel the speed shall be the minimum required to maintain steerage-way; wind, tide, current, etc., being taken into consideration.

(iv) *Passing.* All craft passing other boats, barges, scows, etc., underway, moored or anchored, shall take every necessary precaution to avoid damage.

(v) *Speed, high-water precautions.* When passing another vessel (underway, anchored, or tied up); a wharf or other structure; work under construction; plant engaged in river and harbor improvement; levees withstanding flood waters; buildings partially or wholly submerged by high water; or any other structure liable to damage by collision, suction or wave action; vessels shall give as much leeway as circumstances permit and reduce their speed sufficiently to preclude causing damage to the vessel or structure being passed. As deemed necessary for public safety during high river stages, floods, or other emergencies, the District Commander may prescribe, by navigation bulletins or other means, the limiting speed in knots or temporarily close the waterway or any reach of it to traffic. Since this subparagraph pertains directly to the manner in which vessels are operated, masters of vessels shall be held responsible for strict observance and full compliance herewith.

(2) *Right of way.* (i) Dredges, tugs, launches, derrick boats and other similar equipment, executing river and harbor improvement work for the United States, and displaying the signals prescribed by the regulations contained in Part 80, of this Chapter, shall have the right-of-way and other craft shall exercise special caution to avoid interference with the work on which the plant is engaged. Dredges, whether Federal or contractor's plant, working the channel must however, take special care to give ocean-going vessels sufficient room for passing, and must lift both spuds and the ladder, and pull clear, if an adequate width of clear channelway cannot otherwise be provided.

(ii) Vessels intending to pass dredges or other types of floating plant working in navigable channels, when within a reasonable distance therefrom and not in any case over a mile, shall indicate such intention by one long blast of

the whistle, and shall be directed to the proper side for passage by the sounding, by the dredge or other floating plant, of the signal prescribed in the inland pilot rules for vessels underway and approaching each other from opposite directions, which shall be answered in the usual manner by the approaching vessel. If the channel is not clear, the floating plant shall sound the alarm or danger signal and the approaching vessel shall slow down or stop and await further signal from the plant.

(iii) When the pipeline from a dredge crosses the channel in such a way that an approaching vessel cannot pass safely around the pipeline or dredge, there shall be sounded immediately from the dredge the alarm or danger signal and the approaching vessel shall slow down or stop and await further signal from the dredge. The pipeline shall then be opened and the channel cleared as soon as practicable; when the channel is clear for passage the dredge shall so indicate by sounding the usual passing signal as prescribed in paragraph (c)(2)(ii) of this section. The approaching vessel shall answer with a corresponding signal and pass promptly.

(iv) When any pipeline or swinging dredge shall have given an approaching vessel or tow the signal that the channel is clear, the dredge shall straighten out within the cut for the passage of the vessel or tow.

(v) Shallow draft vessels when meeting or being overtaken by ocean-going vessels, shall give the right-of-way to such vessels by making use of the shallower portions of the waterway, wherever possible.

(vi) Tows should promptly give the channel side requested by proper signal from a vessel, and should be handled in such a manner as not to obstruct or interfere with the free use of the waterway by other craft.

(3) *Obstruction of traffic.* (i) Except as provided in paragraph (c)(2) of this section no person shall willfully or carelessly obstruct the free navigation of the waterway, or delay any vessel having the right to use the waterway.

(ii) No vessel shall anchor within the channel except in distress or under stress of weather. Any vessel so anchored shall be moved as quickly as

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possible to such anchorage as will leave the channel clear for the passage of vessels.

(iii) Motorboats, sailboats, rowboats, and other small craft shall not anchor or drift in the regular ship channel except under stress of weather or in case of breakdown. Such craft shall be so operated that they will not interfere with or endanger the movement of commercial or public vessels.

(4) *Collisions.* (i) Ocean-going vessels in collision in the channel or turning basin, must if still afloat and in a condition making anchorage necessary, be immediately removed to an approved anchorage ground, or if in such condition that beaching is necessary, they shall be temporarily beached on the southwest side of Ryer Island from Mile 15.0 to Mile 16.3 or in the Harbor and Turning Basin at West Sacramento.

(ii) Light-draft vessels suffering collision shall be disposed of as directed by the District Commander or his authorized representative.

(5) *Marine accidents.* Masters, mates, pilots, owners, or other persons using the waterway to which this paragraph applies shall notify the District Commander and in the case of undocumented vessels, the State Division of Small Craft Harbors also, by the most expeditious means available of all marine accidents, such as fire, collision, sinking or stranding, where there is possible obstruction of the channel or interference with navigation or where damage to Government property is involved, furnishing a clear statement as to the name, address, and ownership of the vessel or vessels involved, the time and place, and the action taken. In all cases, the owner of the sunken vessel shall take immediate steps to mark the wreck properly.

(6) *Other laws and regulations.* In all other respects, existing Federal laws and rules and regulations affecting navigable waters of the United States will govern in this channel.

(c) Sacramento River, Decker Island Restricted Anchorage for Vessels of the U.S. Government— (1) The anchorage ground. An elongated area in the Sacramento River bounded on the west by the shore of Decker Island and the following lines: Beginning on the shore at

Decker Island North End Light at latitude 38°06'16" N., longitude 121°42'32.5" W.; thence easterly to latitude 38°06'15" N., longitude 121°42'27" W.; thence southerly to latitude 38°05'22" N., longitude 121°42'30" W.; thence southwesterly to latitude 38°05'08" N., longitude 121°42'40" W.; thence west southwesterly to latitude 38°05'02" N., longitude 121°42'50" W.; thence northwesterly to the shore of Decker Island at latitude 38°05'04" N., longitude 121°42'52.5" W.

(2) Special Regulation. No Vessel or other craft except those owned by or operating under contract with the United States may navigate or anchor within 50 feet of any moored Government vessel in the area. Commercial and pleasure craft shall not moor to buoys or chains of Government vessels, nor may they, while moored or underway, obstruct the passage of Government or other vessels through the area.

NOTE: The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

[CGD 75-082, 42 FR 51759, Sept. 29, 1977, as amended by CGD12 84-07, 51 FR 12318, Apr. 10, 1986; CGD11-94-007, 60 FR 16796, Apr. 3, 1995; USCG-1998-3799, 63 FR 35532, June 30, 1998]

§ 162.210 Lake Tahoe, Calif.; restricted areas along south shore.

(a) *The areas*—(1) *Baldwin Beach, under the control of the Forest Service, Department of Agriculture.* The waters of Lake Tahoe shoreward of a line described as follows: Beginning at the intersection of the high waterline with the west boundary line of Lot 2, Section 26, Township 13 North (Mount Diablo Base Line), Range 17 East (Mount Diablo Meridian); thence north 300 feet; thence southeasterly about 2,850 feet to the east line of Section 26 at a point 300 feet north of the high waterline; thence northeasterly 1,740 feet to a point 300 feet north of the high waterline; thence southeasterly about 1,810 feet to the projected east line of the former Baldwin property at a point 300 feet north of the high waterline; and thence south 300 feet to the high waterline.

(2) *Camp Richardson, under the control of the Forest Service, Department of Agriculture.* The waters of Lake Tahoe shoreward of a line described as follows: Beginning at the southeasterly corner of sec. 25, T. 13 N., R. 17 E.,

Mount Diablo Base and Meridian; thence north 410 feet along the east line of sec. 25; thence northwesterly 95 feet to the high waterline which is the true point of beginning; thence north 130 feet; thence southeasterly 565 feet; and thence south 130 feet to the high waterline.

(3) *Pope Beach, under the control of the Forest Service, Department of Agriculture.* The waters of Lake Tahoe shoreward of a line described as follows: Beginning at the intersection of the high waterline with the west line of the former Pope property, about 750 feet westerly of the west boundary line of Lot 2, Section 6, Township 12 North (Mount Diablo Base Line), Range 18 East (Mount Diablo Meridian); thence north 300 feet; thence southeasterly 4,200 feet to a point 300 feet north of the high waterline; and thence south 300 feet to the high waterline.

(4) *El Dorado County Beach.* The waters of Lake Tahoe shoreward of a line described as follows: Beginning at the intersection of the high waterline with the west boundary line of Lot 1, Section 32, Township 13 North (Mount Diablo Base Line), Range 18 East (Mount Diablo Meridian); thence north 500 feet; thence northeasterly about 1,350 feet to the projected east line of Lot 1 at a point 500 feet north of the high waterline; and thence south 500 feet to the high waterline.

(b) *The regulations.* No sail or machine-propelled watercraft, except vessels owned or controlled by the U.S. Coast Guard, shall navigate or anchor in the restricted area.

§ 162.215 Lake Tahoe, Nev.; restricted area adjacent to Nevada Beach.

(a) *The restricted area.* The waters of Lake Tahoe shoreward of a line described as follows: Beginning at the intersection of the high waterline with a line projected in a general southerly direction 200 feet from a point lying 310 feet west of section corner common to section 15, 16, 21, and 22, Township 13 North (Mount Diablo Base Line), Range 18 East (Mount Diablo Meridian); thence 300 feet lakeward at right angles to the high waterline; thence southeasterly approximately 2,170 feet to the projected south boundary line of the Forest Service property at a point

300 feet west of the high waterline; and thence east 300 feet to the high waterline.

(b) *The regulations.* No sail or motor propelled watercraft, except vessels owned or controlled by the United States Government and vessels duly authorized by the United States Coast Guard, shall navigate or anchor in the restricted area.

§ 162.220 Hoover Dam, Lake Mead, and Lake Mohave (Colorado River), Ariz.-Nev.

(a) *Lake Mead and Lake Mohave; restricted areas—(1) The areas.* That portion of Lake Mead extending 700 feet upstream of the axis of Hoover Dam and that portion of Lake Mohave (Colorado River) extending 4,500 feet downstream of the axis of Hoover Dam.

(2) *The regulations.* The restricted areas shall be closed to navigation and other use by the general public. Only vessels owned by or controlled by the U.S. Government and the States of Arizona and Nevada shall navigate or anchor in the restricted areas: *Provided, however,* The Regional Director, Region 3, U.S. Bureau of Reclamation, Boulder City, Nev., may authorize, by written permit, individuals or groups to navigate or anchor in the restricted areas when it is deemed in the public interest. Copies of said permits shall be furnished the enforcing agencies.

(b) *Lake Mead; speed regulation.* In that portion of Lake Mead extending 300 feet upstream of the restricted area described in paragraph (a) of this section, a maximum speed of 5 miles per hour shall not be exceeded.

(c) *Supervision.* The regulations in this section shall be supervised by the District Commander, Eleventh Coast Guard District.

§ 162.225 Columbia and Willamette Rivers, Washington and Oregon; administration and navigation.

(a) *Supervision.* The District Commander, Thirteenth Coast Guard District, has certain administrative supervision over the Columbia and Willamette Rivers, and is charged with the enforcement under his direction of emergency regulations to govern navigation of these streams.

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(b) *Speed.* During very high water stages (usually 25 feet or more on the Vancouver, Washington, gage) when lives, floating plant or major shore installations are endangered, the District Commander shall have authority to prescribe such temporary speed regulations as he may deem necessary for the public safety. During critical periods of freshets under 25 feet on the Vancouver, Washington, gage when construction is in progress, rehabilitation, or other unusual emergency makes a major shore installation susceptible to loss or major damage from wave action, the District Commander shall have authority to prescribe for a particular limited reach of the river as appropriate such temporary speed regulations as he may deem necessary to protect the integrity of such structure. All speed regulations prescribed by the District Commander shall be obeyed for the duration of the emergency and shall be terminated at the earliest practicable time that improved stream conditions permit.

§ 162.230 Columbia River, Wash.

(a) *Grand Coulee Dam discharge channel; restricted area*—(1) *The area.* That portion of the Columbia River between Grand Coulee Dam (situated at river mile 596.6) and river mile 593.7.

(2) *The regulations.* (i) No vessel shall enter or navigate within the area without permission from the enforcing agency.

(ii) The regulation in this section shall be enforced by the Chief, Power Field Division, Columbia Basin Project, U.S. Department of the Interior, Coulee Dam, Washington.

§ 162.235 Puget Sound Area, Wash.

(a) *Waterway connecting Port Townsend and Oak Bay; use, administration, and navigation*—(1) *Works to which regulations apply.* The “canal grounds” when used in this paragraph shall mean that area between the south end of the jetties in Oak Bay and the northerly end of the dredge channel approximately 400 yards northwest of Port Townsend Canal Light. The “canal” is the water lying between these limits and the banks containing the same.

(2) *Speed.* The speed limit within the canal grounds shall not exceed five miles per hour.

(3) *Signals.* All boats desiring to use the canal shall give one long and one short whistle. Southbound boats shall sound the signal within 600 yards of Port Townsend Canal Light. Northbound boats shall sound this signal at least 500 feet south from the end of the jetties in Oak bay. If no other boat answers the signal the first boat shall have the right of way through the canal. Any approaching boat that is in the canal shall answer by giving the same signal and the first boat shall not enter the canal until the second boat shall have passed through the canal. In the case of boats going in the same direction the boat which is in the canal shall not answer the signal of the boat desiring to enter.

(4) *Passing.* Steamers shall not under any circumstances attempt to pass each other in the canal, either when going in the same or opposite directions.

(5) *Anchoring.* No steamers or boats shall anchor or tie up within the canal grounds unless they are well over on the tide flats to the west of the dredged channel, and off the right of way belonging to the United States.

(6) *Tows.* No tow shall enter or pass through the canal with a towline more than 200 in length.

(7) *Delaying traffic.* No person shall cause or permit any vessel or boat of which he is in charge, or on which he is employed, to obstruct the canal in any way or delay in passing through it.

(b) *West Waterway, Seattle Harbor; navigation.* (1) The movement of vessels of 250 gross tons or over and all vessels with tows of any kind through the narrow section of West Waterway between the bend at Fisher’s Flour Mill dock and the bend at the junction of East Waterway with Duwamish Waterway, and through the draws of the City of Seattle and Northern Pacific Railway Company bridges crossing this narrow section, shall be governed by red and green traffic signal lights mounted on the north and south sides of the west tower of the City Light power crossing at West Spokane Street.

(2) Two green lights, one vertically above the other, displayed ahead of a

vessel, shall indicate that the waterway is clear. Two red lights, one vertically above the other, displayed ahead of a vessel, shall indicate that the waterway is not clear.

(3) A vessel approaching the narrow section and drawbridges from either end of the waterway shall give one long blast of a whistle and shall not enter the narrow section until green lights are displayed.

(4) One vessel may follow another vessel in either direction, but the channel shall not be kept open in the same direction for an unreasonable time if a vessel is waiting at the other end.

(5) Tugs, launches, and small craft shall keep close to one side of the channel when vessels or boats with tows are passing.

(6) All craft shall proceed with caution. The display of a green light is not a guarantee that the channel is clear of traffic, and neither the United States nor the City of Seattle will be responsible for any damage to vessels or other property which may be chargeable to mistakes in the operation of the signal lights or to their failure to operate.

NOTE: The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

§ 162.240 Tongass Narrows, Alaska; navigation.

(a) *Definitions.* The term “Tongass Narrows” includes the body of water lying between Revillagigedo Channel and Guard Island in Clarence Strait.

(b) No vessel, except for public law enforcement and emergency response vessels, floatplanes during landings and take-offs, and vessels of 23 feet registered length or less, shall exceed a speed of 7 knots in the region of Tongass Narrows bounded to the north by Tongass Narrows Buoy 9 and to the south by Tongass Narrows East Channel Regulatory marker at position 55°19′22.0″ N, 131°36′40.5″ W and Tongass Narrows West Channel Regulatory marker at position 55°19′28.5″ N, 131°39′09.7″ W, respectively.

(c) No vessel shall while moored or at anchor, or by slow passage or otherwise while underway, unreasonably obstruct the free passage and progress of other vessels.

(d) No vessel shall moor or anchor to any structure of the United States other than mooring piers, wharves, and floats without the consent of the Commanding Officer, Marine Safety Office, Juneau, Alaska.

[CGD 75-082, 42 FR 51759, Sept. 29, 1977, as amended by CGD 77-217, 43 FR 60458, Dec. 28, 1978; CGD 82-039, 47 FR 27266, June 24, 1982; USCG-1998-3799, 63 FR 35532, June 30, 1998; CGD17-99-002, 64 FR 29557, June 2, 1999, 64 FR 32103, June 15, 1999; CGD 17-99-002, 65 FR 18245, Apr. 7, 2000]

§ 162.245 Kenai River, Kenai, Alaska; use, administration, and navigation.

(a) *The area.* The main channel area of the river, having a width of 150 feet, beginning at a point directly offshore from the centerline of the city dock and extending about 2,200 feet upstream to a point 200 feet upstream from the Inlet Co. dock.

(b) *The regulations.* (1) Vessels may navigate, anchor, or moor within the area until such time as notification is received or observation is made of intended passage to or from the docking areas.

(2) Notice of anticipated passage of towboats and barges shall be indicated 24 hours in advance by display of a red flag by the Inlet Co. from its warehouse.

§ 162.250 Port Alexander, Alaska; speed of vessels.

(a) *Definition.* The term “Port Alexander” includes the entire inlet from its head to its entrance from Chatham Strait.

(b) *Speed.* The speed of all vessels of 5 tons or more gross, ships register, shall not exceed 3 miles per hour either in entering, leaving, or navigating within Port Alexander, Alaska.

[CGD 75-082, 42 FR 51759, Sept. 29, 1977, as amended by CGD 82-039, 47 FR 27266, June 24, 1982]

§ 162.255 Wrangell Narrows, Alaska; use, administration, and navigation.

(a) *Definitions.* (1) The term “Wrangell Narrows” includes the entire body of water between Wrangell Narrows North Entrance Lighted Bell Buoy 63 and Midway Rock Light.

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(2) The term "raft section" refers to a standard raft of logs or piling securely fastened together for long towing in Alaska inland waters in the manner customary with the local logging interests, i.e., with booms, swifters, and tail sticks. It normally contains 30,000 to 70,000 feet board measure of logs or piling and has a width of 45 to 60 feet and a length of 75 to 100 feet.

(b) *Speed restrictions.* No vessel shall exceed a speed of seven (7) knots in the vicinity of Petersburg, between Wrangell Narrows Channel Light 58 and Wrangell Narrows Lighted Buoy 60.

(c) *Tow channel.* The following route shall be taken by all tows passing through Wrangell Narrows when the towboat has a draft of 9 feet or less (northbound, read down; southbound, read up):

- East of Battery Islets:
 - East of Tow Channel Buoy 1 TC.
 - East of Tow Channel Buoy 3 TC.
 - West of Tow Channel Buoy 4 TC.
- East of Colorado Reef:
 - East of Wrangell Narrows Channel Light 21.
 - West of Wrangell Narrows Channel Lighted Buoy 25.
 - East of Tow Channel Buoy 5 TC.
 - East of Tow Channel Buoy 7 TC.
- West of Petersburg:
 - East of Wrangell Narrows Channel Light 54 Fr.
 - East of Wrangell Narrows Channel Light 56 Qk FR.
 - East of Wrangell Narrows Channel Light 58 Fr., thence proceeding to west side of channel and leaving Wrangell Narrows by making passage between Wrangell Narrows Channel Daybeacon 61 and Wrangell Narrows North Entrance Lighted Bell Buoy 63 F.

(d) *Size of tows.* The maximum tows permitted shall be one pile driver, or three units of other towable equipment or seven raft sections.

(e) *Arrangement of tows.* (1) No towline or aggregate of towlines between towboat and separated pieces shall exceed 150 feet in length.

(2) Raft and barge tows of more than one unit shall not exceed 65 feet in width overall. Single barge tows shall not exceed 100 feet in width overall.

(3) Tows other than rafts shall be taken alongside the towboat whenever possible.

(f) *Anchorage.* Vessels may anchor in the anchorage basin in the vicinity of Anchor Point. No craft or tow shall be anchored in Wrangell Narrows in either the main ship channel or the towing channel, nor shall any craft or tow be anchored so that it can swing into either of these channels.

(g) *Disabled craft.* Disabled craft in a condition of absolute necessity are exempt from the regulations in this section.

[CGD 75-082, 42 FR 51759, Sept. 29, 1977, as amended by CGD 82-039, 47 FR 27266, June 24, 1982; CGD 94-026, 60 FR 63624, Dec. 12, 1995]

§ 162.260 Channel leading to San Juan Harbor, P.R.; use, administration, and navigation.

(a) Steamers passing dredge engaged in improving the channel shall not have a speed greater than 4 miles an hour, and the propelling machinery shall be stopped when crossing the lines to the dredge anchors.

(b) Vessels using the channel shall pass the dredge on the side designated from the dredge by the signals prescribed in paragraph (c) of this section.

(c) Dredge shall display the red flag by day and four white lights hung in a vertical line by night to indicate the passing side.

(d) Vessels shall not anchor on the ranges of stakes or other marks placed for the guidance of the dredge, nor in such a manner as to obstruct the channel for passing vessels.

(e) Vessels shall not run over or disturb stake, lanterns, or other marks placed for the guidance of the dredge.

(f) Dredges working in the prosecution of the work shall not obstruct the channel unnecessarily.

(g) The dredge will slack lines running across the channel from the dredge on the passing side, for passing vessels, when notified by signal, with whistle or horn.

(h) The position of anchors of the dredge shall be marked by buoys plainly visible to passing vessels.

§ 162.270 Restricted areas in vicinity of Maritime Administration Reserve Fleets.

(a) The regulations in this section shall govern the use and navigation of waters in the vicinity of the following

National Defense Reserve Fleets of the Maritime Administration, Department of Transportation:

(1) James River Reserve Fleet, Fort Eustis, Virginia.

(2) Beaumont Reserve Fleet, Neches River near Beaumont, Texas.

(3) Suisun Bay Reserve Fleet near Benicia, California.

(b) No vessels or other watercraft, except those owned or controlled by the United States Government, shall cruise or anchor between Reserve Fleet units within 500 feet of the end vessels in each Reserve Fleet unit, or within 500 feet of the extreme units of the fleets, unless specific permission of do so has first been granted in each case by the enforcing agency.

(c) The regulations in this section shall be enforced by the respective Fleet Superintendents and such agencies as they may designate.

[CGD 75-082, 42 FR 51759, Sept. 29, 1977, as amended by CGD 86-053, 51 FR 43742, Dec. 4, 1986]

PART 163—TOWING OF BARGES

Sec.

163.01 Application.

163.05 Tows of seagoing barges within inland waters.

163.20 Bunching of tows.

AUTHORITY: 33 U.S.C. 152, 2071; 49 CFR 1.46(n).

§ 163.01 Application.

(a) The regulations in this part apply to vessels navigating the harbors, rivers, and inland waters of the United States, except the Great Lakes and their connecting and tributary waters as far east as Montreal, the Red River of the North, the Mississippi River and its tributaries above Huey P. Long Bridge, and that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway.

(b) Seagoing barges and their towing vessels shall be subject to the requirements in this part under the provisions of section 14 of the Act of May 28, 1908, as amended (sec. 14, 35 Stat. 428, as amended; 33 U.S.C. 152). Under the provisions of section 15 of the Act of May 28, 1908, as amended (sec. 15, 35 Stat. 429; 33 U.S.C. 153), the penalty for use of

an unlawful towline shall be an action against the master of the towing vessel seeking the suspension or revocation of his license.

[CGFR 60-61, 25 FR 9045, Sept. 21, 1960, as amended by CGFR 66-59, 31 FR 13647, Oct. 22, 1966. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981]

§ 163.05 Tows of seagoing barges within inland waters.

(a) The tows of seagoing barges when navigating the inland waters of the United States shall be limited in length to five vessels, including the towing vessel or vessels.

[CGFR 60-61, 25 FR 9045, Sept. 21, 1960. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981]

§ 163.20 Bunching of tows.

(a) In all cases where tows can be bunched, it should be done.

(b) Tows navigating in the North and East Rivers of New York must be bunched above a line drawn between Robbins Reef Light and Owls Head, Brooklyn, but the quarantine anchorage and the north entrance to Ambrose Channel shall be avoided in the process of bunching tows.

(c) Tows must be bunched above the mouth of the Schuylkill River, Pa.

[CGFR 60-61, 25 FR 9045, Sept. 21, 1960, as amended by CGFR 64-21, 29 FR 5733, Apr. 30, 1964. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981]

PART 164—NAVIGATION SAFETY REGULATIONS

Sec.

164.01 Applicability.

164.02 Applicability exception for foreign vessels.

164.03 Incorporation by reference.

164.11 Navigation under way: General.

164.13 Navigation underway: tankers.

164.15 Navigation bridge visibility.

164.19 Requirements for vessels at anchor.

164.25 Tests before entering or getting underway.

164.30 Charts, publications, and equipment: General.

164.33 Charts and publications.

164.35 Equipment: All vessels.

164.37 Equipment: Vessels of 10,000 gross tons or more.

164.38 Automatic radar plotting aids (ARPA).

164.39 Steering gear: Foreign tankers.

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- 164.40 Devices to indicate speed and distance.
- 164.41 Electronic position fixing devices.
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- 164.43 Automatic Identification System Shipborne Equipment—Prince William Sound.
- 164.46 Automatic Identification System (AIS).
- 164.51 Deviations from rules: Emergency.
- 164.53 Deviations from rules and reporting: Non-operating equipment.
- 164.55 Deviations from rules: Continuing operation or period of time.
- 164.61 Marine casualty reporting and record retention.
- 164.70 Definitions.
- 164.72 Navigational-safety equipment, charts or maps, and publications required on towing vessels.
- 164.74 Towline and terminal gear for towing astern.
- 164.76 Towline and terminal gear for towing alongside and pushing ahead.
- 164.78 Navigation under way: Towing vessels.
- 164.80 Tests and inspections.
- 164.82 Maintenance, failure, and reporting.

AUTHORITY: 33 U.S.C. 1223, 1231; 46 U.S.C. 2103, 3703, 70114, 70117; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170. Sec. 164.13 also issued under 46 U.S.C. 8502. Sec. 164.61 also issued under 46 U.S.C. 6101.

EFFECTIVE DATE NOTE: By USCG-2000-6931, 68 FR 22610, Apr. 29, 2003, the authority citation for part 164 was revised, effective Aug. 27, 2003. For the convenience of the user, the revised text is set forth as follows:

AUTHORITY: 33 U.S.C. 1222(5), 1223, 1231; 46 U.S.C. 2103, 3703; Department of Homeland Security Delegation No. 0170. Sec. 164.13 also issued under 46 U.S.C. 8502. Sec. 164.61 also issued under 46 U.S.C. 6101.

§ 164.01 Applicability.

(a) This part (except as specifically limited by this section) applies to each self-propelled vessel of 1600 or more gross tons (except as provided in paragraphs (c) and (d) of this section, or for foreign vessels described in § 164.02) when it is operating in the navigable waters of the United States except the St. Lawrence Seaway.

(b) Sections 164.70 through 164.82 of this part apply to each towing vessel of 12 meters (39.4 feet) or more in length operating in the navigable waters of the United States other than the St. Lawrence Seaway; except that a tow-

ing vessel is exempt from the requirements of § 164.72 if it is—

(1) Used solely within a limited geographic area, such as a fleeting-area for barges or a commercial facility, and used solely for restricted service, such as making up or breaking up larger tows;

(2) Used solely for assistance towing as defined by 46 CFR 10.103;

(3) Used solely for pollution response; or

(4) Any other vessel exempted by the Captain of the Port (COTP). The COTP, upon written request, may, in writing, exempt a vessel from § 164.72 for a specified route if he or she decides that exempting it would not allow its unsafe navigation under anticipated conditions.

(c) Provisions of §§ 164.11(a)(2) and (c), 164.30, 164.33, and 164.46 do not apply to warships or other vessels owned, leased, or operated by the United States Government and used only in government noncommercial service when these vessels are equipped with electronic navigation systems that have met the applicable agency regulations regarding navigation safety.

(d) Provisions of § 164.46 apply to some self-propelled vessels of less than 1600 gross tonnage.

[CGD 83-004, 49 FR 43466, Oct. 29, 1984, as amended by CGD 94-020, 61 FR 35072, July 3, 1996; USCG-2000-8300, 66 FR 21864, May 2, 2001; USCG-2003-14757, 68 FR 39367, July 1, 2003]

§ 164.02 Applicability exception for foreign vessels.

(a) Except as provided in § 164.46(a)(2) of this part (including §§ 164.38 and 164.39) does not apply to vessels that:

(1) Are not destined for, or departing from, a port or place subject to the jurisdiction of the United States; and

(2) Are in:

(i) Innocent passage through the territorial sea of the United States; or

(ii) Transit through navigable waters of the United States which form a part of an international strait.

[CGD 77-063, 44 FR 66530, Nov. 19, 1979, as amended by CGD 79-148, 45 FR 54039, Aug. 14, 1980; USCG-2003-14757, 68 FR 39367, July 1, 2003]

§ 164.03 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is on file at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC, and at the Office of Vessel Traffic Management (G-MWV), Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001 and is available from the sources indicated in paragraph (b) of this section.

(b) The materials approved for incorporation by reference in this part and the sections affected are as follows:

American Petroleum Institute (API), 1220 L Street NW., Washington, DC 20005
 API Specification 9A, Specification for Wire Rope, Section 3, Properties and Tests for Wire and Wire Rope, May 28, 1984 164.74
American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959
 ASTM D4268-93, Standard Test Method for Testing Fiber Ropes *Cordage Institute*, 350 Lincoln Street, Hingham, MA 02043
 CIA-3, Standard Test Methods for Fiber Rope Including Standard Terminations, Revised, June 1980 164.74
International Electrotechnical Commission (IEC), 3, rue de Varem, Geneva, Switzerland.
 IEC 61993-2, Maritime navigation and radiocommunication equipment and systems—Automatic identification systems (AIS)—part 2: Class A shipborne equipment of the universal automatic identification system (AIS)—Operational and performance requirements, methods of test and required test results First edition, 2001-12 164.46
International Maritime Organization (IMO), 4 Albert Embankment, London SE1 7SR, U.K.
 IMO Resolution A342(IX), Recommendation on Performance Standards for Automatic Pilots, adopted November 12, 1975

Resolution MSC.74(69), Annex 3, Recommendation on Performance Standards for a Universal Shipborne Automatic Identification System (AIS), adopted May 12, 1998 164.46
 SN/Circ.277, Guidelines for the Installation of a Shipborne Automatic Identification System (AIS), dated January 6, 2003 164.46
 SOLAS, International Convention for Safety of Life at Sea, 1974, and 1988 Protocol relating thereto, 2000 Amendments, effective January and July 2002, (SOLAS 2000 Amendments) 164.46
 Conference resolution 1, Adoption of amendments to the Annex to the International Convention for the Safety of Life at Sea, 1974, and amendments to Chapter V of SOLAS 1974, adopted December 12, 2002 164.46
International Telecommunication Union Radiocommunication Bureau (ITU-R), Place de Nations CH-1211 Geneva 20 Switzerland
 (1) ITU-R Recommendation M.821, Optional Expansion of the Digital Selective-Calling System for Use in the Maritime Mobile Service, 1992 164.43
 (2) ITU-R Recommendation M.825, Characteristics of a Transponder System Using Digital Selective-Calling Techniques for Use with Vessel Traffic Services and Ship-to-Ship Identification, 1992 164.43
 ITU-R Recommendation M.1371-1, Technical characteristics for a universal shipborne automatic identification system using time division multiple access in the VHF maritime mobile band, 1998-2001 164.46
Radio Technical Commission for Maritime Services, 655 Fifteenth Street, NW., Suite 300, Washington, DC 20005
 (1) RTCM Paper 12-78/DO-100, Minimum Performance Standards, Loran C Receiving Equipment, 1977 164.41
 (2) RTCM Paper 194-93/SC104-STD, RTCM Recommended Standards for Differential NAVSTAR GPS Service, Version 2.1, 1994 164.43
 (3) RTCM Paper 71-95/SC112-STD, RTCM Recommended Standards for Marine Radar Equipment Installed on Ships of Less Than 300 Tons Gross Tonnage, Version 1.1, October 10, 1995 164.72

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- (4) RTCM Paper 191-93/SC112-X, RTCM Recommended Standards for Maritime Radar Equipment Installed on Ships of 300 Tons Gross Tonnage and Upwards, Version 1.2, December 20, 1993 164.72

[CGD 91-203, 58 FR 27632, May 10, 1993, as amended by CGD 83-043, 60 FR 24771, May 10, 1995; CGD 93-022, 60 FR 51734, Oct. 3, 1995; CGD 96-026, 61 FR 33669, June 28, 1996; CGD 94-020, 61 FR 35072, July 3, 1996; USCG-1999-5151, 64 FR 67176, Dec. 1, 1999; USCG-2002-12471, 67 FR 41333, June 18, 2002; USCG-2003-14757, 68 FR 39367, July 1, 2003]

§ 164.11 Navigation under way: General.

The owner, master, or person in charge of each vessel underway shall ensure that:

- (a) The wheelhouse is constantly manned by persons who:
 - (1) Direct and control the movement of the vessel; and
 - (2) Fix the vessel's position;
- (b) Each person performing a duty described in paragraph (a) of this section is competent to perform that duty;
- (c) The position of the vessel at each fix is plotted on a chart of the area and the person directing the movement of the vessel is informed of the vessel's position;
- (d) Electronic and other navigational equipment, external fixed aids to navigation, geographic reference points, and hydrographic contours are used when fixing the vessel's position;
- (e) Buoys alone are not used to fix the vessel's position;

NOTE: Buoys are aids to navigation placed in approximate positions to alert the mariner to hazards to navigation or to indicate the orientation of a channel. Buoys may not maintain an exact position because strong or varying currents, heavy seas, ice, and collisions with vessels can move or sink them or set them adrift. Although buoys may corroborate a position fixed by other means, buoys cannot be used to fix a position: however, if no other aids are available, buoys alone may be used to establish an estimated position.

(f) The danger of each closing visual or each closing radar contact is evaluated and the person directing the movement of the vessel knows the evaluation;

(g) Rudder orders are executed as given;

(h) Engine speed and direction orders are executed as given;

(i) Magnetic variation and deviation and gyrocompass errors are known and correctly applied by the person directing the movement of the vessel;

(j) A person whom he has determined is competent to steer the vessel is in the wheelhouse at all times;¹

(k) If a pilot other than a member of the vessel's crew is employed, the pilot is informed of the draft, maneuvering characteristics, and peculiarities of the vessel and of any abnormal circumstances on the vessel that may affect its safe navigation.

(l) Current velocity and direction for the area to be transited are known by the person directing the movement of the vessel;

(m) Predicted set and drift are known by the person directing movement of the vessel;

(n) Tidal state for the area to be transited is known by the person directing movement of the vessel;

(o) The vessel's anchors are ready for letting go;

(p) The person directing the movement of the vessel sets the vessel's speed with consideration for:

(1) The prevailing visibility and weather conditions;

(2) The proximity of the vessel to fixed shore and marine structures;

(3) The tendency of the vessel underway to squat and suffer impairment of maneuverability when there is small underkeel clearance;

(4) The comparative proportions of the vessel and the channel;

(5) The density of marine traffic;

(6) The damage that might be caused by the vessel's wake;

(7) The strength and direction of the current; and

(8) Any local vessel speed limit;

(q) The tests required by §164.25 are made and recorded in the vessel's log; and

(r) The equipment required by this part is maintained in operable condition.

¹See also 46 U.S.C. 8702(d), which requires an able seaman at the wheel on U.S. vessels of 100 gross tons or more in narrow or crowded waters during low visibility.

(s) Upon entering U.S. waters, the steering wheel or lever on the navigating bridge is operated to determine if the steering equipment is operating properly under manual control, unless the vessel has been steered under manual control from the navigating bridge within the preceding 2 hours, except when operating on the Great Lakes and their connecting and tributary waters.

(t) At least two of the steering-gear power units on the vessel are in operation when such units are capable of simultaneous operation, except when the vessel is sailing on the Great Lakes and their connecting and tributary waters, and except as required by paragraph (u) of this section.

(u) On each passenger vessel meeting the requirements of the International Convention for the Safety of Life at Sea, 1960 (SOLAS 60) and on each cargo vessel meeting the requirements of SOLAS 74 as amended in 1981, the number of steering-gear power units necessary to move the rudder from 35° on either side to 30° on the other in not more than 28 seconds must be in simultaneous operation.

[CGD 74-77, 42 FR 5956, Jan. 31, 1977, as amended by CGD 83-004, 49 FR 43466, Oct. 29, 1984; CGD 91-203, 58 FR 27633, May 10, 1993; CGD 83-043, 60 FR 24771, May 10, 1995]

§ 164.13 Navigation underway: tankers.

(a) As used in this section, "tanker" means a self-propelled tank vessel, including integrated tug barge combinations, constructed or adapted primarily to carry oil or hazardous material in bulk in the cargo spaces and inspected and certificated as a tanker.

(b) Each tanker must have an engineering watch capable of monitoring the propulsion system, communicating with the bridge, and implementing manual control measures immediately when necessary. The watch must be physically present in the machinery spaces or in the main control space and must consist of at least a licensed engineer.

(c) Each tanker must navigate with at least two licensed deck officers on watch on the bridge, one of whom may be a pilot. In waters where a pilot is required, the second officer, must be an individual licensed and assigned to the vessel as master, mate, or officer in

charge of a navigational watch, who is separate and distinct from the pilot.

(d) Except as specified in paragraph (e) of this section, a tanker may operate with an auto pilot engaged only if all of the following conditions exist:

(1) The operation and performance of the automatic pilot conforms with the standards recommended by the International Maritime Organization in IMO Resolution A.342(IX).

(2) A qualified helmsman is present at the helm and prepared at all times to assume manual control.

(3) The tanker is not operating in any of the following areas:

(i) The areas of the traffic separation schemes specified in subchapter P of this chapter.

(ii) The portions of a shipping safety fairway specified in part 166 of this chapter.

(iii) An anchorage ground specified in part 110 of this chapter.

(iv) An area within one-half nautical mile of any U.S. shore.

(e) A tanker equipped with an integrated navigation system, and complying with paragraph (d)(2) of this section, may use the system with the auto pilot engaged while in the areas described in paragraphs (d)(3) (i) and (ii) of this section. The master shall provide, upon request, documentation showing that the integrated navigation system—

(1) Can maintain a predetermined trackline with a cross track error of less than 10 meters 95 percent of the time;

(2) Provides continuous position data accurate to within 20 meters 95 percent of the time; and

(3) Has an immediate override control.

[CGD 91-203, 58 FR 27633, May 10, 1993, as amended by CGD 91-203, 58 FR 36141, July 6, 1993]

§ 164.15 Navigation bridge visibility.

(a) The arrangement of cargo, cargo gear, and trim of all vessels entering or departing from U.S. ports must be such that the field of vision from the navigation bridge conforms as closely as possible to the following requirements:

(1) From the conning position, the view of the sea surface must not be obscured by more than the lesser of two

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hip lengths or 500 meters (1640 feet) from dead ahead to 10 degrees on either side of the vessel. Within this arc of visibility any blind sector caused by cargo, cargo gear, or other permanent obstruction must not exceed 5 degrees.

(2) From the conning position, the horizontal field of vision must extend over an arc from at least 22.5 degrees abaft the beam on one side of the vessel, through dead ahead, to at least 22.5 degrees abaft the beam on the other side of the vessel. Blind sectors forward of the beam caused by cargo, cargo gear, or other permanent obstruction must not exceed 10 degrees each, nor total more than 20 degrees, including any blind sector within the arc of visibility described in paragraph (a)(1) of this section.

(3) From each bridge wing, the field of vision must extend over an arc from at least 45 degrees on the opposite bow, through dead ahead, to at least dead astern.

(4) From the main steering position, the field of vision must extend over an arc from dead ahead to at least 60 degrees on either side of the vessel.

(b) A clear view must be provided through at least two front windows at all times regardless of weather conditions.

[CGD 85-099, 55 FR 32247, Aug. 8, 1990]

§ 164.19 Requirements for vessels at anchor.

The master or person in charge of each vessel that is anchored shall ensure that:

(a) A proper anchor watch is maintained;

(b) Procedures are followed to detect a dragging anchor; and

(c) Whenever weather, tide, or current conditions are likely to cause the vessel's anchor to drag, action is taken to ensure the safety of the vessel, structures, and other vessels, such as being ready to veer chain, let go a second anchor, or get underway using the vessel's own propulsion or tug assistance.

[CGD 74-77, 42 FR 5956, Jan. 31, 1977]

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§ 164.25 Tests before entering or getting underway.

(a) Except as provided in paragraphs (b) and (c) of this section no person may cause a vessel to enter into or get underway on the navigable waters of the United States unless no more than 12 hours before entering or getting underway, the following equipment has been tested:

(1) Primary and secondary steering gear. The test procedure includes a visual inspection of the steering gear and its connecting linkage, and, where applicable, the operation of the following:

(i) Each remote steering gear control system.

(ii) Each steering position located on the navigating bridge.

(iii) The main steering gear from the alternative power supply, if installed.

(iv) Each rudder angle indicator in relation to the actual position of the rudder.

(v) Each remote steering gear control system power failure alarm.

(vi) Each remote steering gear power unit failure alarm.

(vii) The full movement of the rudder to the required capabilities of the steering gear.

(2) All internal vessel control communications and vessel control alarms.

(3) Standby or emergency generator, for as long as necessary to show proper functioning, including steady state temperature and pressure readings.

(4) Storage batteries for emergency lighting and power systems in vessel control and propulsion machinery spaces.

(5) Main propulsion machinery, ahead and astern.

(b) Vessels navigating on the Great Lakes and their connecting and tributary waters, having once completed the test requirements of this subpart, are considered to remain in compliance until arriving at the next port of call on the Great Lakes.

(c) Vessels entering the Great Lakes from the St. Lawrence Seaway are considered to be in compliance with this sub-part if the required tests are conducted preparatory to or during the passage of the St. Lawrence Seaway or within one hour of passing Wolfe Island.

(d) No vessel may enter, or be operated on the navigable waters of the United States unless the emergency steering drill described below has been conducted within 48 hours prior to entry and logged in the vessel logbook, unless the drill is conducted and logged on a regular basis at least once every three months. This drill must include at a minimum the following:

(1) Operation of the main steering gear from within the steering gear compartment.

(2) Operation of the means of communications between the navigating bridge and the steering compartment.

(3) Operation of the alternative power supply for the steering gear if the vessel is so equipped.

(92 Stat. 1471 (33 U.S.C. 1221 et seq.); 49 CFR 1.46(n)(4))

[CGD 77-183, 45 FR 18925, Mar. 24, 1980, as amended by CGD 83-004, 49 FR 43466, Oct. 29, 1984]

§ 164.30 Charts, publications, and equipment: General.

No person may operate or cause the operation of a vessel unless the vessel has the marine charts, publications, and equipment as required by §§ 164.33 through 164.41 of this part.

[CGD 82-055, 48 FR 44535, Sept. 29, 1983]

§ 164.33 Charts and publications.

(a) Each vessel must have the following:

(1) Marine charts of the area to be transited, published by the National Ocean Service, U.S. Army Corps of Engineers, or a river authority that—

(i) Are of a large enough scale and have enough detail to make safe navigation of the area possible; and

(ii) Are currently corrected.

(2) For the area to be transited, a currently corrected copy of, or applicable currently corrected extract from, each of the following publications:

(i) U.S. Coast Pilot.

(ii) Coast Guard Light List.

(3) For the area to be transited, the current edition of, or applicable current extract from:

(i) Tide tables published by private entities using data provided by the National Ocean Service.

(ii) Tidal current tables published by private entities using data provided by the National Ocean Service, or river current publication issued by the U.S. Army Corps of Engineers, or a river authority.

(b) As an alternative to the requirements for paragraph (a) of this section, a marine chart or publication, or applicable extract, published by a foreign government may be substituted for a U.S. chart and publication required by this section. The chart must be of large enough scale and have enough detail to make safe navigation of the area possible, and must be currently corrected. The publication, or applicable extract, must singly or in combination contain similar information to the U.S. Government publication to make safe navigation of the area possible. The publication, or applicable extract must be currently corrected, with the exceptions of tide and tidal current tables, which must be the current editions.

(c) As used in this section, “currently corrected” means corrected with changes contained in all Notices to Mariners published by the National Imagery and Mapping Agency, or an equivalent foreign government publication, reasonably available to the vessel, and that is applicable to the vessel’s transit.

[CGD 82-055, 48 FR 44535, Sept. 29, 1983, as amended by USCG-2001-9286, 66 FR 33641, June 25, 2001]

§ 164.35 Equipment: All vessels.

Each vessel must have the following:

(a) A marine radar system for surface navigation.

(b) An illuminated magnetic steering compass, mounted in a binnacle, that can be read at the vessel’s main steering stand.

(c) A current magnetic compass deviation table or graph or compass comparison record for the steering compass, in the wheelhouse.

(d) A gyrocompass.

(e) An illuminated repeater for the gyrocompass required by paragraph (d) of this section that is at the main steering stand, unless that gyrocompass is illuminated and is at the main steering stand.

(f) An illuminated rudder angle indicator in the wheelhouse.

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(g) The following maneuvering information prominently displayed on a fact sheet in the wheelhouse:

(1) A turning circle diagram to port and starboard that shows the time and distance and advance and transfer required to alter course 90 degrees with maximum rudder angle and constant power settings, for either full and half speeds, or for full and slow speeds. For vessels whose turning circles are essentially the same for both directions, a diagram showing a turning circle in one direction, with a note on the diagram stating that turns to port and starboard are essentially the same, may be substituted.

(2) The time and distance to stop the vessel from either full and half speeds, or from full and slow speeds, while maintaining approximately the initial heading with minimum application of the rudder.

(3) For each vessel with a fixed propeller, a table of shaft revolutions per minute for a representative range of speeds.

(4) For each vessel with a controllable pitch propeller, a table of control settings for a representative range of speeds.

(5) For each vessel that is fitted with an auxiliary device to assist in maneuvering, such as a bow thruster, a table of vessel speeds at which the auxiliary device is effective in maneuvering the vessel.

(6) The maneuvering information for the normal load and normal ballast condition for:

(i) Calm weather—wind 10 knots or less, calm sea;

(ii) No current;

(iii) Deep water conditions—water depth twice the vessel’s draft or greater; and

(iv) Clean hull.

(7) At the bottom of the fact sheet, the following statement:

WARNING

The response of the (name of the vessel) may be different from that listed above if any of the following conditions, upon which the maneuvering information is based, are varied:

(1) Calm weather—wind 10 knots or less, calm sea;

(2) No current;

(3) Water depth twice the vessel’s draft or greater;

(4) Clean hull; and

(5) Intermediate drafts or unusual trim.

(h) An echo depth sounding device.

(i) A device that can continuously record the depth readings of the vessel’s echo depth sounding device, except when operating on the Great Lakes and their connecting and tributary waters.

(j) Equipment on the bridge for plotting relative motion.

(k) Simple operating instructions with a block diagram, showing the change-over procedures for remote steering gear control systems and steering gear power units, permanently displayed on the navigating bridge and in the steering gear compartment.

(l) An indicator readable from the centerline conning position showing the rate of revolution of each propeller, except when operating on the Great Lakes and their connecting and tributary waters.

(m) If fitted with controllable pitch propellers, an indicator readable from the centerline conning position showing the pitch and operational mode of such propellers, except when operating on the Great Lakes and their connecting and tributary waters.

(n) If fitted with lateral thrust propellers, an indicator readable from the centerline conning position showing the direction and amount of thrust of such propellers, except when operating on the Great Lakes and their connecting and tributary waters.

(o) A telephone or other means of communication for relaying headings to the emergency steering station. Also, each vessel of 500 gross tons and over and constructed on or after June 9, 1995 must be provided with arrangements for supplying visual compass-readings to the emergency steering station.

(92 Stat. 1471 (33 U.S.C. 1221 et seq.); 49 CFR 1.46(n)(4))

[CGD 74-77, 42 FR 5956, Jan. 31, 1977, as amended by CGD 77-183, 45 FR 18925, Mar. 24, 1980; CGD 83-004, 49 FR 43466, Oct. 29, 1984; CGD 83-043, 60 FR 24771, May 10, 1995; 60 FR 28834, June 2, 1995]

§ 164.37 Equipment: Vessels of 10,000 gross tons or more.

(a) Each vessel of 10,000 gross tons or more must have, in addition to the radar system under § 164.35(a), a second marine radar system that operates independently of the first.

NOTE: Independent operation means two completely separate systems, from separate branch power supply circuits or distribution panels to antennas, so that failure of any component of one system will not render the other system inoperative.

(b) On each tanker of 10,000 gross tons or more that is subject to 46 U.S.C. 3708, the dual radar system required by this part must have a short range capability and a long range capability; and each radar must have true north features consisting of a display that is stabilized in azimuth.

(Titles I and II, 86 Stat. 426, 427 (33 U.S.C. 1224; 46 U.S.C. 391(a); 49 CFR 1.46(n)(4))

[CGD 77-016, 43 FR 32112, July 24, 1978, as amended by CGD 79-033, 44 FR 26741, May 7, 1979; CGD 79-033, 47 FR 34389, Aug. 9, 1982; USCG-1998-3799, 63 FR 35532, June 30, 1998]

§ 164.38 Automatic radar plotting aids (ARPA).

(a) The following definitions are used in this section—

Bulk means material in any quantity that is shipped, stored, or handled without benefit of package, label, mark or count and carried in integral or fixed independent tanks.

Constructed means a stage of construction where—

- (1) The keel is laid;
- (2) Construction identifiable with a specific ship begins; or
- (3) Assembly of that ship has commenced comprising at least 50 tons or 1 percent of the estimated mass of all structural material, whichever is less.

Hazardous material means—

- (1) A flammable liquid as defined in 46 CFR 30.10-22 or a combustible liquid as defined in 46 CFR 30.10-15;
- (2) A material listed in table 151.05 of 46 CFR 151.05, table 1 of 46 CFR 153, or table 4 of 46 CFR Part 154; or
- (3) A liquid, liquefied gas, or compressed gas listed in 49 CFR 172.101.

Self-propelled vessel includes those combinations of pushing vessel and vessel being pushed ahead which are rigidly connected in a composite unit

and are required by Rule 24(b) of the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) (App. A to 33 CFR Part 81) to exhibit the lights prescribed in Rule 23 for a "Power Driven Vessel Underway".

Tank vessel means a vessel that is constructed or adapted to carry; or carries, oil or hazardous materials in bulk as cargo or cargo residue.

(b) An Automatic Radar Plotting Aid (ARPA) that complies with the standard for such devices adopted by the International Maritime Organization in its "Operational Standards for Automatic Radar Plotting Aids" (Appendix A), and that has both audible and visual alarms, must be installed as follows:

(1) Each self-propelled vessel, except a public vessel, of 10,000 gross tons or more carrying oil or hazardous materials in bulk as cargo or in residue on the navigable waters of the United States, or which transfers oil or hazardous materials in any port or place subject to the jurisdiction of the United States, must be equipped with an ARPA.

(2) Each tank vessel of 10,000 gross tons or more operating on the navigable waters of the United States must be equipped with an ARPA.

(3) Each self-propelled vessel of 15,000 gross tons or more that is not a tank vessel, and is not carrying oil or hazardous material in bulk as cargo or in residue operating on the navigable waters of the United States, and was constructed before September 1, 1984, must be equipped with an ARPA, except when it is operating on the Great Lakes and their connecting and tributary waters.

(4) Each vessel of 10,000 gross tons or more, except when operating on the Great Lakes and their connecting and tributary waters, constructed on or after September 1, 1984 must be equipped with an ARPA.

(c) [Reserved]

(d)(1) Each device required under paragraph (b) of this section must have a permanently affixed label containing:

- (i) The name and address of the manufacturer; and
- (ii) The following statement:

“This device was designed and manufactured to comply with the International Maritime Organization (IMO) ‘Performance Standards for Automatic Radar Plotting Aids (ARPA).’”

(2) Each device allowed under paragraph (c) of this section must have a permanently affixed label containing:

(i) The name and address of the manufacturer; and

(ii) The following statement:

“This device was designed and manufactured to comply with the U.S. Maritime Administration’s ‘Collision Avoidance System Specification.’”

APPENDIX A TO § 164.38—PERFORMANCE STANDARDS FOR AUTOMATIC RADAR PLOTTING AIDS (ARPA)

1 Introduction

1.1 The Automatic Radar Plotting Aids (ARPA) should, in order to improve the standard of collision avoidance at sea:

.1 Reduce the work-load of observers by enabling them to automatically obtain information so that they can perform as well with multiple targets as they can by manually plotting a single target; and

.2 Provide continuous, accurate and rapid situation evaluation.

1.2 In addition to the General Requirements for Electronic Navigational Aids ([IMO] Res. A.281(VII)), the ARPA should comply with the following minimum performance standards.

2 Definitions

2.1 Definitions of terms in these performance standards are given in Annex 1.

3 Performance Standards

3.1 Detection

3.1.1 Where a separate facility is provided for detection of targets, other than by the radar observer, it should have a performance not inferior to that which could be obtained by the use of the radar display.

3.2 Acquisition

3.2.1 Target acquisition may be manual or automatic. However, there should always be a facility to provide for manual acquisition and cancellation. ARPA with automatic acquisition should have a facility to suppress acquisition in certain areas. On any range scale where acquisition is suppressed over a certain area, the area of acquisition should be indicated on the display.

3.2.2 Automatic or manual acquisition should have a performance not inferior to that which could be obtained by the user of the radar display.

3.3 Tracking

3.3.1 The ARPA should be able to automatically track, process, simultaneously display and continuously update the information on at least:

.1 20 targets, if automatic acquisition is provided, whether automatically or manually acquired; or

.2 10 targets, if only manual acquisition is provided.

3.3.2 If automatic acquisition is provided, description of the criteria of selection of targets for tracking should be provided to the user. If the ARPA does not track all targets visible on the display, targets which are being tracked should be clearly indicated on the display. The reliability of tracking should not be less than that obtainable using manual recording of successive target positions obtained from the radar display.

3.3.3 Provided the target is not subject to target swop, the ARPA should continue to track an acquired target which is clearly distinguishable on the display for 5 out of 10 consecutive scans.

3.3.4 The possibility of tracking errors, including target swop, should be minimized by ARPA design. A qualitative description of the effects of error sources on the automatic tracking and corresponding errors should be provided to the user, including the effects of low signal to noise and low signal to clutter ratios caused by sea returns, rain, snow, low clouds and non-synchronous emission.

3.3.5 The ARPA should be able to display on request at least four equally time-spaced past positions of any targets being tracked over a period of at least eight minutes.

3.4 Display

3.4.1 The Display may be a separate or integral part of the ship’s radar. However, the ARPA display should include all the data required to be provided by a radar display in accordance with the performance standards for navigational radar equipment adopted by the Organization.

3.4.2 The design should be such that any malfunction of ARPA parts producing information additional to information to be produced by the radar as required by the performance standards for navigational equipment adopted by IMO should not affect the integrity of the basic radar presentation.

3.4.3 The display on which ARPA information is presented should have an effective diameter of at least 340 mm.

3.4.4 The ARPA facilities should be available on at least the following range scales:

.1 12 or 16 miles;

.2 3 or 4 miles.

3.4.5 There should be a positive indication of the range scale in use.

3.4.6 The ARPA should be capable of operating with a relative motion display with “north-up” and either “head-up” or “course-up” azimuth stabilization. In addition, the ARPA may also provide for a true motion

display. If true motion is provided, the operator should be able to select for his display either true or relative motion. There should be a positive indication of the display mode and orientation in use.

3.4.7 The course and speed information generated by the ARPA for acquired targets should be displayed in a vector or graphic form which clearly indicates the target's predicted motion. In this regard:

- .1 ARPA presenting predicted information in vector form only should have the option of both true and relative vectors;
- .2 An ARPA which is capable of presenting target course and speed information in graphic form, should also, on request, provide the target's true and/or relative vector;
- .3 Vectors displayed should be either time adjustable or have a fixed time-scale;
- .4 A positive indication of the time-scale of the vector in use should be given.

3.4.8 The ARPA information should not obscure radar information in such a manner as to degrade the process of detecting targets. The display of ARPA data should be under the control of the radar observer. It should be possible to cancel the display of unwanted ARPA data.

3.4.9 Means should be provided to adjust independently the brilliance of the ARPA data and radar data, including complete elimination of the ARPA data.

3.4.10 The method of presentation should ensure that the ARPA data is clearly visible in general to more than one observer in the conditions of light normally experienced on the bridge of a ship by day and by night. Screening may be provided to shade the display from sunlight but not to the extent that it will impair the observer's ability to maintain a proper lookout. Facilities to adjust the brightness should be provided.

3.4.11 Provisions should be made to obtain quickly the range and bearing of any object which appears on the ARPA display.

3.4.12 When a target appears on the radar display and, in the case of automatic acquisition, enters within the acquisition area chosen by the observer or, in the case of manual acquisition, has been acquired by the observer, the ARPA should present in a period of not more than one minute an indication of the target's motion trend and display within three minutes the target's predicted motion in accordance with paragraphs 3.4.7, 3.6, 3.8.2 and 3.8.3.

3.4.13 After changing range scales on which the ARPA facilities are available or resetting the display, full plotting information should be displayed within a period of time not exceeding four scans.

3.5 *Operational Warnings*

3.5.1 The ARPA should have the capability to warn the observer with a visual and/or audible signal of any distinguishable target which closes to a range or transits a zone

chosen by the observer. The target causing the warning should be clearly indicated on the display.

3.5.2 The ARPA should have the capability to warn the observer with a visual and/or audible signal of any tracked target which is predicted to close to within a minimum range and time chosen by the observer. The target causing the warning should be clearly indicated on the display.

3.5.3 The ARPA should clearly indicate if a tracked target is lost, other than out of range, and the target's last tracked position should be clearly indicated on the display.

3.5.4 It should be possible to activate or de-activate the operational warnings.

3.6 *Data Requirements*

3.6.1 At the request of the observer the following information should be immediately available from the ARPA in alphanumeric form in regard to any tracked target:

- 1. Present range to the target;
- 2. Present bearing of the target;
- .3 Predicted target range at the closest point of approach (CPA);
- .4 Predicted time to CPA (TCPA);
- .5 Calculated true course of target;
- .6 Calculated true speed of target.

3.7 *Trial Manoeuvre*

3.7.1 The ARPA should be capable of simulating the effect on all tracked targets of an own ship manoeuvre without interrupting the updating of target information. The simulation should be initiated by the depression either of a spring-loaded switch, or of a function key, with a positive identification on the display.

3.8 *Accuracy*

3.8.1 The ARPA should provide accuracies not less than those given in paragraphs 3.8.2 and 3.8.3 for the four scenarios defined in Annex 2. With the sensor errors specified in Annex 3, the values given relate to the best possible manual plotting performance under environmental conditions of plus and minus ten degrees of roll.

3.8.2 An ARPA should present within one minute of steady state tracking the relative motion trend of a target with the following accuracy values (95 percent probability values):

Scenario/data	Relative course (degrees)	Relative speed (Knots)	CPA (n.m.)
1	11	2.8	1.6
2	7	0.6	.....
3	14	2.2	1.8
4	15	1.5	2.0

3.8.3 An ARPA should present within three minutes of steady state tracking the motion of a target with the following accuracy values (95 percent probability values):

Scenario/data	Relative course (degrees)	Relative speed (knots)	C.P.A. (n.m.)	TCPA (mins)	True course (degrees)	True speed (knots)
1	3.0	0.8	0.5	1.0	7.5	1.2
2	2.3	.3	.....	.....	2.9	.8
3	4.4	.9	.7	1.0	3.3	1.0
4	4.6	.8	.7	1.0	2.6	1.2

3.8.4 When a tracked target, or own ship, has completed a manoeuvre, the system should present in a period of not more than one minute an indication of the target's motion trend, and display within three minutes the target's predicted motion in accordance with paragraphs 3.4.7, 3.6, 3.8.2 and 3.8.3

3.8.5 The ARPA should be designed in such a manner that under the most favorable conditions of own ship motion the error contribution from the ARPA should remain insignificant compared to the errors associated with the input sensors, for scenarios of Annex 2.

3.9 *Connections with other equipment*

3.9.1 The ARPA should not degrade the performance of any equipment providing sensor inputs. The connection of the ARPA to any other equipment should not degrade the performance of that equipment.

3.10 *Performance test and warnings*

3.10.1 The ARPA should provide suitable warnings of ARPA malfunction to enable the observer to monitor the proper operation of the system. Additionally test programmes should be available so that the overall performance of ARPA can be assessed periodically against a known solution.

3.11 *Equipment used with ARPA*

3.11.1 Log and speed indicators providing inputs to ARPA equipment should be capable of providing the ship's speed through the water.

ANNEX 1 TO APPENDIX A—DEFINITIONS OF TERMS TO BE USED ONLY IN CONNECTION WITH ARPA PERFORMANCE STANDARDS

Relative course—The direction of motion of a target related to own ship as deduced from a number of measurements of its range and bearing on the radar. Expressed as an angular distance from North.

Relative speed—The speed of a target related to own ship, as deduced from a number of measurements of its range and bearing on the radar.

True course—The apparent heading of a target obtained by the vectorial combination of the target's relative motion and ship's own motion¹. Expressed as an angular distance from North.

¹For the purpose of these definitions there is no need to distinguish between sea or ground stabilization.

True speed—The speed of a target obtained by the vectorial combination of its relative motion and own ship's motion¹.

Bearing—The direction of one terrestrial point from another. Expressed as an angular distance from North.

Relative motion display—The position of own ship on such a display remains fixed.

True motion display—The position of own ship on such display moves in accordance with its own motion.

Azimuth stabilization—Own ship's compass information is fed to the display so that echoes of targets on the display will not be caused to smear by changes of own ship's heading.

/North-up—The line connecting the center with the top of this display is North.

/Head-up—The line connecting the center with the top of the display is own ship heading.

/Course-up—An intended course can be set to the line connecting the center with the top of the display.

Heading—The direction in which the bow of a vessel is pointing. Expressed as an angular distance from North.

Target's predicted motion—The indication on the display of a liner extrapolation into the future of a target's motion, based on measurements of the target's range and bearing on the radar in the recent past.

Target's motion trend—An early indication of the target's predicted motion.

Radar Plotting—The whole process of target detection, tracking, calculation of parameters and display of information.

Detection—The recognition of the presence of a target.

Acquisition—The selection of those targets requiring a tracking procedure and the initiation of their tracking.

Tracking—The process of observing the sequential changes in the position of a target, to establish its motion.

Display—The plan position presentation of ARPA data with radar data.

Manual—An activity which a radar observer performs, possibly with assistance from a machine.

Automatic—An activity which is performed wholly by a machine.

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ANNEX 2 TO APPENDIX A—OPERATIONAL SCENARIOS

For each of the following scenarios predictions are made at the target position defined after previously tracking for the appropriate time of one or three minutes:

Scenario 1

Own ship course—000°
Own ship speed—10 kt
Target range—8 n.m.
Bearing of target—000°
Relative course of target—180°
Relative speed of target—20 kt

Scenario 2

Own ship course—000°
Own ship speed—10 kt
Target range—1 n.m.
Bearing of target—000°
Relative course of target—090°
Relative speed of target—10 kt

Scenario 3

Own ship course—000°
Own ship speed—5 kt
Target range—8 n.m.
Bearing of target—045°
Relative course of target—225°
Relative speed of target—20 kt

Scenario 4

Own ship course—000°
Own ship speed—25 kt
Target range—8 n.m.
Bearing of target—045°
Relative course of target—225°
Relative speed of target—20 kt

ANNEX 3 TO APPENDIX A—SENSOR ERRORS

The accuracy figures quoted in paragraph 3.8 are based upon the following sensor errors and are appropriate to equipment complying with the Organization's performance standards for shipborne navigational equipment.²

Note: σ means "standard deviation"

²In calculations leading to the accuracy figures quoted in paragraph 3.8, these sensor error sources and magnitudes were used. They were arrived at during discussions with national government agencies and equipment manufacturers and are appropriate to equipments complying with the Organization's draft performance standards for radar equipment (preliminary) (NAV XXII/WP.14), gyro compasses (NAV XXI/9, Annex X) and logs (preliminary) (NAV XXII/WP.15).

Independent studies carried out by national government agencies and equipment manufacturers have resulted in similar accuracies, where comparisons were made.

Radar

Target Glint (Scintillation) (for 200 m length target)

Along length of target $\sigma = 30$ m. (normal distribution)

Across beam of target $\sigma = 1$ m. (normal distribution)

Roll-Pitch Bearing. The bearing error will peak in each of the four quadrants around own ship for targets on relative bearings of 045°, 135°, 225° and 315° and will be zero at relative bearings of 0°, 90°, 180° and 270°. This error has a sinusoidal variation at twice the roll frequency. For a 10° roll the mean error is 0.22° with a 0.22° peak sine wave superimposed.

Beam shape—assumed normal distribution giving bearing error with $\sigma = 0.05$.

Pulse shape—assumed normal distribution giving range error with $\sigma = 20$ meters.

Antenna backlash—assumed rectangular distribution giving bearing error ± 0.5 maximum.

Quantization

Bearing—rectangular distribution $\pm 0.01^\circ$ maximum.

Range—rectangular distribution ± 0.01 n.m. maximum.

Bearing encoder assumed to be running from a remote synchro giving bearing errors with a normal distribution $\sigma = 0.03^\circ$

Gyro compass

Calibration error 0.5°.

Normal distribution about this with $\sigma = 0.12^\circ$.

Log

Calibration error 0.5 kt.

Normal distribution about this, $3\sigma = 0.2$ kt.

APPENDIX B TO § 164.38—U.S. MARITIME ADMINISTRATION COLLISION AVOIDANCE SYSTEM SPECIFICATION

A collision system designed as a supplement to both surface search navigational radars via interswitching shall be installed. The system shall provide unattended monitoring of all radar echoes and automatic audio and visual alarm signals that will alert the watch officer of a possible threat. The display shall be contained within a console capable of being installed adjacent to the radar displays in the wheelhouse and may form a part of the bridge console.

Provision for signal input from the ship's radars, gyro compass, and speed log, without modification to these equipments shall be made. The collision avoidance system, whether operating normally or having failed, must not introduce any spurious signals or otherwise degrade the performance of the radars, the gyro compass or the speed log.

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Computer generated display data for each acquired target shall be in the form of a line or vector indicating true or relative target course, speed and both present and extrapolated future positions. Data shall be automatically displayed on a cathode ray tube or other suitable display contrivance sufficiently bright and unobstructed to permit viewing by more than one person at a time.

In addition to displaying the collision potential of the most threatening fixed and moving targets, the system shall be capable of simultaneously showing land masses.

The system display shall include a heading indication and bearing ring. The system shall also have the capability of allowing the operator to select "head-up" and to cancel the vector or line presentation of any of the targets. The presentation shall be non-smearing when changing modes or display scales in order to permit rapid evaluation of the displayed data.

Target acquisition, for display data purposes, may be manual, automatic or both, as specified by Owner.

For any manual acquisition system the alarms shall be initiated by a preset minimum range; and likewise for any automatic acquisition system the alarms shall be initiated by a preset minimum acceptable passing distance (CPA—Closest Point of Approach) and a preset advance warning time (TCPA—Time to Closest Point of Approach). Means shall be provided to silence the audio alarm for a given threat but the alarm shall resound upon a subsequent threat. The visual alarm shall continue to operate until all threats have been eliminated. If the collision avoidance system fails to perform as indicated above, after the system is set for unattended monitoring, the system shall produce both audio and visual warning alarms.

The system shall be capable of simulating a trial maneuver.

In addition to the target display, an alphanumeric readout shall be provided which can present range, bearing, course, speed, CPA and TCPA for any selected target, either on the target display or by other display means.

The collision avoidance system shall be energized from the interior communications panel board in the wheelhouse.

The collision avoidance function may be incorporated in an integrated conning system, provided that failure of any other integrated system component will not degrade the collision avoidance function.

[CGD 79-148, 45 FR 54039, Aug. 14, 1980; 45 FR 71800, Oct. 30, 1980, as amended by CGD 83-004, 49 FR 43467, Oct. 29, 1984; USCG-1998-3799, 63 FR 35532, June 30, 1998]

§ 164.39 Steering gear: Foreign tankers.

(a) This section applies to each foreign tanker of 10,000 gross tons or more, except a public vessel, that—

(1) Transfers oil at a port or place subject to the jurisdiction of the United States; or

(2) Otherwise enters or operates in the navigable waters of the United States, except a vessel described by § 164.02 of this part.

(b) *Definitions.* The terms used in this section are as follows:

Constructed means the same as in Chapter II-1, Regulations 1.1.2 and 1.1.3.1, of SOLAS 74.

Existing tanker means a tanker—

(1) For which the building contract is placed on or after June 1, 1979;

(2) In the absence of a building contract, the keel of which is laid or which is at a similar stage of construction on or after January 1, 1980;

(3) The delivery of which occurs on or after June 1, 1982; or

(4) That has undergone a major conversion contracted for on or after June 1, 1979; or construction of which was begun on or after January 1, 1980, or completed on or after June 1, 1982.

Public vessel, oil, hazardous materials, and foreign vessel mean the same as in 46 U.S.C. 2101.

SOLAS 74 means the International Convention for the Safety of Life at Sea, 1974, as amended.

Tanker means a self-propelled vessel defined as a tanker by 46 U.S.C. 2101(38) or as a tank vessel by 46 U.S.C. 2101(39).

(c) Each tanker constructed on or after September 1, 1984, must meet the applicable requirements of Chapter II-1, Regulations 29 and 30, of SOLAS 74.

(d) Each tanker constructed before September 1, 1984, must meet the requirements of Chapter II-1, Regulation 29.19, of SOLAS 74.

(e) Each tanker of 40,000 gross tons or more, constructed before September 1, 1984, that does not meet the single-failure criterion of Chapter II-1, Regulation 29.16, of SOLAS 74, must meet the requirements of Chapter II-1, Regulation 29.20, of SOLAS 74.

(f) Each tanker constructed before September 1, 1984, must meet the applicable requirements of Chapter II-1,

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Regulations 29.14 and 29.15, of SOLAS 74.

[CGD 83-043, 60 FR 24771, May 10, 1995]

§ 164.40 Devices to indicate speed and distance.

(a) Each vessel required to be fitted with an Automatic Radar Plotting Aid (ARPA) under §164.38 of this part must be fitted with a device to indicate speed and distance of the vessel either through the water or over the ground.

(b) The device must meet the following specifications:

(1) The display must be easily readable on the bridge by day or night.

(2) Errors in the indicated speed, when the vessel is operating free from shallow water effect, and from the effects of wind, current, and tide, should not exceed 5 percent of the speed of the vessel, or 0.5 knot, whichever is greater.

(3) Errors in the indicated distance run, when the vessel is operating free from shallow water effect, and from the effects of wind, current, and tide, should not exceed 5 percent of the distance run of the vessel in one hour or 0.5 nautical mile in each hour, whichever is greater.

[CGD 83-004, 49 FR 43467, Oct. 29, 1984, as amended by USCG-1998-3799, 63 FR 35532, June 30, 1998]

§ 164.41 Electronic position fixing devices.

(a) Each vessel calling at a port in the continental United States, including Alaska south of Cape Prince of Wales, except each vessel owned or bareboat chartered and operated by the United States, or by a state or its political subdivision, or by a foreign nation, and not engaged in commerce, must have one of the following:

(1) A Type I or II LORAN C receiver as defined in Section 1.2(e), meeting Part 2 (Minimum Performance Standards) of the Radio Technical Commission for Marine Services (RTCM) Paper 12-78/DO-100 dated December 20, 1977, entitled "Minimum Performance Standards (MPS) Marine Loran-C Receiving Equipment". Each receiver installed must be labeled with the information required under paragraph (b) of this section.

(2) A satellite navigation receiver with:

(i) Automatic acquisition of satellite signals after initial operator settings have been entered; and

(ii) Position updates derived from satellite information during each usable satellite pass.

(3) A system that is found by the Commandant to meet the intent of the statements of availability, coverage, and accuracy for the U.S. Coastal Confluence Zone (CCZ) contained in the U.S. "Federal Radionavigation Plan" (Report No. DOD-NO 4650.4-P, I or No. DOT-TSC-RSPA-80-16, I). A person desiring a finding by the Commandant under this subparagraph must submit a written application describing the device to the Assistant Commandant for Operations, 2100 Second Street SW., Washington, DC 20593-0001. After reviewing the application, the Commandant may request additional information to establish whether or not the device meets the intent of the Federal Radionavigation Plan.

NOTE: The Federal Radionavigation Plan is available from the National Technical Information Service, Springfield, Va. 22161, with the following Government Accession Numbers:

- Vol 1, ADA 116468
- Vol 2, ADA 116469
- Vol 3, ADA 116470
- Vol 4, ADA 116471

(b) Each label required under paragraph (a)(1) of this section must show the following:

(1) The name and address of the manufacturer.

(2) The following statement by the manufacturer:

This receiver was designed and manufactured to meet Part 2 (Minimum Performance Standards) of the RTCM MPS for Marine Loran-C Receiving Equipment.

(Sec. 12, 92 Stat. 1477 (33 U.S.C. 1231); 49 CFR 1.46(n)(4))

[CGD 81-081, 47 FR 58244, Dec. 30, 1982, as amended by CGD 88-052, 53 FR 25122, July 1, 1988; CGD 96-026, 61 FR 33669, June 28, 1996; CGD 97-023, 62 FR 33365, June 19, 1997; USCG-1998-3799, 63 FR 35532, June 30, 1998]

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§ 164.42 Rate of turn indicator.

Each vessel of 100,000 gross tons or more constructed on or after September 1, 1984 shall be fitted with a rate of turn indicator.

[CGD 83-004, 49 FR 43468, Oct. 29, 1984]

§ 164.43 Automatic Identification System Shipborne Equipment—Prince William Sound.

(a) Until July 1, 2004, each vessel required to provide automated position reports to a Vessel Traffic Service (VTS) under §165.1704 of this subchapter must do so by an installed Automatic Identification System Shipborne Equipment (AISSE) system consisting of a:

- (1) Twelve-channel all-in-view Differential Global Positioning System (dGPS) receiver;
- (2) Marine band Non-Directional Beacon receiver capable of receiving dGPS error correction messages;
- (3) VHF—FM transceiver capable of Digital Selective Calling (DSC) on the designated DSC frequency; and
- (4) Control unit.

(b) An AISSE must have the following capabilities:

- (1) Use dGPS to sense the position of the vessel and determine the time of the position using Universal Coordinated Time (UTC);
- (2) Fully use the broadcast type 1, 2, 3, 5, 6, 7, 9, and 16 messages, as specified in RTCM Recommended Standards for Differential NAVSTAR GPS Service in determining the required information;
- (3) Achieve a position error which is less than ten meters (32.8 feet) 2 distance root mean square (2 drms) from the true North American Datum of 1983 (NAD 83) in the position information transmitted to a VTS;
- (4) Achieve a course error of less than 0.5 degrees from true course over ground in the course information transmitted to a VTS;
- (5) Achieve a speed error of less than 0.05 knots from true speed over ground in the speed information transmitted to a VTS;
- (6) Receive and comply with commands broadcast from a VTS as DSC messages on the designated DSC frequency;
- (7) Receive and comply with RTCM messages broadcast as minimum shift

keying modulated medium frequency signals in the marine radiobeacon band, and supply the messages to the dGPS receiver;

(8) Transmit the vessel's position, tagged with the UTC at position solution, course over ground, speed over ground, and Lloyd's identification number to a VTS;

(9) Display a visual alarm to indicate to shipboard personnel when a failure to receive or utilize the RTCM messages occurs;

(10) Display a separate visual alarm which is triggered by a VTS utilizing a DSC message to indicate to shipboard personnel that the U.S. Coast Guard dGPS system cannot provide the required error correction messages; and

(11) Display two RTCM type 16 messages, one of which must display the position error in the position error broadcast.

(c) An AISSE is considered non-operational if it fails to meet the requirements of paragraph (b) of this section.

NOTE: Vessel Traffic Service (VTS) areas and operating procedures are set forth in Part 161 of this chapter.

[CGD 90-020, 59 FR 36334, July 15, 1994, as amended by CGD 97-023, 62 FR 33365, June 19, 1997; USCG-2003-14757, 68 FR 39367, July 1, 2003]

§ 164.46 Automatic Identification System (AIS).

(a) The following vessels must have an installed, operational AIS that complies with the IMO Resolution MSC.74(69), ITU-R Recommendation M.1371-1, and IEC 61993-2, and that is installed using IMO SN/Circ.277 (Incorporated by reference, see §164.03) as of the date specified. "Length" refers to "registered length" as defined in 46 CFR, part 69.

(1) Self-propelled vessels of 65 feet or more in length engaged in commercial service and on an international voyage, not later than December 31, 2004.

(2) Notwithstanding paragraph (a)(1) of this section, the following vessels subject to the International Convention for Safety at Life at Sea, 1974, (SOLAS) as amended, that are on an international voyage must also comply with SOLAS, chapter V, as amended by

SOLAS 2000 Amendments and Conference resolution 1 (Incorporated by reference, see § 164.03):

(i) Passenger vessels, of 150 gross tonnage or more, not later than July 1, 2003;

(ii) Tankers, regardless of tonnage, not later than the first safety survey for safety equipment on or after July 1, 2003;

(iii) Vessels, other than passenger vessels or tankers, of 50,000 gross tonnage or more, not later than July 1, 2004; and

(iv) Vessels, other than passenger vessels or tankers, of 300 gross tonnage or more but less than 50,000 gross tonnage, not later than the first safety survey for safety equipment on or after July 1, 2004, but no later than December 31, 2004.

(b) Notwithstanding paragraphs (a)(1) and (a)(2) of this section, the following vessels, transiting an area listed in table 161.12(c) of § 161.12 of this part.

(1) Each self-propelled vessel of 65 feet or more in length, engaged in commercial service;

(2) Each towing vessel of 26 feet or more in length and more than 600 horsepower;

(3) Each vessel of 100 gross tons or more carrying one or more passengers for hire; and

(4) Each passenger vessel certificated to carry 50 or more passengers for hire.

(c) The vessels listed in paragraph (b) of this section must comply according to the following schedule:

(1) For VTS St. Marys River, not later than December 31, 2003;

(2) For VTS Berwick Bay, VMRS Los Angeles/Long Beach, VTS Lower Mississippi River, VTS Port Arthur and VTS Prince William Sound, not later than July 1, 2004; and

(3) For VTS Houston-Galveston, VTS New York, VTS Puget Sound, and VTS San Francisco, not later than December 31, 2004.

(d) The requirements for Vessel Bridge-to-Bridge radiotelephones in §§ 26.04(a) and (c), 26.05, 26.06 and 26.07 of this chapter, also apply to AIS. The term “effective operating condition” used in § 26.06 includes accurate input and upkeep of all AIS data fields, including estimated time of arrival, des-

tinuation, and number of people on board.

(e) The use of a portable AIS is permissible, only to the extent that electromagnetic interference does not affect the proper function of existing navigation and communication equipment on board, and such that only one AIS unit may be in operation at any one time.

(f) The AIS Pilot Plug, on each vessel over 1,600 gross tons, on international voyage, shall be available for pilot use, easily accessible from the primary conning position of the vessel, and near an AC power receptacle.

[USCG-2003-14757, 68 FR 39367, July 1, 2003]

§ 164.51 Deviations from rules: Emergency.

Except for the requirements of § 164.53(b), in an emergency, any person may deviate from any rule in this part to the extent necessary to avoid endangering persons, property, or the environment.

[CGD 74-77, 42 FR 5956, Jan. 31, 1977]

§ 164.53 Deviations from rules and reporting: Non-operating equipment.

(a) If during a voyage any equipment required by this part stops operating properly, the person directing the movement of the vessel may continue to the next port of call, subject to the directions of the District Commander or the Captain of the Port, as provided by Part 160 of this chapter.

(b) If the vessel’s radar, radio navigation receivers, gyrocompass, echo depth sounding device, or primary steering gear stops operating properly, the person directing the movement of the vessel must report or cause to be reported that it is not operating properly to the nearest Captain of the Port, District Commander, or, if participating in a Vessel Traffic Service, to the Vessel Traffic Center, as soon as possible.

(Sec. 2, Pub. L. 95-474, 92 Stat. 1471 (33 U.S.C. 1221); 49 CFR 1.46(n)(4))

[CGD 74-77, 42 FR 5956, Jan. 31, 1977]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 164.53, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

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§ 164.55 Deviations from rules: Continuing operation or period of time.

The Captain of the Port, upon written application, may authorize a deviation from any rule in this part if he determines that the deviation does not impair the safe navigation of the vessel under anticipated conditions and will not result in a violation of the rules for preventing collisions at sea. The authorization may be issued for vessels operating in the waters under the jurisdiction of the Captain of the Port for any continuing operation or period of time the Captain of the Port specifies.

[CGD 74-77, 42 FR 5956, Jan. 31, 1977]

§ 164.61 Marine casualty reporting and record retention.

When a vessel is involved in a marine casualty as defined in 46 CFR 4.03-1, the master or person in charge of the vessel shall:

(a) Ensure compliance with 46 CFR Subpart 4.05, "Notice of Marine Casualty and Voyage Records;" and

(b) Ensure that the voyage records required by 46 CFR 4.05-15 are retained for:

(1) 30 days after the casualty if the vessel remains in the navigable waters of the United States; or

(2) 30 days after the return of the vessel to a United States port if the vessel departs the navigable waters of the United States within 30 days after the marine casualty.

[CGD 74-77, 42 FR 5956, Jan. 31, 1977]

§ 164.70 Definitions.

For purposes of §§ 164.72 through 164.82, the term—

Current edition means the most recent published version of a publication, chart, or map required by § 164.72.

Currently corrected edition means a current or previous edition of a publication required by § 164.72, corrected with changes that come from Notices to Mariners (NTMs) or Notices to Navigation reasonably available and that apply to the vessel's transit. Hand-annotated river maps from the U.S. Army Corps of Engineers (ACOE) are currently corrected editions if issued within the previous 5 years.

Great Lakes means the Great Lakes and their connecting and tributary wa-

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ters including the Calumet River as far as the Thomas J. O'Brien Lock and Controlling Works (between miles 326 and 327), the Chicago River as far as the east side of the Ashland Avenue Bridge (between miles 321 and 322), and the Saint Lawrence River as far east as the lower exit of Saint Lambert Lock.

Swing-meter means an electronic or electric device that indicates the rate of turn of the vessel on board which it is installed.

Towing vessel means a commercial vessel engaged in or intending to engage in pulling, pushing or hauling alongside, or any combination of pulling, pushing, or hauling alongside.

Western Rivers means the Mississippi River, its tributaries, South Pass, and Southwest Pass, to the navigational-demarcation lines dividing the high seas from harbors, rivers, and other inland waters of the United States, and the Port Allen-Morgan City Alternative Route, and that part of the Atchafalaya River above its junction with the Port Allen-Morgan City Alternative Route including the Old River and the Red River and those waters specified by §§ 89.25 and 89.27 of this chapter, and such other, similar waters as are designated by the COTP.

[CGD 94-020, 61 FR 35072, July 3, 1996]

§ 164.72 Navigational-safety equipment, charts or maps, and publications required on towing vessels.

(a) Except as provided by § 164.01(b), each towing vessel must be equipped with the following navigational-safety equipment:

(1) *Marine Radar*. By August 2, 1997, a marine radar that meets the following applicable requirements:

(i) For a vessel of less than 300 tons gross tonnage that engages in towing on navigable waters of the U.S., including Western Rivers, the radar must meet—

(A) The requirements of the Federal Communications Commission (FCC) specified by 47 CFR part 80; and

(B) RTCM Standard for Marine Radar Equipment Installed on Ships of Less Than 300 Tons Gross Tonnage, RTCM Paper 71-95/SC112-STD, Version 1.1, display Category II and stabilization Category Bravo.

(ii) For a vessel of less than 300 tons gross tonnage that engages in towing seaward of navigable waters of the U.S. or more than three nautical miles from shore on the Great Lakes, the radar must meet—

(A) The requirements of the FCC specified by 47 CFR part 80; and

(B) RTCM Standard for Marine Radar Equipment Installed on Ships of Less Than 300 Tons Gross Tonnage, RTCM Paper 71-95/SC112-STD, Version 1.1, display Category I and stabilization Category Alpha.

(iii) For a vessel of 300 tons gross tonnage or more that engages in towing on navigable waters of the U.S., including Western rivers, the radar must meet—

(A) The requirements of the Federal Communications Commission (FCC) specified by 47 CFR part 80; and

(B) RTCM Recommended Standards for Marine Radar Equipment Installed on Ships of 300 Tons Gross Tonnage and Upwards, RTCM Paper 191-93/SC112-X, Version 1.2 except the requirements for azimuth stabilization in paragraph 3.10.

(iv) For a vessel of 300 tons gross tonnage or more that engages in towing seaward of navigable waters of the U.S. or more than three nautical miles from shore on the Great Lakes, the radar must meet—

(A) The requirements of the FCC specified by 47 CFR Part 80; and

(B) RTCM Recommended Standards for Marine Radar Equipment Installed on Ships of 300 Tons Gross Tonnage and Upwards, RTCM Paper 191-93/SC112-X, Version 1.2.

(v) A towing vessel with an existing radar must meet the applicable requirements of paragraphs (a)(1) (i) through (iv) of this section by August 2, 1998; except that a towing vessel with an existing radar must meet the display and stabilization requirements of paragraph (a)(1)(ii)(B) of this section by August 2, 2001.

(2) *Searchlight.* A searchlight, redirectable from the vessel's main steering station and capable of illuminating objects at a distance of at least two times the length of the tow.

(3) *VHF-FM Radio.* An installation or multiple installations of VHF-FM radios as prescribed by part 26 of this chapter and 47 CFR part 80, to maintain a continuous listening watch on

the designated calling channel, VHF-FM Channel 13 (except on portions of the Lower Mississippi River, where VHF-FM Channel 67 is the designated calling channel), and to separately monitor the International Distress and Calling Channel, VHF-FM Channel 16, except when transmitting or receiving traffic on other VHF-FM channels or when participating in a Vessel Traffic Service (VTS) or monitoring a channel of a VTS. (Each U.S. towing vessel of 26 feet (about 8 meters) or more in length, except a public vessel, must hold a ship-radio-station license for radio transmitters (including radar and EPIRBs), and each operator must hold a restricted operator's license or higher. To get an application for either license, call (800) 418-FORM or (202) 418-FORM, or write to the FCC; Wireless Bureau, Licensing Division; 1270 Fairfield Road; Gettysburg, PA 17325-7245.)

(4) *Magnetic Compass.* Either—

(i) An illuminated swing-meter or an illuminated car-type magnetic steering compass readable from the vessel's main steering station, if the vessel engages in towing exclusively on Western Rivers; or

(ii) An illuminated card-type magnetic steering compass readable from the vessel's main steering station.

(5) *Echo Depth-Sounding Device.* By August 2, 2001, an echo depth-sounding device readable from the vessel's main steering station, unless the vessel engages in towing exclusively on Western Rivers.

(6) *Electronic Position-Fixing Device.* An electronic position-fixing device, either a LORAN-C receiver or a satellite navigational system such as the Global Positioning System (GPS) as required by §164.41, if the vessel engages in towing seaward of navigable waters of the U.S. or more than three nautical miles from shore on the Great Lakes.

(b) Each towing vessel must carry on board and maintain the following:

(1) *Charts or maps.* Marine charts or maps of the areas to be transited, published by the National Ocean Service (NOS), the ACOE, or a river authority that satisfy the following requirements:

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(i) The charts or maps must be of a large enough scale and have enough detail to make safe navigation of the areas possible.

(ii) The charts or maps must be either—

(A) Current editions or currently corrected editions, if the vessel engages in towing exclusively on navigable waters of the U.S., including Western Rivers; or

(B) Currently corrected editions, if the vessel engages in towing seaward of navigable waters of the U.S. or more than three nautical miles from shore on the Great Lakes.

(iii) The charts or maps may be, instead of charts or maps required by paragraphs (b)(1) (i) and (ii) of this section, currently corrected marine charts or maps, or applicable extracts, published by a foreign government. These charts or maps, or applicable extracts, must contain information similar to that on the charts or maps required by paragraphs (b)(1) (i) and (ii) of this section, be of large enough scale, and have enough detail to make safe navigation of the areas possible, and must be currently corrected.

