Navigation Regulations

(1) This chapter contains extracts from **Code of Federal Regulations (CFR)** that are of importance to mariners in the area covered by this Coast Pilot. Sections of little value to the mariner are sometimes omitted. Omitted sections are signified by the following [...]

(2) Extracts from the following titles are contained in this chapter.

Title 33 (33 CFR): Navigation and Navigable Waters

Part 26	Vessel Bridge-to-Bridge Radiotelephone Regulations
Part 80	COLREGS Demarcation Lines
Part 110	Anchorage Regulations
Part 117	Drawbridge Operation Regulation
Part 157	Rules for the Protection of the Marine Environment relating to Tank Vessels carrying Oil in Bulk (in part).
Part 160	Ports and Waterways Safety-General
Part 161	Vessel Traffic Management
Part 162	Inland Waterway Navigation Regulations
Part 164	Navigation Safety Regulations (in part)
Part 165	Regulated Navigation Areas and Limited Access Areas
Part 166	Shipping Safety Fairways
Part 167	Offshore Traffic Separation Schemes
Part 169	Mandatory Ship Reporting Systems
Part 207	Navigation Regulations
Part 334	Danger Zones and Restricted Area Regulations.

Title 40 (40 CFR): Protection of Environment

Part 140	Marine Sanitation Device Standard

Title 46 (46 CFR): Shipping

Part 15	Manning Requirements.

Title 50 (50 CFR): Wildlife and Fisheries

Part 222	General Endangered and Threatened Marine Species.
Part 224	Endangered Marine and Anadromous Species.
Part 226	Designated Critical Habitat.

(3) **Note.**–These regulations can only be amended by the enforcing agency or other authority cited in the regulations. Accordingly, requests for changes to these regulations should be directed to the appropriate agency for action. In those regulations where the enforcing agency is not cited or is unclear, recommendations for changes should be directed to the following Federal agencies for action:

(4) **U.S. Coast Guard:** (33 CFR 26, 80, 110, 117, 157, 160, 161, 162, 164, 165, and 169; 46 CFR 15);

(5) **U.S. Army Corps of Engineers:** (33 CFR 207 and 334);

(6) **National Marine Fisheries Service, National Oceanic and Atmospheric Administration:** (50 CFR 222, 224, and 226).

TITLE 33–NAVIGATION AND NAVIGABLE WATERS

Part 26–Vessel Bridge-to-Bridge Radiotelephone Regulations

§26.01 Purpose

(7) (a) The purpose of this part is to implement the provisions of the Vessel Bridge-to-Bridge Radiotelephone Act. This part–

(8) (1) Requires the use of the vessel bridge-to-bridge radiotelephone;

(9) (2) Provides the Coast Guard's interpretation of the meaning of important terms in the Act;

(10) (3) Prescribes the procedures for applying for an exemption from the Act and the regulations issued under the Act and a listing of exemptions.

(11) (b) Nothing in this part relieves any person from the obligation of complying with the rules of the road and the applicable pilot rules.

§26.02 Definitions.

(12) For the purpose of this part and interpreting the Act–

(13) *Secretary* means the Secretary of the Department in which the Coast Guard is operating:

(14) *Act* means the "Vessel Bridge-to-Bridge Radiotelephone Act", 33 U.S.C. sections 1201–1208;

(15) *Length* is measured from end to end over the deck excluding sheer;

(16) *Power-driven* vessel means any vessel propelled by machinery; and

(17) *Towing vessel* means any commercial vessel engaged in towing another vessel astern, alongside, or by pushing ahead.

(18) *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.

(19) *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.

(20) **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.

§26.03 Radiotelephone required.

(21) (a) Unless an exemption is granted under §26.09 and except as provided in paragraph (a)(4) of this section, this part applies to:

(22) (1) Every power-driven vessel of 20 meters or over in length while navigating;

(23) (2) Every vessel of 100 gross tons and upward carrying one or more passengers for hire while navigating;

(24) (3) Every towing vessel of 26 feet or over in length while navigating; and

(25) (4) Every dredge and floating plant engaged in or near a channel or fairway in operations likely to restrict or affect navigation of other vessels except for an unmanned or intermittently manned floating plant under the control of a dredge.

(26) (b) Every vessel, dredge, or floating plant described in paragraph (a) of this section must have a radiotelephone on board capable of operation from its navigational bridge, or in the case of a dredge, from its main control station, and capable of transmitting and receiving on the frequency or frequencies within the 156-162 Mega-Hertz band using the classes of emissions designated by the Federal Communications Commission for the exchange of navigational information.