(2) *General publications.* A currently corrected edition of, or an applicable currently corrected extract from, each of the following publications for the area to be transited:

(i) If the vessel is engaged in towing exclusively on Western Rivers—

(A) U.S. Coast Guard Light List;

(B) Applicable Notices to Navigation published by the ACOE, or Local Notices to Mariners (LNMs) published by the Coast Guard, for the area to be transited, when available; and

(C) River-current tables published by the ACOE or a river authority, if available.

(ii) If the vessel is engaged other than in towing exclusively on Western Rivers—

(A) Coast Guard Light List;

(B) Notices to Mariners published by the National Imagery and Mapping Agency, or LNMs published by the Coast Guard;

(C) Tidal-current tables published by private entities using data provided by the NOS, or river-current tables published by the ACOE or a river authority;

(D) Tide tables published by private entities using data provided by the NOS; and

(E) U.S. Coast Pilot.

(c) Table 164.72, following, summarizes the navigational-safety equipment, charts or maps, and publications required for towing vessels of 12 meters or more in length engaged in towing:

TABLE 164.72—EQUIPMENT, CHARTS OR MAPS, AND PUBLICATIONS FOR TOWING VESSELS OF 12 METERS OR MORE IN LENGTH

	Western rivers	U.S. navigable waters other than western rivers	Waters seaward of navigable waters and 3 NM or more from shore on the Great Lakes
Marine Radar:			
Towing Vessels of Less Than 300 GT.	RTCM Paper 71-95/SC112-STD Version 1.1, Display Category II ¹ Stabilization Category BRAVO.	RTCM Paper 71-95/SC112-STD Version 1.1, Display Category II ¹ Stabilization Category BRAVO.	RTCM Paper 71-95/SC112-STD Version 1.1, Display Category I ² Stabilization Category ALPHA.
Towing Vessels of 300 GT or More.	RTCM Paper 191-93/SC112-X Version 1.2 (except the Azimuth stabilization requirement in paragraph 3.10). ¹ .	RTCM Paper 191-93/SC112-X Version 1.2 (except the Azimuth stabilization requirement in paragraph 3.10). ¹ .	RTCM Paper 191-93/SC112-X Version 1.2. ¹
Searchlight	X	X	X
VHF-FM Radio	X	X	X
Magnetic Compass	X ³	X	X
Swing-Meter	X ³		
Echo Depth-Sounding Device.		X	X
Electronic Position-Fixing Device.			X
Charts or Maps	(1) Large enough scale	(1) Large enough scale	(1) Large enough scale.
	(2) Current edition or currently corrected edition.	(2) Current edition or currently corrected edition.	(2) Currently corrected edition.
General Publications ...	(1) U.S. Coast Guard Light List	(1) U.S. Coast Guard Light List	(1) U.S. Coast Guard Light List.
	(2) Notices to Navigation or Local Notices to Mariners.	(2) Local Notices to Mariners ...	(2) Local Notices to Mariners.

TABLE 164.72—EQUIPMENT, CHARTS OR MAPS, AND PUBLICATIONS FOR TOWING VESSELS OF 12 METERS OR MORE IN LENGTH—Continued

	Western rivers	U.S. navigable waters other than western rivers	Waters seaward of navigable waters and 3 NM or more from shore on the Great Lakes
	(3) River-current Tables	(3) Tidal-current Tables (4) Tide Tables (5) U.S. Coast Pilot	(3) Tidal-current Tables. (4) Tide Tables. (5) U.S. Coast Pilot.

Notes:

- ¹ Towing vessels with existing radar must meet this requirement by August 2, 1998.
- ² Towing vessels with existing radar must meet this requirement by August 2, 1998 but do not need to meet the display and stabilization requirements until August 2, 2001.
- ³ A towing vessel may carry either a swing-meter or a magnetic compass.

[CGD 94-020, 61 FR 35073, July 3, 1996, as amended by CGD 97-034, 62 FR 40272, July 28, 1997; USCG-1999-5832, 64 FR 34715, June 29, 1999; USCG-2001-9286, 66 FR 33641, June 25, 2001]

§ 164.74 Towline and terminal gear for towing astern.

(a) *Towline.* The owner, master, or operator of each vessel towing astern shall ensure that the strength of each towline is adequate for its intended service, considering at least the following factors:

- (1) The size and material of each towline must be—
 - (i) Appropriate for the horsepower or bollard pull of the vessel;
 - (ii) Appropriate for the static loads and dynamic loads expected during the intended service;
 - (iii) Appropriate for the sea conditions expected during the intended service;
 - (iv) Appropriate for exposure to the marine environment and to any chemicals used or carried on board the vessel;
 - (v) Appropriate for the temperatures of normal stowage and service on board the vessel;
 - (vi) Compatible with associated navigational-safety equipment; and
 - (vii) Appropriate for the likelihood of mechanical damage.
- (2) Each towline as rigged must be—
 - (i) Free of knots;
 - (ii) Spliced with a thimble, or have a poured socket at its end; and
 - (iii) Free of wire clips except for temporary repair, for which the towline must have a thimble and either five wire clips or as many wire clips as the manufacturer specifies for the nominal diameter and construction of the towline, whichever is more.

(3) The condition of each towline must be monitored through the—

- (i) Keeping on board the towing vessel or in company files of a record of the towline's initial minimum breaking strength as determined by the manufacturer, by a classification ("class") society authorized in §157.04 of this chapter, or by a tensile test that meets API Specification 9A, Specification for Wire Rope, Section 3; ASTM D 4268 (incorporated by reference, see §164.03), Standard Test Method for Testing Fiber Ropes; or Cordage Institute CIA 3, Standard Test Methods for Fiber Rope Including Standard Terminations;
- (ii) If the towline is purchased from another owner, master, or operator of a vessel with the intent to use it as a towline or if it is retested for any reason, keeping on board the towing vessel or in company files of a record of each retest of the towline's minimum breaking strength as determined by a class society authorized in §157.04 of this chapter or by a tensile test that meets API Specification 9A, Section 3; ASTM D 4268 (incorporated by reference, see §164.03) or Cordage Institute CIA 3, Standard Test Methods;
- (iii) Conducting visual inspections of the towline in accordance with the manufacturer's recommendations, or at least monthly, and whenever the serviceability of the towline is in doubt (the inspections being conducted by the owner, master, or operator, or by a person on whom the owner, master, or operator confers the responsibility to take corrective measures appropriate for the use of the towline);
- (iv) Evaluating the serviceability of the whole towline or any part of the towline, and removing the whole or

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part from service either as recommended by the manufacturer or a class society authorized in §157.04 of this chapter or in accordance with a replacement schedule developed by the owner, master, or operator that accounts for at least the—

(A) Nautical miles on, or time in service of, the towline;

(B) Operating conditions experienced by the towline;

(C) History of loading of the towline;

(D) Surface condition, including corrosion and discoloration, of the towline;

(E) Amount of visible damage to the towline;

(F) Amount of material deterioration indicated by measurements of diameter and, if applicable, measurements of lay extension of the towline; and

(G) Point at which a tensile test proves the minimum breaking strength of the towline inadequate by the standards of paragraph (a)(1) of this section, if necessary; and

(v) Keeping on board the towing vessel or in company files of a record of the material condition of the towline when inspected under paragraphs (a)(3)(iii) and (iv) of this section. Once this record lapses for three months or more, except when a vessel is laid up or out of service or has not deployed its towline, the owner, master, or operator shall retest the towline or remove it from service.

(b) *Terminal gear.* The owner, master, or operator of each vessel towing astern shall ensure that the gear used to control, protect, and connect each towline meets the following criteria:

(1) The material and size of the terminal gear are appropriate for the strength and anticipated loading of the towline and for the environment;

(2) Each connection is secured by at least one nut with at least one cotter pin or other means of preventing its failure;

(3) The lead of the towline is appropriate to prevent sharp bends in the towline from fairlead blocks, chocks, or tackle;

(4) There is provided a method, whether mechanical or non-mechanical, that does not endanger operating personnel but that easily releases the towline;

(5) The towline is protected from abrasion or chafing by chafing gear, lagging, or other means;

(6) Except on board a vessel towing in ice on Western Rivers or one using a towline of synthetic or natural fiber, there is fitted a winch that evenly spools and tightly winds the towline; and

(7) If a winch is fitted, there is attached to the main drum a brake that has holding power appropriate for the horsepower or bollard pull of the vessel and can be operated without power to the winch.

[CGD 94-020, 61 FR 35074, July 3, 1996, as amended by USCG-1999-5151, 64 FR 67176, Dec. 1, 1999]

§ 164.76 Towline and terminal gear for towing alongside and pushing ahead.

The owner, master, or operator of each vessel towing alongside or pushing ahead shall ensure that the face wires, spring lines, and push gear used—

(a) Are appropriate for the vessel's horsepower;

(b) Are appropriate for the arrangement of the tow;

(c) Are frequently inspected; and

(d) Remain serviceable.

[CGD 94-020, 61 FR 35075, July 3, 1996]

§ 164.78 Navigation under way: Towing vessels.

(a) The owner, master, or operator of each vessel towing shall ensure that each person directing and controlling the movement of the vessel—

(1) Understands the arrangement of the tow and the effects of maneuvering on the vessel towing and on the vessel, barge, or object being towed;

(2) Can fix the position of the vessel using installed navigational equipment, aids to navigation, geographic reference-points, and hydrographic contours;

(3) Does not fix the position of the vessel using buoys alone (Buoys are aids to navigation placed in approximate positions either to alert mariners to hazards to navigation or to indicate the orientation of a channel. They may not maintain exact charted positions, because strong or varying currents,

heavy seas, ice, and collisions with vessels can move or sink them or set them adrift. Although they may corroborate a position fixed by other means, they cannot fix a position; however, if no other aids are available, buoys alone may establish an estimated position.);

(4) Evaluates the danger of each closing visual or radar contact;

(5) Knows and applies the variation and deviation, where a magnetic compass is fitted and where charts or maps have enough detail to enable this type of correction;

(6) Knows the speed and direction of the current, set, drift, and tidal state for the area to be transited; and

(7) Proceeds at a speed prudent for the weather, visibility, traffic density, tow draft, possibility of wake damage, speed of the current, and local speed-limits.

(b) The owner, master, or operator of each vessel towing shall ensure that the tests and inspections required by §164.80 are conducted and that the results are entered in the log or other record carried on board.

[CGD 94-020, 61 FR 35075, July 3, 1996]

EFFECTIVE DATE NOTE: By USCG-2000-6931, 68 FR 22610, Apr. 29, 2003, §164.78 was amended by revising paragraphs (a)(6) and (a)(7) and by adding paragraph (a)(8), effective Aug. 27, 2003. For the convenience of the user, the revised and added text is set forth as follows:

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(a) * * *

(6) Knows the speed and direction of the current, set, drift, and tidal state for the area to be transited;

(7) Proceeds at a safe speed taking into account the weather, visibility, density of traffic, draft of tow, possibility of wake damage, speed and direction of the current, and local speed-limits; and

(8) Monitors the voyage plan required by §164.80.

* * * * *

§ 164.80 Tests and inspections.

(a) The owner, master, or operator of each towing vessel of less than 1,600 GT shall ensure that the following tests and inspections of gear occur before

the vessel embarks on a voyage of more than 24 hours or when each new master or operator assumes command:

(1) *Steering-systems.* A test of the steering-gear-control system; a test of the main steering gear from the alternative power supply, if installed; a verification of the rudder-angle indicator relative to the actual position of the rudder; and a visual inspection of the steering gear and its linkage.

(2) *Navigational equipment.* A test of all installed navigational equipment.

(3) *Communications.* Operation of all internal vessel control communications and vessel-control alarms, if installed.

(4) *Lights.* Operation of all navigational lights and all searchlights.

(5) *Terminal gear.* Visual inspection of tackle; of connections of bridle and towing pendant, if applicable; of chafing gear; and of the winch brake, if installed.

(6) *Propulsion systems.* Visual inspection of the spaces for main propulsion machinery, of machinery, and of devices for monitoring machinery.

(b) The owner, master, or operator of each towing vessel of 1,600 GT or more shall ensure that the following tests of equipment occur at the frequency required by §164.25 and that the following inspections of gear occur before the vessel embarks on a voyage of more than 24 hours or when each new master or operator assumes command:

(1) *Navigational equipment.* Tests of onboard equipment as required by §164.25.

(2) *Terminal gear.* Visual inspection of tackle; of connections of bridle and towing pendant, if applicable; of chafing gear; and of the winch brake, if installed.

[CGD 94-020, 61 FR 35075, July 3, 1996]

EFFECTIVE DATE NOTE: By USCG-2000-6931, 68 FR 22610, Apr. 29, 2003, §164.80 was amended by revising the section heading and by adding paragraph (c), effective Aug. 27, 2003. For the convenience of the user, the revised and added text is set forth as follows:

§ 164.80 Tests, inspections, and voyage planning.

* * * * *

(c) Towing vessels described in paragraphs (b) (1) through (4) of §164.01 are

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exempt from the voyage-planning requirements outlined in this section. If any part of a towing vessel's intended voyage is seaward of the baseline (*i.e.*, the shoreward boundary) of the territorial sea of the U.S., then the owner, master, or operator of the vessel, employed to tow a barge or barges, must ensure that the voyage with the barge or barges is planned, taking into account all pertinent information before the vessel embarks on the voyage. The master must check the planned route for proximity to hazards before the voyage begins. During a voyage, if a decision is made to deviate substantially from the planned route, then the master or mate must plan the new route before deviating from the planned route. The voyage plan must follow company policy and consider the following (related requirements noted in parentheses):

- (1) Applicable information from nautical charts and publications (also see paragraph (b) of §164.72), including Coast Pilot, Coast Guard Light List, and Coast Guard Local Notice to Mariners for the port of departure, all ports of call, and the destination;
- (2) Current and forecast weather, including visibility, wind, and sea state for the port of departure, all ports of call, and the destination (also see paragraphs (a)(7) of §164.78 and (b) of §164.82);
- (3) Data on tides and currents for the port of departure, all ports of call, and the destination, and the river stages and forecast, if appropriate;
- (4) Forward and after drafts of the barge or barges and under-keel and vertical clearances (air-gaps) for all bridges, ports, and berthing areas;
- (5) Pre-departure checklists;
- (6) Calculated speed and estimated time of arrival at proposed waypoints;
- (7) Communication contacts at any Vessel Traffic Services, bridges, and facilities, and any port-specific requirements for VHF radio;
- (8) Any master's or operator's standing orders detailing closest points of approach, special conditions, and critical maneuvers; and
- (9) Whether the towing vessel has sufficient power to control the tow under all foreseeable circumstances.

§ 164.82 Maintenance, failure, and reporting.

(a) *Maintenance.* The owner, master, or operator of each towing vessel shall maintain operative the navigational-safety equipment required by §164.72.

(b) *Failure.* If any of the navigational-safety equipment required by §164.72 fails during a voyage, the owner, master, or operator of the towing vessel shall exercise due diligence to repair it at the earliest practicable time. He or she shall enter its failure in the log or other record carried on board. The failure of equipment, in itself, does not constitute a violation of this rule; nor does it constitute unseaworthiness; nor does it obligate an owner, master, or operator to moor or anchor the vessel. However, the owner, master, or operator shall consider the state of the equipment—along with such factors as weather, visibility, traffic, and the dictates of good seamanship—in deciding whether it is safe for the vessel to proceed.

(c) *Reporting.* The owner, master, or operator of each towing vessel whose equipment is inoperative or otherwise impaired while the vessel is operating within a Vessel Traffic Service (VTS) Area shall report the fact as required by 33 CFR 161.124. (33 CFR 161.124 requires that each user of a VTS report to the Vessel Traffic Center as soon as practicable:

(1) Any absence or malfunction of vessel-operating equipment for navigational safety, such as propulsion machinery, steering gear, radar, gyro-compass, echo depth-sounding or other sounding device, automatic dependent surveillance equipment, or navigational lighting;

(2) Any condition on board the vessel likely to impair navigation, such as shortage of personnel or lack of current nautical charts or maps, or publications; and

(3) Any characteristics of the vessel that affect or restrict the maneuverability of the vessel, such as arrangement of cargo, trim, loaded condition, under-keel clearance, and speed.)

(d) *Deviation and authorization.* The owner, master, or operator of each towing vessel unable to repair within 96 hours an inoperative marine radar required by §164.72(a) shall so notify the

Captain of the Port (COTP) and shall seek from the COTP both a deviation from the requirements of this section and an authorization for continued operation in the area to be transited. Failure of redundant navigational-safety equipment, including but not limited to failure of one of two installed radars, where each satisfies §164.72(a), does not necessitate either a deviation or an authorization.

(1) The initial notice and request for a deviation and an authorization may be spoken, but the request must also be written. The written request must explain why immediate repair is impracticable, and state when and by whom the repair will be made.

(2) The COTP, upon receiving even a spoken request, may grant a deviation and an authorization from any of the provisions of §§164.70 through 164.82 for a specified time if he or she decides that they would not impair the safe navigation of the vessel under anticipated conditions.

[CGD 94-020, 61 FR 35075, July 3, 1996]

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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Sec.

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- 165.120 Safety Zone: Chelsea River, Boston Inner Harbor, Boston, MA.
- 165.121 Safety and Security Zones: High Interest Vessels, Narragansett Bay, Rhode Island.
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- 165.130 Sandy Hook Bay, New Jersey—security zone.
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- 165.141 Safety Zone: Sunken vessel EMPIRE KNIGHT, Boon Island, ME.
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- 165.151 Safety Zones; Long Island Sound annual fireworks displays.
- 165.T01-153 Regulated Navigation Area; Long Island Sound Marine Inspection Zone and Captain of the Port Zone.
- 165.T01-154 Safety and Security Zones; Long Island Sound Inspection Zone and Captain of the Port Zone.

- 165.155 Northville Industries Offshore Platform, Riverhead, Long Island, New York—safety zone.
- 165.160 Safety and Security Zones: Liquefied Hazardous Gas Vessel, Liquefied Hazardous Gas Facility and Designated Vessel Transits, New York Marine Inspection Zone and Captain of the Port Zone.
- 165.161 Safety Zones: Coast Guard Activities New York Annual Fireworks Displays.
- 165.162 Safety Zone: New York Super Boat Race, Hudson River, New York.
- 165.163 Safety Zones; Port of New York/New Jersey Fleet Week.
- 165.164 Security Zones: Dignitary Arrival/Departure and United Nations Meetings, New York, NY.
- 165.165 Regulated Navigation Area; Kill Van Kull Channel, Newark Bay Channel, South Elizabeth Channel, Elizabeth Channel, Port Newark Channel and New Jersey Pierhead Channel, New York and New Jersey.
- 165.166 Safety zone: Macy's July 4th Fireworks, East River, NY.
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- 165.169 Safety and Security Zones: New York Marine Inspection Zone and Captain of the Port Zone.
- 165.170 Safety Zone: Triathlon, Ulster, Landing, Hudson River, NY.
- 165.T02-031 Safety Zone: Fore River Channel, Weymouth Fore River, Weymouth, MA.
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- 165.T05-078 Security Zone; Salem and Hope Creek Generation Stations, Delaware River, Salem County, New Jersey.
- 165.T05-090 Security Zone; Limerick Generating Station, Schuylkill River, Montgomery County, Pennsylvania.
- 165.T05-091 Security Zone; Oyster Creek Generation Station, Forked River, Ocean County, New Jersey.
- 165.T05-092 Security Zone; Peach Bottom Atomic Power Station, Susquehanna River, York County, Pennsylvania.
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- 165.501 Chesapeake Bay entrance and Hampton Roads, VA and adjacent waters—Regulated Navigation Area.
- 165.502 Cove Point, Chesapeake Bay, Maryland—safety zone.
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- 165.505 Security Zone; Calvert Cliffs Nuclear Power Plant, Chesapeake Bay, Calvert County, Maryland.
- 165.510 Delaware Bay and River, Salem River, Christina River and Schuylkill River—Regulated Navigation Area.
- 165.514 Safety Zone: Atlantic Intracoastal Waterway and connecting waters, vicinity of Marine Corps Base Camp Lejeune, North Carolina.
- 165.515 Safety Zone: Cape Fear River, Wilmington, North Carolina.
- 165.530 Safety Zone: Cape Fear and Northeast Cape Fear Rivers, NC.
- 165.540 Regulated Navigation Area; Cape Fear River, Northeast Cape Fear River, Wilmington, North Carolina
- SEVENTH COAST GUARD DISTRICT
- 165.T07-013 Security Zone: Internal waters and territorial seas adjacent to the Florida peninsula.
- 165.T07-069 Regulated Navigation Area; Port Everglades Harbor, Fort Lauderdale, Florida.
- 165.T07-146 Security Zones; Charleston Harbor, Cooper River, South Carolina.
- 165.701 Vicinity, Kennedy Space Center, Merritt Island, Florida—security zone.
- 165.703 Tampa Bay, Florida—Safety Zone.
- 165.704 Safety Zone: Tampa Bay, Florida.
- 165.T0704 Safety Zone: Savannah River, Savannah, Georgia.
- 165.705 Port Canaveral Harbor, Cape Canaveral, Florida.
- 165.708 Safety/Security Zone; Charleston Harbor and Cooper River, Charleston, SC.
- 165.711 Safety Zone: Port Everglades, Fort Lauderdale, FL.
- 165.714 Regulated Navigation Area; Atlantic Ocean, Charleston, SC.
- 165.720 Safety/Security Zone: St. Johns River, Jacksonville, FL.
- 165.721 Safety Zone: St. Johns River, Jacksonville, FL.
- 165.722 Security Zone: St. Johns River, Jacksonville, Florida.
- 165.726 Regulated Navigation Areas; Miami River, Miami, Florida.
- 165.728 Jacksonville, Florida—safety zones.
- 165.729 Jacksonville Harbor, Florida—security zone.
- 165.730 King's Bay, Georgia—Regulated navigation area.
- 165.731 Safety/Security Zone: Cumberland Sound, Georgia and St. Marys River Entrance Channel.
- 165.735 Brunswick, Georgia, Turtle River, Vicinity of Sydney Lanier Bridge.
- 165.752 Sparkman Channel, Tampa, Florida—regulated navigation area.
- 165.753 Regulated navigation area; Tampa Bay, Florida.
- 165.754 Safety Zone: San Juan Harbor, San Juan, PR.
- 165.755 Safety Zone: Guayanilla, Puerto Rico
- 165.756 Regulated Navigation Area; Savannah River, Georgia.

- 165.757 Safety Zones; Ports of Ponce, Tallaboa, and Guayanilla, Puerto Rico and Limetree Bay, St. Croix, U.S.V.I.
- 165.758 Security Zone; San Juan, Puerto Rico.
- 165.759 Security Zones; Ports of Jacksonville, Fernandina, and Canaveral, Florida.
- 165.761 Security Zones; Port of Palm Beach, Port Everglades, Port of Miami, and Port of Key West, Florida.
- 165.762 Security Zone; St. Thomas, U.S. Virgin Islands.

EIGHTH COAST GUARD DISTRICT

- 165.T08-019 Regulated Navigation Area; Reporting Requirements for Barges Loaded with Certain Dangerous Cargoes, Inland Rivers, Eighth Coast Guard District.
- 165.T08-020 Security Zone; Chevron Pascagoula Refinery, Pascagoula, Mississippi.
- 165.802 Lower Mississippi River, vicinity of Old River Control Structure—Safety Zone.
- 165.803 Mississippi River—regulated navigation area.
- 165.804 Snake Island, Texas City, Texas; mooring and fleeting of vessels—safety zone.
- 165.805 Calcasieu Channel and Industrial Canal, Calcasieu River, Lake Charles, LA.
- 165.806 Sabine Neches Waterway, Texas—regulated navigation area.
- 165.807 Calcasieu River, Louisiana—regulated navigation area.
- 165.808 Corpus Christi Ship Channel, Corpus Christi, TX, safety zone.
- 165.809 Security Zones; Port of Port Lavaca-Point Comfort, Point Comfort, TX and Port of Corpus Christi Inner Harbor, Corpus Christi, TX.
- 165.810 Mississippi River, LA-regulated navigation area.
- 165.811 Atchafalaya River, Berwick Bay, LA—regulated navigation area.
- 165.812 Security Zones; Lower Mississippi River, Southwest Pass Sea Buoy to Mile Marker 96.0, New Orleans, LA.
- 165.813 Security Zones; Ports of Houston and Galveston, TX.
- 165.814 Security Zones; Captain of the Port Houston-Galveston Zone.
- 165.815 Ohio River at Louisville, KY; regulated navigation area.
- 165.817 Arkansas River, Mile 118.2 to 125.4, Little Rock Arkansas—regulated navigation area.
- 165.820 Security Zone; Ohio River, Mile 34.6 to 35.1, Shippingport, Pennsylvania.
- 165.821 Ohio River at Cincinnati, OH; regulated navigation area.
- 165.822 Security Zone; Ohio River, Mile 119.0 to 119.8, Natrium, WV.
- 165.825 Security Zones; Captain of the Port St. Louis, Missouri.

NINTH COAST GUARD DISTRICT

- 165.T09-209 Regulated Navigation Area; Reporting Requirements for Barges Loaded with Certain Dangerous Cargoes, Illinois Waterway System Within the Ninth Coast Guard District.
- 165.T09-214 Regulated Navigation Area; Des Plaines River, Joliet, Illinois.
- 165.901 Great Lakes—regulated navigation areas.
- 165.902 Niagara River at Niagara Falls, New York—safety zone.
- 165.903 Safety Zones; Cuyahoga River and Old River, Cleveland, OH.
- 165.904 Lake Michigan at Chicago Harbor & Burnham Park Harbor—Safety and Security Zone.
- 165.905 USX Superfund Site Safety Zones; St. Louis River.
- 165.906 Lakeside Yacht Club in Cleveland Harbor, Cleveland, OH—regulated navigation areas.
- 165.907 Safety Zones; Annual fireworks events in the Captain of the Port Detroit Zone.
- 165.909 Safety Zones; Annual fireworks events in the Captain of the Port Milwaukee Zone.
- 165.910 Security Zones; Captain of the Port Chicago, Zone, Lake Michigan.
- 165.911 Security Zones; Captain of the Port Buffalo Zone.
- 165.912 Security Zone; Lake Erie, Perry, OH.
- 165.915 Security zones; Captain of the Port Toledo Zone, Lake Erie.
- 165.916 Security Zones; Captain of the Port Milwaukee Zone, Lake Michigan.
- 165.917 Safety Zone; M/V ROY A. JODREY, St. Lawrence River, Wellesley Island, New York.
- 165.918 Safety zones; annual fireworks displays in the Captain of the Port Chicago Zone.

ELEVENTH COAST GUARD DISTRICT

- 165.T11-077 Security Zones; High Interest Vessels, San Francisco Bay and Delta ports, California.
- 165.T11-078 Security Zones; Golden Gate Bridge and the San Francisco-Oakland Bay Bridge, San Francisco Bay, California.
- 165.T11-079 Safety Zone; Mission Creek Waterway, China Basin, San Francisco Bay, California.
- 165.1101 Security Zone; San Diego Bay, CA.
- 165.1102 Security Zone; San Diego Bay, California.
- 165.1103 Security Zone; San Diego Bay, CA.
- 165.1104 Security Zone; San Diego Bay, CA.
- 165.1105 Security Zone; San Diego Bay, California.
- 165.1106 San Diego Bay, California—safety zone.
- 165.1107 San Diego Bay, California.

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- 165.1108 Security Zones; Cruise Ships, Port of San Diego, California.
- 165.1120 Security Zone; Naval Amphibious Base, San Diego, CA.
- 165.1121 Security Zone: Fleet Supply Center Industrial Pier, San Diego, CA.
- 165.1131 Security Zone: Wilson Cove, San Clemente Island, California.
- 165.1151 Security Zones; liquefied hazardous gas tank vessels, San Pedro Bay, California.
- 165.1152 San Pedro Bay, California—Regulated navigation area.
- 165.1154 Security Zones; Cruise Ships, San Pedro Bay, California.
- 165.1155 Security Zone; Diablo Canyon Nuclear Power Plant, Avila Beach, California.
- 165.1171 Copper Canyon, Lake Havasu, Colorado River—Regulated Navigation Area.
- 165.1181 San Francisco Bay Region, California—regulated navigation area.
- 165.1182 Safety/Security Zone: San Francisco Bay, San Pablo Bay, Carquinez Strait, and Suisun Bay, CA.
- 165.1183 Security Zones; Cruise Ships and Tank Vessels, San Francisco Bay and Delta ports, California.
- 165.1191 Safety zones: Northern California annual fireworks events.

THIRTEENTH COAST GUARD DISTRICT

- 165.T13-002 Security and Safety Zone, Large Passenger Vessel Protection, Puget Sound and adjacent waters, Washington.
- 165.T13-006 Security and Safety Zone, Large Passenger Vessel Protection, Portland, OR.
- 165.1301 Puget Sound and Adjacent Waters in Northwestern Washington—Regulated Navigation Area.
- 165.1302 Bangor Naval Submarine Base, Bangor, WA.
- 165.1303 Puget Sound and adjacent waters, WA—regulated navigation area.
- 165.1304 Bellingham Bay, Bellingham, WA.
- 165.1305 Commencement Bay, Tacoma, WA.
- 165.1306 Lake Union, Seattle, WA.
- 165.1307 Elliott Bay, Seattle, WA.
- 165.1308 Columbia River, Vancouver WA.
- 165.1309 Eagle Harbor, Bainbridge Island, WA.
- 165.1310 Strait of Juan de Fuca and adjacent coastal waters of Northwest Washington; Makah Whale Hunting—Regulated Navigation Area.
- 165.1311 Olympic View Resource Area, Tacoma, WA.
- 165.1312 Security Zone; Portland Rose Festival on Willamette River.
- 165.1313 Security zone regulations, tank ship protection, Puget Sound and adjacent waters, Washington
- 165.1314 Safety Zone; Fort Vancouver Fireworks Display, Columbia River, Vancouver, Washington.

- 165.1315 Safety Zones: Annual fireworks events in the Captain of the Port Portland Zone.

FOURTEENTH COAST GUARD DISTRICT

- 165.1401 Apra Harbor, Guam—safety zones.
- 165.1402 Apra Outer Harbor, Guam—regulated navigation area.
- 165.1403 Security Zone: Tinian, Commonwealth Northern Marianas Islands.
- 165.1404 Apra Harbor, Guam—security zone.
- 165.1405 Regulated Navigation Areas and Security Zones; Designated Escorted Vessels-Philippine Sea and Apra Harbor, Guam (including Cabras Island Channel), and Tanapag Harbor, Saipan, Commonwealth of the Northern Mariana Islands (CNMI).
- 165.1406 Safety Zone: Pacific Missile Range Facility (PMRF), Barking Sands, Island of Kauai, Hawaii.
- 165.1407 Security Zones; Oahu, Maui, Hawaii, and Kauai, HI.

SEVENTEENTH COAST GUARD DISTRICT

- 165.T17-005 Security zone regulations, Alaska Marine Highway System Vessel Security Zone, Western Alaska, Captain of the Port Zone.
- 165.T17-014 Security Zone Regulations, Alaska Marine Highway System High Capacity Passenger Vessel Security Zone, Southeast Alaska, Captain of the Port Zone.
- 165.1701 Port Valdez, Valdez, Alaska—Safety Zone.
- 165.1702 Gastineau Channel, Juneau, Alaska—Safety Zone.
- 165.1703 Ammunition Island, Port Valdez, Alaska.
- 165.1704 Prince William Sound, Alaska—regulated navigation area.
- 165.1706 Gastineau Channel, Juneau, Alaska—Safety Zone.
- 165.1708 Tongass Narrows, Ketchikan, Alaska—Safety Zone.
- 165.1709 Security Zones: Liquefied Natural Gas Tanker Transits and Operations at Phillips Petroleum LNG Pier, Cook Inlet, AK.

Subpart G—Protection of Naval Vessels

- 165.2010 Purpose.
- 165.2015 Definitions.
- 165.2020 Enforcement authority.
- 165.2025 Atlantic Area.
- 165.2030 Pacific Area.

AUTHORITY: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.

SOURCE: CGD 79-034, 47 FR 29660, July 8, 1982, unless otherwise noted.

Subpart A—General**§ 165.1 Purpose of part.**

The purpose of this part is to:

(a) Prescribe procedures for establishing different types of limited or controlled access areas and regulated navigation areas;

(b) Prescribe general regulations for different types of limited or controlled access areas and regulated navigation areas;

(c) Prescribe specific requirements for established areas; and

(d) List specific areas and their boundaries.

§ 165.5 Establishment procedures.

(a) A safety zone, security zone, or regulated navigation area may be established on the initiative of any authorized Coast Guard official.

(b) Any person may request that a safety zone, security zone, or regulated navigation area be established. Except as provided in paragraph (c) of this section, each request must be submitted in writing to either the Captain of the Port or District Commander having jurisdiction over the location as described in Part 3 of this chapter, and include the following:

(1) The name of the person submitting the request;

(2) The location and boundaries of the safety zone, security zone, or regulated navigation area;

(3) The date, time, and duration that the safety zone, security zone, or regulated navigation area should be established;

(4) A description of the activities planned for the safety zone, security zone, or regulated navigation area;

(5) The nature of the restrictions or conditions desired; and

(6) The reason why the safety zone, security zone, or regulated navigation area is necessary.

(Requests for safety zones, security zones, and regulated navigation areas are approved by the Office of Management and Budget under control number 2115-0076, 2115-0219, and 2115-0087).

(c) Safety Zones and Security Zones. If, for good cause, the request for a safety zone or security zone is made less than 5 working days before the

zone is to be established, the request may be made orally, but it must be followed by a written request within 24 hours.

[CGD 79-034, 47 FR 29660, July 8, 1982, as amended by CGD 79-026, 48 FR 35408, Aug. 4, 1983]

§ 165.7 Notification.

(a) The establishment of these limited access areas and regulated navigation areas is considered rulemaking. The procedures used to notify persons of the establishment of these areas vary depending upon the circumstances and emergency conditions. Notification may be made by marine broadcasts, local notice to mariners, local news media, distribution in leaflet form, and on-scene oral notice, as well as publication in the FEDERAL REGISTER.

(b) Notification normally contains the physical boundaries of the area, the reasons for the rule, its estimated duration, and the method of obtaining authorization to enter the area, if applicable, and special navigational rules, if applicable.

(c) Notification of the termination of the rule is usually made in the same form as the notification of its establishment.

§ 165.8 Geographic coordinates.

Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose referenced horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

[CGD 86-082, 52 FR 33811, Sept. 8, 1987]

Subpart B—Regulated Navigation Areas**§ 165.10 Regulated navigation areas.**

A regulated navigation area is a water area within a defined boundary

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for which regulations for vessels navigating within the area have been established under this part.

§ 165.11 Vessel operating requirements (regulations).

Each District Commander may control vessel traffic in an area which is determined to have hazardous conditions, by issuing regulations:

(a) Specifying times of vessel entry, movement, or departure to, from, within, or through ports, harbors, or other waters;

(b) Establishing vessel size, speed, draft limitations, and operating conditions; and

(c) Restricting vessel operation, in a hazardous area or under hazardous conditions, to vessels which have particular operating characteristics or capabilities which are considered necessary for safe operation under the circumstances.

[CGD 79-026, 48 FR 35408, Aug. 4, 1983]

§ 165.13 General regulations.

(a) The master of a vessel in a regulated navigation area shall operate the vessel in accordance with the regulations contained in Subpart F.

(b) No person may cause or authorize the operation of a vessel in a regulated navigation area contrary to the regulations in this part.

Subpart C—Safety Zones

§ 165.20 Safety zones.

A Safety Zone is a water area, shore area, or water and shore area to which, for safety or environmental purposes, access is limited to authorized persons, vehicles, or vessels. It may be stationary and described by fixed limits or it may be described as a zone around a vessel in motion.

§ 165.23 General regulations.

Unless otherwise provided in this part:

(a) No person may enter a safety zone unless authorized by the COTP or the District Commander;

(b) No person may bring or cause to be brought into a safety zone any vehicle, vessel, or object unless authorized

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by the COTP or the District Commander;

(c) No person may remain in a safety zone or allow any vehicle, vessel, or object to remain in a safety zone unless authorized by the COTP or the District Commander; and

(d) Each person in a safety zone who has notice of a lawful order or direction shall obey the order or direction of the COTP or District Commander issued to carry out the purposes of this subpart.

Subpart D—Security Zones

§ 165.30 Security zones.

(a) A security zone is an area of land, water, or land and water which is so designated by the Captain of the Port or District Commander for such time as is necessary to prevent damage or injury to any vessel or waterfront facility, to safeguard ports, harbors, territories, or waters of the United States or to secure the observance of the rights and obligations of the United States.

(b) The purpose of a security zone is to safeguard from destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of a similar nature:

- (1) Vessels,
- (2) Harbors,
- (3) Ports, and
- (4) Waterfront facilities:

in the United States and all territory and water, continental or insular, that is subject to the jurisdiction of the United States.

§ 165.33 General regulations.

Unless otherwise provided in the special regulations in Subpart F of this part:

(a) No person or vessel may enter or remain in a security zone without the permission of the Captain of the Port;

(b) Each person and vessel in a security zone shall obey any direction or order of the Captain of the Port;

(c) The Captain of the Port may take possession and control of any vessel in the security zone;

(d) The Captain of the Port may remove any person, vessel, article, or thing from a security zone;

(e) No person may board, or take or place any article or thing on board, any vessel in a security zone without the permission of the Captain of the Port; and

(f) No person may take or place any article or thing upon any waterfront facility in a security zone without the permission of the Captain of the Port.

Subpart E—Restricted Waterfront Areas

§ 165.40 Restricted waterfront areas.

The Commandant, may direct the COTP to prevent access to waterfront facilities, and port and harbor areas, including vessels and harbor craft therein. This section may apply to persons who do not possess the credentials outlined in §125.09 of this chapter when certain shipping activities are conducted that are outlined in §125.15 of this chapter.

Subpart F—Specific Regulated Navigation Areas and Limited Access Areas

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§ 165.T01-028 Security Zones; Escorted Vessel Transits, Portland, Maine, Captain of the Port Zone.

(a) *Definition.* “Escorted vessel” as used in this section describes escorted vessels operating in the Portland, Maine, Captain of the Port zone including the following: any vessels designated to be in need of Coast Guard escorts by the Captain of the Port, Portland, Maine, for security reasons, other than Liquefied Petroleum Gas (LPG) vessels, which are covered under 33 CFR 165.103, or high capacity passenger vessels, which are covered under 33 CFR 165.105. A designated representative aboard a Coast Guard cutter or patrol boat will accompany vessels deemed in need of escort protection.

(b) *Location.* The following areas are security zones: All navigable waters, within the Portland Maine, COTP zone, extending from the surface to the sea floor, extending 200 yards ahead, and 100 yards aside and astern of any escorted vessel that is underway.

(c) *Effective period.* This rule is effective from 12 a.m. (noon) EDT on April

15, 2003 until 12 a.m. (noon) EDT on October 11, 2003.

(d) *Regulations.* (1) In accordance with the general regulations in §165.33 of this part, entry into or movement within these zones is prohibited unless previously authorized by the Coast Guard Captain of the Port (COTP), Portland, Maine or his designated representative.

(2) Persons desiring to transit the area of the security zone may contact the COTP at telephone number 207-780-3251 or the authorized on-scene patrol representative on VHF-FM channel 13 (156.65 MHz) or VHF-FM channel 16 (156.8MHz) to seek permission to transit the area.

(3) All persons and vessels must comply with the instructions of the COTP or the designated on-scene Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, and local, state and federal law enforcement vessels.

(4) The COTP or his designated representative will notify the maritime community of periods during which these zones will be enforced. The COTP or his designated representative will identify escorted vessel transits by way of marine information broadcast. Emergency response vessels are authorized to move within the zone, but must abide by restrictions imposed by the COTP or his designated representative.

(e) *Enforcement.* The COTP will enforce these zones and may enlist the aid and cooperation of any Federal, state, county, municipal, or private agency to assist in the enforcement of the regulation.

[CGD01-03-028, 68 FR 22307, Apr. 28, 2003]

EFFECTIVE DATE NOTE: By CGD01-03-028, 68 FR 22307, Apr. 28, 2003, §165.T01-028 was added, effective Apr. 15, 2003 to Oct. 11, 2003.

§ 165.100 Regulated Navigation Area: Navigable waters within the First Coast Guard District.

(a) *Regulated navigation area.* All navigable waters of the United States, as that term is used in 33 CFR 2.05-25(a), within the geographic boundaries of the First Coast Guard District, as defined in 33 CFR 3.05-1(b).

(b) *Definitions.* Terms used in this section have the same meaning as those found in 33 CFR 157.03. Single-hull identifies any tank barge that is not a double-hull tank barge.

(c) *Applicability.* This section applies to primary towing vessels engaged in towing tank barges carrying petroleum oil in bulk as cargo in the regulated navigation area, or as authorized by the District Commander.

(d) *Regulations—(1) Positive control for barges.* (i) Except as provided in paragraph (d)(1)(iii) of this section, each single-hull tank barge, unless being towed by a primary towing vessel with twin-screw propulsion and with a separate system for power to each screw, must be accompanied by an escort or assist tug of sufficient capability to promptly push or tow the tank barge away from danger of grounding or collision in the event of—

- (A) A propulsion failure;
- (B) A parted towing line;
- (C) A loss of tow;
- (D) A fire;
- (E) Grounding;
- (F) A loss of steering; or
- (G) Any other casualty that affects the navigation or seaworthiness of either vessel.

(ii) Double-hull tank barges are exempt from paragraph (d)(1)(i) of this section.

(iii) The cognizant Captain of the Port (COTP), upon written application, may authorize an exemption from the requirements of paragraph (d)(1)(i) of this section for—

(A) Any tank barge with a capacity of less than 25,000 barrels, operating in an area with limited depth or width such as a creek or small river; or

(B) Any tank barge operating on any waters within the COTP Zone, if the operator demonstrates to the satisfaction of the COTP that the barge employs an equivalent level of safety to that provided by the positive control provisions of this section. Each request for an exemption under this paragraph must be submitted in writing to the cognizant COTP no later than 7 days before the intended transit.

(iv) The operator of a towing vessel engaged in towing any tank barge must immediately call for an escort or assist tug to render assistance in the event of

any of the occurrences identified in paragraph (d)(1)(i) of this section.

(2) *Enhanced communications.* Each vessel engaged in towing a tank barge must communicate by radio on marine band or Very High Frequency (VHF) channel 13 or 16, and issue security calls on marine band or VHF channel 13 or 16, upon approach to the following places:

- (i) Execution Rocks Light (USCG Light List No. [LLNR] 21440).
- (ii) Matinecock Point Shoal Buoy (LLNR 21420).
- (iii) 32A Buoy (LLNR 21380).
- (iv) Cable and Anchor Reef Buoy (LLNR 21330).
- (v) Stratford Middle Ground Light (LLNR 21260).
- (vi) Old Field Point Light (LLNR 21275).
- (vii) Approach to Stratford Point from the south (NOAA Chart 12370).
- (viii) Falkner Island Light (LLNR 21170).
- (ix) TE Buoy (LLNR 21160).
- (x) CF Buoy (LLNR 21140).
- (xi) PI Buoy (LLNR 21080).
- (xii) Race Rock Light (LLNR 19815).
- (xiii) Valiant Rock Buoy (LLNR 19825).
- (xiv) Approach to Point Judith in vicinity of Block Island ferry route.
- (xv) Buzzards Bay Entrance Light (LLNR 630).
- (xvi) Buzzards Bay Midchannel Lighted Buoy (LLNR 16055)
- (xvii) Cleveland East Ledge Light (LLNR 16085).
- (xviii) Hog Island buoys 1 (LLNR 16130) and 2 (LLNR 16135).
- (xix) Approach to the Bourne Bridge.
- (xx) Approach to the Sagamore Bridge.
- (xxi) Approach to the eastern entrance of Cape Cod Canal.

(3) *Voyage planning.* (i) Each owner or operator of a towing vessel employed to tow a tank barge shall prepare a written voyage plan for each transit of the tank barge.

(ii) The watch officer is authorized to make modifications to the plan and validate it as necessary.

(iii) Except as provided in paragraph (d)(3)(iv) of this section, each voyage plan must contain:

- (A) A description of the type, volume, and grade of cargo.

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(B) Applicable information from nautical charts and publications, including Coast Pilot, Coast Guard Light List, and Coast Guard Local Notice to Mariners, for the destination(s).

(C) Current and forecasted weather, including visibility, wind, and sea state for the destination(s).

(D) Data on tides and tidal currents for the destination(s).

(E) Forward and after drafts of the tank barge, and under-keel and vertical clearances for each port and berthing area.

(F) Pre-departure checklists.

(G) Calculated speed and estimated times of arrival at proposed waypoints.

(H) Communication contacts at Vessel Traffic Service (VTS) (if applicable), bridges, and facilities, and port-specific requirements for VHF radio.

(I) The master's standing orders detailing closest points of approach, special conditions, and critical maneuvers.

(iv) Each owner or operator of a tank barge on an intra-port transit of not more than four hours may prepare a voyage plan that contains:

(A) The information described in paragraphs (d)(3)(iii)(D) and (E) of this section.

(B) Current weather conditions including visibility, wind, and sea state. This information may be entered in either the voyage plan or towing vessel's log book.

(C) The channels of VHF radio to monitor.

(D) Other considerations such as availability of pilot, assist tug, berth, and line-handlers, depth of berth at mean low water, danger areas, and security calls.

(4) *Navigation restriction areas.* Unless authorized by the cognizant COTP, no tank barge may operate in—

(i) The waters of Cape Cod Bay south of latitude 42°5' North and east of longitude 70°25' West; or

(ii) The waters of Fishers Island Sound east of longitude 72°2' West, and west of longitude 71°55' West.

(e) In addition to the authority for this part 165, this section is also au-

thorized under authority of section 311, Pub. L. 105-383.

[CGD1-98-151, 63 FR 71770, Dec. 30, 1998, as amended by CGD01-98-151, 64 FR 12749, Mar. 15, 1999; USCG-1999-5832, 64 FR 34715, June 29, 1999; CGD01-98-151, 65 FR 35838, June 6, 2000]

§ 165.101 Kittery, Maine—regulated navigation area.

(a) The following is a regulated navigation area—Waters within the boundaries of a line beginning at 43°04'50"N, 70°44'52"W; then to 43°04'52"N, 70°44'53"W; then to 43°04'59"N, 70°44'46"W; then to 43°05'05"N, 70°44'32"W; then to 43°05'03"N, 70°44'30"W; then to the beginning point.

(b) *Regulations*—No vessel may operate in this area at a speed in excess of five miles per hour.

§ 165.102 Security Zone: Walkers Point, Kennebunkport ME.

(a) *Location.* The following area is a security zone: From point of land located on Cape Arundel at latitude 43°20.4' North, longitude 070°28.0' West; thence to a point approximately 500 yards southwest of Walkers Point located at latitude 43°20.2' North, longitude 070°27.9' West; thence to a point located approximately 500 yards south of Walkers Point at latitude 43°20.1' North, longitude 070°27.6' West; thence to a point located approximately southeast of Walkers Point at latitude 43°20.4' North, longitude 070°27.2' West; thence to an unnamed point of land located at 43°20.9' North, longitude 070°27.1' West; thence along the shoreline of Walkers Point to the beginning point. The aforementioned offshore positions are approximated by white buoys marked in orange indicating an exclusionary area.

(b) *Regulations.* (1) In accordance with the general regulations in §165.33 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port, Portland, Maine. Section 165.33 also contained other general requirements.

(2) No person may swim upon or below the surface of the water within the boundaries of this security zone.

[CGDI 89-008, 54 FR 13883, Apr. 6, 1989]

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§ 165.103 Safety and Security Zones; LPG Vessel Transits in Portland, Maine, Captain of the Port Zone, Portsmouth Harbor, Portsmouth, New Hampshire.

(a) *Location.* The following areas are safety and security zones: (1) Except as provided in paragraph (a) (2) of this section, all navigable waters of the Portland, Maine, Captain of the Port zone, as defined in 33 CFR 3.05-15, one mile ahead, one half mile astern, and 1000-yards on either side of any Liquefied Petroleum Gas vessel.

(2) All waters of the Piscataqua River within a 500-yard radius of any Liquefied Petroleum Gas (LPG) vessel while it is moored at the LPG receiving facility on the Piscataqua River, Newington, New Hampshire.

(b) *Definitions.* For purposes of this section, navigable waters of the United States includes all waters of the territorial sea as described in Presidential Proclamation No. 5928 of December 27, 1988. Presidential Proclamation No. 5928 of December 27, 1988 declared that the territorial sea of the United States extends to 12 nautical miles from the baseline of the United States.

(c) *Regulations.* (1) In accordance with the general regulations in §§165.23 and 165.33 of this part, entry into or movement within these zones is prohibited unless previously authorized by the Captain of the Port (COTP), Portland, Maine.

(2) All persons and vessels shall comply with the instructions of the COTP or the designated on-scene U.S. Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, and local, state, and federal law enforcement vessels. Emergency response vessels are authorized to move within the zone, but must abide by restrictions imposed by the Captain of the Port.

(3) No person may swim upon or below the surface of the water within the boundaries of the safety and security zones unless previously authorized by the Captain of the Port, Portland, Maine or his authorized patrol representative.

(d) The Captain of the Port will notify the maritime community and local

agencies of periods during which these safety and security zones will be in effect by providing notice of arrivals and departures of LPG vessels via the telephone and/or Marine Safety Information Radio Broadcasts.

[CGD01-02-045, 67 FR 56487, Sept. 4, 2002]

§ 165.104 Safety Zone: Vessel Launches, Bath Iron Works, Kennebec River, Bath, Maine.

(a) *Location.* The following is a safety zone: all waters of the Kennebec River within a 150-yard radius of the Bath Iron Works dry dock while it is being moved to and from its moored position at the Bath Iron Works Facility in Bath, Maine to a deployed position in the Kennebec River, and while launching or recovering vessels.

(b) *Regulations.* (1) In accordance with the general regulations in §165.23 of this part, entry into or movement within this zone is prohibited unless authorized by the Captain of the Port, Portland, Maine.

(2) All vessel operators shall comply with the instructions of the COTP or the designated on-scene U. S. Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state and federal law enforcement vessels.

(c) *Notifications.* The Captain of the Port will notify the maritime community of periods during which this safety zone will be in effect by providing advance notice via Marine Safety Information Radio Broadcasts.

[CGD01-01-155, 67 FR 49582, July 31, 2002]

§ 165.105 Security Zones; Passenger Vessels, Portland, Maine, Captain of the Port Zone.

(a) *Definition.* "Passenger vessel" as used in this section means a passenger vessel over 100 gross tons authorized to carry more than 500 passengers for hire making voyages, any part of which is on the high seas, and for which passengers are embarked, disembarked or pay a port call, in the Portland, Maine, Captain of the Port zone as delineated in 33 CFR 3.05-15.

(b) *Location.* The following areas are security zones:

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(1) All navigable waters within the Portland, Maine, Captain of the Port Zone, extending from the surface to the sea floor, within a 100-yard radius of any passenger vessel that is anchored, moored, or in the process of mooring.

(2) All navigable waters, within the Portland, Maine, Captain of the Port Zone, extending from the surface to the sea floor, extending 200 yards ahead, and 100 yards astern of any passenger vessel that is underway.

(c) *Regulations.* (1) In accordance with the general regulations in §165.33 of this part, entry into or movement within these zones is prohibited unless previously authorized by the Coast Guard Captain of the Port, Portland, Maine (COTP) or his designated representative.

(2) All persons and vessels must comply with the instructions of the COTP or the designated on-scene Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, and local, state and federal law enforcement vessels. Emergency response vessels are authorized to move within the zone, but must abide by restrictions imposed by the COTP or his designated representative.

(3) No person may swim upon or below the surface of the water within the boundaries of these security zones unless previously authorized by the COTP or his designated representative.

(d) *Enforcement.* The Captain of the Port will enforce these zones and may enlist the aid and cooperation of any Federal, state, county, municipal, or private agency to assist in the enforcement of the regulation.

[CGD01-03-001, 68 FR 22305, Apr. 28, 2003]

§ 165.106 Security Zone: Seabrook Nuclear Power Plant, Seabrook, New Hampshire.

(a) *Location.* The following area is a security zone: All land and waters within 250 yards of the waterside property boundary of Seabrook Nuclear Power Plant identified as follows: beginning at position 42°53'58" N, 070°51'06" W then running along the property boundaries of Seabrook Nuclear Power Plant to position 42°53'46" N, 070°51'06"

W. All coordinates reference 1983 North American Datum (NAD 83).

(b) *Regulations.* (1) In accordance with the general regulations in §165.33 of this part, entry into or movement within this zone is prohibited unless authorized by the Captain of the Port, Portland, Maine (COTP).

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port, Portland, Maine or designated on-scene U.S. Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state and federal law enforcement vessels.

(3) No person may swim upon or below the surface of the water within the boundaries of this security zone.

[CGD01-02-092, 67 FR 64815, Oct. 22, 2002]

§ 165.110 Safety and Security Zone; Liquefied Natural Gas Carrier Transits and Anchorage Operations, Boston, Massachusetts.

(a) *Definition.* For purposes of this section, navigable waters of the United States includes all waters of the territorial sea as described in Presidential Proclamation No. 5928 of December 27, 1988. Presidential Proclamation No. 5928 of December 27, 1988 declared that the territorial sea of the United States extends to 12 nautical miles from the baseline of the United States.

(b) *Location.* The following areas are safety and security zones:

(1) *Vessels underway.* All navigable waters of the United States within the Captain of the Port (COTP) Boston zone, as defined in 33 CFR 3.05-10, two miles ahead and one mile astern, and 500 yards on each side of any liquefied natural gas carrier (LNGC) vessel while underway.

(2) *Vessels anchored in the Broad Sound.* All waters within a 500-yard radius of any anchored LNGC vessel located in the waters of Broad Sound bounded by a line starting at position 42 deg. 25' N, 070 deg. 58' W; then running southeast to position 42 deg. 22' N, 070 deg. 56' W; then running east to position 42 deg. 22' N, 070 deg. 50' W; then running north to position 42 deg. 25' N,

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070 deg. 50' W; then running west back to the starting point (NAD 83).

(3) *Vessels moored at the Distrigas LNG facility.* All waters within a 400-yard radius of any LNGC vessel moored at the Distrigas LNG facility in Everett, MA.

(c) *Regulations.* (1) In accordance with the general regulations in Sec. 165.23 and Sec. 165.33 of this part, entry into or movement within these zones is prohibited unless authorized by the Captain of the Port Boston, or his/her authorized representative.

(2) All vessel operators shall comply with the instructions of the COTP or his/her designated on-scene U.S. Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, State, and Federal law enforcement vessels.

(3) No person may enter the waters within the boundaries of the safety and security zones in this section unless previously authorized by the Captain of the Port, Boston, or his/her authorized patrol representative.

[CGD01-02-023, 67 FR 63263, Oct. 11, 2002]

§ 165.111 Safety Zone: Boston Harbor, Boston, Massachusetts.

(a) The following areas are established as safety zones during the conditions specified:

(1) Around the U.S.S. *Constitution* or any accompanying parade vessels when *Constitution* is under way—300 yards in all directions in the waters around the U.S.S. *Constitution* and each parade vessel accompanying *Constitution* whenever the U.S.S. *Constitution* is underway in Boston Harbor from the time such vessels depart their respective berths until the time they complete their transit and are safely moored.

(2) Whenever *Constitution* is moored at Pier 1, Charlestown Navy Yard—the waters between Hoosac Pier and Pier 1, Charlestown Navy Yard, from the imaginary line connecting the outer easternmost point protruding into Boston Harbor from Hoosac Pier to the outer westernmost point protruding into Boston Harbor from Pier 1, Charlestown Navy Yard, extending inbound along the face of both piers to

the landside points where both piers end.

(3) Around the U.S.S. *Constitution*—fifty yards in all directions in the waters around *Constitution* when the vessel is moored at any Boston berthing location other than Pier 1, Charlestown Navy Yard.

(b) The general regulations governing safety zones as contained in 33 CFR 165.23 apply.

[CGD1 91-109, 57 FR 30407, July 9, 1992]

§ 165.112 Safety Zone: USS CASSIN YOUNG, Boston, Massachusetts.

(a) *Location.* The following area is a safety zone:

Around the USS CASSIN YOUNG (DD-793) and any accompanying parade vessels when the USS CASSIN YOUNG is underway. The zone extends 100 yards in all directions in the waters around the USS CASSIN YOUNG and accompanying parade vessels whenever the USS CASSIN YOUNG is underway in Boston Harbor from the time the USS CASSIN YOUNG departs its berth until it is safely moored.

(b) *Regulations.* The general regulations governing safety zones as contained in 33 CFR 165.23 apply.

[CGD01-93-001, 58 FR 47991, Sept. 14, 1993]

§ 165.113 Security Zone: Dignitary arrival/departure Logan International Airport, Boston, MA

(a) *Location.* The permanent security zone consists of four sectors that may be activated in part, or in whole, upon the request of the U.S. Secret Service. These zones are for the protection of the President or Vice President of the United States, as well as visiting heads of foreign states or foreign governments arriving at, or departing from, Logan International Airport and as determined by the transit route across Boston Harbor. The security zone will be as follows:

(1) Sector one will go into effect 15 minutes prior to the scheduled landing or takeoff of the aircraft carrying either the President, Vice President, or visiting heads of foreign states or foreign governments at Logan International Airport. Sector one will preclude all vessels from approaching within three hundred yards of the

Logan International Airport shoreline, bound on the west by a line drawn between positions 42°22'45" N., 071°01'05" W. and 42°21'48" N., 071°01'45" W. (NAD) 1983).

(2) Sector two will go into effect 15 minutes before the vehicle carrying the President, Vice President, or visiting heads of foreign states or foreign governments enters the Callahan Tunnel or Sumner Tunnel. Sector two may preclude vessels, as necessary, from entering an area of the main ship channel, Boston Inner Harbor; fifty yards in all directions from a point directly above the Callahan Tunnel or Sumner Tunnel.

(3) Sector three will go into effect 15 minutes before the vehicle carrying the President, Vice President, or visiting heads of foreign states or foreign governments enters the Ted Williams Tunnel. Sector three may preclude vessels, as necessary, from entering an area of the main ship channel, Boston Inner Harbor, fifty yards in all directions from a point directly above the Ted Williams Tunnel.

(4) Sector four will go into effect 15 minutes before the President, Vice President, or visiting heads of foreign states or foreign governments board the designated transport vessel. Sector four will preclude all vessels from approaching within three hundred yards in all directions from the designated vessel transporting the President, Vice President, or visiting heads of foreign states or foreign governments between Logan International Airport and any location in Boston Harbor.

(5) The activation of a particular sector of this security zone will be announced via Safety Marine Information Broadcasts and/or by locally issued notices.

(b) *Regulations.* (1) The general regulations covering security zones contained in 33 CFR 165.33 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a Coast Guard vessel via siren, radio, flashing light, or other

means, the operator of a vessel shall proceed as directed.

[CGD01-97-004, 63 FR 16117, Apr. 2, 1998]

§ 165.114 Safety and Security Zones: Escorted Vessels—Boston Harbor, Massachusetts.

(a) *Location.* The following waters within the Boston Captain of the Port Zone, 1000 yards ahead and astern, and 100 yards on each side of any designated escorted vessel, are established as safety and security zones: All waters of Boston Inner Harbor, including the waters of the Mystic River, Chelsea River, and Reserved Channel west of a line running from Deer Island Light, at position 42°20'25" N, 070°57'15" W, to Long Island, at position 42°19'48" N, 070°57'15" W, and west of the Long Island Bridge, running from Long Island to Moon Head.

(b) *Escorted vessel definition.* For the purposes of this section, escorted vessels operating in Boston Harbor include the following: Any vessels deemed to be in need of escort protection by the Captain of the Port, Boston for security reasons.

(c) *Regulations.* (1) In accordance with the general regulations in §§ 165.23 and 165.33 of this part, entry into or movement within this zone is prohibited unless authorized by the Captain of the Port Boston.

(2) All vessel operators shall comply with the instructions of the COTP or the designated on-scene U.S. Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels.

[CGD01-01-227, 67 FR 20912, Apr. 29, 2002, as amended by CGD01-01-227, 67 FR 63265, Oct. 11, 2002]

§ 165.115 Safety and Security Zones: Pilgrim Nuclear Power Plant, Plymouth, Massachusetts.

(a) *Location.* All waters of Cape Cod Bay and land adjacent to those waters enclosed by a line beginning at position 41°57'5" N, 070°34'42" W; then running southeast to position 41°56'40.5" N, 070°41'4.5" W; then running southwest to position 41°56'32" N, 070°34'14" W; then

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running northwest to position 41°56'55.5" N, 070°34'52" W; then running northeast back to position 41°57'5" N, 070°34'42" W.

(b) *Regulations.* (1) In accordance with the general regulations in §§165.23 and 165.33 of this part, entry into or movement within these zones is prohibited unless authorized by the Captain of the Port Boston.

(2) All vessel operators shall comply with the instructions of the COTP or the designated on-scene U.S. Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels.

(3) No person may enter the waters or land area within the boundaries of the safety and security zones unless previously authorized by the Captain of the Port, Boston or his authorized patrol representative.

[CGD01-02-002, 67 FR 37693, May 30, 2002]

§ 165.116 Safety and Security Zones; Salem and Boston Harbors, Massachusetts.

(a) *Location.* The following areas are permanent safety and security zones:

(1) *Reserved Channel, Boston Harbor.* All waters of Boston Harbor within one hundred fifty (150) yards off the bow and stern and one hundred (100) yards abeam of any vessel moored at the Massachusetts Port Authority Black Falcon Terminal;

(2) *Boston Inner Harbor.* All waters of Boston Harbor within one hundred (100) feet of the Coast Guard Integrated Support Command (ISC) Boston piers and;

(3) *Salem Harbor.* All waters of Salem Harbor within a two-hundred and fifty (250) yard radius of the center point of the PG & E Power Plant Terminal Wharf, Salem, MA, located at 42°31.33' N, 070°52.67' W when a vessel is moored at this pier. All coordinates are North American Datum 1983.

(b) *Effective date.* This section becomes effective July 1, 2002.

(c) *Regulations.*

(1) In accordance with the general regulations in § 165.23 and § 165.33 of this part, entry into or movement within

these zones is prohibited unless authorized by the Captain of the Port Boston.

(2) All vessel operators shall comply with the instructions of the Captain of the Port or the designated on-scene U.S. Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels.

(3) No person may enter the waters or land area within the boundaries of the safety and security zones unless previously authorized by the Captain of the Port, Boston or his authorized patrol representative.

[CGD01-02-016, 67 FR 45909, July 11, 2002]

§ 165.120 Safety Zone: Chelsea River, Boston Inner Harbor, Boston, MA.

(a) *Location.* The following area is a safety zone: The waters of the Chelsea River, Boston Inner Harbor, for 100 yards upstream and downstream of the center of the Chelsea Street Draw span (in the approximate position of Latitude 42°33'10"N., Longitude 71°01'23" W.).

(b) *Regulation.* The following standards are the minimum requirements for transit of the Safety Zone. Additional precautions may be taken by the pilot and/or person in charge (Master or Operator).

(1) All tankships greater than 1,000 Gross Tons shall be under the direction and control of the Licensed Federal Pilot. This does not relieve persons in charge (Masters or Operators) from their ultimate responsibility for the safe navigation of vessels.

(2) All vessel(s) speed shall be kept to a minimum considering all factors and the need for optimum vessel control.

(3) Restrictions on size and draft of vessels:

(i) No vessel greater than 661 feet in length (using length overall) or greater than 90.5 feet in beam (using extreme breadth) shall transit the Safety Zone.

(ii) No vessel greater than 630.5 feet in length or 85.5 feet or greater in beam shall transit the Safety Zone during the period between sunset and sunrise.

(iii) No tankship greater than 550.5 feet in length shall transit the Safety Zone, either inbound or outbound, with

a draft less than 18.0 feet forward and 24.0 feet aft.

(4) Restrictions when the Chelsea River channel is obstructed by vessel(s) moored at the Northeast Petroleum Terminal located downstream of the Chelsea Street Bridge on the Chelsea, MA side of the Chelsea River—hereafter referred to as the Jenny Dock (approximate position 42°23'09" N., 71°01'31" W.)—or the Mobile Oil Terminal located on the East Boston Side of the Chelsea River downstream of the Chelsea Street Bridge (approximate position 42°23'05" N., 71°01'31" W.):

(i) When there is a vessel moored at each terminal, no vessel greater than 300.5 feet in length or greater than 60.5 feet in beam, shall transit the safety zone.

(ii) When a vessel with a beam greater than 60.5 feet is moored at either terminal, no vessel greater than 630.5 feet in length or greater than 85.5 feet in beam shall transit the Safety Zone.

(iii) When a vessel with a beam greater than 85.5 feet is moored at either terminal, no vessel greater than 550.5 feet in length or greater than 85.5 feet in beam shall transit the Safety Zone.

(5) Requirements for tug assistance:

(i) All tankships greater than 630.5 feet in length or greater than 85.5 feet in beam shall be assisted by at least four tugs of adequate horsepower.

(ii) All tankships from 450 feet in length up to and including 630.5 feet in length and less than 85.5 feet in beam shall be assisted by at least three tugs of adequate horsepower.

(iii) All tug/barge combinations with a tonnage of over 10,000 Gross Tons (for the barge(s)), in all conditions of draft, shall be assisted by at least one tug of adequate horsepower.

(6) U.S. Certificated integrated tug/barge (ITB) combinations shall meet the requirements of a tankship of similar length and beam except that one less assist tug would be required.

(7) Variances from the above standard must be approved in advance by the Captain of the Port of Boston, MA.

[CCGD1-85-4R, 51 FR 10835, Mar. 31, 1986; 51 FR 23415, June 27, 1986, as amended by USCG-1998-3799, 63 FR 35532, June 30, 1998]

§ 165.121 Safety and Security Zones: High Interest Vessels, Narragansett Bay, Rhode Island.

(a) *Location.* (1) All waters of Rhode Island Sound within a ½ mile radius of any high interest vessel while the vessel is anchored within ½ mile of the point Latitude 41°25' N, Longitude 71°23' W in the Narragansett Bay Precautionary Area.

(2) All waters of Rhode Island Sound, Narragansett Bay, the Providence and Taunton Rivers 2 miles ahead and 1 mile astern, and extending 1000 yards on either side of any high interest vessel transiting Narragansett Bay, or the Providence and Taunton Rivers.

(3) All waters and land within a 1000-yard radius of any high interest vessel moored at a waterfront facility in the Providence Captain of the Port zone.

(b) *High interest vessels defined.* For purposes of this section, high interest vessels operating in the Providence Captain of the Port zone include the following: barges or ships carrying liquefied petroleum gas (LPG), liquefied natural gas (LNG), chlorine, anhydrous ammonia, or any other cargo deemed to be high interest by the Captain of the Port, Providence.

(c) *Regulations.* (1) Entry into or movement within these zones, including below the surface of the water, during times in which high interest vessels are present and the zones are enforced is prohibited unless authorized by the COTP Providence or authorized representative.

(2) The general regulations covering safety and security zones in §§ 165.23 and 165.33, respectively, of this part apply.

(3) All persons and vessels shall comply with the instructions of the COTP, and the designated on-scene U.S. Coast Guard personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels.

[CGD01-02-065, 67 FR 56224, Sept. 3, 2002]

§ 165.122 Providence River, Providence, R.I. regulated navigation area.

(a) *Description of the regulated navigation area (RNA).* The Regulated Navigation Area (RNA) encompasses the deep draft channel between Narragansett Bay Entrance Lighted Horn Buoy NB (LLNR 17675) 41°23.0' N Latitude, 71°23.4' W Longitude, and Fox Point, Providence.

(b) *Regulations.* (1) The following restrictions apply in the portion of the regulated area between Conimicut Light (LLNR 18305) and Channel Light 42 (Fuller Rock Light, (LLNR 18580)).

(i) No vessel with a draft greater than 35 feet may transit when water depth is at or below mean low water.

(ii) Vessels with drafts greater than 35 feet but less than 38 feet may transit when water depth is other than that on or below mean low water, provided there is sufficient depth under the keel to prevent grounding.

(iii) Vessels with drafts greater than or equal to 38 feet must obtain permission, 48 hours in advance of the desired transit time, from the Captain of the Port, Providence to transit.

(2) Vessels with drafts greater than 35 feet must have at least one mile of visibility to transit the regulated area between Conimicut Light (LLNR 18305) and Channel Light 42 (LLNR 18580, Fuller Rock Light).

(3) Vessels over 65 feet in length are prohibited from passing, meeting, or overtaking other vessels over 65 feet in length in the regulated area from:

(i) Gaspee Point to Channel Light 42, (Fuller Rock Light, LLNR 18580).

(ii) Conimicut Point Reach (Conimicut Light, LLNR 18305) to Channel Lighted Buoy 19, 41°43.7' N Latitude, 71°21.8' W Longitude, (LLNR 18330) and Channel Lighted Buoy 20, 41°43.7' N Latitude, 71°21.8' W Longitude, (LLNR 18335).

(4) Vessels over 65 feet in length inbound for berths up the Providence River, planning to transit through the deep draft channel, are required to make Safety Signal (SECURITE) calls on both VHF channels 13 and 16 at the following geographic locations: Pilot's Station, Abeam of Castle Hill, Approaching the Newport bridge, South of Prudence Island, Abeam of Sandy

Point, Abeam of Popasquash Point, Approaching the Southern End of Rumstick Neck Reach, Abeam of Conimicut Point Light (LLNR 18305), Abeam of Gaspee Point, Abeam of Sabin Point and upon mooring.

(5) Vessels over 65 feet in length outbound for sea down the Providence River Channel transiting through this regulated navigation area are required to make SECURITE calls on VHF channels 13 and 16 at the following geographic locations: one-half hour prior to departure from the berth, at departure from the berth, Abeam of Sabin Point, Abeam of Gaspee Point, and Abeam of Conimicut Light (LLNR 18305).

(6) Vessels 65 feet and under in length and all recreational vessels when meeting deep draft commercial vessel traffic in the Providence River Channel between Conimicut Light (LLNR 18305) and Channel Light 42 (LLNR 18580, Fuller Rock Light) shall keep out of the way of the oncoming deep draft commercial vessel.

(7) The Captain of the Port, Providence, may authorize a deviation from these regulations.

(c) *Enforcement.* Violations of this regulated navigation area should be reported to the Captain of the Port, Providence, at (401) 435-2300. Persons in violation of these regulations will be subject to civil penalty under § 165.13(b) of this part.

[CGD01-93-030, 59 FR 18489, Apr. 19, 1994]

§ 165.130 Sandy Hook Bay, New Jersey—security zone.

(a) Naval Ammunition Depot Piers. The waters within the following boundaries are a security zone—A line beginning on the shore at 40°25'57"N, 74°04'32"W; then to 40°27'52.5"N, 74°03'14.5"W; then to 40°27'28.3"N, 74°02'12.4"W; then to 40°26'29.2"N, 74°02'53"W; then to 40°26'31.1"N, 74°02'57.2"W; then to 40°25'27.3"N, 74°03'41"W; then along the shoreline to the beginning point.

(b) Terminal Channel. The waters within the following boundaries are a security zone—A line beginning at 40°27'41.2"N, 74°02'46"W; then to 40°28'27"N, 74°02'17.2"W; then to 40°28'21.1"N, 74°02'00"W; then to 40°28'07.8"N, 74°02'22"W; then to

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40°27'39.8"N, 74°02'41.4"W; then to the beginning.

(c) The following rules apply to the security zone established in paragraph (b) of this section (Terminal Channel) instead of the rule in §165.33(a):

(1) No vessel shall anchor, stop, remain or drift without power at any time in the security zone.

(2) No vessel shall enter, cross, or otherwise navigate in the security zone when a public vessel, or any other vessel, that cannot safely navigate outside the Terminal Channel, is approaching or leaving the Naval Ammunition Depot Piers at Leonardo, New Jersey.

(3) Vessels may enter or cross the security zone, except as provided in paragraph (c)(2) of this section.

(4) No person may swim in the security zone.

[CGD 77-118a, 42 FR 35784, July 11, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and CGD 87-008b, 52 FR 25218, July 6, 1987]

§ 165.140 New London Harbor, Connecticut—security zone.

(a) Security zones:

(1) *Security zone A.* The waters of the Thames River west of the Electric Boat Division Shipyard enclosed by a line beginning at a point on the shoreline at 41°20'22.1" N, 72°04'52.8" W; then west to 41°20'28.7" N, 72°05'03.5" W; then to 41°20'53.3" N, 72°05'6.6" W; then to 41°21'03" N, 72°05'06.7" W; then due east to a point on the shoreline at 41°21'03" N, 72°05'00" W; then along the shoreline to the point of beginning.

(2) *Security zone B.* The waters of the Thames River, west of the Naval Submarine Base, New London, CT, enclosed by a line beginning at a point on the shoreline at 41°23'15.8" N., 72°05'17.9" W.; then to 41°23'15.8" N., 72°05'22" W.; then to 41°23'25.9" N., 72°05'29.9" W.; then to 41°23'33.8" N., 72°05'34.7" W.; then to 41°23'37.0" N., 72°05'38.0" W.; then to 41°23'41.0" N., 72°05'40.3" W.; then to 41°23'47.2" N., 72°05'42.3" W.; then to 41°23'53.8" N., 72°05'43.7" W.; then to 41°23'59.8" N., 72°05'43.0" W.; then to 41°24'12.4" N., 72°05'43.2" W.; then to a point on the shoreline at 41°24'14.4" N., 72°05'38" W.; then along the shoreline to the point of beginning.

(b) *Special regulation.* Section 165.33 does not apply to public vessels when

operating in Security Zone A, or to vessels owned by, under hire to, or performing work for the Electric Boat Division when operating in Security Zone A.

[CGD 79-034, 47 FR 29660, July 8, 1982, as amended by COTP 83-01, 48 FR 33264, July 21, 1983; CGD3-83-29, 48 FR 51622, Nov. 10, 1983; CGD3-84-26, 49 FR 40405, Oct. 16, 1984; CGD3-86-56, 52 FR 17296, May 7, 1987. Redesignated by CGD 87-008b, 52 FR 25218, July 6, 1987; CDG3 86-56, 52 FR 44107, Nov. 18, 1987; CGD01-97-104, 62 FR 51782, Oct. 3, 1997]

§ 165.141 Safety Zone: Sunken vessel EMPIRE KNIGHT, Boon Island, ME.

(a) *Location.* The following area is a safety zone: All waters of the Atlantic Ocean within a 1,000 yard radius of the stern section of the sunken vessel EMPIRE KNIGHT, in approximate position 43°06'19" N, 70°27'09" W, (NAD 1983) and extending from the water's surface to the seabed floor.

(b) *Effective date.* This section is effective on August 23, 1996, twenty-four hours a day, seven days a week.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) All vessels and persons are prohibited from anchoring, diving, dredging, dumping, fishing, trawling, laying cable, or conducting salvage operations in this zone except as authorized by the Coast Guard Captain of the Port, Portland, Maine. Innocent transit through the area within the safety zone is not affected by this regulation and does not require the authorization of the Captain of the Port.

(3) All persons and vessels shall comply with the instructions of the COTP or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

[CGD 01-95-141, 61 FR 60032, Nov. 26, 1996]

§ 165.150 New Haven Harbor, Quinnipiac River, Mill River.

(a) *The following is a regulated navigation area:* The waters surrounding the Tomlinson Bridge located within a line

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extending from a point A at the southeast corner of the Wyatt terminal dock at 41°17'50"N, 72°54'36"W thence along a line 126°T to point B at the southwest corner of the Gulf facility at 41°17'42"N, 72°54'21"W thence north along the shoreline to point C at the northwest corner of the Texaco terminal dock 41°17'57"N, 72°54'06"W thence along a line 303°T to point D at the west bank of the mouth of the Mill River 41°18'05"N, 72°54'23"W thence south along the shoreline to point A.

(b) *Regulations.* (1) No person may operate a vessel or tow a barge in this Regulated Navigation Area in violation of these regulations.

(2) *Applicability.* The regulations apply to barges with a freeboard greater than ten feet and to any vessel towing or pushing these barges on outbound transits of the Tomlinson Bridge.

(3) Regulated barges may not transit the bridge—

(i) During the period from one hour to five hours after high water slack,

(ii) When the wind speed at the bridge is greater than twenty knots, and

(iii) With the barge being towed on a hawser, stern first.

(4) Regulated barges with a beam greater than fifty feet must be pushed ahead through the bridge.

(5) If the tug operator does not have a clear view over the barge when pushing ahead, the operator shall post a lookout on the barge with a means of communication with the operator.

(6) Regulated barges departing the Mill River may transit the bridge only between sunrise and sunset. Barges must be pushed ahead of the tug, bow first, with a second tug standing by to assist at the bow.

(7) Nothing in this section is intended to relieve any person from complying with:

(i) Applicable Navigation and Pilot Rules for Inland Waters;

(ii) Any other laws or regulations;

(iii) Any order or direction of the Captain of the Port.

(8) The Captain of the Port, New Haven, may issue an authorization to deviate from any rule in this section if

the COTP finds that an alternate operation can be done safely.

[CGD 79-034, 47 FR 29660, July 8, 1982, as amended by CGD 80-069, 47 FR 53368, Nov. 26, 1982. Redesignated by CGD 87-008b, 52 FR 25218, July 6, 1987]

§ 165.151 **Safety Zones; Long Island Sound annual fireworks displays.**

(a) *Safety Zones.* The following areas are designated safety zones. All coordinates references 1983 North American Datum (NAD83).

(1) *Indian Harbor Yacht Club Fireworks Safety Zone.* All waters of Long Island Sound off Greenwich CT, within a 800-foot radius of the fireworks barge located in approximate position 41°00'35" N, 073°37'05" W.

(2) *City of Rowayton Fireworks Safety Zone.* All waters of Long Island Sound in Sheffield Channel off of Ballast Reef within a 1000-foot radius of the fireworks barge located in approximate position 41°03'11" N, 073°26'41" W.

(3) *The Yampol Family Fireworks Safety Zone.* All waters of Long Island Sound off Cold Springs Harbor, Cove Neck New York within a 1200-foot radius of the fireworks barge located in approximate position 41°53'00" N, 073°29'13" W.

(4) *Groton Long Point Yacht Club Fireworks Safety Zone.* All waters of Long Island Sound off of Groton Long Point, Groton, CT, within a 600-foot radius of the fireworks barge in approximate position 41°18'05" N, 072°02'08" W.

(5) *City of West Haven Fireworks Safety Zone.* All waters of New Haven Harbor on Long Island Sound off Bradley Point within a 1200-foot radius of the fireworks barge in approximate position 41°15'07" N, 072°57'26" W.

(6) *New Haven Festival Fireworks Safety Zone.* All waters of New Haven Harbor on Long Island Sound within a 1200-foot radius of the fireworks barge in approximate position 40°17'31" N, 072°54'48" W.

(7) *Madison Cultural Arts Fireworks Safety Zone.* All the waters of Long Island Sound located off the City of Madison within an 800-foot radius of the fireworks barge in approximate position 41°16'10" N, 072°36'30" W.

(8) *Arnold L. Chase Fireworks Safety Zone.* All waters of Connecticut River

within a 600 foot radius of the fireworks barge located in approximate position 41°15'56" N, 072°21'49" W, about 100-yards off Fenwick Pier.

(9) *Saybrook Summer Pops Fireworks Safety Zone*. All waters of Connecticut River within a 600-foot radius of the fireworks barge located in approximate position 41°17'35" N, 072°21'20" W.

(10) *Mashantucket Pequot Fireworks Safety Zone*. All waters of Thames River within a 1200-foot radius of the fireworks barges located in approximate positions: barge one, 41°21'01" N, 072°05'25" W, barge two, 41°20'58" N, 072°05'23" W, barge three, 41°20'53" N, 072°05'21" W, located off New London, CT.

(11) *Harbor Day Fireworks Safety Zone*. All waters of Thames River within a 600-foot radius of the fireworks barge located in approximate position 41°31'14" N, 072°04'44" W, located off American Warf Marina, Norwich, CT.

(12) *Riverfest Fireworks Safety Zone*. All the waters of the Connecticut River within a 600-foot radius of the fireworks barge located in approximate position 41°45'34" N, 072°39'37" W.

(13) *Southampton Fresh Air Home Fireworks Safety Zone*. All the waters of Shinnecock Bay within a 600-foot radius of the fireworks barge located in approximate position 40°51'48" N, 072°28'30" W, off of Southampton, NY.

(14) *T.E.L. Enterprises Fireworks Safety Zone*. All the waters of Great South Bay within a 600-foot radius of the fireworks barge located in approximate position 40°41'17" N, 073°00'20" W, off of Davis Park, NY.

(15) *Patchogue Chamber of Commerce Fireworks Safety Zone*. All the waters of Great South Bay within an 800-foot radius of the fireworks barge located in approximate position 40°44'38" N, 073°00'33" W, off of Patchogue, NY.

(16) *Fire Island Tourist Bureau Fireworks Safety Zone*. All the waters of Great South Bay within a 600-foot radius of the fireworks barge located in approximate position 40°35'45" N, 073°05'23" W, off of Cherry Cove, NY.

(17) *Treibek's Party Fireworks Safety Zone*. All the waters of the Atlantic Ocean within a 1200-foot radius of the fireworks barge located in approximate position 40°54'04" N, 072°16'50" W, off of Sagaponack, NY.

(b) *Notification*. Coast Guard Group/Marine Safety Office Long Island Sound and Coast Guard Group Moriches will cause notice of the activation of these safety zones to be made by all appropriate means to effect the widest publicity among the affected segments of the public, including publication in the local notice to mariners, marine information broadcasts, and facsimile. Fireworks barges used in these locations will also have a sign on their port and starboard side labeled "FIREWORKS—STAY AWAY" with the same dimensions listed previously.

(c) *Enforcement period*. Specific zones in this section will be enforced from 8 p.m. to 11 p.m. (e.s.t.) each day a barge with a "FIREWORKS—STAY AWAY" sign is posted in that zone.

(d) *Regulations*. Vessels may not enter, remain in, or transit through the safety zones in this section during the enforcement period unless authorized by the Captain of the Port Long Island Sound or designated Coast Guard patrol personnel on scene.

[CGD01-01-077, 67 FR 22352, May 3, 2002, as amended by USCG-2003-15404, 68 FR 37741, June 25, 2003]

§ 165.T01-153 Regulated Navigation Area: Long Island Sound Marine Inspection and Captain of the Port Zone.

(a) *Regulated navigation area location*. All waters of the Long Island Sound Marine Inspection and Captain of the Port Zone, as delineated in 33 CFR 3.05-35, extending seaward to a line 12 nautical miles from the territorial sea baseline, are established as a regulated navigation area (RNA).

(b) *Applicability*. This section applies to all vessels operating within the RNA, except the following:

- (1) Recreational vessels;
- (2) Vessels operating exclusively within the Marine Inspection and Captain of the Port Zone;
- (3) Vessels on a single voyage which depart from and return to the same port or place within the RNA;
- (4) U.S. flagged public vessels; and
- (5) Primary towing vessels engaged in towing tank barges carrying petroleum oil in bulk as cargo and issuing the *securité* calls required under 33 CFR 165.100(d)(2).

(c) *Effective dates.* This section is effective from December 15, 2001, through August 15, 2003.

(d) *Regulations.* (1) Speed restrictions in vicinity of Naval Submarine Base New London and Lower Thames River. Vessels of 300 gross tons or more may not proceed at a speed over eight knots in the Thames River from New London Harbor channel buoys 7 and 8 (Light List numbers 21875 and 21880 respectively) north through the upper limit of the Naval Submarine Base New London Restricted Area, as specified in 33 CFR 334.75(a). All vessels less than 300 gross tons are exempt from this rule. This speed restriction does not apply to public vessels as defined in 33 U.S.C. 1321(a)(4). The U.S. Navy and other Federal, State and municipal agencies may assist the U.S. Coast Guard in the enforcement of this rule.

(2) All inbound vessels operating within the RNA must be inspected to the satisfaction of the United States Coast Guard and must obtain authorization from the Captain of the Port before crossing the line three nautical miles from the territorial sea baseline.

(3) Vessels awaiting inspection or Captain of the Port authorization to enter within the three nautical mile line will be directed to anchor in a specific location within the Regulated Navigation Area.

(4) Vessels over 1,600 gross tons operating in the RNA within the line extending seaward three nautical miles from the territorial sea baseline must receive authorization from the Captain of the Port prior to any vessel movements.

[CDG09-01-187, 67 FR 519, Jan. 4, 2002, as amended at 67 FR 40861, June 14, 2002; 68 FR 12306, Mar. 14, 2003]

EFFECTIVE DATE NOTE: By CDG09-01-187, 67 FR 519, Jan. 4, 2002, §165.T01-153 was added, effective from Dec. 10, 2001, until June 15, 2002. At 67 FR 40861, June 14, 2002, paragraph (c) was revised and the effective date was extended to Nov. 15, 2002. At 67 FR 69134, Nov. 15, 2002, paragraph (c) was revised and the effective date of the section was extended until Mar. 15, 2003. At 68 FR 12306, Mar. 14, 2003, paragraph (c) was revised and the effective date of the section was extended to Aug. 15, 2003.

§ 165.T01-154 Safety and Security Zones: Long Island Sound Marine Inspection Zone and Captain of the Port Zone.

(a) *Safety and security zones.* The following are established as safety and security zones:

(1) *Safety and Security Zone A:* The waters of Long Island Sound south, east and west of the Millstone Power Plant within a seven hundred (700) yard radius of the stack at Millstone, Lat. 41°18'34' North, Long. 72°9'57' West (NAD 83).

(2) *Safety and Security Zone B.* U. S. Coast Guard vessels: All waters within a 100-yard radius of any anchored U. S. Coast Guard vessel.

(b) *Effective dates.* This section is effective from December 10, 2001, through August 15, 2003.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 and 165.33 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U. S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

[CDG09-01-187, 67 FR 520, Jan. 4, 2002, as amended at 67 FR 40861, June 14, 2002; 68 FR 12306, Mar. 14, 2003]

EFFECTIVE DATE NOTE: By CDG09-01-187, 67 FR 520, Jan. 4, 2002, §165.T01-154 was added, effective from Dec. 10, 2001, until June 15, 2002. At 67 FR 40861, June 14, 2002, paragraph (b) was revised and the effective date was extended to Nov. 15, 2002. At 67 FR 69134, Nov. 15, 2002, paragraph (b) was revised and the effective date of the section was extended to Mar. 15, 2003. At 68 FR 12306, Mar. 14, 2003, paragraph (b) was revised and the effective date of the section was extended to Aug. 15, 2003.

§ 165.155 Northville Industries Off-shore Platform, Riverhead, Long Island, New York— safety zone.

(a) The following area is established as a safety zone during the specified condition:

(1) The waters within a 500 yard radius of the Northville Industries Off-shore Platform, Long Island, New

York, 1 mile North of the Riverhead shoreline at 41°00" N, 072°38" W, while a Liquefied Petroleum Gas (LPG) vessel is moored at the Offshore Platform. The safety zone remains in effect until the LPG vessel departs the Offshore Platform.

(b) The general regulations governing safety zone contained in 33 CFR 165.23 apply.

(c) The Captain of the Port will notify the maritime community of periods during which this safety zone will be in effect by providing notice of scheduled moorings at the Northville Industries Offshore Platform of LPG vessels via Marine Safety Information Radio Broadcast.

[CGD3 85-86, 51 FR 37181, Oct. 20, 1986. Redesignated by CGD 87-008b, 52 FR 25218, July 6, 1987]

§ 165.160 Safety and Security Zones: Liquefied Hazardous Gas Vessel, Liquefied Hazardous Gas Facility and Designated Vessel Transits, New York Marine Inspection Zone and Captain of the Port Zone.

(a) *Location.* The following areas are safety and security zones:

(1) All waters of the New York Marine Inspection Zone and Captain of the Port Zone within a 200-yard radius of any Liquefied Hazardous Gas (LHG) vessel or LHG facility.

(2) All waters of the New York Marine Inspection Zone and Captain of the Port Zone within a 100-yard radius of any Designated Vessels.

(b) *Designated Vessels (DVs).* For the purposes of this section, DVs are: Vessels certificated to carry 500 or more passengers; vessels carrying government officials or dignitaries requiring protection by the U.S. Secret Service, or other Federal, State or local law enforcement agency; and barges or ships carrying petroleum products, chemicals, or other hazardous cargo.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 and 165.33 apply.

(2) All persons and vessels must comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard onboard Coast Guard,

Coast Guard Auxiliary, local, state, and federal law enforcement vessels. Upon being hailed by U.S. Coast Guard patrol personnel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(3) The Captain of the Port will notify the maritime community of periods during which these zones will be enforced by methods in accordance with 33 CFR 165.7 and will identify DV vessel transits by way of electronic mail broadcast.

[CGD01-02-132, 68 FR 2890, Jan. 22, 2003]

§ 165.161 Safety zones: Coast Guard activities New York annual fireworks displays.

(a) *Safety zones.* The following areas are designated safety zones:

(1) *North Hempstead, NY, fireworks, Hempstead Harbor:*

(i) *Location.* All waters of Hempstead Harbor within a 300-yard radius of the fireworks barge in approximate position 40°49'54" N 073°39'14" W (NAD 1983), about 360 yards north of Bar Beach, Hempstead Harbor.

(ii) *Effective period.* Paragraph (a)(1)(i) of this section is in effect annually from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on the Friday before Memorial Day, and the Saturday after Labor Day. If the event is cancelled due to inclement weather, then paragraph (a)(1)(i) of this section is effective from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on the Saturday before Memorial Day and the Sunday after Labor Day.

(2) *Seaport Memorial Day fireworks, East River, NY:*

(i) *Location.* All waters of the East River south of the Brooklyn Bridge and north of a line drawn from the southwest corner of Pier 3, Brooklyn, to the northeast corner of Pier 6, Manhattan.

(ii) *Effective period.* Paragraph (a)(2)(i) of this section is in effect annually from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on Memorial Day. If the event is cancelled due to inclement weather, then paragraph (a)(2)(i) of this section is effective from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on the day following Memorial Day.

(3) *Highlands, NJ, fireworks, Sandy Hook Bay:*

(i) *Location.* All waters of Sandy Hook Bay within a 150-yard radius of

the fireworks barge in approximate position 40°24'33.8" N 073°59'46.2" W (NAD 1983), about 1,200 yards west of Plum Island.

(ii) *Effective period.* Paragraph (a)(3)(i) of this section is in effect annually from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on the Saturday before Father's Day. If the event is cancelled due to inclement weather, then paragraph (a)(3)(i) of this section is effective from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on Father's Day.

(4) *Kingston, NY, fireworks, Rondout Creek:*

(i) *Location.* All waters of Rondout Creek between the Kingston-Port Ewen Bridge (mile 1.1) and the Kingston-US 9 Bridge (mile 1.3).

(ii) *Effective period.* Paragraph (a)(4)(i) of this section is in effect annually from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on the Saturday and Sunday before July 4th.

(5) *Staten Island July 3rd fireworks, Arthur Kill:*

(i) *Location.* All waters of the Arthur Kill, Ward Point Bend (West), and the Raritan River Cutoff, within a 300-yard radius of the fireworks barge in approximate position 40°30'18" N 074°15'30" W (NAD 1983), about 300 yards west of Conference House Park, Staten Island.

(ii) *Effective period.* Paragraph (a)(5)(i) of this section is in effect annually from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on July 3rd. If the event is cancelled due to inclement weather, then paragraph (a)(5)(i) of this section is effective from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on July 4th and July 5th.

(6) *Red Bank, NJ, July 3rd fireworks, Navesink River:*

(i) *Location.* All waters of the Navesink River within a 360-yard radius of the fireworks barge in approximate position 40°21'20" N 074°04'10" W (NAD 1983), about 360 yards northwest of Red Bank, NJ.

(ii) *Effective period.* Paragraph (a)(6)(i) of this section is in effect annually from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on July 3rd. If the event is cancelled due to inclement weather, then paragraph (a)(6)(i) of this section is effective from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on July 4th.

(7) *Burlington, VT, July 3rd fireworks, Burlington Bay:*

(i) *Location.* All waters of Burlington Bay within a 300-yard radius of the fireworks barge in approximate position 44°28'30.6"N 073°13'31.3"W (NAD 1983), beside the Burlington Bay Breakwater.

(ii) *Effective period.* Paragraph (a)(7)(i) of this section is in effect annually from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on July 3rd. If the event is cancelled due to inclement weather, then paragraph (a)(7)(i) of this section is effective from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on the following two Fridays and Saturdays.

(8) *Rensselaer, NY, fireworks, Hudson River:*

(i) *Location.* All waters of the Hudson River within a 180-yard radius of the fireworks barge in approximate position 42°38'23" N 073°44'59.1" W (NAD 1983), about 480 yards south of the Dunn Memorial Bridge (mile 145.4).

(ii) *Effective period.* Paragraph (a)(8)(i) of this section is in effect annually from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on the first and second Saturday in August. If the event is cancelled due to inclement weather, then paragraph (a)(8)(i) of this section is effective from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on the first and second Sunday in August.

(9) *Staten Island Labor Day fireworks, Arthur Kill:*

(i) *Location.* All waters of the Arthur Kill, Ward Point Bend (West), and the Raritan River Cutoff, within a 300-yard radius of the fireworks barge in approximate position 40°30'18" N 074°15'30" W (NAD 1983), about 300 yards west of Conference House Park, Staten Island.

(ii) *Effective period.* Paragraph (a)(9)(i) of this section is in effect annually from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on the Saturday before Labor Day. If the event is cancelled due to inclement weather, then paragraph (a)(9)(i) of this section is effective from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on the Sunday and Monday of Labor Day Weekend.

(10) *Seaport Labor Day fireworks, East River, NY:*

(i) *Location.* All waters of the East River south of the Brooklyn Bridge and north of a line drawn from the southwest corner of Pier 3, Brooklyn, to the northeast corner of Pier 6, Manhattan.

(ii) *Effective period.* Paragraph (a)(10)(i) of this section is in effect annually from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on Labor Day. If the event is cancelled due to inclement weather, then paragraph (a)(10)(i) of this section is effective from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on the day following Labor Day.

(11) *Deepavali Festival fireworks, East River, NY:*

(i) *Location.* All waters of the East River south of the Brooklyn Bridge and north of a line drawn from the southwest corner of Pier 3, Brooklyn, to the northeast corner of Pier 6, Manhattan.

(ii) *Effective period.* Paragraph (a)(11)(i) of this section is in effect annually from 6 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on the first Sunday in October. If the event is cancelled due to inclement weather, then paragraph (a)(11)(i) of this section is effective from 6 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on the first Monday in October.

(12) *Seaport New Year's Eve fireworks, East River, NY:*

(i) *Location.* All waters of the East River south of the Brooklyn Bridge and north of a line drawn from the southwest corner of Pier 3, Brooklyn, to the northeast corner of Pier 6, Manhattan.

(ii) *Effective period.* Paragraph (a)(12)(i) of this section is in effect annually from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on New Year's Eve. If the event is cancelled due to inclement weather, then paragraph (a)(12)(i) of this section is effective from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on the day following New Year's Eve.

(b) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene-patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

[CGD 01-00-227, 66 FR 6479, Jan. 22, 2001]

§ 165.162 Safety Zone: New York Super Boat Race, Hudson River, New York.

(a) *Regulated area.* The following area is a safety zone: All waters of the Lower Hudson River south of a line drawn from the northwest corner of Pier 76 in Manhattan to a point on the New Jersey shore in Weehawken, New Jersey at approximate position 40°45'52"N 074°01'01"W (NAD 1983) and north of a line connecting the following points (all coordinates are NAD 1983):

Latitude	Longitude
40°42'16.0"N	074°01'09.0"W, then south to
40°41'55.0"N	074°01'16.0"W, then west to
40°41'47.0"N	074°01'36.0"W, then northwest to
40°41'55.0"N	074°01'59.0"W, then to shore at
40°42'20.5"N	074°02'06.0"W.

(b) *Regulations.* (1) Vessels not participating in this event, swimmers, and personal watercraft of any nature are prohibited from entering or moving within the regulated area unless authorized by the Patrol Commander.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene-patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(c) *Effective period.* This section is in effect annually from 10 a.m. until 4 p.m. on the Sunday following Labor Day.

[CGD01-98-175, 64 FR 31984, June 15, 1999]

§ 165.163 Safety Zones; Port of New York/New Jersey Fleet Week.

(a) The following areas are established as safety zones:

(1) Safety Zone A—(i) *Location.* A moving safety zone for the Parade of Ships including all waters 500 yards ahead and astern, and 200 yards of each side of the designated column of parade vessels as it transits the Port of New York and New Jersey from the Verrazano Narrows Bridge to Riverside State Park on the Hudson River between West 137th and West 144th Streets, Manhattan.

(ii) *Enforcement period.* Paragraph (a)(1)(i) of this section is enforced annually from 8 a.m. until 5 p.m. on the Wednesday before Memorial Day.

(2) *Safety Zone B—(i) Location.* A safety zone including all waters of the Hudson River between Piers 83 and 90, Manhattan, from the parade column east to the Manhattan shoreline.

(ii) *Enforcement period.* Paragraph (a)(2)(i) of this section is enforced annually from 8 a.m. until 5 p.m. on the Wednesday before Memorial Day.

(3) *Safety Zone C—*

(i) *Location.* A moving safety zone including all waters of the Hudson River within a 200-yard radius of each parade vessel upon its leaving the parade of ships until it is safely berthed.

(ii) *Enforcement period.* Paragraph (a)(3)(i) of this section is enforced annually from 8 a.m. until 5 p.m. on the Wednesday before Memorial Day.

(4) *Safety Zone D—*

(i) *Location.* A safety zone including all waters of the Hudson River bound by the following points: from the southeast corner of Pier 90, Manhattan, where it intersects the seawall, west to approximate position 40°46'10"N 074°00'13"W (NAD 1983), south to approximate position 40°45'54"N 074°00'25"W (NAD 1983), then east to the northeast corner of Pier 83 where it intersects the seawall.

(ii) *Enforcement period.* Paragraph (a)(4)(i) of this section is enforced annually from 10 a.m. until 5 p.m., from Friday through Monday, Memorial Day weekend.

(5) *Safety Zone E—*

(i) *Location.* A moving safety zone including all waters 500 yards ahead and astern, and 200 yards on each side of the departing U.S. Navy Aircraft or Helicopter Carrier as it transits the Port of New York and New Jersey from its mooring at the Intrepid Sea, Air and Space Museum, Manhattan, to the COLREGS Demarcation line at Ambrose Channel Entrance Lighted Bell Buoy 2 (LLNR 34805).

(ii) *Enforcement period.* Paragraph (a)(5)(i) of this section is enforced annually on the Wednesday following Memorial Day. Departure time is dependent on tide, weather, and granting of authority for departure by the Captain of the Port, New York.

(b) *Effective period.* This section is effective annually from 8 a.m. on the Wednesday before Memorial Day until 4 p.m. on the Wednesday following Memorial Day.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene-patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U. S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

[CGD1-98-170, 64 FR 24946, May 10, 1999]

§ 165.164 Security Zones: Dignitary Arrival/Departure and United Nations Meetings, New York, NY.

(a) The following areas are established as security zones:

(1) *Location.* Wall Street heliport: All waters of the East River within the following boundaries: East of a line drawn between approximate position 40°42'01"N 074°00'39"W (east of The Battery) to 40°41'36"N 074°00'52"W (NAD 1983) (point north of Governors Island) and north of a line drawn from the point north of Governors Island to the southwest corner of Pier 7 North, Brooklyn; and south of a line drawn between the northeast corner of Pier 13, Manhattan, and the northwest corner of Pier 2 North, Brooklyn.

(2) [Reserved]

(3) *Location.* Marine Air Terminal, La Guardia Airport: All waters of Bowery Bay, Queens, New York, south of a line drawn from the western end of La Guardia Airport at approximate position 40°46'47"N 073°53'05"W (NAD 1983) to the Rikers Island Bridge at approximate position 40°46'51"N 073°53'21"W (NAD 1983) and east of a line drawn between the point at the Rikers Island Bridge to a point on the shore in Queens, New York, at approximate position 40°46'36"N 073°53'31"W (NAD 1983).

(4) *Location.* All waters of the East River bound by the following points: 40°44'37" N, 073°58'16.5"W (the base of East 35th Street, Manhattan), then east to 40°44'34.5"N, 073°58'10.5"W (about

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175 yards offshore of Manhattan), then northeasterly to 40°45'29" N, 073°57'26.5"W (about 125 yards offshore of Manhattan at the Queensboro Bridge), then northwesterly to 40°45'31" N, 073°57'30.5"W (Manhattan shoreline at the Queensboro Bridge), then southerly to the starting point at 40°44'37" N, 073°58'16.5"W. All nautical positions are based on North American Datum of 1983.

(5) *Location.* All waters of the East River north of a line drawn from approximate position 40°44'37" N, 073°58'16.5"W (the base of East 35th Street, Manhattan), to approximate position 40°44'23" N, 073°57'44.5"W (Hunters Point, Long Island City), and south of the Queensboro Bridge. All nautical positions are based on North American Datum of 1983.

(6) The security zone will be activated 30 minutes before the dignitaries' arrival into the zone and remain in effect until 15 minutes after the dignitaries' departure from the zone.

(7) The activation of a particular zone will be announced by facsimile and marine information broadcasts.

(b) *Regulations.* (1) The general regulations contained in 33 CFR 165.33 apply .

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene-patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel using siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

[CGD01-98-006, 64 FR 24948, May 10, 1999, as amended by CGD01-00-146, 65 FR 47320, Aug. 2, 2000]

§ 165.165 Regulated Navigation Area; Kill Van Kull Channel, Newark Bay Channel, South Elizabeth Channel, Elizabeth Channel, Port Newark Channel and New Jersey Pierhead Channel, New York and New Jersey.

(a) *Regulated Navigation Area (RNA).* All waters of the Kill Van Kull (KVK) Channel east of KVK Light 16A (LLNR 37340) in North of Shooters Island Reach, east of Shooters Island Light 2 (LLNR 37375) in South of Shooters Is-

land Reach, and west of KVK Channel Junction Lighted Bell Buoy 'KV' (LLNR 37265) in Constable Hook Reach; all waters of Newark Bay Channel south of Newark Bay Light 19 (LLNR 37505); all waters of South Elizabeth Channel, Elizabeth Channel, Port Newark Channel, and New Jersey Pierhead Channel south of New Jersey Pierhead South Channel Lighted Buoy 5 (LLNR 37020).

(b) *Description of Work Areas in the RNA.*

(1) Work Area (1): The waters bounded by a line connecting the following points:

Latitude	Longitude
40°38'40.0"N	074°03'45.0"W
40°38'50.4"N	074°04'16.0"W
40°38'57.9"N	074°04'11.8"W
40°39'03.8"N	074°04'43.8"W
40°39'04.5"N	074°05'07.6"W
40°39'01.8"N	074°05'14.8"W
40°39'05.0"N	074°05'17.1"W
40°39'10.3"N	074°05'05.0"W
40°39'09.3"N	074°04'27.8"W
40°39'00.2"N	074°03'45.1"W
40°38'58.0"N	074°03'34.9"W
40°38'40.0"N	074°03'45.0"W

(2) Work Area (2): The waters bounded by a line connecting the following points:

Latitude	Longitude
40°38'50.4"N	074°04'16.0"W
40°38'57.5"N	074°04'37.8"W
40°38'59.2"N	074°04'55.4"W
40°38'57.4"N	074°05'12.9"W
40°38'47.5"N	074°05'33.8"W
40°38'45.8"N	074°05'43.6"W
40°38'49.4"N	074°05'44.7"W
40°38'51.0"N	074°05'35.7"W
40°39'04.7"N	074°05'06.6"W
40°39'03.7"N	074°04'29.5"W
40°38'57.9"N	074°04'11.8"W
40°38'50.4"N	074°04'16.0"W

(3) Work Area (3): The waters bounded by a line connecting the following points:

Latitude	Longitude
40°38'45.8" N	074°05'43.6" W
40°38'49.4" N	074°05'44.7" W
40°38'51.2" N	074°05'35" W
40°39'01.8" N	074°05'14.8" W
40°39'05.0" N	074°05'17.1" W
40°38'57.5" N	074°05'32.3" W
40°38'53.8" N	074°05'44.1" W
40°38'53.1" N	074°05'56.8" W
40°38'55.3" N	074°06'38.1" W
40°38'41.5" N	074°07'18.3" W
40°38'38.2" N	074°07'41.4" W
40°38'38.5" N	074°07'46.0" W
40°38'35.2" N	074°07'49.0" W

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Latitude	Longitude
40°38'31.2" N	074°07'50.0" W
40°38'30.1" N	074°07'41.3" W
40°38'33.9" N	074°07'15.1" W
40°38'44.0" N	074°06'45.7" W
40°38'46.7" N	074°06'25.9" W
40°38'44.8" N	074°05'49.6" W
40°38'45.8" N	074°05'43.6" W

(4) Work Area (4): The waters bounded by a line connecting the following points:

Latitude	Longitude
40°38'31.2" N	074°07'50.0" W
40°38'35.2" N	074°07'49.0" W
40°38'36.6" N	074°08'01.2" W
40°38'28.2" N	074°08'51.0" W
40°38'35.2" N	074°09'06.2" W
40°38'30.0" N	074°09'12.0" W
40°38'24.8" N	074°09'02.6" W
40°38'24.0" N	074°08'52.0" W
40°38'31.5" N	074°08'07.4" W
40°38'31.8" N	074°07'54.6" W
40°38'31.2" N	074°07'50.0" W

(5) Work Area (5): The waters bounded by a line connecting the following points:

Latitude	Longitude
40°38'35.2" N	074°07'49.0" W
40°38'38.5" N	074°07'46.0" W
40°38'40.7" N	074°08'01.3" W
40°38'34.0" N	074°08'41.0" W
40°38'40.0" N	074°08'52.0" W
40°38'50.0" N	074°08'55.0" W
40°38'35.2" N	074°09'06.2" W
40°38'28.2" N	074°08'51.0" W
40°38'36.6" N	074°08'01.2" W
40°38'35.2" N	074°07'49.0" W

(6) Work Area (6): The waters bounded by a line connecting the following points:

Latitude	Longitude
40°39'17.0" N	074°08'38.0" W
40°40'21.0" N	074°08'00.0" W
40°40'34.3" N	074°07'54.0" W
40°40'35.9" N	074°08'03.9" W
40°40'33.2" N	074°08'12.0" W
40°40'26.6" N	074°08'17.9" W
40°39'34.3" N	074°08'55.8" W
40°39'30.8" N	074°08'58.2" W
40°39'21.6" N	074°08'50.2" W
40°39'17.0" N	074°08'38.0" W

(7) Work Area (7): The waters bounded by a line connecting the following points:

Latitude	Longitude
40°40'26.7" N	074°08'17.9" W
40°41'14.4" N	074°09'35.0" W
40°41'18.9" N	074°09'31.9" W
40°40'46.1" N	074°08'38.9" W

Latitude	Longitude
40°40'44.5" N	074°08'30.2" W
40°40'33.2" N	074°08'12.0" W
40°40'26.7" N	074°08'17.9" W

(8) Work Area (8): The waters bounded by a line connecting the following points:

Latitude	Longitude
40°39'30.8" N	074°08'58.2" W
40°39'40.6" N	074°09'22.5" W
40°39'43.5" N	074°09'25.8" W
40°39'44.8" N	074°09'24.9" W
40°39'32.8" N	074°08'55.2" W
40°39'30.8" N	074°08'58.2" W
	AND
40°39'21.6" N	074°08'50.2" W
40°39'17.0" N	074°03'38.0" W
40°38'50.0" N	074°08'55.0" W
40°38'30.0" N	074°09'12.0" W
40°38'33.3" N	074°09'19.5" W
40°38'46.8" N	074°09'22.8" W
40°39'07.7" N	074°08'58.8" W
40°39'21.6" N	074°08'50.2" W

(9) Work Area (9): The waters bounded by a line connecting the following points:

Latitude	Longitude
40°40'34.3" N	074°07'54.0" W
40°41'08.5" N	074°07'38.5" W
40°41'11.6" N	074°07'50.8" W
40°41'17.6" N	074°07'56.4" W
40°41'20.0" N	074°08'00.3" W
40°41'42.3" N	074°08'21.2" W
40°41'59.4" N	074°09'11.0" W
40°41'55.8" N	074°09'13.1" W
40°41'39.1" N	074°08'24.6" W
40°41'21.0" N	074°08'07.6" W
40°40'46.1" N	074°08'38.9" W
40°40'44.5" N	074°08'30.2" W
40°40'50.4" N	074°08'30.3" W
40°41'13.4" N	074°08'09.7" W
40°41'13.7" N	074°08'05.6" W
40°41'03.2" N	074°07'55.7" W
40°40'54.4" N	074°07'55.7" W
40°40'35.9" N	074°08'03.9" W
40°40'34.3" N	074°07'54.0" W

(c) *Projected dates for each work area.* Dredging is scheduled to commence in Work Area (2) on April 19, 1999. As contracts are let for dredging of each of the remaining work areas, commencement dates will be made available via the Local Notice to Mariners, marine information broadcasts, facsimile, and at New York Harbor Operations Committee meetings.

(d) *Regulations.* (1) No vessel shall enter or transit any work area where drill barges and/or dredges are located without permission of Vessel Traffic Service New York (VTSNY).

(2) Each vessel transiting in the vicinity of the work areas, where drill barges and/or dredges are located, is required to do so at no wake speed.

(3) No vessel shall enter the RNA when they are advised by the drilling barge or VTSNY that a misfire or hangfire has occurred. Vessels already underway in the RNA shall proceed to clear the impacted area immediately.

(4) Vessels, 300 gross tons or greater, and tugs with tows are prohibited from meeting or overtaking other vessels when transiting alongside an active work area.

(5) Vessels, 300 gross tons or greater, and tugs with tows transiting with the prevailing current (as measured from the Battery tide station) are regarded as the stand-on vessel.

(6) Prior to entering the RNA, the master, pilot or operator of each vessel, 300 gross tons or greater and tugs with tows, shall ensure that they have sufficient propulsion and directional control to safely navigate the area under the prevailing conditions, and shall notify VTSNY as to their decision regarding the employment of assist tugs while transiting the RNA.

(7) Hawser or wire length must not exceed 100 feet, measured from the towing bit on the tug to the point where the hawser or wire connects with the towed vessel or barge, for any vessel with another vessel/barge in tow.

(8) Waiver. The Captain of the Port, New York may, upon request, authorize a deviation from any regulation in this section if it is found that the proposed operations can be done safely. An application for deviation must be received not less than 24 hours before the intended operation and must state the need and describe the proposal.

(9) Tugs with tows includes a tug with a vessel or barge in tow, alongside, or being pushed.

(10) *Bergen Point West Reach*. In addition to the requirements in paragraphs (d)(1) through (d)(9) of this section, the following provisions apply to vessels transiting in or through Work Areas (4) and (5):

(i) *Tug requirements*: All vessels 350 feet in length, or greater, excluding tugs with tows, require one assist tug. All vessels 700 feet in length, or greater, excluding tugs with tows, require

two assist tugs. All vessels 900 feet in length, or greater, excluding tugs with tows, require three assist tugs.

(ii) *Tidal current restrictions*: Vessels 700 feet in length, or greater, are restricted to movements within one hour before or after slack water, as measured from the Bergen Point current station.

(iii) *Astern tows*: Hawser tows are not permitted unless an assist tug accompanies the tow.

(iv) *Sustained winds from 20 to 34 knots*. In sustained winds from 20 to 34 knots:

(A) cargo ships and tankers in ballast may not transit Work Areas (4) and (5);

(B) tugs pushing or towing alongside tank barges 350 feet in length, or greater, in light condition, require an assist tug in Work Areas (4) and (5).

(v) *Sustained winds greater than 34 knots*. In sustained winds greater than 34 knots, vessels 300 gross tons or greater and all tugs with tows are prohibited from transiting Work Areas (4) and (5).

[USCG-1998-4443, 64 FR 18579, Apr. 15, 1999; CGD01-98-165, 64 FR 34313, June 25, 1999]

EFFECTIVE DATE NOTE: By CGD01-03-017, 68 FR 16958, Apr. 8, 2003, §165.165 was amended by adding paragraph (d)(10), effective Mar. 30, 2003, through Sept. 30, 2004.

§ 165.166 Safety Zone: Macy's July 4th Fireworks, East River, NY.

(a) *Regulated Area*. The following area is a safety zone: All waters of the East River east of a line drawn from the Fireboat Station Pier, Battery Park City, in approximate position 40°42'15.4" N 074°01'06.8" W (NAD 1983) to Governors Island Light (2) (LLNR 35010), in approximate position 40°41'34.4" N 074°01'10.9" W (NAD 1983); north of a line drawn from Governors Island, in approximate position 40°41'25.3" N 074°00'42.5" W (NAD 1983) to the southwest corner of Pier 9A, Brooklyn; south of a line drawn from East 47th Street, Manhattan through the southern point of Roosevelt Island to 46 Road, Brooklyn, and all waters of Newtown Creek west of the Pulaski Bascule Bridge.

(b) *Activation period*. This section is activated annually from 6:30 p.m. until 11:30 p.m. on July 4th. If the event is cancelled due to inclement weather

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then this section is in effect from 6:30 p.m. until 11:30 p.m. on July 5th.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) No vessels, except the Staten Island Ferries, will be allowed to transit the safety zone without the permission of the Captain of the Port, New York.

(3) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(4) Vessels equal to or greater than 20 meters (65.6 feet) in length, carrying persons for the purpose of viewing the fireworks, may take position in an area inside the safety zone, at least 200 yards off the bulkhead on the west bank and just off the pierhead faces on the east bank of the East River between the Williamsburg Bridge and North 9th Street, Brooklyn. This area is bound by the following points: 40°42'45.5" N 073°58'07.4" W; thence to 40°42'50.4" N 073°58'23.2" W; thence to 40°43'23.1" N 073°58'12.7" W; thence to 40°43'21.5" N 073°57'45.7" W; (NAD 1983) thence back to the point of beginning. All vessels must be in this location by 6:30 p.m. (e.s.t.) the day of the event.

[CGD01-00-242, 66 FR 20405, Apr. 23, 2001]

§ 165.167 **Safety Zone: East River Western Channel, Manhattan, NY.**

(a) *Location.* The waters of the East River enclosed by the following boundaries are established as a safety zone: beginning on the Manhattan riverbank at a point 40°45'35.7" N, 073°57'25.2" W (Point A), thence southeasterly to a point 40°45'34.8" N, 073°57'23.2" W (Point B), thence southwesterly along the western boundary of the federal navigable channel to a point 40°45'09.5" N, 073°57'46.3" W (Point C), then northwesterly to the Manhattan riverbank at a point 40°45'10.5" N, 073°57'48.9" W (Point D), thence northeasterly along the riverbank to the place of beginning (Point A). All coordinates are North American Datum 1983.

(b) *Regulations.* The general regulations contained in §165.23 of this part apply.

[CGD01-02-090, 67 FR 56489, Sept. 4, 2002]

§ 165.168 **Safety Zones: New York Harbor, Western Long Island Sound, East River, and Hudson River Fireworks.**

(a) *New York Harbor.* Figure 1 of this section displays the safety zone areas in paragraphs (a)(1) through (a)(9).

(1) *Liberty Island Safety Zone:* All waters of Upper New York Bay within a 360-yard radius of the fireworks barge in approximate position 40°41'16.5" N 074°02'23" W (NAD 1983), located in Federal Anchorage 20-C, about 360 yards east of Liberty Island.

(2) *Ellis Island Safety Zone:* All waters of Upper New York Bay within a 360-yard radius of the fireworks barge located between Federal Anchorages 20-A and 20-B, in approximate position 40°41'45" N 074°02'09" W (NAD 1983), about 365 yards east of Ellis Island.

(3) *South Beach, Staten Island Safety Zone:* All waters of Lower New York Bay within a 360-yard radius of the fireworks barge in approximate position 40°35'11" N 074°03'42" W (NAD 1983), about 350 yards east of South Beach, Staten Island.

(4) *Raritan Bay Safety Zone:* All waters of Raritan Bay in the vicinity of the Raritan River Cutoff and Ward Point Bend (West) within a 240-yard radius of the fireworks barge in approximate position 40°30'04" N 074°15'35" W (NAD 1983), about 240 yards east of Raritan River Cutoff Channel Buoy 2 (LLNR 36595).

(5) *Coney Island Safety Zone:* All waters of Lower New York Bay within a 250-yard radius of the fireworks land shoot located on the south end of Steeplechase Pier, Coney Island, in approximate position 40°34'11" N 073°59'00" W (NAD 1983).

(6) *Arthur Kill, Elizabeth, New Jersey Safety Zone:* All waters of the Arthur Kill within a 150-yard radius of the fireworks land shoot located in Elizabeth, New Jersey, in approximate position 40°38'50" N 074°10'58" W (NAD 1983), about 675 yards west of Arthur Kill Channel Buoy 20 (LLNR 36780).

(7) *South Ellis Island Safety Zone:* All waters of Upper New York Bay within

a 240-yard radius of the fireworks barge in approximate position 40°41'39.9" N 074°02'33.7" W (NAD 1983), about 260 yards south of Ellis Island.

(8) *Rockaway Beach Safety Zone*: All waters of the Atlantic Ocean within a 360 yard radius of the fireworks barge in approximate position 40°34'28.2" N 073°50'00.0" W (NAD 1983), off Beach 116th Street.

(9) *Rockaway Inlet Safety Zone*: All waters of Rockaway Inlet within a 360 yard radius of the fireworks barge in approximate position 40°34'19.1" N 073°54'43.5" W (NAD 1983), about 1,200 yards south of Point Breeze.

(b) *Western Long Island Sound*. Figure 2 of this section displays the safety zone areas in paragraphs (b)(1) through (b)(10).

(1) *Penigo Neck, Western Long Island Sound Safety Zone*: All waters of western Long Island Sound within a 300-yard radius of the fireworks barge in approximate position 40°56'21" N 073°41'23" W (NAD 1983), about 525 yards east of Milton Point, Penigo Neck, New York.

(2) *Satans Toe, Western Long Island Sound Safety Zone*: All waters of western Long Island Sound within a 360-yard radius of the fireworks barge in approximate position 40°55'21" N 073°43'41" W (NAD 1983), about 635 yards northeast of Larchmont Harbor (East Entrance) Light 2 (LLNR 25720).

(3) *Larchmont, Western Long Island Sound Safety Zone*: All waters of western Long Island Sound within a 240-yard radius of the fireworks barge in approximate position 40°54'45" N 073°44'55" W (NAD 1983), about 450 yards southwest of the entrance to Horseshoe Harbor.

(4) *Manursing Island, Western Long Island Sound Safety Zone*: All waters of western Long Island Sound within a 360-yard radius of the fireworks barge in approximate position 40°57'47" N 073°40'06" W (NAD 1983), about 380 yards north of Rye Beach Transport Rock Buoy 2 (LLNR 25570).

(5) *Glen Island, Western Long Island Sound Safety Zone*: All waters of western Long Island Sound within a 240-yard radius of the fireworks barge in approximate position 40°53'12" N 073°46'33" W (NAD 1983), about 350 yards

east of the northeast corner of Glen Island, New York.

(6) *Twin Island, Western Long Island Sound Safety Zone*: All waters of western Long Island Sound within a 200-yard radius of the fireworks land shoot in approximate position 40°52'10" N 073°47'07" W (NAD 1983), at the east end of Orchard Beach, New York.

(7) *Davenport Neck, Western Long Island Sound Safety Zone*: All waters of western Long Island Sound within a 360-yard radius of the fireworks barge in Federal Anchorage No. 1-A, in approximate position 40°53'46" N 073°46'04" W (NAD 1983), about 360 yards northwest of Emerald Rock Buoy (LLNR 25810).

(8) *Glen Cove, Hempstead Harbor Safety Zone*: All waters of Hempstead Harbor within a 360-yard radius of the fireworks barge in approximate position 40°51'58" N 073°39'34" W (NAD 1983), about 500 yards northeast of Glen Cove Breakwater Light 5 (LLNR 27065).

(9) *Bar Beach, Hempstead Harbor Safety Zone*: All waters of Hempstead Harbor within a 180-yard radius of the fireworks barge in approximate position 40°49'50" N 073°39'12" W (NAD 1983), about 190 yards north of Bar Beach, Hempstead Harbor, New York.

(10) *Larchmont Harbor, Western Long Island Sound Safety Zone*: All waters of western Long Island Sound within a 240-yard radius of the fireworks barge in approximate position 40°55'21.8" N 073°44'21.7" W (NAD 1983), about 540 yards north of Umbrella Rock.

(c) *East River*. Figure 3 of this section displays the safety zone areas in paragraphs (c)(1) through (c)(4).

(1) *Pier 14, East River Safety Zone*: All waters of the East River within a 180-yard radius of the fireworks barge in approximate position 40°42'07.5" N 074°00'06" W (NAD 1983), about 250 yards southeast of Pier 14, Manhattan, New York.

(2) *Wards Island, East River Safety Zone*: All waters of the East River within a 150-yard radius of the fireworks land shoot in approximate position 40°46'55.5" N 073°55'33" W (NAD 1983), about 200 yards northeast of the Triborough Bridge.

(3) *Pier 16, East River Safety Zone*: All waters of the East River within a 180-yard radius of the fireworks barge in

approximate position 40°42'12.5" N 074°00'02.0" W (NAD 1983), about 200 yards east of Pier 16.

(4) *Newtown Creek, East River Safety Zone*: All waters of the East River within a 360-yard radius of the fireworks barge in approximate position 40°44'24.0" N 073°58'00.0" W (NAD 1983), about 785 yards south of Belmont Island.

(d) *Hudson River*. Figure 4 of this section displays the safety zone areas in paragraphs (d)(1) through (d)(11).

(1) *Pier 60, Hudson River Safety Zone*: All waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°44'49" N 074°01'02" W (NAD 1983), about 500 yards west of Pier 60, Manhattan, New York.

(2) *The Battery, Hudson River Safety Zone*: All waters of the Hudson River and Anchorage Channel within a 360-yard radius of the fireworks barge in approximate position 40°42'00" N 074°01'17" W (NAD 1983), about 500 yards south of The Battery, Manhattan, New York.

(3) *Battery Park City, Hudson River Safety Zone*: All waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°42'39" N 074°01'21" W (NAD 1983), about 480 yards southwest of North Cove Yacht Harbor, Manhattan, New York.

(4) *Pier 90, Hudson River Safety Zone*: All waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°46'11.8" N 074°00'14.8" W (NAD 1983), about 375 yards west of Pier 90, Manhattan.

(5) *Yonkers, New York, Hudson River Safety Zone*: All waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°56'14.5" N 073°54'33" W (NAD 1983), about 475 yards northwest of the Yonkers Municipal Pier, New York.

(6) *Hastings-on-Hudson, New York, Hudson River Safety Zone*: All waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°59'44.5" N 073°53'28" W (NAD 1983), about 425 yards west of Hastings-on-Hudson, New York.

(7) *Pier D, Hudson River Safety Zone*: All waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°42'57.5" N

074°01'34" W (NAD 1983), about 375 yards southeast of Pier D, Jersey City, New Jersey.

(8) *Pier 54, Hudson River Safety Zone*: All waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°44'31" N 074°01'00" W (NAD 1983), about 380 yards west of Pier 54, Manhattan.

(9) *Pier 84, Hudson River Safety Zone*: All waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°45'56.9" N 074°00'25.4" W (NAD 1983), about 380 yards west of Pier 84, Manhattan.

(10) *Peekskill Bay, Hudson River Safety Zone*: All waters of Peekskill Bay within a 360-yard radius of the fireworks barge in approximate position 41°17'16" N 073°56'18" W (NAD 1983), about 670 yards north of Travis Point.

(11) *Jersey City, Hudson River Safety Zone*: All waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°42'37.3" N 074°01'41.6" W (NAD 1983), about 420 yards east of Morris Canal Little Basin.

(e) *Notification*. Coast Guard Activities New York will cause notice of the activation of these safety zones to be made by all appropriate means to effect the widest publicity among the affected segments of the public, including publication in the local notice to mariners, marine information broadcasts, and facsimile. Fireworks barges used in these locations will also have a sign on their port and starboard side labeled "FIREWORKS—STAY AWAY". This sign will consist of 10" high by 1.5" wide red lettering on a white background. Shore sites used in these locations will display a sign labeled "FIREWORKS—STAY AWAY" with the same dimensions.

(f) *Effective Period*. This section is effective from 6 p.m. (e.s.t.) to 1 a.m. (e.s.t.) each day a barge with a "FIREWORKS—STAY AWAY" sign on the port and starboard side is on-scene or a "FIREWORKS—STAY AWAY" sign is posted in a location listed in paragraphs (a) through (d) of this section. Vessels may enter, remain in, or transit through these safety zones during this time frame if authorized by the

Captain of the Port New York or designated Coast Guard patrol personnel on scene.

(g) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the des-

ignated on-scene-patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U. S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Figure 1
§ 165.168(a) New York Harbor Fireworks Safety Zones drawn to scale.

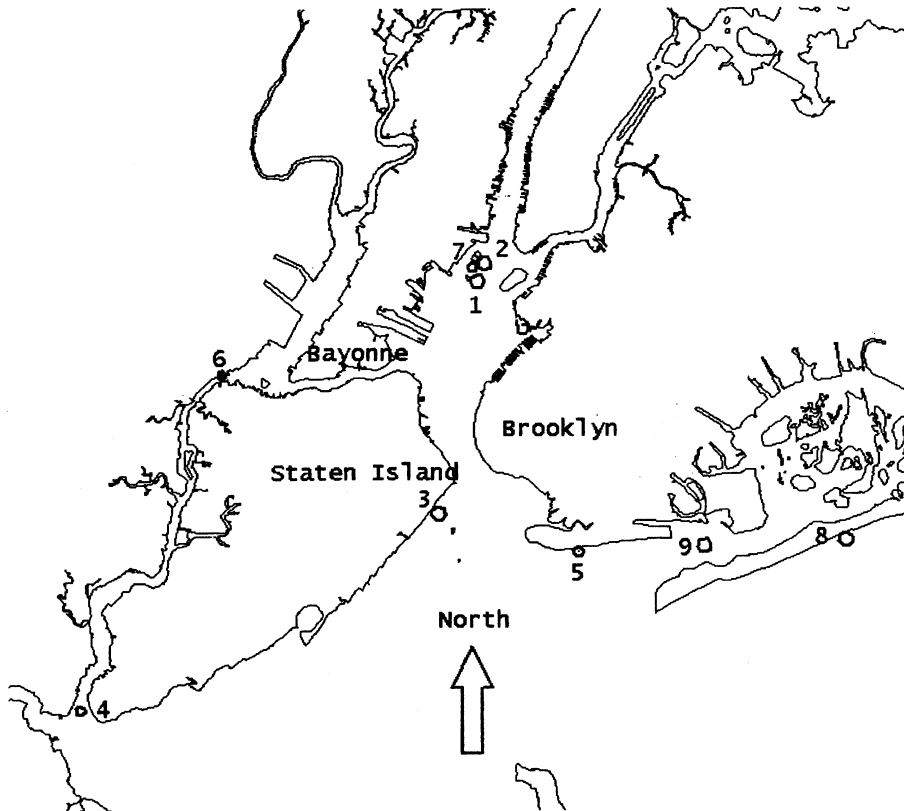


Figure 2
§ 165.168(b) Western Long
Island Sound Fireworks Safety
Zones drawn to scale.

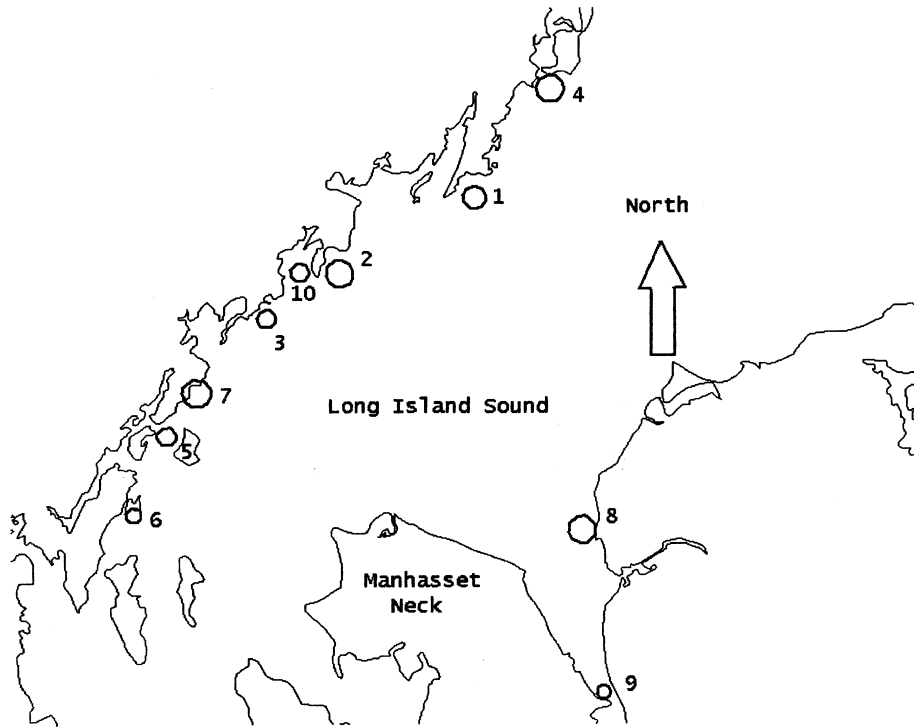
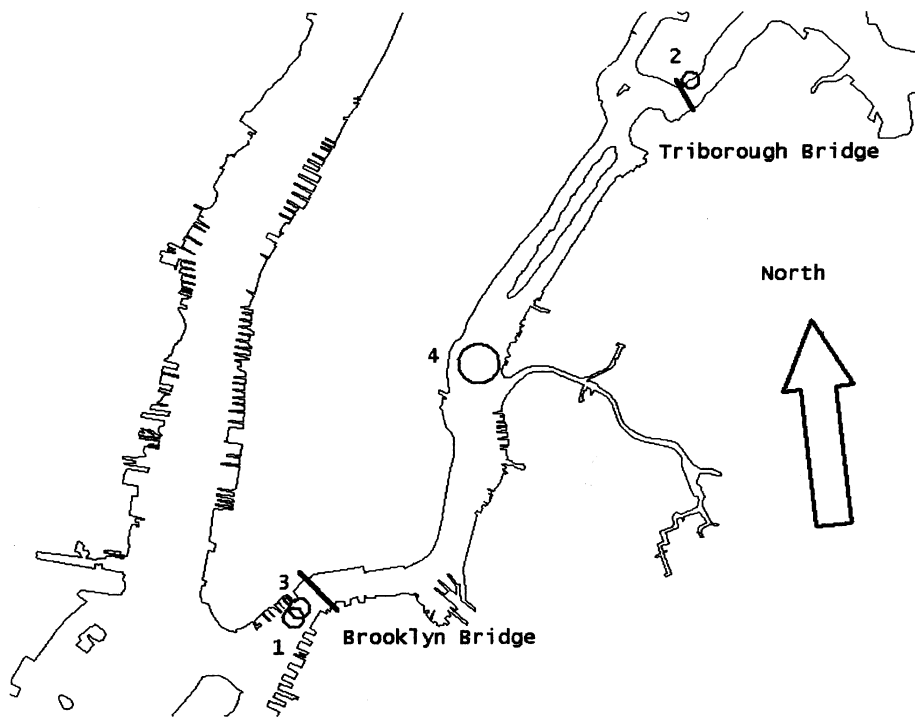
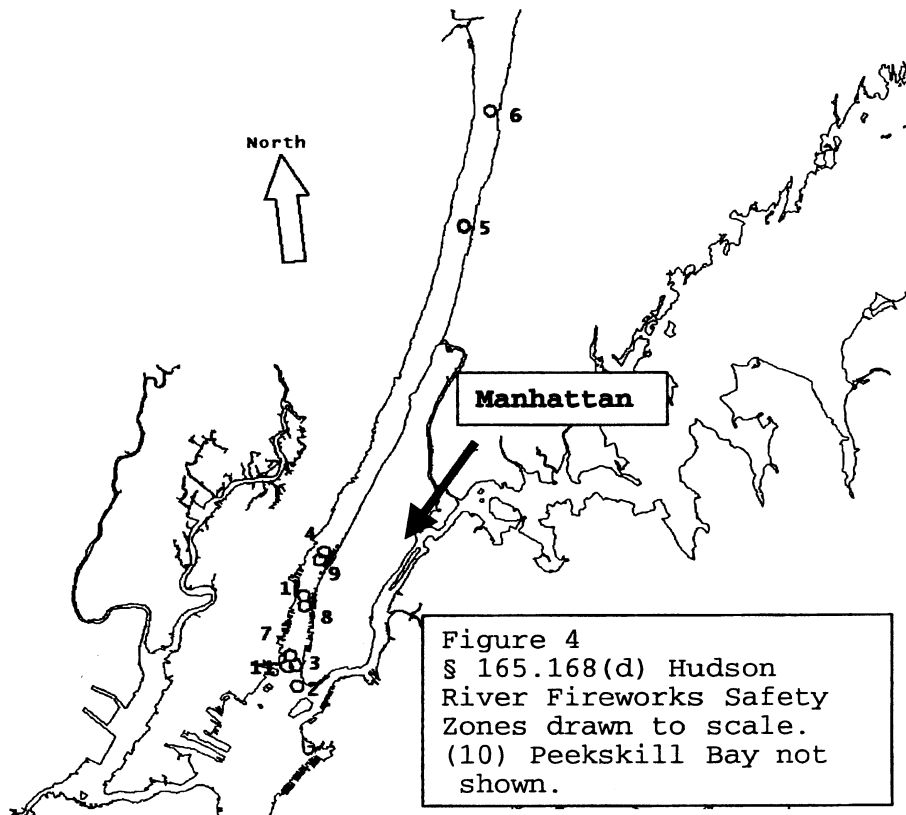


Figure 3
§ 165.168(c) East River
Fireworks Safety Zones
drawn to scale.





[CDG01-00-004, 65 FR 43239, July 13, 2000, as amended by CGDO1-00-221, 66 FR 16000, Mar. 22, 2001]

§ 165.169 Safety and Security Zones: New York Marine Inspection Zone and Captain of the Port Zone.

(a) *Safety and security zones.* The following waters within the New York Marine Inspection Zone and Captain of the Port Zone are safety and security zones:

(1) *Indian Point Nuclear Power Station (IPNPS).* All waters of the Hudson River within a 300-yard radius of the IPNPS pier in approximate position 41°16'12.4" N, 073°57'16.2" W (NAD 83).

(2) *U.S. Coast Guard Cutters and Shore Facilities.* All waters within 100 yards of: Each moored, or anchored, Coast Guard Cutter; Coast Guard Station New York, Staten Island, NY; Coast Guard Station Sandy Hook, NJ; Coast

Guard Station Kings Point, NY; and Coast Guard Aids to Navigation Team New York, Bayonne, NJ.

(3) *Commercial Waterfront Facilities.* All waters within 25 yards of each commercial waterfront facility that is capable of accepting barge, ferry or other commercial vessels. For purposes of this section, "commercial waterfront facility" means all piers, wharves, docks and similar structures to which barge, ferry or other commercial vessels may be secured; areas of land or water under and in immediate proximity to them; buildings on such structures or contiguous to them; and equipment and materials on such structures and in such buildings.

(i) When a barge, ferry or other commercial vessel is conducting transfer operations at a commercial waterfront facility, the 25-yard zone is measured

from the outboard side of the commercial vessel.

(ii) Vessels may transit through any portion of the zone that extends into the navigable channel for the sole purpose of direct and expeditious transit through the zone so long as they remain within the navigable channel, maintain the maximum safe distance from the commercial waterfront facility and do not stop or loiter within the zone.

(4) *Liberty and Ellis Islands.* All waters within 150 yards of Liberty Island, Ellis Island, and the bridge between Liberty State Park and Ellis Island.

(5) *Bridge Piers and Abutments, Overhead Power Cable Towers, Piers and Tunnel Ventilators.* All waters within 25 yards of any bridge pier or abutment, overhead power cable tower, pier or tunnel ventilators south of the Troy, NY Locks. Vessels may transit through any portion of the zone that extends into the navigable channel for the sole purpose of direct and expeditious transit through the zone so long as they remain within the navigable channel, maintain the maximum safe distance from the waterfront facility and do not stop or loiter within the zone.

(6) *New York City Passenger Ship Terminal, Hudson River, NY.* (i) *Location.* All waters of the Hudson River bound by the following points: From the northeast corner of Pier 96 where it intersects the seawall, thence west to approximate position 40°46'23.1" N, 073°59'59.0" W, thence south to approximate position 40°45'55.3" N, 074°00'20.2" W (NAD 1983), thence east to the southeast corner of Pier 84 where it intersects the seawall, thence north along the shoreline to the point of origin.

(ii) *Enforcement period.* This zone will be enforced whenever passenger vessels are pierside at Pier 88, 90 or 92 or whenever the passenger ship terminal or the adjacent Intrepid Sea, Air and Space Museum, Manhattan is being used as an Emergency Operations Center. The activation and termination of a particular zone will be announced in accordance with 33 CFR 165.7.

(7) *La Guardia Airport, Bowery and Flushing Bays, Queens, NY.*—(i) *Location: 200-Yard Zone.* All waters of Bowery and Flushing Bays within approximately 200 yards of La Guardia Airport

bound by the following points: Onshore at Steinway, Queens in approximate position 40°46'32.1" N, 073°53'22.4" W, thence to 40°46'52.8" N, 073°53'09.3" W, thence to 40°46'54.8" N, 073°52'54.2" W, thence to 40°46'59.3" N, 073°52'51.3" W, thence to 40°47'11.8" N, 073°53'17.3" W, thence to 40°47'13.0" N, 073°53'16.1" W on Rikers Island, thence easterly along the Rikers Island shoreline to approximate position 40°47'12.9" N, 073°52'17.9" W, thence to 40°47'16.7" N, 073°52'09.2" W, thence to 40°47'36.1" N, 073°51'52.5" W, thence to 40°47'35.1" N, 073°51'50.5" W, thence to 40°47'15.9" N, 073°52'06.4" W, thence to 40°47'14.5" N, 073°52'03.1" W, thence to 40°47'10.6" N, 073°52'06.7" W, thence to 40°47'01.9" N, 073°52'02.4" W, thence to 40°46'50.4" N, 073°52'08.1" W, thence to 40°46'26.8" N, 073°51'18.5" W, thence to 40°45'57.2" N, 073°51'01.8" W, thence to 40°45'51.2" N, 073°50'59.6" W, thence to 40°45'49.5" N, 073°51'07.2" W, thence to 40°45'58.8" N, 073°51'13.2" W, thence to 40°46'02.3" N, 073°51'20.1" W, thence to 40°45'48.4" N, 073°51'37.0" W, (NAD 1983) thence along the shoreline to the point of origin.

(ii) *Location: 100-Yard Zone.* All waters of Bowery and Flushing Bays within approximately 100 yards of La Guardia Airport bound by the following points: Onshore at Steinway, Queens in approximate position 40°46'32.1" N, 073°53'22.4" W, thence to 40°46'50.6" N, 073°53'07.3" W, thence to 40°46'53.0" N, 073°52'50.9" W, thence to 40°46'57.6" N, 073°52'47.9" W, thence to 40°47'11.8" N, 073°53'17.3" W, thence to 40°47'13.0" N, 073°53'16.1" W on Rikers Island, thence easterly along the Rikers Island shoreline to approximate position 40°47'12.9" N, 073°52'17.9" W, thence to 40°47'16.7" N, 073°52'09.2" W, thence to 40°47'36.1" N, 073°51'52.5" W, thence to 40°47'35.1" N, 073°51'50.5" W, thence to 40°47'15.9" N, 073°52'06.4" W, thence to 40°47'14.5" N, 073°52'03.1" W, thence to 40°47'07.9" N, 073°52'09.2" W, thence to 40°47'01.4" N, 073°52'06.1" W, thence to 40°46'50.0" N, 073°52'14.6" W, thence to 40°46'22.2" N, 073°51'16.0" W, thence to 40°45'57.2" N, 073°51'01.8" W, thence to 40°45'52.4" N, 073°51'00.2" W, thence to 40°45'50.6" N, 073°51'07.9" W, thence to 40°45'58.8" N, 073°51'13.2" W, thence to 40°46'04.0" N, 073°51'23.3" W, thence to 40°45'51.2" N, 073°51'38.8" W, (NAD 1983) thence along the shoreline to the point of origin.

(iii) *Enforcement period.* The zones described in paragraph (a)(7) of this section will be effective at all times. When port security conditions permit, the Captain of the Port will allow vessels to operate within that portion of the waters described in paragraph (a)(7)(i) of this section. That lies outside of the waters described in paragraph (a)(7)(ii) of this section: Authorization to enter the waters that lie between the outer boundaries of the zones described in paragraphs (a)(7)(i) and (a)(7)(ii) of this section will be communicated by the Captain of the Port to the public by marine broadcast, or local notice to mariners, or notice posted at <http://www.harborops.com>.

(8) *John F. Kennedy Airport, Jamaica Bay, Queens, NY.*—(i) *Location: Bergen Basin.* All waters of Bergen Basin north of 40°39'26.4" N.

(ii) *Location: Thurston Basin.* All waters of Thurston Basin north of 40°38'21.2" N.

(iii) *Location: 200-Yard Zone.* All waters of Jamaica Bay within approximately 200 yards of John F. Kennedy Airport bound by the following points: Onshore east of Bergen Basin, Queens in approximate position 40°38'49.0" N, 073°49'09.1" W, thence to 40°38'42.5" N, 073°49'13.2" W, thence to 40°38'00.6" N, 073°47'35.1" W, thence to 40°37'52.3" N, 073°47'55.0" W, thence to 40°37'50.3" N, 073°47'53.5" W, thence to 40°37'59.4" N, 073°47'32.6" W, thence to 40°37'46.1" N, 073°47'07.2" W, thence to 40°37'19.5" N, 073°47'30.4" W, thence to 40°37'05.5" N, 073°47'03.0" W, thence to 40°37'34.7" N, 073°46'40.6" W, thence to 40°37'20.5" N, 073°46'23.5" W, thence to 40°37'05.7" N, 073°46'34.9" W, thence to 40°36'54.8" N, 073°46'26.7" W, thence to 40°37'14.1" N, 073°46'10.8" W, thence to 40°37'36.9" N, 073°45'52.8" W, thence to 40°38'00.8" N, 073°44'54.9" W, thence to 40°38'05.1" N, 073°45'00.3" W, (NAD 1983) thence along the shoreline to the point of origin.

(iv) *Location: 100-Yard Zone.* All waters of Jamaica Bay within approximately 100 yards of John F. Kennedy Airport bound by the following points: Onshore east of Bergen Basin, Queens in approximate position 40°38'49.0" N, 073°49'09.1" W, thence to 40°38'45.1" N, 073°49'11.6" W, thence to 40°38'02.0" N, 073°47'31.8" W, thence to 40°37'52.3" N, 073°47'55.0" W, thence to 40°37'50.3" N,

073°47'53.5" W, thence to 40°38'00.8" N, 073°47'29.4" W, thence to 40°37'47.4" N, 073°47'02.4" W, thence to 40°37'19.9" N, 073°47'25.0" W, thence to 40°37'10.0" N, 073°47'03.7" W, thence to 40°37'37.7" N, 073°46'41.2" W, thence to 40°37'22.6" N, 073°46'21.9" W, thence to 40°37'05.7" N, 073°46'34.9" W, thence to 40°36'54.8" N, 073°46'26.7" W, thence to 40°37'14.1" N, 073°46'10.8" W, thence to 40°37'40.0" N, 073°45'55.6" W, thence to 40°38'02.8" N, 073°44'57.5" W, thence to 40°38'05.1" N, 073°45'00.3" W, (NAD 1983) thence along the shoreline to the point of origin.

(v) *Enforcement period.* The zones described in paragraphs (a)(8) of this section will be effective at all times. When port security conditions permit, the Captain of the Port will allow vessels to operate within that portion of the waters described in paragraph (a)(8)(iii) of this section that lies outside of the waters described in paragraph (a)(8)(iv) of this section. Authorization to enter the waters that lie between the outer boundaries of the zones described in paragraphs (a)(8)(iii) and (a)(8)(iv) of this section will be communicated by the Captain of the Port to the public by marine broadcast, local notice to mariners, or notice posted at <http://www.harborops.com>.

(9) *NYPD Ammunition Depot, Rodman Neck, Eastchester Bay, NY.*—(i) *Location: 150-Yard Zone.* All waters of Eastchester Bay within approximately 150 yards of Rodman Neck bound by the following points: Onshore in approximate position 40°51'30.4" N, 073°48'14.9" W, thence to 40°51'29.9" N, 073°48'20.7" W, thence to 40°51'16.9" N, 073°48'22.5" W, thence to 40°51'07.5" N, 073°48'18.7" W, thence to 40°50'54.2" N, 073°48'11.1" W, thence to 40°50'48.5" N, 073°48'04.6" W, thence to 40°50'49.2" N, 073°47'56.5" W, thence to 40°51'03.6" N, 073°47'47.3" W, thence to 40°51'15.7" N, 073°47'46.8" W, thence to 40°51'23.5" N, 073°47'41.9" W, (NAD 1983) thence southwesterly along the shoreline to the point of origin.

(ii) *Location: 100-Yard Zone.* All waters of Eastchester Bay within approximately 100 yards of Rodman Neck bound by the following points: Onshore in approximate position 40°51'30.4" N, 073°48'14.9" W, thence to 40°51'30.1" N, 073°48'19.0" W, thence to 40°51'16.8" N, 073°48'20.5" W, thence to 40°51'07.9" N, 073°48'16.8" W, thence to 40°50'54.9"

N, 073°48'09.0" W, thence to 40°50'49.7" N, 073°48'03.6" W, thence to 40°50'50.1" N, 073°47'57.9" W, thence to 40°51'04.6" N, 073°47'48.9" W, thence to 40°51'15.9" N, 073°47'48.4" W, thence to 40°51'23.5" N, 073°47'41.9" W, (NAD 1983) thence southwesterly along the shoreline to the point of origin.

(iii) *Enforcement period.* The zones described in paragraph (a)(9) of this section will be effective at all times. When port security conditions permit, the Captain of the Port will allow vessels to operate within that portion of the waters described in paragraph (a)(9)(i) of this section that lies outside of the waters described in paragraph (a)(9)(ii) of this section. Authorization to enter the waters that lie between the outer boundaries of the zones described in paragraphs (a)(9)(i) and (a)(9)(ii) of this section will be communicated by the Captain of the Port to the public by marine broadcast, local notice to mariners, or notice posted at <http://www.harborops.com>.

(10) *Port Newark/Port Elizabeth, Newark Bay, NJ.* All waters of Newark Bay bound by the following points: 40°41'49.9" N, 074°07'32.2" W, thence to 40°41'46.5" N, 074°07'20.4" W, thence to 40°41'10.7" N, 074°07'45.9" W, thence to 40°40'54.3" N, 074°07'55.7" W, thence to 40°40'36.2" N, 074°08'03.8" W, thence to 40°40'29.1" N, 074°08'06.3" W, thence to 40°40'21.9" N, 074°08'10.0" W, thence to 40°39'27.9" N, 074°08'43.6" W, thence to 40°39'21.5" N, 074°08'50.1" W, thence to 40°39'21.5" N, 074°09'54.3" W, (NAD 1983) thence northerly along the shoreline to the point of origin.

(b) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 and 165.33 apply.

(2) Vessels not actively engaged in legitimate transfer operations shall not stop or loiter within that part of a commercial waterfront facility safety and security zone extending into the navigable channel, described in paragraph (a)(3) of this section, without the express permission of the Coast Guard Captain of the Port or the designated on-scene patrol personnel.

(3) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene patrol personnel. These personnel comprise commis-

sioned, warrant, and petty officers of the Coast Guard onboard Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels. Upon being hailed by U.S. Coast Guard patrol personnel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

[CGD01-02-132, 68 FR 2890, Jan. 22, 2003]

EFFECTIVE DATE NOTE: By CGD01-03-010, 68 FR 7929, Feb. 19, 2003, §165.169 was amended by adding paragraphs (a)(7), (a)(8), (a)(9) and (a)(10), effective February 4, 2003, to September 1, 2003.

§ 165.170 Safety Zone: Triathlon, Ulster Landing, Hudson River, NY.

(a) *Regulated area.* The following area is a safety zone: All waters of the Hudson River, in the vicinity of Ulster Landing, bound by the following points: 42°00'03.7"N, 073°56'43.1"W; thence to 41°59'52.5"N, 073°56'34.2"W; thence to 42°00'15.1"N, 073°56'25.2"W; thence to 42°00'05.4"N, 073°56'41.9"W (NAD 1983); thence along the shoreline to the point of beginning.

(b) *Effective period.* This section is in effect annually from 6 a.m. until 9 a.m. on the first Sunday after July 4th.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) No vessels will be allowed to transit the safety zone without the permission of the Captain of the Port, New York.

(3) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

[CGD01-00-248, 66 FR 29486, May 31, 2001]

FIFTH COAST GUARD DISTRICT

§ 165.T05-078 Security Zone; Salem and Hope Creek Generation Stations, Delaware River, Salem County, New Jersey.

(a) *Location.* The following area is a security zone: the waters of the Delaware River in the vicinity of the Salem

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and Hope Creek Generation Stations bounded by a line drawn from a point located at 39° 28' 08.0" N, 075° 32' 31.7" W to 39° 28' 06.5" N, 075° 32' 47.4" W, thence to 39° 27' 28.4" N, 075° 32' 15.8" W, thence to 39° 27' 28.8" N, 075° 31' 56.6" W, thence to 39° 27' 39.9" N, 075° 31' 51.6" W. All coordinates reference Datum: NAD 1983.

(b) *Regulations.* (1) All persons are required to comply with the general regulations governing security zones in § 165.33 of this part.

(2) No person or vessel may enter or navigate within this security zone unless authorized to do so by the Coast Guard or designated representative. Any person or vessel authorized to enter the security zone must operate in strict conformance with any directions given by the Coast Guard or designated representative and leave the security zone immediately if the Coast Guard or designated representative so orders.

(3) The Coast Guard or designated representative enforcing this section can be contacted on VHF Marine Band Radio, channels 13 and 16. The Captain of the Port can be contacted at (215) 271-4807.

(4) The Captain of the Port will notify the public of any changes in the status of this security zone by Marine Safety Radio Broadcast on VHF-FM marine band radio, channel 22 (157.1 MHz).

(c) *Definitions.* For the purposes of this section, Captain of the Port means the Commanding Officer of the Coast Guard Marine Safety Office/Group Philadelphia or any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port to act as a designated representative on his behalf.

(d) *Effective dates.* This section is effective from 5 p.m. on May 13, 2003 to 5 p.m. on January 24, 2004.

[COTP Philadelphia 03-003, 68 FR 32998, June 3, 2003]

EFFECTIVE DATE NOTE: By COTP Philadelphia 03-003, 68 FR 32998, June 3, 2003, § 165.T05-078 was added, effective May 13, 2003 to Jan. 24, 2004.

§ 165.T05-090 Security Zone; Limerick Generating Station, Schuylkill River, Montgomery County, Pennsylvania.

(a) *Location.* The following area is a security zone: the waters of the Schuylkill River in the vicinity of the Limerick Generation Station bounded by a line drawn from a point located at 40° 13' 21.34" N, 075° 35' 27.49" W to 40° 13' 18.92" N, 075° 35' 29.83" W, thence to 40° 13' 11.36" N, 075° 35' 27.57" W, thence to 40° 13' 12.97" N, 075° 35' 22.74" W. All coordinates reference Datum: NAD 1983.

(b) *Regulations.* (1) All persons are required to comply with the general regulations governing security zones in § 165.33 of this part.

(2) No person or vessel may enter or navigate within this security zone unless authorized to do so by the Coast Guard or designated representative. Any person or vessel authorized to enter the security zone must operate in strict conformance with any directions given by the Coast Guard or designated representative and leave the security zone immediately if the Coast Guard or designated representative so orders.

(3) The Coast Guard or designated representative enforcing this section can be contacted on VHF Marine Band Radio, channels 13 and 16. The Captain of the Port can be contacted at (215) 271-4807.

(4) The Captain of the Port will notify the public of any changes in the status of this security zone by Marine Safety Radio Broadcast on VHF-FM marine band radio, channel 22 (157.1 MHz).

(c) *Definitions.* For the purposes of this temporary section, Captain of the Port means the Commanding Officer of the Coast Guard Marine Safety Office/Group Philadelphia or any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port to act as a designated representative on his behalf.

(d) *Effective dates.* This section is effective from 5 p.m. Eastern Daylight Time on May 13, 2003 to 5 p.m. Eastern Standard Time on January 24, 2004.

[COTP Philadelphia 03-004, 68 FR 33388, June 4, 2003]

Coast Guard, DHS

EFFECTIVE DATE NOTE: By COTP Philadelphia 03-004, 68 FR 33388, June 4, 2003, §165.T05-90 was added, effective May 13, 2003 to Jan. 24, 2004.

§165.T05-091 Security Zone; Oyster Creek Generation Station, Forked River, Ocean County, New Jersey.

(a) *Location.* The following area is a security zone: starting at the south branch of the Forked River in the vicinity of the Oyster Creek Generation Station, west from a point located at 39° 49'11.8" N, 074°12' 10.5" W. Oyster Creek West from a point located at 39° 48'39.7" N, 074°12' 0" W. All coordinates reference Datum: NAD 1983.

(b) *Regulations.* (1) All persons are required to comply with the general regulations governing security zones in §165.33 of this part.

(2) No person or vessel may enter or navigate within this security zone unless authorized to do so by the Coast Guard or designated representative. Any person or vessel authorized to enter the security zone must operate in strict conformance with any directions given by the Coast Guard or designated representative and leave the security zone immediately if the Coast Guard or designated representative so orders.

(3) The Coast Guard or designated representative enforcing this section can be contacted on VHF Marine Band Radio, channels 13 and 16. The Captain of the Port can be contacted at (215) 271-4807.

(4) The Captain of the Port will notify the public of any changes in the status of this security zone by Marine Safety Radio Broadcast on VHF-FM marine band radio, channel 22 (157.1 MHZ).

(c) *Definitions.* For the purposes of this temporary section, Captain of the Port means the Commanding Officer of the Coast Guard Marine Safety Office/Group Philadelphia or any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port to act as a designated representative on his behalf.

(d) *Effective dates.* This section is effective from 5 p.m. Eastern Daylight Time on May 13, 2003 to 5 p.m. Eastern Standard Time on January 24, 2004.

[COTP Philadelphia 03-005, 68 FR 32645, June 2, 2003]

§ 165.T05-092

EFFECTIVE DATE NOTE: By COTP Philadelphia 03-005, 68 FR 32645, June 2, 2003, §165.T05-091 was added, effective May 13, 2003 to Jan. 24, 2004.

§165.T05-092 Security Zone; Peach Bottom Atomic Power Station, Susquehanna River, York County, Pennsylvania.

(a) *Location.* The following area is a security zone: the waters of the Susquehanna River in the vicinity of the Peach Bottom Atomic Power Station bounded by a line drawn from a point located at 39° 45' 36.36" N, 076° 16' 08.93" W to 39° 45' 38.72" N, 076° 15' 57.00" W, thence to 39° 45' 28.95" N, 076° 15' 49.74" W, thence to 39° 45' 28.20" N, 076° 16' 02.24" W.

All coordinates reference Datum: NAD 1983.

(b) *Regulations.* (1) All persons are required to comply with the general regulations governing security zones in §165.33 of this part.

(2) No person or vessel may enter or navigate within this security zone unless authorized to do so by the Coast Guard or designated representative. Any person or vessel authorized to enter the security zone must operate in strict conformance with any directions given by the Coast Guard or designated representative and leave the security zone immediately if the Coast Guard or designated representative so orders.

(3) The Coast Guard or designated representative enforcing this section can be contacted on VHF Marine Band Radio, channels 16. The Captain of the Port can be contacted at (215) 271-4940.

(4) The Captain of the Port will notify the public of any changes in the status of this security zone by Marine Safety Radio Broadcast on VHF-FM marine band radio, channel 16.

(c) *Definitions.* For the purposes of this section, Captain of the Port means the Commanding Officer of the Coast Guard Marine Safety Office/Group Philadelphia or any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port to act as a designated representative on his behalf.

(d) *Effective dates.* This section is effective from 5 p.m. Eastern Daylight

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Time on May 13, 2003 to 5 p.m. on January 24, 2004.

[COTP Philadelphia 03-006, 68 FR 33389, June 4, 2003]

EFFECTIVE DATE NOTE: By COTP Philadelphia 03-006, 68 FR 33389, June 4, 2003, § 165.T05-093 was added, effective May 13, 2003 to Jan. 24, 2004.

§ 165.T05-093 Security Zone; Three Mile Island Generating Station, Susquehanna River, York County, Pennsylvania.

(a) *Location.* The following area is a security zone: the waters of the Susquehanna River in the vicinity of the Three Mile Island Generating Station bounded by a line drawn from a point located at 40° 09' 14.74" N, 076° 43' 40.77" W to 40° 09' 14.74" N, 076° 43' 42.22" W, thence to 40° 09' 16.67" N, 076° 43' 42.22" W, thence to 40° 09' 16.67" N, 076° 43' 40.77" W.

All coordinates reference Datum: NAD 1983.

(b) *Regulations.* (1) All persons are required to comply with the general regulations governing security zones in § 165.33 of this part.

(2) No person or vessel may enter or navigate within this security zone unless authorized to do so by the Coast Guard or designated representative. Any person or vessel authorized to enter the security zone must operate in strict conformance with any directions given by the Coast Guard or designated representative and leave the security zone immediately if the Coast Guard or designated representative so orders.

(3) The Coast Guard or designated representative enforcing this section can be contacted on VHF Marine Band Radio, channels 13 and 16. The Captain of the Port can be contacted at (215) 271-4807.

(4) The Captain of the Port will notify the public of any changes in the status of this security zone by Marine Safety Radio Broadcast on VHF-FM marine band radio, channel 22 (157.1 MHZ).

(c) *Definitions.* For the purposes of this section, Captain of the Port means the Commanding Officer of the Coast Guard Marine Safety Office/Group Philadelphia or any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Cap-

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tain of the Port to act as a designated representative on his behalf.

(d) *Effective dates.* This section is effective from 5 p.m. Eastern Daylight Time on May 13, 2003 to 5 p.m. Eastern Standard Time on January 24, 2004.

[COTP Philadelphia 03-007, 68 FR 33401, June 4, 2003]

EFFECTIVE DATE NOTE: By COTP Philadelphia 03-007, 68 FR 33401, June 4, 2003, § 165.T05-093 was added, effective May 13, 2003 to Jan. 24, 2004.

§ 165.501 Chesapeake Bay entrance and Hampton Roads, VA and adjacent waters—Regulated Navigation Area.

(a) *Location.* The waters enclosed by the shoreline and the following lines are a Regulated Navigation Area:

(1) *Offshore zone.* A line drawn due East from the mean low water mark at the North Carolina and Virginia border at latitude 36°33'03" N, longitude 75°52'00" W, to the Territorial Seas boundary line at latitude 36°33'05" N, longitude 75°36'51" W, thence generally Northeastward along the Territorial Seas boundary line to latitude 38°01'39" N, longitude 74°57'18" W, thence due West to the mean low water mark at the Maryland and Virginia border at latitude 38°01'39" N, longitude 75°14'30" W, thence South along the mean low water mark on the Virginia coast, and eastward of the Colregs Demarcation Lines across Chincoteague Inlet, Assawoman Inlet, Gargathy Inlet, Metompkin Inlet, Wachapreague Inlet, Quinby Inlet, Great Machipongo Inlet, Sand Shoal Inlet, New Inlet, Ship Shoal Inlet and Little Inlet, to the Colregs Demarcation Line across the mouth of Chesapeake Bay, continuing south along the Virginia low water mark and eastward of the Colregs Demarcation Line across Rudee Inlet to the point of beginning. All positions reference NAD 83.

(2) *Inland zone.* The waters enclosed by the shoreline and the following lines:

(i) A line drawn across the entrance to Chesapeake Bay between Wise Point and Cape Charles Light, and then continuing to Cape Henry Light.

(ii) A line drawn across the Chesapeake Bay between Old Point Comfort

Light and Cape Charles City Range "A" Rear Light.

(iii) A line drawn across the James River along the eastern side of U.S. Route 17 highway bridge, between Newport News and Isle of Wight County, Virginia.

(iv) A line drawn across Chuckatuck Creek along the northern side of the north span of the U.S. Route 17 highway bridge, between Isle of Wight County and Suffolk, Virginia.

(v) A line drawn across the Nansemond River along the northern side of the Mills Godwin (U.S. Route 17) Bridge, Suffolk, Virginia.

(vi) A line drawn across the mouth of Bennetts Creek, Suffolk, Virginia.

(vii) A line drawn across the Western Branch of the Elizabeth River along the eastern side of the West Norfolk Bridge, Portsmouth, Virginia.

(viii) A line drawn across the Southern Branch of the Elizabeth River along the northern side of the I-64 highway bridge, Chesapeake, Virginia.

(ix) A line drawn across the Eastern Branch of the Elizabeth River along the western side of the west span of the Campostella Bridge, Norfolk, Virginia.

(x) A line drawn across the Lafayette River along the western side of the Hampton Boulevard Bridge, Norfolk, Virginia.

(xi) A line drawn across Little Creek along the eastern side of the Ocean View Avenue (U.S. Route 60) Bridge, Norfolk, Virginia.

(xii) A line drawn across Lynnhaven Inlet along the northern side of Shore Drive (U.S. Route 60) Bridge, Virginia Beach, Virginia.

(b) *Definitions.* In this section:

CBBT means the Chesapeake Bay Bridge Tunnel.

Coast Guard Patrol Commander is a Coast Guard commissioned, warrant or petty officer who has been designated by the Commander, Coast Guard Group Hampton Roads.

Designated representative of the Captain of the Port means a person, including the duty officer at the Coast Guard Marine Safety Office Hampton Roads, the Joint Harbor Operations Center watchstander, or the Coast Guard or Navy Patrol Commander who has been authorized by the Captain of the Port to act on his or her behalf and at his or

her request to carry out such orders and directions as needed. All patrol vessels shall display the Coast Guard Ensign at all times when underway.

I-664 Bridge Tunnel means the Monitor Merrimac Bridge Tunnel.

Inland waters means waters within the COLREGS Line of Demarcation.

Thimble Shoal Channel consists of the waters bounded by a line connecting Thimble Shoal Channel Lighted Bell Buoy 1TS, thence to Thimble Shoal Lighted Gong Buoy 17, thence to Thimble Shoal Lighted Buoy 19, thence to Thimble Shoal Lighted Buoy 21, thence to Thimble Shoal Lighted Buoy 22, thence to Thimble Shoal Lighted Buoy 18, thence to Thimble Shoal Lighted Buoy 2, thence to the beginning.

Thimble Shoal North Auxiliary Channel consists of the waters in a rectangular area 450 feet wide adjacent to the north side of Thimble Shoal Channel, the southern boundary of which extends from Thimble Shoal Channel Lighted Buoy 2 to Thimble Shoal Lighted Buoy 18.

Thimble Shoal South Auxiliary Channel consists of the waters in a rectangular area 450 feet wide adjacent to the south side of Thimble Shoal Channel, the northern boundary of which extends from Thimble Shoal Channel Lighted Bell Buoy 1TS, thence to Thimble Shoal Lighted Gong Buoy 17, thence to Thimble Shoal Lighted Buoy 19, thence to Thimble Shoal Lighted Buoy 21.

(c) *Applicability.* This section applies to all vessels operating within the Regulated Navigation Area, including naval and public vessels, except vessels that are engaged in the following operations:

(1) Law enforcement.

(2) Servicing aids to navigation.

(3) Surveying, maintenance, or improvement of waters in the Regulated Navigation Area.

(d) *Regulations*—(1) *Anchoring restrictions.* No vessel over 65 feet long may anchor or moor in the inland waters of the Regulated Navigation Area outside an anchorage designated in §110.168 of this title, with these exceptions:

(i) The vessel has the permission of the Captain of the Port.

(ii) Only in an emergency, when unable to proceed without endangering the safety of persons, property, or the

environment, may a vessel anchor in a channel.

(iii) A vessel may not anchor within the confines of Little Creek Harbor, Desert Cove, or Little Creek Cove without the permission of the Captain of the Port. The Captain of the Port shall consult with the Commander, Naval Amphibious Base Little Creek, before granting permission to anchor within this area.

(2) *Anchoring detail requirements.* A self-propelled vessel over 100 gross tons, which is equipped with an anchor or anchors (other than a tugboat equipped with bow fenderwork of a type of construction that prevents an anchor being rigged for quick release), that is underway within two nautical miles of the CBBT or the I-664 Bridge Tunnel shall station its personnel at locations on the vessel from which they can anchor the vessel without delay in an emergency.

(3) *Secondary towing rig requirements on inland waters.* (i) A vessel over 100 gross tons may not be towed in the inland waters of the Regulated Navigation Area unless it is equipped with a secondary towing rig, in addition to its primary towing rig, that:

(A) Is of sufficient strength for towing the vessel.

(B) Has a connecting device that can receive a shackle pin of at least two inches in diameter.

(C) Is fitted with a recovery pickup line led outboard of the vessel's hull.

(ii) A tow consisting of two or more vessels, each of which is less than 100 gross tons, that has a total gross tonnage that is over 100 gross tons, shall be equipped with a secondary towing rig between each vessel in the tow, in addition to its primary towing rigs, while the tow is operating within this Regulated Navigation Area. The secondary towing rig must:

(A) Be of sufficient strength for towing the vessels.

(B) Have connecting devices that can receive a shackle pin of at least two inches in diameter.

(C) Be fitted with recovery pickup lines led outboard of the vessel's hull.

(4) *Thimble Shoals Channel controls.* (i) A vessel drawing less than 25 feet may not enter the Thimble Shoal Channel, unless the vessel is crossing the chan-

nel. Masters should consider the squat of their vessel based upon vessel design and environmental conditions. Channel crossings shall be made as perpendicular to the channel axis as possible.

(ii) Except when crossing the channel, a vessel in the Thimble Shoal North Auxiliary Channel shall proceed in a westbound direction.

(iii) Except when crossing the channel, a vessel in the Thimble Shoal South Auxiliary Channel shall proceed in an eastbound direction.

(5) *Restrictions on vessels with impaired maneuverability—(i) Before entry.* A vessel over 100 gross tons, whose ability to maneuver is impaired by heavy weather, defective steering equipment, defective main propulsion machinery, or other damage, may not enter the Regulated Navigation Area without the permission of the Captain of the Port.

(ii) *After entry.* A vessel over 100 gross tons, which is underway in the Regulated Navigation Area, that has its ability to maneuver become impaired for any reason, shall, as soon as possible, report the impairment to the Captain of the Port.

(6) *Requirements for navigation charts, radars, and pilots.* No vessel over 100 gross tons may enter the Regulated Navigation Area, unless it has on board:

(i) Corrected charts of the Regulated Navigation Area. Instead of corrected paper charts, warships or other vessels owned, leased, or operated by the United States Government and used only in government noncommercial service may carry electronic charting and navigation systems that have met the applicable agency regulations regarding navigation safety.

(ii) An operative radar during periods of reduced visibility;

(iii) When in inland waters, a pilot or other person on board with previous experience navigating vessels on the waters of the Regulated Navigation Area.

(7) *Emergency procedures.* (i) Except as provided in paragraph (d)(7)(ii) of this section, in an emergency any vessel may deviate from the regulations in this section to the extent necessary to avoid endangering the safety of persons, property, or the environment.

(ii) A vessel over 100 gross tons with an emergency that is located within

two nautical miles of the CBBT or I-664 Bridge Tunnel shall notify the Captain of the Port of its location and the nature of the emergency, as soon as possible.

(8) *Vessel speed limits*—(i) *Little Creek*. A vessel may not proceed at a speed over five knots between the Route 60 bridge and the mouth of Fishermans Cove (Northwest Branch of Little Creek).

(ii) *Southern Branch of the Elizabeth River*. A vessel may not proceed at a speed over six knots between the junction of the Southern and Eastern Branches of the Elizabeth River and the Norfolk and Portsmouth Belt Line Railroad Bridge between Chesapeake and Portsmouth, Virginia.

(iii) *Norfolk Harbor Reach*. Nonpublic vessels of 300 gross tons or more may not proceed at a speed over 10 knots between the Elizabeth River Channel Lighted Gong Buoy 5 of Norfolk Harbor Reach (southwest of Sewells Point) at approximately 36°58'00" N, 076°20'00" W, and gated Elizabeth River Channel Lighted Buoys 17 and 18 of Craney Island Reach (southwest of Norfolk International Terminal at approximately 36°54'17" N, and 076°20'11" W).

(9) *Port security requirements*. Vessels in excess of 300 gross tons, including tug and barge combinations in excess of 300 gross tons (combined), shall not enter the Regulated Navigation Area, move within the Regulated Navigation Area, or be present within the Regulated Navigation Area, unless they comply with the following requirements:

(i) Obtain authorization to enter the Regulated Navigation Area from the designated representative of the Captain of the Port prior to entry. All vessels entering or remaining in the Regulated Navigation Area may be subject to a Coast Guard boarding.

(ii) Ensure that no person who is not a permanent member of the vessel's crew, or a member of a Coast Guard boarding team, boards the vessel without a valid purpose and photo identification.

(iii) Report any departure from or movement within the Regulated Navigation Area to the designated representative of the Captain of the Port prior to getting underway.

(iv) The designated representative of the Captain of the Port shall be contacted on VHF-FM channel 12, or by calling (757) 444-5209, (757) 444-5210, or (757) 668-5555.

(v) In addition to the authorities listed in this part, this paragraph is promulgated under the authority under 33 U.S.C. 1226.

(e) *Waivers*. (1) The Captain of the Port may, upon request, waive any regulation in this section.

(2) An application for a waiver must state the need for the waiver and describe the proposed vessel operations.

(f) *Control of vessels within the regulated navigation area*. (1) When necessary to prevent damage, destruction or loss of any vessel, facility or port infrastructure, the Captain of the Port may direct the movement of vessels or issue orders requiring vessels to anchor or moor in specific locations.

(2) If needed for the maritime, commercial or security interests of the United States, the Captain of the Port may order a vessel to move from the location in which it is anchored to another location within the Regulated Navigation Area.

(3) The master of a vessel within the Regulated Navigation Area shall comply with any orders or directions issued to the master's vessel by the Captain of the Port.

[CGD05-02-099, 68 FR 35175, June 12, 2003]

§ 165.502 Cove Point, Chesapeake Bay, Maryland—safety zone.

(a) The waters and waterfront facilities located within the following boundaries constitute a safety zone effective when an LNG (Liquefied Natural Gas) carrier is maneuvering in the vicinity of the Cove Point terminal and when a moored LNG carrier indicates its intention to get underway: A line beginning at a point one-half mile NW of the end of the north pier of the Columbia LNG facility at Cove Point, Maryland, located at 38°24'43"N latitude, 76°23'32"W longitude; thence 056°T to a point 2800 yards offshore at 38°24'59"N latitude, 76°23'01"W longitude; thence 146°T to a point located 2300 yards offshore at 38°23'52"N latitude, 76°22'03"W longitude; thence 236°T to a point one-half mile SE of the end of the

south pier of the Columbia LNG facility at Cove Point, Maryland, located 38°23'39"N latitude, 76°22'35"W longitude; thence northwesterly to the point of origin and the area within 50 yards on the shore side of the Columbia LNG Corporation offshore terminal.

(b) The waters and waterfront facilities located within the following boundary constitute a safety zone when an LNG carrier is moored at the Columbia LNG offshore terminal; an area extending 50 yards shoreward of the offshore terminal and 200 yards offshore of all parts of the offshore terminal and the LNG carrier.

(c) The waters and waterfront facilities located within the following boundary constitute a safety zone when no LNG carrier is moored at the receiving terminal: the area within 50 yards of the Columbia LNG offshore terminal, at Cove Point, Maryland.

§ 165.504 Newport News Shipbuilding and Dry Dock Company Shipyard, James River, Newport News, Va.

(a) *Location.* The following is a security zone: The waters of the James River encompassed by a line beginning at the intersection of the shoreline with the northernmost property line of the Newport News Shipbuilding and Dry Dock Co. at latitude 37°00'38.1"N, longitude 76°27'05.7"W, thence southerly to latitude 36°59'58.4"N, longitude 76°27'16.7"W, thence southeasterly to latitude 36°59'23.0"N, longitude 76°26'54.6"W, thence westerly to latitude 36°59'21.5"N, longitude 76°26'58.4"W, thence southeasterly to latitude 36°59'12.9"N, longitude 76°26'52.4"W, thence easterly to latitude 36°59'14.2"N, longitude 76°26'49.1"W, thence southeasterly to latitude 36°58'37.8"N, longitude 76°26'26.3"W, thence easterly to latitude 36°58'43.5"N, longitude 76°26'13.7"W, thence northerly to the intersection of the shoreline with the southernmost property line of the Newport News Shipbuilding and Dry Dock Co. at latitude 36°58'48.0"N, longitude 76°26'11.2"W, thence northwesterly along the shoreline to the point of beginning.

(b) *Security zone anchorage.* The following is a security zone anchorage: The waters of the James River encompassed by a line beginning at the inter-

section of the shoreline with the northernmost property line of the Newport News Shipbuilding and Dry Dock Company shipyard at latitude 37°00'38.1"N, longitude 76°27'05.7"W, thence southerly to latitude 36°59'58.4"N, longitude 76°27'16.7"W, thence easterly to the shoreline at latitude 36°59'58.5"N, longitude 76°27'11.6"W, thence along the shoreline to the point of beginning.

(c) *Special Regulations.* (1) Section 165.33 (a), (e), and (f) do not apply to the following vessels or individuals on board those vessels:

(i) Public vessels of the United States.

(ii) Public vessels owned or operated by the Commonwealth of Virginia or its subdivisions for law enforcement or firefighting purposes.

(iii) Vessels owned by, operated by, or under charter to Newport News Shipbuilding and Dry Dock Co.

(iv) Vessels that are performing work at Newport News Shipbuilding and Dry Dock Co., including the vessels of subcontractors and other vendors of Newport News Shipbuilding and Dry Dock Co. or other persons that have a contractual relationship with Newport News Shipbuilding and Dry Dock Co.

(v) Vessels that are being built, rebuilt, repaired, or otherwise worked on at or by Newport News Shipbuilding and Dry Dock Co. or another person authorized to perform work at the shipyard.

(vi) Vessels that are authorized by Newport News Shipbuilding and Dry Dock Company to moor at and use its facilities.

(vii) Commercial shellfish harvesting vessels taking clams from the shellfish beds within the zone, if

(A) The owner of the vessel has previously provided the Captain of the Port, Hampton Roads, Virginia, information about the vessel, including:

- (1) The name of the vessel;
- (2) The vessel's official number, if documented, or state number, if numbered by a state issuing authority;
- (3) A brief description of the vessel, including length, color, and type of vessel;
- (4) The name, Social Security number, current address, and telephone number of the vessel's master, operator, or person in charge; and

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(5) Upon request, information the vessel's crew.

(B) The vessel is operated in compliance with any specific orders issued to the vessel by the Captain of the Port or other regulations controlling the operation of vessels within the security zone that may be in effect.

(d) *Enforcement.* The U.S. Coast Guard may be assisted in the enforcement of this zone by the U.S. Navy.

[CGD5 86-03, 51 FR 18322, May 19, 1986, as amended by CGD5 87-038, 52 FR 41996, Nov. 2, 1987]

§ 165.505 Security Zone; Calvert Cliffs Nuclear Power Plant, Chesapeake Bay, Calvert County, Maryland.

(a) *Location.* The following area is a security zone: All waters of the Chesapeake Bay, from surface to bottom, encompassed by lines connecting the following points, beginning at 38°26'06" N, 076°26'18" W, thence to 38°26'10" N, 076°26'12" W, thence to 38°26'21" N, 076°26'28" W, thence to 38°26'14" N, 076°26'33" W, thence to beginning at 38°26'06" N, 076°26'18" W. These coordinates are based upon North American Datum (NAD) 1983.

(b) *Regulations.* (1) Entry into or remaining in this zone is prohibited unless authorized by the Coast Guard Captain of the Port, Baltimore, Maryland.

(2) Persons desiring to transit the area of the security zone may contact the Captain of the Port at telephone number 410-576-2693 or on VHF channel 16 (156.8 MHz) to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his or her designated representative.

(c) *Authority:* In addition to 33 U.S.C. 1231 and 50 U.S.C. 191, the authority for this section includes 33 U.S.C. 1226.

[CGD05-02-080, 68 FR 15053, Mar. 28, 2003]

§ 165.510 Delaware Bay and River, Salem River, Christina River and Schuylkill River-Regulated Navigation Area.

(a) *Regulated Navigation Area.* The following is a Regulated Navigation Area: The navigable waters of Delaware Bay and River, Salem River, Christina River, and Schuylkill River, in an area

bounded on the south by a line drawn across the entrance to the Delaware Bay between Cape May Light and Harbor of Refuge Light and then continuing to the northernmost extremity of Cape Henlopen, and bounded on the north by a line drawn across the Delaware River between Trenton, NJ and Morrisville, PA along the southern side of the U.S. Route 1 Bridge.

(b) *Definitions.* As used in this section:

COTP means the Captain of the Port, Philadelphia, PA and any Coast Guard commissioned, warrant or petty officer who has been authorized by the COTP to act on his or her behalf.

Dangerous Cargo means those cargoes listed in §160.203 of this chapter when carried in bulk, but does not include cargoes listed in Table 1 of 46 CFR part 153.

Underway means that a vessel is not at anchor, made fast to the shore, or aground.

(c) *Applicability.* This section applies to any vessel operating within the Regulated Navigation Area, including a naval or public vessel, except a vessel engaged in:

- (1) Law enforcement;
- (2) Servicing aids to navigation; or
- (3) Surveying, maintaining, or improving waters within the Regulated Navigation Area.

(d) *Draft limitation.* Unless otherwise authorized by the COTP, no vessel with a draft greater than 55 feet may enter this regulated navigation area.

NOTE: The project depth in many areas of the Regulated Navigation Area is less than 55 feet.

(e) *Oil transfer operations.* Unless otherwise authorized by the COTP, no vessel to vessel oil transfer operations, excluding bunkering, may be conducted within the area between the southern boundary of this regulated navigation area and the southern span of the Delaware Memorial Bridge except within the anchorage ground designated in 110.157(a)(1) of this chapter.

(f) *Requirements for vessels carrying dangerous cargoes.* The master, owner, or operator of a vessel carrying a dangerous cargo shall:

- (1) Notify the COTP at least 72 hours before the vessel enters or departs the regulated navigation area and at least

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12 hours before the vessel moves within the regulated navigation area. The notice must include a report of the vessel's propulsion and machinery status and, for foreign flag vessels, the notice must include any outstanding deficiencies identified by the vessel's flag state or classification society;

(2) Not enter, get or remain underway within the regulated navigation area if visibility is or is expected to be less than two (2) miles. If during the transit visibility becomes less than two (2) miles, the vessel must seek safe anchorage and notify the COTP immediately;

(3) Not anchor in any area within the regulated navigation area unless in times of emergency or with COTP permission;

(4) Not transfer dangerous cargo while the vessel is at anchor or bunkering;

(5) Maintain a manned watch in the steering compartment whenever the vessel is underway within the regulated navigation area unless the vessel has two separate and independent steering control systems with duplicate pilothouse steering gear control systems which meet the requirements of 46 CFR 58.25-70;

(6) When anchored within the regulated navigation area and:

(i) Sustained winds are greater than 25 knots but less than 40 knots, ensure the main engines are ready to provide full power in five minutes or less; and

(ii) Sustained winds are 40 knots or over, ensure that the main engines are on line to immediately provide propulsion;

(7) While moored within the regulated navigation area, ensure that at least two wire cable mooring lines (firewarps) are rigged and ready for use as emergency towing hookups fore and aft on the outboard side of the vessel;

(8) While underway or anchored within the regulated navigation area, ensure that at least two wire cable mooring lines (firewarps) are rigged and ready for use as emergency towing hookups fore and aft on the vessel; and,

(9) Proceed as directed by the COTP.

(g) *Requirements for vessels operating in the vicinity of a vessel carrying dangerous cargoes.* (1) Except for a vessel that is attending a vessel carrying dan-

gerous cargo with permission from the master of the vessel carrying dangerous cargo or a vessel that is anchored or moored at a marina, wharf, or pier, and which remains moored or at anchor, no vessel may, without the permission of the COTP:

(i) Come or remain within 500 yards of the port or starboard side or within 1,000 yards of the bow or stern of an underway vessel that is carrying dangerous cargo; or

(ii) Come or remain within 100 yards of a moored or anchored vessel carrying dangerous cargo.

(2) The master, owner, or operator of any vessel receiving permission under paragraph (g)(1) of this section shall:

(i) Maintain a continuous radio guard on VHF-FM channels 13 and 16;

(ii) Operate at "no wake" speed or the minimum speed needed to maintain steerage; and

(iii) Proceed as directed by the COTP.

(3) No vessel may overtake a vessel carrying dangerous cargoes unless the overtaking can be completed before reaching any bend in the channel. Before any overtaking, the pilots, masters or operators of both the overtaking vessel and the vessel being overtaken must clearly agree on the circumstances of the overtaking, including vessel speeds, time and location of overtaking.

(h) *Additional restrictions above the C&D Canal.* When operating on the Delaware River above the C&D Canal:

(1) A vessel carrying dangerous cargo must be escorted by at least one commercial tug; and

(2) Meeting situations shall be avoided on river bends to the maximum extent possible.

(i) The COTP will issue a Broadcast Notice to Mariners to inform the marine community of scheduled vessel movements during which the restrictions imposed by paragraphs (g) and (h) of this section will be in effect.

[CGD 05-96-010, 62 FR 40275, July 28, 1997, as amended by USCG-2000-7223, 65 FR 40058, June 29, 2000]

§ 165.514 Safety Zone: Atlantic Intra-coastal Waterway and connecting waters, vicinity of Marine Corps Base Camp Lejeune, North Carolina.

(a) *Location.* The following area is a safety zone: All waters of the Atlantic Intracoastal Waterway (AICW) and connecting waters, from Bogue Sound—New River Daybeacon 58 (LLNR 39210) at approximate position 34°37'57" North, 077°12'18" West, and continuing in the AICW southwest to Bogue Sound—New River Daybeacon 70 (LLNR 39290) at approximate position 34°33'07" North, 077°20'30" West. All coordinates reference Datum: NAD 1983.

(b) Notwithstanding the provisions of 33 CFR 334.440(e)(2)(i), no vessel may enter the safety zone described in paragraph (a) of this section while weapons firing exercises are in progress, except as provided in paragraph (c) of this section or unless permitted by the Captain of the Port (COTP) Wilmington.

(1) Red warning flags or red warning lights will be displayed on towers located at both ends of the safety zone (Bear Creek and Cedar Point) while firing exercises are in progress. The flags or lights will be displayed by 8 a.m. on days where firing exercises are scheduled, and will be removed at the end of the firing exercise.

(2) A Coast Guard or U.S. Navy vessel will patrol each end of the safety zone to ensure the public is aware that firing exercises are in progress and that the firing area is clear of vessel traffic before weapons are fired.

(c)(1) The COTP Wilmington will announce the specific times and locations of firing exercises by Broadcast Notice to Mariners and Local Notice to Mariners. Normally, weapons firing for each firing exercise is limited to a two nautical mile portion of the safety zone. The COTP may issue general permission to transit all or specified parts of the safety zone outside of the actual firing area or if firing is temporarily stopped. This general permission will be announced in a Local Notice to Mariners and Broadcast Notice to Mariners.

(2) Weapons firing will be suspended and vessels permitted to transit the specified two nautical mile firing area for a one-hour period beginning at the

start of each odd-numbered hour local time (e.g., 9 a.m.; 1 p.m.). A vessel may not enter the specified firing area unless it will be able to complete its transit of the firing area before firing exercises are scheduled to re-start at the beginning of the next even-numbered hour.

(d) U.S. Navy safety vessels may be contacted on VHF marine band radio channels 13 (156.65 Mhz) and 16 (156.8 Mhz). The Captain of the Port may be contacted at the Marine Safety Office, Wilmington, NC by telephone at 1-(800) 325-4956.

[CGD 05-98-38, 63 FR 58636, Nov. 2, 1998, as amended by USCG-2000-7223, 65 FR 40058, June 29, 2000]

§ 165.515 Safety Zone: Cape Fear River, Wilmington, North Carolina.

(a) *Location.* The following area is a safety zone:

(1) The waters of the Cape Fear River bounded by a line connecting the following points:

<i>Latitude</i>	<i>Longitude</i>
34°14'12" N	77°57'10" W
34°14'12" N	77°57'06" W
34°13'54" N	77°57'00" W
34°13'54" N	77°57'06" W

(2) The safety zone boundary can be described as follows: starting at the stern of the Battleship USS NORTH CAROLINA, across the Cape Fear River to the north end of the Coast Guard moorings, down along the east bank of the Cape Fear River to the bow of the tug CAPTAIN JOHN TAXIS Memorial (Chandler's Wharf), back across the Cape Fear River to Eagle Island, and then up along the west bank of the Cape Fear River to the stern of the Battleship USS NORTH CAROLINA.

(b) *Definitions.* The designated representative of the Captain of the Port is any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port, Wilmington, North Carolina to act on his behalf.

(c) *General information.* The Captain of the Port and the Duty Officer at the Marine Safety Office, Wilmington, North Carolina, can be contacted at telephone number 1-800-325-4956. The Coast Guard Patrol Commander and the senior boarding officer on each vessel enforcing the safety zone can be

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contacted on VHF-FM channels 16 and 81.

(d) *Regulation.* Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(1) The operator of any vessel in the immediate vicinity of this safety zone shall:

(i) Stop the vessel immediately upon being directed to do so by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard Ensign.

(ii) Proceed as directed by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard Ensign.

(2) Any spectator vessel may anchor outside of the regulated area specified in paragraph (a) of the section, but may not block a navigable channel.

(e) *Effective date.* The Captain of the Port will issue a Marine Safety Information Broadcast and a Notice to Mariners to notify the public when this section is in effect.

[59 FR 33200, June 28, 1994, as amended by USCG-2000-7223, 65 FR 40059, June 29, 2000]

§ 165.530 Safety Zone: Cape Fear and Northeast Cape Fear Rivers, NC.

(a) *Location.* The following area is a moving safety zone during the specified conditions: The waters of the Cape Fear and Northeast Cape Fear Rivers for 500 yards ahead and astern, and 75 yards abeam of a vessel carrying hazardous materials when designated by the Captain of the Port Wilmington, North Carolina.

(b) *General Information.* (1) The Captain of the Port and the Duty Officer at the Marine Safety Office, Wilmington, North Carolina, can be contacted at telephone number 1-800-325-4956. The Coast Guard Patrol Commander enforcing the safety zone can be contacted on VHF-FM channels 16 and 81.

(2) The Captain of the Port may authorize and designate any Coast Guard commissioned, warrant, or petty officer to act on his behalf in enforcing this safety zone.

(3) The Marine Safety Office Wilmington will notify the maritime community of periods during which this safety zone will be in effect by pro-

viding advance notice of scheduled arrivals and departures of loaded hazardous materials vessels via a marine broadcast Notice to Mariners.

(c) *Regulation.* The general regulations governing safety zones contained in § 165.23 apply.

[COTP Wilmington, NC 94-004, 59 FR 42759, Aug. 19, 1994, as amended by USCG-2000-7223, 65 FR 40059, June 29, 2000]

§ 165.540 Regulated Navigation Area; Cape Fear River, Northeast Cape Fear River, Wilmington, North Carolina.

(a) *Description of the Regulated Navigation Area (RNA).* The RNA encompasses all waters of the Cape Fear River and Northeast Cape Fear River from the intersection of Bald Head Shoal Channel and Smith Island Channel (centerline coordinates Latitude 33°52'24.028" N, Longitude 78°00'29.624" W (NAD 83)) to mile 26.7 on the Northeast Cape Fear River.

(b) *Work areas.* Dredging work within the RNA will be conducted in five distinct areas: Ocean Bar II, Horseshoe Shoal, Passing Lane & Anchorage Basin, Big Island, and the Northeast Cape Fear River. Drilling or blasting is expected to occur within the Passing Lane & Anchorage Basin, Big Island, and the Northeast Cape Fear River work areas. The blast sites within the RNA, will be identified and made available to the public through: Broadcast Notices to Mariners or Local Notices to Mariners (Local Notices to Mariners are available on-line at www.navcen.uscg.gov/lnm/d5/); direct contact with the control vessel on channel 16 VHF-FM; direct contact with the contractor; or through the Captain of the Port on VHF marine Band Radio, channels 13 and 16; or at telephone number (910) 772-2200. In addition, dredge and blasting companies will have a control vessel present at the site of each blast.

(c) *Enforcement period.* This section will be enforced during the months of August, September, October, November, December, and January, each year. This rule will expire on January 31, 2006.

(d) *Definitions.*

Active work area means a work area in which blasting, drilling, or dredging operations are currently taking place.

Blast site means the area where explosive material is handled during loading, including the perimeter formed by the loaded blast holes and fifty (50) feet (15.2 meters) in all directions from loaded holes.

Blasting operations means the detonation of explosives on the river bottom.

Captain of the Port means the Coast Guard officer designated by the Commandant to command the Captain of the Port Zone as described in 33 CFR 3.25-20.

Control vessel means the vessel at an active work area which coordinates operations within the active work area.

Hangfire means a blast that fails to detonate at initiation, but detonates at a later time.

Mile means measured as nautical miles.

Misfire means a blast that fails to detonate completely after an attempt at initiation, also the explosive material that failed to detonate as planned.

RNA means Regulated Navigation Area.

Work area means those places within the RNA where dredging, drilling, and blasting shall be conducted.

(e) *Description of work areas in the RNA.* (1) *Ocean Bar II, mouth of Cape Fear.* The work area includes: Part of Bald Head Shoal Channel, Smith Island Channel, Baldhead Caswell Channel, Southport Channel, Battery Island Channel, Lower Swash Channel, and the majority of Snows Marsh Channel. The downstream end of the work area (centerline coordinates: Latitude 33° 50'43.668"N, Longitude 78° 01'40.068"W (NAD 1983)) is located southeast of Cape Fear River Channel Lighted Buoy 8 (LL 30350), approximately 2,560 feet east of the centerline of the existing Bald Head Shoal Channel. Upstream end of the work area is located 1,200 feet downstream of the intersection of Snows Marsh Channel and Horseshoe Shoal Channel at turn six (mile 6.5, approximately 1,150 feet downstream of Cape Fear River Channel Lighted Buoy 25 (LL 30530/39965)).

(2) *Horseshoe Shoal.* The work area includes: Horseshoe Shoal Channel and part of Snows Marsh Channel. Down-

stream end of the work area is located 1,200 feet downstream of the intersection of Snows Marsh Channel and Horseshoe Shoal Channel (mile 6.5, approximately 1,150 feet downstream of Cape Fear River Channel Lighted Buoy 25 (LL 30530/39965)). Upstream end of the work area is located at the intersection of Horseshoe Shoal Channel and Reaves Point Channel (mile 7.7, at about Cape Fear River Channel Lighted Buoy 27 (LL 30550/39945)).

(3) *Big Island.* The work area includes: Part of Keg Island Channel, Lower Big Island Channel, Upper Big Island Channel, and part of Lower Brunswick Channel. Downstream end of the work area is approximately 2,230 feet upstream of the intersection of Upper Lilliput Channel and Keg Island Channel (mile 16.2, approximately 1,320 feet downstream of Cape Fear River Channel Lighted Buoy 46 (LL 30765) and approximately 2,300 feet upstream of Cape Fear River Channel Lighted Buoy 44 (LL 30750)). Upstream end of the work area is approximately 2,680 feet upstream of intersection of Upper Big Island Channel and Lower Brunswick Channel (mile 18.7, approximately 1,620 feet upstream of Cape Fear River Channel Lighted Buoy 56 (LL 30830) and approximately 590 feet downstream of the Carolina Power & Light Company (CP&L) overhead power line crossing).

(4) *Passing Lane and Anchorage Basin.* There are two separate work areas for this contract, separated by the Big Island Contract.

(i) *Passing Lane* work area is located immediately downstream of the Big Island contract work area. The work area includes: Reaves Point Channel, Lower Midnight Channel, Upper Midnight Channel, Lilliput Channel, and part of Keg Island Channel. Downstream end of Passing Lane work area is the intersection of Horseshoe Shoal Channel and Reaves Point Channel (mile 7.7, at about Cape Fear River Channel Lighted Buoy 27 (LL 30550/39945)). Upstream end of the Passing Lane work area is approximately 2,230 feet upstream of intersection of Upper Lilliput Channel and Keg Island Channel (mile 16.2, approximately 1,320 feet downstream of Cape Fear River Channel Lighted Buoy 46 (LL 30765) and approximately 2,300 feet upstream of Cape

Fear River Channel Lighted Buoy 44 (LL 30750)).

(ii) Anchorage Basin work area is located immediately upstream of the Big Island contract work area. The work area includes: Part of Lower Brunswick Channel, Fourth East Jetty Channel, Between Channel, and Anchorage Basin Channel. Downstream end of Anchorage Basin work area is approximately 2,680 feet upstream of intersection of Upper Big Island Channel and Lower Brunswick Channel (mile 18.7, approximately 1,620 feet upstream of Cape Fear River Channel Lighted Buoy 56 (LL 30830) and approximately 590 feet downstream of the CP&L overhead power line crossing). Upstream end of Anchorage Basin work area is the Cape Fear Memorial Bridge (mile 23.6).

(5) *Northeast Cape Fear River*. The downstream end of the work area is the Cape Fear Memorial Bridge (mile 23.6). Upstream end of the work area (approximately mile 26.7) is on the Northeast Cape Fear River and is approximately 700 feet upstream of the turning basin located opposite Koch Sulfur Products Co. and approximately 90 feet downstream of the submerged gas pipeline crossing.

(f) *Regulations*. (1) Blasting, drilling, and dredging operations raise many safety issues for vessels transiting the RNA. All mariners are reminded to exercise caution while transiting or operating in the RNA.

(2) Active work areas, control vessels, and blast sites will be identified via Broadcast Notices to Mariners or Local Notices to Mariners. The Local Notice to Mariners is available on-line at www.navcen.uscg.gov/lnm/d5/. Control vessels shall monitor channel 16 VHF-FM.

(3) The following requirements apply to all vessels.

(i) All vessels shall inform themselves of the active work areas prior to entering the RNA.

(ii) All vessels shall contact and receive permission from the control vessel for that work area before entering the active work area.

(iii) All vessels transiting an active work area shall do so at no wake speed or the minimum speed necessary to maintain steerage.

(iv) During blasting operations all vessels are prohibited from entering an area of 500 yards surrounding the blast site. Upon notification of a misfire or hangfire, all vessels underway in the RNA shall proceed to clear the active work area in which the misfire or hangfire occurred.

(4) Vessels over 300 gross tons and tugs with tows are required to contact the COTP 12 hours before vessel movement within the RNA.

(5) Vessels meeting the notice of arrival requirements under 33 CFR 160.207 are encouraged to notify the COTP at least 48-hours before the vessel enters the RNA to facilitate scheduling and minimize delays. Updates are encouraged at least 12 hours before arriving at the RNA boundaries. The COTP may delay entry into the RNA to accommodate other commercial traffic.

(6) Vessels of 300 gross tons or greater shall be prohibited from entering the RNA when they are advised that a misfire or hangfire has occurred.

(7) For any vessel with another vessel/barge in tow transiting an active work area, the hawser or wire length of the tow shall not exceed 275 feet, measured from the towing bit on the tug to the point where the hawser or wire connects with the towed vessel or barge.

(8) Vessels of 300 gross tons or greater and tugs with tows, shall, prior to entering the RNA, ensure that they have sufficient propulsion and directional control to safely navigate the RNA under the prevailing conditions.

(9) Vessels of 300 gross tons or greater and tugs with tows are prohibited from meeting or overtaking vessels of 300 gross tons or greater or tugs with tows in active work areas or within one nautical mile of an active work area.

(10) The Captain of the Port, Wilmington may, upon written request, authorize a deviation from any regulation in this section if it is found that the proposed operations can be done safely. An application for deviation must be received not less than 48 hours before intended operation and must state the need and describe the proposal.

[CGD05-01-006, 66 FR 39099, July 27, 2001]

SEVENTH COAST GUARD DISTRICT

§ 165.T07-013 Security Zone: Internal waters and territorial seas adjacent to the Florida peninsula.

(a) *Location.* The following area is established as a security zone: All U.S. internal waters and territorial seas adjacent to the State of Florida south of the Florida-Georgia border and extending seaward three nautical miles from the baseline from which the territorial sea is measured around the Florida peninsula to the extent where the Florida panhandle and adjacent internal waters and territorial sea intersect with longitude 83°50' West. In general these are the U.S. internal waters and territorial seas adjacent to the Florida peninsula.

(b) *Applicability.* This section applies to non-public vessels less than 50 meters (165 feet) in length and all associated auxiliary vessels within the security zone, but shall not apply to foreign flagged vessels in innocent passage in the territorial sea of the United States. For the purpose of this section, an "auxiliary vessel" includes every description of watercraft or other artificial contrivance used or capable of being used as a means of transportation on water attached to, or embarked in, another vessel to which this section applies.

(c) *Regulations.* (1) The general regulations in §165.33 of this part do not apply to this security zone.

(2)(i) Non-public vessels less than 50 meters (165 feet) in length and persons on board those vessels may not get underway from a berth, pier, mooring or anchorage in the security zone, or depart the security zone, with the intent to enter Cuban territorial waters without express written authorization from one of the following officials or their designees: Commander, Seventh Coast Guard District; the Captain of the Port Miami; the Captain of Port Tampa; or the Captain of the Port of Jacksonville. Upon receiving a request for written authorization, the aforementioned officials shall have ten (10) calendar days from the receipt of the application, to decide whether an application for written authorization shall be granted or denied. Upon notification by the aforementioned officials that the application has been denied, the appli-

cant has three (3) business days in which to request a written denial notification. If such a request is made within three (3) business days after the Coast Guard's notice of denial, the aforementioned officials have fifteen (15) calendar days to provide specific, written reasons stating the basis for denial. The aforementioned officials may issue orders to control the movement of vessels to which this section applies.

(ii) Applications for permission to depart the security zone with the intent of entering Cuban territorial waters may be obtained by writing or calling Commander (oi), Seventh Coast Guard District, 909 SE First Avenue, Miami, FL 33131, phone (305) 415-6920. The completed application may be returned via mail, or facsimile to (305) 415-6925. Further, applications may be obtained from the following U.S. Coast Guard units: Marine Safety Office Miami, 100 MacArthur Causeway, Miami, FL 33139, ph. (305) 536-5693; Marine Safety Office Tampa, 155 Columbia Drive, Tampa, FL 33606, ph. (813) 228-2195; Marine Safety Office Jacksonville, 7820 Arlington Expy., Suite 400, Jacksonville, FL 32211, ph. (904) 232-2640; Coast Guard Group Key West, Florida, ph. (305) 292-7500.

(3) Where there is a reasonable, articulable basis to believe a vessel to which this section applies intends to enter Cuban territorial waters, an official referenced in paragraph (c)(2) of this section may require the master, owner, or person in charge of a vessel within the security zone, including all auxiliary vessels, to provide verbal assurance that the vessel will not enter Cuban territorial waters as a condition for a vessel to get underway from a berth, pier, mooring, or anchorage in the security zone, or depart from the security zone. The failure of a vessel master, owner, or person in charge of a vessel within the Security Zone, including all auxiliary vessels, to provide requested verbal assurances shall not be used as the sole basis for seizing the vessel for forfeiture under the Security Zone. In addition, an official referenced in paragraph (c)(2) may require the master, owner, or person in charge of the vessel to identify all persons on

board the vessel and provide verbal assurances that all persons on board have received actual notice of the regulations in this section.

(4) The owner or person in charge of the vessel shall maintain the express written authorization for the vessel on board the vessel.

(d) *Enforcement.* (1) Vessels or persons violating this section may be subject to:

(i) Seizure and forfeiture of the vessel;

(ii) A monetary penalty of not more than \$10,000; and

(iii) Imprisonment for not more than 10 years.

(2) Violation of 18 U.S.C. 1001 may result in imprisonment for not more than five years or a fine, or both.

(e) This section implements Presidential Proclamation No. 6867. This section is issued under the authority delegated in Department of Transportation Order No. 96-3-7.

[CGD07-96-013, 62 FR 25391, May 14, 1997, CGD07-98-006, 63 FR 38477, July 17, 1998, as amended by CGD07-00-091, 65 FR 65785, Nov. 2, 2000]

EFFECTIVE DATE NOTE: By CGD07-98-006, 63 FR 38477, July 17, 1998, §165.T07-013 was amended by revising the heading and paragraph (a). By CGD07-00-091, 65 FR 65785, Nov. 2, 2000, §165.T07-013 was further amended by revising paragraphs (c)(2) and (c)(3). This is an emergency temporary rule and will terminate when the National Emergency as declared by the President in Presidential Proclamation No. 6867 terminates.

§ 165.T07-069 Regulated Navigation Area; Port Everglades Harbor, Fort Lauderdale, Florida.

(a) *Location.* The following area in the vicinity of Port Everglades Harbor is a regulated navigation area: all waters of the Atlantic Intracoastal Waterway and Port Everglades Harbor, from shore to shore, south of the 17th Street Bridge (at a line connecting 26° 06.04'N, 080°07.17'W and 26°06.04'N, 080°07.05'W), north of the intersection of the Dania Cut Off Canal and the Intra-coastal Waterway (latitude 26° 04.72'N) and west of a north-south line connecting red day board #6 and green day board #7 at the entrance to Port Everglades Harbor (longitude 080° 06.30'W).

(b) *Regulations.* Vessels entering and transiting through the regulated navigation

area shall proceed at a slow speed. Nothing in this section alleviates vessels or operators from complying with all state and local laws in the area, including manatee slow speed zones.

(c) *Definition.* As used in this section, *slow speed* means the speed at which a vessel proceeds when it is fully off plane, completely settled in the water and not creating excessive wake. Due to the different speeds at which vessels of different sizes and configurations may travel while in compliance with this definition, no specific speed is assigned to slow speed. A vessel is not proceeding at slow speed if it is:

(1) On a plane;

(2) In the process of coming up on or coming off of plane; or

(3) Creating an excessive wake.

(d) *Effective period.* This rule is effective from 12:01 a.m. on Monday, April 28, 2003, until 12:01 a.m. on Monday, September 1, 2003.

[CGD07-03-069, 68 FR 25500, May 13, 2003]

EFFECTIVE DATE NOTE: By CGD07-03-069, 68 FR 25500, May 13, 2003, §165.T07-069 was added, effective Apr. 28, 2003 to Sept. 1, 2003.

§ 165.T07-146 Security Zones; Charleston Harbor, Cooper River, South Carolina.

(a) *Regulated area.* (1) A temporary fixed security zone is established for the waters around the Highway 17 bridges, to encompass all waters of the Cooper River within a line connecting the following points: 32 deg.48.23' N, 079 deg.55.3' W; 32 deg.48.1' N, 079 deg.54.35' W; 32 deg.48.34' N, 079 deg.55.25' W; 32 deg.48.2' N, 079 deg.54.35' W.

(2) Another temporary fixed security zone is established for the waters around the Interstate 526 Bridge spans (Don Holt Bridge) in Charleston Harbor and on the Cooper River and will encompass all waters within a line connecting the following points: 32 deg.53.49' N, 079 deg.58.05' W; 32 deg.53.42' N, 079 deg.57.48' W; 32 deg.53.53' N, 079 deg.58.05' W; 32 deg.53.47' N, 079 deg.57.47' W.

(b) *Regulations.* In accordance with the general regulations 165.33 of this part, vessels are allowed to transit through these zones but are prohibited from mooring, anchoring, or loitering

within these zones unless specifically authorized by the Captain of the Port.

(c) *Authority.* In addition to 33 U.S.C. 1321 and 49 CFR 1.46, the authority for this section includes 33 U.S.C. 1226.

(d) *Effective dates.* This section is effective on December 17, 2002 until 11:59 p.m. on July 15, 2003.

[COTP Charleston-02-146, 67 FR 76993, Dec. 16, 2002]

EFFECTIVE DATE NOTE: By 67 FR 76993, Dec. 16, 2002, § 165.T07-146 was added, effective Dec. 17, 2002, until 11:59 p.m., July 15, 2003.

§ 165.701 Vicinity, Kennedy Space Center, Merritt Island, Florida—security zone.

(a) The water, land, and land and water within the following boundaries are a security zone—The perimeter of the Cape Canaveral Barge Canal and the Banana River at 28°24'33" N., 80°39'48" W.; then due west along the northern shoreline of the barge canal for 1,300 yards; then due north to 28°28'42" N., 80°40'30" W., on Merritt Island. From this position, the line proceeds irregularly to the eastern shoreline of the Indian River to a position 1,300 yards south of the NASA Causeway at 28°30'54" N., 80°43'42" W. (the line from the barge canal to the eastern shoreline of the Indian River is marked by a three-strand barbed-wire fence), then north along the shoreline of the Indian River to the NASA Causeway at 28°31'30" N., 80°43'48" W. The line continues west on the southern shoreline of the NASA Causeway to NASA Gate 3 (permanent), then north to the northern shoreline of the NASA Causeway and east on the northern shoreline of the causeway back to the shoreline on Merritt Island at position 28°31'36" N., 80°43'42" W., then northwest along the shoreline to 28°41'01.2" N., 80°47'10.2" W. (Blackpoint); then due north to channel marker #6 on the Intracoastal Waterway (ICW), then northeast along the southern edge of the ICW to the western entrance to the Haulover Canal. From this point, the line continues northeast along the southern edge of the Haulover Canal to the eastern entrance to the canal; then due east to a point in the Atlantic Ocean 3 miles offshore at 28°44'42" N., 80°37'51" W.; then south along a line 3 miles from the coast to Wreck Buoy "WR6", then to

Port Canaveral Channel Lighted Buoy 10, then west along the northern edge of the Port Canaveral Channel to the northeast corner of the intersection of the Cape Canaveral Barge Canal and the ICW in the Banana River at 28°24'36" N., 80°38'42" W. The line continues north along the east side of the Intracoastal Waterway to daymarker '35' thence North Westerly one quarter of a mile south of NASA Causeway East (Orsino Causeway) to the shoreline on Merritt Island at position 28°30.95"N., 80°37.6"W., then south along the shoreline to the starting point.

(b) The area described in paragraph (a) of this section is closed to all vessels and persons, except those vessels and persons authorized by the Commander, Seventh Coast Guard District, or the COTP Jacksonville, Florida, whenever space vehicles are to be launched by the United States Government from Cape Canaveral.

(c) COTP Jacksonville, Florida, closes the security zone, or specific portions of it, by means of locally promulgated notices. The closing of the area is signified by the display of a red ball from a 90-foot pole near the shoreline at approximately 28°35'00" N., 80°34'36" W., and from a 90-foot pole near the shoreline at approximately 28°25'18" N., 80°35'00" W. Appropriate Local Notices to Mariners will also be broadcast on 2670 KHZ.

[CGD 79-034, 47 FR 29660, July 8, 1982, as amended by CGD 7-82-10, 48 FR 11696, Mar. 21, 1983; USCG-1998-3799, 63 FR 35532, June 30, 1998]

§ 165.703 Tampa Bay, Florida—Safety Zone.

(a) A floating safety zone is established consisting of an area 1000 yards fore and aft of a loaded anhydrous ammonia vessel and the width of the channel in the following areas:

(1) For inbound tank vessels loaded with anhydrous ammonia, Tampa Bay Cut "F" Channel from Lighted Buoys "3F" and "4F" north through and including Gadsden Point Cut Lighted Buoy "3" and commencing at Gadsden Point Cut Lighted Buoys "7" and "8" north and including Hillsborough Cut "C" Channel.

(i) For vessels bound for R. E. Knight Pier at Hookers Point the safety zone

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includes, in addition to the area in paragraph (a)(1) of this section, Hillsborough Cut "D" Channel to the southern tip of Harbor Island.

(ii) For vessels bound for the anhydrous ammonia receiving terminals to Port Sutton the safety zone includes, in addition to the area in paragraph (a)(1) of this section, Port Sutton Channel.

(2) For outbound tank vessels loaded with anhydrous ammonia the safety zone is established when the vessel departs the receiving terminal and continues through the area described in paragraph (a)(1) of this section.

(3) The floating safety zone is disestablished when the anhydrous ammonia carrier is safely moored at the anhydrous ammonia receiving facility.

(b) All vessels over 5000 gross tons intending to pass anhydrous ammonia vessels moored in Port Sutton, and all vessels intending to moor in the R. E. Knight facilities at Hookers Point while an anhydrous ammonia vessel is moored in this facility, must give 30 minutes notice to the anhydrous ammonia vessel so it may take appropriate safety precautions.

(c) The general regulations governing safety zones contained in § 165.23 apply.

(d) The Marine Safety Office Tampa will notify the maritime community of periods during which these safety zones will be in effect by providing advance notice of scheduled arrivals and departures of loaded anhydrous ammonia vessels via a marine broadcast Notice to Mariners.

(e) Should the actual time of entry of the anhydrous ammonia vessel into the safety zone vary more than one half hour from the scheduled time stated in the broadcast Notice to Mariners, the person directing the movement of the anhydrous ammonia vessel shall obtain permission from Captain of the Port Tampa before commencing the transit.

(f) Prior to commencing the movement, the person directing the movement of the anhydrous ammonia vessel shall make a security broadcast to advise mariners of the intended transit. All additional security broadcasts as recommended by the U.S. Coast Pilot 5, ATLANTIC COAST shall be made through the transit.

(g) Vessels carrying anhydrous ammonia are permitted to enter and transit Tampa and Hillsborough Bay and approaches only with a minimum of three miles visibility.

(h) The Captain of the Port Tampa may waive any of the requirements of this subpart for any vessel upon finding that the vessel or class of vessel, operational conditions, or other circumstances are such that application of this subpart is unnecessary or impractical for purposes of port safety or environmental safety.

(i) The owner, master, agent or person in charge of a vessel or barge, loaded with anhydrous ammonia shall report the following information to the Captain of the Port, Tampa at least twenty-four hours before entering Tampa Bay or its approaches or departing from Tampa Bay:

(1) Name and country of registry of the vessel or barge;

(2) The name of the port or place of departure;

(3) The name of the port or place of destination;

(4) The estimated time that the vessel is expected to begin its transit of Tampa Bay and the time it is expected to commence its transit of the safety zone.

(5) The cargo carried and amount.

[CGD7-85-32, 51 FR 28382, Aug. 7, 1986 as amended by CGD07-87-07, 52 FR 31763, Aug. 24, 1987; 65 FR 9221, Feb. 24, 2000]

§ 165.704 Safety Zone; Tampa Bay, Florida.

(a) A floating safety zone is established consisting of an area 1000 yards fore and aft of a loaded Liquefied Petroleum Gas (LPG) vessel and the width of the channel in the following areas. Any vessels desiring to enter the safety zone must obtain authorization from the Captain of the Port Tampa.

(1) For vessels loaded with LPG and bound for the LPG receiving terminal in Port Sutton the safety zone starts at Tampa Bay Cut "F" Channel from Lighted Buoys "3F" and "4F" and proceeds north ending at Gadsden Point Cut Lighted Buoys "3" and "4". The safety zone starts again at Gadsden Point Cut Lighted Buoys "7" and "8" and proceeds north through

Hillsborough Cut "C", Port Sutton Entrance Channel, and ends at the Port Sutton LPG facility.

(2) For vessels loaded with LPG and bound for the LPG receiving terminal in Rattlesnake the safety zone starts at Tampa Bay Cut "J" Channel from lighted buoy "10J" and proceeds north through Tampa Bay Cut "K" Channel to buoy "11K." When a loaded LPG vessel departs the marked channel at Tampa Bay Cut "K" buoy "11K" enroute to Rattlesnake, Tampa, FL, the floating safety zone extends 500 yards in all directions surrounding the loaded LPG vessel, until it arrives at the entrance to Rattlesnake. While the loaded LPG vessel is maneuvering in the Rattlesnake slip and until it is safely moored at the LPG facility, the floating safety zone extends 150 feet fore and aft of the loaded LPG vessel and the width of the slip. Moored vessels are allowed within the parameters of the 150-foot safety zone.

(b) The floating safety zone is disestablished when the LPG carrier is safely moored at the LPG receiving facility.

(c) For outbound tank vessels loaded with LPG, the safety zone is established when the vessel departs the terminal and continues through the area described in paragraph (a) of this section.

(d) All vessels over 5000 gross tons intending to pass LPG vessels moored in Port Sutton, and all vessels intending to pass LPG vessels moored in Rattlesnake, must give 30 minutes notice to the LPG vessel so it may take appropriate safety precautions.

(e) The general regulations governing safety zones contained in §165.23 apply.

(f) The Coast Guard Captain of the Port Tampa will notify the maritime community of periods during which these safety zones will be in effect by providing advance notice of scheduled arrivals and departures of loaded LPG vessels via a marine broadcast Notice to Mariners.

(g) Should the actual time of entry of the LPG vessel into the safety zone vary more than one half (½) hour from the scheduled time stated in the broadcast Notice to Mariners, the person directing the movement of the LPG vessel shall obtain permission from Cap-

tain of the Port Tampa before commencing the transit.

(h) Prior to commencing the movement of the LPG vessel shall make a security broadcast to advise mariners of the intended transit. All additional security broadcasts as recommended by the U.S. Coast Pilot 5, ATLANTIC COAST, shall be made throughout the transit.

(i) Vessels carrying LPG are permitted to enter and transit Tampa Bay and Hillsborough Bay and approaches only with a minimum of three miles visibility.

(j) The Captain of the Port Tampa may waive any of the requirements of this subpart for any vessel upon finding that the vessel or class of vessel, operational conditions, or other circumstances are such that application of this subpart is unnecessary or impractical for purposes of port safety or environmental safety.

(k) The owner, master, agent or person in charge of a vessel or barge, loaded with LPG shall report, at a minimum, the following information to the Captain of the Port Tampa at least twenty-four (24) hours before entering Tampa Bay, its approaches, or departing Tampa Bay:

- (1) The name and country of registry of the vessel or barge;
- (2) The name of the port or place of departure;
- (3) The name of the port or place of destination;
- (4) The estimated time that the vessel is expected to begin its transit of Tampa Bay and the time it is expected to commence its transit of the safety zone(s); and
- (5) The cargo carried and amount.

[COTP Tampa 00-054, 66 FR 14489, Mar. 13, 2001]

§ 165.T0704 Safety Zone: Savannah River, Savannah, Georgia.

(a) *Location.* The following area is a safety zone: Two hundred foot radius around Garden City Terminal, approximate position 32 degrees 8 minutes, N, 81 degrees 9.5 minutes W, and around all cargo ships loaded with military equipment and transiting the Savannah River.

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(b) *Effective dates.* This regulation becomes effective at 12 p.m. 14 December 1990 until terminated by the Captain of the Port, Savannah, GA.

(c) *Regulation.* In accordance with the general regulations in §165.23 of this part, entry into the zone is subject to the following requirements.

(1) All persons and vessels in the vicinity of the safety zone shall immediately obey any direction or order of the Captain of the Port or a representative of the Captain of the Port.

(2) The "representative of the Captain of the Port" is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port, Savannah, GA to act on his behalf. A representative of the Captain of the Port may be contacted on board any Coast Guard vessel assigned to enforce the safety zone.

(3) Before entering the safety zone, a vessel operator shall contact the Captain of the Port or a representative of the Captain of the Port to determine what restrictions, if any, have been imposed on vessels in the safety zone. The Captain of the Port may be contacted by telephone via the Command Duty Officer at (912) 944-4371. Coast Guard vessels assisting in the enforcement of the safety zone may be contacted on VHF-FM channels 13 or 16, or vessel operators may determine restrictions in effect for the safety zone by coming alongside a Coast Guard vessel patrolling the perimeter of the safety zone.

(4) The Captain of the Port will issue a Marine Safety Information Broadcast Notice to Mariners to Notify the maritime community of the safety zone and restrictions imposed.

[Reg. 90-129, 55 FR 52272, Dec. 21, 1990]

EFFECTIVE DATE NOTE: At 55 FR 52272, Dec. 21, 1990, §165.T0704 was added. This is an emergency temporary rule and will remain in effect until terminated by the Captain of the Port Savannah, GA.

§ 165.705 Port Canaveral Harbor, Cape Canaveral, Florida.

(a) Security Zone A—East (Trident) Basin, Port Canaveral Harbor, at Cape Canaveral Air Force Station, Brevard County, Florida. All waters of the East Basin north of latitude 28°24'36"N.

(b) Security Zone B—Middle Basin, Port Canaveral Harbor, adjacent to the

Navy wharf at Cape Canaveral Air Force Station, Brevard County, Florida. The waters of Port Canaveral Harbor within a line circumscribing the water approaches to the Navy wharf along the northeasterly edge of the Port Canaveral Harbor turning basin at a distance of 200 feet from all portions of the wharf including the dolphins located 200 feet off the northwest end and 75 feet off the southeast end of the wharf.

(c) Entrance into these zones by vessels other than vessels owned or leased by the United States is prohibited without permission of the Captain of the Port, Jacksonville, Florida.

(d) The general regulations governing security zones contained in 33 CFR 165.33 apply.

[CGD7 87-38, 53 FR 38718, Oct. 3, 1988; CGD7 87-38, 54 FR 611, Jan. 9, 1989; CGD7 89-21, 54 FR 26198, June 22, 1989]

§ 165.708 Safety/Security Zone; Charleston Harbor and Cooper River, Charleston, SC.

(a) *Regulated area.* The following boundaries are established as a safety and security zone during specified conditions:

(1) All waters 200 yards ahead and astern and 100 yards to each side of a vessel transporting nuclear materials while the vessel transits from Charleston Harbor Entrance Buoy "C" (LLNR 1885, position 32-39.6N, 079-40.9W) to the Charleston Naval Weapons Station (position 32-55.4N, 079-56.0W) on the Cooper River. All coordinates referenced use datum: NAD 1983.

(2) All waters within 100 yards of the vessel described in paragraph (a)(1) of this section while the vessel is conducting cargo operations at the Charleston Naval Weapons Station.

(b) Captain of the Port Charleston will announce the activation of the safety/security zones described in paragraph (a) of this section by Broadcast Notice to Mariners. The general regulations governing safety and security zones contained in §§165.23 and 165.33 apply.

[COTP Charleston 96-034, 61 FR 68156, Dec. 27, 1996]

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§ 165.711 Safety Zone: Port Everglades, Fort Lauderdale, FL.

(a) *Regulated Area.* A moving safety zone is established in the following area:

(1) The waters around naval aircraft carriers entering Port Everglades in an area 700 yards forward, 500 yards astern and 350 yards on either side of each vessel, beginning at the Port Everglades Sea Buoy in approximate position 26°05.5'N, 80°04.8'W and continuing until the vessel is safely moored in approximate position 26°04.9'N, 80°06.9'W. All coordinates referenced use datum: NAD 83.

(2) The waters around naval aircraft carriers departing Port Everglades in an area 700 yards forward, 500 yards astern and 350 yards on either side of each vessel beginning at the Pier in approximate position 26°04.9'N, 80°06.9'W, and continuing until the stern passes the Port Everglades Sea Buoy, in approximate position 26°05.5'N, 80°04.8'W. All coordinates referenced use datum: NAD 83.

(b) *Regulations.* (1) No person or vessel may enter, transit, or remain in the safety zone unless authorized by the Captain of the Port, Miami, Florida, or a Coast Guard commissioned, warrant, or petty officer designated by him.

(2) Vessels encountering emergencies which require transit through the moving safety zone should contact the Coast Guard patrol craft on VHF Channel 16. In the event of an emergency, the Coast Guard patrol craft may authorize a vessel to transit through the safety zone with a Coast Guard designated escort.

(3) All persons and vessels shall comply with the instructions of on-scene patrol personnel. On-scene patrol personnel include commissioned, warrant, or petty officers of the U.S. Coast Guard. Coast Guard Auxiliary and local or state officials may be present to inform vessel operators of this regulation and other applicable laws.

[COTP MIAMI 96-054, 62 FR 32201, June 13, 1997]

§ 165.714 Regulated Navigation Area; Atlantic Ocean, Charleston, SC.

(a) *Location.* The following area is a Regulated Navigation Area: A trapezoid at the water surface, and the en-

tire water column from surface to seabed inclusive of the vessel, bounded by the following four coordinates:

	Latitude	Longitude
Western boundary.	32°42'56" N	79°47'34" W
Southern boundary.	32°42'32" N	79°46'42" W
Eastern boundary.	32°43'26" N	79°45'27" W
Northern boundary.	32°43'56" N	79°46'08" W

(NAD 83)

(b) *Regulations.* In accordance with the general regulations in §165.23 of this part, all vessels and persons are prohibited from anchoring, diving, laying cable or conducting salvage operations in this zone except as authorized by the Captain of the Port.

[CGD 07-95-054, 60 FR 45047, Aug. 30, 1995]

§ 165.720 Safety/Security Zone: St. Johns River, Jacksonville, FL.

(a) *Location.* The water and the land within the following boundaries are established as a safety and security zone during specified conditions:

(1) All waters within 200 yards of Blount Island, Jacksonville, Florida and all adjacent land within 100 yards of the island shoreline during staging of Department of Defense equipment and during the loading/unloading of military supply vessels.

(2) All waters within 200 yards of "any" waterfront facility at which a laden military vessel is located and all land at the facility, including docks and piers, within 100 yards of the St. Johns River.

(3) All waters within 200 yards of any specified military supply vessel during its transit of the St. Johns River and out to three (3) nautical miles offshore.

(b) *Regulations.* (1) For public notice, the zone described in paragraph (a)(1) of this section is effective beginning 11 December 1990 and will remain in force until cancelled by the Captain of the Port Jacksonville, Florida.

(2) The COTP Jacksonville may activate, as necessary, any portion of the safety/security zone described in paragraphs (a)(2) and (a)(3) of this section by means of locally promulgated broadcast notice to mariners. Once implemented, neither overtaking nor

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meeting situations will be allowed during specified vessel transits.

(3) In accordance with the general regulations governing safety and security zones contained in 33 CFR 165.23 and 165.33 of this part, entry into any portion of the described zone is prohibited unless authorized by the Captain of the Port Jacksonville, Florida.

(4) This regulation does not apply to authorized law enforcement agencies operating within the safety/security zone.

[COTP Jacksonville, FL Reg. 90-124, 55 FR 51700, Dec. 17, 1990]

§ 165.721 Safety Zone: St. Johns River, Jacksonville, FL.

(a) Location. The following area is established as a safety zone during the specified conditions: The waters within a 500 yard radius of the fireworks barge or barges during the storage, preparation, and launching of fireworks in the St. Johns River between the Hart and Acosta Bridges.

(b) Effective dates. This section becomes effective upon activation by the Captain of the Port by the broadcasting of a local Notice to Mariners on appropriate VHF-FM radio frequencies. It terminates at the conclusion of the fireworks display unless terminated earlier by the Captain of the Port.

(c) Regulations. (1) In accordance with the general regulations in 165.23 of this part, anchoring, mooring or transiting in this zone is prohibited unless authorized by the Captain of the Port or District Commander.

(2) This regulation does not apply to authorized law enforcement agencies operating within the Safety Zone.

[COTP Jacksonville Reg. 94-027, 59 FR 55584, Nov. 8, 1994]

§ 165.722 Security Zone: St. Johns River, Jacksonville, Florida.

(a) Location. The water located within the following area is established as a security zone: beginning at the shoreline of the St. Johns River at the northernmost property line of Naval Air Station Jacksonville next to Timuquana Country Club, at 30°14'39.5" N, 81°40'45" W; thence northeasterly to 30°14'42" N, 81°40'42" W; thence south remaining 400 feet from the shoreline at mean high water; thence past Piney

Point and Black Point to the northern edge of Mulberry Cover Manatee refuge, 400 feet from Naval Air Station Jacksonville boat ramp, at 30°13'00" N, 81°40'23.5" W; thence southwesterly in a straight line to position 30°12'14" N, 81°40'42" W; thence southerly, remaining 400' seaward of the mean high water shoreline to 30°11'40" N, 81°41'15.5" W; thence northwest to the point at the end of the property line of Naval Air Station Jacksonville just north of the Buckman Bridge at position 30°11'42.30" N, 81°41'23.66" W; thence northeasterly along the mean high water shoreline of the St. Johns River and Mulberry Cove to the point of beginning. Datum: NAD 83

(b) In accordance with the general regulations in §165.33 of this part, no person or vessel may enter or remain in the zone without the permission of the Captain of the Port Jacksonville, Florida. All other portions of §165.33 remain applicable.

(c) This regulation does not apply to Coast Guard vessels and authorized law enforcement vessels operating within the Security Zone.

[COTP Jacksonville Reg. 93-115, 60 FR 65571, Dec. 20, 1995]

§ 165.726 Regulated Navigation Areas; Miami River, Miami, Florida.

(a) Location. The following are Regulated Navigation Areas:

(1) All the waters of the Miami River, Miami, Florida, from the Brickell Avenue Bridge, in approximate position 25°46'19" N, 80°11'4" W, inland to the South Florida Water Management District's salinity dam in approximate position 25°48'4" N, 80°15'6" W.

(2) The Tamiami Canal from its intersection with the Miami river in approximate position 25°47'7" N, 80°14'7" W to the N.W. 37th Avenue bridge in approximate position 25°48'5" N, 80°15'5" W. All coordinates referenced use datum: NAD 83.

(b) Regulations. The restrictions in this paragraph apply to vessels operating within the regulated navigation areas in paragraph (a) of this section unless authorized to deviate by the Captain of the Port, Miami, Florida, or a Coast Guard commissioned, warrant, or petty officer designated by him.

(1) All rafted vessels (inboard and outboard) must be properly moored in accordance with applicable municipal laws and regulations.

(2) At no time shall any vessels be rafted more than two abreast.

(3) Neither single nor rafted vessels shall extend greater than 54 feet into the main river (measured from the dock) without permission of the Captain of the Port.

(4) A minimum channel width of 65 feet shall be maintained at all times on the Miami River from the Brickell Avenue Bridge west to the Tamiami Canal. A minimum channel width of 45 feet shall be maintained at all times on the Miami River west of the junction of the Miami River and the Tamiami Canal to the South Florida Water Management District's salinity dam, as well as on the Tamiami Canal from its mouth to the N.W. 37th Avenue Bridge.

(5) All moored and rafted vessels shall provide safe access from the shore.

(6) All moored and rafted vessels shall provide clear and ready access for land-based firefighters to safely and quickly reach outboard rafted vessels.

(7) No vessels shall moor or raft in any manner as to impede safe passage of another vessel to any of the tributaries of the Miami River.

(8) Nothing in these regulations shall prohibit the U.S. Army Corps of Engineers from requiring the relocation or movement of vessels in a declared flood emergency.

(c) *Enforcement.* Violations of these regulated navigation areas should be reported to the Captain of the Port, Miami. Persons in violation of these regulations will be subject to civil penalty under § 165.13(b) of this part.

[CGD07-97-019, 62 FR 50512, Sept. 26, 1997]

§ 165.728 Jacksonville, Florida—safety zones.

(a) The water, land, and land and water within the following boundaries are established as safety zones during the specified conditions:

(1) *Zone A.* 200 yards in all directions around any specified Maritime Prepositioned Ship as it transits between the St. Johns River entrance sea buoy (STJ) and its berth inside the Mayport Basin (Ribault Bay), Mayport,

Florida. The prescribed safety zone will also be in effect as the vessel transits to its berth at Blount Island Marine Terminal, Jacksonville, Florida.

(2) *Zone B.* 100 yards in all directions on land and 200 yards on water from the eastern end of Transit Shed #2 to the east shore of Alligator Creek at Blount Island Terminal, Jacksonville, Florida.

(3) *Zone C:* 100 yards in all directions on land from Gate berth #1 and all waters within the Back River (locally known as the Gate Slip) on Blount Island, Jacksonville, Florida, commencing from a line drawn between the southwesterly most shore point latitude 30°23'34", longitude 81°30'52" and the southeasterly most shore point latitude 30°23'38", longitude 81°30'36".

(b) The areas described in paragraph (a) of this section may be closed to all vessels and persons, except those vessels and persons authorized by the Commander, Seventh Coast Guard District or the Captain of the Port, Jacksonville, Florida, whenever specified Maritime Prepositioned Ships are transiting the St. Johns River (Zone A), moored at Blount Island (Zone B), or moored at Gate Terminal (Zone C).

(c) The general regulations governing safety zones contained in 33 CFR 165.23 apply.

(d) The Captain of the Port Jacksonville, Florida will activate the safety zones or specific portions of them by issuing a local broadcast notice to mariners. The closing of the area at Blount Island, described above, will be signified by the display of a rotating yellow light located on the waterfront at Blount Island Marine Terminal or at the Gate Terminal Berth #1.

[CGD7 87-15, 52 FR 23442, June 22, 1987, as amended by CGD7 91-33, 56 FR 22826, May 17, 1991]

§ 165.729 Jacksonville Harbor, Florida—security zone.

(a) The water, land, and land and water within the following boundaries are established as security zones during the specified conditions:

(1) *Zone A.* 200 yards in all directions around any specified Maritime Prepositioned Ship as it transits between the St. Johns River entrance sea buoy (STJ) and its berth inside the

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Mayport Naval Basin (Ribault Bay), Mayport, Florida. The prescribed security zone will also be in effect as the vessel transits to its berth at Blount Island Marine Terminal, Jacksonville, Florida.

(2) Zone B. 100 yards in all directions on land and 200 yards on water from the eastern end of Transit Shed #2 to the east shore of Alligator Creek at Blount Island Terminal, Jacksonville, Florida.

(3) Zone C: 100 yards in all directions on land from Gate berth #1 and all waters within the Back River (locally known as the Gate Slip) on Blount Island, Jacksonville, Florida, commencing from a line drawn between the southwesterly most shore point latitude 30°23'34", longitude 81°30'52" and the southeasterly most shore point latitude 30°23'38", longitude 81°30'36".

(b) The areas described in paragraph (a) of this section shall be closed to all vessels and persons, except those vessels and persons authorized by the Commander, Seventh Coast Guard District or the Captain of the Port, Jacksonville, Florida, whenever specified Maritime Prepositioned Ships are transiting the St. Johns River (Zone A), moored at Blount Island (Zone B), or moored at Gate Terminal (Zone C).

(c) The general regulations governing security zones contained in 33 CFR 165.33 apply.

(d) The Captain of the Port Jacksonville, Florida will activate the security zones or specific portions of them by issuing a local broadcast notice to mariners. The closing of the area at Blount Island, described above, will be signified by the display of a rotating yellow light located on the waterfront at Blount Island Marine Terminal or at the Gate Terminal Berth #1.

[CGD7 87-16, 52 FR 23443, June 22, 1987, as amended by CGD7 91-34, 56 FR 22827, May 17, 1991]

§ 165.730 King's Bay, Georgia—Regulated navigation area.

Vessels transiting in the water bounded by the line connecting the following points must travel no faster than needed for steerageway:

<i>Latitude</i>	<i>Longitude</i>
30°48'00.0" N	081°29'24.0" W
30°46'19.5" N	081°29'17.0" W

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30°47'35.0" N 081°30'16.5" W
and thence to the point of beginning

[CGD7 92-41, 58 FR 38057, July 15, 1993]

§ 165.731 Safety/Security Zone: Cumberland Sound, Georgia and St. Marys River Entrance Channel.

(a) Location. A permanent safety/security zone is established within the following coordinates, the area enclosed by a line starting at 30°44'55" N, 081°29'39" W; thence to 30°44'55" N, 081°29'18" W; thence to 30°46'35" N, 081°29'18" W; thence to 30°47'02" N, 081°29'34" W; thence to 30°47'21" N, 081°29'39" W; thence to 30°48'00" N, 081°29'42" W; thence to 30°49'07" N, 081°29'56" W; thence to 30°49'55" N, 081°30'35" W; thence to 30°50'15" N, 081°31'08" W; thence to 30°50'14" N, 081°31'30" W; thence to 30°49'58" N, 081°31'45" W; thence to 30°49'58" N, 081°32'03" W; thence to 30°50'12" N, 081°32'17" W; thence following the land based perimeter boundary to the point of origin.

(b) A temporary safety/security zone, when activated by the Captain of the Port, Jacksonville, Florida, encompasses all waters and land from bank to bank within Cumberland Sound and the St. Marys Entrance Channel: the northern extent of this zone starts at the southern tip of Crab Island; lighted buoy number "1" at the mouth of the Amelia River demarks the southern boundary; day marker number "2" at the mouth of the St. Marys River indicates the western boundary; and the eastern boundary extends out to three (3) nautical miles in the Atlantic Ocean, with the zone also encompassing the waters within 1000 yards of the entrance channel east of the jetties.

(c) Regulations. (1) The Captain of the Port, Jacksonville, Florida will activate the temporary safety/security zone described in paragraph (b) of this section by issuing a local broadcast notice to mariners.

(2) All persons and vessels in the vicinity of the safety/security zone shall immediately obey any direction or order of the Captain of the Port, Jacksonville, Florida.

(3) The general regulations governing safety and security zones contained in 33 CFR 165.23 and .33 apply. No person

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or vessel may enter or remain within the designated zones without the permission of the Captain of the Port, Jacksonville, Florida.

(4) This regulation does not apply to persons or vessels operating under the authority of the United States Navy nor to authorized law enforcement agencies.

[COTP Jacksonville Reg. 90-94, 55 FR 42374, Oct. 19, 1990]

§ 165.735 Brunswick, Georgia, Turtle River, Vicinity of Sydney Lanier Bridge.

Except during the flood tide, every vessel over 500 GRT departing the Port of Brunswick for sea shall do so only from the Turtle River, so as to be shaped up for bridge transit:

(a) Before reaching Turtle River Buoy "1" (Light List Number 6050); or,

	Latitude	Longitude		Latitude	Longitude
1:	27°56'20.5"N	082°26'42.0"W	to	27°56'19.3"N	82°26'37.5"W
2:	27°55'32.0"N	082°26'54.0"W	to	27°55'30.9"N	82°26'49.1"W

(b) Ships requiring Federal or State pilotage shall not meet or overtake other like vessels in Sparkman Channel.

(c) Vessels having a draft of more than 35.5 feet may not transit Sparkman Channel.

(d) Vessels having a draft of 34.5 feet, but not over 35.5 feet, may transit Sparkman Channel only when the tide is at least one foot above mean low water.

(e) Vessels with a draft of 30 feet or greater shall transit as near as possible to the center of the channel.

[CGD7 90-52, 56 FR 36005, July 30, 1991, as amended by USCG-1998-3799, 63 FR 35532, June 30, 1998]

§ 165.753 Regulated navigation area; Tampa Bay, Florida.

(a) The following is a regulated navigation area (RNA): All the navigable waters of Tampa Bay, Hillsborough Bay and Old Tampa Bay, including all navigable waterways tributary thereto. Also included are the waters of Egmont Channel, Gulf of Mexico from Tampa

(b) Before reaching the intersection of Brunswick Harbor Range and Turtle River Lower Range, provided that the vessel:

(1) Be equipped with an operable bow thruster or have tug assistance; and

(2) Be stopped and maneuvered with no appreciable way on until aligned with the centerline axis of the Turtle River Channel.

[CGD7 87-27, 52 FR 48811, Dec. 28, 1987]

§ 165.752 Sparkman Channel, Tampa, Florida—regulated navigation area.

(a) A regulated navigation area is established to protect vessels from limited water depth in Sparkman Channel caused by an underwater pipeline. The regulated navigation area is in Sparkman Channel between the lines connecting the following points (referenced in NAD 83):

Bay to the seabuoy, Tampa Lighted Whistle Buoy T, LLNR 18465.

(b) The master, pilot, or person in charge of any vessel of 50 meters or greater shall give a Navigational Advisory Broadcast in accordance with 47 CFR 80.331 on VHF-FM channel 13 at the following broadcast/reporting points:

(1) Prior to getting underway from any berth or anchorage;

(2) Prior to entering Egmont Channel from seaward;

(3) Prior to passing Egmont Key in any direction;

(4) Prior to transiting the Skyway Bridge in either direction;

(5) Prior to transiting the intersection of Tampa Bay Cut F Channel, Tampa Bay Cut G Channel, and Gadsden Point Cut Channel;

(6) Prior to anchoring or approaching a berth for docking;

(7) Prior to tending hawser;

(8) Prior to transiting Point Pinellas Channel Light 1 in either direction.

(c) Each Navigational Advisory required by this section shall be made in

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the English language and will contain the following information:

- (1) The words "Hello all vessels, a Navigational Advisory follows";
- (2) Name of vessel;
- (3) If engaged in towing, the nature of the tow;
- (4) Direction of Movement;
- (5) Present location; and,
- (6) The nature of any hazardous conditions as defined by 33 CFR 160.203.

(d) Nothing in this section shall supersede either the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) or the Inland Navigation Rules, as applicable, or relieve the Master or person in charge of the vessel of responsibility for the safe navigation of the vessel.

[CGD07-94-094, 60 FR 58519, Nov. 28, 1995]

§ 165.754 Safety Zone: San Juan Harbor, San Juan, PR.

(a) *Regulated Area.* A moving safety zone is established in the following area:

(1) The waters around Liquefied Petroleum Gas ships entering San Juan Harbor in an area one half mile around each vessel, beginning one mile north of the San Juan Harbor 11 Sea Buoy, in approximate position 18-29.3N, 66-07.6W and continuing until the vessel is safely moored at either the Gulf Refinery Oil dock or the Catano Oil dock in approximate position 18-25.8N, 66-06.5W. All coordinates referenced use datum: NAD 83.

(2) The waters around Liquefied Petroleum Gas ships departing San Juan Harbor in an area one half mile around each vessel beginning at either the Gulf Refinery Oil dock or Catano Oil dock in approximate position 18-25.8N, 66-06.5W when the vessel gets underway, and continuing until the stern passes the San Juan Harbor 11 Sea Buoy, in approximate position 18-28.3N, 66-07.6W. All coordinates referenced use datum: NAD 83.

(b) *Regulations.* (1) No person or vessel may enter, transit or remain in the safety zone unless authorized by the Captain of the Port, San Juan, Puerto Rico, or a designated Coast Guard commissioned, warrant, or petty officer.

(2) Vessels encountering emergencies which require transit through the moving safety zone should contact the

Coast Guard patrol craft on VHF Channel 16. In the event of an emergency, the Coast Guard patrol craft may authorize a vessel to transit through the safety zone with a Coast Guard designated escort.

(3) The Captain of the Port and the Duty Officer at Marine Safety Office, San Juan, Puerto Rico, can be contacted at telephone number 787-706-2444 or 787-289-2048. The Coast Guard Patrol Commander enforcing the safety zone can be contacted on VHF-FM channels 16 and 22A.

(4) The Marine Safety Office San Juan will notify the marine community of periods during which these safety zones will be in effect by providing advance notice of scheduled arrivals and departures of Liquefied Petroleum Gas vessels via a marine broadcast Notice to Mariners.

(5) Should the actual time of entry of the Liquefied Petroleum Gas vessel vary more than one half hour from the scheduled time stated in the broadcast Notice to Mariners, the person directing the movement of the Liquefied Petroleum Gas vessel shall obtain permission from Captain of the Port San Juan before commencing the transit.

(6) All persons and vessels shall comply with the instructions of on-scene patrol personnel. On-scene patrol personnel include commissioned, warrant, or petty officers of the U.S. Coast Guard. Coast Guard Auxiliary and local or state officials may be present to inform vessel operators of the requirements of this section, and other applicable laws.

[COTP SAN JUAN 97-045, 63 FR 27681, May 20, 1998, as amended by USCG-2001-9286, 66 FR 33641, June 25, 2001]

§ 165.755 Safety Zone; Guayanilla, Puerto Rico

(a) The following area is established as a safety zone during the specified conditions:

(1) A 100 yard radius surrounding a vessel carrying Liquefied Natural Gas (LNG) while transiting north of Latitude 17°56.0'N in the waters of the Caribbean Sea, on approach to or departure from the Eco-Elctrica waterfront facility in Guayanilla Bay, Puerto Rico. The safety zone remains in effect until the LNG vessel is docked at the

Eco-Electrica waterfront facility or south of Latitude 17°56.0'N.

(2) The waters within 150 feet of a LNG vessel when the vessel is alongside the Eco-Electrica waterfront facility in Guayanilla Bay, at position 17°58.55'N, 066°45.3'W. This safety zone remains in effect while the LNG vessel is docked with product aboard or is transferring liquefied natural gas.

(b) In accordance with the general regulations in 165.23 of this part, anchoring, mooring or transiting in these zones is prohibited unless authorized by the Coast Guard Captain of the Port.

(c) The Coast Guard Marine Safety Office San Juan will notify the maritime community of periods during which the safety zones will be in effect by providing advance notice of scheduled arrivals and departures of LNG vessels via a marine broadcast Notice to Mariners.

[COTP San Juan 00-095, 66 FR 16870, Mar. 28, 2001]

§ 165.756 Regulated Navigation Area; Savannah River, Georgia.

(a) *Regulated Navigation Area (RNA)*. The Savannah River between Fort Jackson (32°04.93' N, 081°02.19' W) and the Savannah River Channel Entrance Sea Buoy is a regulated navigation area. All coordinates are North American Datum 1983.

(b) *Definitions*. The following definitions are used in this section:

Bollard pull is an industry standard used for rating tug capabilities and is the pulling force imparted by the tug to the towline. It means the power that an escort tug can apply to its working line(s) when operating in a direct mode.

Direct Mode is a towing technique which is defined as a method of operation by which a towing vessel generates towline forces by thrust alone at an angle equal to or nearly equal to the towline, or thrust forces applied directly to the escorted vessel's hull.

Indirect Mode is a towing technique that, for the purpose of this section, is defined as a method of operation by which an escorting towing vessel generates towline forces by a combination of thrust and hydrodynamic forces resulting from a presentation of the un-

derwater body of the towing vessel at an oblique angle to the towline. This method increases the resultant bollard pull, thereby arresting and controlling the motion of an escorted vessel.

LNG tankship means a vessel as described in 46 CFR 154.

Made-up means physically attached by cable, towline, or other secure means in such a way as to be immediately ready to exert force on a vessel being escorted.

Make-up means the act of, or preparations for becoming made-up.

Operator means the person who owns, operates, or is responsible for the operation of a facility or vessel.

Savannah River Channel Entrance Sea Buoy means the aid to navigation labeled R W "T" Mo (A) WHIS on the National Oceanic and Atmospheric Administration's (NOAA) Nautical Chart 11512.

Standby means immediately available, ready, and equipped to conduct operations.

Underway means that a vessel is not at anchor, not made fast to the shore, or not aground.

(c) *Applicability*. This section applies to all vessels operating within the RNA, including naval and other public vessels, except vessels that are engaged in the following operations:

(1) Law enforcement or search and rescue operations;

(2) Servicing aids to navigation;

(3) Surveying, maintenance, or improvement of waters in the RNA; or

(4) Actively engaged in escort, maneuvering or support duties for the LNG tankship.

(d) *Regulations*.

(1) *Requirements for vessel operations while a LNG tankship is underway within the RNA:*

(i) Except for a vessel that is moored at a marina, wharf, or pier, and remains moored, no vessel 1600 gross tons or greater is permitted within the RNA without the permission of the Captain of the Port (COTP).

(ii) All vessels under 1600 gross tons shall keep clear of transiting LNG tankships.

(iii) The owner, master, or operator of a vessel carrying liquefied natural gas (LNG) shall:

(A) Comply with the notice requirements of 33 CFR 160. Updates are encouraged at least 12 hours before arrival at the RNA boundaries. The COTP may delay the vessel's entry into the RNA to accommodate other commercial traffic. LNG tankships are further encouraged to include in their notice a report of the vessel's propulsion and machinery status and any outstanding recommendations or deficiencies identified by the vessel's classification society and, for foreign flag vessels, any outstanding deficiencies identified by the vessel's flag state.

(B) Obtain permission from the COTP before commencing the transit into the RNA.

(C) While transiting, make security broadcasts every 15 minutes as recommended by the U.S. Coast Pilot 4 Atlantic Coast. The person directing the vessel must also notify the COTP telephonically or by radio on channel 13 or 16 when the vessel is at the following locations: Sea Buoy, Savannah Jetties, and Fields Cut.

(D) Not enter or get underway within the RNA if visibility during the transit is not sufficient to safely navigate the channel, and/or wind speed is, or is expected to be, greater than 25 knots.

(E) While transiting the RNA, the LNG tankship shall have sufficient towing vessel escorts.

(2) *Requirements for LNG facilities:*

(i) The operator of a facility where a LNG tankship is moored shall station and provide a minimum of two escort towing vessels each with a minimum of 100,000 pounds of bollard pull, 4,000 horsepower and capable of safely operating in the indirect mode, to escort transiting vessels 1600 gross tons or greater past the moored LNG tankship.

(ii) In addition to the two towing vessels required by paragraph (d)(2)(i) of this section, the operator of the facility where the LNG tankship is moored shall provide at least one standby towing vessel of sufficient capacity to take appropriate actions in an emergency as directed by the LNG vessel bridge watch.

(3) *Requirements for vessel operations while a LNG tankship is moored:*

(i) While moored within the RNA, LNG tankships shall maintain a bridge watch of appropriate personnel to mon-

itor vessels passing under escort and to coordinate the actions of the standby-towing vessel required in paragraph (d)(2)(ii) of this section in the event of emergency.

(ii) Transiting vessels 1600 gross tons or greater, when passing a moored LNG tankship, shall have a minimum of two towing vessels, each with a minimum capacity of 100,000 pounds of bollard pull, 4,000 horsepower, and the ability to operate safely in the indirect mode, made-up in such a way as to be immediately available to arrest and control the motion of an escorted vessel in the event of steering, propulsion or other casualty. While it is anticipated that vessels will utilize the facility provided towing vessel services required in paragraph (d)(2)(i) of this section, this regulation does not preclude escorted vessel operators from providing their own towing vessel escorts, provided they meet the requirements of this part.

(A) Outbound vessels shall be made-up and escorted from Bight Channel Light 46 until the vessel is safely past the LNG dock.

(B) Inbound vessels shall be made-up and escorted from Elba Island Light 37 until the vessel is safely past the LNG dock.

(iii) All vessels of less than 1600 gross tons shall not approach within 70 yards of an LNG tankship.

(e) *LNG Schedule.* The Captain of the Port will issue a Broadcast Notice to Mariners to inform the marine community of scheduled LNG tankship activities during which the restrictions imposed by this section are in effect.

(f) *Waivers.* (1) The COTP may waive any requirement in this section, if the COTP finds that it is in the best interest of safety or in the interest of national security.

(2) An application for a waiver of these requirements must state the compelling need for the waiver and describe the proposed operation and methods by which adequate levels of safety are to be obtained.

(g) *Enforcement.* Violations of this section should be reported to the Captain of the Port, Savannah, at (912) 652-4353. In accordance with the general regulations in §165.13 of this part, no person may cause or authorize the operation of a vessel in the regulated

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navigation area contrary to the provisions of this section.

[CGD07-01-037, 67 FR 46867, July 17, 2002]

§ 165.757 Safety Zones; Ports of Ponce, Tallaboa, and Guayanilla, Puerto Rico and Limetree Bay, St. Croix, U.S.V.I.

(a) *Location.* The following areas are established as a safety zones during the specified conditions:

(1) *Port of Ponce, Puerto Rico.* A 100-yard radius surrounding all Liquefied Hazardous Gas (LHG) vessels with product aboard while transiting north of Latitude 17°57.0' N in the waters of the Caribbean Sea on approach to or departing from the Port of Ponce, Puerto Rico (NAD 83). The safety zone remains in effect until the LHG vessel is docked.

(2) *Port of Tallaboa, Puerto Rico.* A 100-yard radius surrounding all Liquefied Hazardous Gas (LHG) vessels with product aboard while transiting north of Latitude 17°56.0' N in the waters of the Caribbean Sea on approach to or departing from the Port of Tallaboa, Puerto Rico (NAD 83). The safety zone remains in effect until the LHG vessel is docked.

(3) *Port of Guayanilla, Puerto Rico.* A 100-yard radius surrounding all Liquefied Hazardous Gas (LHG) vessels around with product aboard while transiting north of Latitude 17°57.0' N in the waters of the Caribbean Sea on approach to or departing from the Port of Guayanilla, Puerto Rico (NAD 83). The safety zone remains in effect until the LHG vessel is docked.

(4) *Port of Limetree Bay, St. Croix, U.S.V.I.* A 100-yard radius surrounding all Liquefied Hazardous Gas (LHG) vessels with product aboard while transiting north of Latitude 17°39.0' N in the waters of the Caribbean Sea on approach to or departing from the Port of Limetree Bay, U.S.V.I. (NAD 83). The safety zone remains in effect until the LHG vessel is docked.

(b) *Regulations.* In accordance with the general regulations in §165.23 of this part, anchoring, mooring or transiting in these zones is prohibited unless authorized by the Coast Guard Captain of the Port. The Marine Safety Office San Juan will notify the maritime community of periods during

which these safety zones will be in effect by providing advance notice of scheduled arrivals and departures on LHG carriers via a broadcast notice to mariners on VHF Marine Band Radio, Channel 16 (156.8 MHz).

[COTP San Juan 02-038, 67 FR 60867, Sept. 27, 2002]

§ 165.758 Security Zone; San Juan, Puerto Rico.

(a) *Location.* Moving and fixed security zones are established 50 yards around all cruise ships entering, departing, moored or anchored in the Port of San Juan, Puerto Rico. The security zone for a cruise ship entering port is activated when the vessel is one mile north of the #3 buoy, at approximate position 18°28'17" N, 66°07'37.5" W. The security zone for a vessel is deactivated when the vessel passes this buoy on its departure from the port.

(b) *Regulations.* (1) Under general regulations in §165.33 of this part, entering, anchoring, mooring or transiting in these zones is prohibited unless authorized by the Coast Guard Captain of the Port of San Juan.

(2) Persons desiring to transit the area of the security zone may contact the Captain of the Port at the Greater Antilles Section Operations Center at (787) 289-2041 or via VHF radio on Channel 16 to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his designated representative.

(3) The Marine Safety Office San Juan will attempt to notify the maritime community of periods during which these security zones will be in effect by providing advance notice of scheduled arrivals and departures of cruise ships via a broadcast notice to mariners.

(c) *Definition.* As used in this section, *cruise ship* means a passenger vessel greater than 100 feet in length that is authorized to carry more than 150 passengers for hire, except for a ferry.

(d) *Authority.* In addition to 33 U.S.C 1231 and 50 U.S.C. 191, the authority for this section includes 33 U.S.C. 1226.

[CGD07-02-042, 67 FR 76991, Dec. 16, 2002]

§ 165.759 Security Zones; Ports of Jacksonville, Fernandina, and Canaveral, Florida.

(a) *Regulated area.* Moving security zones are established 100 yards around all tank vessels, cruise ships, and military pre-positioned ships during transits entering or departing the ports of Jacksonville, Fernandina, and Canaveral, Florida. These moving security zones are activated when the subject vessels pass the St. Johns River Sea Buoy, at approximate position 30 deg. 23' 35" N, 81 deg. 19' 08" West, when entering the port of Jacksonville, or pass Port Canaveral Channel Entrance Buoys # 3 or # 4, at respective approximate positions 28 deg. 22.7 N, 80 deg 31.8 W, and 28 deg. 23.7 N, 80 deg. 29.2 W, when entering Port Canaveral. Fixed security zones are established 100 yards around all tank vessels, cruise ships, and military pre-positioned ships docked in the Ports of Jacksonville, Fernandina, and Canaveral, Florida.

(b) *Regulations.* In accordance with the general regulations §165.33 of this part, entry into these zones is prohibited except as authorized by the Captain of the Port, or a Coast Guard commissioned, warrant, or petty officer designated by him. The Captain of the Port will notify the public of any changes in the status of this zone by Marine Safety Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz).

(c) *Definition.* As used in this section: cruise ship means a passenger vessel, except for a ferry, greater than 100 feet in length that is authorized to carry more than 12 passengers for hire.

(d) *Authority.* In addition to 33 U.S.C. 1231 and 50 U.S.C. 191, the authority for this section includes 33 U.S.C. 1226.

[COTP Jacksonville 02-066, 68 FR 3186, Jan. 23, 2003]

§ 165.761 Security Zones; Port of Palm Beach, Port Everglades, Port of Miami, and Port of Key West, Florida.

(a) *Location.* The following areas are security zones:

(1) *Fixed and moving security zones around vessels in the Ports of Palm Beach, Port Everglades, Miami, and Key West, Florida.* Moving security zones are established 100 yards around all

passenger vessels, vessels carrying cargoes of particular hazard, or vessels carrying liquefied hazardous gas (LHG) as defined in 33 CFR parts 120, 126 and 127 respectively, during transits entering or departing the Ports of Palm Beach, Port Everglades, Miami or Key West, Florida. These moving security zones are activated when the subject vessel passes: "LW" buoy, at approximate position 26°46.3'N, 080°00.6'W, when entering the Port of Palm Beach, passes "PE" buoy, at approximate position 26°05.5'N, 080°04.8'W, when entering Port Everglades; the "M" buoy, at approximate position 25°46.1'N, 080°05.0'W, when entering the Port of Miami; and "KW" buoy, at approximate position 24°27.7'N, 081°48.1'W, when entering the Port of Key West. Fixed security zones are established 100 yards around all passenger vessels, vessels carrying cargoes of particular hazard or liquefied hazardous gas (LHG) as defined in 33 CFR parts 120, 126 and 127 respectively, while they are docked in the Ports of Palm Beach, Port Everglades, Miami or Key West, Florida.

(2) *Fixed security zone in the Port of Miami, Florida.* A fixed security zone encompasses all waters between Watson Park and Star Island on the MacArthur Causeway south to the Port of Miami. The western boundary is formed by an imaginary line from points 25°46.79'N, 080°10.90'W, to 25°46.77'N, 080°10.92'W to 25°46.88'N, 080°10.84'W, and ending on Watson Park at 25°47.00'N, 080°10.67'W. The eastern boundary is formed by an imaginary line from the traffic light located at Bridge road, in approximate position 25°46.33'N, 080°09.12'W, which leads to Star Island, and MacArthur Causeway directly extending across the Main Channel to the Port of Miami, at 25°46.26'N, 080°09.18'W. The fixed security zone is activated when two or more passenger vessels, vessels carrying cargoes of particular hazard, or vessels carrying liquefied hazardous gas (LHG) as defined in 33 CFR parts 120, 126 and 127 respectively, enter or moor within this zone.

(i) Vessels may be allowed to transit the Main Channel when only one passenger vessel or vessel carrying cargoes of particular hazard are berthed, by

staying on the north side of the law enforcement boats and cruise ship tenders which will mark a transit lane in channel.

(ii) When passenger vessels are not berthed on the Main Channel, navigation will be unrestricted. Law enforcement vessels can be contacted on VHF Marine Band Radio, Channel 16 (156.8 MHz).

(3) *Fixed security zones in the Port Everglades.* A fixed security zone encompasses all waters west of an imaginary line starting at the northern most point 26°05.98' N, 080°07.15' W, near the west side of the 17th Street Causeway Bridge, to the southern most point 26°05.41' N, 080°06.96' W, on the northern tip of pier 22. An additional fixed security zone encompasses the Intracoastal Waterway between a line connecting point 26°05.41' N, 080°06.97' W, on the northern tip of berth 22 and a point directly east across the Intracoastal Waterway to 26°05.41' N, 080°06.74' W; and a line drawn from the corner of Port Everglades berth 29 at point 26°04.72' N, 080°06.92' W, easterly across the Intracoastal Waterway to John U. Lloyd Beach, State Recreational Area at point 26°04.72' N, 080°06.81' W.

(i) Vessels may be allowed to transit the Intracoastal Waterway when passenger vessels or vessels carrying cargoes of particular hazard are berthed, by staying east of the law enforcement vessels and cruise ship tenders, which will mark a transit lane in the Intracoastal Waterway.

(ii) Periodically, vessels may be required to temporarily hold their positions while large commercial traffic operates in this area. Vessels in this security zone must follow the orders of the COTP or his designated representative, who may be embarked in law enforcement or other vessels on scene. When passenger vessels are not berthed on the Intracoastal Waterway, navigation will be unrestricted. Law enforcement vessels can be contacted on VHF Marine Band Radio, Channel 16 (156.8 MHz).

(b) *Regulations.* (1) Prior to commencing the movement, the person directing the movement of a passenger vessel, a vessel carrying cargoes of particular hazard or a vessel carrying liquefied hazardous gas (LHG) as defined

in Title 33, Code of Federal Regulations parts 120, 126 and 127 respectively, is encouraged to make a security broadcast on VHF Marine Band Radio, Channel 13 (156.65 MHz) to advise mariners of the moving security zone activation and intended transit.

(2) In accordance with the general regulations §165.33 of this part, entry into these zones is prohibited except as authorized by the Captain of the Port Miami or his designated representative. Other vessels such as pilot boats, cruise ship tenders, tug boats and contracted security vessels may assist the Coast Guard Captain of the Port under the direction of his designated representative by monitoring these zones strictly to advise mariners of the restrictions. The Captain of the Port will notify the public via Marine Safety Radio Broadcast on VHF Marine Band Radio, Channel 16 (156.8 MHz) when the security zones are being enforced.

(3) Persons desiring to enter or transit the area of the security zone may contact the Captain of the Port at (305) 535-8701 or on VHF Marine Band Radio, Channel 16 (156.8 MHz) to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his or her designated representative.

(4) The Captain of the Port Miami may waive any of the requirements of this subpart for any vessel upon finding that the vessel or class of vessel, operational conditions, or other circumstances are such that application of this subpart is unnecessary or impractical for the purpose of port security, safety or environmental safety.

(c) *Definition.* As used in this section, cruise ship means a passenger vessel greater than 100 feet in length and over 100 gross tons that is authorized to carry more than 12 passengers for hire making voyages lasting more than 24 hours, except for a ferry.

(d) *Authority.* In addition to 33 U.S.C. 1231 and 50 U.S.C. 191, the authority for this section includes 33 U.S.C. 1226.

[COTP Miami 02-115, 68 FR 3189, Jan. 23, 2003]

§ 165.762 Security Zone; St. Thomas, U.S. Virgin Islands.

(a) *Location.* Moving and fixed security zones are established 50 yards

around all cruise ships entering, departing, moored or anchored in the Port of St. Thomas, U.S. Virgin Islands. The security zone for a cruise ship entering port is activated when the vessel passes: St. Thomas Harbor green lighted buoy 3 in approximate position 18°19'19" North, 64°55'40" West when entering the port using St. Thomas Channel; red buoy 2 in approximate position 18°19'15" North, 64°55'59" West when entering the port using East Gregorie Channel; and red lighted buoy 4 in approximate position 18°18'16" North, 64°57'30" West when entering the port using West Gregorie Channel. These zones are deactivated when the cruise ship passes any of these buoys on its departure from the Port.

(b) *Regulations.* (1) Under general regulations in §165.33 of this part, entering, anchoring, mooring or transiting in these zones is prohibited unless authorized by the Coast Guard Captain of the Port of San Juan.

(2) Persons desiring to transit the area of the security zone may contact the Captain of the Port at the Greater Antilles Section Operations Center at (787) 289-2041 or via VHF radio on Channel 16 to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his designated representative.

(3) The Marine Safety Office San Juan will attempt to notify the maritime community of periods during which these security zones will be in effect by providing advance notice of scheduled arrivals and departures of cruise ships via a broadcast notice to mariners.

(c) *Definition.* As used in this section, *cruise ship* means a passenger vessel greater than 100 feet in length that is authorized to carry more than 150 passengers for hire, except for a ferry.

(d) *Authority.* In addition to 33 U.S.C. 1231 and 50 U.S.C. 191, the authority for this section includes 33 U.S.C. 1226.

[COTP San Juan 03-024, 68 FR 33391, June 4, 2003]

EFFECTIVE DATE NOTE: By COTP San Juan 03-024, 68 FR 33391, June 4, 2003, § 165.762 was added, effective July 7, 2003.

EIGHTH COAST GUARD DISTRICT

§ 165.T08-019 Regulated Navigation Area; Reporting Requirements for Barges Loaded with Certain Dangerous Cargoes, Inland Rivers, Eighth Coast Guard District.

(a) *Regulated Navigation Area.* The following waters are a Regulated Navigation Area (RNA): Mississippi River above mile 235.0, Above Head of Passes, including all its tributaries; the Atchafalaya River above mile 55.0 including the Red River; the Ohio River and all its tributaries; and the Tennessee River from its confluence with the Ohio River to mile zero on the Mobile River and all other tributaries between these two rivers.

(b) *Applicability.* This section applies to operators of barges loading or loaded with certain dangerous cargoes (CDCs) within the Regulated Navigation Area. This section does not apply to operators of "empty" CDC barges, as defined in the definitions section.

(c) *Definitions.* As used in this section:

Barge means a non-self propelled vessel engaged in commerce, as set out in 33 CFR 160. 204, published February 28, 2003 in *Notification of Arrival in U.S. Ports*, (68 FR 9537, 9544).

Certain Dangerous Cargoes (CDCs) includes any of the following:

(1) Division 1.1 or 1.2 explosives as defined in 49 CFR 173.50, and that is in a quantity in excess of 100 metric tons per barge.

(2) Division 1.5D blasting agents for which a permit is required under 49 CFR 176.415 or, for which a permit is required as a condition of a Research and Special Programs Administration (RSPA) exemption, and that is in a quantity in excess of 100 metric tons per barge.

(3) Division 2.3 "poisonous gas", as listed in 49 CFR 172.101 that is also a "material poisonous by inhalation" as defined in 49 CFR 171.8, and that is in a quantity in excess of 1 metric ton per barge.

(4) Division 5.1 "Ammonium Nitrate and Certain Ammonium Nitrate Fertilizers" for which a permit is required under 49 CFR 176.415, or for which a permit is required as a condition of a RSPA exemption, and that is in a

quantity in excess of 100 metric tons per barge.

(5) A liquid material that has a primary or subsidiary classification of Division 6.1 "poisonous material" as listed in 49 CFR 172.101 that is also a "material poisonous by inhalation", as defined in 49 CFR 171.8 and that is in a bulk packaging, or that is in a quantity in excess of 20 metric tons per barge when not in a bulk packaging.

(6) Class 7, "highway route controlled quantity" radioactive material or "fissile material, controlled shipment", as defined in 49 CFR 173.403.

(7) Bulk liquefied chlorine gas and Bulk liquefied gas cargo that is flammable and/or toxic and carried under 46 CFR 154.7.

(8) The following bulk liquids:

- (i) Acetone cyanohydrin,
- (ii) Allyl alcohol,
- (iii) Chlorosulfonic acid,
- (iv) Crotonaldehyde,
- (v) Ethylene chlorohydrin,
- (vi) Ethylene dibromide,
- (vii) Methacrylonitrile,
- (viii) Oleum (fuming sulfuric acid),

and

- (ix) Propylene Oxide.

CDC barge means a barge loaded with CDCs.

Downbound means the tow is traveling with the current.

Eighth Coast Guard District means the Coast Guard District as set out in 33 CFR part 3.40-1.

Empty means no product and the barge is certified as gas free by a marine chemist.

Final destination means the final destination of the CDC barge(s); fleeting area, receiving facility or terminal.

Gas free means the barge has been certified by a marine chemist to be gas free.

Loaded means the barge is loaded, or containing CDC cargo residue and not gas free.

Operator means any person, including but not limited to an owner, charterer, or contractor, who conducts or is responsible for the operation of a barge.

Upbound means the tow is traveling against the current.

(d) *Effective dates.* This section is effective from April 16, 2003 through October 31, 2003.

(e) *Regulations.* (1) The operator of a barge(s) loaded with or being loaded with CDCs in the RNA must report to the Inland River Vessel Movement Center (IRVMC):

(i) 4 hours prior to loading a barge(s) with CDCs;

(ii) 4 hours prior to dropping off a CDC barge(s) at a fleeting area;

(iii) 4 hours prior to picking up a CDC barge(s) from a fleeting area;

(iv) 4 hours prior to getting underway with a CDC barge(s) within the RNA;

(v) upon point of entry into the RNA with a CDC barge(s);

(vi) at designated reporting points, set forth in Table 165.T08-019(f), in paragraph (f) of this section;

(vii) when the estimated time of arrival (ETA) to a reporting point varies by 6 hours from the previously reported ETA;

(viii) any significant deviation from previously reported information;

(ix) upon arrival at a "final" destination with a CDC barge(s), if arrival is within the RNA;

(x) upon departing the RNA with a CDC barge(s); and

(xi) when directed by the IRVMC.

(2) Each report to the IRVMC must contain all the information items specified in Table 165.T08-019(g), in paragraph (g) of this section.

(3) Reports required by this section must be made to the IRVMC either by telephone toll free to (866) 442-6089, by fax toll free to (866) 442-6107, or by e-mail to *irvmc@cgstl.uscg.mil*.

(4) The general regulations contained in 33 CFR 165.13 apply to this section.

(f) *Eighth Coast Guard District inland river reporting points.* Operators of barges loading or loaded with CDCs must report the information required by this section at the reporting points designated in Table 165.T08-019(f) to this paragraph.

Table 165.T08-019(f). Eighth Coast Guard District Inland River Reporting Points

- (1) Lower Mississippi River (LMR) Upbound Reporting Points, Mile Marker (M):
 - (i) M 235.0 (Checking into RNA)
 - (ii) M 310.0
 - (iii) M 385.0
 - (iv) M 460.0

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- (v) M 535.0
- (vi) M 610.0
- (vii) M 700.0
- (viii) M 775.0
- (ix) M 850.0
- (x) M 925.0
- (2) Lower Mississippi River (LMR) Downbound Reporting Points, Mile Marker (M):
 - (i) M 850.0
 - (ii) M 775.0
 - (iii) M 650.0
 - (iv) M 525.0
 - (v) M 400.0
 - (vi) M 270.0
 - (vii) M 235.0 (Checking out of RNA)
- (3) Upper Mississippi River (UMR) Upbound Reporting Points: at Mile Marker (M) and when Departing Lock & Dam (L&D):
 - (i) M 60.0
 - (ii) M 145.0
 - (iii) L&D 25
 - (iv) L&D 21
 - (v) L&D 18
 - (vi) L&D 14
 - (vii) L&D 11
 - (viii) L&D 8
 - (ix) L&D 4
 - (x) L&D 3
- (4) Upper Mississippi River (UMR) Downbound Reporting Points, at Mile Marker (M) and when Departing Lock & Dam (L&D), unless otherwise indicated:
 - (i) L&D 3
 - (ii) L&D 4
 - (iii) L&D 8
 - (iv) L&D 11
 - (v) L&D 14
 - (vi) L&D 18
 - (vii) L&D 21
 - (viii) L&D 25
 - (ix) Upon arriving at Melvin Price L&D
 - (x) M 145.0
 - (xi) M 20.0
- (5) Missouri River (MOR) Upbound Reporting Points, at Mile Marker (M):
 - (i) M 30.0
 - (ii) M 120.0
 - (iii) M 225.0
 - (iv) M 325.0
 - (v) M 425.0
 - (vi) M 525.0
 - (vii) M 575.0
 - (viii) M 675.0
 - (ix) M 730.0
- (6) Missouri River (MOR) Downbound Reporting Points, at Mile Marker (M):
 - (i) M 730.0
 - (ii) M 675.0
 - (iii) M 550.0
 - (iv) M 400.0
 - (v) M 225.0
 - (vi) M 55.0
- (7) Illinois River (ILR) Upbound Reporting Points, at Mile Marker (M) and when Departing Lock & Dam (L&D):
 - (i) M 0.0
 - (ii) New LaGrange L&D
 - (iii) M 140.0
 - (iv) M 187.2 (Checking out RNA)
- (8) Illinois River (ILR) Downbound Reporting Points, at mile marker and when Departing Lock & Dam (L&D):
 - (i) 187.2 (Checking in RNA)
 - (ii) New LaGrange L&D
- (9) Ohio River Upbound Reporting Points, at Mile Marker (M) and when Departing Lock & Dam (L&D), unless otherwise indicated:
 - (i) M 920
 - (ii) Upon arriving at John T Meyers L&D
 - (iii) M 825.0
 - (iv) M 747.0
 - (v) M 675.0
 - (vi) M 630.0
 - (vii) M 557.0
 - (viii) M 512.0
 - (ix) M 407.0
 - (x) Greenup L&D
 - (xi) Robert C. Byrd L&D
 - (xii) Belleville L&D
 - (xiii) Hannibal L&D
 - (xiv) Upon arriving at Montgomery L&D
- (10) Ohio River Downbound Reporting Points, at Mile Marker (M) and when Departing Lock & Dam (L&D), unless otherwise indicated:
 - (i) Montgomery L&D
 - (ii) Hannibal L&D
 - (iii) Belleville L&D
 - (iv) Robert C. Bryd L&D
 - (v) Greenup L&D
 - (vi) Capt Anthony Meldahl L&D
 - (vii) M 550.0
 - (viii) M 650.0
 - (ix) M 750.0
 - (x) John T Meyers L&D
 - (xi) Upon arriving at Smithland L&D
- (11) Allegheny River Upbound:

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- (i) Report when departing RNA
- (12) Allegheny River Downbound Reporting Point, when Arriving Lock & Dam (L&D):
 - (i) L&D 4
- (13) Monongahela River Upbound:
 - (i) No reporting point
- (14) Monongahela River Downbound Reporting Point, when Arriving Lock & Dam (L&D):
 - (i) L&D 4
 - (ii) M 24.2
- (15) Kanawha River Upbound Reporting Point, when Arriving Lock & Dam (L&D):
 - (i) Winfield L&D
- (16) Kanawha River Downbound Reporting Point, when Departing Lock & Dam (L&D):
 - (i) Winfield L&D
- (17) Cumberland River Upbound Reporting Points, at Mile Marker (M) and when Departing Lock & Dam (L&D):
 - (i) Barkley L&D
 - (ii) M 125.0
- (18) Cumberland River Downbound Reporting Points, at Mile Marker (M) and when Departing Lock & Dam (L&D), unless otherwise indicated:
 - (i) Upon arriving at the Old Hickory L&D
 - (ii) M 125.0
 - (iii) Barkley L&D
- (19) Tennessee River Upbound Reporting Points, at Mile Marker (M) and when Departing Lock & Dam (L&D), unless otherwise indicated:
 - (i) Kentucky L&D
 - (ii) M 125.0
 - (iii) Pickwick Landing L&D
 - (iv) General Joe Wheeler L&D
 - (v) Gunterville L&D
 - (vi) Nickajack L&D
 - (vii) Watts Bar L&D
 - (viii) Upon arriving at Fort Loudon L&D
- (20) Tennessee River Downbound Reporting Points, at Mile Marker (M) and when Departing Lock & Dam (L&D), unless otherwise indicated:
 - (i) Fort Loudon L&D
 - (ii) Watts Bar L&D
 - (iii) Upon arriving at Chickamauga L&D
 - (iv) Nickajack L&D
 - (v) Gunterville L&D
 - (vi) General Joe Wheeler L&D
 - (vii) Pickwick Landing L&D
 - (viii) M 125.0
 - (ix) Kentucky L&D
- (21) Tennessee-Tombigbee River, Upbound Reporting Points, at Mile Marker (M) and when Departing Lock & Dam (L&D):
 - (i) Lock D
 - (ii) Aberdeen L&D
 - (iii) Aliceville L&D
 - (iv) M 200.0
 - (v) M 100.0 Tombigbee River
- (22) Tennessee-Tombigbee River, Downbound Reporting Points, at Mile Marker (M) and when Departing Lock & Dam (L&D):
 - (i) Coffeerville L&D
 - (ii) M 200.0
 - (iii) Aliceville L&D
 - (iv) Aberdeen L&D
 - (v) Lock D
- (23) Mobile River, Upbound Reporting Point at Mile Marker (M):
 - (i) 0.0 (Checking in RNA)
- (24) Mobile River, Downbound Reporting Point at Mile Marker (M):
 - (i) 0.0 (Checking out RNA)
- (25) Black Warrior River, Upbound Reporting Point when Departing L&D:
 - (i) Holt L&D
- (26) Black Warrior River, Downbound Reporting Point when Departing L&D:
 - (i) Holt L&D
- (27) Alabama River, Upbound Reporting Points at Mile Marker (M) and when Departing L&D:
 - (i) Claiborne L&D
 - (ii) M 160.0
 - (iii) M 255.0
- (28) Alabama River, Downbound Reporting Points when Departing L&D:
 - (i) M 255.0
 - (ii) M 160.0
 - (iii) Claiborne L&D
- (29) McClellan-Kerr Arkansas River Navigation System Upbound Reporting Points, when Departing Lock & Dam (L&D), unless otherwise indicated:
 - (i) L&D 4
 - (ii) Upon arriving at David D. Terry L&D
 - (iii) L&D 9
 - (iv) Ozark-Jeta Taylor L&D

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- (v) W.D. Mayo L&D
- (vi) Chouteau L&D
- (30) McClellan-Kerr Arkansas River Navigation System Downbound Reporting Points, when Departing Lock & Dam (L&D):
 - (i) Chouteau L&D
 - (ii) W.D. Mayo L&D
 - (iii) Ozark-Jeta Taylor L&D
 - (iv) L&D 9
 - (v) David D. Terry L&D
 - (vi) L&D 2
- (31) Red River Upbound Reporting Points, Mile Marker and when Departing Lock & Dam (L&D):
 - (i) L.C. Boggs L&D
 - (ii) Lock 3
 - (iii) M 180.0
- (32) Red River Downbound Reporting Points, when Departing Lock & Dam (L&D):
 - (i) Lock 3
 - (ii) L.C. Boggs L&D
- (33) Atchafalaya River, Upbound Reporting Point at Mile Marker (M):
 - (i) 55.0 (Checking in RNA)
- (34) Atchafalaya River, Downbound Reporting Point at Mile Marker (M):
 - (i) 55.0 (Checking out RNA)
 - (g) *Required information to be reported to the Inland River Vessel Movement Center (IRVMC).* Operators of barges loading or loaded with CDCs must report the information required by this section, as set out in Table 165.T08-019(g) to this paragraph.

TABLE 165.T08-019(g). REQUIRED INFORMATION TO BE REPORTED TO THE INLAND RIVER VESSEL MOVEMENT CENTER (IRVMC)

	24 hr contact no.	Name and location of the facility or terminal where the barge(s) will be loaded	Name of vessel moving the barge(s)	Barge(s) name	Type, name and amount of CDC to be loaded or on-board	Estimated time of departure from the fleeting area, facility or terminal	Planned route, name and location of "final destination" (fleeting area, receiving facility or terminal), including estimated date of arrival	Reporting point	Estimated time of arrival (ETA) to next reporting point
(1) 4 hours prior to loading a barge(s) with CDC	X	X	.....	X	X	.....	.....	.....	.....
(2) 4 hours prior to dropping off a CDC barge(s) to a fleeting area .....	.....	.....	.....	X	.....	.....	X	.....	.....
(3) 4 hours prior to picking up a CDC barge(s) from a fleeting area	X	.....	X	X	X	X	X	.....	X
(4) 4 hours prior to getting underway within the RNA	X	.....	X	X	X	.....	X	X	X
(5) Upon point of entry into the RNA	X	.....	X	X	X	.....	X	X	X
(6) At designated reporting points in Table 165.T08-019(f) .....	.....	.....	X	X	(1)	.....	(1)	X	X
(7) When ETA to a reporting point varies by 6 hours from previously reported ETA .....	.....	.....	X	X	(1)	.....	.....	.....	X

TABLE 165.T08-019(g). REQUIRED INFORMATION TO BE REPORTED TO THE INLAND RIVER VESSEL MOVEMENT CENTER (IRVMC)—Continued

	24 hr contact no.	Name and location of the facility or terminal where the barge(s) will be loaded	Name of vessel moving the barge(s)	Barge(s) name	Type, name and amount of CDC to be loaded or on-board	Estimated time of departure from the fleeting area, facility or terminal	Planned route, name and location of "final destination" (fleeting area, receiving facility or terminal), including estimated date of arrival	Reporting point	Estimated time of arrival (ETA) to next reporting point
(8) Any significant deviation from previously reported information	X	X	X	X	X	X	X	X	X
(9) Upon arrival at destination .....	.....	.....	X	X	.....	.....	.....	.....	.....
(10) Upon departing the RNA .....	.....	.....	X	X	.....	.....	.....	X	.....
(11) When directed by the IRVMC	X	X	X	X	X	X	X	X	X

¹ If changed.

(h) Deviation from the requirements of this section is prohibited unless specifically authorized by the Commander, Eighth Coast Guard District or designated representatives. Designated representatives include Captains of the Port within the Eighth Coast Guard District.

[CGD08-03-014, 68 FR 23396, May 2, 2003]

EFFECTIVE DATE NOTE: By CGD08-03-014, 68 FR 23396, May 2, 2003, § 165.08T-019 was added, effective Apr. 16, 2003 to Oct. 31, 2003.

§ 165.T08-020 Security Zone; Chevron Pascagoula Refinery, Pascagoula, Mississippi.

(a) *Location.* The following area is a security zone: all waters of Bayou Casotte east of a line drawn from position 30°19'09"N, 88°30'63"W to position 30°20'42"N, 88°30'51"W at the Chevron Pascagoula Refinery. These coordinates are based upon [NAD 83].

(b) *Effective period.* This section is effective from 8 a.m. on March 22, 2003 until 5 p.m. on September 22, 2003.

(c) *Regulations:* (1) Entry into or remaining in this zone is prohibited unless authorized by the Coast Guard Captain of the Port Mobile or a designated representative.

(2) Persons or vessels desiring to transit the area of the security zone may contact the Captain of the Port Mobile at telephone number (251) 441-5121 or on VHF channel 16 to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port Mobile or his designated representative.

[COTP Mobile-03-009, 68 FR 23595, May 5, 2003]

EFFECTIVE DATE NOTE: By COTP Mobile-03-009, 68 FR 23595, May 5, 2003, § 165.T08-020 was added, effective Mar. 22, 2003 to Sept. 22, 2003.

§ 165.802 Lower Mississippi River, vicinity of Old River Control Structure—Safety Zone.

(a) The area enclosed by the following boundary is a safety zone—from the Black Hawk Point Light, mile 316.1 AHP LMR to a point opposite Ft. Adams Light, mile 311.5 AHP along the low water reference plane above the right descending bank; thence to the levee on a line perpendicular to the channel centerline; thence along the levee to the upstream end of the Old River Overbank structure; thence along a line to the Black Hawk Point Light.

(b) Any vessel desiring to enter this safety zone must first obtain permission from the Captain of the Port, New Orleans. The resident engineer at Old River Control Structure (WUG-424) is delegated the authority to permit entry into this safety zone.

[CGD8-87-10, 53 FR 15207, Apr. 28, 1988, as amended by CGD8 89-03, 54 FR 16108, Apr. 21, 1989]

§ 165.803 Mississippi River—regulated navigation area.

The following is a Regulated Navigation Area—The waters of the Mississippi River between miles 88 and 240 above Head of Passes.

(a) Definitions. As used in this section:

(1) *Breakaway* means a barge that is adrift and is not under the control of a towing vessel.

(2) *COTP* means the Captain of the Port, New Orleans.

(3) *Fleet* includes one or more tiers.

(4) *Fleeting facility* means the geographic area along or near a river bank at which a barge mooring service, either for hire or not for hire, is established.

(5) *Mooring barge* or *spar barge* means a barge moored to mooring devices and to which other barges may be moored.

(6) *Mooring device* includes a deadman, anchor, pile or other reliable holding apparatus.

(7) *Person in charge* includes any owner, agent, pilot, master, officer, operator, crewmember, supervisor, dispatcher or other person navigating, controlling, directing or otherwise responsible for the movement, action, securing, or security of any vessel, barge, tier, fleet or fleeting facility subject to the regulations in this section.

(8) *Tier* means barges moored interdependently in rows or groups.

(b) Waivers:

(1) The COTP may, upon written request, except as allowed in paragraph (3) of this subsection, waive any regulation in this section if it is found that the proposed operation can be conducted safely under the terms of that waiver.

(2) Each written request for a waiver must state the need for the waiver and describe the proposed operation.

(3) Under unusual circumstances due to time constraints, the person in charge may orally request an immediate waiver from the COTP. The written request for a waiver must be submitted within five working days after the oral request.

(4) The COTP may, at any time, terminate any waiver issued under this subsection.

(c) Emergencies. In an emergency, a person may depart from any regulation in this section to the extent necessary to avoid immediate danger to persons, property or the environment.

(d) Mooring: General.

(1) No person may secure a barge to trees or to other vegetation.

(2) No person may allow a barge to be moored with unraveled or frayed lines or other defective or worn mooring.

(3) No person may moor barges side to side unless they are secured to each other from fittings as close to each corner of abutting sides as practicable.

(4) No person may moor barges end to end unless they are secured to each other from fittings as close to each corner of abutting ends as practicable.

(e) *Mooring to a mooring device.* (1) A barge may be moored to mooring devices if the upstream end of that barge is secured to at least one mooring device and the downstream end is secured to at least one other mooring device, except that from mile 127 to mile 240 a barge may be moored to mooring devices if the upstream end of that barge is secured to at least one mooring device.

(2) Barges moored in tiers may be shifted to mooring devices if the shoreward barge at the upstream end of the tier is secured to at least one mooring device, and the shoreward barge at the downstream end of the tier is secured to at least one other mooring device, except that from mile 127 to mile 240 barges moored in tiers may be shifted to mooring devices if the shoreward barge at the upstream end of the tier is secured to at least one mooring device.

(3) Each wire rope used between the upstream end of a barge and a mooring device must have at least a diameter of 1¼ inch. Chain or line used between the upstream end of a barge and a mooring device must be at least equivalent in

strength to 1¼ inch diameter wire rope.

(4) Each wire rope used between the downstream end of a barge and a mooring device must have at least a diameter of ⅞ inch. Chain or line used between the downstream end of a barge and a mooring device must be of at least equivalent strength of ⅞ inch diameter wire rope.

(f) Moorings: Barge-to-barge; barge-to-vessel; barge-to-wharf or pier. The person in charge shall ensure that a barge moored to another barge, a mooring or spar barge, a vessel, a wharf, or a pier, is secured as near as practicable to each abutting corner of the barge being moored by:

(1) Three parts of wire rope of at least ⅞ inch diameter with an eye at each end of the rope passed around the timberhead, caval, or button;

(2) A mooring of natural or synthetic fiber rope that has at least 75 percent of the breaking strength of three parts of ⅞ inch diameter wire rope; or

(3) Fixed rigging that is at least equivalent to three parts of ⅞ inch diameter wire rope.

(g) Mooring: Person in charge.

(1) The person in charge of a barge, tier, fleet or fleeting facility shall ensure that the barge, tier, fleet or fleeting facility meets the requirements in paragraphs (d) and (e) of this section.

(2) The person in charge shall ensure that all mooring devices, wires, chains, lines and connecting gear are of sufficient strength and in sufficient number to withstand forces that may be exerted on them by moored barges.

(h) Fleeting facility: inspection of moorings.

(1) The person in charge of a fleeting facility shall assign a person to inspect moorings in accordance with the requirements in paragraph (h)(2) of this section.

(2) The person assigned to inspect moorings shall inspect:

(i) At least twice each day during periods that are six hours or more apart, each mooring wire, chain, line and connecting gear between mooring devices and each wire, line and connecting equipment used to moor each barge; and

(ii) After a towboat adds barges to, withdraws barges from, or moves

barges at a fleeting facility, each mooring wire, line, and connecting equipment of each barge within each tier affected by that operation.

(3) The person who inspects moorings shall take immediate action to correct each deficiency.

(i) Fleeting facility: Records. The person in charge of a fleeting facility shall maintain, and make available to the Coast Guard, records containing the following information:

(1) The time of commencement and termination of each inspection required in paragraph (h)(2) of this section.

(2) The name of each person who makes the inspection required in paragraph (h)(2) of this section.

(3) The identification of each barge entering and departing the fleeting facility, along with the following information:

(i) Date and time of entry and departure; and

(ii) The names of any hazardous cargo which the barge is carrying.

NOTE: The requirements in paragraph (i)(3) of this section for the listing of hazardous cargo refer to cargoes regulated by Subchapters D and O of Chapter I, Title 46, Code of Federal Regulations.

(j) Fleeting facility: Surveillance.

(1) The person in charge of a fleeting facility shall assign a person to be in continuous surveillance and to observe the barges in the fleeting facility. Joint use of this person by adjacent facilities may be considered upon submission of a detailed proposal for a waiver to the COTP.

(2) The person who observes the barges shall:

(i) Inspect for movements that are unusual for properly secured barges; and

(ii) Take immediate action to correct each deficiency.

(k) Fleeting facility: person in charge. The person in charge of a fleeting facility shall ensure that each deficiency found under the requirements of paragraph (h) or (j) of this section is corrected.

(l) Securing breakaways. The person in charge shall take immediate action to:

(1) Secure each breakaway; and

(2) Report each breakaway as soon as possible to the COTP by telephone,

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radio or other means of rapid communication.

(m) High water.

(1) This subsection applies to barges on the Mississippi River between miles 88 and 240 above Head of Passes when:

(i) The Carrollton gage stands 12 feet or more; or

(ii) The Carrollton gage stands 10 feet, the U.S. Army Corps of Engineers forecasts the Mississippi River is rising to 12 feet, and the District Commander determines these circumstances to be especially hazardous and issues orders directing that paragraphs (m)(2) and (3) of this section are in effect.

(2) During high water, the person in charge of a fleeting facility shall ensure compliance with the following requirements:

(i) Each fleet consisting of eight or more barges must be attended by at least one radar-equipped towboat for each 100 barges or less. Joint use of this towboat by adjacent facilities may be considered upon submission of a detailed proposal for a waiver.

(ii) Each fleet must have two or more towboats in attendance when:

(A) Barges are withdrawn from or moved within the fleet and the fleet at the start of the operation contains eight or more barges; or

(B) Barges are added to the fleet and the number of barges being added plus the fleet at the start of the operation total eight or more.

(iii) Each towboat required in paragraphs (m)(2)(i) and (2)(ii) of this section must be:

(A) Capable of safely withdrawing, moving or adding each barge in the fleet;

(B) Immediately operational;

(C) Radio-equipped;

(D) Within 500 yards of the barges; and

(iv) The person in charge of each towboat required in paragraphs (m)(2)(i) and (2)(ii) of this section shall maintain:

(A) A continuous guard on the frequency specified by current Federal Communications Commission regulations found in Part 83 of Title 47, Code of Federal Regulations; and

(B) When moored, a continuous watch on the barges in the fleeting facility.

(v) During periods when visibility is less than 200 yards, the person in charge of each towboat required in paragraph (m)(2)(i) of this subsection shall maintain, when moored, a continuous radar surveillance of the barges moored in the fleeting facility.

(3) During high water when visibility is reduced to less than 200 yards:

(i) Tows may not be assembled or disassembled;

(ii) No barge may be added to, withdrawn from or moved within a fleet except:

(A) A single barge may be added to or withdrawn from the channelward or downstream end of the fleet; and

(B) Barges made up in a tow may depart a fleet from the channelward or downstream end of the fleet; and

(iii) No person in charge of a tow arriving in this regulated navigation area may moor unless the COTP is notified prior to arrival in the regulated navigation area.

[CGD 79-034, 47 FR 29660, July 8, 1982, as amended by CGD 82-020, 47 FR 35483, Aug. 16, 1982; CGD 79-026, 48 FR 35408, Aug. 4, 1983; CGD 88-075, 54 FR 14958, Apr. 14, 1989; CGD08-94-006, 59 FR 21935, Apr. 28, 1994; CGD08-94-006, 60 FR 37944, July 25, 1995]

§ 165.804 Snake Island, Texas City, Texas; mooring and fleeting of vessels—safety zone.

(a) The following is a safety zone:

(1) The west and northwest shores of Snake Island;

(2) The Turning Basin west of Snake Island;

(3) The area of Texas City Channel from the north end of the Turning Basin to a line drawn 000° true from the northwesternmost point of Snake Island.

(b) Special regulations. All vessels are prohibited from mooring, anchoring, or otherwise stopping in the safety zone, except in case of an emergency.

(c) Barges are prohibited from fleeting or grounding in the zone.

(d) In an emergency, vessels shall advise the Captain of the Port, Houston-Galveston, of the nature of the emergency via the most rapid means available.

[CGD 79-034, 47 FR 29660, July 8, 1982, as amended by USCG-2000-7223, 65 FR 40058, June 29, 2000]

§ 165.805 Calcasieu Channel and Industrial Canal, Calcasieu River, Lake Charles, LA.

(a) The waters and waterfront facility located within the area described by the following boundaries constitutes a safety zone:

(1) When a Liquefied Natural Gas (LNG) vessel is moored at Trunkline LNG facility: Beginning at the west side property line at position 30°06'38" N., 93°17'34" W., a line extending in an eastward direction and 50 feet from shore to a point 50 feet west of mooring dolphin #1; then due south to a line running in an eastward direction and 50 feet south of the moored LNG vessel to a line running due north to a point 50 feet east of mooring dolphin #13; and then a line extending in an eastward direction and 50 feet from shore to the end of the turning basin.

(2) When an LNG vessel is not moored at the Trunkline LNG facility: Beginning at the west side property line at position 30°06'38" N., 93°17'34" W., a line extending in an eastward direction and 50 feet from shore to a point 50 feet west of mooring dolphin #1; then a continuous uniform line extending 50 feet outside of all facility docks and structures to a point 50 feet east of mooring dolphin #13; and then a line extending in an eastward direction and 50 feet from shore to the end of the turning basin.

(b) The waters within the following boundaries are a safety zone while a non-gas free LNG vessel is transiting within the Calcasieu River ship channel and between buoy "CC" and the Trunkline LNG facility: The area 2 miles ahead, 1 mile astern, and to either side of an LNG vessel to the width of the ship channel. Meeting, crossing, or overtaking situations are not permitted within the safety zone unless specifically authorized by the USCG Captain of the Port.

(c) Notice of transiting LNG vessels will be provided by Broadcast and/or Local Notice to Mariners.

[CGD 82-10, 47 FR 41957, Sept. 23, 1982, as amended by CGD8 82-10, 50 FR 31592, Aug. 5, 1985; COTP Port Arthur, TX Reg. 90-03, 56 FR 66599, Dec. 24, 1991; USCG-1998-3799, 63 FR 35533, June 30, 1998]

§ 165.806 Sabine Neches Waterway, Texas—regulated navigation area.

(a) The following is a regulated navigation area—The Sabine Neches Waterway which includes the following waters: Sabine Pass Channel, Port Arthur Canal, Sabine Neches Canal, Neches River, Sabine River and all navigable waterways tributary thereto.

(b) Unless otherwise authorized by the Captain of the Port, Port Arthur, Texas, tows on a hawser of 1000 gross tons or greater transiting the Sabine-Neches Waterway are prohibited unless such tows have a tug of sufficient horsepower made up to the tow in such a manner as to insure that complete and effective control is maintained throughout the transit. Inbound vessels only, may shift the tow or pick up an additional tug within 100 yards inside the entrance jetties provided that such action is necessary for reasons of prudent seamanship.

[CGD8-83-09, 49 FR 35500, Sept. 10, 1984]

§ 165.807 Calcasieu River, Louisiana—regulated navigation area.

(a) The following is a regulated navigation area—The Calcasieu River from the Calcasieu jetties up to and including the Port of Lake Charles.

(b) Unless otherwise authorized by the Captain of the Port, Port Arthur, Texas, tows on a hawser of 1000 gross tons or greater transiting the Calcasieu River are prohibited unless such tows have a tug of sufficient horsepower made up to the tow in such a manner as to insure that complete and effective control is maintained at all times. Inbound vessels only, may shift the tow or pick up an additional tug within 100 yards inside the entrance jetties provided that such action is necessary for reasons for prudent seamanship.

[CGD8-83-09, 49 FR 35500, Sept. 10, 1984]

§ 165.808 Corpus Christi Ship Channel, Corpus Christi, TX, safety zone.

(a) The following areas are established as safety zones during specified conditions:

(1) For incoming tank vessels loaded with Liquefied Petroleum Gas, the waters within a 500 yard radius of the LPG carrier while the vessel transits

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the Corpus Christi Ship Channel to the LPG receiving facility. The safety zone remains in effect until the LPG vessel is moored at the LPG receiving facility.

(2) For outgoing tank vessels loaded with LPG, the waters within a 500 yard radius of the LPG carrier while the vessel departs the LPG facility and transits the Corpus Christi Ship Channel. The safety zone remains in effect until the LPG vessel passes the seaward extremity of the Aransas Pass Jetties.

(b) The general regulations governing safety zones contained in 33 CFR 165.23 apply.

(c) The Captain of the Port will notify the maritime community of periods during which this safety zone will be in effect by providing advance notice of scheduled arrivals and departures of loaded LPG vessels via a Marine Safety Information Broadcast Notice to Mariners.

[CGD 8-84-07, 50 FR 15744, Apr. 22, 1985; 50 FR 19933, May 13, 1985]

§ 165.809 Security Zones; Port of Port Lavaca-Point Comfort, Point Comfort, TX and Port of Corpus Christi Inner Harbor, Corpus Christi, TX.

(a) *Location.* The following areas are designated as a security zone:

(1) *Port of Port Lavaca-Point Comfort*—all waters between the Dredge Island Bridge at 28°39'30" N, 96°34'20" W and a line drawn between points 28°38'10" N, 96°33'15" W and 28°38'10" N, 96°34'45" W including the Point Comfort turning basin and the adjacent Alcoa Channel. These coordinates are based upon NAD 1983.

(2) *Port of Corpus Christi Inner Harbor*—all waters of the Corpus Christi Inner Harbor from the Inner Harbor Bridge (US HWY 181) to, and including the Viola Turning Basin.

(b) *Regulations.* (1) No recreational vessels, passenger vessels, or commercial fishing vessels may enter these security zones unless specifically authorized by the Captain of the Port Corpus Christi or his designated representative.

(2) Recreational vessels, passenger vessels and commercial fishing vessels requiring entry into these security zones must contact the Captain of the

Port Corpus Christi or his designated representative. The Captain of the Port may be contacted via VHF Channel 16 or via telephone at (361) 888-3162 to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port, Corpus Christi or his designated representative.

(3) Designated representatives include U.S. Coast Guard commissioned, warrant, and petty officers.

(c) *Authority.* In addition to 33 U.S.C. 1231, the authority for this section includes 33 U.S.C. 1226.

[COTP Corpus Christi-02-003, 67 FR 64046, Oct. 17, 2002]

§ 165.810 Mississippi River, LA-regulated navigation area.

(a) *Purpose and applicability.* This section prescribes rules for all vessels operating in the Lower Mississippi River below mile 233.9 above Head of Passes including South Pass and Southwest Pass, to assist in the prevention of allisions; collisions and groundings so as to ensure port safety and protect the navigable waters of the Mississippi River from environmental harm resulting from those incidents, and to enhance the safety of passenger vessels moored or anchored in the Mississippi River.

(b) Lower Mississippi River below mile 233.9 above Head of Passes including South and Southwest Passes:

(1) *Supervision.* The use, administration, and navigation of the waterways to which this paragraph applies shall be under the supervision of the District Commander, Eighth Coast Guard District.

(2) *Speed; high-water precautions.* When passing another vessel (in motion, anchored, or tied up), a wharf or other structure, work under construction, plant engaged in river and harbor improvement, levees withstanding flood waters, building partially or wholly submerged by high water, or any other structure liable to damage by collision, suction or wave action, vessels shall give as much leeway as circumstances permit and reduce their speed sufficiently to preclude causing damages to the vessel or structure being passed. Since this subparagraph

pertains directly to the manner in which vessels are operated, masters of vessels shall be held responsible for strict observance and full compliance therewith. During high river stages, floods, or other emergencies, the District Commander may prescribe by navigation bulletins or other means the limiting speed in land miles per hour deemed necessary for the public safety for the entire section or any part of the waterways covered by this paragraph, and such limiting speed shall be strictly observed.

(3) *Towing.* Towing in any formation by a vessel with insufficient power to permit ready maneuverability and safe handling is prohibited.

(c) Movement of vessels in vicinity of Algiers Point, New Orleans Harbor:

(1) *Control lights.* When the Mississippi River reaches 8 feet on the Carrollton Gage on a rising stage, and until the gage reads 9 feet on a falling stage, the movement of all tugs with tows and all ships, whether under their own power or in tow, but excluding tugs or towboats without tows or river craft of comparable size and maneuverability operating under their own power, in the vicinity of Algiers Point shall be governed by red and green lights designated and located as follows: Governor Nicholls Light located on the left descending bank on the wharf shed at the upstream end of Esplanade Avenue Wharf, New Orleans, approximately 94.3 miles above Head of Passes; and Gretna Light located on the right descending bank on top of the levee at the foot of Ocean Avenue, Gretna, approximately 96.6 miles above Head of Passes. Governor Nicholls Light has lights visible from both upstream and downstream, and Gretna Light has lights visible from upstream, all indicating by proper color the direction of traffic around Algiers Point. From downstream, Gretna Light always shows green. All lights are visible throughout the entire width of the river and flash once every second. A green light displayed ahead of a vessel (in the direction of travel) indicates that Algiers Point is clear and the vessel may proceed. A red light displayed ahead of a vessel (in the direction of travel) indicates that Algiers Point is not clear and the vessel shall not pro-

ceed. Absence of lights shall be considered a danger signal and no attempt shall be made to navigate through the restricted area.

NOTE: To provide advance information to downbound vessels whether the control light at Gretna (Gretna Light) is red or green, a traffic light is located at Westwego on the right descending bank, on the river bature at the end of Avenue B, approximately 101.4 miles above Head of Passes.

(2) *Ascending vessels.* Ascending vessels shall not proceed farther up the river than a line connecting the upper end of Atlantic Street Discharge Light (on right descending bank) with the lower end of Desire Street Wharf (on left descending bank) when a red light is displayed. Vessels waiting for a change of signal shall keep clear of descending vessels.

(3) *Descending vessels.* (i) Descending vessels shall not proceed farther down the river than a line connecting the lower end of Julia Street Wharf (on left descending bank) with the vertical flagpole at Eastern Associated Terminals (on right descending bank) when a red light is displayed. Vessels shall round to and be headed upstream before they reach that line, if the signal remains against the vessel. Vessels waiting for a change of signal shall keep clear of ascending vessels.

(ii) Vessels destined to a wharf above the lower end of Julia Street Wharf shall signal the Gretna towerman three long blasts and one short blast of a whistle or horn to indicate that the vessel is not bound below the Julia Street Wharf.

(iii) The master, pilot, or authorized representative of any vessel scheduled to depart from a wharf between Governor Nicholls Light and Louisiana Avenue, bound downstream around Algiers Point, shall communicate with the Governor Nicholls Light towerman by telephone to determine whether the channel at Algiers Point is clear before departure. When the point is clear, vessels shall then proceed promptly so that other traffic will not be unnecessarily delayed.

NOTE: Telephone numbers of both signal towers will be published in navigation bulletins in advance of each operating period.

(4) *Minor changes.* The District Commander is authorized to waive operation or suspension of the lights whenever prospective river stages make it appear that the operation or suspension will be required for only a brief period of time or when river stages will rise or fall below the critical stage which is established for operation or suspension by only a few tenths on the Carrollton Gage.

(5) *Underpowered vessels.* When the Carrollton Gage reads 12 feet or higher, any vessel which is considered by the master or pilot as being underpowered or a poor handler shall not navigate around Algiers Point without the assistance of a tug or tugs.

(6) *Towing.* When the Carrollton Gage reads 12 feet or higher, towing on a hawser in a downstream direction between Julia Street and Desire Street is prohibited except by special permission of the District Commander.

(d) Navigation of South and Southwest Passes.

(1) No vessel, except small craft and towboats and tugs without tows, shall enter either South Pass or Southwest Pass from the Gulf until after any descending vessel which has approached within two and one-half (2½) miles of the outer end of the jetties and visible to the ascending vessel shall have passed to sea.

(2) No vessel having a speed of less than ten mph shall enter South Pass from the Gulf when the stage of the Mississippi River exceeds 15 feet on the Carrollton Gage at New Orleans. This paragraph does not apply when Southwest Pass is closed to navigation.

(3) No vessel, except small craft and towboats and tugs without tows, ascending South Pass shall pass Franks Crossing Light until after a descending vessel shall have passed Depot Point Light.

(4) No vessel, except small craft and towboats and tugs without tows, shall enter the channel at the head of South Pass until after an ascending vessel which has reached Franks Crossing Light shall have passed through into the river.

(5) When navigating South Pass during periods of darkness no tow shall consist of more than one towed vessel other than small craft, and during day-

light hours no tow shall consist of more than two towed vessels other than small craft. Tows may be in any formation. When towing on a hawser, the hawser shall be as short as practicable to provide full control at all times.

(6) When towing in Southwest Pass during periods of darkness no tow shall consist of more than two towed vessels other than small craft, and during daylight hours no tow shall consist of more than three towed vessels other than small craft.

(e) Watch requirements for anchored and moored passenger vessels.

(1) *Passenger vessels.* Except as provided in paragraph (e)(2) of this section, each passenger vessel with one or more passengers on board, must—

(i) Keep a continuously manned pilot-house; and

(ii) Monitor river activities and marine VHF, emergency and working frequencies of the port, so as to be immediately available to take necessary action to protect the vessel, crew, and passengers if an emergency radio broadcast, danger signal, or visual or other indication of a problem is received or detected.

(2) Each ferryboat, and each small passenger vessel to which 46 CFR 175.110 applies, may monitor river activities using a portable radio from a vantage point other than the pilot-house.

(f) Each self-propelled vessel of 1,600 or more gross tons subject to 33 CFR part 164 shall also comply with the following:

(1) While under way in the RNA, each vessel must have an engineering watch capable of monitoring the propulsion system, communicating with the bridge, and implementing manual-control measures immediately when necessary. The watch must be physically present in the machinery spaces or in the machinery-control spaces and must consist of at least a licensed engineer.

(2) Before embarking a pilot when entering or getting under way in the RNA, the master of each vessel shall ensure that the vessel is in compliance with 33 CFR part 164.

(3) The master shall ensure that the chief engineer has certified that the

following additional operating conditions will be satisfied so long as the vessel is under way within the RNA:

- (i) The main propulsion plant is in all respects ready for operations including the main-propulsion air-start systems, fuel systems, lubricating systems, cooling systems, and automation systems;
- (ii) Cooling, lubricating, and fuel-oil systems are at proper operating temperatures;
- (iii) Main propulsion machinery is available to immediately respond to the full range of maneuvering commands any load-limiting programs or automatic acceleration-limiting programs that would limit the speed of response to engine orders beyond that needed to prevent immediate damage to the propulsion machinery are capable of being overridden immediately.
- (iv) Main-propulsion standby systems are ready to be immediately placed in service.

(Sec. 104, Pub. L. 92-340, 86 Stat. 424 (33 U.S.C. 1224); sec. 2, Pub. L. 95-474, 92 Stat. 1471 (33 U.S.C. 1223); 49 CFR 1.46(n)(4))

[CGD 75-082, 42 FR 51759, Sept. 29, 1977, as amended by CGD 78-080, 44 FR 47933, Aug. 16, 1979; CGD 86-049, 51 FR 27840, Aug. 4, 1986. Redesignated by CGD 90-020, 59 FR 36324, July 15, 1994; CGD 95-033, 60 FR 28333, May 31, 1995; CCGD08-97-020, 62 FR 58653, Oct. 30, 1997; CCGD08-97-020, 64 FR 18813, Apr. 16, 1999]

§ 165.811 Atchafalaya River, Berwick Bay, LA-regulated navigation area.

- (a) The following is a regulated navigation area: the waters of the Atchafalaya River in Berwick Bay bounded on the northside from 2,000 yards north of the U.S. 90 Highway Bridge and on the southside from 4,000 yards south of the Southern Pacific Railroad (SPRR) Bridge.
- (b) Within the regulated navigation area described in paragraph (a) of this section, § 161.40 of this chapter establishes a VTS Special Area for waters within a 1000 yard radius of the SPRR Bridge.
- (c) When the Morgan City River gauge reads 3.0 feet or above mean sea level, in addition to the requirements set forth in § 161.13 of this chapter, the requirements of paragraph (d) and (e) of this section apply to a towing vessel which will navigate:

- (1) under the lift span of the SPRR Bridge; or
- (2) through the navigational opening of the U.S. 90 Highway Bridge; or
- (3) through the navigational opening of the Highway 182 Bridge.
- (d) *Towing requirements.* (1) Towing on a hawser is not authorized, except that one self-propelled vessel may tow one other vessel without barges upbound;
 - (2) A towing vessel and barges must be arranged in tandem, except that one vessel may tow one other vessel alongside;
 - (3) Length of tow must not exceed 1,180 feet; and
 - (4) Tows with a box end in the lead must not exceed 400 feet in length.

NOTE: The variation in the draft and the beam of the barges in a multi-barge tow should be minimized in order to avoid unnecessary strain on coupling wires.

- (e) *Horsepower Requirement.* (1) The following requirements apply to a towing vessel of 3,000 hp or less:

TABLE 165.811(E)—MINIMUM AVAILABLE HORSEPOWER REQUIREMENT
[The greater value listed.]

Direction of tow	Daytime (sunrise to sunset)	Nighttime (sunset to sunrise)
Upbound	400hp or (Length of tow—300ft) × 3.	600hp or (Length of tow—200ft) × 3.
Downbound	600hp or (Length of tow—200ft) × 3.	600hp or (Length of tow) × 3.

Note: A 5% variance from the available horsepower is authorized.

- (2) All tows carrying cargoes of particular hazard as defined in § 160.203 of this chapter must have available horsepower of at least 600 hp or three times the length of tow, whichever is greater.
- (f) *Notice of Requirements.* Notice that these rules are anticipated to be put into effect, or are in effect, will be given by:
 - (1) Marine information broadcasts;
 - (2) Notices to mariners;
 - (3) Vessel Traffic Center advisories or upon vessel information request; and
 - (4) Visual displays on top of the SPRR Bridge, consisting of:
 - (i) Two vertically arranged red balls by day; or
 - (ii) Two vertically arranged flashing white lights by night.

NOTE: Visual displays are not shown during precautionary periods (when the Morgan

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City River Gauge reads 2.5 feet above mean sea level). However, precautionary notices will be issued via marine notice to mariners, notice to mariners, VTC advisories or vessel information requests, when water level remains at or above 2.5 feet. Visual displays are Class I, private aids to navigation maintained by SPRR Bridge.

[CGD 90-020, 59 FR 36334, July 15, 1994, as amended by CGD 95-033, 60 FR 28333, May 31, 1995]

§ 165.812 Security Zones; Lower Mississippi River, Southwest Pass Sea Buoy to Mile Marker 96.0, New Orleans, LA.

(a) *Location.* Within the Lower Mississippi River and Southwest Pass, moving security zones are established around all cruise ships between the Southwest Pass Entrance Lighted Buoy "SW", at approximate position 28°52'42"N, 89°25'54"W [NAD 83] and Lower Mississippi River mile marker 96.0 in New Orleans, Louisiana. These moving security zones encompass all waters within 500 yards of a cruise ship. These zones remain in effect during the entire transit of the vessel and continue while the cruise ship is moored or anchored.

(b) *Regulations.* (1) Entry of persons and vessels into these zones is prohibited unless authorized as follows.

(i) Vessels may enter within 500 yards but not closer than 100 feet of a cruise ship provided they operate at the minimum speed necessary to maintain a safe course.

(ii) No person or vessel may enter within 100 feet of a cruise ship unless expressly authorized by the Coast Guard Captain of the Port New Orleans or his designated representative.

(iii) Moored vessels or vessels anchored in a designated anchorage area are permitted to remain within 100 feet of a cruise ship while it is in transit.

(2) Vessels requiring entry within 500 yards of a cruise ship that cannot slow to the minimum speed necessary to maintain a safe course must request express permission to proceed from the Captain of the Port New Orleans or his designated representative.

(3) For the purpose of this rule the term "cruise ship" is defined as a passenger vessel over 100 gross tons, carrying more than 12 passengers for hire, making a voyage lasting more than 24

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hours, any part of which is on the high seas, and for which passengers are embarked or disembarked in the United States or its territories.

(4) The Captain of the Port New Orleans will inform the public of the moving security zones around cruise ships via Marine Safety Information Broadcasts.

(5) To request permission as required by these regulations contact "New Orleans Traffic" via VHF Channels 13/67 or via phone at (504) 589-2780 or (504) 589-6261.

(6) All persons and vessels within the moving security zones shall comply with the instructions of the Captain of the Port New Orleans and designated on-scene U.S. Coast Guard patrol personnel. On-scene U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

(c) *Authority.* In addition to 33 U.S.C. 1231, the authority for this section includes 33 U.S.C. 1226.

[COTP New Orleans-02-005, 67 FR 61989, Oct. 3, 2002]

§ 165.813 Security Zones; Ports of Houston and Galveston, TX.

(a) *Location.* Within the Ports of Houston and Galveston, Texas, moving security zones are established encompassing all waters within 500 yards of a cruise ship between Galveston Bay Approach Lighted Buoy "GB", at approximate position 29°21'18" N, 94°37'36" W [NAD 83] and up to, and including, Barbours Cut. These zones remain in effect during the inbound and outbound entire transit of the cruise ship and continues while the cruise ship is moored or anchored.

(b) *Regulations.* (1) Entry of vessels or persons into these zones is prohibited unless authorized as follows.

(i) Vessels may enter within 500 yards but not closer than 100 yards of a cruise ship provided they operate at the minimum speed necessary to maintain a safe course.

(ii) No person or vessel may enter within 100 yards of a cruise ship unless expressly authorized by the Coast Guard Captain of the Port Houston-Galveston. Where the Houston Ship Channel narrows to 400 feet or less between Houston Ship Channel Entrance

Lighted Bell Buoy "18", light list no. 34385 at approximately 29°21'06" N, 94°47'00" W [NAD 83] and Barbours Cut, the Captain of the Port Houston-Galveston may permit vessels that must transit the navigable channel between these points to enter within 100 yards of a cruise ship.

(iii) Moored vessels or vessels anchored in a designated anchorage area are permitted to remain within 100 yards of a cruise ship while it is in transit.

(2) Vessels requiring entry within 500 yards of a cruise ship that cannot slow to the minimum speed necessary to maintain a safe course must request express permission to proceed from the Captain of the Port Houston-Galveston, or his designated representative.

(3) For the purpose of this section the term "cruise ship" is defined as a passenger vessel over 100 gross tons, carrying more than 12 passengers for hire, making a voyage lasting more than 24 hours, any part of which is on the high seas, and for which passengers are embarked or disembarked in the United States or its territories.

(4) The Captain of the Port Houston-Galveston will inform the public of the moving security zones around cruise ships via Marine Safety Information Broadcasts.

(5) To request permission as required by these regulations contact "Houston Traffic" via VHF Channels 11/12 or via phone at (713) 671-5103.

(6) All persons and vessels within the moving security zone shall comply with the instructions of the Captain of the Port Houston-Galveston and designated on-scene U.S. Coast Guard patrol personnel. On-scene U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

(c) *Authority.* In addition to 33 U.S.C. 1231, the authority for this section includes 33 U.S.C. 1226.

[COTP Houston-Galveston-02-010, 67 FR 64048, Oct. 17, 2002]

§ 165.814 Security Zones; Captain of the Port Houston-Galveston Zone.

(a) *Location.* The following areas are designated as security zones:

(1) *Houston, Texas.* The Houston Ship Channel and all associated turning basins, bounded by a line drawn between Houston Ship Channel Light 132 (LLNR-24445) and Houston Ship Channel Light 133 (LLNR-24450) west to the T & N Rail Road Swing Bridge at the entrance to Buffalo Bayou, including all waters adjacent to the ship channel from shoreline to shoreline and the first 200 yards of connecting waterways.

(2) *Morgan's Point, Texas.* The Barbours Cut Ship Channel and Turning Basin containing all waters west of a line drawn between Junction Light "Barbours Cut" 29°41'12" N, 94°59'12" W (LLNR-23525), and Houston Ship Channel Light 91, 29°41'00" N, 94°59'00" W (LLNR-23375) (NAD 1983).

(3) *Bayport, TX.* The Port of Bayport, Bayport Ship Channel and Bayport Turning Basin containing all waters south of latitude 28°36'45" N and west of Bayport Ship Channel Light 9 (LLNR-23295) (NAD 1983).

(4) *Texas City, Texas.* The Port of Texas City Channel, Turning Basin and Industrial Canal containing all waters bounded by the area south and west of a line drawn from Texas City Channel Light 19 (LLNR 24810) through Cut B Inner Range Front Light (LLNR 24765) and terminating on land in position 29°23'16" N, 94°53'15" W (NAD 1983).

(5) *Freeport, Texas.* (i) The Dow Barge Canal containing all waters bounded by its junction with the Intracoastal Waterway, by a line drawn between the eastern point at latitude 28°56'48" N, 95°18'20" W, and the western point at 28°56'40" N, 95°18'33" W (NAD 1983).

(ii) The Brazos Harbor containing all waters west of a line drawn between the northern point at 28°56'27" N, 95°20'00" W, and the southern point 28°56'09" N, 95°20'00" W (NAD 1983) at its junction with the Old Brazos River Cut.

(b) *Effective dates.* This section is effective on April 15, 2003.

(c) *Regulations.* (1) Entry of into these zones is prohibited except for the following:

(i) Commercial vessels operating at waterfront facilities within these zones;

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(ii) Commercial vessels transiting directly to or from waterfront facilities within these zones;

(iii) Vessels providing direct operational/logistic support to commercial vessels within these zones;

(iv) Vessels operated by the appropriate port authority or by facilities located within these zones; and

(v) Vessels operated by federal, state, county, or municipal agencies.

(2) Other persons or vessels requiring entry into a zone described in this section must request express permission to enter from the Captain of the Port Houston-Galveston, or designated representative.

(3) To request permission as required by these regulations contact "Houston Traffic" via VHF Channels 11/12 or by phone at (713) 671-5103.

(4) All persons and vessels shall comply with the instructions of the Captain of the Port Houston-Galveston and designated on-scene U.S. Coast Guard patrol personnel. On-scene U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

[COTP Houston-Galveston-02-009, 67 FR 23593, May 5, 2003]

§ 165.815 Ohio River at Louisville, KY; regulated navigation area.

(a) The following is a regulated navigation area: The waters of the Ohio River from the Clark Memorial (Highway) Bridge at Mile 603.5, downstream to McAlpine Dam at Mile 604.4.

(b) The general regulations governing regulated navigation area contained in 33 CFR part 165, subpart B apply.

(c) No pleasure or fishing craft shall be operated within the regulated navigation area at any time without prior permission of the Captain of the Port, Louisville, Kentucky, except in case of emergency and except for passage through McAlpine Lock.

[CGD 2-89-04, 55 FR 23203, June 7, 1990. Redesignated by CGD 96-026, 61 FR 33669, June 28, 1996]

§ 165.817 Arkansas River, Mile 118.2 to 125.4, Little Rock Arkansas—regulated navigation area.

(a) Location. The following is a regulated navigation area (RNA): The wa-

ters of the Arkansas River between mile 118.2 and mile 125.4.

(b) Regulations. Transit of the RNA is limited during periods of high velocity flow, defined as the flow rate of 70,000 cubic feet per second or more at the Murray Lock and Dam at mile 125.4. The flow rate at this location is calculated by the U.S. Army Corps of Engineers on a regular and routine basis. This information will be distributed by announcements by Coast Guard Marine Information Broadcasts, publication in Coast Guard Local Notice to Mariners, and telephone or radio contact with the Lockmaster at Murray Lock and Dam.

(c) Transit of the RNA during periods of high velocity flow may only occur under the following conditions:

(1) Vessels may not meet or pass in the RNA.

(2) No vessel shall anchor, stop, remain or drift without power at any time in the RNA.

(3) All vessels shall continually monitor VHF-FM channel 13 on their radiotelephone while in or approaching the RNA.

(4) Prior to entering the RNA, downbound vessels shall make a broadcast in the blind on VHF-FM channel 13 announcing their estimated time of departure from Murray Lock and Dam or from the mooring cells at mile 121.5 to ensure there are no upbound vessels within the RNA. If there is upbound traffic within the RNA, the downbound vessel shall not depart until the upbound vessel has passed through the RNA. After departing, vessels will proceed through the RNA, including all drawbridges located therein, without delay.

(5) When upbound vessels reach mile 116, they shall make a broadcast in the blind on VHF-FM channel 13 announcing their estimated arrival time at the Rock Island Railroad Bridge at mile 118.2.

(6) When a downbound vessel is already in the RNA, an upbound vessel shall adjust its speed so as to avoid a meeting situation in the RNA.

(d) Refer to 33 CFR 117.123 for drawbridge operation regulations.

[CGD2-90-04, 57 FR 22176, May 27, 1992. Redesignated by CGD 96-026, 61 FR 33669, June 28, 1996]

§ 165.820 Security Zone; Ohio River Mile, 34.6 to 35.1, Shippingport, Pennsylvania.

(a) *Location.* The following area is a security zone: The waters of the Ohio River, extending 200 feet from the shoreline of the left descending bank beginning from mile marker 34.6 and ending at mile marker 35.1.

(b) *Regulations.* (1) Entry into or remaining in this zone is prohibited unless authorized by the Coast Guard Captain of the Port, Pittsburgh.

(2) Persons and vessels desiring to transit the area of the security zone may contact the Captain of the Port Pittsburgh at telephone number 412-644-5808 or on VHF channel 16 to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port Pittsburgh or his designated representative.

(c) *Authority.* In addition to 33 U.S.C. 1231, the authority for this section includes 33 U.S.C. 1226.

[COTP Pittsburgh-02-005, 67 FR 40163, June 12, 2002]

§ 165.821 Ohio River at Cincinnati, OH; regulated navigation area.

(a) *Location.* The following is a regulated navigation area (RNA)—The waters of the Ohio River between mile 466.0 and mile 473.0.

(b) *Activation.* The restrictions in paragraphs (c) (1) through (4) are in effect from one-half hour before sunset to one-half hour after sunrise when the Cincinnati, Ohio, Ohio River Gauge is at or above the 45 foot level. The Captain of the Port, Louisville, Kentucky will publish a notice in the Local Notice to Mariners and will make announcements by Coast Guard Marine Information Broadcasts whenever the river level measured at the gauge activates or terminates the navigation restrictions in this section.

(c) *Regulations.*

(1) Transit through the RNA by all downbound vessels towing cargoes regulated by Title 46 Code of Federal Regulations Subchapters D and O with a tow length exceeding 600 feet excluding the tow boat is prohibited.

(2) No vessel shall loiter, anchor, stop, remain or drift without power at

any time within the navigation channel of the RNA.

(3) All commercial vessels shall continually monitor VHF-FM channel 13 on their radiotelephone while in or approaching the RNA.

(4) Between Ohio River miles 464.0 and 466.0, downbound vessels shall make a broadcast in the blind, on VHF-FM channel 13 announcing their estimated time of entering the RNA.

[CGD02-95-003, 61 FR 2417, Jan. 26, 1996. Re-designated by CGD 97-023, 62 FR 33365, June 19, 1997, as amended by USCG-1998-3799, 63 FR 35533, June 30, 1998]

§ 165.822 Security Zone; Ohio River, Mile 119.0 to 119.8, Natrium, WV.

(a) *Location.* The following area is a security zone: the waters of the Ohio River extending 200 feet from the water's edge of the left descending bank between mile markers 119.0 and 119.8.

(b) *Regulations.* (1) Entry into or remaining in this zone is prohibited unless authorized by the Coast Guard Captain of the Port Pittsburgh or a designated representative.

(2) Persons or vessels desiring to transit the area of the security zone may contact the Captain of the Port Pittsburgh at telephone number 412-644-5808 or on VHF channel 16 to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port Pittsburgh or a designated representative.

(c) *Authority.* In addition to 33 U.S.C. 1231, the authority for this section includes 33 U.S.C. 1226.

[CDTP Pittsburgh-02-019, 68 FR 14151, Mar. 24, 2003]

§ 165.825 Security Zones; Captain of the Port St. Louis, Missouri.

(a) *Location.* The following areas are security zones:

(1) *Fort Calhoun Nuclear Power Station Security Zone, Fort Calhoun, Nebraska*—all waters of the Missouri River, extending 75 feet from the shoreline of the right descending bank beginning from mile marker 645.6 and ending at mile marker 646.0.

(2) *Cooper Nuclear Station Security Zone, Brownville, Nebraska*—all waters of the Missouri River, extending 250

feet from the shoreline of the right descending bank beginning from mile marker 532.5 and ending at mile marker 532.9.

(3) *Quad Cities Generating Station Security Zone, Cordova, Illinois*—all waters of the Upper Mississippi River, extending 300 feet from the shoreline of the left descending bank beginning from mile marker 506.3 and ending at mile marker 507.3.

(4) *Prairie Island Nuclear Generating Facility Security Zone, Welch, Minnesota*—all waters of the Upper Mississippi River, extending 300 feet from the shoreline of the right descending bank beginning from mile marker 798.0 and ending at 798.3.

(5) *Clinton Power Station Security Zone, Clinton, Illinois*—all waters of Lake Clinton in Dewitt County in East Central Illinois bounded by a dam constructed near the confluence of Salt Creek River mile 56 and the north fork of Salt Creek. The zone extends out 600 feet from shore. Boundaries of the zone begin at 40°10'30" N, 88°50'30" W; thence east to 40°10'30" N, 88°49'55" W; thence south to 40°10'15" N, 88°49'55" W; thence west to 40°10'15" N, 88°50'30" W; thence returning north to the origin. These coordinates are based upon [NAD 83].

(b) *Regulations.* (1) Entry into these security zones is prohibited unless authorized by the Coast Guard Captain of the Port, St. Louis or designated representative.

(2) The Ft. Calhoun and Cooper security zones include a portion of the navigable channel of the Missouri River. All vessels that may safely navigate outside of the channel are prohibited from entering the security zone without the express permission of the Captain of the Port St. Louis or designated representative. Vessels that are required to use the channel for safe navigation are authorized entry into the zone but must remain within the channel unless expressly authorized by the Captain of the Port St. Louis or designated representative.

(3) Persons or vessels requiring the Captain of the Port St. Louis' permission to enter the security zones must contact the Coast Guard Group Upper Mississippi River at telephone number 319 524-7511 or on VHF marine channel 16 or Marine Safety Detachment Quad

Cities at telephone number 309 782-0627 or the Captain of the Port, St. Louis at telephone number 314 539-3091, ext. 3500 in order to seek permission to enter the security zones. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port, St. Louis or designated representative.

(4) Designated representatives are commissioned, warrant, and petty officers of the U.S. Coast Guard.

(c) *Authority.* In addition to 33 U.S.C. 1231, the authority for this section includes 33 U.S.C. 1226.

[COTP St. Louis-02-005, 67 FR 64043, Oct. 17, 2002]

NINTH COAST GUARD DISTRICT

§ 165.T09-209 Regulated Navigation Area; Reporting Requirements for Barges Loaded with Certain Dangerous Cargoes, Illinois Waterway System Within the Ninth Coast Guard District.

(a) *Regulated Navigation Area.* The following waters are a Regulated Navigation Area (RNA): the Illinois Waterway System above mile 187.2 to the Chicago Lock on the Chicago River at mile 326.7 and to the confluence of the Calumet River and Lake Michigan at mile 333.5 of the Calumet River.

(b) *Applicability.* This section applies to operators of barges loading or loaded with certain dangerous cargoes (CDCs) within the Regulated Navigation Area. This section does not apply to operators of "empty" CDC barges, as defined in the definitions section.

(c) *Definitions.* As used in this section:

Barge means a non-self-propelled vessel engaged in commerce. As set out in 33 CFR 160.204, published February 28, 2003 in *Notification of Arrival in U.S. Ports*, (68 FR 9537, 9544).

Certain Dangerous Cargoes (CDCs) includes any of the following:

(1) Division 1.1 or 1.2 explosives as defined in 49 CFR 173.50, and that is in a quantity in excess of 100 metric tons per barge.

(2) Division 1.5D blasting agents for which a permit is required under 49 CFR 176.415 or, for which a permit is required as a condition of a Research and Special Programs Administration (RSPA) exemption, and that is in a

quantity in excess of 100 metric tons per barge.

(3) Division 2.3 “poisonous gas”, as listed in 49 CFR 172.101 that is also a “material poisonous by inhalation” as defined in 49 CFR 171.8, and that is in a quantity in excess of 1 metric ton per barge.

(4) Division 5.1 “Ammonium Nitrate and Certain Ammonium Nitrate Fertilizers” for which a permit is required under 49 CFR 176.415, or for which a permit is required as a condition of a RSPA exemption, and that is in a quantity in excess of 100 metric tons per barge.

(5) A liquid material that has a primary or subsidiary classification of Division 6.1 “poisonous material” as listed in 49 CFR 172.101 that is also a “material poisonous by inhalation”, as defined in 49 CFR 171.8 and that is in a bulk packaging, or that is in a quantity in excess of 20 metric tons per barge when not in a bulk packaging.

(6) Class 7, “highway route controlled quantity” radioactive material or “fissile material, controlled shipment”, as defined in 49 CFR 173.403.

(7) Bulk liquefied chlorine gas and Bulk liquefied gas cargo that is flammable and/or toxic and carried under 46 CFR 154.7.

(8) The following bulk liquids:

- (i) Acetone cyanohydrin,
- (ii) Allyl alcohol,
- (iii) Chlorosulfonic acid,
- (iv) Crotonaldehyde,
- (v) Ethylene chlorohydrin,
- (vi) Ethylene dibromide,
- (vii) Methacrylonitrile,
- (viii) Oleum (fuming sulfuric acid), and
- (ix) Propylene Oxide.

CDC barge means a barge loaded with CDCs.

Downbound means the tow is traveling with the current.

Empty means no product and the barge is certified gas free by a marine chemist.

Final destination means the final destination of the CDC barge(s); fleeting area, receiving facility or terminal.

Gas free means the barge has been certified by a marine chemist to be gas free.

Loaded means the barge is loaded, or containing CDC cargo residue and not gas free.

Ninth Coast Guard District means the Coast Guard District as set out in 33 CFR part 3.45-1.

Operator means any person, including but not limited to an owner, charterer, or contractor, who conducts or is responsible for the operation of a barge.

Upbound means the tow is traveling against the current.

(d) *Effective dates.* This section is effective from April 16, 2003 through October 31, 2003.

(e) *Regulations.* (1) The operator of a barge(s) loaded with or being loaded with CDCs in the RNA must report to the Inland River Vessel Movement Center (IRVMC):

- (i) 4 hours prior to loading a barge(s) with CDCs;
- (ii) 4 hours prior to dropping off a CDC barge(s) at a fleeting area;
- (iii) 4 hours prior to picking up a CDC barge(s) from a fleeting area;
- (iv) 4 hours prior to getting underway with a CDC barge(s) within the RNA;
- (v) Upon point of entry into the RNA with a CDC barge(s);
- (vi) At designated reporting points, set forth in Table 165.T09-209(f), in paragraph (f) of this section;
- (vii) When the estimated time of arrival (ETA) to a reporting point varies by 6 hours from the previously reported ETA;
- (viii) Any significant deviation from previously reported information;
- (ix) Upon arrival at a “final” destination with a CDC barge(s);
- (x) Upon departing the RNA with a CDC barge(s); and
- (xi) When directed by the IRVMC.

(2) Each report to the IRVMC must contain all the information items specified in Table 165.T09-209(g), in paragraph (g) of this section.

(3) Reports required by this section must be made to the IRVMC either by telephone toll free to (866) 442-6089, by fax toll free to (866) 442-6107, or by e-mail to irvmc@cgstl.uscg.mil.

(4) The general regulations contained in 33 CFR 165.13 apply to this section.

(f) *Ninth Coast Guard District inland river reporting points.* Operators of barges loading or loaded with CDCs must report the information required

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by this section at the reporting points designated in Table 165.T09-209(f) to this paragraph.

Table 165.T09-209(f). *Ninth Coast Guard District Inland River Reporting Points*

(1) Illinois River (ILR) Upbound Reporting Points, at Mile Marker (M) and when Departing Lock & Dam (L&D):

- (i) M 187.2 Southern Boundary MSO Chicago AOR
- (ii) M 271.5 Dresden L&D
- (iii) M 291.0 Lockport L&D
- (iv) M 303.5 Junction of Chicago Sanitary Ship Canal and Calumet Sag Channel
- (v) M 326.4 Thomas S. O'Brien Lock Calumet River
- (vi) M 333.5 Confluence of Calumet River and Lake Michigan
- (vii) M 326.7 Chicago Lock Chicago River

(2) Illinois River (ILR) Downbound Reporting Points, at mile marker and when Departing Lock & Dam (L&D):

- (i) M 326.7 Chicago Lock Chicago River
- (ii) M 333.5 Confluence of Calumet River and Lake Michigan
- (iii) M 326.4 Thomas S. O'Brien Lock Calumet River
- (iv) M 303.5 Junction of Chicago Sanitary Ship Canal and Calumet Sag Channel
- (v) M 291.0 Lockport L&D
- (vi) M 271.5 Dresden L&D
- (vii) M 187.2 Southern Boundary MSO Chicago AOR

(g) *Required information to be reported to the Inland River Vessel Movement Center (IRVMC).* Operators of barges loading or loaded with CDCs must report the information required by this section, as set out in Table 165.T09-209(g) to this paragraph.

TABLE 165.T09-209(g).—REQUIRED INFORMATION TO BE REPORTED TO THE INLAND RIVER VESSEL MOVEMENT CENTER (IRVMC)

	24 hr contact number	Name and location of the facility or terminal where the barge(s) will be loaded.	Name of vessel moving the barge(s)	Barge(s) name	Type, name, and amount of CDC to be loaded or on-board	Estimated time of departure from the fleeting area, facility or terminal.	Planned route, name and location of "final destination" (fleeting area, receiving facility or terminal), including estimated date of arrival	Reporting point	Estimated time of arrival (ETA) to next reporting point
(1) 4 hours prior to loading a barge(s) with CDC	X	X	.....	X	X	.....	.....	.....	.....
(2) 4 hours prior to dropping off a CDC barge(s) to a fleeting area .....	.....	.....	.....	X	.....	.....	X	.....	.....
(3) 4 hours prior to picking up a CDC barge(s) from a fleeting area	X	.....	X	X	X	X	X	.....	X
(4) 4 hours prior to getting underway within the RNA	X	.....	X	X	X	.....	X	X	X
(5) Upon point of entry into the RNA	X	.....	X	X	X	.....	X	X	X
(6) At designated reporting points in TABLE 165.T09-209 (f) .....	.....	.....	X	X	If changed	.....	If changed	X	X

TABLE 165.T09-209(g).—REQUIRED INFORMATION TO BE REPORTED TO THE INLAND RIVER VESSEL MOVEMENT CENTER (IRVMC)—Continued

	24 hr contact number	Name and location of the facility or terminal where the barge(s) will be loaded.	Name of vessel moving the barge(s)	Barge(s) name	Type, name and amount of CDC to be loaded or on-board	Estimated time of departure from the fleeting area, facility or terminal.	Planned route, name and location of "final destination" (fleeting area, receiving facility or terminal), including estimated date of arrival	Reporting point	Estimated time of arrival (ETA) to next reporting point
(7) When ETA to a reporting point varies by 6 hours from previously reported ETA .....	.....	.....	X	X	If changed	.....	.....	.....	X
(8) Any significant deviation from previously reported information	X	X	X	X	X	X	X	X	X
(9) Upon arrival at destination .....	.....	.....	X	X	.....	.....	.....	.....	.....
(10) Upon departing the RNA .....	.....	.....	X	X	.....	.....	.....	X	.....
(11) When directed by the IRVMC	X	X	X	X	X	X	X	X	X

(h) Deviation from the requirements of this section is prohibited unless specifically authorized by the Commander, Ninth Coast Guard District or designated representatives. Designated representatives include Captains of the Port within the Ninth Coast Guard District.

(i) In addition to 33 U.S.C. 1231 and 50 U.S.C. 191, the authority for this section includes 33 U.S.C. 1226.

[CGD09-03-209, 68 FR 23402, May 2, 2003]

EFFECTIVE DATE NOTE: By CGD09-03-209, 68 FR 23402, May 2, 2003, § 165.T09-209 was added, effective Apr. 16, 2003 to Oct. 31, 2003.

§ 165.T09-214 Regulated Navigation Area; Des Plaines River, Joliet, Illinois.

(a) *Regulated navigation area.* The following waters are a Regulated Navigation Area (RNA): All portions of the Des Plaines River between mile 287.3 (McDonough St. Bridge) and mile 288.7 (Ruby Street Bridge).

(b) *Applicability.* This section applies to operators of all southbound tows transiting beneath the Jefferson Street

Bridge (mile 287.9), Joliet, Illinois with barge configurations of over 89 feet in overall width and more than 800 feet in length.

(c) *Regulations.* (1) All southbound tows to which this section applies must use an assist tug when transiting through the RNA.

(2) The general regulations contained in 33 CFR 165.13 apply to this section.

(3) Deviation from this section is prohibited unless specifically authorized by the Commander, Ninth Coast Guard District or his designated representatives. Designated representatives include the Captain of the Port Chicago.

[CDG09-03-214, 68 FR 27729, May 21, 2003]

EFFECTIVE DATE NOTE: By CDG09-03-214, 68 FR 27729, May 21, 2003, § 165.T09-214 was added, effective May 11, 2003 to Nov. 15, 2003.

§ 165.901 Great Lakes—regulated navigation areas.

(a) *Lake Huron.* The following are regulated navigation areas:

(1) The waters of Lake Huron known as South Channel between Bois Blanc Island and Cheboygan, Michigan;

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bounded by a line north from Cheyboygan Crib Light (LL-1340) at 45°39'48"N, 84°27'36"W; to Bois Blanc Island at 45°43'42"N, 84°27'36"W; and a line north from the mainland at 45°43'00"N, 84°35'30"W; to the western tangent of Bois Blanc Island at 45°48'42"N, 84°35'30"W.

(2) The waters of Lake Huron between Mackinac Island and St. Ignace, Michigan, bounded by a line east from position 45°52'12"N, 84°43'00"W; to Mackinac Island at 45°52'12"N, 84°39'00"W; and a line east from the mainland at 45°53'12"N, 84°43'30"W; to the northern tangent of Mackinac Island at 45°53'12"N, 84°38'48"W.

(b) *Lake Michigan.* The following is a regulated navigation area—The waters of Lake Michigan known as Gray's Reef Passage bounded by a line from Gray's Reef Light (LL-2006) at 45°46'00"N, 85°09'12"W; to White Shoals Light (LL-2003) at 45°50'30"N, 85°08'06"W; to a point at 45°49'12"N, 85°04'48"W; then to a point at 45°45'42" N, 85°08'42" W; then to the point of beginning.

(c) *Regulations.* The COTP, Sault Ste. Marie, will close and open these regulated navigation areas as ice conditions dictate. Under normal seasonal conditions, only one closing each winter and one opening each spring are anticipated. Prior to the closing or opening of the regulated navigation areas, the COTP will give interested parties, including both shipping interests and island residents, not less than 72 hours notice of the action. No vessel may navigate in a regulated navigation area which has been closed by the COTP. Under emergency conditions, the COTP may authorize specific vessels to navigate in a closed regulated navigation area.

[CGD 79-034, 47 FR 29660, July 8, 1982, as amended by CGD 79-026, 48 FR 35408, Aug. 4, 1983]

§ 165.902 Niagara River at Niagara Falls, New York—safety zone.

(a) The following is a safety zone—The United States waters of the Niagara River from the crest of the American and Horseshoe Falls, Niagara Falls, New York to a line drawn across the Niagara River from the downstream side of the mouth of Gill Creek

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to the upstream end of the breakwater at the mouth of the Welland River.

§ 165.903 Safety Zones: Cuyahoga River and Old River, Cleveland, OH.

(a) *Location.* The waters of the Cuyahoga River and the Old River extending ten feet into the river at the following eleven locations, including the adjacent shorelines, are safety zones, coordinates for which are based on NAD 83.

(1) From the point where the shoreline intersects longitude 81°42'24.5" W, which is the southern side of the Norfolk and Southern No. 1 railroad bridge, southeasterly along the shore for six hundred (600) feet to the point where the shoreline intersects longitude 81°42'24.5" W, which is the Holy Moses Water Taxi Landing at Fado's Restaurant.

(2) One hundred (100) feet downriver to one hundred (100) feet upriver from 41 degrees 29'53.5" N, 81 degrees 42'33.5" W, which is the knuckle on the north side of the Old River entrance at Ontario Stone.

(3) Fifty (50) feet downriver to fifty (50) feet upriver from 41 degrees 29'48.4" N, 81 degrees 42'44" W, which is the knuckle adjacent to the Ontario Stone warehouse on the south side of the Old River.

(4) From 41 degrees 29'51.1" N, 81 degrees 42'32.0" W, which is the corner of Christie's Cabaret pier at Sycamore Slip on the Old River, to fifty (50) feet east of 41 degrees 29'55.1" N, 81 degrees 42'27.6" W, which is the north point of the pier at Shooter's Restaurant on the Cuyahoga River.

(5) Twenty-five (25) feet downriver to twenty-five (25) feet upriver of 41 degrees 29'48.9" N, 81 degrees 42'10.7" W, which is the knuckle toward the downriver corner of the Nautica Stage.

(6) Ten (10) feet downriver to ten (10) feet upriver of 41 degrees 29'45.5" N, 81 degrees 42'9.7" W, which is the knuckle toward the upriver corner of the Nautica Stage.

(7) The fender on the west bank of the river at 41 degrees 29'45.2" N, 81 degrees 42.10" W, which is the knuckle at Bascule Bridge (railroad).

(8) The two hundred seventy (270) foot section on the east bank of the river between the Columbus Road

bridge (41 degrees 29'18.8" N, 81 degrees 42'02.3W) downriver to the chain link fence at the upriver end of the Commodores Club Marina.

(9) Fifty (50) feet downriver of twenty-five (25) feet upriver from 41 degrees 29'24.5" N, 81 degrees 41'57.2" W, which is the knuckle at the Upriver Marine fuel pump.

(10) Seventy-five (75) feet downriver to seventy-five (75) feet upriver from 41 degrees 29'33.7" N, 81 degrees 41'57.5" W, which is the knuckle adjacent to the warehouse at Alpha Precast Products (United Ready Mix).

(11) Fifteen (15) feet downriver to fifteen (15) feet upriver from 41 degrees 29'41" N, 81 degrees 41'38.6" W, which is the end of the chain link fence between The Club Mega and Shippers C & D.

(b) *Regulations*—(1) *General Rule*. Except as provided below, entry of any kind or for any purpose into the foregoing zones is strictly prohibited in accordance with the general regulations in § 165.23 of this part.

(2) *Exceptions*. Any vessel may transit, but not moor, stand or anchor in, the foregoing zones as necessary to comply with the Inland Navigation Rules or to otherwise facilitate safe navigation. Cargo vessels of 1600 gross tons (GT) or greater may moor in these zones when conducting cargo transfer operations.

(3) *Waivers*. Owners or operators of docks wishing a partial waiver of these regulations may apply to the Captain of the Port, Cleveland, Ohio. Partial waivers will only be considered to allow for the mooring of vessels in a safety zone when vessels of 1600 GT or greater are not navigating in the proximate area. Any requests for a waiver must include a plan to ensure immediate removal of any vessels moored in a safety zone upon the approach of a vessel(s) 1600 GTs or greater.

[COTP Cleveland REG 89-01, 54 FR 9778, Mar. 8, 1989, as amended by CGD 09-95-018, 61 FR 37685, July 19, 1996; USCG-2000-7223, 65 FR 40059, June 29, 2000; USCG-2001-9286, 66 FR 33642, June 25, 2001]

§ 165.904 Lake Michigan at Chicago Harbor & Burnham Park Harbor—Safety and Security Zone.

(a) *Location*. All waters, waterfront facilities, and shoreline areas within

1000 yards of the shoreline surrounding Merrill C. Meigs Airfield constitute a safety and security zone. This includes all waters including Burnham Park Harbor and the southern part of Chicago Harbor, Lake Michigan, bounded by the following coordinates:

(1) Northwest point: 41°52'33"N, 87°36'58"W

(2) Northeast point: 41°52'33"N, 87°35'41"W

(3) Southeast point: 41°50'42"N, 87°35'41"W

(4) Southwest point: 41°50'42"N, 87°36'33"W

(5) From the southwest point, north along the Lake Michigan shoreline, including Burnham Park Harbor, to the northwest point.

(b) *Effective times and dates*. This safety and security zone will be in effect at various times to be published in the Coast Guard Local Notice to Mariners or broadcasted via Marine Radio VHF-FM Channels 16 & 22. These times will include the actual effective time and date and the termination time and date.

(c) *Restrictions*. (1) In accordance with the general regulations in section 165.23 and 165.33 of this part, entry into this zone is prohibited, unless authorized by the U.S. Coast Guard Captain of the Port, Chicago, or the U.S. Secret Service. Other general requirements in §§ 165.23 and 165.33 also apply. Further, no person may enter or remain in the shoreline areas of the established safety and security zone, unless cleared by a Coast Guard or U.S. Secret Service official.

(2) Vessels in Burnham Park Harbor at the commencement of the safety and security zone must be moored and remain moored while the safety and security zone is established, unless authorized to get underway by a Coast Guard or U.S. Secret Service official.

(3) No person may engage in swimming, snorkeling, or diving within the established safety and security zone, except with the permission of the Captain of the Port or U.S. Secret Service.

[CGD09-94-005, 59 FR 45227, Sept. 1, 1994]

§ 165.905 USX Superfund Site Safety Zones: St. Louis River.

(a) The following areas of the St. Louis River, within the designated

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boxes of latitude and longitude, are safety zones:

(1) *Safety Zone #1 (North Spirit Lake):*

North Boundary: 46°41'33" W
South Boundary: 46°41'18" W
East Boundary: 92°11'53" W
West Boundary: 92°12'11" W

(2) *Safety Zone #2 (South Spirit Lake):*

North Boundary: 46°40'45" N
South Boundary: 46°40'33" N
East Boundary: 92°11'40" W
West Boundary: 92°12'05" W

(b) Transit of vessels through the waters covered by these zones is prohibited. Swimming (including water skiing or other recreational use of the water which involves a substantial risk of immersion in the water) or taking of fish (including all forms of aquatic animals) from the waters covered by these safety zones is prohibited at all times.

[CGD09-95-026, 60 FR 52862, Oct. 11, 1995]

§ 165.906 **Lakeside Yacht Club in Cleveland Harbor, Cleveland, OH—regulated navigation areas.**

(a) *Restricted Areas.* The following are areas inside Cleveland Harbor which are subject to navigational restrictions based on the height of vessel masts as specified in paragraph (b) of this section. For the purpose of this section, the term "mast" will be used to include masts, antennae or any other portion of the vessel extending above the waterline. All of these areas are inside the "Lakeside Yacht Club entrance channel," defined as the water area between the Lakeside Yacht Club jetties and the Burke Lakefront Airport landfill, or inside the "Lakeside Yacht Club docks," defined as the docking area inside the Lakeside Yacht Club jetties and immediately adjacent to Lakeside Yacht Club.

(1) *Restricted area no. 1.* Restricted area no. 1 is the water area on the southwest end of the Lakeside Yacht Club entrance channel which is southwest of a line running 328° T and northwest of a line running 232° T from a point at 41°31'28.00" N, 81°40'02.60" W, which point is marked by a fixed flashing yellow light.

(2) *Restricted area no. 2.* Restricted area no. 2 is the water area of the Lakeside Yacht Club entrance channel which is outside restricted area no. 1

and the entrance to the Yacht Club docking area, and southwest of a line running 328° T from the intersection of 81°39'58.47" W and reference line running between point A at 41°31'33.45" N, 81°39'47.45" W and point B at 41°31'19.67" N, 81°40'19.17" W.

(3) *Restricted area no. 3.* Restricted area no. 3 is the water area of the Lakeside Yacht Club entrance channel which is outside restricted area no. 1, and southwest of a line running 328° T from point A at 41°31'33.45" N, 81°39'47.45" W.

(4) *Restricted area no. 4.* Restricted area no. 4 is the area inside the Lakeside Yacht Club docks which is southwest of a line running 328° T from the intersection of 81°39'58.47" W and a reference line running between point A at 41°31'33.45" N, 81°39'47.45" W and point B at 41°31'19.67" N, 81°40'19.17" W, and northwest of the same reference line.

(5) *Restricted area no. 5.* Restricted area no. 5 is the area inside the Lakeside Yacht Club docks which is outside restricted area 4 and northwest of a line 183 feet southeast and parallel to a reference line running between point A at 41°31'33.45" N, 81°39'47.45" W and point B at 41°31'19.67" N, 81°40'19.17" W.

(6) *Restricted area no. 6.* Restricted area no. 6 is the area inside the Lakeside Yacht Club docks which is outside restricted areas 4 and 5.

(b) *Restrictions applicable to vessels of certain heights.* Vessels with masts of certain heights are subject to the following restrictions with reference to the restricted areas detailed in paragraph (a) of this section. The height of a vessel is the height above the water line of masts, antennas, navigational equipment, or any other structure.

(1) *Less than 41 feet.* Vessels less than 41 feet in height are not subject to any restrictions under this section.

(2) *41 to 45 feet.* Vessels at least 41 feet in height yet less than 45 feet in height may not enter restricted area 1.

(3) *45 to 53 feet.* Vessels at least 45 feet in height yet less than 53 feet in height may not enter restricted area 1 and must comply with the clearance procedures prescribed in paragraph (c) when navigating through restricted area 2.

(4) *53 to 63 feet.* Vessels at least 53 feet in height yet less than 63 feet in height may not enter restricted area 1, must

comply with the clearance procedures prescribed in paragraph (c) of this section when navigating through restricted area 2, and may not dock in or enter restricted area 4 at any time.

(5) *63 to 95 feet.* Vessels at least 63 feet in height yet less than 95 feet in height may not enter restricted area 1, must comply with the clearance procedures prescribed in paragraph (c) of this section when navigating through restricted areas 2 or 3, and may not dock in or enter restricted areas 4 or 5 at any time.

(6) *95 feet or more.* Vessel 95 feet or more in height may not enter any restricted area, 1 through 6, at any time.

(c) *Clearance procedures.* Except during the times specified in paragraph (d), operators of vessels subject to these procedures must do the following:

(1) Obtain clearance from the Burke Lakefront Air Traffic Control Tower before navigating through the restricted area(s);

(2) Navigate promptly through the area(s) at a safe and practical speed. Navigation at a safe and practical speed includes brief stops at the fueling dock inside restricted area 3 by vessels with masts between 63 and 95 feet in height; and

(3) Promptly inform the Burke Lakefront Air Traffic Control Tower after clearing the restricted area(s), or of any difficulty preventing prompt clearance. The Burke Lakefront Air Traffic Control Tower may be contacted on marine radio channel 14, or by telephone at (216) 781-6411 except as noted during the suspended hours listed in paragraph (d) of this section. The radio and telephone will be manned when the instrument guided approach system is being utilized.

(4) Clearance may also be obtained for longer periods or for groups of vessels when arranged in advance with Burke Lakefront Airport by any appropriate means of communication, including a prior written agreement.

(d) *Enforcement of clearance requirements.* The clearance procedures specified in paragraph (c) of this section will not be enforced during the following times:

(1) 11:00 p.m. on Fridays to 7:00 a.m. on Saturdays.

(2) 11:00 p.m. on Saturdays to 8:00 a.m. on Sundays.

(3) 12:00 midnight Sunday nights to 7:00 a.m. on Mondays.

(e) *Enforcement.* This section will not be enforced during any period in which the Federal Aviation Administration withdraws approval for operation of an instrument-only approach to runway 24 on the northeast end of Burke Lakefront Airport.

[CGD09-97-002, 64 FR 8006, Feb. 18, 1999]

§ 165.907 Safety Zones: Annual fireworks events in the Captain of the Port Detroit Zone.

(a) *Safety Zones.* The following areas are designated safety zones:

(1) *Bay-Rama Fishfly Festival, New Baltimore, MI:*

(i) *Location.* All waters off New Baltimore City Park, Lake St. Clair—Anchor Bay bounded by the arc of a circle with a 300-yard radius with its center located at approximate position 42°41' N, 082°44' W (NAD 1983).

(ii) *Expected date.* One day early in June.

(2) *Jefferson Beach Marina Fireworks, St. Clair Shores, MI:*

(i) *Location.* All waters of Lake St. Clair within a 300-yard radius of the fireworks barge in approximate position 42°32' N, 082°51' W (NAD 1983), about 1000 yards east of Jefferson Beach Marina.

(ii) *Expected date.* One day in the last week of June.

(3) *Sigma Gamma Assoc., Grosse Pointe Farms, MI:*

(i) *Location.* The waters off Ford's Cove, Lake St. Clair bounded by the arc of a circle with a 300-yard radius with its center in approximate position 42°27' N, 082°52' W (NAD 1983).

(ii) *Expected date.* One day in the last week of June.

(4) *Lake Erie Metro Park Fireworks:* (i) *Location.* The waters off the Brownstown Wave Pool area, Lake Erie bounded by the arc of a circle with a 300-yard radius with its center in approximate position 42°03' N, 083°11' W (NAD 1983).

(ii) *Expected date.* One day in the first week of July.

(5) *City of St. Clair Fireworks:*

(i) *Location.* The waters off St. Clair City Park, St. Clair River bounded by

the arc of a circle with a 300-yard radius with its center in approximate position 42°49' N, 082°29' W (NAD 1983).

(ii) *Expected date.* One day in the first week of July.

(6) *Oscoda Township Fireworks:*

(i) *Location.* The waters off the DNR Boat Launch at the mouth of the Ausable River bounded by the arc of a circle with a 300-yard radius with its center in approximate position 44°19' N, 083°25' W (NAD 1983).

(ii) *Expected Date.* One day in the first week of July.

(7) *Port Austin Fireworks:*

(i) *Location.* The waters off the Port Austin Breakwall, Lake Huron bounded by the arc of a circle with a 300-yard radius with its center in approximate position 43°03' N, 082°40' W (NAD 1983).

(ii) *Expected Date.* One day in the first week of July.

(8) *City of Wyandotte Fireworks, Wyandotte, MI:*

(i) *Location.* The waters off the breakwall between Oak & Van Alstyne St., Detroit River bounded by the arc of a circle with a 300-yard radius with its center in approximate position 42°12' N, 083°09' W (NAD 1983).

(ii) *Expected date.* One day in the first week of July.

(9) *Grosse Pointe Farms Fireworks, Grosse Pointe Farms, MI:*

(i) *Location.* All waters of Lake St. Clair within a 300-yard radius of the fireworks barge in approximate position 42°23' N, 082°52' W (NAD 1983), about 300 yards east of Grosse Pointe Farms.

(ii) *Expected date.* One day in the first week of July.

(10) *Caseville Fireworks, Caseville, MI:*

(i) *Location.* The waters off the Caseville breakwall, Saginaw River bounded by the arc of a circle with a 300-yard radius with its center in approximate position 43°55' N, 083°17' W (NAD 1983).

(ii) *Expected date.* One day in the first week of July.

(11) *Algonac Pickerel Tournament Fireworks, Algonac, MI:*

(i) *Location.* All waters of the St. Clair River within a 300-yard radius of the fireworks barge in approximate position 42°37' N, 082°32' W (NAD 1983), between Algonac and Russell Island, St. Clair River—North Channel.

(ii) *Expected date.* One day in the first week of July.

(12) *Port Sanilac Fireworks, Port Sanilac, MI:*

(i) *Location.* The waters off the South Harbor Breakwall, Lake Huron bounded by the arc of a circle with a 300-yard radius with its center in approximate position 43°25' N, 082°31' W (NAD 1983).

(ii) *Expected date.* One day in the first week of July.

(13) *St. Clair Shores Fireworks, St. Clair Shores, MI:*

(i) *Location.* All waters of Lake St. Clair within a 300-yard radius of the fireworks barge in approximate position 42°32' N, 082°51' W (NAD 1983), about 1000 yards east of Veterans Memorial Park (off Masonic Rd.), St. Clair Shores.

(ii) *Expected date.* One day in the first week of July.

(14) *Port Huron 4th of July Fireworks, Port Huron, MI:*

(i) *Location.* All waters of the Black River within a 300-yard radius of the fireworks barge in approximate position 42°58' N, 082°25' W (NAD 1983), about 300 yards east of 223 Huron Ave., Black River.

(ii) *Expected date.* One day in the first week of July.

(15) *Grosse Pointe Yacht Club 4th of July Fireworks, Grosse Pointe Shores, MI:*

(i) *Location.* All waters of Lake St. Clair within a 300-yard radius of the fireworks barge in approximate position 42°25' N, 082°52' W (NAD 1983), about 400 yards east of the Grosse Pointe Yacht Club seawall, Lake St. Clair.

(ii) *Expected date.* One day in the first week of July.

(16) *Lexington Independence Festival Fireworks, Lexington, MI:*

(i) *Location.* All waters of Lake Huron within a 300-yard radius of the fireworks barge in approximate position 43°13' N, 082°30' W (NAD 1983), about 300 yards east of the Lexington breakwall, Lake Huron.

(ii) *Expected date.* One day in the first week of July.

(17) *City of Ecorse Water Festival Fireworks, Ecorse, MI:*

(i) *Location.* All waters of the Ecorse Channel within a 300-yard radius of the

fireworks barge in approximate position 42°14' N, 083°09' W (NAD 1983), at the northern end of Mud Island, Ecorse.

(ii) *Expected date.* One day in the first week of July.

(18) *Grosse Ile Yacht Club Fireworks:*

(i) *Location.* The waters off the Grosse Ile Yacht Club Deck, Detroit River bounded by the arc of a circle with a 300-yard radius with its center approximately located at latitude 42°05' N, 083°09' W (NAD 1983).

(ii) *Expected date.* One day in the first week of July.

(19) *Trenton Fireworks Display, Trenton, MI:*

(i) *Location.* All waters of the Trenton Channel within a 300-yard radius of the fireworks barge in approximate position 42°09' N, 083°10' W (NAD 1983), about 200 yards east of Trenton, in the Trenton Channel.

(ii) *Expected date.* One day in the first week of July.

(20) *Belle Maer Harbor 4th of July Fireworks, Harrison Township, MI:*

(i) *Location.* All waters of Lake St. Clair within a 300-yard radius of the fireworks barge in approximate position 42°36' N, 082°47' W (NAD 1983), about 400 yards east of Belle Maer Harbor, Lake St. Clair—Anchor Bay.

(ii) *Expected date.* One day in the first week of July.

(21) *Tawas City 4th of July Fireworks, Tawas, MI:*

(i) *Location.* The waters off the Tawas City Pier, Lake Huron bounded by the arc of a circle with a 300-yard radius with its center in approximate position 44°13' N, 083°30' W (NAD 1983).

(ii) *Expected date.* One day in the first week of July.

(22) *Maritime Day Fireworks, Marine City, MI:*

(i) *Location.* All waters of the St. Clair River within a 300-yard radius of the fireworks barge in approximate position 42°43' N, 082°29' W (NAD 1983), about 500 yards east of Marine City, St. Clair River.

(ii) *Expected date.* One day in the second weekend of August.

(23) *Venetian Festival Boat Parade & Fireworks, St. Clair Shores, MI:*

(i) *Location.* All waters of Lake St. Clair within a 300-yard radius of the fireworks barge in approximate position 42°28' N, 082°52' W (NAD 1983),

about 600 yards off Jefferson Beach Marina, Lake St. Clair.

(ii) *Expected date.* One day in the second weekend of August.

(b) *Regulations.*

(1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator shall proceed as directed.

(3) The safety zones in this regulation are outside navigation channels and will not adversely affect shipping. In cases where shipping is affected, commercial vessels may request permission from the Captain of the Port Detroit to transit the safety zone. Approval will be made on a case-by-case basis. Requests must be made in advance and approved by the Captain of the Port before transits will be authorized. The Captain of the Port may be contacted via U.S. Coast Guard Group Detroit on Channel 16, VHF-FM.

(c) *Effective period.* The Captain of the Port Detroit will publish a Notice of Implementation in the FEDERAL REGISTER as well as in the Ninth Coast Guard District Local Notice to Mariners the dates and times this section is in effect.

[CGD09-01-002, 66 FR 27869, May 21, 2001]

§ 165.909 Safety Zones; Annual fireworks events in the Captain of the Port Milwaukee Zone.

(a) *Safety zones.* The following areas are designated safety zones:

(1) *Pridefest Fireworks—Milwaukee, WI.*

(i) *Location.* All waters off of Henry W. Maier Festival Park Harbor Island, outer Milwaukee Harbor from the point of origin at 43°02.209' N, 087°53.714' W; southeast to 43°02.117' N, 087°53.417' W; then south to 43°01.767' N, 087°53.417' W; then southwest to 43°01.555' N, 087°53.772' W; then north following the shoreline back to the point of origin (NAD 83). The Harbor Island Lagoon

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Area is encompassed by this safety zone.

(ii) *Expected date and time.* Second week in June; sunset to termination of display.

(2) *Summerfest Fireworks—Milwaukee, WI.*

(i) *Location.* All waters off of Henry W. Maier Festival Park Harbor Island, outer Milwaukee Harbor encompassed by a line drawn from the point of origin at 43°02.209' N, 087°53.714' W; then southeast to 43°02.117' N, 087°53.417' W; then south to 43°01.767' N, 087°53.417' W; then southwest to 43°01.555' N, 087°53.772' W; then north following the shoreline back to the point of origin (NAD 83). The Harbor Island Lagoon Area is encompassed by this safety zone.

(ii) *Expected date and time.* Last week in June; sunset to termination of display.

(3) *Summerfest Hole-in-One Shoot/Stunt Shows.*

(i) *Location.* All waters of the Harbor Island Lagoon, outer Milwaukee Harbor from the point of origin at 43°02.50' N, 087°53.78' W then west to 43°02.50' N, 087°53.85' W; then following the shoreline of the Henry W. Maier Festival Park and Harbor Island back to the point of origin. All geographic coordinates are North American Datum of 1983 (NAD 83).

(ii) *Expected date and time.* Last week in June through the first two weeks in July; 11:30 a.m. to 9:15 p.m.

(4) *Festa Italiana Fireworks—Milwaukee, WI.*

(i) *Location.* All waters off of Henry W. Maier Festival Park Harbor Island, outer Milwaukee Harbor from the point of origin at 43°02.209' N, 087°53.714' W; then southeast to 43°02.117' N, 087°53.417' W; then south to 43°01.767' N, 087°53.417' W; then southwest to 43°01.555' N, 087°53.772' W; then north following the shoreline back to the point of origin (NAD 83). The Harbor Island Lagoon Area is also included in this safety zone.

(ii) *Expected date and time.* Third week in July; sunset to termination of display.

(5) *Germanfest Fireworks—Milwaukee, WI.*

(i) *Location.* All waters off of Henry W. Maier Festival Park Harbor Island,

outer Milwaukee Harbor from the point of origin at 43°02.209' N, 087°53.714' W; then southeast to 43°02.117' N, 087°53.417' W; then south to 43°01.767' N, 087°53.417' W; southwest to 43°01.555' N, 087°53.772' W; then north following the shoreline back to the point of origin (NAD 83). The Harbor Island Lagoon Area is encompassed by this safety zone.

(ii) *Expected date and time.* Last week in July; sunset to termination of display.

(6) *African World Festival—Milwaukee, WI.*

(i) *Location.* All waters off of Henry W. Maier Festival Park Harbor Island, outer Milwaukee Harbor from the point of origin at 43°02.209' N, 087°53.714' W; then southeast to 43°02.117' N, 087°53.417' W; then south to 43°01.767' N, 087°53.417' W; then southwest to 43°01.555' N, 087°53.772' W; then north following the shoreline back to the point of origin (NAD 83). The Harbor Island Lagoon Area is encompassed by this safety zone.

(ii) *Expected date and time.* First week in August; sunset to termination of display.

(7) *Irishfest Fireworks—Milwaukee, WI.*

(i) *Location.* All waters off of Henry W. Maier Festival Park Harbor Island, outer Milwaukee Harbor from the point of origin at 43°02.209' N, 087°53.714' W; then southeast to 43°02.117' N, 087°53.417' W; then south to 43°01.767' N, 087°53.417' W; then southwest to 43°01.555' N, 087°53.772' W; then north following the shoreline back to the point of origin (NAD 83). The Harbor Island Lagoon Area is encompassed by this safety zone.

(ii) *Expected date and time.* Third week in August; sunset to termination of display.

(8) *Mexican Fiesta Fireworks—Milwaukee, WI.*

(i) *Location.* All waters off of Henry W. Maier Festival Park Harbor Island, outer Milwaukee Harbor from the point of origin at 43°02.209' N, 087°53.714' W; then southeast to 43°02.117' N, 087°53.417' W; then south to 43°01.767' N, 087°53.417' W; then southwest to 43°01.555' N, 087°53.772' W; then north following the shoreline back to the point of origin (NAD 83). The Harbor Island Lagoon Area is encompassed by this safety zone.

(ii) *Expected date and time.* Last Week in August; sunset to termination of display.

(9) *Indian Summer Fireworks—Milwaukee, WI.*

(i) *Location.* All waters off of Henry W. Maier Festival Park Harbor Island, outer Milwaukee Harbor from the point of origin at 43°02.209' N, 087°53.714' W; then southeast to 43°02.117' N, 087°53.417' W; then south to 43°01.767' N, 087°53.417' W; then southwest to 43°01.555' N, 087°53.772' W; then north following the shoreline back to the point of origin (NAD 83). The Harbor Island Lagoon Area is encompassed by this safety zone.

(ii) *Expected date and time.* First week in September; sunset to termination of display.

(10) *Arabianfest Fireworks—Milwaukee, WI.*

(i) *Location.* All waters off of Henry W. Maier Festival Park Harbor Island, outer Milwaukee Harbor from the point of origin at 43°02.209' N, 087°53.714' W; then southeast to 43°02.117' N, 087°53.417' W; then south to 43°01.767' N, 087°53.417' W; then southwest to 43°01.555' N, 087°53.772' W; then north following the shoreline back to the point of origin (NAD 83). The Harbor Island Lagoon Area is encompassed by this safety zone.

(ii) *Expected date and time.* Second Week in September; sunset to termination of display.

(11) *St. Patrick's Day Fireworks—Manitowoc.*

(i) *Location.* All waters and adjacent shoreline across from the World War II U.S. Cobia submarine, Manitowoc River encompassed by the arc of a circle with a 70-foot radius with its center in approximate position 44°05.30' N, 087°39.15' W (NAD 1983).

(ii) *Expected date and time.* Third week in March; sunset to termination of display.

(12) *Rockets for Schools—Sheboygan, WI.*

(i) *Location.* All waters and adjacent shoreline around the south breakwall area, Lake Michigan encompassed by the arc of a circle with a 1260-foot radius with its center in the approximate position 43°44.56' N, 087°42.06' W (NAD 1983). This zone will encompass the entrance to Sheboygan Harbor and will

result in its closure while the safety zone is in effect.

(ii) *Expected date and time.* Second weekend in May; sunset to termination of display.

(13) *City of Sheboygan Fourth of July Fireworks.*

(i) *Location.* All waters and adjacent shoreline of Lake Michigan encompassed by the arc of a circle with an 840-foot radius with its center in the approximate position 43°44.48' N, 087°42.14' W (NAD 1983). This zone will encompass the entrance to Sheboygan Harbor and will result in its closure while the safety zone is in effect.

(ii) *Expected date and time.* First week in July; sunset to termination of display.

(14) *City of Kenosha Fourth of July Fireworks.*

(i) *Location.* All waters and adjacent shoreline around the South Pier Light area, Lake Michigan encompassed by the arc of a circle with an 840-foot radius with its center in approximate position 42°35.17' N, 087°48.33' W (NAD 1983). This safety zone will encompass the entrance to Kenosha Harbor and will result in its closure while the safety zone is in effect.

(ii) *Expected date and time.* First week in July; sunset to termination of display.

(15) *U.S. Bank (Firststar) Fireworks—Milwaukee, WI.*

(i) *Location.* All waters and adjacent shoreline south of Juneau Park, outer Milwaukee Harbor encompassed by the arc of a circle with an 840-foot radius of the fireworks barge in approximate position 43°02.23' N, 087°53.30' W (NAD 1983).

(ii) *Expected date and time.* First week in July; sunset to termination of display.

(16) *Marinettefest Fireworks.*

(i) *Location.* All waters between the U.S. 41 Interstate Bridge (mile marker 1.88) and the NEW Hydro Inc. Dam (mile marker 2.45) on the Menominee River. This safety zone includes all adjacent shoreline between the bridge and the dam.

(ii) *Expected date and time.* First week in July; sunset to termination of display.

(17) *Riversplash Fireworks—Milwaukee, WI.*

(i) *Location.* All waters and adjacent shoreline east of Pere Marquette Park, Milwaukee River encompassed by the arc of a circle with a 210-foot radius of the fireworks barge in approximate position 43°02.33' N, 087°54.46' W (NAD 1983). (This safety zone will temporarily close down the Milwaukee River.)

(ii) *Expected date and time.* First week in June; sunset to termination of display.

(18) *Manitowoc Municipal Fourth of July Fireworks.*

(i) *Primary location.* All waters and adjacent shoreline east of the Manitowoc Yacht Club, Lake Michigan encompassed by the arc of a circle with an 840-foot radius of the fireworks barge in approximate position 44°06.05' N, 087°38.37' W (NAD 1983).

(ii) *Alternate location.* All waters and the adjacent shoreline encompassed by the arc of a circle with a 420-foot radius of the fireworks barge with its center in approximate position 44°05.33' N, 087°39.00' W (NAD 1983). If display is moved to secondary site, it will temporarily close entrance to Manitowoc Harbor.

(iii) *Expected date and time.* First week in July; sunset to termination of display.

(19) *Fourthfest of Greater Racine.*

(i) *Primary location.* All waters and adjacent shoreline around the north breakwall, Lake Michigan encompassed by the arc of a circle with a 560-foot radius with its center in approximate position 42°44.14' N, 087°46.30' W (NAD 1983).

(ii) *Alternate location.* All waters and adjacent shoreline encompassed by the arc of a circle with a 560-foot radius with its center in approximate position 42°44.21' N, 087°46.45' W (NAD 1983) (on the beach north of the northern breakwall).

(iii) *Expected date and time.* First week in July; sunset to termination of display.

(20) *Celebrate Amerifest—Green Bay, WI.*

(i) *Location.* All waters and adjacent shoreline between the Green Bay & Western Railroad Bridge (mile marker 1.03) and the Mason St. Bridge (mile marker 3.52) on the Fox River. This safety will temporarily close the Fox

River. (This safety zone does not encompass the water of the East River.)

(ii) *Expected date and time.* First week in July; 2 p.m. to 11 p.m.

(21) *South Shore Frolics Fireworks—Milwaukee, WI.*

(i) *Location.* All waters and adjacent shoreline east of South Shore Park, Milwaukee Harbor encompassed by the arc of a circle with a 280-foot radius with its center in approximate position 42°59.43' N, 087°52.54' W (NAD 1983).

(ii) *Expected date and time.* Second week in July; sunset to termination of display.

(22) *Kewaunee Annual Trout Festival.*

(i) *Location.* All waters and adjacent shoreline around the south breakwall area, Lake Michigan encompassed by the arc of a circle with a 560-foot radius with its center in approximate position 44°27.30' N, 087°29.46' W (NAD 1983). This safety zone will temporarily close the entrance to Kewaunee Harbor.

(ii) *Expected time and date.* Third weekend in July; sunset to termination of display.

(23) *Port Washington Fish Days Fireworks.*

(i) *Location.* All waters and adjacent shoreline around the Wisconsin Electric Coal Dock, Lake Michigan encompassed by the arc of a circle with an 840-foot radius with its center in approximate position 43°23.07' N, 087°51.55' W (NAD 1983). This safety zone will temporarily close the entrance to Port Washington Harbor.

(ii) *Expected date and time.* Third week in July; sunset to termination of display.

(24) *Menominee Waterfront Festival.*

(i) *Location.* All waters and adjacent shoreline off the southeast side of the Menominee Municipal Marina, Lake Michigan encompassed by the arc of a circle with an 840-foot radius of the fireworks launch platform with its center in approximate position 45°20.05' N, 087°36.49' W (NAD 1983).

(ii) *Expected date and time.* The Saturday following the first Thursday in August; sunset to termination of display.

(25) *Sturgeon Bay Venetian Night Fireworks.*

(i) *Location.* All waters and adjacent shoreline off the Sturgeon Bay Yacht Club, Sturgeon Bay Canal encompassed

by the arc of a circle with a 350-foot radius of the fireworks launch platform with its center in approximate position 44°49.33' N, 087°23.27' W (NAD 1983). This safety zone will temporarily close down the Sturgeon Bay Canal.

(ii) *Expected date and time.* First weekend in August; 10 a.m. to termination of fireworks display.

(26) *Algoma Shanty Days Fireworks.*

(i) *Primary location.* All waters and adjacent shoreline around the south breakwall area, Lake Michigan encompassed by the arc of a circle with a 560-foot radius with its center in approximate position 44°36.22' N, 087°25.55' W (NAD 1893) forming the primary site.

(ii) *Alternate location.* All waters and adjacent shoreline encompassed by the arc of a circle with a 560-foot radius with its center in approximate position 44°36.28' N, 087°25.54' W (NAD 1983). If display is moved to secondary site, it will temporarily close entrance to Algoma Harbor.

(iii) *Expected time and date.* Second week in August; sunset to termination of display.

(27) *Sister Bay MarinaFest—Sister Bay.*

(i) *Location.* All waters and adjacent shoreline off the town of Sister Bay, Lake Michigan encompassed by the arc of a circle with a 560-foot radius of the fireworks launch platform with its center in approximate position 45°10.60' N, 087°06.60' W (NAD 1983).

(ii) *Expected date and time.* First week in September; sunset to termination of display.

(28) *Milwaukee River Challenge—Milwaukee, WI.*

(i) *Location.* All waters and adjacent shoreline between the Humboldt Ave. Bridge (mile marker 3.22) and E. Chicago St. (mile marker 1.08) on the Milwaukee River. This safety zone will temporarily close the Milwaukee River for crew boat races.

(ii) *Expected date and time.* Third week in September; 10 a.m. to 5 p.m.

(29) *Sheboygan South High School Homecoming Fireworks.*

(i) *Location.* All waters and adjacent shoreline around the south breakwall area, Lake Michigan encompassed by the arc of a circle with a 420-foot radius with its center in approximate position 43°44.57' N, 087°42.13' W (NAD 1983). This

safety zone will temporarily close the entrance to Sheboygan Harbor.

(ii) *Expected date and time.* One day in the first two weeks in October; sunset to termination of display.

(b) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator shall proceed as directed.

(3) The safety zones in this regulation are outside navigation channels and will not adversely affect shipping. In cases where shipping is affected, commercial vessels may request permission from the Captain of the Port Milwaukee to transit the safety zone. Approval will be made on a case-by-case basis. Requests must be made in advance and approved by the Captain of the Port before transits will be authorized. The Captain of the Port may be contacted via U.S. Coast Guard Group Milwaukee on Channel 16, VHF-FM.

(c) *Enforcement period.* The Captain of the Port Milwaukee will publish at least 10 days in advance a Notice in the FEDERAL REGISTER as well as in the Ninth Coast Guard District Local Notice to Mariners the dates and times this section will be enforced.

[CGD09-02-003, 67 FR 44560, July 3, 2002]

§ 165.910 Security Zones; Captain of the Port Chicago, Zone, Lake Michigan.

(a) *Security zones.* The following areas, defined by coordinates based upon North American Datum 1983, are security zones:

(1) *Navy Pier Northside.* (i) *Location.* All waters between the Navy Pier and the Jardine Water Filtration Plant shoreward of a line drawn from the southeast corner of the Jardine Water Filtration Plant at 41°53'36" N, 87°36'10" W, to the northeast corner of the Navy Pier at 41°53'32" N, 87°35'55" W; then following the Navy Pier, seawall, and

Jardine Water Filtration Plant back to the beginning.

(ii) *Regulations.* The Captain of the Port Chicago will normally permit those U.S. Coast Guard certificated passenger vessels that normally load and unload passengers at Navy Pier to operate in the zone. However, should the Captain of the Port Chicago determine it is appropriate, he will require even those U.S. Coast Guard certificated passenger vessels which normally load and unload passengers at Navy Pier to request permission before leaving or entering the security zones. The Captain of the Port Chicago will notify these vessels via Broadcast Notice to Mariners if they must notify the Coast Guard before entering or transiting the security zone. As such, vessels that regularly operate within this zone are responsible for monitoring Broadcasts Notice to Mariners for the Chicago area. These broadcasts will be made by U.S. Coast Guard Group Milwaukee.

(2) *Dresden Nuclear Power Plant.* All waters of the Illinois River in the vicinity of Dresden Nuclear Power Plant encompassed by a line starting on the shoreline at 41°23'45" N, 88°16'18" W; then east to the shoreline at 41°23'39" N, 88°16'09" W; then following along the shoreline back to the beginning.

(3) *Donald C. Cook Nuclear Power Plant.* All waters of Lake Michigan around the Donald C. Cook Nuclear Power Plant encompassed by a line starting on the shoreline at 41°58.656' N, 86°33.972' W; then northwest to 41°58.769' N, 86°34.525' W; then southwest to 41°58.589' N, 86°34.591' W; then southeast to the shoreline at 41°58.476' N, 86°34.038' W; and following along the shoreline back to the beginning.

(4) *Palisades Nuclear Power Plant.* All waters of Lake Michigan around the Palisades Nuclear Power Plant within a line starting on the shoreline at 42°19'07" N, 86°19'05" W; then northwest to 42°19'22" N, 86°19'54" W; then north to 42°19'44" N, 86°19'43" W; then southeast back to the shoreline at 42°19'31" N, 86°18'50" W; then following along the shoreline back to the beginning.

(5) *Byron Nuclear Power Plant.* All waters of the Rock River encompassed by the arc of a circle with a 100-yard radius with its center in approximate position 42°05'01" N, 89°19'27" W.

(6) *Zion Nuclear Power Plant.* All waters of Lake Michigan encompassed by a line starting on the shoreline at 42°26'36" N, 87°48'03" W; then southeast to 42°26'20" N, 87°47'35" W; then northeast to 42°26'53" N, 87°47'22" W; then northwest to the shoreline at 42°27'06" N, 87°48'00" W; then following along the shoreline back to the beginning.

(7) *68th Street Water Intake Crib.* All waters of Lake Michigan within the arc of a circle with a 100-yard radius of the 68th Street Crib with its center in approximate position 41°47'10" N, 87°31'51" W.

(8) *Dever Water Intake Crib.* All waters of Lake Michigan within the arc of a circle with a 100-yard radius of the Dever Crib with its center in approximate position 41°54'55" N, 87°33'20" W.

(9) *79th Street Water Intake Crib.* All waters of Lake Michigan within the arc of a circle with a 100-yard radius of the 79th Street Water Filtration Plant with its center in the approximate position 41°45'30" N, 87°32'32" W.

(b) *Regulations.* (1) Under § 165.33, entry into these zones is prohibited unless authorized by the Coast Guard Captain of the Port Chicago. Section 165.33 also contains other general requirements.

(2) All persons and vessels shall comply with the instruction of the Captain of the Port Chicago or the designated on-scene U.S. Coast Guard patrol personnel. On-scene patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels. Emergency response vessels are authorized to move within the zone but must abide by the restrictions imposed by the Captain of the Port.

(3) Persons who would like to transit through a security zone in this section must contact the Captain of the Port at telephone number (630) 986-2175 or on VHF channel 16 (121.5 MHz) to seek permission to transit the area. If permission is granted, all persons and vessels shall comply with the instructions of the Captain of the Port or his or her designated representative.

(c) *Authority.* In addition to 33 U.S.C. 1231 and 50 U.S.C. 191, the authority for this section includes 33 U.S.C. 1226.

[CGD09-02-00167 FR 53502, Aug. 16, 2002; CDG09-001, 67 FR 65041, Oct. 23, 2002]

§ 165.911 Security Zones; Captain of the Port Buffalo Zone.

(a) *Location.* The following are security zones:

(1) *Nine Mile Point and Fitzpatrick Nuclear Power Plants.* The navigable waters of Lake Ontario bounded by the following coordinates: commencing at 43°30.8' N, 076°25.7' W; then north to 43°31.2' N, 076°25.7' W; then east-northeast to 43°31.6' N, 076°24.9' W; then east to 43°31.8' N, 076°23.2' W; then south to 43°31.5' N, 076°23.2' W; and then following the shoreline back to the point of origin (NAD 83).

(2) *Ginna Nuclear Power Plant.* The waters of Lake Ontario bounded by the following area, starting at 43°16.9' N, 077°18.9' W; then north to 43°17.3' N, 077°18.9' W; then east to 43°17.3' N, 077°18.3' W; then south to 43°16.7' N, 077°18.3' W; then following the shoreline back to starting point (NAD 83).

(3) *Moses-Saunders Power Dam.* The waters of the St. Lawrence River bounded by the following area, starting at 45°00.73' N, 074°47.85' W; southeast following the international border to 45°00.25' N, 074°47.56' W; then southwest to 45°00.16' N, 074°47.76' W; then east to the shoreline at 45°00.16' N, 074°47.93' W; then northwest to 45°00.36' N, 074°48.16' W; then northeast back to the starting point (NAD 83).

(4) *Long Sault Spillway Dam.* The waters of the St. Lawrence River bounded by the following area, starting at 44°59.5' N, 074°52.0' W; north to 45°00.0' N, 074°52.0' W; east to 45°00.0' N, 074°51.6' W; then south to 44°59.5' N, 074°51.6' W; then west back to the starting point (NAD 83).

(b) *Regulations.* (1) In accordance with § 165.33, entry into this zone is prohibited unless authorized by the Coast Guard Captain of the Port Buffalo.

(2) Persons or vessels desiring to transit the area of the Nine Mile Point and Fitzpatrick Nuclear Power Plants or Ginna Nuclear Power Plant security zones must contact the Captain of the Port Buffalo at telephone number (716) 843-9570, or on VHF/FM channel 16 to

seek permission to transit the area. Persons desiring to transit the area of Moses-Saunders Power Dam or Long Sault Spillway Dam security zones must contact the Supervisor, Marine Safety Detachment Massena at telephone number (315) 764-3284, or on VHF/FM channel 16 to seek permission to transit the area. If permission is granted, all persons and vessels shall comply with the instructions of the Captain of the Port or his or her designated representative.

(c) *Authority.* In addition to 33 U.S.C. 1231 and 50 U.S.C. 191, the authority for this section includes 33 U.S.C. 1226.

[CGD09-02-005, 67 FR 53500, Aug. 16, 2002]

§ 165.912 Security Zone; Lake Erie, Perry, OH.

(a) *Location.* The following area is a security zone: all navigable waters of Lake Erie bounded by a line drawn between the following coordinates beginning at 41° 48.187' N, 081° 08.818' W; then due north to 41° 48.7' N, 081° 08.818' W; then due east to 41° 48.7' N, 081° 08.455' W; then due south to the south shore of Lake Erie at 41° 48.231' N, 081° 08.455' W; thence westerly following the shoreline back to the beginning (NAD 83).

(b) *Regulations.* In accordance with the general regulations in § 165.33 of this part, entry into this zone is prohibited unless authorized by the Coast Guard Captain of the Port Cleveland, or the designated on-scene representative.

(c) *Authority.* In addition to 33 U.S.C. 1231 and 50 U.S.C. 191, the authority for this section includes 33 U.S.C. 1226.

[CGD09-02-006, 67 FR 52611, Aug. 13, 2002]

§ 165.915 Security zones; Captain of the Port Toledo Zone, Lake Erie.

(a) *Security zones.* The following areas are security zones:

(1) *Enrico Fermi 2 Nuclear Power Station.* All waters and adjacent shoreline encompassed by a line commencing at 41°58.4' N, 083°15.4' W; then northeast to 41°58.5' N, 083°15.0' W; then southeast to 41°58.2' N, 083°13.7' W; then south to 41°56.9' N, 083°13.8' W; then west to 41°56.9' N, 083°15.2' W; then back to the starting point at 41°58.4' N, 083°15.4' W (NAD 83).

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(2) *Davis Besse Nuclear Power Station.* All waters and adjacent shoreline encompassed by a line commencing at 41°36.1' N, 083°04.7' W; north to 41°37.0' N, 083°03.9' W; east to 41°35.9' N, 083°02.5' W; southwest to 41°35.4' N, 083°03.7' W; then back to the starting point 41°36.1' N, 083°04.7' W (NAD 83).

(b) *Regulations.* (1) In accordance with § 165.33, entry into this zone is prohibited unless authorized by the Coast Guard Captain of the Port Toledo. Section 165.33 also contains other general requirements.

(2) Persons desiring to transit through either of these security zones, prior to transiting, must contact the Captain of the Port Toledo at telephone number (419) 418-6050, or on VHF/FM channel 16 and request permission. If permission is granted, all persons and vessels shall comply with the instructions of the Captain of the Port or his or her designated representative.

(c) *Authority.* In addition to 33 U.S.C. 1231 and 50 U.S.C. 191, the authority for this section includes 33 U.S.C. 1226.

[CGD09-02-011, 67 FR 46386, July 15, 2002]

§ 165.916 Security Zones; Captain of the Port Milwaukee Zone, Lake Michigan.

(a) *Location.* The following are security zones:

(1) *Kewaunee.* All navigable waters of Western Lake Michigan encompassed by a line commencing from a point on the shoreline at 44° 20.647 N, 087° 31.980 W, then easterly to 44° 20.647 N, 087° 31.886 W, then southerly to 44° 20.391 N, 087° 31.866 W, then westerly to 44° 20.391 N, 087° 32.067 W, then northerly following the shoreline back to the point of origin. All coordinates are based upon North American Datum 1983.

(2) *Point Beach.* All navigable waters of Western Lake Michigan encompassed by a line commencing from a point on the shoreline at 44° 17.06 N, 087° 32.15 W, then northeasterly to 44° 17.12 N, 087° 31.59 W, then southeasterly to 44° 16.48 N, 087° 31.42 W, then southwesterly to 44° 16.42 N, 087° 32.02 W, then northwesterly along the shoreline back to the point of origin. All coordinates are based upon North American Datum 1983.

(b) *Regulations.* (1) In accordance with § 165.33, entry into this zone is prohib-

ited unless authorized by the Coast Guard Captain of the Port Milwaukee. Section 165.33 also contains other general requirements.

(2) Persons desiring to transit the area of the security zone may contact the Captain of the Port at telephone number (414) 747-7155 or on VHF-FM Channel 16 to seek permission to transit the area. If permission is granted, all persons and vessels shall comply with the instructions of the Captain of the Port or his or her designated representative.

(c) *Authority.* In addition to 33 U.S.C. 1231 and 50 U.S.C. 191, the authority for this section includes 33 U.S.C. 1226.

[CGD09-02-007, 67 FR 49578, July 31, 2002]

§ 165.917 Safety Zone; M/V ROY A. JODREY, St. Lawrence River, Wellesley Island, New York.

(a) *Location.* The following area is safety zone: all waters and adjacent shoreline encompassed by the arc of a circle with a 150-yard radius of the wreck of the M/V ROY A. JODREY, with its center in approximate position 44°19.55 N, 075°56.00 W (NAD 83).

(b) *Regulations.*

(1) The regulations in § 165.23 apply to this section.

(2) Except as provided in this section, no vessel or person may enter or remain in this safety zone without the permission of the Captain of the Port.

(3) The Captain of the Port Buffalo has authorized all vessels to transit through the safety zone on the condition that they proceed directly through the zone without stopping.

(4) Any vessel wanting to stop, fish, anchor or discharge divers inside the zone, or any divers wanting to visit the wreckage of the M/V ROY A. JODREY, must request permission from the Captain of the Port Buffalo or his designated on-scene representative prior to entry into the zone.

[CGD09-02-522, 67 FR 65043, Oct. 23, 2002]

§ 165.918 Safety zones; annual fireworks displays in the Captain of the Port Chicago Zone.

(a) *Safety zones.* The following areas are designated safety zones:

(1) *Evanston Fourth of July Fireworks—Evanston, IL:*

(i) *Location.* All waters and adjacent shoreline of Lake Michigan bounded by the arc of a circle with a 1000-foot radius from the fireworks launch site with its center in approximate position 42°02'58" N, 087°40'22" W (NAD 83).

(ii) *Expected date and time.* First Week in July; sunset to termination of display.

(2) *Independence Day Fireworks—Manistee, MI:*

(i) *Location.* All waters and adjacent shoreline of Lake Michigan within the arc of a circle with a 1000-foot radius from the fireworks launch site with its center in approximate position 44°14'51" N, 086°20'46" W (NAD 83) (Off First Street Beach).

(ii) *Expected date and time.* First Week in July; sunset to termination of display.

(3) *Independence Day Fireworks—Lake Kalamazoo, Saugatuck, MI:*

(i) *Location.* All waters and adjacent shoreline of Lake Kalamazoo, Saugatuck, MI. within the arc of a circle with a 1000-foot radius from the fireworks launch site with its center in approximate position 42°38'52.5" N, 086°12'18.5" W (NAD 83).

(ii) *Expected date and time.* First Week in July; sunset to termination of display.

(4) *Independence Day Fireworks—White Lake, Whitehall, MI:*

(i) *Location.* All waters and adjacent shoreline of White Lake, Whitehall, MI. within the arc of a circle with a 1000-foot radius from the fireworks launch site with its center in approximate position of 43°24'33.5" N, 086°21'28.5" W (NAD 83).

(ii) *Expected date and time.* First Week in July; sunset to termination of display.

(5) *Pentwater July 3rd Fireworks—Lake Michigan, Pentwater, MI:*

(i) *Location.* All waters and adjacent shoreline of Lake Michigan and the Shipping Channel, Pentwater, MI. within the arc of a circle with a 1000-foot radius from the fireworks launch site on the North Breakwall with its center in approximate position of 43°46'56.5" N, 086°26'38" W (NAD 83).

(ii) *Expected date and time.* First Week in July; sunset to termination of display.

(6) *Venetian Night Fireworks—Lake Kalamazoo, Saugatuck, MI:*

(i) *Location.* All waters and adjacent shoreline of Lake Kalamazoo, Saugatuck, MI. within the arc of a circle with a 1000-foot radius from the fireworks launch site with its center in approximate position 42°38'52.5" N, 086°12'18.5" W (NAD 83).

(ii) *Expected date and time.* The fourth weekend in July; or the first weekend in August; sunset to termination of display.

(7) *Venetian Night Fireworks—Lake Michigan, Hammond, IN:*

(i) *Location.* All waters and adjacent shoreline of Lake Michigan, Hammond, IN. within the arc of a circle with a 840-foot radius from the fireworks launch site with its center in approximate position of 41°41'54" N, 087°30'46" W (NAD 83).

(ii) *Expected date and time.* The first weekend in August; sunset to termination of display.

(8) *Venetian Night Fireworks—Monroe Street Harbor—Chicago, IL:*

(i) *Location.* All waters and adjacent shoreline of Lake Michigan, Chicago, IL. within the arc of a circle with a 1000-foot radius from the fireworks launch site at Monroe Street Harbor with its center in approximate position of 41°52'41" N, 087°36'37" W (NAD 83).

(ii) *Expected date and time.* The fourth weekend in July; or the first weekend in August; sunset to termination of display.

(9) *Wings Over the Lake Air Show—Michigan City, IN:*

(i) *Location.* All waters and adjacent shoreline of Lake Michigan, off Washington Park, Michigan City, IN. encompassed by a line drawn between the following coordinates starting at 41°43'39" N, 086°54'32" W; northwest to 41°44'06" N, 086°54'44" W; northeast to 41°44'21" N, 086°53'52" W; southeast to 41°43'55" N, 086°53'40" W; then southwest back to the point of origin (NAD 83). The safety zone starts approximately 250-feet from the East Pierhead and 250-feet from Washington Park Beach.

(ii) *Expected Date and Time.* The first week in July.

(10) *YMCA Lake Michigan Swim—Ferrysburg, MI:*

(i) *Location.* All waters and adjacent shoreline of Lake Michigan, off the

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Ferrysburg North Pier within 100-feet of a straight line from 43°03.45' N, 086°13.4' W; to 43°05' N, 086°15.24' W (NAD 83).

(ii) *Expected date and time.* The 3rd week in July; from 8 a.m. (local) until the end of the event.

(11) *Team Aquatics Ski Show—Grand River, Grand Haven, MI:*

(i) *Location.* All waters and adjacent shoreline of the Grand River, Grand Haven, MI. from 43°04'08" N, 086°14'13" W; thence east to 43°04'06" N, 086°14'07" W; thence southwest to 43°03'53" N, 086°14'14" W; and east to 43°03'51.5" N, 086°14'07.5" W (NAD 83).

(ii) *Expected date and time.* The 4th week in July; from 6 p.m. (local) until 8:30 p.m. (local).

(12) *Chicago Flatwater Classic—Chicago River, Chicago, IL:*

(i) *Location.* All waters and adjacent shoreline of the Chicago River from a line drawn across the river at mile marker 323 to a line drawn across the river at mile marker 331.

(ii) *Expected date and time.* The 2nd weekend in August; from 9 a.m. (local) until 3:30 p.m. (local).

(13) *Navy Pier Summer Fireworks—Lake Michigan, Chicago, IL:*

(i) *Locations.*

(1) *Primary launch site.* All waters and adjacent shoreline of Lake Michigan bounded by the arc of a circle with a 1400-foot radius from the fireworks launch platform with its center in approximate position 41°53'18" N, 087°36'08" W (NAD 83).

(2) *Alternate launch site.* In the case of inclement weather, the alternate launch site is all waters and adjacent shoreline of Lake Michigan bounded by the arc of a circle with a 1400-foot radius with its center in approximate position 41°53'24" N, 087°35'44" W (NAD 83).

(ii) *Expected dates and times.* Every Wednesday and Saturday evening from 9 p.m. (local) until termination of display from June 1 thru September 1.

(14) *Navy Pier 4th of July Fireworks—Lake Michigan, Chicago, IL:*

(i) *Locations.*

(1) *Primary launch site.* All waters and adjacent shoreline of Lake Michigan bounded by the arc of a circle with a 1400-foot radius from the fireworks launch platform with its center in ap-

proximate position 41°53'18" N, 087°36'08" W (NAD 83).

(2) *Alternate launch site.* In the case of inclement weather, the alternate launch site is all waters and adjacent shoreline of Lake Michigan bounded by the arc of a circle with a 1400-foot radius with its center in approximate position 41°53'24" N, 087°35'44" W (NAD 83).

(ii) *Expected date and time.* The first week of July; sunset to termination of display.

(15) *St. Joseph's River Marathon Swim—St. Joseph, MI:*

(i) *Location.* All the waters of Lake Michigan (off of St. Joseph, MI.), and the St. Joseph River, within 100 feet of the race course.

(ii) *Expected date and time.* The 3rd week in July; from 11 a.m. (local) until the end of the event.

(b) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator shall proceed as directed. U.S. Coast Guard Auxiliary, representatives of the event organizer, and local or state officials may be present to inform vessel operators of this regulation and other applicable laws.

(3) In cases where shipping is affected, commercial vessels may request permission from the Captain of the Port Chicago to transit the safety zone. Approval in such cases will be case-by-case. Requests must be made in advance and approved by the Captain of the Port before transits will be authorized. The Captain of the Port may be contacted via Channel 16, VHF-FM.

(c) Captain of the Port Chicago will announce the exact time and location of the annual events listed in this regulation by Notice of Implementation, Broadcast Local Notice to Mariners, or any other means deemed appropriate.

[CGD09-03-203, 68 FR 27467, May 20, 2003]

ELEVENTH COAST GUARD DISTRICT

§ 165.T11-077 Security Zones; High Interest Vessels, San Francisco Bay and Delta ports, California.

(a) *Definition.* "High Interest Vessel" or "HIV" as used in this section, means any vessel deemed by the Captain of the Port or higher authority as a vessel requiring protection based upon risk assessment analysis of the vessel and is therefore escorted by a Coast Guard or other law enforcement vessel with an embarked Coast Guard commissioned, warrant, or petty officer.

(b) *Location.* The following areas are security zones:

(1) All waters, extending from the surface to the sea floor, within 100 yards ahead, astern and extending 100 yards along either side of any HIV that is anchored at a designated anchorage within the San Francisco Bay and Delta port areas shoreward of the line drawn between San Francisco Main Ship Channel buoys 7 and 8 (LLNR 4190 & 4195, positions 37°46.9' N, 122°35.4' W and 37°46.5' N, 122°35.2' W, respectively);

(2) The shore area and all waters, extending from the surface to the sea floor, within 100 yards ahead, astern and extending 100 yards along either side of any HIV that is moored, or in the process of mooring, at any berth within the San Francisco Bay and Delta port areas shoreward of the line drawn between San Francisco Main Ship Channel buoys 7 and 8 (LLNR 4190 & 4195, positions 37°46.9' N, 122°35.4' W and 37°46.5' N, 122°35.2' W, respectively); and

(3) All waters, extending from the surface to the sea floor, within 100 yards ahead, astern and extending 100 yards along either side of any HIV that is underway shoreward of the line drawn between San Francisco Main Ship Channel buoys 7 and 8 (LLNR 4190 & 4195, positions 37°46.9' N, 122°35.4' W and 37°46.5' N, 122°35.2' W, respectively).

(c) *Regulations.* (1) In accordance with the general regulations in §165.33 of this part, entry into or remaining in this zone is prohibited unless authorized by the Coast Guard Captain of the Port, San Francisco Bay, or his designated representative.

(2) Persons desiring to transit the area of the security zone may contact

the Captain of the Port at telephone number 510-437-3073 or on VHF-FM channel 16 (156.8 MHz) to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his or her designated representative.

(3) When an HIV approaches within 100 yards of a vessel that is moored, or anchored, the stationary vessel must stay moored or anchored while it remains within the HIV's security zone unless it is either ordered by, or given permission from, the COTP San Francisco Bay to do otherwise.

(d) *Authority.* In addition to 33 U.S.C. 1231 and 50 U.S.C. 191, the authority for this section includes 33 U.S.C. 1226.

(e) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the security zone by local law enforcement as necessary.

(f) *Effective dates.* This section is effective at 11:59 p.m. PST on February 10, 2003, and will terminate at 11:59 p.m. PDT on September 30, 2003.

[COTP San Francisco Bay 03-002, 68 FR 9006, Feb. 27, 2003, as amended at 68 FR 32371, May 30, 2003]

EFFECTIVE DATE NOTE: By COTP San Francisco Bay 03-002, 68 FR 9006, Feb. 27, 2003, §165.T11-077 was added, effective Feb. 10, 2003 to May 31, 2003. At 68 FR 32371, May 30, 2003, §165.T11-077 was amended by revising paragraph (f) and the effective date was extended to Sept. 30, 2003.

§ 165.T11-078 Security Zones; Golden Gate Bridge and the San Francisco-Oakland Bay Bridge, San Francisco Bay, California.

(a) *Location.* All waters extending from the surface to the sea floor, 25 yards around all piers, abutments, fenders and pilings of the Golden Gate Bridge and the San Francisco-Oakland Bay Bridge, San Francisco Bay, California.

(b) *Regulations.* (1) In accordance with the general regulations in §165.33 of this part, entry into these security zones is prohibited, unless doing so is necessary for safe navigation, to conduct official business such as scheduled maintenance or retrofit operations, or unless specifically authorized by the Captain of the Port San Francisco Bay, or his designated representative.

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(2) Persons desiring to transit the area of the security zone may contact the Captain of the Port at telephone number 510-437-3073 or on VHF-FM channel 16 (156.8 MHz) to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his or her designated representative.

(d) *Authority.* In addition to 33 U.S.C. 1231, the authority for this section includes 33 U.S.C. 1226.

(e) *Enforcement.* All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene patrol personnel. Patrol personnel comprise commissioned, warrant, and petty officers of the Coast Guard onboard Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels. Upon being hailed by U.S. Coast Guard patrol personnel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(f) *Effective Dates.* This section becomes effective at 11 a.m. PST on February 13, 2003, and will terminate at 11:59 p.m. PDT on September 30, 2003.

[COTP San Francisco Bay 03-003; 68 FR 13230, Mar. 19, 2003]

EFFECTIVE DATE NOTE: By San Francisco Bay 03-003, 68 FR 13230, Mar. 19, 2003, § 165.T11-078 was added, effective Feb. 13, 2003, to Sept. 30, 2003.

§ 165.T11-079 **Safety Zone; Mission Creek Waterway, China Basin, San Francisco Bay, California.**

(a) *Location.* One hundred yards to either side of the Fourth Street Bridge, encompassing the navigable waters, from the surface to the bottom, within two lines; one line drawn from a point on the north shore of Mission Creek [37°46'29" N, 122°23'36" W] extending southeast to a point on the opposite shore [37°46'28" N, 122°23'34" W], and the other line drawn from a point on the north shore of Mission Creek [37°46'34" N, 122°23'30" W] extending southeast to a point on the opposite shore [37°46'33" N, 122°23'28" W]. [Datum: NAD 83].

(b) *Dates.* (1) This section is effective from 1 a.m. (PDT) on May 1, 2003, to 1 a.m. (PDT) on September 1, 2004.

(2) The zone in paragraph (a) of this section will be enforced from 1 a.m. (PDT) on May 1, 2003, to 1 a.m. (PDT) on June 28, 2003, and from 1 a.m. (PST) on April 1, 2004 to 1 a.m. (PDT) on September 1, 2004.

(3) If the need for enforcement of the safety zone ends, the Captain of the Port may cease enforcement of the safety zone and announce that fact via Broadcast Notice to Mariners.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into, transit through, or anchoring within this zone by all vessels is prohibited, unless authorized by the Captain of the Port, or a designated representative thereof.

(d) *Enforcement.* All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene patrol personnel. Patrol personnel comprise commissioned, warrant, and petty officers of the Coast Guard onboard Coast Guard, Coast Guard Auxiliary, local, state, and Federal law enforcement vessels. Upon being hailed by U.S. Coast Guard patrol personnel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

[COTP San Francisco Bay 03-004, 68 FR 25503, May 13, 2003]

EFFECTIVE DATE NOTE: By COTP San Francisco Bay 03-004, 68 FR 25503, May 13, 2003, § 165.T11-079 was added, effective May 1, 2003 to Sept. 1, 2004.

§ 165.1101 **Security Zone: San Diego Bay, CA.**

(a) *Location.* The following area is a security zone: The water area within Naval Station, San Diego enclosed by the following points: Beginning at 32°41'16.5" N, 117°08'01" W (Point A); thence running southwesterly to 32°41'02.5" N, 117°08'08.5" W (Point B); to 32°40'55.0" N, 117°08'00.0" W (Point C); to 32°40'49.5" N, 117°07'55.5" W (Point D); to 32°40'44.6" N, 117°07'49.3" W (Point E); to 32°40'37.8" N, 117°07'43.2" W, (Point F); to 32°40'30.9" N, 117°07'39.0" W (Point G); to 32°40'24.5" N, 117°07'35.0" W (Point H); to 32°40'17.2" N, 117°07'30.8" W (Point I); to 32°40'10.6" N, 117°07'30.5" W (Point J); to 32°39'59.0" N, 117°07'29.0" W (Point K); to 32°39'49.8" N, 117°07'27.2" W (Point L); to 32°39'43.0" N, 117°07'25.5" W (Point M);

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32°39'36.5" N, 117°07'24.2" W, (Point N); thence running easterly to 32°39'38.5" N, 117°07'06.5" W (Point O); thence running generally northwesterly along the shoreline of the Naval Station to the place of beginning. All coordinates referenced use datum: NAD 1983.

(b) *Regulations.* (1) In accordance with the general regulations in §165.33 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port San Diego; Commander, Naval Base San Diego; or Commander, Navy Region Southwest.

(2) Persons desiring to transit the area of the security zone may contact the Captain of the Port at telephone number 619-683-6495 or on VHF channel 16 (156.8 MHz) to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his or her designated representative.

(c) *Authority.* In addition to 33 U.S.C. 1231 and 50 U.S.C. 191, the authority for this section includes 33 U.S.C. 1226.

(d) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of this security zone by the U. S. Navy.

[COTP San Diego 03-010, 68 FR 25290, May 12, 2003]

§ 165.1102 Security Zone: San Diego Bay, California.

(a) *Location.* The following area is a security zone: The water area adjacent to the Naval Ocean Systems Center, San Diego, California, and the Naval Supply Center, San Diego, California, described as follows:

Commencing at a point on the shoreline of Point Loma, at latitude 32°41'57.8" N, longitude 117°14'17.5" W (Point A), for a place of beginning; thence easterly to latitude 32°41'56.0" N, longitude 117°14'09.9" W (Point B); thence northeasterly to latitude 32°42'03.8" N, longitude 117°14'04.7" W (Point C); thence northeasterly to latitude 32°42'10.2" N, longitude 117°14'00.6" W (Point D); thence northwesterly to latitude 32°42'14.6" N, longitude 117°14'02.1" W (Point E); thence northwesterly to latitude 32°42'22.7" N, longitude 117°14'05.8" W (Point F); thence northwesterly to latitude 32°42'28.3" N, longitude 117°14'08.4" W (Point G); thence westerly to latitude 32°42'28.3" N, longitude 117°14'09.6" W (Point H); thence generally southerly along the shoreline of

Point Loma to the place of beginning (Point A).

(b) *Regulations.* In accordance with the general regulations in §165.33 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port, the Commander, Naval Base, San Diego, the Commander, Naval Ocean Systems Center, San Diego, or the Commanding Officer, Naval Supply Center, San Diego. Section 165.33 also contains other general requirements.

[COTP San Diego Reg. 85-20, 51 FR 8197, Mar. 10, 1986. Redesignated by USCG-2001-9286, 66 FR 33642, June 25, 2001]

§ 165.1103 Security Zone: San Diego Bay, CA.

(a) *Location.* The following area is a security zone: The water adjacent to the Naval Submarine Base, San Diego, commencing on a point on the shoreline of Ballast Point, at 32°41'11.2" N, 117°13'57.0" W (Point A), thence northerly to 32°41'31.8" N, 117°14'00.6" W (Point B), thence westerly to 32°41'32.7" N, 117°14'03.2" W (Point C), thence southwesterly to 32°41'30.5" N, 117°14'17.5" W (Point D), thence generally southeasterly along the shoreline of the Naval Submarine Base to the point of beginning, (Point A). All coordinates referenced use datum: NAD 1983.

(b) *Regulations.* (1) In accordance with the general regulations in §165.33 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port San Diego; Commander, Naval Base Point Loma; or Commander, Navy Region Southwest.

(2) Persons desiring to transit the area of the security zone may contact the Captain of the Port at telephone number 619-683-6495 or on VHF channel 16 (156.8 MHz) to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his or her designated representative.

(c) *Authority.* In addition to 33 U.S.C. 1231 and 50 U.S.C. 191, the authority for this section includes 33 U.S.C. 1226.

(d) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol

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and enforcement of this security zone by the U.S. Navy.

[COTP San Diego 03-010, 68 FR 25290, May 12, 2003]

§ 165.1104 Security Zone: San Diego Bay, CA.

(a) *Location.* The following area is a security zone: on the waters along the northern shoreline of Naval Base Coronado, the area enclosed by the following points: Beginning at 32°42'53.0" N, 117°11'45.0" W (Point A); thence running northerly to 32°42'55.5" N, 117°11'45.0" W, (Point B); thence running easterly to 32°42'57.0" N, 117°11'31.0" W, (Point C); thence southeasterly to 32°42'42.0" N, 117°11'04.0" W (Point D); thence southeasterly to 32°42'21.0" N, 117°10'47.0" W (Point E) thence running southerly to 32°42'13.0" N, 117°10'51.0" W (Point F); thence running generally northwesterly along the shoreline of Naval Base Coronado to the place of beginning. All coordinates referenced use datum: NAD 1983.

(b) *Regulations.* (1) In accordance with the general regulations in Sec. 165.33 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port San Diego; Commander, Naval Base Coronado, or Commander, Navy Region Southwest.

(2) Persons desiring to transit the area of the security zone may contact the Captain of the Port at telephone number 619-683-6495 or on VHF channel 16 (156.8 MHz) to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his or her designated representative.

(c) *Authority.* In addition to 33 U.S.C. 1231 and 50 U.S.C. 191, the authority for this section includes 33 U.S.C. 1226.

(d) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of this security zone by the U.S. Navy.

[COTP San Diego, 68 FR 25290, May 12, 2003]

§ 165.1105 Security Zone: San Diego Bay, California.

(a) *Location.* (1) The following area is a security zone: The water area adjacent to Naval Air Station North Island, Coronado, California, and within 100

yards (91 meters) of Bravo Pier, and vessels moored thereto, bounded by the following points (when no vessel is moored at the pier):

(i) Latitude 32°41'53.0" N, Longitude 117°13'33.6" W;

(ii) Latitude 32°41'53.0" N, Longitude 117°13'40.6" W;

(iii) Latitude 32°41'34.0" N, Longitude 117°13'40.6" W;

(iv) Latitude 32°41'34.0" N, Longitude 117°13'34.1" W.

(2) Because the area of this security zone is measured from the pier and from vessels moored thereto, the actual area of this security zone will be larger when a vessel is moored at Bravo Pier.

(b) *Regulations.* In accordance with the general regulations in §165.33 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port or the Commanding Officer, Naval Air Station North Island. Section 165.33 also contains other general requirements.

[COTP San Diego Reg. 85-11, 51 FR 3776, Jan. 30, 1986, as amended at 52 FR 8893, Mar. 20, 1987. Redesignated by USCG-2001-9286, 66 FR 33642, June 25, 2001]

§ 165.1106 San Diego Bay, California—safety zone.

(a) The waters of San Diego Bay enclosed by the following boundaries are a safety zone:

From a point located on the boundary of Coast Guard Air Station San Diego, California at latitude 32°43'37.2" N, longitude 117°10'45.0" W (point A), for a point of beginning; thence southeasterly to latitude 32°43'36.2" N, longitude 117°10'41.5" W (point B); thence southwesterly to latitude 32°43'20.2" N, longitude 117°10'49.5" W (point C); thence northwesterly to latitude 32°43'25.7" N, longitude 117°11'04.6" W (point D); thence northeasterly to latitude 32°43'35.7" N, longitude 117°10'59.5" W (point E); thence generally easterly along the air station boundary to the point of beginning (point A).

(b)(1) In accordance with the general regulations in §165.23 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port, except as provided for below.

(2) Vessels may transit the area of this safety zone without permission, but may not anchor, stop, remain within the zone, or approach within 100 yards (92 meters) of the land area of Coast Guard Air Station San Diego or structures attached thereto.

[CGD 85-034, 50 FR 14703, Apr. 15, 1985 and COTP San Diego Reg. 85-06, 50 FR 38003, Sept. 19, 1985. Redesignated by USCG-2001-9286, 66 FR 33642, June 25, 2001]

§ 165.1107 San Diego Bay, California.

(a) *Location.* The area encompassed by the following geographic coordinates is a regulated navigation area:

32°41'24.6"N	117°14'21.9"W
32°41'34.2"N	117°13'58.5"W
32°41'34.2"N	117°13'37.2"W

Thence south along the shoreline to

32°41'11.2"N	117°13'31.3"W
32°41'11.2"N	117°13'58.5"W

Thence north along the shoreline to the point of origin.

Datum: NAD 1983.

(b) *Regulations.* (1) During submarine docking/undocking operations at the U.S. Naval Submarine Base on Ballast Point, San Diego Bay, California, mariners transiting within the regulated navigation area shall proceed at a speed that generates no wake from their vessel.

(2) The Coast Guard will issue a Broadcast Notice to Mariners, and if time permits a Local Notice to Mariners, to inform the maritime community of the dates and times of the submarine docking/undocking operations covered by paragraph (b)(1).

(3) The master and/or operator of a vessel within the regulated navigation area shall comply with any other orders or directions issued by the Coast Guard as required for the safety of the submarine docking/undocking operations covered by paragraph (b)(1).

[CGD11-90-07, 56 FR 14645, Apr. 11, 1991; 56 FR 40360, Aug. 14, 1991, as amended by USCG-1998-3799, 63 FR 35533, June 30, 1998. Redesignated by USCG-2001-9286, 66 FR 33642, June 25, 2001]

§ 165.1108 Security Zones; Cruise Ships, Port of San Diego, California.

(a) *Definition.* "Cruise ship" as used in this section means a passenger vessel, except for a ferry, 100 gross tons or

more, authorized to carry more than 12 passengers for hire; capable of making international voyages lasting more than 24 hours, any part of which is on the high seas; and for which passengers are embarked, disembarked or at a port of call in the San Diego port.

(b) *Location.* The following areas are security zones:

(1) All waters, extending from the surface to the sea floor, within a 100 yard radius around any cruise ship that is anchored at a designated anchorage within the San Diego port area inside the sea buoys bounding the port of San Diego.

(2) The shore area and all waters, extending from the surface to the sea floor, within a 100 yard radius around any cruise ship that is moored at any berth within the San Diego port area inside the sea buoys bounding the Port of San Diego; and

(3) All waters, extending from the surface to the sea floor, within a 100 yard radius around any cruise ship that is underway on the waters inside the sea buoys bounding the Port of San Diego.

(c) *Regulations.* (1) In accordance with the general regulation in §165.33 of the part, entry into or remaining in these zones is prohibited unless authorized by the Coast Guard Captain of the Port, San Diego or his designated representative.

(2) Persons desiring to transit the area of the security zones may contact the Captain of the Port at telephone number (619) 683-6495 or on VHF-FM channel 16 (156.8 MHz) to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his or her designated representative.

(d) *Authority.* In addition to 33 U.S.C. 1231 and 50 U.S.C. 191, the authority for this section includes 33 U.S.C. 1226.

(e) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the security zones by the San Diego Harbor Police.

[COTP San Diego 02-026, 68 FR 1008, Jan. 8, 2003]

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§ 165.1120 Security Zone; Naval Amphibious Base, San Diego, CA.

(a) *Location.* The following area is a security zone: the waters of San Diego Bay, enclosed by lines connecting the following points: Beginning at 32°40'30.0" N, 117°10'03.0" W (Point A); thence running northeasterly to 32°40'54.0" N, 117°09'35.5" W (Point B); thence running northeasterly to 32°40'55.0" N, 117°09'27.0" W (Point C); thence running southeasterly to 32°40'43.0" N, 117°09'09.0" W (Point D); thence running southerly to 32°40'39.0" N, 117°09'08.0" W (Point E); thence running southwesterly to 32°40'30.0" N, 117°09'12.9" W (Point F); thence running a short distance to 32°40'29.0" N, 117°09'14.0" W (Point G); thence running southwesterly to 32°40'26.0" N, 117°09'17.0" W (Point H); thence running northwesterly to the shoreline to 32°40'31.0" N, 117°09'22.5" W (Point I), thence running along the shoreline to the beginning point.

(b) *Regulations.* In accordance with the general regulations in §165.33 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port or the Commander, Navy Region Southwest.

(c) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of this security zone by the U.S. Navy.

[CGD11-01-011, 67 FR 4661, Jan. 31, 2002]

§ 165.1121 Security Zone: Fleet Supply Center Industrial Pier, San Diego, CA.

(a) *Location.* The following area is a security zone: the waters of San Diego Bay extending approximately 100 feet from the north, west, and south sides of the Fleet Industrial Supply Center enclosed by lines connecting the following points: Beginning at 32°42'50" N, 117°10'25" W (Point A); to 32°42'50" N, 117°10'38" W (Point B); to 32°42'54" N, 117°10'38" W (Point C); to 32°42'54" N, 117°10'25" W (Point D).

(b) *Regulations.* In accordance with the general regulations in §165.33, entry into the area of this zone is prohibited unless authorized by the Captain of the Port or the Commander, Navy Region Southwest. Section 165.33 also contains other general requirements.

(c) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of this security zone by the U.S. Navy.

[CGD11-01-008, 67 FR 4660, Jan. 31, 2002]

§ 165.1131 Security Zone: Wilson Cove, San Clemente Island, California.

(a) *Location.* The following area is a security zone: The water area adjacent to San Clemente Island, California within 1.5 nautical miles (1.73 statute miles, 2.8 kilometers) of the shoreline of San Clemente Island from Wilson Cove North End Light (LLNR 2565) to Spruce Pier, approximately 4.1 nautical miles (4.7 statute miles, 7.65 kilometers) southeast of Wilson Cove North End Light, described as follows:

Starting at a point on the shoreline of San Clemente Island, California, in position 33°01'25.0" N, 118°33'43.0" W, for a place of beginning (point A), thence northeasterly to 33°02'11.0" N, 118°32'13.5" W (point B), thence southeasterly to 32°58'40.5" N, 118°29'15.5" W (point C), thence southwesterly to 32°57'54.0" N, 118°31'17.2" W (point D), thence northwesterly along the shoreline of San Clemente Island to the place of beginning.

(b) *Regulations.* In accordance with the general regulations in §165.33 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port, San Diego, California. Section 165.33 also contains other general requirements.

[COTP San Diego Reg. 87-04, 52 FR 18230, May 14, 1987. Redesignated by USCG-2001-9286, 66 FR 33642, June 25, 2001]

§ 165.1151 Security Zones; liquefied hazardous gas tank vessels, San Pedro Bay, California.

(a) *Definition.* "Liquefied Hazardous Gas" as used in this section means a liquid containing one or more of the products listed in Table 127.005 of this part that is carried in bulk on board a tank vessel as liquefied petroleum gas, liquefied natural gas, or similar liquefied gas products.

(b) *Location.* The following areas are security zones:

(1) All waters, extending from the surface to the sea floor, within a 500 yard radius around any liquefied hazardous gas (LHG) tank vessel that is

anchored at a designated anchorage either inside the Federal breakwaters bounding San Pedro Bay or outside at designated anchorages within three nautical miles of the breakwater;

(2) The shore area and all waters, extending from the surface to the sea floor, within a 500 yard radius around any LHG tank vessel that is moored, or in the process of mooring, at any berth within the Los Angeles or Long Beach port areas inside the Federal breakwaters bounding San Pedro Bay;

(3) All waters, extending from the surface to the sea floor, within 1000 yards ahead and 500 yards on each side and astern of any LHG tank vessel that is underway either on the waters inside the Federal breakwaters bounding San Pedro Bay or on the waters within three nautical miles seaward of the Federal breakwaters.

(c) *Regulations.* (1) In accordance with the general regulations in §165.33 of this part, entry into or remaining in these zones is prohibited unless authorized by the Coast Guard Captain of the Port Los Angeles-Long Beach, or his or her designated representative.

(2) Persons desiring to transit the area of the security zone may contact the Captain of the Port at telephone number (800) 221-USCG (8724) or on VHF-FM channel 16 (156.8 MHz) to seek permission to transit the area. If permission is granted, all persons and vessels shall comply with the instructions of the Captain of the Port or his or her designated representative.

(3) When any LHG tank vessels approach within 500 yards of a vessel that is moored or anchored, the stationary vessel must stay moored or anchored while it remains within the LHG tank vessel's security zone unless it is either ordered by or given permission from the Captain of the Port Los Angeles-Long Beach to do otherwise.

(d) *Authority.* In addition to 33 U.S.C. 1231 and 50 U.S.C. 191, the authority for this section includes 33 U.S.C. 1226.

(e) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of these security zones by the Los Angeles Port Police and the Long Beach Police Department.

[COTP Los Angeles-Long Beach 02-005, 68 FR 13233, Mar. 19, 2003]

§ 165.1152 San Pedro Bay, California—Regulated navigation area.

(a) *Applicability.* This section applies to all vessels unless otherwise specified. (Note: All geographic coordinates are defined using North American Datum 1983 (NAD 83)).

(b) *Deviations.* The Captain of the Port of Los Angeles-Long Beach or his or her designated representative may authorize a deviation from the requirements of this regulation when it is deemed necessary in the interests of safety.

(c) *Location.* (1) The San Pedro Bay Regulated Navigation Area (RNA) consists of the water area enclosed by the Los Angeles-Long Beach breakwater and a line connecting Point Fermin Light at 33°42.30'N, 118°17.60'W, with the following geographical positions:

Latitude	Longitude
33°35.50' N	118°17.60' W
33°35.50' N	118°09.00' W
33°37.70' N	118°06.50' W
33°43.40' N	118°10.80' W

(2) The San Pedro Bay RNA consists of the following named sub-areas, defined by lines connecting their respective geographic coordinates:

(i) *The Los Angeles Pilot Area:*

Latitude	Longitude
33°42.50' N	118°15.10' W (Los Angeles Light)
33°42.62' N	118°14.70' W
33°41.30' N	118°13.50' W
33°40.85' N	118°14.90' W
33°42.50' N	118°15.10' W

(ii) *The Long Beach Pilot Area:*

Latitude	Longitude
33°43.40' N	118°11.20' W (Long Beach Light)
33°43.40' N	118°10.80' W
33°41.50' N	118°10.22' W
33°40.52' N	118°10.22' W
33°40.52' N	118°11.82' W
33°41.50' N	118°11.82' W
33°43.40' N	118°11.20' W

(iii) *The Los Angeles Deep Water Traffic Lane:*

Latitude	Longitude
33°42.47' N	118°14.95' W
33°42.56' N	118°14.75' W
33°39.48' N	118°13.32' W
33°39.42' N	118°13.55' W
33°42.47' N	118°14.95' W

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(iv) *The Long Beach Deep Water Traffic Lane:*

Latitude	Longitude
33°43.43' N	118°11.15' W
33°43.39' N	118°10.90' W
33°41.51' N	118°10.71' W
33°41.50' N	118°10.95' W
33°43.43' N	118°11.15' W

(v) *Los Angeles Deep Water Pilot Area:* A 0.5nm radius around 33°39.00' N, 118°13.19' W.

(d) *General regulations.* The following regulations contained in paragraphs (d)(1) through (d)(3) of this section apply to power driven vessels of 1600 or more gross tons, a towing vessel of 8 meters (approximately 26 feet) or over in length engaged in towing, or vessels of 100 gross tons and upward carrying one or more passengers for hire.

(1) A vessel shall not exceed a speed of 12 knots through the water within the RNA.

(2) A vessel navigating within the RNA, shall have its engine(s) ready for immediate maneuver and shall operate its engine(s) in a control mode and on fuel that will allow for an immediate response to any engine order, ahead or astern, including stopping its engine(s) for an extended period of time.

(3) A vessel navigating within the RNA shall maintain a minimum separation from other vessels of at least 0.25 nm.

(e) *Specific regulations—(1) Los Angeles Pilot Area.* (i) No vessel may enter the Los Angeles Pilot Area unless it is entering or departing Los Angeles Harbor entrance (Angels Gate).

(ii) Vessels entering the Los Angeles Pilot Area shall pass directly through without stopping or loitering except as necessary to embark or disembark a pilot.

(2) *Long Beach Pilot Area.* (i) No vessel may enter the Long Beach Pilot Area unless it is entering or departing Long Beach Harbor entrance (Queens Gate).

(ii) Vessels entering the Long Beach Pilot Area shall pass directly through without stopping or loitering except as necessary to embark or disembark a pilot.

(iii) Every vessel shall leave Long Beach Approach Lighted Whistle Buoy "LB" to port when entering and departing Long Beach Channel and de-

parting vessels shall pass across the southern boundary of the Long Beach Pilot Area.

(3) *Los Angeles and Long Beach Deep Water Traffic Lanes.* When a vessel of 50 foot draft or greater is using the Los Angeles or Long Beach Deep Water Traffic Lane no other vessel shall enter the Deep Water Traffic Lane if it will result in a meeting, crossing or overtaking situation.

(4) *Los Angeles Deep Water Pilot Area.* When a vessel of 50 foot draft or greater is embarking or disembarking a pilot in the Los Angeles Main Channel Entrance Light 2 (33°42.70' N, 118°14.70' W), thence east along the Middle Breakwater to Long Beach Light (33°43.40' N, 118°11.20' W), thence south to (33°43.08' N, 118°11.26' W), thence westerly to (33°43.08' N, 118°12.26' W), thence south-westerly parallel to the breakwater to (33°42.43' N, 118°14.30' W), thence to the point of origin, unless such vessel is:

(5) Vessels described in paragraph (d) of this section may not enter the waters between Commercial Anchorage G and the Middle Breakwater as defined by an area enclosed by the line beginning at Los Angeles Main Channel Entrance Light 2 (33°42.70' N, 118°14.70' W), thence east along the Middle Breakwater to Long Beach Light (33°43.40' N, 118°11.20' W), thence south to (33°43.08' N, 118°11.26' W), thence westerly to (33°43.08' N, 118°12.26' W), thence south-westerly parallel to the breakwater to (33°42.43' N, 118°14.30' W), thence to the point of origin, unless such vessel is:

- (i) In an emergency;
- (ii) Proceeding to anchor in or departing Commercial Anchorage G;
- (iii) Standing by with confirmed pilot boarding arrangements; or,
- (iv) Engaged in towing vessels to or from Commercial Anchorage G, or to or from the waters between Commercial Anchorage G and the Middle Breakwater.

[CGD11-00-007, 65 FR 62294, Oct. 18, 2000. Re-designated by USCG-2001-9286, 66 FR 33642, June 25, 2001]

§ 165.1154 **Security Zones; Cruise Ships, San Pedro Bay, California.**

(a) *Definition.* "Cruise ship" as used in this section means a passenger vessel, except for a ferry, over 100 feet in length, authorized to carry more than 12 passengers for hire; making voyages lasting more than 24 hours, any part of which is on the high seas; and for which passengers are embarked or disembarked in the Port of Los Angeles or Port of Long Beach.

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(b) *Location.* The following areas are security zones:

(1) All waters, extending from the surface to the sea floor, within a 100 yard radius around any cruise ship that is anchored at a designated anchorage either inside the Federal breakwaters bounding San Pedro Bay or outside at designated anchorages within 3 nautical miles of the Federal breakwaters;

(2) The shore area and all waters, extending from the surface to the sea floor, within a 100 yard radius around any cruise ship that is moored, or is in the process of mooring, at any berth within the Los Angeles or Long Beach port areas inside the Federal breakwaters bounding San Pedro Bay; and

(3) All waters, extending from the surface to the sea floor, within 200 yards ahead, and 100 yards on each side and astern of a cruise ship that is underway either on the waters inside the Federal breakwaters bounding San Pedro Bay or on the waters within 3 nautical miles seaward of the Federal breakwaters.

(c) *Regulations.* (1) In accordance with the general regulations in §165.33 of this part, entry into or remaining in these zones is prohibited unless authorized by the Coast Guard Captain of the Port, Los Angeles-Long Beach, or his designated representative.

(2) Persons desiring to transit the area of the security zone may contact the Captain of the Port at telephone number 1-800-221-USCG (8724) or on VHF-FM channel 16 (156.8 MHz) to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his or her designated representative.

(3) When a cruise ship approaches within 100 yards of a vessel that is moored, or anchored, the stationary vessel must stay moored or anchored while it remains within the cruise ship's security zone unless it is either ordered by, or given permission from, the COTP Los Angeles-Long Beach to do otherwise.

(d) *Authority.* In addition to 33 U.S.C. 1231 and 50 U.S.C. 191, the authority for this section includes 33 U.S.C. 1226.

(e) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the security zone by the

Los Angeles Port Police and the Long Beach Police Department.

[COTP Los Angeles-Long Beach 02-004, 67 FR 72563, Dec. 6, 2002]

§ 165.1155 Security Zone; Diablo Canyon Nuclear Power Plant, Avila Beach, California.

(a) *Location.* The following area is a security zone: all waters of the Pacific Ocean, from surface to bottom, within a 2,000 yard radius of Diablo Canyon Nuclear Power Plant centered at position 35°12'23" N, 120°51'23" W. [Datum: NAD 83].

(b) *Regulations.* (1) In accordance with the general regulations in §165.33 of this part, entry into or remaining in this zone is prohibited unless authorized by the Coast Guard Captain of the Port, Los Angeles-Long Beach, or his or her designated representative.

(2) Persons desiring to transit the area of the security zone may contact the Captain of the Port at telephone number 1-800-221-8724 or on VHF-FM channel 16 (156.8 MHz). If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his or her designated representative.

(c) *Authority.* In addition to 33 U.S.C. 1231, the authority for this section includes 33 U.S.C. 1226.

[COTP Los Angeles-Long Beach 02-006, 67 FR 77430, Dec. 18, 2002]

§ 165.1171 Copper Canyon, Lake Havasu, Colorado River—Regulated Navigation Area.

(a) *Location.* The following is a regulated navigation area:

(1) In the water area of Copper Canyon, Lake Havasu, Colorado River, beginning at the approximate center of the mouth of Copper Canyon and drawing a line down the approximate center of the canyon extending shoreward to the end of the navigable waters of the canyon, and comprising a semi-rectangular area extending 30 feet on each side of the line, for a total semi-rectangular width of 60 feet.

(2) This line is more precisely described as: beginning at latitude 34°25'67.6"N, longitude 114°18'38.5"W, thence southwesterly to latitude 34°25'64"N, longitude 114°18'45.7"W, thence northwesterly to latitude

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34°25'65.6"N, longitude 114°18'46.7"W, thence southeasterly to latitude 34°25'60.7"N, longitude 114°18'42.7"W, thence southwesterly to longitude 34°25'51.4"N, latitude 114°18'46.2"W, thence southeasterly to latitude 34°25'47.1"N, longitude 114°18'49.4"W, thence to the end of the navigable waters of the canyon.

(b) *Definitions.* For the purposes of this section:

(1) *Vessel:* Every description of watercraft, used or capable of being used as a means of transportation on the water, and regardless of mode of power.

(2) *Patrol Vessel:* Vessels designated by the Captain of the Port, San Diego, to enforce or assist in enforcing these regulations, including Coast Guard, Coast Guard Auxiliary, and San Bernardino County Sheriff's Department Vessels.

(c) *Regulations.* (1) Vessels, with the exception of patrol vessels, shall not anchor, moor, loiter in, or otherwise impede the transit of any other vessel within the regulated navigation area. Furthermore, all vessels, with the exception of patrol vessels, shall expeditiously and continuously transit the regulated navigation area via the most direct route consistent with navigational safety.

(2) During periods of vessels congestion within the Copper Canyon area, as determined by the Captain of the Port or his or her designated on-scene representative, the regulated navigation area will be closed to all vessels, with the exception of patrol vessels. During designated closure periods, no vessel may enter, remain in, or transit through the regulated navigation area, with the exception of patrol vessels. Designation of periods of vessel congestion and announcement of the closure of the regulated navigation area will be conducted by broadcast notices to mariners on VHF-FM Channel 16 no less frequently than every hour for the duration of the closure period.

(3) Each person in the regulated navigation area shall comply with the directions of the Captain of the Port or

his or her designated on-scene representative regarding vessel operation.

[CGD11-97-010, 63 FR 38308, July 16, 1998. Redesignated by USCG-2001-9286, 66 FR 33642, June 25, 2001]

§ 165.1181 San Francisco Bay Region, California—regulated navigation area.

(a) *Applicability.* This section applies to all vessels unless otherwise specified.

(b) *Deviations.* The Captain of the Port, San Francisco Bay, or the Commanding Officer, Vessel Traffic Service San Francisco, as a representative of the Captain of the Port, may authorize a deviation from the requirements of this regulation when it is deemed necessary in the interests of safety.

(c) *Regulated Navigation Areas—(1) San Francisco Bay RNA.* (i) The following is a regulated navigation area—The waters bounded by a line connecting the following coordinates, beginning at:

37°47'18"N, 122°30'22"W; thence to 37°48'55"N, 122°31'41"W; thence along the shoreline to 37°50'38"N, 122°28'37"W; thence to 37°50'59"N, 122°28'00"W; thence to 37°51'45"N, 122°27'28"W; thence to 37°52'58"N, 122°26'06"W; thence to 37°51'53"N, 122°24'58"W; thence to 37°51'53"N, 122°24'00"W; thence to 37°51'40"N, 122°23'48"W; thence to 37°49'22"N, 122°23'48"W; thence to 37°48'20"N, 122°22'12"W; thence to 37°47'02"N, 122°21'33"W; thence to 37°47'02"N, 122°23'04"W; thence along the shoreline to the point of beginning.

Datum: NAD 83

(ii) The San Francisco Bay RNA consists of the following defined sub-areas:

(A) *Golden Gate Traffic Lanes—(1) Westbound traffic lane:* Bounded by the Golden Gate precautionary area and the COLREGS Demarcation Line (33 CFR 80.1142), between the separation zone and a line connecting the following coordinates:

37°48'30"N, 122°31'22"W; thence to 37°49'03"N, 122°29'52"W.

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(2) *Eastbound traffic lane.* Bounded by the COLREGS Demarcation Line (33

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CFR 80.1142) and the Golden Gate precautionary area, between the separation zone and a line connecting the following coordinates:

37°47'50" N, 122°30'48" W; thence to 37°48'30" N, 122°29'29" W.

Datum: NAD 83

(3) *Golden Gate Separation Zone*: The area 75 yards each side of a line connecting the following coordinates:

37°48'08" N, 122°31'05" W; thence to 37°48'46" N, 122°29'40" W.

Datum: NAD 83

(B) *Golden Gate Precautionary Area*: An area bounded by a line connecting the following coordinates beginning at:

37°48'30" N, 122°29'29" W; thence to 37°48'52" N, 122°28'41" W; thence to 37°48'52" N, 122°27'49" W; thence to 37°49'36" N, 122°27'46" W; thence to 37°49'55" N, 122°28'09" W; thence to 37°49'28" N, 122°28'45" W; thence to 37°49'03" N, 122°29'52" W; thence returning to the point of beginning.

Datum: NAD 83

(C) *Central Bay Traffic Lanes*—(1) *Westbound traffic lane*: Bounded by the Central Bay precautionary area and the Golden Gate precautionary area, between the Central Bay and the Deep Water Traffic Lane separation zones.

(2) *Eastbound traffic lane*: Bounded by the Golden Gate precautionary area and the Central Bay precautionary area, between the Central Bay Separation Zone and a line connecting the following coordinates, beginning at:

37°48'41" N, 122°25'17" W; thence to 37°48'50" N, 122°26'14" W; thence to 37°48'52" N, 122°27'49" W.

Datum: NAD 83

(3) *Deep Water (two-way) Traffic Lane*: Bounded by the Central Bay precautionary area and the Golden Gate precautionary area, between the Deep Water Traffic Lane and a line connecting the following coordinates, beginning at:

37°49'55" N, 122°28'09" W; thence to 37°50'36" N, 122°27'12" W; thence to 37°50'47" N, 122°26'26" W.

Datum: NAD 83

(D) *Central Bay Separation Zone*: The area 75 yards each side of a line con-

necting the following coordinates, beginning at:

37°49'17" N, 122°27'47" W; thence to 37°49'35" N, 122°25'25" W.

Datum: NAD 83

(E) *Deep Water Traffic Lane Separation Zone*: The area 75 yards each side of a line connecting the following coordinates, beginning at:

37°49'36" N, 122°27'46" W; thence to 37°50'22" N, 122°26'49" W; thence to 37°50'25" N, 122°26'22" W.

Datum: NAD 83

(F) *Central Bay Precautionary Area*: An area bounded by a line connecting the following coordinates, beginning at:

37°48'41" N, 122°25'17" W; thence to 37°49'32" N, 122°25'13" W; thence to 37°50'25" N, 122°26'22" W; thence to 37°50'47" N, 122°26'26" W; thence to 37°51'04" N, 122°24'58" W; thence to 37°51'53" N, 122°24'58" W; thence to 37°51'53" N, 122°24'00" W; thence to 37°51'40" N, 122°23'48" W; thence to 37°49'22" N, 122°23'48" W; thence to 37°48'20" N, 122°22'12" W; thence to 37°47'02" N, 122°21'33" W; thence to 37°47'02" N, 122°23'04" W; thence returning along the shoreline to the point of beginning.

Datum: NAD 83

(2) *North Ship Channel RNA*. The following is a regulated navigation area—The waters bounded by a line connecting the following coordinates, beginning at:

37°51'53" N, 122°24'58" W; thence to 37°54'15" N, 122°27'27" W; thence to 37°56'06" N, 122°26'49" W; thence to 37°56'06" N, 122°26'34" W; thence to 37°54'48" N, 122°26'42" W; thence to 37°54'02" N, 122°26'10" W; thence to 37°51'53" N, 122°24'00" W; thence to returning to the point of beginning.

Datum: NAD 83

(3) *San Pablo Strait Channel RNA*. The following is a regulated navigation area—The waters bounded by a line connecting the following coordinates, beginning at:

37°56'06" N, 122°26'49" W; thence to 37°57'26" N, 122°27'21" W; thence to 38°00'48" N, 122°24'45" W; thence to 38°01'54" N, 122°22'24" W; thence to 38°01'44" N, 122°22'18" W; thence to 37°57'37" N, 122°26'23" W; thence to 37°56'06" N, 122°26'34" W; thence returning to the point of beginning.

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(4) *Pinole Shoal Channel RNA*. The following is a regulated navigation area—The waters bounded by a line connecting the following coordinates, beginning at:

38°01'54" N, 122°22'25" W; thence to 38°03'13" N, 122°19'50" W; thence to 38°03'23" N, 122°18'31" W; thence to 38°03'13" N, 122°18'29" W; thence to 38°03'05" N, 122°19'28" W; thence to 38°01'44" N, 122°22'18" W; thence returning to the point of beginning.

Datum: NAD 83

(5) *Southern Pacific Railroad Bridge RNA*. The following is a regulated navigation area—The water area contained within a circle with a radius of 200 yards, centered on 38°02'18" N, 122°07'17" W.

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(6) *Southampton Shoal Channel/Richmond Harbor RNA*: The following, consisting of two distinct areas, is a regulated navigation area—

(i) The waters bounded by a line connecting the following coordinates, beginning at:

37°54'17" N, 122°22'00" W; thence to 37°54'08" N, 122°22'00" W; thence to 37°54'15" N, 122°23'12" W; thence to 37°54'30" N, 122°23'09" W; thence along the shoreline to the point of beginning.

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(ii) The waters bounded by a line connecting the following coordinates, beginning at:

37°54'28" N, 122°23'36" W; thence to 37°54'20" N, 122°23'38" W; thence to 37°54'23" N, 122°24'02" W; thence to 37°54'57" N, 122°24'51" W; thence to 37°55'05" N, 122°25'02" W; thence to 37°54'57" N, 122°25'22" W; thence to 37°54'00" N, 122°25'13" W; thence to 37°53'59" N, 122°25'22" W; thence to 37°55'30" N, 122°25'35" W; thence to 37°55'40" N, 122°25'10" W; thence to 37°54'54" N, 122°24'30" W; thence to 37°54'30" N, 122°24'00" W; thence returning to the point of beginning.

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(7) *Oakland Harbor RNA*. The following is a regulated navigation area—The waters bounded by a line connecting the following coordinates, beginning at:

37°48'40" N, 122°19'58" W; thence to 37°48'50" N, 122°20'02" W; thence to 37°48'20" N, 122°21'00" W; thence to 37°48'15" N, 122°21'30" W; thence to

37°48'20" N, 122°22'12" W; thence to 37°47'26" N, 122°21'45" W; thence to 37°47'55" N, 122°21'26" W; thence to 37°48'03" N, 122°21'00" W; thence to 37°47'48" N, 122°19'46" W; thence to 37°47'55" N, 122°19'43" W; thence returning along the shoreline to the point of the beginning.

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(d) *General regulations*. (1) A power-driven vessel of 1600 or more gross tons, or a tug with a tow of 1600 or more gross tons, navigating within the RNAs defined in paragraph (c) of this section, shall not exceed a speed of 15 knots through the water.

(2) A power-driven vessel of 1600 or more gross tons, or a tug with a tow of 1600 or more gross tons, navigating within the RNAs defined in paragraph (c) of this section, shall have its engine(s) ready for immediate maneuver and shall operate its engine(s) in a control mode and on fuel that will allow for an immediate response to any engine order, ahead or astern, including stopping its engine(s) for an extended period of time.

(3) The master, pilot or person directing the movement of a vessel within the RNAs defined in paragraph (c) of this regulation shall comply with Rule 9 of the Inland Navigation Rules (INRs) (33 U.S.C. 2009) in conjunction with the provisions of the associated INRs.

(e) *Specific Regulations*—(1) *San Francisco Bay RNA*: (i) A vessel shall navigate with particular caution in a precautionary area, or in areas near the terminations of traffic lanes or channels, as described in this regulation.

(ii) A power-driven vessel of 1600 or more gross tons, or a tug with a tow of 1600 or more gross tons, shall:

(A) use the appropriate traffic lane and proceed in the general direction of traffic flow for that lane;

(B) use the Central Bay Deep Water Traffic Lane if eastbound with a draft of 45 feet or greater or westbound with a draft of 28 feet or greater;

(C) not enter the Central Bay Deep Water Traffic Lane when another power-driven vessel of 1600 or more gross tons or tug with a tow of 1600 or more gross tons is navigating therein when either vessel is:

(I) carrying certain dangerous cargoes (as denoted in section 160.203 of this subchapter);

(2) carrying bulk petroleum products; or

(3) a tank vessel in ballast if such entry would result in meeting, crossing, or overtaking the other vessel.

(D) normally join or leave a traffic lane at the termination of the lane, but when joining or leaving from either side, shall do so at as small an angle to the general direction of traffic flow as practicable;

(E) so far as practicable keep clear of the Central Bay Separation Zone and the Deep Water Lane Separation Zone;

(F) not cross a traffic lane separation zone unless crossing, joining, or leaving a traffic lane.

(2) *Pinole Shoal Channel RNA*: (i) The use of Pinole Shoal Channel RNA is reserved for navigation of vessels with a draft greater than 20 feet or tugs with tows drawing more than 20 feet. Vessels drawing less than 20 feet are not permitted within this RNA and are prohibited from crossing it at any point.

(ii) A power-driven vessel of 1600 or more gross tons or a tug with a tow of 1600 or more gross tons shall not enter Pinole Shoal Channel RNA when another power-driven vessel of 1600 or more gross tons or tug with a tow of 1600 or more gross tons is navigating therein when either vessel is:

(A) carrying certain dangerous cargoes (as denoted in section 160.203 of this subchapter);

(B) carrying bulk petroleum products; or

(C) a tank vessel in ballast if such entry would result in meeting, crossing, or overtaking the other vessel.

(iii) Vessels permitted to use this channel shall proceed at a reasonable speed so as not to endanger other vessels or interfere with any work which may become necessary in maintaining, surveying, or buoying the channel, and they shall not anchor in the channel except in case of a deviation authorized under paragraph (b) of this section.

(iv) This paragraph shall not be construed as prohibiting any necessary use of the channel by any public vessels while engaged in official duties, or in emergencies by pilot boats.

(3) *Southern Pacific Railroad Bridge (RNA)*: (i) When visibility is less than 1000 yards within the Southern Pacific Railroad Bridge RNA, a power-driven

vessel of 1600 or more gross tons, or a tug with a tow of 1600 or more gross tons:

(A) When eastbound, shall not transit through the RNA.

(B) When westbound:

(1) During periods of reduced visibility and immediately prior to passing New York Point, the master, pilot, or person directing the movement of a vessel shall obtain a report of visibility conditions within the RNA.

(2) If visibility within the RNA is less than 1000 yards, the vessel shall not transit the RNA. Vessels prevented from transiting due to low visibility shall not proceed past Mallard Island until visibility improves to greater than 1000 yards within the RNA.

(3) If a transit between New York Point and the Southern Pacific Railroad Bridge has commenced, and the visibility subsequently should become less than 1000 yards, the master, pilot, or person directing the movement of a vessel shall comply with paragraph (b) of this section and may proceed, taking all further appropriate actions in the interest of safety.

(ii) Visibility is considered to be 1000 yards or greater when both the following geographical points can be seen from the Southern Pacific Railroad Bridge:

(A) The Port of Benecia Pier, and

(B) The Shell Martinez Pier.

(4) *Southampton Shoal/Richmond Harbor RNA*: A power-driven vessel of 1600 or more gross tons, or a tug with a tow of 1600 or more gross tons, shall not enter Southampton Shoal/Richmond Harbor RNA when another power-driven vessel of 1600 or more gross tons, or a tug with a tow of 1600 or more gross tons, is navigating therein, if such entry would result in meeting, crossing, or overtaking the other vessel.

(5) *Oakland Harbor RNA*: A power-driven vessel of 1600 or more gross tons or a tug with a tow of 1600 or more gross tons shall not enter the Oakland Harbor RNA when another power-driven vessel of 1600 or more gross tons, or a tug with a tow of 1600 or more gross tons, is navigating therein, if such

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entry would result in meeting, crossing, or overtaking the other vessel.

[CGD11-94-007, 60 FR 16796, Apr. 3, 1995; 60 FR 30157, June 7, 1995. Redesignated by USCG-2001-9286, 66 FR 33642, June 25, 2001, as amended by USCG-2003-15404, 68 FR 37741, June 25, 2003]

EDITORIAL NOTE: At 67 FR 38374, July 24, 2001, paragraph (c)(7) was revised. Because of inaccurate amendatory language, this amendment could not be made.

§ 165.1182 Safety/Security Zone: San Francisco Bay, San Pablo Bay, Carquinez Strait, and Suisun Bay, CA.

(a) *Regulated area.* The following area is established as a moving safety/security zone:

(1) All waters 200 yards ahead and astern and 100 yards to each side of every vessel transporting nuclear materials on behalf of the United States Department of Energy while such vessels transit from a line drawn between San Francisco Main Ship Channel buoys 7 and 8 (LLNR 4190 & 4195, positions 37°46.9'N, 122°35.4'W & 37°46.5'N, 122°35.2'W, respectively) until safely moored at the Weapons Support Facility Seal Beach Detachment Concord on Suisun Bay (position 38°03.3'N, 122°02.5'W). All coordinates referenced use datum: NAD 1983.

(2) All waters within 100 yards of such vessels described in paragraph (a)(1) of this section while such vessels are conducting cargo operations at the Weapons Support Facility Seal Beach Detachment Concord.

(b) *Notification.* Commander, Eleventh Coast Guard District, will cause notice of the activation of this safety/security zone to be made by all appropriate means to effect the widest publicity among the affected segments of the public, including publication in the FEDERAL REGISTER as practicable, in accordance with the provisions of 33 CFR 165.7(a); such means of announcement may include, but are not limited to, Broadcast Notice to Mariners. The Coast Guard will issue a Broadcast Notice to Mariners notifying the public when nuclear materials cargo handling has been completed.

(c) *Effective Period.* The safety/security zone will be effective commencing at the time any vessel described in

paragraph (a)(1) of this section enters the zone described in paragraph (a)(1) of this section and will remain in effect until all spent nuclear materials cargo handling operations have been completed at Weapons Support Facility Seal Beach Detachment Concord.

(d) *Regulations.* The general regulations governing safety and security zones contained in both 33 CFR 165.23 in 33 CFR 165.33 apply. Entry into, transit through, or anchoring within this moving safety/security zone is prohibited unless authorized by Commander, Eleventh Coast Guard District, or his designated representative.

[CGD11-98-005, 63 FR 38754, July 20, 1998. Redesignated by USCG-2001-9286, 66 FR 33642, June 25, 2001]

§ 165.1183 Security Zones; Cruise Ships and Tank Vessels, San Francisco Bay and Delta ports, California.

(a) *Definition.* "Cruise ship" as used in this section means a passenger vessel, except for a ferry, over 100 feet in length, authorized to carry more than 12 passengers for hire; making voyages lasting more than 24 hours, any part of which is on the high seas; and for which passengers are embarked or disembarked in the San Francisco Bay and Delta ports.

(b) *Location.* The following areas are security zones:

(1) All waters, extending from the surface to the sea floor, within a 100-yard radius around any cruise ship and tank ship that is anchored at a designated anchorage within the San Francisco Bay and Delta port areas shoreward of the line drawn between San Francisco Main Ship Channel buoys 7 and 8 (LLNR 4190 & 4195, positions 37°46.9' N, 122°35.4' W and 37°46. 5' N, 122°35.2' W, respectively);

(2) The shore area and all waters, extending from the surface to the sea floor, within a 100-yard radius around any cruise ship and tank ship that is moored, or in the process of mooring, at any berth within the San Francisco Bay and Delta port areas shoreward of the line drawn between San Francisco Main Ship Channel buoys 7 and 8 (LLNR 4190 & 4195, positions 37°46.9' N, 122°35.4' W and 37°46. 5' N, 122°35.2' W, respectively); and

(3) All waters, extending from the surface to the sea floor within a 100-yard radius around any cruise ship and/or tank ship that is underway shoreward of the line drawn between San Francisco Main Ship Channel buoys 7 and 8 (LLNR 4190 & 4195, positions 37°46.9' N, 122°35.4' W and 37°46. 5' N, 122°35.2' W, respectively).

(c) *Regulations.* (1) In accordance with the general regulations in §165.33 of this part, entry into or remaining in this zone is prohibited unless authorized by the Coast Guard Captain of the Port, San Francisco Bay, or his designated representative.

(2) Persons desiring to transit the area of the security zone may contact the Captain of the Port at telephone number 510-437-3073 or on VHF-FM channel 16 (156.8 MHz) to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his or her designated representative.

(3) When a cruise ship and/or tank vessel approaches within 100 yards of a vessel that is moored, or anchored, the stationary vessel must stay moored or anchored while it remains within the cruise ship's and/or tank vessel's security zone unless it is either ordered by, or given permission from, the COTP San Francisco Bay to do otherwise.

(d) *Authority.* In addition to 33 U.S.C. 1231, the authority for this section includes 33 U.S.C. 1226.

(e) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the security zone by local law enforcement as necessary.

[COTP San Francisco Bay 02-019, 67 FR 79855, Dec. 31, 2002]

§ 165.1191 Safety zones: Northern California annual fireworks events.

(a) *General.* Safety zones are established for the events listed in Table 1 of this section. Further information on exact dates, times, and other details concerning the exact geographical description of the areas are published by the Eleventh Coast Guard District in the Local Notice to Mariners prior to each event.

(b) *Regulations.* "Official Patrol Vessels" consist of any Coast Guard, other Federal, state or local law enforcement, and any public or sponsor-provided vessels assigned or approved by Commander, Coast Guard Group San Francisco, to patrol each event.

(1) In accordance with the general regulations in §165.23 of this part, entering into, transiting through, or anchoring within these zones is prohibited, unless authorized by the Patrol Commander.

(2) Each person in a safety zone who receives notice of a lawful order or direction issued by an official patrol vessel shall obey the order or direction.

(3) The Patrol Commander (PATCOM) is empowered to forbid and control the movement of all vessels in the regulated area. The Patrol Commander shall be designated by the Commander, Coast Guard Group San Francisco; will be a U.S. Coast Guard commissioned officer, warrant officer or petty officer to act as the Group Commander's official representative; and will be located aboard the lead official patrol vessel.

(4) The Patrol Commander may, upon request, allow the transit of commercial vessels through regulated areas when it is safe to do so.

TABLE 1 TO § 165.1191

[All coordinates referenced use datum NAD 83]

KFOG KaBoom	
Sponsor	KFOG Radio, San Francisco.
Event Description	Fireworks display.
Date	Last Saturday in May.
Location	1,000 feet off Pier 30/32.
Regulated Area	That area of navigable waters within a 1,000 foot radius of the launch platform.
Fourth of July Fireworks, City of Monterey	
Sponsor	City of Monterey, Recreation & Community Services Department.

TABLE 1 TO § 165.1191—Continued

[All coordinates referenced use datum NAD 83]

Event Description	Fireworks Display.
Date	July 4th.
Location	Monterey Bay, East of Municipal Wharf #2.
Regulated Area	That area of navigable Waters within a 1,000 foot radius of the launch platform.
Fourth of July Fireworks, City of Sausalito	
Sponsor	City of Sausalito.
Event Description	Fireworks Display.
Date	July 4th.
Location	1,000 feet off-shore from Sausalito waterfront, North of Spinnaker Rest.
Regulated Area	That area of navigable waters within a 1,000 foot radius of the launch platform.
Fourth of July Fireworks, Lake Tahoe	
Sponsor	Anchor Trust.
Event Description	Fireworks Display.
Date	July 4th.
Location	1,000 feet off Incline Village, Nevada in Crystal Bay.
Regulated Area	That area of navigable waters within a 1,000 foot radius of the launch platform.
Fourth of July Fireworks, South Lake Tahoe Gaming Alliance	
Sponsor	Harrah's Lake Tahoe.
Event Description	Fireworks Display.
Date	July 4th.
Location	Off South Lake Tahoe, California near Nevada border.
Regulated Area	That area of navigable waters within a 1,000 foot radius of the launch platform.
Independence Day Fireworks	
Sponsor	North Tahoe Fire Protection District.
Event Description	Fireworks Display.
Date	July 4th.
Location	Offshore from Kings Beach State Beach.
Regulated Area	That area of navigable waters within a 1,000 foot radius of the launch platform.
July 4th Fireworks Display	
Sponsor	North Tahoe Fire Protection District.
Event Description	Fireworks Display.
Date	July 4th.
Location	Offshore of Common Beach, Tahoe City, CA.
Regulated Area	That area of navigable waters within a 1,000 foot radius of the launch platform.
San Francisco Chronicle Fireworks Display	
Sponsor	San Francisco Chronicle.
Event Description	Fireworks Display.
Date	July 4th.
Location 1	A barge located approximately 1,000 feet off of San Francisco Pier 39 at approximately: 37°48'49.0" N, 122°24'46.5" W.
Regulated Area	The area of navigable waters within a 1,000 foot radius of the launch platform.
Location 2	The end of the San Francisco Municipal Pier at Aquatic Park at approximately: 37°48'38.5" N, 122°25'30.0" W.

TABLE 1 TO § 165.1191—Continued

[All coordinates referenced use datum NAD 83]

Regulated Area	The area of navigable waters within a 1,000 foot radius of the launch platform.
Vallejo Fourth of July Fireworks	
Sponsor	Vallejo Marina.
Event Description	Fireworks Display.
Date	July 4th.
Location	Mare Island Strait.
Regulated Area	That area of navigable waters within a 1,000 foot radius of the launch platform.

[CGD 11-99-007, 64 FR 39030, July 21, 1999. Redesignated by USCG-2001-9286, 66 FR 33642, June 25, 2001]

THIRTEENTH COAST GUARD DISTRICT

§ 165.T13-002 Security and safety zone, Large Passenger Vessel Protection, Puget Sound and adjacent waters, Washington.

(a) The following definitions apply to this section:

(1) *Federal Law Enforcement Officer* means any employee or agent of the United States government who has the authority to carry firearms and make warrantless arrests and whose duties involve the enforcement of criminal laws of the United States.

(2) *Large passenger vessel* means any vessel over 100 feet in length (33 meters) carrying passengers for hire including, but not limited to, cruise ships, auto ferries, passenger ferries, and excursion vessels.

(3) *Large passenger vessel security and safety zone* is a regulated area of water, established by this section, surrounding large passenger vessels for a 500 yard radius, that is necessary to provide for the security and safety of these vessels.

(4) *Navigable waters of the United States* means those waters defined as such in 33 CFR part 2.

(5) *Navigation Rules* means the Navigation Rules, International-Inland.

(6) *Official patrol* means those persons designated by the Captain of the Port to monitor a large passenger vessel security and safety zone, permit entry into the zone, give legally enforceable orders to persons or vessels within the zone and take other actions authorized by the Captain of the Port. Persons au-

thorized to enforce this section are designated as the official patrol.

(7) *Public vessel* means vessels owned, chartered, or operated by the United States, or by a State or political subdivision thereof.

(8) *Washington Law Enforcement Officer* means any General Authority Washington Peace Officer, Limited Authority Washington Peace Officer, or Specially Commissioned Washington Peace Officer as defined in Revised Code of Washington section 10.93.020.

(b) *Security and safety zone*. There is established a large passenger vessel security and safety zone extending for a 500 yard radius around all large passenger vessels located in the navigable waters of the United States in Puget Sound, WA, east of 123 degrees, 30 minutes West Longitude. [Datum: NAD 1983]

(c) The large passenger vessel security and safety zone established by this section remains in effect at all times, whether the large passenger vessel is underway, anchored, or moored.

(d) The Navigation Rules shall apply at all times within a large passenger vessel security and safety zone.

(e) All vessels within a large passenger vessel security and safety zone shall operate at the minimum speed necessary to maintain a safe course and shall proceed as directed by the on-scene official patrol or large passenger vessel master. No vessel or person is allowed within 100 yards of a large passenger vessel, unless authorized by the on-scene official patrol or large passenger vessel master.

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(f) To request authorization to operate within 100 yards of a large passenger vessel, contact the on-scene official patrol or large passenger vessel master on VHF-FM channel 16 or 13.

(g) When conditions permit, the on-scene official patrol or large passenger vessel master should:

(1) Permit vessels constrained by their navigational draft or restricted in their ability to maneuver to pass within 100 yards of a large passenger vessel in order to ensure a safe passage in accordance with the Navigation Rules; and

(2) Permit commercial vessels anchored in a designated anchorage area to remain at anchor within 100 yards of a passing large passenger vessel; and

(3) Permit vessels that must transit via a navigable channel or waterway to pass within 100 yards of a moored or anchored large passenger vessel with minimal delay consistent with security.

(h) When a large passenger vessel approaches within 100 yards of a vessel that is moored, or anchored in a designated anchorage, the stationary vessel must stay moored or anchored while it remains within the large passenger vessel's safety and security zone unless it is either ordered by, or given permission by the Captain of the Port Puget Sound, his designated representative or the on-scene official patrol to do otherwise.

(i) *Exemption.* Public vessels as defined in paragraph (a) of this section are exempt from complying with paragraphs (e), (f), (g), (h), (j), (k), and (L) of this section.

(j) *Exception.* 33 CFR Part 161 promulgates Vessel Traffic Service regulations. Measures or directions issued by Vessel Traffic Service Puget Sound pursuant to 33 CFR Part 161 shall take precedence over the regulations in this section.

(k) *Enforcement.* Any Coast Guard commissioned, warrant or petty officer may enforce the rules in this section. When immediate action is required and representatives of the Coast Guard are not present or not present in sufficient force to exercise effective control in the vicinity of a large passenger vessel, any Federal Law Enforcement Officer or Washington Law Enforcement Offi-

cer may enforce the rules contained in this section pursuant to 33 CFR 6.04-11. In addition, the Captain of the Port may be assisted by other federal, state or local agencies in enforcing this section.

(l) *Waiver.* The Captain of the Port Puget Sound may waive any of the requirements of this section for any vessel or class of vessels upon finding that a vessel or class of vessels, operational conditions or other circumstances are such that application of this section is unnecessary or impractical for the purpose of port security, safety or environmental safety.

[CGD13-03-003, 68 FR 15377, Mar. 31, 2003]

EFFECTIVE DATE NOTE: By CGD13-03-003, 68 FR 15377, Mar. 31, 2003, temporary § 165.T13-002 was added, effective Feb. 8, 2003 to Aug. 8, 2003.

§ 165.T13-006 Security and Safety Zone, Large Passenger Vessel Protection, Portland, OR

(a) The following definitions apply to this section:

Federal Law Enforcement Officer means any employee or agent of the United States government who has the authority to carry firearms and make warrantless arrests and whose duties involve the enforcement of criminal laws of the United States.

Large passenger vessel means any vessel over 100 feet in length (33 meters) carrying passengers for hire including, but not limited to, cruise ships, auto ferries, passenger ferries, and excursion vessels.

Large passenger vessel security and safety zone is a regulated area of water, established by this section, surrounding large passenger vessels for a 500 yard radius, that is necessary to provide for the security and safety of these vessels.

Navigable waters of the United States means those waters defined as such in 33 CFR part 2.

Navigation Rules means the Navigation Rules, International-Inland.

Official patrol means those persons designated by the Captain of the Port to monitor a large passenger vessel security and safety zone, permit entry into the zone, give legally enforceable orders to persons or vessels within the zone and take other actions authorized

by the Captain of the Port. Persons authorized to enforce this section are designated as the Official Patrol.

Oregon Law Enforcement Officer means any Oregon Peace Officer as defined in Oregon Revised Statutes § 161.015.

Public vessel means vessels owned, chartered, or operated by the United States, or by a State or political subdivision thereof.

Washington Law Enforcement Officer means any General Authority Washington Peace Officer, Limited Authority Washington Peace Officer, or Specially Commissioned Washington Peace Officer as defined in Revised Code of Washington section 10.93.020.

(b) *Security and safety zone.* There is established a large passenger vessel security and safety zone extending for a 500 yard radius around all large passenger vessels located in the navigable waters of the United States, in Portland, OR beginning at the Columbia River Bar "C" buoy extending eastward on the Columbia River to Kennewick, WA and upriver through Lewiston, ID on the Snake River.

(c) The large passenger vessel security and safety zone established by this section remains in effect at all times, whether the large passenger vessel is underway, anchored, or moored.

(d) The Navigation Rules shall apply at all times within a large passenger vessel security and safety zone.

(e) All vessels within a large passenger vessel security and safety zone shall operate at the minimum speed necessary to maintain a safe course and shall proceed as directed by the on-scene official patrol or large passenger vessel master. No vessel or person is allowed within 100 yards of a large passenger vessel, unless authorized by the on-scene official patrol or large passenger vessel master.

(f) To request authorization to operate within 100 yards of a large passenger vessel, contact the on-scene official patrol or large passenger vessel master on VHF-FM channel 16 or 13.

(g) When conditions permit, the on-scene official patrol or large passenger vessel master should:

(1) Permit vessels constrained by their navigational draft or restricted in their ability to maneuver to pass with-

in 100 yards of a large passenger vessel in order to ensure a safe passage in accordance with the Navigation Rules; and

(2) Permit commercial vessels anchored in a designated anchorage area to remain at anchor within 100 yards of a passing large passenger vessel; and

(3) Permit vessels that must transit via a navigable channel or waterway to pass within 100 yards of a moored or anchored large passenger vessel with minimal delay consistent with security.

(h) When a large passenger vessel approaches within 100 yards of a vessel that is moored, or anchored in a designated anchorage, the stationary vessel must stay moored or anchored while it remains within the large passenger vessel's security and safety zone unless it is either ordered by, or given permission by the Captain of the Port Portland, his designated representative or the on-scene official patrol to do otherwise.

(i) *Exemption.* Public vessels as defined in paragraph (a) in this section are exempt from complying with paragraphs (e), (f), (g), (h), (j), and (k) of this section.

(j) *Enforcement.* Any Coast Guard commissioned, warrant or petty officer may enforce the rules in this section. When immediate action is required and representatives of the Coast Guard are not present or not present in sufficient force to exercise effective control in the vicinity of a large passenger vessel, any Federal Law Enforcement Officer, Oregon Law Enforcement Officer or Washington Law Enforcement Officer may enforce the rules contained in this section pursuant to 33 CFR 6.04-11. In addition, the Captain of the Port may be assisted by other federal, state or local agencies in enforcing this section.

(k) *Waiver.* The Captain of the Port Portland may waive any of the requirements of this section for any vessel or class of vessels upon finding that a vessel or class of vessels, operational conditions or other circumstances are such that application of this section is unnecessary or impractical for the purpose of port security, safety or environmental safety.

[CGD13-03-012, 68 FR 23392, May 2, 2003]

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EFFECTIVE DATE NOTE: By CGD13-03-012, 68 FR 23392, May 1, 2003, § 165.13-006 was added, effective Mar. 12, 2003 to Sept. 12, 2003.

§ 165.1301 Puget Sound and Adjacent Waters in Northwestern Washington—Regulated Navigation Area.

The following is a regulated navigation area—All of the following northwestern Washington waters under the jurisdiction of the Captain of the Port, Puget Sound: Puget Sound, Hood Canal, Possession Sound, Elliott Bay, Commencement Bay, the San Juan Archipelago, Rosario Strait, Guemes Channel, Bellingham Bay, U.S. waters of the Strait of the Strait of Juan de Fuca, Haro Strait, Boundary Pass, and Georgia Strait, and all lesser bays and harbors adjacent to the above.

(a) Definitions as used in this section:

(1) *Vessels engaged in fishing* are as identified in the definition found in Rule 3 of the International Regulations for Prevention of Collisions at Sea, 1972, (72 COLREGS), found in Appendix A, Part 81 of this chapter.

(2) *Hazardous levels of vessel traffic congestion* are as defined at the time by Puget Sound Vessel Traffic Service.

(b) Nothing in this section shall be construed as relieving any party from their responsibility to comply with applicable rules set forth in the 72 COLREGS.

(c) General Regulations: The provisions of this paragraph apply at all times.

(1) Vessels engaged in fishing or other operations—that are distinct from vessels following a TSS or a connecting precautionary area east of New Dungeness and which are not required by the Bridge to Bridge Radiotelephone Regulations to maintain a listening watch, are highly encouraged to maintain a listening watch on the Puget Sound Vessel Traffic Service (PSVTS) VHF-FM radio frequency for the area in which the vessel is operating. A safe alternative to the radio listening watch is to stay clear of the TSS and connecting precautionary area.

(2) Vessels engaged in gill net fishing at any time between sunset and sunrise in any of the waters defining the regulated navigation area of this section shall, in addition to the navigation lights and shapes required by Part 81 of

this title (72 COLREGS), display at the end of the net most distant from the vessel on all-round (32-point) white light visible for a minimum of two nautical miles and displayed from at least three feet above the surface of the water.

(3) Vessels engaged in fishing, including gillnet and purse seine fishing, are prohibited in the following Prohibited Fishing Area: The Hood Canal Bridge, to include the waters within a one-half nautical mile radius of the center of the main ship channel draw span during the immediate approach and transit of the draw by public vessels of the United States.

(4) East of New Dungeness, vessels engaged in fishing in a traffic lane or connecting precautionary area shall tend nets or other gear placed in the water so as to facilitate the movement of the vessel or gear from the traffic lane or precautionary area upon the approach of a vessel following the TSS.

(d) Congested Regulations: The provisions under this paragraph apply only when imposed in specific locations by Puget Sound Vessel Traffic Service. They are intended to enhance vessel traffic safety during periods and in locations where hazardous levels of vessel traffic congestion are deemed to exist by Puget Sound Vessel Traffic Service. Operations potentially creating vessel traffic congestion include, but are not limited to, vessels engaged in fishing, including gillnet or purse seine, recreational fishing derbies, regattas, or permitted marine events.

(1) Vessels engaged in fishing or other operations—that are distinct from vessels following a Traffic Separation Scheme (TSS) or a connecting precautionary area east of New Dungeness, may not remain in, nor their gear remain in, a traffic lane or a connecting precautionary area east of New Dungeness when a vessel following a TSS approaches. Such vessels not following a TSS or a connecting precautionary area shall draw in their gear, maneuver, or otherwise clear these areas so that their action is complete at least fifteen minutes before the arrival of a vessel following the TSS. Vessels which are required by this paragraph to remain clear of a connecting precautionary area east of New

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Dungeness or a traffic lane must also remain clear of the adjacent separation zone when in a TSS east of New Dungeness.

(2) A vessel following the TSS may not exceed a speed of 11 knots through the water.

(3) Vessels engaged in fishing, including gillnet and purse seine fishing, are prohibited in the following Prohibited Fishing Area: Edmonds/Kingston ferry crossing lanes, to include the waters within one-quarter nautical mile on either side of a straight line connecting the Edmonds and Kingston ferry landings during the hours that the ferry is operating.

(e) Authorization to deviate from this section.

(1) Commander, Thirteenth Coast Guard District may, upon written request, issue an authorization to deviate from this section if the proposed deviation provides a level of safety equivalent to or beyond that provided by the required procedure. An application for authorization must state the need for the deviation and describe the proposed alternative operation.

(2) PSVTS may, upon verbal request, authorize a deviation from this section for a voyage, or part of a voyage, if the proposed deviation provides a level of safety equivalent to or beyond that provided by the required procedure. The deviation request must be made well in advance to allow the requesting vessel and the Vessel Traffic Center (VTC) sufficient time to assess the safety of the proposed deviation. Discussions between the requesting vessel and the VTC should include, but are not limited to, information on vessel handling characteristics, traffic density, radar contacts, and environmental conditions.

(3) In an emergency, the master, pilot, or person directing the movement of the vessel following the TSS may deviate from this section to the extent necessary to avoid endangering persons, property, or the environment, and shall report the deviation to the VTC as soon as possible.

[CGD 13-98-002, 63 FR 7708, Feb. 17, 1998]

§ 165.1302 Bangor Naval Submarine Base, Bangor, WA.

(a) *Location.* The following is a security zone: The waters of the Hood Canal encompassed by a line commencing on the east shore of Hood Canal at latitude 47°43'17" N., longitude 122°44'44" W., thence to latitude 47°43'32" N., longitude 122°44'40" W.; thence to latitude 47°43'50" N., longitude 122°44'40" W.; thence to latitude 47°44'24" N., longitude 122°44'22" W.; thence to latitude 47°45'47" N., longitude 122°43'22" W.; thence to latitude 47°46'23" N., longitude 122°42'42" W.; thence to latitude 47°46'23" N., longitude 122°42'20" W.; thence to latitude 47°46'20" N., longitude 122°42'12" W.; thence southerly along the shoreline to the point of beginning.

(b) *Security zone anchorage.* The following is a security zone anchorage: Area No. 2. Waters of Hood Canal within a circle of 1,000 yards diameter centered on a point located at latitude 47°46'26" N., longitude 122°42'49" W.

(c) *Special Regulations.* (1) Section 165.33 paragraphs, (a), (e), and (f) do not apply to the following vessels or individuals on board those vessels:

(i) Public vessels of the United States, other than United States Naval vessels.

(ii) Vessels that are performing work at Naval Submarine Base Bangor pursuant to a contract with the United States Navy which requires their presence in the security zone.

(iii) Any other vessels or class of vessels mutually agreed upon in advance by the Captain of the Port and Commanding Officer, Naval Submarine Base Bangor. Vessels operating in the security zone under this exemption must have previously obtained a copy of a certificate of exemption permitting their operation in the security zone from the Security Office, Naval Submarine Base Bangor. This written exemption shall state the date(s) on which it is effective and may contain any further restrictions on vessel operations within the security zone as have been previously agreed upon by the Captain of the Port and Commanding Officer, Naval Submarine Base Bangor. The certificate of exemption shall be

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maintained on board the exempted vessel so long as such vessel is operating in the security zone.

(2) Any vessel authorized to enter or remain in the security zone may anchor in the security zone anchorage.

(3) Other vessels desiring access to this zone shall secure permission from the Captain of the Port through the Security Office of the Naval Submarine Base Bangor. The request shall be forwarded in a timely manner to the Captain of the Port by the appropriate Navy official.

(d) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and monitoring of this security zone by the U.S. Navy.

[CDG13 87-06, 52 FR 47924, Dec. 17, 1987]

§ 165.1303 Puget Sound and adjacent waters, WA-regulated navigation area.

(a) The following is a regulated navigation area: the waters of the United States east of a line extending from Discovery Island Light to New Dungeness Light and all points in the Puget Sound area north and south of these lights.

(b) *Regulations.* (1) Tank vessel navigation restrictions: Tank vessels larger than 125,000 deadweight tons bound for a port or place in the United States may not operate in the regulated navigation area.

(2) Commander, Thirteenth Coast Guard District may, upon written request, issue an authorization to deviate from paragraph (b)(1) of this section if it is determined that such deviation provides an adequate level of safety. Any application for authorization must state the need and fully describe the proposed procedure.

(c) *Precautionary Area Regulations.* (1) A vessel in a precautionary area which is depicted on National Oceanic and Atmospheric Administration (NOAA) nautical charts, except precautionary "RB" (a circular area of 2,500 yards radius centered at 48-26'24" N., 122-45'12" W.), must keep the center of the precautionary area to port.

NOTE: The center of precautionary area "RB" is not marked by a buoy.

(2) The Puget Sound Vessel Traffic Service (PSVTS) may, upon verbal request, authorize a onetime deviation

from paragraph (c)(1) of this section for a voyage, or part of a voyage, if the proposed deviation provides a level of safety equivalent to or beyond that provided by the required procedure. The deviation request must be made well in advance to allow the requesting vessel and the Vessel Traffic Center (VTC) sufficient time to assess the safety of the proposed deviation. Discussions between the requesting vessel and the VTC should include, but are not limited to, information on the vessel handling characteristics, traffic density, radar contacts, and environmental conditions.

(3) In an emergency, the master, pilot, or person directing the movement of the vessel may deviate from paragraph (c)(1) of this section to the extent necessary to avoid endangering persons, property, or the environment, and shall report the deviation to the VTC as soon as possible.

[CGD 90-020, 59 FR 36335, July 15, 1994, as amended by CGD 13-97-003, 62 FR 23660, May 1, 1997]

§ 165.1304 Bellingham Bay, Bellingham, WA.

(a) *Location.* The following area is a safety zone: All waters of Bellingham Bay, Washington, bounded by a circle with a radius of 1000 yards centered on the fireworks launching site located on the Georgia Pacific Lagoon Seawall at position latitude 48°44'56" N, longitude 122°29'40" W, including the entrances to the I & J Street Waterway and the Whatcom Creek Waterway. [Datum: NAD 83]

(b) *Effective dates.* This section is effective annually on July fourth from 9:30 p.m. to 11 p.m. unless otherwise specified by FEDERAL REGISTER notice.

(c) *Regulation.* In accordance with the general regulations in §165.23 of this part, entry into this safety zone is prohibited unless authorized by the Captain of the Port, Puget Sound, Seattle, WA.

[CGD13-95-008, 60 FR 61480, Nov. 30, 1995, as amended by CGD 13-96-028, 61 FR 47824, Sept. 11, 1996]

§ 165.1305 Commencement Bay, Tacoma, WA.

(a) *Location.* The following area is a safety zone: All portions of Commencement Bay bounded by the following coordinates: Latitude 47°17'34" N, Longitude 122°28'36" W; thence to Latitude 47°17'06" N, Longitude 122°27'40" W; thence to Latitude 47°16'42" N, Longitude 122°28'06" W; thence to Latitude 47°17'10" W, Longitude 122°29'02" W; thence returning to the origin. This safety zone resembles a rectangle lying adjacent to the shoreline along Ruston Way. Floating markers will be placed by the sponsor of the event to delineate the boundaries of the safety zone. [Datum: NAD 1983].

(b) *Effective dates.* This section is effective annually on July the fourth from 2 p.m. to 12:30 a.m. July the fifth unless otherwise specified by FEDERAL REGISTER notice.

(c) *Regulation.* In accordance with the general regulations in §165.23 of this part, entry into this safety zone is prohibited unless authorized by the Captain of the Port, Puget Sound, Seattle, WA.

[CGD13-95-009, 60 FR 61481, Nov. 30, 1995]

§ 165.1306 Lake Union, Seattle, WA.

(a) *Location.* The following area is a safety zone: All portions of the waters of Lake Union bounded by the following coordinates: Latitude 47°38'32" N, Longitude 122°20'34" W; thence to Latitude 47°38'32" N, Longitude 122°19'48" W; thence to Latitude 47°38'10" N, Longitude 122°19'45" W; thence to Latitude 47°38'10" N, Longitude 122°20'24" W; thence returning to the origin. This safety zone begins 1,000 feet south of Gas Works Park and encompasses all waters from east to west for 2,500 feet. Floating markers will be placed by the sponsor of the fireworks demonstration to delineate the boundaries of the safety zone. [Datum: NAD 1983]

(b) *Effective dates.* This section is effective annually on July fourth from 9:30 p.m. to 11 p.m. unless otherwise specified by FEDERAL REGISTER notice.

(c) *Regulation.* In accordance with the general regulations in §165.23 of this part, entry into the safety zone is prohibited unless authorized by the Cap-

tain of the Port, Puget Sound, Seattle, WA. The Captain of the Port may establish transit lanes along the east and west shorelines of Lake Union and may allow boaters to transit north and south through the safety zone in these lanes. If established, these transit lanes will remain open until 10 p.m. and then be closed until the end of the fireworks display (approximately 30 minutes).

[CGD13-95-010, 60 FR 61483, Nov. 30, 1995]

§ 165.1307 Elliott Bay, Seattle, WA.

(a) *Location.* The following area is a safety zone: All portions of Elliott Bay bounded by the following coordinates: Latitude 47°37'22" N, Longitude 122°22'06" W; thence to Latitude 47°37'06" N, Longitude 122°21'45" W; thence to Latitude 47°36'54" N, Longitude 122°22'05" W; thence to Latitude 47°37'08" N, Longitude 122°22'27" W; thence returning to the origin. This safety zone resembles a square centered around the barge from which the fireworks will be launched and begins 100 yards from the shoreline of Myrtle Edwards Park. Floating markers will be placed by the sponsor of the fireworks display to delineate the boundaries of the safety zone [Datum NAD 1983].

(b) *Effective dates.* This section is effective annually on July fourth from 9:30 p.m. to 11 p.m. unless otherwise specified by FEDERAL REGISTER notice.

(c) *Regulation.* In accordance with the general regulations in §165.23 of this part, entry into this safety zone is prohibited unless authorized by the Captain of the Port, Puget Sound, Seattle, WA.

[CGD13-95-007, 60 FR 61482, Nov. 30, 1995, as amended by CGD13-97-015, 62 FR 39445, July 23, 1997]

§ 165.1308 Columbia River, Vancouver, WA.

(a) *Location.* The following area is a safety zone: All waters of the Columbia River at Vancouver, Washington, bounded by a line commencing at the northern base of the Interstate 5 highway bridge at latitude 45°37'17" N, longitude 122°40'22" W; thence south along the Interstate 5 highway bridge to latitude 45°37'03" N, longitude 122°40'32" W; thence to latitude 45°36'28" N, longitude

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122°38'35" W; thence to Ryan's Point at latitude 45°36'42" N, longitude 122°38'35" W; thence along the Washington shoreline to the point of origin. [Datum: NAD 83].

(b) *Effective dates.* This section is effective annually on July fourth from 9 p.m. to 11 p.m. (PDT) unless otherwise specified by FEDERAL REGISTER notice.

(c) *Regulation.* In accordance with the general regulations in §165.23 of this part, entry into this safety zone is prohibited unless authorized by the Captain of the Port, Portland, Oregon.

[CGD13-95-055, 61 FR 18949, Apr. 30, 1996]

§ 165.1309 **Eagle Harbor, Bainbridge Island, WA.**

(a) *Regulated area.* A regulated navigation area is established on that portion of Eagle Harbor bounded by a line beginning at: 47°36'56" N, 122°30'36" W; thence to 47°37'11" N, 122°30'36" W; thence to 47°37'25" N, 122°30'17" W; thence to 47°37'24" N, 122°30'02" W; thence to 47°37'16" N, 122°29'55" W; thence to 47°37'03" N, 122°30'027sec; W; thence returning along the shoreline to point of origin. [Datum NAD 1983].

(b) *Regulations.* All vessels and persons are prohibited from anchoring, dredging, laying cable, dragging, seining, bottom fishing, conducting salvage operations, or any other activity which could potentially disturb the seabed in the designated area. Vessels may otherwise transit or navigate within this area without reservation.

(c) *Waiver.* The Captain of the Port, Puget Sound, upon advice from the U.S. EPA Project Manager and the Washington State Department of Natural Resources, may, upon written request, authorize a waiver from this section if it is determined that the proposed operation supports USEPA remedial objectives, or can be performed in a manner that ensures the integrity of the sediment cap. A written request must describe the intended operation, state the need, and describe the proposed precautionary measures. Requests should be submitted in triplicate, to facilitate review by U.S. EPA, Coast Guard, and Washington State Agencies. USEPA managed remedial design, remedial action, habitat mitigation, or monitoring activities associated with the Wyckoff/Eagle Har-

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bor Superfund Site are excluded from the waiver requirement. USEPA is required, however, to alert the Coast Guard in advance concerning any of the above-mentioned activities that may, or will, take place in the Regulated Area.

[CGD 13-98-004, 64 FR 72561, Dec. 28, 1999]

§ 165.1310 **Strait of Juan de Fuca and adjacent coastal waters of Northwest Washington; Makah Whale Hunting—Regulated Navigation Area.**

(a) The following area is a Regulated Navigation Area (RNA): From 48°02.25'N, 124°42.1'W northward along the mainland shoreline of Washington State to Cape Flattery and thence eastward along the mainland shoreline of Washington State to 48°22'N, 124°34'W; thence due north to 48°24.55'N, 124°34'W; thence northwesterly to 48°27.1'N, 124°41.7'W; thence due west to 48°27.1'N, 124°45.5'W; thence southwesterly to 48°20.55'N, 124°51.05'W, thence west south west to 48°18.0'N 124°59.0'W, thence due south to 48°02.25'N, 124°59.0'W) thence due east back to the shoreline of Washington at 48°02.25'N, 124°42.1'W. Datum: NAD 1983.

(b) During a whale hunt, while the international numeral pennant five (5) is flown by a Makah whale hunt vessel, the following area within the RNA is a Moving Exclusion Zone: The column of water from the surface to the seabed with a radius of 500 yards centered on the Makah whale hunt vessel displaying international numeral pennant five (5). This Moving Exclusionary Zone is activated only when surface visibility exceeds one nautical mile, between sunrise and sunset, and the Makah whale hunt vessel displays the international numeral pennant five (5). The Moving Exclusionary Zone is deactivated upon sunset, visibility is reduced to less than one nautical mile, or when the Makah hunt vessel strikes international numeral pennant five (5).

(c) Unless otherwise authorized by the Commander, Thirteenth Coast Guard District or his or her representative, no person or vessel may enter the active Moving Exclusionary Zone except for:

(1) Authorized Makah whale hunt vessel actively engaged in hunting operations under direction of the master of the Makah vessel flying international numeral pennant five (5), and

(2) A single authorized media pool vessel operating in accordance with paragraph (f) of this section.

(d) The international numeral pennant five (5) is only authorized to be displayed from one Makah whale hunt vessel during actual whale hunt operations. No other vessels may display this pennant within the RNA at any time. Whale hunt operations commence when a whale hunt vessel is underway and its master intends to have a whale killed during the voyage. Whale hunt operations cease once this intent is abandoned, a whale is landed, or when the international numeral pennant five (5) is struck.

(e) The Makah Tribe shall make SECURITE broadcasts beginning one half hour before the commencement of a hunt and every half hour thereafter until hunting activities are concluded. This broadcast shall be made on channel 16 VHF-FM and state:

A whale hunt is proceeding today within the Regulated Navigation Area established for Makah whaling activities. The (name of vessel) is a (color and description of vessel) and will be flying international numeral pennant five (5) while engaged in whaling operations. This pennant is yellow and blue in color. Mariners are required by federal regulation to stay 500 yards away from (name of vessel), and are strongly urged to remain even further away from whale hunt activities as an additional safety measure.

(f)(1) Credentialed members of the media interested in entering the Moving Exclusionary Zone may request permission to operate a single media vessel in the Moving Exclusionary Zone by telephoning Coast Guard Public Affairs, as soon as practicable at (206) 220-7237 during normal working hours, and (206) 220-7001 after hours. Coast Guard preauthorization is required prior to entry into the Moving Exclusionary Zone by a single media pool vessel.

(2) The media pool vessel must be a U.S. documented vessel. The media pool vessel must be under command at all times within the Moving Exclusionary zone by a master licensed in the U.S. to carry passenger for hire. All

expenses, liabilities and risks associated with operation of the media pool vessel lie with members of the pool and the pool vessel owners and operators.

(3) The master of the media pool vessel shall maneuver to avoid positioning the pool vessel between whales and hunt vessel(s), out of the line of fire, at a prudent distance and location relative to whale hunt operations, and in a manner that avoids hindering the hunt or path of the whale in any way.

(4) Although permitted to maneuver within the Moving Exclusionary Zone, personnel aboard the media pool vessel are still required to follow safety and law enforcement related instructions of Coast Guard personnel.

[CGD 13-98-023, 63 FR 52609, Oct. 1, 1998, as amended by CGD 13-98-023, 64 FR 61212, Nov. 10, 1999]

§ 165.1311 Olympic View Resource Area, Tacoma, WA.

(a) *Regulated area.* A regulated navigation area is established on that portion of Commencement Bay bounded by a line beginning at: 47°15'40.19753" N, 122°26'09.27617" W; thence to 47°15'42.21070" N, 122°26'10.65290" W; thence to 47°15'41.84696" N, 122°26'11.80062" W; thence to 47°15'45.57725" N, 122°26'14.35173" W; thence to 47°15'53.06020" N, 122°26'06.61366" W; thence to 47°15'46.74493" N, 122°26'02.50574" W; thence returning along the shoreline to the point of origin. [Datum NAD 1983].

(b) *Regulations.* All vessels and persons are prohibited from anchoring, dredging, laying cable, dragging, seining, bottom fishing, conducting salvage operations, or any other activity which could potentially disturb the seabed in the designated area. Vessels may otherwise transit or navigate within this area without reservation.

(c) *Waiver.* The Captain of the Port, Puget Sound, upon advice from the United States Environmental Protection Agency (USEPA) Project Manager and the Washington State Department of Natural Resources, may, upon written request, authorize a waiver from this section if it is determined that the proposed operation supports USEPA remedial objectives, or can be performed in a manner that ensures the integrity of the sediment cap. A written request

must describe the intended operation, state the need, and describe the proposed precautionary measures. Requests shall be submitted in triplicate, to facilitate review by USEPA, Coast Guard, and Washington State Agencies. USEPA managed remedial design, remedial action, habitat mitigation, or monitoring activities associated with the Olympic View Resource Area Superfund Site are excluded from the waiver requirement. USEPA is required, however, to alert the Coast Guard in advance concerning any of the above-mentioned activities that may, or will, take place in the Regulated Area.

[CGD13-02-016, 68 FR 17735, Apr. 11, 2003]

§ 165.1312 Security Zone; Portland Rose Festival on Willamette River.

(a) *Location.* The following area is a security zone: All waters of the Willamette River, from surface to bottom, encompassed by the Hawthorne and Steel Bridges.

(b) *Regulations.* In accordance with § 165.33, entry into this zone is prohibited unless authorized by the Coast Guard Captain of the Port, Portland or his designated representatives. Section 165.33 also contains other general requirements.

(c) *Authority.* In addition to 33 U.S.C. 1231, the authority for this section includes 33 U.S.C. 1226.

(d) *Enforcement period.* This section normally will be enforced from the first Wednesday of June to the next Monday in June. In 2003 this section will be enforced from June 4 to June 9. After 2003, a notice of enforcement normally will be published in the FEDERAL REGISTER 30 days prior to the beginning of the event.

[CGD13-02-020, 68 FR 31979, May 29, 2003]

§ 165.1313 Security zone regulations, tank ship protection, Puget Sound and adjacent waters, Washington

(a) *Notice of enforcement or suspension of enforcement.* The tank ship security zone established by this section will be enforced only upon notice by the Captain of the Port Puget Sound. Captain of the Port Puget Sound will cause notice of the enforcement of the tank ship security zone to be made by all ap-

propriate means to effect the widest publicity among the affected segments of the public including publication in the FEDERAL REGISTER as practicable, in accordance with 33 CFR 165.7(a). Such means of notification may also include but are not limited to, Broadcast Notice to Mariners or Local Notice to Mariners. The Captain of the Port Puget Sound will issue a Broadcast Notice to Mariners and Local Notice to Mariners notifying the public when enforcement of the tank ship security zone is suspended.

(b) The following definitions apply to this section:

(1) *Federal Law Enforcement Officer* means any employee or agent of the United States government who has the authority to carry firearms and make warrantless arrests and whose duties involve the enforcement of criminal laws of the United States.

(2) *Navigable waters of the United States* means those waters defined as such in 33 CFR part 2.

(3) *Navigation Rules* means the Navigation Rules, International-Inland.

(4) *Official patrol* means those persons designated by the Captain of the Port to monitor a tank ship security zone, permit entry into the zone, give legally enforceable orders to persons or vessels within the zone and take other actions authorized by the Captain of the Port. Persons authorized in paragraph (k) to enforce this section are designated as the official patrol.

(5) *Public vessel* means vessels owned, chartered, or operated by the United States, or by a State or political subdivision thereof.

(6) *Tank ship security zone* is a regulated area of water, established by this section, surrounding tank ships for a 500-yard radius that is necessary to provide for the security of these vessels.

(7) *Tank ship* means a self-propelled tank vessel that is constructed or adapted primarily to carry oil or hazardous material in bulk as cargo or cargo residue in the cargo spaces. The definition of tank ship does not include tank barges.

(8) *Washington Law Enforcement Officer* means any General Authority Washington Peace Officer, Limited Authority Washington Peace Officer, or

Specially Commissioned Washington Peace Officer as defined in Revised Code of Washington section 10.93.020.

(c) *Security zone:* There is established a tank ship security zone extending for a 500-yard radius around all tank ships located in the navigable waters of the United States in Puget Sound, WA, east of 123 degrees, 30 minutes West Longitude. [Datum: NAD 1983]

(d) *Compliance:* The tank ship security zone established by this section remains in effect around tank ships at all times, whether the tank ship is underway, anchored, or moored. Upon notice of enforcement by the Captain of the Port Puget Sound, the Coast Guard will enforce the tank ship security zone in accordance with rules set out in this section. Upon notice of suspension of enforcement by the Captain of the Port Puget Sound, all persons and vessels are authorized to enter, transit, and exit the tank ship security zone, consistent with the Navigation Rules.

(e) The Navigation Rules shall apply at all times within a tank ship security zone.

(f) When within a tank ship security zone all vessels shall operate at the minimum speed necessary to maintain a safe course and shall proceed as directed by the on-scene official patrol or tank ship master. No vessel or person is allowed within 100 yards of a tank ship, unless authorized by the on-scene official patrol or tank ship master.

(g) To request authorization to operate within 100 yards of a tank ship, contact the on-scene official patrol or tank ship master on VHF-FM channel 16 or 13.

(h) When conditions permit, the on-scene official patrol or tank ship master should:

(1) Permit vessels constrained by their navigational draft or restricted in their ability to maneuver to pass within 100 yards of a tank ship in order to ensure a safe passage in accordance with the Navigation Rules;

(2) Permit commercial vessels anchored in a designated anchorage area to remain at anchor when within 100 yards of a passing tank ship; and

(3) Permit vessels that must transit via a navigable channel or waterway to pass within 100 yards of a moored or

anchored tank ship with minimal delay consistent with security.

(i) *Exemption.* Public vessels as defined in paragraph (b) of this section are exempt from complying with paragraphs (c), (d), (f), (g), (h), (j), and (k) of this section.

(j) *Exception.* 33 CFR Part 161 promulgates Vessel Traffic Service regulations. Measures or directions issued by Vessel Traffic Service Puget Sound pursuant to 33 CFR Part 161 shall take precedence over the regulations in this section.

(k) *Enforcement.* Any Coast Guard commissioned, warrant or petty officer may enforce the rules in this section. In the navigable waters of the United States to which this section applies, when immediate action is required and representatives of the Coast Guard are not present or not present in sufficient force to provide effective enforcement of this section in the vicinity of a tank ship, any Federal Law Enforcement Officer or Washington Law Enforcement Officer may enforce the rules contained in this section pursuant to 33 CFR §6.04-11. In addition, the Captain of the Port may be assisted by other federal, state or local agencies in enforcing this section.

[CGD13-02-018, 68 FR 15374, Mar. 31, 2003]

§ 165.1314 Safety Zone; Fort Vancouver Fireworks Display, Columbia River, Vancouver, Washington.

(a) *Location.* The following area is a safety zone: All waters of the Columbia River at Vancouver, Washington bounded by a line commencing at the northern base of the Interstate 5 highway bridge at latitude 45°37'16.5" N, longitude 122°40'22.5" W; thence south along the Interstate 5 highway bridge to Hayden Island, Oregon at latitude 45°36'51.5" N, longitude 122°40'39" W; thence east along Hayden Island to latitude 45°36'36" N, longitude 122°39'48" W (not to include Hayden Bay); thence north across the river thru the preferred channel buoy, RG F1(2+1)R 6s, to the Washington shoreline at latitude 45°37'1.5" N, longitude 122°39'29" W; thence west along the Washington shoreline to the point of origin.

(b) *Regulations.* In accordance with the general regulations in §165.23 of this part, no person or vessel may

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enter or remain in this zone unless authorized by the Captain or the Port or his designated representatives.

(c) *Authority.* In addition to 33 U.S.C. 1231, the authority for this section includes 33 U.S.C. 1226.

(d) *Enforcement period.* This section will be enforced every July 4, from 9:30 p.m. (P.D.T.) to 11 p.m. (P.D.T.).

[CGD13-03-001, 68 FR 31610, May 28, 2003]

§ 165.1315 Safety Zones: Annual fireworks events in the Captain of the Port Portland Zone.

(a) *Safety zones.* The following areas are designated safety zones:

(1) *Cinco de Mayo Fireworks Display, Portland, OR:*

(i) *Location.* Waters on the Willamette River bounded by the Morrison Bridge to the north, Hawthorne Bridge to the south, and the shoreline to the east and west.

(ii) *Enforcement period.* One day in early May.

(2) *Portland Rose Festival Fireworks Display, Portland, OR:*

(i) *Location.* Waters on the Willamette River bounded by the Morrison Bridge to the north, Hawthorne Bridge to the south, and the shoreline to the east and west.

(ii) *Enforcement period.* One day in late May or early June.

(3) *Tri-City Chamber of Commerce Fireworks Display, Columbia Park, Kennewick, WA:*

(i) *Location.* Waters on the Columbia River bounded by shoreline to the north and south, Interstate 395 bridge to the east, and 1000 feet of water to the west of the launching barge which is centered at 46 degrees 13 minutes 38 seconds North, 119 degrees 08 minutes 52 seconds West.

(ii) *Enforcement date.* Every July 4th.

(4) *Cedco Inc. Fireworks Display, North Bend, OR*

(i) *Location.* Waters on the Coos River bounded by shoreline to the east and west and 1000 feet of water to the north and south of the launching barge which is centered at 43 degrees 23 minutes 45 seconds North, 124 degrees 12 minutes 50 seconds West.

(ii) *Enforcement period.* One day in early July.

(5) *Astoria 4th of July Fireworks, Astoria, OR*

(i) *Location.* All waters of the Columbia River at Astoria, Oregon enclosed by the following points: North from the Oregon shoreline at 123 degrees 50 minutes 1 second West to 46 degrees 11 minutes 50 seconds North, thence east to 123 degrees 49 minutes 15 seconds West, thence south to the Oregon shoreline and finally westerly along the Oregon shoreline to the point of origin.

(ii) *Enforcement period.* One day in early July.

(6) *Oregon Food Bank Blues Festival Fireworks, Portland, OR*

(i) *Location.* Waters on the Willamette River bounded by the Hawthorne Bridge to the north, Marquam Bridge to the south, and shoreline to the east and west.

(ii) *Enforcement period.* One day in early July.

(7) *Oregon Symphony Concert Fireworks Display, Portland, OR*

(i) *Location.* All waters of the Willamette River bounded by the Hawthorne Bridge to the north, Marquam Bridge to the south, and shoreline to the east and west.

(ii) *Enforcement period.* One day in late August.

(8) *Fort Vancouver Celebrate America Fireworks Display, Vancouver, WA*

(i) *Location.* All waters of the Columbia River bounded by 1000 feet of water to the north, shoreline to the south, Interstate Five Bridge to the west and 1000 feet of water to the east of the fireworks launching barge which is centered at 45 degrees 36 minutes 50 seconds North, 122 degrees 40 minutes 22 seconds West.

(ii) *Enforcement period.* One day in late October.

(b) *Regulations.* (1) In accordance with §165.23, entry into these zones is prohibited unless authorized by the Coast Guard Captain of the Port, Portland or his designated representatives. Section 165.23 also contains other general requirements. Announcement of enforcement periods may be made by the methods described in 33 CFR 165.7, or any other reasonable method.

(c) *Authority.* In addition to 33 U.S.C. 1231, the authority for this section includes 33 U.S.C. 1226.

[CGD01-03-008, 68 FR 32368, May 30, 2003]

FOURTEENTH COAST GUARD DISTRICT

§ 165.1401 Apra Harbor, Guam—safety zones.

(a) The following is designated as Safety Zone A—The waters of the Pacific Ocean and Apra Outer Harbor encompassed within an arc of 725 yards radius centered at the center of Wharf H. (Located at 13°27'47"N and 144°39'01.9"E. Based on World Geodetic System 1984 Datum)

(b) The following is designated Safety Zone B—The waters of Apra Outer Harbor encompassed within an arc of 680 yards radius centered at the center of Naval Wharf Kilo. (Located at 13°26'43"N, 144°37'46.7"E. Based on World Geodetic system 1984 Datum)

(c) Special regulations. (1) Section 165.23 does not apply to Safety Zone A and/or Safety Zone B, except when Wharf H and/or Naval Wharf Kilo, or a vessel berthed at Wharf H and/or Naval Wharf Kilo, is displaying a red (BRAVO) flag by day or a red light by night.

(2) In accordance with the general regulations in 165.23 of this part, entry into these zones is prohibited unless authorized by the Captain of the Port, Guam.

[COTP Guam Reg. 89-001, 55 FR 18725, May 4, 1990]

§ 165.1402 Apra Outer Harbor, Guam—regulated navigation area.

(a) The following is a regulated navigation area—The waters of the Pacific Ocean and Apra Outer Harbor enclosed by a line beginning at latitude 13°26'47"N, longitude 144°35'07"E; thence to Spanish Rocks at latitude 13°27'09.5"N, longitude 144°37'20.6"E; thence along the shoreline of Apra Outer Harbor to latitude 13°26'28.1"N, longitude 144°39'52.5"E (the northwest corner of Polaris Point); thence to latitude 13°26'40.2"N, longitude 144°39'28.1"E; thence to latitude 13°26'32.1"N, longitude 144°39'02.8"E; thence along the shoreline of Apra Outer Harbor to Orote Point at latitude 13°26'42"N, longitude 144°36'58.5"E; thence to the beginning. (Based on WGS 84 Datum)

(b) Regulations:

(1) Except for public vessels of the United States, vessels may not enter Apra Outer Harbor without permission

of the Captain of the Port if they have on board more than 25 tons of high explosives.

(2) Except for vessels not more than 65 feet in length, towboats or tugs without tows, no vessel may pass another vessel in the vicinity of the Outer Harbor entrance.

(3) Vessels over 100 gross tons shall:

(i) Steady on the entrance range at least 2 miles west of the entrance when approaching Apra Outer Harbor and;

(ii) [Reserved]

(iii) Steady on the range when departing Apra Outer Harbor.

(4) Vessels may not anchor in the fairway. The fairway is the area within 375 feet on either side of a line beginning at latitude 13°26'47"N, longitude 144°35'07"E; thence to latitude 13°27'14.1"N, longitude 144°39'14.4"E; thence to latitude 13°26'35.2"N, longitude 144°39'46.4"E; thence to latitude 13°26'30.8"N, longitude 144°39'44.4"E. (Based on WGS 84 Datum)

(5) Vessels over 100 gross tons may not proceed at a speed exceeding 12 knots within the harbor.

(6) No vessel may leave Apra Outer Harbor until any inbound vessel over 65 feet in length has cleared the Outer Harbor Entrance.

[CGD 79-034, 47 FR 29660, July 8, 1982, as amended by CGD 96-026, 61 FR 33669, June 28, 1996; USCG-1998-3799, 63 FR 35533, June 30, 1998]

§ 165.1403 Security Zone: Tinian, Commonwealth Northern Marianas Islands.

(a) *Location.* The following is designated as a security zone: The waters of the Pacific Ocean off Tinian between 14°59'04.9" N, 145°34'58.6" E to 14°59'20.1" N, 145°35'41.5" E to 14°59'09.8" N, 145°36'02.1" E to 14°57'49.3" N, 145°36'28.7" E to 14°57'29.1" N, 145°35'31.1" E and back to 14°59'04.9" N, 145°34'58.6" E. This zone is in effect when one, or more, of the Maritime Preposition Ships is in the zone or moored at Mooring A located at 14°58'57.0" N and 145°35'40.8" E or Mooring B located at 14°58'15.9" N, 145°35'54.8" E. Additionally, a 50-yard security zone will remain in effect in all directions around Moorings A and B when no vessels are moored thereto.

NOTE: All positions of latitude and longitude are from International Spheroid.

§ 165.1404

Astro Pier 1944 (Saipan) Datum (NOAA Chart 81071).

(b) *Regulations.* (1) In accordance with general regulations in §165.33 of this part, entry into this security zone is prohibited unless authorized by the Captain of the Port.

[COTP Honolulu Reg. 86-08, 51 FR 42220, Nov. 24, 1986, as amended by USCG-2001-9286, 66 FR 33642, June 25, 2001]

§ 165.1404 Apra Harbor, Guam—security zone.

(a) The following is designated as Security Zone C—The waters of Apra Outer Harbor, Guam surrounding Naval Mooring Buoy No. 702 (Located at 13°27'30.1"N and 144°38'12.9"E. Based on World Geodetic System 1984 Datum) and the Maritime Prepositioning ships moored thereto. The security zone will extend 100 yards in all directions around the vessel and its mooring. Additionally, a 50 yard security zone will remain in effect in all directions around buoy No. 702 when no vessel is moored thereto.

(b) In accordance with the general regulations in §165.33 of this part, entry into Security Zone C is prohibited unless authorized by the Captain of the Port, Guam.

[COTP Guam Reg. 89-001, 55 FR 18725, May 4, 1990]

§ 165.1405 Regulated Navigation Areas and Security Zones; Designated Escorted Vessels—Philippine Sea and Apra Harbor, Guam (including Cabras Island Channel), and Tanapag Harbor, Saipan, Commonwealth of the Northern Mariana Islands (CNMI).

(a) *Regulated navigation area.* The following areas, designated by coordinates referencing World Geodetic Datum (1984), are regulated navigation areas (RNAs).

(1) *Philippine Sea, Guam*—All waters from the surface to the bottom of the Philippine Sea, Guam, encompassed by lines connecting the following points, beginning at 13°27'10" N, 144°35'05" E, thence easterly to 13°27'17" N, 144°37'27" E, thence south westerly to 13°26'52" N, 144°37'05" E, thence westerly to 13°26'37" N, 144°35'05" E, thence due north back to point of origin.

(2) *Apra Harbor, Guam*—All waters from surface to bottom of Apra Harbor,

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Guam, shoreward of the COLREGS Demarcation as described in 33 CFR part 80.

(3) *Tanapag Harbor, Saipan*—The waters from surface to bottom of Tanapag Harbor, Saipan (CNMI), encompassed by lines connecting the following points, beginning at 15°12'10" N, 145°40'28" E, thence north easterly to 15°14'08" N, 145°42'00" E, thence due east to 15°14'08" N, 145°44'02" E, thence south easterly to 15°13'54" N, 144°44'20" E, thence south westerly along the shoreline to 15°13'11" N, 145°43'01" E, thence south westerly to 15°12'10" N, 145°40'28" E.

(4) *Cabras Island Channel, Guam*—All waters from surface to bottom of Cabras Island Channel, Guam, beginning at point 13°27'34" N, 144°39'39" E and extending south easterly to position 13°27'24" N, 144°39'59" E then heading easterly along the shoreline to position 13°27'31" N, 144°40'22" E then heading north to position 13°27'37" N, 144°40'22" E following the shoreline in a westerly direction back to point of origin.

(b) *Security zones.* A 100-yard radius security zone is established around, and is centered on, each escorted vessel within the regulated navigation areas in paragraph (a) of this section. A security zone is activated when an escorted vessel enters an RNA and remains active until the escorted vessel leaves the RNA. This is a moving security zone when the escorted vessel is in transit and becomes a fixed zone when the escorted vessel is anchored or moored. A security zone will not extend beyond the boundary of the RNA in this section.

(c) *Definitions.* As used in this section:

(1) *Designated representative* means any Coast Guard commissioned, warrant, or petty officer that has been authorized to act on behalf of the COTP.

(2) *Escorted Vessel* means any vessel operating in the RNA deemed by the COTP to be in need of escort protection for security reasons or under other circumstances. A designated representative aboard a Coast Guard cutter or patrol boat will accompany vessels deemed in need of escort protection into the RNA.

(3) *Navigation rules* mean international and inland navigation rules in 33 CFR chapter I, subchapters D and E.

(4) *Vessel* means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, except U.S. Coast Guard or U.S. naval vessels.

(d) *Regulations.* (1) No person or vessel may enter into the security zones under this section unless authorized by the COTP Guam or a designated representative.

(2) A vessel in the RNA established under paragraph (a) of this section operating within 500 yards of an escorted vessel must proceed at a minimum speed necessary to maintain a safe course, unless required to maintain speed by the navigation rules.

(3) When an escorted vessel in the RNA approaches within 100 yards of a vessel that is moored, or anchored in a designated anchorage area, the stationary vessel must stay moored or anchored while it remains within the escorted vessel's security zone unless it is either ordered by, or given permission from the COTP Guam or a designated representative to do otherwise.

(4) The COTP will inform the public of the existence or status of the security zones around escorted vessels in the RNA periodically by Broadcast Notice to Mariners.

(5) Persons or vessels that must enter a security zone or exceed speed limits established in this section may contact the COTP at command center telephone number (671) 339-6100 or on VHF channel 16 (156.8 Mhz) to request permission.

(6) All persons and vessels within 500 yards of an escorted vessel in the RNA must comply with the orders of the COTP Guam or his designated representatives.

(e) *Authority.* In addition to 33 U.S.C. 1231 and 50 U.S.C. 191, the authority for this section includes 33 U.S.C. 1226.

[CGD14-02-002, 68 FR 4384, Jan. 29, 2003]

§ 165.1406 Safety Zone: Pacific Missile Range Facility (PMRF), Barking Sands, Island of Kauai, Hawaii.

(a) *Location.* The following area is established as a safety zone during launch operations at PMRF, Kauai, Ha-

waii: The waters bounded by the following coordinates: (22°01.2'N, 159°47.3'W), (22°01.2'N, 159°50.7'W), (22°06.3'N, 159°50.7'W), (22°06.3'N, 159°44.8'W). (Datum: OHD)

(b) *Activation.* The above safety zone will be activated during launch operations at PMRF, Kauai, Hawaii. The Coast Guard will provide notice that the safety zone will be activated through published and broadcast local notice to mariners prior to scheduled launch dates.

(c) *Regulation.* The area described in paragraph (a) of this section will be closed to all vessels and persons, except those vessels and persons authorized by the Commander, Fourteenth Coast Guard District, or the Captain of the Port (COTP) Honolulu, Hawaii, whenever Strategic Target System (STARS) vehicles are to be launched by the United States Government from the PMRF, Barking Sands, Kauai, Hawaii.

(d) The general regulations governing safety zones contained in 33 CFR 165.23 apply.

[CGD14 92-05, 57 FR 54508, Nov. 19, 1992, as amended by CGD 96-026, 61 FR 33669, June 28, 1996]

§ 165.1407 Security Zones; Oahu, Maui, Hawaii, and Kauai, HI.

(a) *Location.* The following areas, from the surface of the water to the ocean floor, are security zones:

(1) All waters of Honolulu Harbor and entrance channel, Keehi Lagoon, and General Anchorages A, B, C, and D as defined in 33 CFR 110.235 that are shoreward of the following coordinates: The shoreline at 21°17.68' N, 157°52.0' W; thence due south to 21°16.0' N, 157°52.0' W; thence due west to 21°16.0' N, 157°55.58' W; thence due north to Honolulu International Airport Reef Runway at 21°18.25' N, 157°55.58' W.

(2) The waters around the Tesoro Single Point and the Chevron Conventional Buoy Moorings beginning at 21°16.43' N, 158°6.03' W; thence northeast to 21°17.35' N, 158°3.95' W; thence southeast to 21°16.47' N, 158°3.5' W; thence southwest to 21°15.53' N, 158°5.56' W; thence north to the beginning point.

(3) The Kahului Harbor and Entrance Channel, Maui, HI consisting of all waters shoreward of the COLREGS DEMARCATION line. (See 33 CFR 80.1460).

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(4) All waters within the Nawiliwili Harbor, Kauai, HI shoreward of the COLREGS DEMARCATION line (See 33 CFR 80.1450).

(5) All waters of Port Allen Harbor, Kauai, HI shoreward of the COLREGS DEMARCATION line (See 33 CFR 80.1440).

(6) The waters within a 100-yard radius centered on each cruise ship in Hilo Harbor, Hawaii, HI and Entrance Channel shoreward of the COLREGS DEMARCATION (See 33 CFR 80.1480). This is a moving security zone when the cruise ship is in transit and becomes a fixed zone when the cruise ship is anchored or moored.

(7) The waters extending out 500 yards in all directions from cruise ships anchored or position keeping within 3 miles of:

(i) Lahaina Harbor, Maui, HI, between Makila Point and Puunoa Point.

(ii) Kailua-Kona Harbor, Hawaii, HI, between Keahulolu Point and Puapuaa Point.

(8) All waters contained within the Barbers Point Harbor, Oahu, HI, enclosed by a line drawn between Harbor Entrance Channel Light 6 and the jetty point day beacon at 21° 19.5' N, 158°07.3' W.

(b) *Designated representative*: A designated representative of the Captain of the Port is any Coast Guard commissioned officer, warrant or petty officer that has been authorized by the Captain of the Port Honolulu to act on his behalf.

(c) *Cruise ship*: For the purposes of this section, the term "cruise ship" is defined as a passenger vessel over 100 gross tons, carrying more than 12 passengers for hire, making a voyage lasting more than 24 hours, any part of which is on the high seas, and for which passengers are embarked or disembarked in the United States or its territories. A "voyage" in this section means the cruise ship's entire course of travel, from the first port at which the cruise ship embarks passengers until its return to its last port of call where the majority of passengers are disembarked.

(d) *Regulations*. (1) In accordance with §165.33, entry into these zones is prohibited unless authorized by the Coast Guard Captain of the Port Honolulu, or

his designated representatives. Section 165.33 also contains other general requirements.

(2) The existence or status of the security zones in this section will be announced periodically by Broadcast Notice to Mariners.

(3) Persons desiring to transit the areas of the security zones may contact the Captain of the Port by calling the Command Center at telephone numbers (808) 541-2477 or (800) 552-6458, or on VHF channel 16 (156.8 Mhz) to seek permission to transit the area. Written requests may be submitted to the Captain of the Port, Coast Guard Marine Safety Office Honolulu, 433 Ala Moana Blvd., Honolulu, HI 96813 or faxed to (808) 522-8270. If permission is granted, all persons and vessels shall comply with the instructions of the Captain of the Port or his designated representatives.

(4) Persons entering a security zone without authorization of the Captain of the Port may be subject to a civil penalty of not more than \$25,000 for each violation or a criminal penalty resulting in imprisonment of not more than ten years and a fine not more than \$10,000.

[CGD14-03-001, 68 FR 20347, Apr. 25, 2003]

SEVENTEENTH COAST GUARD DISTRICT

§ 165.T17-005 Security zone regulations, Alaska Marine Highway System Vessel Security Zone, Western Alaska, Captain of the Port Zone.

(a) The following definitions apply to this section:

Alaska Law Enforcement Officer means any General Authority Alaska Peace Officer, Limited Authority Alaska Peace Officer, or Specially Commissioned Alaska Peace Officer as defined by Alaska State laws.

Alaska Marine Highway System High Capacity Passenger Vessel ("AMHS vessel") includes the following vessel; M/V Kennicott.

AMHS Vessel Security Zone is a regulated area of land and water, established by this section, surrounding AMHS vessels for a 100 yard radius, that is necessary to provide for the security of these vessels.

Federal Law Enforcement Officer means any employee or agent of the

United States government who has the authority to carry firearms and make warrantless arrests and whose duties involve the enforcement of criminal laws of the United States.

Navigable waters of the United States means those waters defined as such in 33 CFR part 2.05-25 and includes those waters described in 33 U.S.C. 1222(5) and 50 U.S.C. 195(2).

Navigation Rules means the Navigation Rules, International-Inland.

Official Patrol means those persons designated by the Captain of the Port to monitor an AMHS vessel security zone, permit entry into the zone, give legally enforceable orders to persons or vessels within the zone and take other actions authorized by the Captain of the Port. Persons authorized to enforce this section are designated as the Official Patrol.

Public vessel means vessels owned, chartered, or operated by the United States, or by a State or political subdivision thereof.

Western Alaska Captain of the Port Zone means the area of land and water described in 33 CFR 3.85-15.

(b) This section applies to any vessel or person in or adjacent to the navigable waters of the United States in or adjacent to the State of Alaska west of 148° 26' longitude and within the Western Alaska Captain of the Port Zone.

(c) An AMHS vessel security zone is established and exists for a 100 yard radius around AMHS vessels at all times when located in the navigable waters of the United States in or adjacent to the State of Alaska and within the Western Alaska Captain of the Port Zone, whether the AMHS vessel is underway, anchored, or moored.

(d) The Navigation Rules shall apply at all times within an AMHS vessel security zone.

(e) All vessels within an AMHS vessel security zone shall operate at the minimum speed necessary to maintain a safe course and shall proceed as directed by the on-scene official patrol or AMHS vessel master. No vessel or person located in or adjacent to the navigable waters of the United States to which this section applies is allowed within 100 yards of an AMHS vessel, unless authorized by the on-scene official patrol or AMHS vessel master.

(f) To request authorization to operate within 100 yards of an AMHS vessel, contact the on-scene official patrol or AMHS vessel master on VHF-FM channel 16 or 13.

(g) When conditions permit, the on-scene official patrol or AMHS vessel master should:

(1) Permit vessels constrained by their navigational draft or restricted in their ability to maneuver to pass within 100 yards of an AMHS vessel in order to ensure a safe passage in accordance with the Navigation Rules; and

(2) Permit commercial vessels anchored in a designated anchorage area to remain at anchor within 100 yards of a passing AMHS vessel; and

(3) Permit vessels that must transit via a navigable channel or waterway to pass within 100 yards of a moored or anchored AMHS vessel with minimal delay consistent with security.

(h) Public vessels as defined in paragraph (a) of this section are exempt from complying with paragraphs (b), (c), (e), (f), (g), (i), and (j) of this section.

(i) Any Coast Guard commissioned, warrant or petty officer may enforce the rules in this section. When immediate action is required and representatives of the Coast Guard are not present or not present in sufficient force to exercise effect control in the vicinity of an AMHS vessel, any Federal Law Enforcement Officer or Alaska State Law Enforcement Officer may enforce the rules contained in this regulation pursuant to 33 CFR 6.04-11. In addition, the Captain of the Port may be assisted by other federal, state or local agencies in enforcing this rule.

(j) The Captain of the Port Western Alaska may waive any of the requirements of this section for any vessel upon finding that a vessel or class of vessels, operational conditions or other circumstances are such that application of this section is unnecessary or impractical for the purpose of port security, safety or environmental safety.

[COTP Western Alaska 03-002, 68 FR 27471, May 20, 2003]

EFFECTIVE DATE NOTE: By COTP Western Alaska 03-002, 68 FR 27471, May 20, 2003, § 165.117-005 was added, effective Apr. 28, 2003 to Sept. 19, 2003.

§ 165.T17-014 Security Zone Regulations, Alaska Marine Highway System High Capacity Passenger Vessel Security Zone, Southeast Alaska, Captain of the Port Zone.

(a) The following definitions apply to this section:

(1) *Alaska Law Enforcement Officer* means any General Authority Alaska Peace Officer, Limited Authority Alaska Peace Officer, or Specially Commissioned Alaska Peace Officer, as defined by Alaska State laws.

(2) *Alaska Marine Highway System high capacity passenger vessel* ("AMHS vessel") includes the following vessels; M/V Columbia, M/V Kennicott, M/V Malaspina and M/V Matanuska.

(3) *AMHS vessel security zone* is a regulated area of water, established by this section, surrounding an AMHS vessel for a 100-yard radius that is necessary to provide for the security of these vessels.

(4) *Federal Law Enforcement Officer* means any employee or agent of the United States government who has the authority to carry firearms and make warrantless arrests and whose duties involve the enforcement of criminal laws of the United States.

(5) *Navigable waters of the United States* means those waters defined as such in 33 CFR part 2.05-25.

(6) *Navigation Rules* means the Navigation Rules, International-Inland.

(7) *Official Patrol* means those persons designated by the Captain of the Port to monitor an AMHS vessel security zone, permit entry into the zone, give legally enforceable orders to persons or vessels within the zone and take other actions authorized by the Captain of the Port. Persons authorized to enforce this section are designated as the Official Patrol.

(8) *Public vessel* means vessels owned, chartered, or operated by the United States, or by a State or political subdivision thereof.

(b) *Location*. The following is the Alaska Marine Highway System high capacity passenger vessel ("AMHS vessel") security zone: All water and land areas within a 100-yard radius of an AMHS vessel when that vessel is located within the navigable waters of the United States, starting at 60 01.3' N. latitude, 142 00' W. longitude; thence

northeasterly to the Canadian border at 60 18.7' N. latitude, 141 00' W. longitude; thence southerly and easterly along the United States-Canadian shoreside boundary to 54 40' N. latitude; thence westerly along the United States-Canadian maritime boundary to the outermost extent of the United States Exclusive Economic Zone (EEZ); thence northerly along the outer boundary of the EEZ to 142 00' W longitude; thence due north to the point of origin. [Datum: NAD 1983]

(c) An AMHS vessel security zone exists around the subject AMHS vessels at all times, whether the AMHS vessel is underway, anchored, or moored.

(d) The Navigation Rules shall apply at all times within an AMHS vessel security zone.

(e) All vessels authorized to be within an AMHS vessel security zone shall operate at the minimum speed necessary to maintain a safe course and shall proceed as directed by the on-scene official patrol or AMHS vessel master. No vessel or person is allowed within 100 yards of an AMHS vessel, unless authorized by the on-scene official patrol or AMHS vessel master.

(f) To request authorization to operate within an AMHS vessel security zone, contact the on-scene official patrol or AMHS vessel master on VHF-FM channel 16 or 13.

(g) When conditions permit, the on-scene official patrol or AMHS vessel master should:

(1) Permit vessels constrained by their navigational draft or restricted in their ability to maneuver to pass within 100 yards of an AMHS vessel in order to ensure a safe passage in accordance with the Navigation Rules; and

(2) Permit commercial vessels anchored in a designated anchorage area to remain at anchor within 100 yards of a passing AMHS vessel; and

(3) Permit vessels that must transit via a navigable channel or waterway to pass within 100 yards of a moored or anchored AMHS vessel with minimal delay consistent with security.

(h) *Exemption*. Public vessels as defined in paragraph (a) above are exempt from complying with paragraphs (b), (c), (e), (f), (g), (i), and (j), of this section.

(i) *Enforcement.* Any Coast Guard commissioned, warrant or petty officer may enforce the rules in this section. When immediate action is required and representatives of the Coast Guard are not present or not present in sufficient force to exercise effective control in the vicinity of an AMHS vessel, any Federal Law Enforcement Officer or Alaska State Law Enforcement Officer may enforce the rules contained in this section pursuant to 33 CFR §6.04-11. In addition, the Captain of the Port may be assisted by other federal, state or local agencies in enforcing this section.

(j) *Waiver.* The Captain of the Port Southeast Alaska may waive any of the requirements of this section for any vessel upon finding that a vessel or class of vessels, operational conditions or other circumstances are such that application of this section is unnecessary or impractical for the purpose of port security, safety or environmental safety.

[COTP Southeast Alaska-03-001, 68 FR 22300, Apr. 28, 2003]

EFFECTIVE DATE NOTE: By COTP Southeast Alaska-03-001, 68 FR 22300, Apr. 28, 2003, § 165.171-014 was added, effective Mar. 19, 2003 to Sept. 19, 2003.

§ 165.1701 Port Valdez, Valdez, Alaska—Safety Zone.

The waters within the following boundaries are a safety zone—The area within 200 yards of any waterfront facility at the Trans-Alaska Pipeline Valdez Terminal complex or vessels moored or anchored at the Trans-Alaska Pipeline Valdez Terminal complex and the area within 200 yards of any tank vessel maneuvering to approach, moor, unmoor, or depart the Trans-Alaska Pipeline Valdez Terminal complex.

§ 165.1702 Gastineau Channel, Juneau, Alaska—Safety Zone.

(a) The waters within the following boundaries are a safety zone: A line beginning at the Standard Oil Company Pier West Light (LLNR 3217), located at position 58°17.9'N, 134°24.8'W, in the direction of 140° True to Rock Dump Lighted Buoy 2A (LLNR 3213) at position 58°17.2'N, 134°23.8'W; thence in the direction of 003° True to a point at position 58°17.4'N, 134°23.7'W, on the north

shore of Gastineau Channel; thence northwesterly along the north shore of Gastineau Channel to the point of origin.

(b) *Special Regulations:*

(1) All vessels may transit or navigate within the safety zone.

(2) No vessels, other than a large passenger vessel (including cruise ships and ferries) may anchor within the Safety zone without the express consent from the Captain of the Port, Southeast Alaska.

[CGD 79-034, 47 FR 29660, July 8, 1982, as amended by CGD 79-026, 48 FR 35408, Aug. 4, 1983]

§ 165.1703 Ammunition Island, Port Valdez, Alaska.

(a) *Location.* The waters within the following boundaries is a safety zone—the area within a radius of 1330 yards of Ammunition Island, centered on latitude 61°07'28" N, longitude 146°18'29" W, (NAD 83) and the vessel moored or anchored at Ammunition Island.

(b) The area 200 yards off the vessel navigating the Vessel Traffic system from abeam of Naked Island, maneuvering to approach, moor, unmoor at Ammunition Island, or the departure of the vessel from Ammunition Island.

(c) *Special regulation.* (1) Section 165.23 does not apply to paragraph (a) of this section, except when the vessel is moored to Ammunition Island.

(d) Effective August 25, 1987 Notice of vessels arrival will be made in the Notice to Mariners, Local Notice to Mariners and in the Local Valdez newspaper, prior to the vessel arrival.

[52 FR 30671, Aug. 17, 1987, as amended by USCG-1998-3799, 63 FR 35533, June 30, 1998; COTP Prince William Sound 02-010, 67 FR 45313, July 9, 2002]

§ 165.1704 Prince William Sound, Alaska-regulated navigation area.

(a) The following is a regulated navigation area: The navigable waters of the United States north of a line drawn from Cape Hinchinbrook Light to Schooner Rock Light, comprising that portion of Prince William Sound between 146°30' W. and 147°20' W. and includes Valdez Arm, Valdez Narrows, and Port Valdez.

(b) Within the regulated navigation area described in paragraph (a) of this

section, §161.60 of this chapter establishes a VTS Special Area for the waters of Valdez Arm, Valdez Narrows, and Port Valdez northeast of a line bearing 307° True from Tongue Point at 61°02'06" N., 146°40' W.; and southwest of a line bearing 307° True from Entrance Island Light at 61°05'06" N., 146°36'42" W.

(c) *Regulations.* In addition to the requirements set forth in §161.13 and §161.60(c) of this chapter, a tank vessel of 20,000 deadweight tons or more that intends to navigate within the regulated navigation area must:

(1) Report compliance with part 164 of this chapter, to the Vessel Traffic Center (VTC);

(2) Have at least two radiotelephones capable of operating on the designated VTS frequency, one of which is capable of battery operation;

(3) When steady wind conditions in the VTS Special Area or Port Valdez exceed, or are anticipated to exceed 40 knots, proceed as directed by the VTC (entry into the VTS Special Area and Port Valdez is prohibited);

(4) When transiting the VTS Special Area, limit speed to 12 knots;

(5) If laden and intending to navigate the VTS Special Area, limit speed to 12 knots except between Middle Rock and Potato Point where the speed limit shall be 6 knots; and

(6) Until July 1, 2004, have an operating Automatic Identification System Shipborne Equipment (AISSE) system installed.

(i) The designated digital selective calling frequency (DSC) in Prince William Sound is 156.525MHz (VHF Channel 70).

(ii) AISSE equipped vessels will not be required to make voice radio position reports at designated reporting points required by §161.20(b), unless otherwise directed by the VTC.

(iii) Whenever a vessel's AISSE becomes non-operational, as defined in §164.43(c) of this chapter, before entering or while underway in the VTS area, a vessel must:

(A) Notify the VTC;

(B) Make the required voice radio position reports as set forth in §161.60 and required by §161.20(b) of this chapter;

(C) Make other voice radio reports as required by the VTS; and

(D) Restore the AISSE to operating condition as soon as possible.

(iv) Whenever a vessel's AISSE becomes non-operational due to a loss of position correction information (i.e., the U.S. Coast Guard dGPS system cannot provide the required error correction messages) a vessel must:

(A) Make the required voice radio position reports as set forth in §161.60 and required by §161.20(b) of this chapter; and

(B) Make other voice radio reports as required by the VTS.

(v) Whenever a vessel's AISSE becomes non-operational before getting underway in the VTS area, permission to get underway must be obtained from the VTC.

NOTE: Regulations pertaining to Automatic Identification System Shipborne Equipment (AISSE) required capabilities are set forth in Part 164 of this chapter.

[CGD 90-020, 59 FR 36335, July 15, 1994, as amended by CGD 95-033, 60 FR 28333, May 31, 1995; CGD 97-023, 62 FR 33365, June 19, 1997; USCG-1998-3799, 63 FR 35533, June 30, 1998; USCG-2003-14757, 68 FR 39368, July 1, 2003]

§ 165.1706 Gastineau Channel, Juneau, Alaska—Safety Zone.

(a) *Location.* The following area is a safety zone: the waters in Juneau Harbor within a 300 yard radius of the vessel or waterfront facility located at 58°17'41" N, 134°24'22" W used to conduct fireworks displays.

(b) *Effective date.* The safety zone becomes effective on July 3 each year at 10 p.m. ADT. It terminates at the conclusion of the fireworks display at approximately 2:30 a.m. ADT on July 5 each year, unless sooner terminated by the Captain of the Port. If the fireworks display is postponed because of inclement weather, the date and duration of the safety zone will be announced in the Local Notices to Mariners.

(c) *Regulation.* In accordance with the general regulations in §165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port, Southeast Alaska.

[59 FR 31934, June 21, 1994, as amended by COTP Southeast Alaska 00-018, 65 FR 81363, Dec. 26, 2000]

§ 165.1708 Tongass Narrows, Ketchikan, Alaska—Safety Zone.

(a) *Location.* The following area is a safety zone: the waters in Tongass Narrows within a 300 yard radius of the barge located at 55°20'32" N, 131°39'40" W used to conduct fireworks displays.

(b) *Effective date.* The safety zone becomes effective on July 3 each year at 10 p.m. ADT. It terminates at the conclusion of the fireworks display at approximately 2:30 a.m. ADT on July 5 each year, unless sooner terminated by the Captain of the Port. If the fireworks display is postponed because of inclement weather, the date and duration of the safety zone will be announced in the Local Notices to Mariners.

(c) *Regulation.* In accordance with the general regulations in §165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port, Southeast Alaska.

[59 FR 31933, June 21, 1994, as amended at 65 FR 81362, Dec. 26, 2000]

§ 165.1709 Security Zones: Liquefied Natural Gas Tanker Transits and Operations at Phillips Petroleum LNG Pier, Cook Inlet, AK.

(a) *Location.* The following areas are established as security zones during the specified conditions:

(1) All navigable waters within a 1000-yard radius of the Liquefied Natural Gas (LNG) tankers during their inbound and outbound transits through Cook Inlet, Alaska between the Phillips Petroleum LNG Pier, 60°40'43"N and 151°24'10"W, and the Homer Pilot Station at 59°34'86"N and 151°25'74"W. On the inbound transit, this security zone remains in effect until the tanker is alongside the Phillips Petroleum LNG Pier, 60°40'43"N and 151°24'10"W.

(2) All navigable waters within a 1000-yard radius of the Liquefied Natural Gas tankers while they are moored at Phillips Petroleum LNG Pier, 60°40'43"N and 151°24'10"W.

(b) *Special Regulations.* (1) For the purpose of this section, the general regulations contained in 33 CFR 165.33 apply to all but the following vessels in the areas described in paragraph (a):

(i) Vessels scheduled to moor and off-load or load cargo at other Nikiski marine terminals that have provided the

Coast Guard with an Advance Notice of Arrival.

(ii) Commercial fishing vessels, including drift net and set net vessels, fishing from the waters within the zone, if

(A) The owner of the vessel has previously requested approval from the Captain of the Port representative, Marine Safety Detachment Kenai, Alaska, to fish in the security zone and

(B) Has provided the Captain of the Port representative, Marine Safety Detachment Kenai, Alaska current information about the vessel, including:

(1) The name and/or the official number, if documented, or state number, if numbered by a state issuing authority;

(2) A brief description of the vessel, including length, color, and type of vessel;

(3) The name, Social Security number, current address, and telephone number of the vessel's master, operator or person in charge; and

(4) Upon request, information on the vessel's crew.

(C) A vessel owner or operator is required to submit the information one time, but shall provide the Captain of the Port representative updated information when any part of it changes.

(D) The Captain of the Port must approve a vessel's request prior to being allowed into the security zone at the Phillips Petroleum LNG Pier.

(E) The vessel is operated in compliance with any specific orders issued to the vessel by the Captain of the Port or other regulations controlling the operation of vessels within the security zone that may be in effect.

(2) All persons and vessels shall comply with the instructions of the Captain of the Port representative or the designated on-scene patrol personnel. These personnel are comprised of commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U. S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(3) The Marine Safety Detachment Kenai, Alaska will notify the maritime community of these security zones by publishing a Local Notice to Mariners

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and via a bimonthly marine Broadcast Notice to Mariners.

[COTP 02-001, 67 FR 44059, July 1, 2002]

Subpart G—Protection of Naval Vessels

AUTHORITY: 14 U.S.C. 91 and 633; 49 CFR 1.45.

SOURCE: LANT AREA-02-001, 67 FR 31960, May 13, 2002, unless otherwise noted.

§ 165.2010 Purpose.

This subpart establishes the geographic parameters of naval vessel protection zones surrounding U.S. naval vessels in the navigable waters of the United States. This subpart also establishes when the U.S. Navy will take enforcement action in accordance with the statutory guidelines of 14 U.S.C. 91. Nothing in the rules and regulations contained in this subpart shall relieve any vessel, including U.S. naval vessels, from the observance of the Navigation Rules. The rules and regulations contained in this subpart supplement, but do not replace or supercede, any other regulation pertaining to the safety or security of U.S. naval vessels.

§ 165.2015 Definitions.

The following definitions apply to this subpart:

Atlantic Area means that area described in 33 CFR 3.04-1 Atlantic Area.

Large U.S. naval vessel means any U.S. naval vessel greater than 100 feet in length overall.

Naval defensive sea area means those areas described in 32 CFR part 761.

Naval vessel protection zone is a 500-yard regulated area of water surrounding large U.S. naval vessels that is necessary to provide for the safety or security of these U.S. naval vessels.

Navigable waters of the United States means those waters defined as such in 33 CFR part 2.

Navigation rules means the Navigation Rules, International-Inland.

Official patrol means those personnel designated and supervised by a senior naval officer present in command and tasked to monitor a naval vessel protection zone, permit entry into the zone, give legally enforceable orders to persons or vessels within the zone, and

take other actions authorized by the U.S. Navy.

Pacific Area means that area described in 33 CFR 3.04-3 Pacific Area.

Restricted area means those areas established by the Army Corps of Engineers and set out in 33 CFR part 334.

Senior naval officer present in command is, unless otherwise designated by competent authority, the senior line officer of the U.S. Navy on active duty, eligible for command at sea, who is present and in command of any part of the Department of Navy in the area.

U.S. naval vessel means any vessel owned, operated, chartered, or leased by the U.S. Navy; any pre-commissioned vessel under construction for the U.S. Navy, once launched into the water; and any vessel under the operational control of the U.S. Navy or a Combatant Command.

Vessel means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, except U.S. Coast Guard or U.S. naval vessels.

§ 165.2020 Enforcement authority.

(a) *Coast Guard*. Any Coast Guard commissioned, warrant or petty officer may enforce the rules and regulations contained in this subpart.

(b) *Senior naval officer present in command*. In the navigable waters of the United States, when immediate action is required and representatives of the Coast Guard are not present or not present in sufficient force to exercise effective control in the vicinity of large U.S. naval vessels, the senior naval officer present in command is responsible for the enforcement of the rules and regulations contained in this subpart to ensure the safety and security of all large naval vessels present. In meeting this responsibility, the senior naval officer present in command may directly assist any Coast Guard enforcement personnel who are present.

§ 165.2025 Atlantic Area.

(a) This section applies to any vessel or person in the navigable waters of the United States within the boundaries of the U.S. Coast Guard Atlantic Area, which includes the First, Fifth,

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Seventh, Eighth and Ninth U.S. Coast Guard Districts.

NOTE TO § 165.2025 PARAGRAPH (a): The boundaries of the U.S. Coast Guard Atlantic Area and the First, Fifth, Seventh, Eighth and Ninth U.S. Coast Guard Districts are set out in 33 CFR part 3.

(b) A naval vessel protection zone exists around U.S. naval vessels greater than 100 feet in length overall at all times in the navigable waters of the United States, whether the large U.S. naval vessel is underway, anchored, moored, or within a floating drydock, except when the large naval vessel is moored or anchored within a restricted area or within a naval defensive sea area.

(c) The Navigation Rules shall apply at all times within a naval vessel protection zone.

(d) When within a naval vessel protection zone, all vessels shall operate at the minimum speed necessary to maintain a safe course, unless required to maintain speed by the Navigation Rules, and shall proceed as directed by the Coast Guard, the senior naval officer present in command, or the official patrol. When within a naval vessel protection zone, no vessel or person is allowed within 100 yards of a large U.S. naval vessel unless authorized by the Coast Guard, the senior naval officer present in command, or official patrol.

(e) To request authorization to operate within 100 yards of a large U.S. naval vessel, contact the Coast Guard, the senior naval officer present in command, or the official patrol on VHF-FM channel 16.

(f) When conditions permit, the Coast Guard, senior naval officer present in command, or the official patrol should:

(1) Give advance notice on VHF-FM channel 16 of all large U.S. naval vessel movements; and

(2) Permit vessels constrained by their navigational draft or restricted in their ability to maneuver to pass within 100 yards of a large U.S. naval vessel in order to ensure a safe passage in accordance with the Navigation Rules; and

(3) Permit commercial vessels anchored in a designated anchorage area to remain at anchor when within 100 yards of passing large U.S. naval vessels; and

(4) Permit vessels that must transit via a navigable channel or waterway to pass within 100 yards of a moored or anchored large U.S. naval vessel with minimal delay consistent with security.

NOTE TO § 165.2025 PARAGRAPH (f): The listed actions are discretionary and do not create any additional right to appeal or otherwise dispute a decision of the Coast Guard, the senior naval officer present in command, or the official patrol.

§ 165.2030 Pacific Area.

(a) This section applies to any vessel or person in the navigable waters of the United States within the boundaries of the U.S. Coast Guard Pacific Area, which includes the Eleventh, Thirteenth, Fourteenth, and Seventeenth U.S. Coast Guard Districts.

NOTE TO PARAGRAPH (a): The boundaries of the U.S. Coast Guard Pacific Area and the Eleventh, Thirteenth, Fourteenth, and Seventeenth U.S. Coast Guard Districts are set out in 33 CFR part 3.

(b) A naval vessel protection zone exists around U.S. naval vessels greater than 100 feet in length overall at all times in the navigable waters of the United States, whether the large U.S. naval vessel is underway, anchored, moored, or within a floating dry dock, except when the large naval vessel is moored or anchored within a restricted area or within a naval defensive sea area.

(c) The Navigation Rules shall apply at all times within a naval vessel protection zone.

(d) When within a naval vessel protection zone, all vessels shall operate at the minimum speed necessary to maintain a safe course, unless required to maintain speed by the Navigation Rules, and shall proceed as directed by the Coast Guard, the senior naval officer present in command, or the official patrol. When within a naval vessel protection zone, no vessel or person is allowed within 100 yards of a large U.S. naval vessel unless authorized by the Coast Guard, the senior naval officer present in command, or official patrol.

(e) To request authorization to operate within 100 yards of a large U.S. naval vessel, contact the Coast Guard, the senior naval officer present in command, or the official patrol on VHF-FM channel 16.

(f) When conditions permit, the Coast Guard, senior naval officer present in command, or the official patrol should:

(1) Give advance notice on VHF-FM channel 16 of all large U.S. naval vessel movements;

(2) Permit vessels constrained by their navigational draft or restricted in their ability to maneuver to pass within 100 yards of a large U.S. naval vessel in order to ensure a safe passage in accordance with the Navigation Rules; and

(3) Permit commercial vessels anchored in a designated anchorage area to remain at anchor when within 100 yards of passing large U.S. naval vessels; and

(4) Permit vessels that must transit via a navigable channel or waterway to pass within 100 yards of a moored or anchored large U.S. naval vessel with minimal delay consistent with security.

NOTE TO PARAGRAPH (f): The listed actions are discretionary and do not create any additional right to appeal or otherwise dispute a decision of the Coast Guard, the senior naval officer present in command, or the official patrol.

[PAC AREA-02-001, 67 FR 38394, June 4, 2002]

PART 166—SHIPPING SAFETY FAIRWAYS

Subpart A—General

Sec.

166.100 Purpose.

166.103 Geographic coordinates.

166.105 Definitions.

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Subpart B—Designations of Fairways and Fairway Anchorages

166.200 Shipping safety fairways and anchorage areas, Gulf of Mexico.

166.300 Areas along the coast of California.

166.400 Areas along the coast of Alaska.

166.500 Areas along the Atlantic Coast.

AUTHORITY: 33 U.S.C. 1223; 49 CFR 1.46.

Subpart A—General

§ 166.100 Purpose.

The purpose of these regulations is to establish and designate shipping safety fairways and fairway anchorages to

provide unobstructed approaches for vessels using U.S. ports.

[CGD 81-80a, 48 FR 30110, June 30, 1983]

§ 166.103 Geographic coordinates.

Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose referenced horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

[CGD 86-082, 52 FR 33811, Sept. 8, 1987]

§ 166.105 Definitions.

(a) *Shipping safety fairway* or *fairway* means a lane or corridor in which no artificial island or fixed structure, whether temporary or permanent, will be permitted. Temporary underwater obstacles may be permitted under certain conditions described for specific areas in Subpart B. Aids to navigation approved by the U.S. Coast Guard may be established in a fairway.

(b) *Fairway anchorage* means an anchorage area contiguous to and associated with a fairway, in which fixed structures may be permitted within certain spacing limitations, as described for specific areas in Subpart B.

[CGD 81-80a, 48 FR 30110, June 30, 1983]

§ 166.110 Modification of areas.

Fairways and fairway anchorages are subject to modification in accordance with 33 U.S.C. 1223(c); 92 Stat. 1473.

[CGD 81-80a, 48 FR 30110, June 30, 1983]

Subpart B—Designations of Fairways and Fairway Anchorages

§ 166.200 Shipping safety fairways and anchorage areas, Gulf of Mexico.

(a) *Purpose.* Fairways and anchorage areas as described in this section are established to control the erection of structures therein to provide safe approaches through oil fields in the Gulf

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of Mexico to entrances to the major ports along the Gulf Coast.

(b) *Special Conditions for Fairways in the Gulf of Mexico.* Temporary anchors and attendant cables or chains attached to floating or semisubmersible drilling rigs outside a fairway may be placed within a fairway described in this section for the Gulf of Mexico, provide the following conditions are met:

(1) Anchors installed within fairways to stabilize semisubmersible drilling rigs shall be allowed to remain 120 days. This period may be extended by the Army Corps of Engineers, as provided by §209.135(b).

(2) Drilling rigs must be outside of any fairway boundary to whatever distance is necessary to ensure that the minimum depth of water over an anchor line within a fairway is 125 feet.

(3) No anchor buoys or floats or related rigging will be allowed on the surface of the water or to a depth of at least 125 feet from the surface, within a fairway.

(4) Aids to Navigation or danger markings must be installed as required by 33 CFR Subchapter C.

(c) *Special Conditions for Fairway Anchorages in the Gulf of Mexico.* Structures may be placed within an area designated as a fairway anchorage, but the number of structures will be limited by spacing as follows:

(1) The center of a structure to be erected shall not be less than two (2) nautical miles from the center of any existing structure.

(2) In a drilling or production complex, associated structures connected by walkways shall be considered one structure for purposes of spacing, and shall be as close together as practicable having due consideration for the safety factors involved.

(3) A vessel fixed in place by moorings and used in conjunction with the associated structures of a drilling or production complex, shall be considered an attendant vessel and the extent of the complex shall include the vessel and its moorings.

(4) When a drilling or production complex extends more than five hundred (500) yards from the center, a new structure shall not be erected closer than two (2) nautical miles from the outer limit of the complex.

(5) An underwater completion installation in an anchorage area shall be considered a structure and shall be marked with a lighted buoy approved by the United States Coast Guard under §66.01.

(d) *Designated Areas.*

(1) *Brazos Santiago Pass Safety Fairway.* The areas between rhumb lines joining points at:

Latitude	Longitude
26°03'27"	97°08'36"
26°02'57"	97°07'11"
26°02'06"	96°57'24"
25°58'54"	96°19'00"

and rhumb lines joining points at:

Latitude	Longitude
26°04'27"	97°08'36"
26°04'58"	97°07'07"
26°04'12"	96°59'30"
26°04'00"	96°57'24"
26°00'54"	96°19'00"

(2) *Brazos Santiago Pass Anchorage Areas.* The areas enclosed by rhumb lines joining points at:

Latitude	Longitude
26°02'57"	97°07'11"
26°02'06"	96°57'24"
25°58'54"	96°57'24"
25°58'54"	97°07'18"
26°02'57"	97°07'11"

and rhumb lines joining points at:

Latitude	Longitude
26°04'58"	97°07'07"
26°09'00"	97°07'00"
26°09'00"	96°59'30"
26°04'12"	96°59'30"
26°04'58"	97°07'07"

(3) *Port Mansfield Safety Fairway.* The area between a rhumb line joining points at:

Latitude	Longitude
26°33'39"	97°16'04"
26°33'43"	97°14'38"

and rhumb lines joining points at:

Latitude	Longitude
26°34'04"	97°16'05"
26°34'40"	97°15'47"
26°34'43"	97°14'40"

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(4) *Aransas Pass Safety Fairway*. The area between rhumb lines joining points at:

Latitude	Longitude
27°49'21"	97°02'08"
27°48'11"	97°01'06"
27°46'26"	96°57'40"
27°45'14"	96°55'26"
27°44'09"	96°53'25"
27°42'47"	96°51'39"
27°39'24"	96°48'26"
27°21'59"	96°11'42"

and rhumb lines joining points at:

Latitude	Longitude
27°50'15"	97°01'32"
27°49'54"	96°59'56"
27°45'22"	96°51'19"
27°44'35"	96°48'31"
27°43'49"	96°45'47"
27°35'17"	96°27'46"
27°33'33"	96°24'06"
27°25'53"	96°07'56"

separated by areas enclosed by rhumb lines joining points at:

Latitude	Longitude
27°41'10"	96°47'23"
27°34'50"	96°34'01"
27°34'59"	96°31'56"
27°42'03"	96°46'51"
27°41'10"	96°47'23"

and rhumb lines joining points at:

Latitude	Longitude
27°33'06"	96°30'21"
27°23'33"	96°10'12"
27°24'19"	96°09'26"
27°33'15"	96°28'16"
27°33'06"	96°30'21"

(5) *Aransas Pass Anchorage Areas*. The areas enclosed by rhumb lines joining points at:

Latitude	Longitude
27°49'54"	96°59'56"
27°45'22"	96°51'19"
27°51'46"	96°40'12"
27°53'36"	96°56'30"
27°49'54"	96°59'56"

and rhumb lines joining points at:

Latitude	Longitude
27°45'14"	96°55'26"
27°43'00"	96°55'27"
27°44'09"	96°53'25"
27°45'14"	96°55'26"

(6) *Matagorda Entrance Safety Fairway*. The areas between rhumb lines joining points at:

Latitude	Longitude
28°24'50"	96°19'38"
28°22'16"	96°17'40"
28°14'48"	96°09'42"
28°11'24"	96°06'06"
28°10'06"	96°04'42"
27°38'02"	95°49'39"

with rhumb lines joining points at:

Latitude	Longitude
28°25'31"	96°18'48"
28°23'38"	96°16'00"
28°16'12"	96°08'06"
28°12'30"	96°04'12"
28°11'13"	96°02'46"
27°38'12"	95°47'19"

(7) *Matagorda Entrance Anchorage Areas*. The areas enclosed by rhumb lines joining points at:

Latitude	Longitude
28°22'16"	96°17'40"
28°14'48"	96°09'42"
28°12'42"	96°12'12"
28°20'12"	96°20'12"
28°22'16"	96°17'40"

and rhumb lines joining points at:

Latitude	Longitude
28°23'38"	96°16'00"
28°25'36"	96°13'36"
28°18'12"	96°05'36"
28°16'12"	96°08'06"
28°23'38"	96°16'00"

(8) *Freeport Harbor Safety Fairway*. The area between rhumb lines joining points at:

Latitude	Longitude
28°55'19"	95°17'46"
28°52'58"	95°16'06"
28°44'52"	95°07'43"
28°43'32"	95°06'18"
28°04'48"	94°26'12"

and rhumb lines joining points at:

Latitude	Longitude
28°55'59"	95°16'55"
28°54'05"	95°14'10"
28°45'58"	95°05'48"
28°44'39"	95°04'22"
28°07'46"	94°26'12"

(9) *Freeport Harbor Anchorage Areas*. The areas enclosed by rhumb lines joining points at:

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Latitude	Longitude
28°52'58"	95°16'06"
28°44'52"	95°07'43"
28°42'24"	95°12'00"
28°51'30"	95°18'42"
28°52'58"	95°16'06"

and rhumb lines joining points at:

Latitude	Longitude
28°54'05"	95°14'10"
28°56'54"	95°09'18"
28°47'42"	95°02'42"
28°45'58"	95°05'48"
28°54'05"	95°14'10"

(10) *Galveston Entrance Safety Fairways*. The areas between rhumb lines joining points at:

Latitude	Longitude
27°44'03"	94°26'12"
28°04'48"	94°26'12"
28°07'46"	94°26'12"
29°06'24"	94°26'12"
29°07'42"	94°27'48"
29°18'10"	94°39'16"
29°19'39"	94°41'33"
29°20'44"	94°40'44"
29°19'23"	94°37'08"
29°10'30"	94°22'54"
29°10'17"	94°22'30"
29°09'06"	94°20'36"
28°17'17"	92°57'59"

and rhumb lines joining points at:

Latitude	Longitude
27°44'13"	94°23'57"
29°06'24"	94°23'55"
29°07'41"	94°22'23"
28°11'57"	92°53'25"

(11) *Galveston Entrance Anchorage Areas*. The areas enclosed by rhumb lines joining points at:

Latitude	Longitude
29°18'10"	94°39'16"
29°08'04"	94°28'12"
29°03'13"	94°36'48"
29°14'48"	94°45'12"
29°18'10"	94°39'16"

and rhumb lines joining points at:

Latitude	Longitude
29°19'23"	94°37'08"
29°22'18"	94°32'00"
29°14'23"	94°25'53"
29°13'24"	94°27'33"
29°19'23"	94°37'08"

(12) *Sabine Pass Safety Fairway*. The areas between rhumb lines joining points at:

Latitude	Longitude
29°38'25"	93°50'02"
29°35'19"	93°49'10"
29°33'00"	93°46'26"
29°32'03"	93°46'44"
29°30'39"	93°43'41"
29°28'30"	93°41'09"
29°07'28"	93°41'08"
28°17'17"	92°57'59"
28°11'57"	92°53'25"
27°51'58"	92°36'20"

and rhumb lines joining points at:

Latitude	Longitude
29°38'48"	93°48'59"
29°37'32"	93°48'02"
29°36'28"	93°47'14"
29°32'52"	93°43'00"
29°31'13"	93°41'04"
29°29'20"	93°38'51"
29°08'08"	93°38'52"
28°39'02"	93°13'39"
28°36'15"	93°11'15"
27°52'09"	92°33'40"

(13) *Sabine Pass Anchorage Areas*—(i) *Sabine Pass Inshore Anchorage Area*. The area enclosed by rhumb lines joining points at:

Latitude	Longitude
29°37'32" N.	93°48'02" W.
29°37'32" N.	93°21'25" W.
29°32'52" N.	93°43'00" W.
29°36'28" N.	93°47'14" W.

(ii) *Sabine Bank Offshore (North) Anchorage Area*. The area enclosed by rhumb lines joining points at:

Latitude	Longitude
29°26'06" N.	93°43'00" W.
29°26'06" N.	93°41'08" W.
29°24'06" N.	93°41'08" W.
29°24'06" N.	93°43'00" W.

(iii) *Sabine Bank Offshore (South) Anchorage Area*. The area enclosed by rhumb lines joining points at:

Latitude	Longitude
29°16'55" N.	93°43'00" W.
29°16'55" N.	93°41'08" W.
29°14'29" N.	93°41'08" W.
29°14'29" N.	93°43'00" W.

(iv) *Sabine Bank Offshore (East) Anchorage Area*. The area enclosed by rhumb lines joining points at:

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Latitude	Longitude
29°26'06" N	93°38'52" W.
29°26'06" N	93°37'00" W.
29°24'06" N	93°37'00" W.
29°24'06" N	93°38'52" W.

(14) *Coastwise Safety Fairways.* (i) *Brazos Santiago Pass to Aransas Pass.* The areas between rhumb lines joining points at:

Latitude	Longitude
26°04'12"	96°59'30"
26°09'00"	96°59'30"
27°46'26"	96°57'40"

and rhumb lines joining points at:

Latitude	Longitude
25°58'54"	96°57'24"
26°02'06"	96°57'24"
26°04'00"	96°57'24"
27°40'36"	96°55'30"
27°43'00"	96°55'27"
27°45'14"	96°55'26"

(ii) *Aransas Pass to Calcasieu Pass.* The areas between rhumb lines joining points at:

Latitude	Longitude
27°43'00"	496°55'27"
27°44'09"	96°53'25"
27°45'22"	96°51'19"
27°51'46"	96°40'12"
28°11'24"	96°06'06"
28°12'30"	96°04'12"
28°42'24"	95°12'00"
28°44'52"	95°07'43"
28°45'58"	95°05'48"
28°47'42"	95°02'42"
29°07'42"	94°27'48"
29°10'17"	94°22'30"
29°29'30"	93°58'24"
29°32'03"	93°46'44"
29°33'00"	93°46'26"
29°32'52"	93°43'00"
29°37'32"	93°21'25"

with rhumb lines joining points at:

Latitude	Longitude
27°40'36"	96°55'30"
27°42'47"	96°51'39"
27°44'35"	96°48'31"
28°10'06"	96°04'42"
28°11'13"	96°02'46"
28°43'32"	95°06'18"
28°44'39"	95°04'22"
29°06'24"	94°26'12"
29°06'24"	94°23'55"
29°07'41"	94°22'23"
29°09'06"	94°20'36"
29°27'40"	93°57'18"
29°30'39"	93°43'41"
29°31'13"	93°41'04"
29°33'56"	93°28'35"

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Latitude	Longitude
29°32'57"	93°17'00"

(15) *Calcasieu Pass Safety Fairway.* The areas between rhumb lines joining points at:

Latitude	Longitude
29°45'00"	93°20'58"
29°40'56"	93°20'18"
29°38'18"	93°20'42"
29°37'32"	93°21'25"
29°32'57"	93°17'00"
29°31'08"	93°14'38"
28°39'02"	93°13'39"

and rhumb lines joining points at:

Latitude	Longitude
29°45'05"	93°20'03"
29°41'12"	93°19'37"
29°37'30"	93°18'15"
29°31'16"	93°12'16"
28°36'15"	93°11'15"

(16) *Calcasieu Pass Anchorage Areas—*(i) *Calcasieu Pass North Anchorage Area.* The area enclosed by rhumb lines joining points at:

Latitude	Longitude
29°41'12" N.	93°19'37" W.
29°41'12" N.	93°12'28" W.
29°31'16" N.	93°12'16" W.
29°37'30" N.	93°18'15" W.

(ii) *Calcasieu Pass South Anchorage Area.* The area enclosed by rhumb lines joining points at:

Latitude	Longitude
28°59'30" N.	93°16'30" W.
28°59'30" N.	93°14'00" W.
28°56'00" N.	93°14'00" W.
28°56'00" N.	93°16'30" W.

(17) *Lower Mud Lake Safety Fairway.* The area enclosed by rhumb lines joining points at:

Latitude	Longitude
29°43'24" N.	93°00'18" W.
29°42'00" N.	93°00'18" W.

and rhumb lines joining points at:

Latitude	Longitude
29°43'33" N.	93°00'48" W.
29°42'00" N.	93°00'48" W.

(18) *Freshwater Bayou Safety Fairway.* The area between lines joining points at:

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Latitude	Longitude
29°31'59"	92°18'45"
29°31'10"	92°18'54"
29°31'13"	92°19'14"
29°27'44"	92°19'53"

and a line joining points at:

Latitude	Longitude
29°27'34"	92°18'45"
29°31'03"	92°18'06"
29°31'06"	92°18'26"
29°31'55"	92°18'17"

(19) *Southwest Pass Safety Fairway*. The area between lines joining points at:

Latitude	Longitude
29°34'48"	92°03'12"
29°30'48"	92°07'00"
29°23'30"	92°08'24"

and lines joining points at:

Latitude	Longitude
29°34'24"	92°02'24"
29°30'24"	92°06'12"
29°23'24"	92°07'30"

(20) *Atchafalaya Pass Safety Fairway*. The area between a line joining points at:

Latitude	Longitude
29°22'36"	91°23'28"
29°14'42"	91°30'28"

and a line joining points at:

Latitude	Longitude
29°14'05"	91°29'34"
29°21'59"	91°22'34"

(21) *Bayou Grand Caillou Safety Fairway*. The area between a line joining points at:

Latitude	Longitude
29°10'59"	90°57'26"
29°05'24"	90°58'10"
29°01'08"	91°00'44"

and a line joining points at:

Latitude	Longitude
29°00'40"	90°59'43"
29°05'06"	90°57'03"
29°09'46"	90°56'27"

(22) *Cat Island Pass Safety Fairway*. The area between lines joining points at:

Latitude	Longitude
29°05'57"	90°34'32"
29°04'56"	90°35'09"
29°03'14"	90°35'10"
29°03'14"	90°35'17"
29°01'24"	90°34'55"

and lines joining points at:

Latitude	Longitude
29°06'00"	90°34'21"
29°05'31"	90°34'12"
29°03'13"	90°34'13"
29°03'13"	90°34'07"
29°01'34"	90°33'47"

(23) *Belle Pass Safety Fairway*. The area between a line joining points at:

Latitude	Longitude
29°05'06"	90°14'07"
29°02'50"	90°14'46"

and a line joining points at:

Latitude	Longitude
29°02'56"	90°13'48"
29°05'06"	90°13'10"

(24) *Barataria Pass Safety Fairway*. The area between a line joining points at:

Latitude	Longitude
29°16'00"	89°57'00"
29°14'54"	89°55'48"

and a line joining points at:

Latitude	Longitude
29°16'30"	89°56'06"
29°15'18"	89°55'00"

(25) *Grand Bayou Pass Safety Fairway*. The areas between a line joining points at:

Latitude	Longitude
29°17'36"	89°41'36"
29°16'48"	89°42'12"

and a line joining points at:

Latitude	Longitude
29°17'18"	89°40'36"
29°16'18"	89°41'18"

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(26) *Empire to the Gulf Safety Fairway.* The area between a line joining points at:

Latitude	Longitude
29°15'22"	89°36'55"
29°13'52"	89°37'15"

and a line joining points at:

Latitude	Longitude
29°13'24"	89°36'11"
29°14'54"	89°35'51"

(27) *Gulf Safety Fairway. Aransas Pass Safety Fairway to Southwest Pass Safety Fairway.* The areas between rhumb lines joining points at:

Latitude	Longitude
27°33'06"	96°30'21"
27°33'15"	96°28'16"
27°33'33"	96°24'06"
28°00'36"	90°08'18"

and rhumb lines joining points at:

Latitude	Longitude
27°34'50"	96°34'01"
27°34'59"	96°31'56"
27°35'17"	96°27'46"
27°38'02"	95°49'39"
27°38'12"	95°47'19"
27°44'03"	94°26'12"
27°44'13"	94°23'57"
27°51'58"	92°36'20"
27°52'09"	92°33'40"
28°02'32"	90°09'28"

(28) *Southwest Pass (Mississippi River) Safety Fairway—(i) Southwest Pass (Mississippi River) to Gulf Safety Fairway.* The area enclosed by rhumb lines joining points at:

Latitude	Longitude
28°54'33" N.	89°26'07" W.
28°52'42" N.	89°27'06" W.
28°50'00" N.	89°27'06" W.
28°02'32" N.	90°09'28" W.

and rhumb lines joining points at:

28°54'18" N.	89°25'46" W.
28°53'30" N.	89°25'18" W.
28°53'30" N.	89°23'48" W.
28°50'40" N.	89°24'48" W.
28°48'48" N.	89°24'48" W.
28°47'24" N.	89°26'30" W.
28°00'36" N.	90°08'18" W.

(ii) *Southwest Pass (Mississippi River) to Sea Safety Fairway.* The area enclosed by rhumb lines joining points at:

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Latitude	Longitude
28°54'33" N.	89°26'07" W.
28°52'42" N.	89°27'06" W.
28°50'00" N.	89°27'06" W.
28°47'24" N.	89°26'30" W.
28°36'28" N.	89°18'45" W.

and rhumb lines joining points at:

28°54'18" N.	89°25'46" W.
28°53'30" N.	89°25'18" W.
28°53'30" N.	89°23'48" W.
28°50'40" N.	89°24'48" W.
28°48'48" N.	89°24'48" W.
28°45'06" N.	89°22'12" W.
28°43'27" N.	89°21'01" W.
28°37'54" N.	89°17'06" W.

(iii) *Southwest Pass (Mississippi River) to South Pass (Mississippi River) Safety Fairway.* The areas between rhumb line joining points at:

Latitude	Longitude
28°45'06"	89°22'12"
28°55'56"	89°03'09"

and rhumb lines joining points at:

Latitude	Longitude
28°43'27"	89°21'01"
28°54'55"	89°00'44"

(29) *Southwest Pass (Mississippi River) Anchorage.* The area enclosed by rhumb lines joining points at:

Latitude	Longitude
28°53'30" N.	89°23'48" W.
28°53'30" N.	89°21'48" W.
28°55'06" N.	89°21'48" W.
28°55'06" N.	89°19'18" W.
28°52'41" N.	89°17'30" W.
28°50'40" N.	89°21'14" W.
28°50'40" N.	89°24'48" W.

(30) *South Pass (Mississippi River) Safety Fairway. (i) South Pass to Sea Safety Fairway.* The areas between rhumb lines joining points at:

Latitude	Longitude
28°59'18"	89°08'30"
28°58'42"	89°07'30"
28°58'09"	89°08'30"
28°55'56"	89°03'09"
28°54'55"	89°00'44"
28°54'15"	88°59'00"

and rhumb lines joining points at:

East jetty light	
28°59'24"	89°08'12"
29°00'09"	89°07'24"

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East jetty light	
29°00'00"	89°07'00"
28°57'56"	89°02'18"
28°57'18"	89°00'48"
28°56'16"	88°58'29"
28°55'42"	88°57'06"

(ii) *South Pass (Mississippi River) to Mississippi River-Gulf Outlet Channel Safety Fairway.* The areas between rhumb lines joining points at:

Latitude	Longitude
28°57'18"	89°00'48"
29°04'18"	88°48'31"
29°24'35"	88°57'17"

and rhumb lines joining points at:

Latitude	Longitude
28°56'16"	88°58'29"
29°03'30"	88°45'42"
29°23'06"	88°54'11"
29°26'28"	88°55'39"

(31) *South Pass (Mississippi River) Anchorage.* The areas within rhumb lines joining points at:

Latitude	Longitude
29°00'00"	89°07'00"
29°03'36"	89°02'18"
28°57'56"	89°02'18"

(32) *Mississippi River-Gulf Outlet Safety Fairway.* (i) The areas between rhumb lines joining points at:

Latitude	Longitude
29°42'10"	89°25'49"
29°29'33"	89°07'47"
29°27'14"	89°03'20"
29°24'38"	89°00'00"
29°24'35"	88°57'17"

and rhumb lines joining points at:

Latitude	Longitude
29°42'29"	89°25'31"
29°29'53"	89°07'31"
29°27'01"	89°01'54"
29°26'38"	88°58'43"

(ii) *Mississippi River-Gulf Outlet Channel to Mobile Ship Channel Safety Fairway.* The areas within rhumb lines joining points at:

Latitude	Longitude
29°26'38"	88°58'43"
29°29'57"	88°54'48"
29°38'59"	88°44'04"
29°56'43"	88°20'50"

Latitude	Longitude
29°58'03"	88°19'05"
30°05'29"	88°09'19"

and rhumb lines joining points at:

Latitude	Longitude
29°26'28"	88°55'39"
29°27'54"	88°53'54"
29°37'32"	88°42'28"
29°55'14"	88°19'15"
29°56'34"	88°17'30"
30°03'50"	88°08'01"
30°05'15"	88°06'05"

(33) *Mississippi River-Gulf Outlet Anchorage.* (i) The areas within rhumb lines joining points at:

Latitude	Longitude
29°27'01"	89°01'54"
29°32'12"	88°55'42"
29°29'57"	88°54'48"
29°26'38"	88°58'43"

(ii) The areas within rhumb lines joining points at:

Latitude	Longitude
29°26'28"	88°55'39"
29°27'54"	88°53'54"
29°24'33"	88°52'27"
29°23'06"	88°54'11"

(34) *Gulfport Safety Fairway.* The areas between rhumb lines joining points at:

Latitude	Longitude
30°20'54"	89°05'36"
30°13'56"	88°59'42"
30°11'09"	88°59'56"
30°06'45"	88°56'24"
30°05'42"	88°56'24"

and rhumb lines joining points at:

Latitude	Longitude
30°21'27"	89°04'38"
30°14'11"	88°58'29"
30°11'29"	88°58'45"
30°07'42"	88°55'37"

(35) *Biloxi Safety Fairway.* The area between lines joining points at:

Latitude	Longitude
30°24'06"	88°50'57"
30°23'15"	88°50'22"
30°21'11"	88°47'36"
30°20'13"	88°47'04"
30°15'06"	88°47'06"
30°13'09"	88°47'46"
30°12'23"	88°49'02"

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and lines joining points at:

Latitude	Longitude
30°24'27"	88°50'31"
30°23'57"	88°49'31"
30°21'42"	88°46'36"
30°20'25"	88°45'55"
30°14'57"	88°45'57"
30°12'56"	88°46'39"
30°12'00"	88°45'25"

(36) *Ship Island Pass to Horn Island Pass Safety Fairway*. The areas between rhumb line joining points at:

Latitude	Longitude
30°05'42"	88°56'24"
30°06'38"	88°31'26"

and rhumb line joining points at:

Latitude	Longitude
30°07'42"	88°55'37"
30°08'27"	88°36'57"

(37) *Pascagoula Safety Fairway*. The areas between rhumb lines joining points at:

Latitude	Longitude
30°20'46"	88°34'39"
30°20'21"	88°34'39"
30°17'00"	88°31'21"
30°12'59"	88°30'53"
30°11'50"	88°32'05"
30°08'27"	88°36'57"
30°06'38"	88°31'26"
29°56'43"	88°20'50"
29°55'14"	88°19'15"
29°20'00"	87°41'47"

and rhumb line joining points at:

Latitude	Longitude
30°20'30"	88°33'18"
30°18'39"	88°31'25"

and rhumb line joining points at:

Latitude	Longitude
30°20'26"	88°31'25"
30°18'39"	88°31'25"

and rhumb lines joining points at:

Latitude	Longitude
30°19'21"	88°30'12"
30°17'25"	88°30'12"
30°12'46"	88°29'42"
30°11'21"	88°31'00"
30°09'33"	88°29'48"
30°07'30"	88°29'09"
29°58'03"	88°19'05"
29°56'34"	88°17'30"

Latitude	Longitude
29°20'48"	87°39'31"

(38) *Horn Island Pass to Mobile Ship Channel Safety Fairway*. The areas between rhumb line joining points at:

Latitude	Longitude
30°09'33"	88°29'48"
30°07'15"	88°06'54"

and rhumb line joining points at:

Latitude	Longitude
30°07'30"	88°29'09"
30°05'29"	88°09'19"

(39) *Mobile Safety Fairway*—(i) *Mobile Ship Channel Safety Fairway*. The areas between rhumb lines joining points at:

Latitude	Longitude
30°38'46" N	88°03'24" W
30°38'14" N	88°02'42" W
30°31'59" N	88°02'00" W
30°31'59" N	88°04'59" W

and rhumb lines joining points at:

Latitude	Longitude
30°31'00" N	88°05'30" W
30°31'00" N	88°01'54" W
30°26'55" N	88°01'26" W
30°16'35" N	88°02'45" W
30°14'09" N	88°03'24" W
30°10'36" N	88°03'53" W
30°08'10" N	88°04'40" W
30°07'15" N	88°06'54" W

and rhumb lines joining points at:

Latitude	Longitude
30°39'55" N	88°01'15" W
30°37'06" N	88°01'23" W
30°26'11" N	88°00'11" W
30°16'18" N	88°01'35" W
30°13'52" N	88°01'12" W
30°13'14" N	88°01'12" W
30°10'36" N	88°01'35" W
30°08'04" N	88°00'36" W

(ii) *Mobile Ship Channel to Sea Safety Fairway*. The areas between rhumb lines joining points at:

Latitude	Longitude
30°05'15"	88°01'13"
30°03'50"	88°00'00"
29°25'46"	87°29'13"

and rhumb line joining points at:

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Latitude	Longitude
30°06'17"	87°59'15"
29°27'00"	87°27'18"

(iii) *Mobile to Pensacola Safety Fairway*. The areas between rhumb line joining points at:

Latitude	Longitude
30°08'04"	88°00'36"
30°14'20"	87°19'05"

and rhumb line joining points at:

Latitude	Longitude
30°06'17"	87°59'15"
30°12'31"	87°18'00"

(40) *Mobile Anchorage*. The areas within rhumb lines joining points at:

Latitude	Longitude
30°05'15"	88°06'05"
30°05'15"	88°01'13"
30°03'50"	88°00'00"
30°03'50"	88°08'01"

(41) *Pensacola Safety Fairway*. The areas between rhumb lines joining points at:

Latitude	Longitude
30°23'41"	87°14'34"
30°23'06"	87°13'53"
30°22'54"	87°13'53"
30°20'47"	87°15'45"

and rhumb lines joining points at:

Latitude	Longitude
30°18'43"	87°19'24"
30°15'57"	87°18'19"
30°14'20"	87°19'05"
30°12'31"	87°18'00"
30°10'03"	87°18'00"
29°37'00"	87°18'00"

and rhumb lines joining points at:

Latitude	Longitude
30°26'27"	87°08'28"
30°25'35"	87°10'30"

and rhumb lines joining points at:

Latitude	Longitude
30°24'36"	87°07'07"
30°22'57"	87°09'38"
30°22'36"	87°11'50"
30°19'21"	87°14'46"
30°19'52"	87°17'31"

and rhumb lines joining points at:

Latitude	Longitude
30°19'15"	87°17'37"
30°16'28"	87°16'32"
30°14'32"	87°16'06"
30°12'33"	87°15'43"
29°42'30"	87°15'43"

(42) *Pensacola Anchorage*. (i) The area within rhumb lines joining points at:

Latitude	Longitude
30°11'49"	87°22'41"
30°12'31"	87°18'00"
30°10'03"	87°18'00"
30°09'21"	87°22'41"

(ii) The area within rhumb lines joining points at:

Latitude	Longitude
30°16'28"	87°16'32"
30°17'14"	87°11'52"
30°15'14"	87°11'52"
30°14'32"	87°16'06"

(43) *Pensacola to Panama City Safety Fairway*. The area between rhumb lines joining points at:

Latitude	Longitude
30°14'32"	87°16'06"
30°15'14"	87°11'52"
30°18'45"	86°50'00"
30°18'00"	86°20'00"
29°51'30"	85°47'33"

and rhumb lines joining points at:

Latitude	Longitude
30°12'33"	87°15'43"
30°16'44"	86°49'49"
30°16'01"	86°20'57"
29°48'45"	85°47'33"

(44) *Panama City Safety Fairways*. The areas between rhumb lines joining points at:

Latitude	Longitude
30°09'24"	85°40'12"
30°09'21"	85°41'40"
30°07'36"	85°44'20"
30°06'32"	85°47'33"
29°51'30"	85°47'33"
29°48'45"	85°47'33"
29°03'30"	85°47'33"

and rhumb lines joining points at:

Latitude	Longitude
30°08'34"	85°40'16"
30°07'55"	85°41'50"

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Latitude	Longitude
30°06'49"	85°43'28"
30°04'40"	85°45'15"
29°55'27"	85°45'15"
29°51'20"	85°45'15"
29°49'19"	85°45'15"
29°00'00"	85°45'15"

(45) *Panama City Anchorage*. The area within rhumb lines joining points at:

Latitude	Longitude
29°55'27"	85°45'15"
29°55'27"	85°42'25"
29°51'39"	85°42'25"
29°51'20"	85°45'15"

(46) *Port St. Joe Fairway to Panama City Fairway*. The area between rhumb lines joining points at:

Latitude	Longitude
29°49'54"	85°19'24"
29°50'59"	85°22'25"
29°53'32"	85°22'25"
29°54'12"	85°24'00"
29°54'12"	85°25'55"
29°52'58"	85°28'43"
29°53'00"	85°29'48"
29°51'39"	85°42'25"
29°51'20"	85°45'15"

and rhumb lines joining points at:

Latitude	Longitude
29°48'22"	85°18'12"
29°47'21"	85°21'00"
29°50'42"	85°23'31"
29°52'51"	85°23'36"
29°53'10"	85°24'18"
29°53'10"	85°25'33"
29°51'57"	85°28'19"
29°51'04"	85°29'00"
29°50'40"	85°32'39"
29°49'19"	85°45'15"

(47) *Port St. Joe Anchorage*. The area within rhumb lines joining points at:

Latitude	Longitude
29°50'40"	85°32'39"
29°51'04"	85°29'00"
29°49'18"	85°30'18"

(48) *Tampa Safety Fairways*. The area between rhumb lines joining points at:

Latitude	Longitude
27°37'48"	82°45'54"
27°36'48"	82°55'54"
27°36'48"	83°00'00"
27°36'48"	84°39'10"

and rhumb lines joining points at:

Latitude	Longitude
27°35'54"	82°45'42"
27°34'48"	82°55'54"
27°34'48"	83°00'00"
27°34'48"	84°39'00"

(49) *Tampa Anchorages*—(i) *Eastern Tampa Fairway Anchorage*. The area enclosed by rhumb lines [North American Datum of 1927 (NAD-27)] joining points at:

Latitude	Longitude
27°36'48"N.,	83°00'00"W.,
27°39'00"N.,	83°00'00"W.,
27°39'00"N.,	82°55'54"W.,
27°36'48"N.,	82°55'54"W.

(ii) *Western Tampa Fairway Anchorage*. The area enclosed by rhumb lines [North American Datum of 1927 (NAD-27)] joining points at:

Latitude	Longitude
27°36'48"N.,	83°05'06"W.,
27°39'00"N.,	83°05'06"W.,
27°39'00"N.,	83°01'00"W.,
27°36'48"N.,	83°01'00"W.

(50) *Charlotte Safety Fairways*. The area between rhumb lines joining points at:

Latitude	Longitude
26°41'18"	82°19'00"
25°30'00"	84°22'00"

and rhumb lines joining points at:

Latitude	Longitude
26°40'19"	82°18'28"
26°38'30"	82°19'54"
26°39'00"	82°19'00"
25°28'00"	84°21'30"

(51) *Charlotte Anchorage*. The area within rhumb lines joining points at:

Latitude	Longitude
26°39'00"	82°19'00"
26°38'12"	82°18'24"
26°37'36"	82°19'18"
26°38'30"	82°19'54"

(52) *Louisiana Offshore Oil Port (LOOP) Shipping Safety Fairway to Safety Zone*. (i) *North of Gulf Safety Fairway*. The two mile wide area enclosed by rhumb lines joining points at:

Latitude	Longitude
28°48'36"	89°55'00"

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Latitude	Longitude
28°48'14"	89°54'17"
28°45'47"	89°54'19"
28°36'06"	89°55'44"
28°18'30"	89°55'15"
28°20'58"	89°53'03"
28°36'09"	89°53'28"
28°49'07"	89°51'30"
28°50'20"	89°53'51"

(ii) South of Gulf Safety Fairway. The two mile wide area enclosed by rhumb lines joining points at:

Latitude	Longitude
28°15'20"	89°55'10"
27°46'29"	89°54'23"
27°46'32"	89°52'08"
28°17'48"	89°52'58"

(53) *Heald Bank Cutoff Safety Fairway.* The area enclosed by rhumb lines, [North American Datum of 1927 (NAD-27)], joining points at:

Latitude	Longitude
28°57'15" N	94°23'55" W
28°51'30" N	93°56'30" W
28°48'30" N	93°51'45" W
28°55'15" N	94°23'55" W

[CGD 81-040, 47 FR 20581, May 13, 1982]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 166.200, see the List of CFR Sections Affected, which appears in the printed volume and on GPO Access.

§ 166.300 Areas along the coast of California.

(a) *Purpose.* Fairways as described in this section are established to control the erection of structures therein to provide safe vessel routes along the coast of California.

(b) *Designated Areas—(1) Port Hueneme Safety Fairway.* An area one nautical mile in width centered on the alignment of Port Hueneme Entrance Channel and extending seaward from the 30-foot-depth curve for a distance of 1.5 nautical miles, thence turning southerly and widening to 1.5 nautical miles at the 3-mile limit, all between lines joining the following points:

Latitude	Longitude
34°06'30" N	119°15'00" W
34°07'37" N	119°14'25" W
34°08'49" N	119°13'21" W

thence generally along the 30-foot-depth curve to the seaward end of the west en-

trance jetty; seaward end of the east entrance jetty, thence generally along the 30-foot-depth curve to:

Latitude	Longitude
34°08'21" N	119°12'15" W
34°07'10" N	119°13'20" W
34°05'48" N	119°13'23" W

(2) [Reserved]

[CGD 82-101, 48 FR 49019, Oct. 24, 1983]

§ 166.400 Areas along the coast of Alaska.

(a) *Purpose.* Fairways, as described in this section, are established to control the erection of structures therein to provide safe vessel routes along the coast of Alaska.

(b) *Designated Areas. (1) Prince William Sound Safety Fairway. (i) Hinchinbrook Entrance Safety Fairway.* The area enclosed by rhumb lines joining points at:

Latitude	Longitude
59°59'00" N	145°27'24" W
60°13'18" N	146°38'06" W
60°11'24" N	146°47'00" W
59°55'00" N	145°42'00" W

(ii) *Gulf to Hinchinbrook Safety Fairway* (recommended for inbound vessel traffic). The area enclosed by rhumb lines joining points at:

Latitude	Longitude
59°15'42" N	144°02'07" W
59°59'00" N	145°27'24" W
59°58'00" N	145°32'12" W
59°14'18" N	144°04'53" W

(iii) *Hinchinbrook to Gulf Safety Fairway* (recommended for outbound vessel traffic). The area enclosed by rhumb lines joining points at:

Latitude	Longitude
59°15'41" N	144°23'35" W
59°56'00" N	145°37'39" W
59°55'00" N	145°42'00" W
59°14'19" N	144°26'25" W

(2) *Unimak Pass Safety Fairway. (i) East/West Safety Fairway.* The area enclosed by rhumb lines joining points at:

Latitude	Longitude
54°25'58" N	165°42'24" W
54°22'50" N	165°06'54" W
54°22'10" N	164°59'29" W
54°07'58" N	162°19'25" W
54°04'02" N	162°20'35" W

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Latitude	Longitude
54°22'02" N	165°43'36" W

(ii) *North/South Safety Fairway*. The area enclosed by rhumb lines joining points at:

Latitude	Longitude
54°42'28" N	165°16'19" W
54°43'32" N	165°09'41" W
54°22'50" N	165°06'54" W
54°22'10" N	164°59'29" W

[CGD 81-103, 51 FR 43349, Dec. 2, 1986]

§ 166.500 Areas along the Atlantic Coast.

(a) *Purpose*. Fairways, as described in this section are established to control the erection of structures therein to provide safe vessel routes along the Atlantic Coast.

(b) *Designated Areas*. (1) *Off New York Shipping Safety Fairway*. (i) Ambrose to Nantucket Safety Fairway. The area enclosed by rhumb lines, [North American Datum of 1927 (NAD-27)] joining points at:

Latitude	Longitude
40°32'20" N	73°04'57" W
40°30'58" N	72°58'25" W
40°34'07" N	70°19'23" W
40°35'37" N	70°14'09" W
40°30'37" N	70°14'00" W
40°32'07" N	70°19'19" W
40°28'58" N	72°58'25" W
40°27'20" N	73°04'57" W

(ii) *Nantucket to Ambrose Safety Fairway*. The area enclosed by rhumb lines, NAD-27, joining point at:

Latitude	Longitude
28°54'33" N	89°26'07" W
40°24'20" N	73°04'58" W
40°22'58" N	72°58'26" W
40°26'07" N	70°19'09" W
40°27'37" N	70°13'46" W
40°22'37" N	70°13'36" W
40°24'07" N	70°19'05" W
40°20'58" N	72°58'26" W
40°19'20" N	73°04'58" W

[CGD 84-004, 52 FR 33589, Sept. 4, 1987; 52 FR 36248, Sept. 28, 1987]

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PART 167—OFFSHORE TRAFFIC SEPARATION SCHEMES

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- 167.406 Off San Francisco: Area to be avoided.
- 167.450 In the Santa Barbara Channel Traffic Separation Scheme: General.
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- 167.500 In the approaches to Los Angeles-Long Beach Traffic Separation Scheme: General.
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- 167.503 In the approaches to Los Angeles-Long Beach TSS: Southern approach.
- 167.1700 In Prince William Sound: General.
- 167.1701 In Prince William Sound: Precautionary areas.
- 167.1702 In Prince William Sound: Prince William Sound Traffic
- 167.1703 In Prince William Sound: Valdez Arm Traffic Separation Scheme.

AUTHORITY: 33 U.S.C. 1223; 49 CFR 1.46.

SOURCE: CGD 81-080, 48 FR 36456, Aug. 11, 1983, unless otherwise noted.

Subpart A—General

§ 167.1 Purpose.

The purpose of the regulations in this part is to establish and designate traffic separation schemes and precautionary areas to provide access routes for vessels proceeding to and from U.S. ports.

§ 167.3 Geographic coordinates.

Geographic coordinates are defined using North American 1927 Datum (NAD 27) unless indicated otherwise.

[CGD 90-039, 59 FR 21937, Apr. 28, 1994]

§ 167.5 Definitions.

(a) *Area to be avoided* means a routing measure comprising an area within defined limits in which either navigation is particularly hazardous or it is exceptionally important to avoid casualties and which should be avoided by all ships or certain classes of ships.

(b) *Traffic separation scheme* (TSS) means a designated routing measure which is aimed at the separation of opposing streams of traffic by appropriate means and by the establishment of traffic lanes.

(c) *Traffic lane* means an area within defined limits in which one-way traffic is established. Natural obstacles, including those forming separation zones, may constitute a boundary.

(d) *Separation zone or line* means a zone or line separating the traffic lanes in which ships are proceeding in opposite or nearly opposite directions; or separating a traffic lane from the adjacent sea area; or separating traffic lanes designated for particular classes of ships proceeding in the same direction.

(e) *Precautionary area* means a routing measure comprising an area within defined limits where ships must navigate with particular caution and within which the direction of traffic flow may be recommended.

(f) *Deep-water route* means an internationally recognized routing measure primarily intended for use by ships that, because of their draft in relation to the available depth of water in the area concerned, require the use of such a route.

(g) *Two-way route* means a route within defined limits inside which two-way traffic is established, aimed at providing safe passage of ships through waters where navigation is difficult or dangerous.

[CGD 81-080, 48 FR 36456, Aug. 11, 1983; 49 FR 15548, Apr. 19, 1984, as amended by CGD 90-039, 59 FR 21937, Apr. 28, 1994; CGD 97-004, 65 FR 12945, Mar. 10, 2000; USCG-1999-5700, 65 FR 46605, July 31, 2000]

§ 167.10 Operating rules.

The operator of a vessel in a TSS shall comply with Rule 10 of the International Regulations for Preventing Collisions at Sea, 1972, as amended.

§ 167.15 Modification of schemes.

(a) A traffic separation scheme or precautionary area described in this Part may be permanently amended in accordance with 33 U.S.C. 1223 (92 Stat. 1473), and with international agreements.

(b) A traffic separation scheme or precautionary area in this Part may be temporarily adjusted by the Commandant of the Coast Guard in an emergency, or to accommodate operations which would create an undue hazard for vessels using the scheme or

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which would contravene Rule 10 of the International Regulations for Preventing Collisions at Sea, 1972. Adjustment may be in the form of a temporary traffic lane shift, a temporary suspension of a section of the scheme, a temporary precautionary area overlaying a lane, or other appropriate measure. Adjustments will only be made where, in the judgment of the Coast Guard, there is no reasonable alternative means of conducting an operation and navigation safety will not be jeopardized by the adjustment. Notice of adjustments will be made in the appropriate Notice to Mariners and in the FEDERAL REGISTER. Requests by members of the public for temporary adjustments to traffic separation schemes must be submitted 150 days prior to the time the adjustment is desired. Such Requests, describing the interference that would otherwise occur to a TSS, should be submitted to the District Commander of the Coast Guard District in which the TSS is located.

Subpart B—Description of Traffic Separation Schemes and Precautionary Areas

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SOURCE: CGD 84-004, 52 FR 33589, Sept. 4, 1987, unless otherwise noted.

§ 167.150 Off New York Traffic Separation Scheme: General.

The specific areas in the Off New York Traffic Separation Scheme and Precautionary Areas are described in §§ 167.151, 167.152, 167.153, 167.154, and 167.155 of this chapter.

[CGD 84-004, 52 FR 33589, Sept. 4, 1987]

§ 167.151 Off New York: Precautionary areas.

(a) A circular precautionary area with a radius of seven miles is established centered upon Ambrose Light in geographical position 40°27.50' N, 73°49.90' W.

(b) A precautionary area is established between the traffic separation scheme "Eastern Approach, off Nantucket" and the traffic separation scheme "In the Approach to Boston, Massachusetts." (1) The precautionary area is bounded to the east by a circle

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of radius 15.5 miles, centered upon geographical position 40°35.00' N, 69°00.00' W, and is intersected by the traffic separation schemes "In the Approach to Boston, Massachusetts" and "Off New York" at the following geographic positions:

Latitude	Longitude
40°50.33' N	68°57.00' W
40°23.75' N	69°14.63' W

(2) The precautionary area is bounded to the west by a line connecting the two traffic separation schemes between the following geographical positions:

Latitude	Longitude
40°36.75' N	68°15.16' W
40°48.00' N	69°03.33' W

[CGD 84-004, 52 FR 33589, Sept. 4, 1987]

§ 167.152 Off New York: Eastern approach, off Nantucket.

(a) A separation zone is established bounded by a line connecting the following geographical positions:

Latitude	Longitude
40°28.75' N	69°14.83' W
40°27.62' N	70°13.77' W
40°30.62' N	70°14.00' W
40°31.75' N	69°14.97' W

(b) A traffic lane for westbound traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
40°36.75' N	69°15.17' W
40°35.62' N	70°14.15' W

(c) A traffic lane for eastbound traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
40°22.62' N	70°13.60' W
40°23.75' N	69°14.63' W

[CGD 84-004, 52 FR 33589, Sept. 4, 1987]

§ 167.153 Off New York: Eastern approach, off Ambrose Light.

(a) A separation zone is established bounded by a line connecting the following geographical positions:

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Latitude	Longitude
40°24.33' N	73°04.97' W
40°24.20' N	73°11.50' W
40°26.00' N	73°40.93' W
40°27.00' N	73°40.75' W
40°27.20' N	73°11.50' W
40°27.33' N	73°04.95' W

(b) A traffic lane for westbound traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
40°32.33' N	73°04.95' W
40°32.20' N	73°11.50' W
40°28.00' N	73°40.73' W

(c) A traffic lane for eastbound traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
40°25.05' N	73°41.32' W
40°19.20' N	73°11.50' W
40°19.33' N	73°04.97' W

[CGD 84-004, 52 FR 33589, Sept. 4, 1987]

§ 167.154 Off New York: South-eastern approach.

(a) A separation zone is established bounded by a line connecting the following geographical positions:

Latitude	Longitude
40°03.10' N	73°17.93' W
40°06.50' N	73°22.73' W
40°22.45' N	73°43.55' W
40°23.20' N	73°42.70' W
40°08.72' N	73°20.10' W
40°05.32' N	73°15.28' W

(b) A traffic lane for north-westbound traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
40°08.98' N	73°10.87' W
40°12.42' N	73°15.67' W
40°24.02' N	73°41.97' W

(c) A traffic lane for south-eastbound traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
40°21.82' N	73°44.55' W
40°02.80' N	73°27.15' W
39°59.43' N	73°22.35' W

[CGD 84-004, 52 FR 33589, Sept. 4, 1987, as amended by CGD 97-023, 62 FR 33365, June 19, 1997]

§ 167.155 Off New York: Southern approach.

(a) A separation zone is established bounded by a line connecting the following geographical positions:

Latitude	Longitude
39°45.70' N	73°48.00' W
40°20.63' N	73°48.33' W
40°20.87' N	73°47.07' W
39°45.70' N	73°44.00' W

(b) A traffic lane for northbound traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
39°45.70' N	73°37.70' W
40°21.25' N	73°45.85' W

(c) A traffic lane for southbound traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
40°20.53' N	73°49.65' W
39°45.70' N	73°54.40' W

NOTE: Use of LORAN C enables masters of appropriately equipped vessels to be informed highly accurately and continuously about the vessel's position in the area covered by this scheme.

[CGD 84-004, 52 FR 33589, Sept. 4, 1987]

§ 167.170 Off Delaware Bay Approach Traffic Separation Scheme: General.

The Off Delaware Bay Approach Traffic Separation Scheme consists of four parts: an Eastern Approach, a South-eastern Approach, a Two-Way Traffic Route, and a Precautionary Area. The specific areas in the Off Delaware Bay Approach Traffic Separation Scheme and Precautionary Area are described in §§ 167.171 through 167.174.

[CGD 97-004, 65 FR 12945, Mar. 10, 2000]

§ 167.171 Off Delaware Bay: Eastern approach.

(a) A separation zone is established bounded by a line connecting the following geographic positions:

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Latitude	Longitude
38°46.30'N	74°34.45'W
38°46.33'N	74°55.75'W
38°47.45'N	74°55.40'W
38°47.35'N	74°34.50'W

(b) A traffic lane for westbound traffic is established between the separation zone and a line connecting the following geographic positions:

Latitude	Longitude
38°48.32'N	74°55.30'W
38°49.80'N	74°34.60'W

(c) A traffic lane for eastbound traffic is established between the separation zone and a line connecting the following geographic positions:

Latitude	Longitude
38°45.45'N	74°56.20'W
38°44.45'N	74°34.35'W

[CGD 97-004, 65 FR 12945, Mar. 10, 2000]

§ 167.172 Off Delaware Bay: South-eastern approach.

(a) A separation zone is established bounded by a line connecting the following geographic positions:

Latitude	Longitude
38°27.00'N	74°42.30'W
38°43.40'N	74°58.00'W
38°44.20'N	74°57.20'W
38°27.60'N	74°41.30'W

(b) A traffic lane for north-westbound traffic is established between separation zone and a line connecting the following geographic positions:

Latitude	Longitude
38°28.80'N	74°39.30'W
38°45.10'N	74°56.60'W

(c) A traffic lane for south-eastbound traffic is established between the separation zone and a line connecting the following geographic positions:

Latitude	Longitude
38°42.80'N	74°58.90'W
38°27.00'N	74°45.40'W

[CGD 97-004, 65 FR 12945, Mar. 10, 2000]

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§ 167.173 Off Delaware Bay: Two-Way Traffic Route.

The Two-Way Traffic Route is recommended for use predominantly by tug and tow traffic transiting to and from the northeast in order to separate such traffic from large, inbound vessel traffic.

(a) The Two-Way Traffic Route is bounded on the west and south by a line connecting the following geographic positions:

Latitude	Longitude
38°50.75'N	75°03.40'W
38°47.50'N	75°01.80'W
38°48.32'N	74°55.30'W
38°50.20'N	74°49.73'W
39°00.00'N	74°40.23'W

(b) The two-way traffic route is bounded on the east and north by a line connecting the following geographic positions:

Latitude	Longitude
39°00.00'N	74°41.00'W
38°50.48'N	74°50.30'W
38°48.80'N	74°55.25'W
38°48.33'N	74°59.30'W
38°49.10'N	75°01.65'W
38°51.27'N	75°02.83'W

[CGD 97-004, 65 FR 12945, Mar. 10, 2000]

§ 167.174 Off Delaware Bay: Precautionary area.

A precautionary area is established as follows: from 38°42.80'N, 74°58.90'W; then northerly by an arc of eight nautical miles centered at 38°48.90'N, 75°05.60'W to 38°48.32'N, 74°55.30'W; then westerly to 38°47.50'N, 75°01.80'W; then northerly to 38°50.75'N, 75°03.40'W; then northeasterly to 38°51.27'N, 75°02.83'W; then northerly to 38°54.80'N, 75°01.60'W; then westerly by an arc of 6.7 nautical miles centered at 38°48.90'N, 75°05.60'W to 38°55.53'N, 75°05.87'W; then south-westerly to 38°54.00'N, 75°08.00'W; then southerly to 38°46.60'N, 75°03.55'W; then southeasterly to 38°42.80'N, 74°58.90'W.

Datum: NAD 83.

[CGD 97-004, 65 FR 12946, Mar. 10, 2000]

§ 167.200 In the approaches to Chesapeake Bay Traffic Separation Scheme: General.

(a) The traffic separation scheme in the approaches to Chesapeake Bay consists of three parts: a Precautionary Area, an Eastern Approach, and a Southern Approach. The Southern Approach consists of inbound and outbound lanes for vessels drawing 13.5 meters (45 feet) of fresh water or less, separated by a deep-water (DW) route for inbound and outbound vessels with drafts exceeding 13.5 meters (45 feet) in fresh water and for naval aircraft carriers. Each part is defined geographically, using North American Datum 1983 (NAD 83), in §§ 167.201, 167.202, 167.203.

(b) All vessels approaching the Traffic Separation Scheme in the Approaches to Chesapeake Bay should use the appropriate inbound or outbound traffic lane.

[CGD 90-039, 59 FR 21937, Apr. 28, 1994]

§ 167.201 In the approaches to Chesapeake Bay: Precautionary area.

A precautionary area is established bounded by a circle with a two-mile radius, centered on the following geographic position:

<i>Latitude</i>	<i>Longitude</i>
36°56.14' N	75°57.43' W

[CGD 90-039, 59 FR 21937, Apr. 28, 1994]

§ 167.202 In the approaches to Chesapeake Bay: Eastern approach.

(a) A separation line is established connecting the following geographic positions:

<i>Latitude</i>	<i>Longitude</i>
36°58.66' N	75°48.63' W
36°56.79' N	75°55.08' W

(b) An inbound traffic lane is established between the separation line and a line connecting the following geographical positions:

<i>Latitude</i>	<i>Longitude</i>
36°59.14' N	75°48.88' W
36°57.24' N	75°55.34' W

(c) An outbound traffic lane is established between the separation line and a line connecting the following geographical positions:

<i>Latitude</i>	<i>Longitude</i>
36°56.29' N	75°54.93' W

36°58.18' N 75°48.48' W

[CGD 90-039, 59 FR 21937, Apr. 28, 1994]

§ 167.203 In the approaches to Chesapeake Bay: Southern approach.

(a) An inbound traffic lane is established between separation lines running through the following geographical positions:

<i>Latitude</i>	<i>Longitude</i>
36°50.33' N	75°46.29' W
36°52.90' N	75°51.52' W
36°55.96' N	75°54.97' W
36°55.11' N	75°55.23' W
36°52.35' N	75°52.12' W
36°49.70' N	75°46.80' W

(b) An outbound traffic lane is established between separation lines running through the following geographical positions:

<i>Latitude</i>	<i>Longitude</i>
36°49.52' N	75°46.94' W
36°52.18' N	75°52.29' W
36°54.97' N	75°55.43' W
36°54.44' N	75°56.09' W
36°51.59' N	75°52.92' W
36°48.87' N	75°47.42' W

(c) A deep-water route is established between lines running through the following geographical positions:

<i>Latitude</i>	<i>Longitude</i>
36°55.11' N	75°55.23' W
36°52.35' N	75°52.12' W
36°49.70' N	75°46.80' W
36°49.52' N	75°46.94' W
36°52.18' N	75°52.29' W
36°54.97' N	75°55.43' W

(d) The following vessels should use the deep-water route established in paragraph (c) of this section when bound for Chesapeake Bay from sea or to sea from Chesapeake Bay:

(1) Deep draft vessels (drafts greater than 13.5 meters/45 feet in fresh water).

(2) Naval aircraft carriers.

(e) It is recommended that a vessel using the deep-water route established in paragraph (c) of this section—

(1) Announce its intention on VHF-FM Channel 16 as it approaches Chesapeake Bay Southern Approach Lighted Whistle Buoy CB on the south end, or Chesapeake Bay Junction Lighted Buoy CBJ on the north end of the route;

(2) Avoid, as far as practicable, overtaking other vessels operating in the deep-water route; and

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(3) Keep as near to the outer limit of the route which lies on the vessel's starboard side as is safe and practicable.

(f) Vessels other than those listed in paragraph (d) of this section should not use the deep-water route.

[CGD 90-039, 59 FR 21937, Apr. 28, 1994, as amended by 59 FR 28449, June 1, 1994]

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§ 167.350 In the approaches to Galveston Bay Traffic Separation Scheme and precautionary areas.

(a) An inshore precautionary area bounded by a line connecting the following geographical positions:

Latitude	Longitude
(1) 29°18.10' N	94°39.20' W
(2) 29°16.10' N	94°37.00' W
(3) 29°18.00' N	94°34.90' W
(4) 29°19.40' N	94°37.10' W
(5) 29°19.80' N	94°38.10' W

(b) A traffic separation zone bounded by a line connecting the following geographical positions:

Latitude	Longitude
(6) 29°17.13' N	94°35.86' W
(7) 29°09.55' N	94°25.80' W
(8) 29°09.41' N	94°25.95' W
(9) 29°17.00' N	94°36.00' W

(c) A traffic lane for inbound (north-westerly heading) traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
(3) 29°18.00' N	94°34.90' W
(10) 29°11.20' N	94°24.00' W

(d) A traffic lane for outbound (southeasterly heading) traffic is established between the separation zone and line connecting the following geographical positions:

Latitude	Longitude
(2) 29°16.10' N	94°37.00' W
(11) 29°07.70' N	94°27.80' W

(e) An offshore precautionary area bounded by a line connecting the following geographical positions:

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Latitude	Longitude
(11) 29°07.70' N	94°27.80' W
(12) 29°06.40' N	94°26.20' W
(13) 29°06.40' N	94°23.90' W
(14) 29°09.10' N	94°20.60' W
(10) 29°11.20' N	94°24.00' W

NOTE: A pilot boarding area is located near the center of the inshore precautionary area. Due to heavy vessel traffic, mariners are advised not to anchor or linger in this precautionary area except to pick up or disembark a pilot.

[CGD 81-080, 48 FR 36456, Aug. 11, 1983. Redesignated by CGD 84-004, 52 FR 33589, Sept. 4, 1987; CGD 89-019, 54 FR 28062, July 5, 1989; 54 FR 51972, Dec. 19, 1989]

PACIFIC WEST COAST

SOURCE: USCG-1999-5700, 65 FR 46605, July 31, 2000, unless otherwise noted.

§ 167.400 Off San Francisco Traffic Separation Scheme: General.

The Off San Francisco Traffic Separation Scheme consists of six parts: a Precautionary Area, a Northern Approach, a Southern Approach, a Western Approach, a Main Ship Channel, and an Area to Be Avoided. The specific areas in the Off San Francisco TSS and Precautionary Area are described in §§ 167.401 through 167.406 of this chapter. The geographic coordinates in §§ 167.401 through 167.406 are defined using North American Datum 1983 (NAD 83).

§ 167.401 Off San Francisco: Precautionary area.

(a)(1) A precautionary area is established bounded to the west by an arc of a circle with a radius of 6 miles centering upon geographical position 37°45.00' N, 122°41.50' W and connecting the following geographical positions:

Latitude	Longitude
37°42.70' N	122°34.60' W.
37°50.30' N	122°38.00' W.

(2) The precautionary area is bounded to the east by a line connecting the following geographic positions:

Latitude	Longitude
37°42.70' N	122°34.60' W.
37°45.90' N	122°38.00' W.
37°50.30' N	122°38.00' W.

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(b) A pilot boarding area is located near the center of the precautionary area described in paragraph (a) of this section. Due to heavy vessel traffic, mariners are advised not to anchor or linger in this precautionary area except to pick up or disembark a pilot.

§ 167.402 Off San Francisco: Northern approach.

(a) A separation zone is bounded by a line connecting the following geographical positions:

Latitude	Longitude
37°48.40' N	122°47.60' W
37°56.70' N	123°03.70' W
37°55.20' N	123°04.90' W
37°47.70' N	122°48.20' W

(b) A traffic lane for north-westbound traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
37°49.20' N	122°46.70' W.
37°58.00' N	123°02.70' W.

(c) A traffic lane for south-eastbound traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
37°53.90' N	123°06.10' W.
37°46.70' N	122°48.70' W.

§ 167.403 Off San Francisco: Southern approach.

(a) A separation zone is bounded by a line connecting the following geographical positions:

Latitude	Longitude
37°39.10' N	122°40.40' W.
37°27.00' N	122°40.40' W.
37°27.00' N	122°43.00' W.
37°39.10' N	122°43.00' W.

(b) A traffic lane for northbound traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
37°39.30' N	122°39.20' W.
37°27.00' N	122°39.20' W.

(c) A traffic lane for southbound traffic is established between the separation zone and a line connecting the following geographical positions:

tion zone and a line connecting the following geographical positions:

Latitude	Longitude
37°27.00' N	122°44.30' W.
37°39.40' N	122°44.30' W.

§ 167.404 Off San Francisco: Western approach.

(a) A separation zone is bounded by a line connecting the following geographical positions:

Latitude	Longitude
37°41.90' N	122°48.00' W.
37°38.10' N	122°58.10' W.
37°36.50' N	122°57.30' W.
37°41.10' N	122°47.20' W.

(b) A traffic lane for south-westbound traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
37°42.80' N	122°48.50' W.
37°39.60' N	122°58.80' W.

(c) A traffic lane for north-eastbound traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
37°35.00' N	122°56.50' W.
37°40.40' N	122°46.30' W.

§ 167.405 Off San Francisco: Main ship channel.

(a) A separation line connects the following geographical positions:

Latitude	Longitude
37°45.90' N	122°38.00' W.
37°47.00' N	122°34.30' W.
37°48.10' N	122°31.00' W.

(b) A traffic lane for eastbound traffic is established between the separation line and a line connecting the following geographical positions:

Latitude	Longitude
37°45.80' N	122°37.70' W.
37°47.80' N	122°30.80' W.

(c) A traffic lane for westbound traffic is established between the separation line and a line connecting the following geographical positions:

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Latitude	Longitude
37°46.20' N	122°37.90' W.
37°46.90' N	122°35.30' W.
37°48.50' N	122°31.30' W.

§ 167.406 Off San Francisco: Area to be avoided.

A circular area to be avoided, with a radius of half of a nautical mile, is centered upon geographic position:

Latitude	Longitude
37°45.00' N	122°41.50' W.

§ 167.450 In the Santa Barbara Channel Traffic Separation Scheme: General.

The Traffic Separation Scheme in the Santa Barbara Channel is described in §§ 167.451 and 167.452. The geographic coordinates in §§ 167.451 and 167.452 are defined using North American Datum 1983 (NAD 83).

§ 167.451 In the Santa Barbara Channel: Between Point Vicente and Point Conception.

(a) A separation zone is bounded by a line connecting the following geographical positions:

Latitude	Longitude
34°20.90' N	120°30.16' W
34°04.00' N	119°15.96' W.
33°44.90' N	118°35.75' W.
33°43.20' N	118°36.95' W.
34°02.20' N	119°17.46' W.
34°18.90' N	120°30.96' W.

(b) A traffic lane for north-westbound traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
34°21.80' N	120°29.96' W.
34°04.80' N	119°15.16' W.
33°45.80' N	118°35.15' W.

(c) A traffic lane for south-eastbound traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
33°42.30' N	118°37.55' W.
34°01.40' N	119°18.26' W.
34°18.00' N	120°31.16' W.

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§ 167.452 In the Santa Barbara Channel: Between Point Conception and Point Arguello.

(a) A separation zone is bounded by a line connecting the following geographical positions:

Latitude	Longitude
34°20.90' N	120°30.16' W.
34°18.90' N	120°30.96' W.
34°25.70' N	120°51.81' W.
34°23.75' N	120°52.51' W.

(b) A traffic lane for westbound traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
34°21.80' N	120°29.96' W.
34°26.60' N	120°51.51' W.

(c) A traffic lane for eastbound traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
34°18.00' N	120°31.16' W.
34°22.80' N	120°52.76' W.

§ 167.500 In the approaches to Los Angeles-Long Beach Traffic Separation Scheme: General.

The Traffic Separation Scheme in the approaches to Los Angeles-Long Beach consists of three parts: a Precautionary Area, a Western Approach, and a Southern Approach. The specific areas in the approaches to Los Angeles-Long Beach are described in §§ 167.501 through 167.503. The geographic coordinates in §§ 167.501 through 167.503 are defined using North American Datum 1983 (NAD 83).

[USCG-2000-7695, 65 FR 53913, Sept. 6, 2000]

§ 167.501 In the approaches to Los Angeles/Long Beach: Precautionary area.

(a) The precautionary area consists of the water area enclosed by the Los Angeles-Long Beach breakwater and a line connecting Point Fermin Light at 33°42.30'N, 118°17.60'W, with the following geographical positions:

Latitude	Longitude
33°35.50' N	118°17.60' W.
33°35.50' N	118°09.00' W.

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Latitude	Longitude
33°37.70'N	118°06.50'W.
33°43.40'N	118°10.80'W.

(b) Pilot boarding areas are located within the precautionary area described in paragraph (a) of this section. Specific regulations pertaining to vessels operating in these areas are contained in 33 CFR 165.1109(d).

[USCG-2000-7695, 65 FR 53913, Sept. 6, 2000]

§ 167.502 In the approaches to Los Angeles-Long Beach: Western approach.

(a) A separation zone is bounded by a line connecting the following geographical positions:

Latitude	Longitude
33°37.70'N	118°17.60'W.
33°36.50'N	118°17.60'W.
33°36.50'N	118°23.10'W.
33°43.20'N	118°36.90'W.
33°44.90'N	118°35.70'W.
33°37.70'N	118°20.90'W.

(b) A traffic lane for northbound coastwise traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
33°38.70'N	118°17.60'W.
33°38.70'N	118°20.60'W.
33°45.80'N	118°35.10'W.

(c) A traffic lane for southbound coastwise traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
33°35.50'N	118°17.60'W.
33°35.50'N	118°23.43'W.
33°42.30'N	118°37.50'W.

[USCG-2000-7695, 65 FR 53913, Sept. 6, 2000]

§ 167.503 In the approaches to Los Angeles-Long Beach TSS: Southern approach.

(a) A separation zone is established bounded by a line connecting the following geographic positions:

Latitude	Longitude
33°35.50'N	118°10.30'W.
33°35.50'N	118°12.75'W.

Latitude	Longitude
33°19.70'N	118°03.50'W.
33°19.00'N	118°05.60'W.

(b) A traffic lane for northbound traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
33°35.50'N	118°09.00'W.
33°20.00'N	118°02.30'W.

(c) A traffic lane for southbound traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
33°35.50'N	118°14.00'W.
33°18.70'N	118°06.75'W.

[USCG-2000-7695, 65 FR 53913, Sept. 6, 2000]

§ 167.1700 In Prince William Sound: General.

The Prince William Sound Traffic Separation Scheme consists of four parts: Prince William Sound Traffic Separation Scheme, Valdez Arm Traffic Separation Scheme, and two precautionary areas. These parts are described in §§ 167.1701 through 167.1703. The geographic coordinates in §§ 167.1701 through 167.1703 are defined using North American Datum 1983 (NAD 83).

[USCG-2001-10254, 67 FR 53743, Aug. 19, 2002]

§ 167.1701 In Prince William Sound: Precautionary areas.

(a) *Cape Hinchinbrook.* A precautionary area is established and is bounded by a line connecting the following geographical positions:

Latitude	Longitude
60°20.59'N	146°48.18'W
60°12.67'N	146°40.43'W
60°11.01'N	146°28.65'W
60°05.47'N	146°00.01'W
60°00.81'N	146°03.53'W
60°05.44'N	146°27.58'W
59°51.80'N	146°37.51'W
59°53.52'N	146°46.84'W
60°07.76'N	146°36.24'W
60°11.51'N	146°46.64'W
60°20.60'N	146°54.31'W

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(b) *Bligh Reef*. A precautionary area is established of radius 1.5 miles centered at geographical position 60°49.63'N, 147°01.33'W.

(c) *Pilot boarding area*. A pilot boarding area located near the center of the Bligh Reef precautionary area is established. Regulations for vessels operating in these areas are in §165.1109(d) of this chapter.

[USCG-2001-10254, 67 FR 53743, Aug. 19, 2002]

§ 167.1702 In Prince William Sound: Prince William Sound Traffic Separation Scheme.

The Prince William Sound Traffic Separation Scheme consists of the following:

(a) A separation zone bounded by a line connecting the following geographical positions:

Latitude	Longitude
60°20.77'N	146°52.31'W
60°48.12'N	147°01.78'W
60°48.29'N	146°59.77'W
60°20.93'N	146°50.32'W

(b) A traffic lane for northbound traffic between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
60°20.59'N	146°48.18'W
60°49.49'N	146°58.19'W

(c) A traffic lane for southbound traffic between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
60°49.10'N	147°04.19'W
60°20.60'N	146°54.31'W

[USCG-2001-10254, 67 FR 53743, Aug. 19, 2002]

§ 167.1703 In Prince William Sound: Valdez Arm Traffic Separation Scheme.

The Valdez Arm Traffic Separation Scheme consists of the following:

(a) A separation zone bounded by a line connecting the following geographical positions:

Latitude	Longitude
60°51.08'N	147°00.33'W
60°58.60'N	146°48.10'W

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Latitude	Longitude
60°58.30'N	146°47.10'W
60°50.45'N	146°58.75'W

(b) A traffic lane for northbound traffic between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
60°49.39'N	146°58.19'W
60°58.04'N	146°46.52'W

(c) A traffic lane for southbound traffic between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
60°58.93'N	146°48.86'W
60°50.61'N	147°03.60'W

[USCG-2001-10254, 67 FR 53743, Aug. 19, 2002]

PART 168—ESCORT REQUIREMENTS FOR CERTAIN TANKERS

Sec.

- 168.01 Purpose.
- 168.05 Definitions.
- 168.10 Responsibilities.
- 168.20 Applicable vessels.
- 168.30 Applicable cargoes.
- 168.40 Applicable waters and number of escort vessels.
- 168.50 Performance and operational requirements.
- 168.60 Pre-escort conference.

AUTHORITY: Section 4116(c), Pub. L. 101-380, 104 Stat. 520 (46 U.S.C. 3703 note).

SOURCE: CGD 91-202, 59 FR 42968, Aug. 19, 1994, unless otherwise noted.

§ 168.01 Purpose.

(a) This part prescribes regulations in accordance with section 4116(c) of the Oil Pollution Act of 1990 (OPA 90) (Pub. L. 101-380). The regulations will reduce the risk of oil spills from laden, single hull tankers over 5,000 GT by requiring that these tankers be escorted by at least two suitable escort vessels. The escort vessels will be immediately available to influence the tankers' speed and course in the event of a steering or propulsion equipment failure, thereby reducing the possibility of groundings or collisions.

(b) The regulations in this part establish minimum escort vessel requirements. Nothing in these regulations should be construed as relieving the master of a tanker from the duty to operate the vessel in a safe and prudent manner, taking into account the navigational constraints of the waterways to be traversed, other vessel traffic, and anticipated weather, tide, and sea conditions, which may require reduced speeds, greater assistance from escort vessels, or other operational precautions.

§ 168.05 Definitions.

As used in this part—

Disabled tanker means a tanker experiencing a loss of propulsion or steering control.

Escort transit means that portion of the tanker's voyage through waters where escort vessels are required.

Escort vessel means any vessel that is assigned and dedicated to a tanker during the escort transit, and that is fendered and outfitted with towing gear as appropriate for its role in an emergency response to a disabled tanker.

Laden means transporting in bulk any quantity of applicable cargo, except for clingage and residue in otherwise empty cargo tanks.

Single hull tanker means any self-propelled tank vessel that is not constructed with both double bottom and double sides in accordance with the provisions of 33 CFR 157.10d.

Tanker master means the licensed on-board person in charge of the tanker.

Tanker owner or operator means the owner or shoreside organization (individual, corporation, partnership, or association), including a demise charterer, responsible for the overall management and operation of the tanker.

§ 168.10 Responsibilities.

(a) The tanker owner or operator shall:

(1) select escort vessels that can meet the performance requirements of this part; and

(2) inform the tanker master of the performance capabilities of the selected escort vessels. This information

must be provided to the master before beginning the escort transit.

(b) The tanker master shall operate the tanker within the performance capabilities of the escort vessels, taking into account speed, sea and weather conditions, navigational considerations, and other factors that may change or arise during the escort transit.

(c) In an emergency, the tanker master may deviate from the requirements of this part to the extent necessary to avoid endangering persons, property, or the environment, but shall immediately report the deviation to the cognizant Coast Guard Captain of the Port (COTP).

§ 168.20 Applicable vessels.

The requirements of this part apply to laden, single hull tankers of 5,000 gross tons or more.

§ 168.30 Applicable cargoes.

The requirements of this part apply to any petroleum oil listed in 46 CFR Table 30.25-1 as a pollution category I cargo.

§ 168.40 Applicable waters and number of escort vessels.

The requirements of this part apply to the following waters:

(a) *Prince William Sound*: Each tanker to which this part applies must be escorted by at least two escort vessels in those navigable waters of the United States within Prince William Sound, Alaska, and the adjoining tributaries, bays, harbors, and ports, including the navigable waters of the United States within a line drawn from Cape Hinchinbrook Light, to Seal Rocks Light, to a point on Montague Island at 60°14.6' North, 146°59' West, and the waters of Montague Strait east of a line between Cape Puget and Cape Cleare.

(b) *Puget Sound and certain associated waters*: Each tanker to which this part applies must be escorted by at least two escort vessels in those navigable waters of the United States and Washington State east of a line connecting New Dungeness Light with Discovery Island Light and all points in the Puget Sound area north and south of these lights. This area includes all the

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navigable waters of the United States within Haro Strait, Rosario Strait, the Strait of Georgia, Puget Sound, and Hood Canal, as well as those portions of the Strait of Juan de Fuca east of the New Dungeness-Discovery Island line.

§ 168.50 Performance and operational requirements.

(a) Except as provided in paragraph (c) of § 168.10, at all times during the escort transit each tanker to which this part applies:

(1) Must be accompanied by escort vessels that meet the performance requirements of paragraph (b) of this section (but not less than the number of escorts required by § 168.40).

(2) Must have the escort vessels positioned relative to the tanker such that timely response to a propulsion or steering failure can be effected.

(3) Must not exceed a speed beyond which the escort vessels can reasonably be expected to safely bring the tanker under control within the navigational limits of the waterway, taking into consideration ambient sea and weather conditions, surrounding vessel traffic, hazards, and other factors that may reduce the available sea room.

(b) The escort vessels, acting singly or jointly in any combination as needed, and considering their applied force vectors on the tanker's hull, must be capable of—

(1) Towing the tanker at 4 knots in calm conditions, and holding it in steady position against a 45-knot headwind;

(2) Stopping the tanker within the same distance that it could crash-stop itself from a speed of 6 knots using its own propulsion system;

(3) Holding the tanker on a steady course against a 35-degree locked rudder at a speed of 6 knots; and

(4) Turning the tanker 90 degrees, assuming a free-swinging rudder and a speed of 6 knots, within the same distance (advance and transfer) that it could turn itself with a hard-over rudder.

EFFECTIVE DATE NOTE: At 59 FR 54519, Nov. 1, 1994, § 168.50 was amended by suspending paragraph (b)(2), effective November 17, 1994.

33 CFR Ch. I (7-1-03 Edition)

§ 168.60 Pre-escort conference.

(a) Before commencing an escort transit, the tanker master shall confer, by radio or in person, with the tanker pilot and the masters of the escort vessels regarding the escort operation.

(b) The purpose of the pre-escort conference is for all parties to plan and discuss particulars of the escort transit.

(c) At a minimum, the following topics must be addressed during the pre-escort conference:

(1) The destination, route, planned speed, other vessel traffic, anticipated weather, tide, and sea conditions, and other navigational considerations;

(2) The type and operational status of communication, towing, steering, and propulsion equipment on the tanker and escort vessels;

(3) The relative positioning and reaction time for the escort vessels to move into assist positions, including, if appropriate, pre-tethering the escort vessels at crucial points along the route;

(4) The preparations required on the tanker and escort vessels, and the methods employed in making an emergency towline connection, including stationing of deck crews, preparation of messenger lines, bridles, and other towing gear, and energizing appropriate deck equipment;

(5) The manner in which an emergency towline connection would be made (which escort vessel will respond, how messengers and towsines will be passed, etc.);

(6) Other relevant information provided by the tanker master, pilot or escort vessel masters.

PART 169—SHIP REPORTING SYSTEMS

Sec.

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AUTHORITY: 33 U.S.C. 1230(d), 49 CFR 1.46.

SOURCE: USCG-1999-5525, 64 FR 29234, June 1, 1999, unless otherwise noted.

Subpart A—General

§ 169.1 What is the purpose of this subpart?

This subpart prescribes the requirements for mandatory ship reporting systems. Ship reporting systems are used to provide, gather, or exchange information through radio reports. The information is used to provide data for many purposes including, but not limited to: navigation safety, environmental protection, vessel traffic services, search and rescue, weather forecasting and prevention of marine pollution.

§ 169.5 What terms are defined?

Gross tons means vessel tonnage measured in accordance with the method utilized by the flag state administration of that vessel.

Mandatory ship reporting system means a ship reporting system that requires the participation of specified vessels or classes of vessels, and that is established by a government or governments after adoption of a proposed system by the International Maritime Organization (IMO) as complying with all requirements of regulation V/8-1 of the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS), except paragraph (e) thereof.

Self-propelled ships means ships propelled by mechanical means.

Shore-based authority means the government appointed office or offices that will receive the reports made by ships entering each of the mandatory ship reporting systems. The office or

offices will be responsible for the management and coordination of the system, interaction with participating ships, and the safe and effective operation of the system. Such an authority may or may not be an authority in charge of a vessel traffic service.

[USCG-1999-5525, 66 FR 58070, Nov. 20, 2001]

§ 169.10 What geographic coordinates are used?

Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts where the referenced horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

Subpart B—Establishment of Two Mandatory Ship Reporting Systems for the Protection of Northern Right Whales

§ 169.100 What mandatory ship reporting systems are established by this subpart?

This subpart prescribes requirements for the establishment and maintenance of two mandatory ship reporting systems for the protection of the endangered northern right whale (also known as the North Atlantic right whale). These two systems are designated for certain areas of the East Coast of the United States. One system is located in the northeast and is identified as WHALESNORTH. The other system is located in the southeast and is identified as WHALESSOUTH.

NOTE TO § 169.100: 50 CFR 224.103(c) contains requirements and procedures concerning northern right whale approach limitations and avoidance procedures.

[USCG-1999-5525, 64 FR 29234, June 1, 1999, as amended by 66 FR 58070, Nov. 20, 2001]

§ 169.102

§ 169.102 Who is the shore-based authority?

The U.S. Coast Guard is the shore-based authority for these mandatory ship reporting systems.

§ 169.105 Where is the northeastern reporting system located?

Geographical boundaries of the northeastern area include the waters of Cape Cod Bay, Massachusetts Bay, and the Great South Channel east and southeast of Massachusetts. The coordinates (NAD 83) of the area are as follows: from a point on Cape Ann, Massachusetts at 42°39'N, 70°37'W; then northeast to 42°45'N, 70°13'W; then southeast to 42°10'N, 68°31'W; then south to 41°00'N, 68°31'W; then west to 41°00'N, 69°17'W; then northeast to 42°05'N, 70°02'W, then west to 42°04'N, 70°10'W; and then along the Massachusetts shoreline of Cape Cod Bay and Massachusetts Bay back to the point on Cape Anne at 42°39'N, 70°37'W.

§ 169.110 When is the northeastern reporting system in effect?

The mandatory ship reporting system in the northeastern United States operates year-round.

§ 169.115 Where is the southeastern reporting system located?

Geographical boundaries of the southeastern area include coastal waters within about 25 nautical miles (45 kilometer) along a 90-nautical mile (170-kilometer) stretch of the Atlantic seaboard in Florida and Georgia. The area coordinates (NAD 83) extends from the shoreline east to longitude 80°51.6'W with the southern and northern boundaries at latitude 30°00'N and 31°27'N, respectively.

§ 169.120 When is the southeastern reporting system in effect?

The mandatory ship reporting system in the southeastern United States operates during the period beginning on November 15 each year through April 16 of the following year.

[USCG-1999-5525, 66 FR 58070, Nov. 20, 2001]

33 CFR Ch. I (7-1-03 Edition)

§ 169.125 What classes of ships are required to make reports?

Each self-propelled ship of 300 gross tons or greater must participate in the reporting systems, except government ships exempted from reporting by regulation V/8-1(c) of SOLAS. However, exempt ships are encouraged to participate in the reporting systems.

[USCG-1999-5525, 66 FR 58070, Nov. 20, 2001]

§ 169.130 When are ships required to make reports?

Participating ships must report to the shore-based authority upon entering the area covered by a reporting system. Additional reports are not necessary for movements made within a system or for ships exiting a system.

§ 169.135 How must the reports be made?

(a) A ship equipped with INMARSAT C must report in IMO standard format as provided in §169.140 in table 169.140.

(b) A ship not equipped with INMARSAT C must report to the Coast Guard using other means, listed below in order of precedence—

(1) Narrow band direct printing (SITOR),

(2) HF voice communication, or

(3) MF or VHF voice communications.

(c) SITOR or HF reports made directly to the Coast Guard's Communications Area Master Station Atlantic (CAMSLANT) in Chesapeake, VA, or MF or VHF reports made to Coast Guard activities or groups, should only be made by ships not equipped with INMARSAT C. Ships in this category must provide all the required information to the Coast Guard watchstander.

[USCG-1999-5525, 64 FR 29234, June 1, 1999, as amended by 66 FR 58070, Nov. 20, 2001]

§ 169.140 What information must be included in the report?

Each ship report made to the shore-based authority must follow the standard reporting and format requirements listed in this section in table 169.140. Current email addresses and telex numbers are published annually in the US Coast Pilot.

TABLE 169.140—REQUIREMENTS FOR SHIP REPORTS

Telegraphy	Function	Information required
Name of system	System identifier	Ship reporting system WHALESNORTH or WHALESSOUTH.
M	INMARSAT Number	Vessel INMARSAT number
A	Ship	The name, call sign or ship station identity, IMO number, and flag of the vessel.
B	Date and time of event	A 6-digit group giving day of month (first two digits), hours and minutes (last four digits).
E	True course	A 3-digit group indicating true course.
F	Speed in knots and tenths of knots	A 3-digit group.
H	Date, time and point of entry into system	Entry time expressed as in (B) and entry position expressed as-(1) a 4-digit group giving latitude in degrees and minutes suffixed with N(north) or S (south) and a 5-digit group giving longitude in degrees and minutes suffixed with E (east) or W (west); or (2) True bearing (first 3 digits) and distance (state distance) in nautical miles from a clearly identified landmark (state landmark)
I	Destination and expected time of arrival	Name of port and date time group expressed as in (B)
L	Route information	Intended track.

[USCG-1999-5525, 66 FR 58070, Nov. 20, 2001]

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