(27) (c) The radiotelephone required by paragraph (b) of this section must be carried on board the described vessels, dredges, and floating plants upon the navigable waters of the United States.

(28) (d) The radiotelephone required by paragraph (b) of this section must be capable of transmitting and receiving on VHF-FM channel 22A (157.1 MHz).

(29) (e) While transiting any of the following waters, each vessel described in paragraph (a) of this section also must have on board a radiotelephone capable of transmitting and receiving on VHF-FM channel 67 (156.375 MHz):

(30) (1) The lower Mississippi River from the territorial sea boundary, and within either the Southwest Pass safety fairway or the South Pass safety fairway specified in 33 CFR 166.200, to mile 242.4 AHP (Above Head of Passes) near Baton Rouge;

(31) (2) The Mississippi River-Gulf Outlet from the territorial sea boundary, and within the Mississippi River-Gulf outlet Safety Fairway specified in 33 CFR 166.200, to that channel's junction with the Inner Harbor Navigation Canal; and

(32) (3) The full length of the Inner Harbor Navigation Canal from its junction with the Mississippi River to that canal's entry to Lake Pontchartrain at the New Seabrook vehicular bridge.

(33) (f) In addition to the radiotelephone required by paragraph (b) of this section, each vessel described in paragraph (a) of this section while transiting any waters within a Vessel Traffic Service Area, must have on board a radiotelephone capable of transmitting and receiving on the VTS designated frequency in Table 161.12(c) (VTS and VMRS Centers, Call Signs/MMSI, Designated Frequencies, and Monitoring Areas).

(34) **Note:** A single VHF-FM radio capable of scanning or sequential monitoring (often referred to as "dual watch" capability) will not meet the requirements for two radios.

§26.04 Use of the designated frequency.

(35) (a) No person may use the frequency designated by the Federal Communications Commission under section 8 of the Act, 33 U.S.C. 1207 (a), to transmit any

information other than information necessary for the safe navigation of vessels or necessary tests.

(36) (b) Each person who is required to maintain a listening watch under section 5 of the Act shall, when necessary, transmit and confirm, on the designated frequency, the intentions of his vessel and any other information necessary for the safe navigation of vessels.

(37) (c) Nothing in these regulations may be construed as prohibiting the use of the designated frequency to communicate with shore stations to obtain or furnish information necessary for the safe navigation of vessels.

(38) (d) On the navigable waters of the United States, channel 13 (156.65 MHz) is the designated frequency required to be monitored in accordance with §26.05(a) except that in the area prescribed in §26.03(e), channel 67 (156.375 MHz) is the designated frequency.

(39) (e) On those navigable waters of the United States within a VTS area, the designated VTS frequency is an additional designated frequency required to be monitored in accordance with §26.05.

§26.05 Use of radiotelephone.

(40) Section 5 of the Act states that the radiotelephone required by this Act is for the exclusive use of the master or person in charge of the vessel, or the person designated by the master or person in charge to pilot or direct the movement of the vessel, who shall maintain a listening watch on the designated frequency. Nothing herein shall be interpreted as precluding the use of portable radiotelephone equipment to satisfy the requirements of this act.

§26.06 Maintenance of radiotelephone; failure of radiotelephone.

(41) Section 6 of the Act states–(a) Whenever radiotelephone capability is required by this Act, a vessel's radiotelephone equipment shall be maintained in effective operating condition. If the radiotelephone equipment carried aboard a vessel ceases to operate, the master shall exercise due diligence to restore it or cause it to be restored to effective operating condition at the earliest practicable time. The failure of a vessel's radiotelephone equipment shall not, in itself, constitute a violation of this Act, nor shall it obligate the master of any vessel to moor or anchor his vessel; however, the loss of radiotelephone capability shall be given consideration in the navigation of the vessel.

§26.07 Communications.

(42) No person may use the service of, and no person may serve as, a person required to maintain a listening watch under section 5 of the Act, 33 U.S.C. 1204, unless the person can communicate in the English language.

§26.08 Exemption procedures.

(43) (a) The Commandant has redelegated to the Assistant Commandant for Marine Safety, Security and Environmental Protection, U.S. Coast Guard Headquarters, with the reservation that this authority shall not be further redelegated, the authority to grant exemptions from provisions of the Vessel Bridge-to-Bridge Radiotelephone Act and this part.

(44) (b) Any person may petition for an exemption from any provision of the Act or this part;

(45) (c) Each petition must be submitted in writing to U.S. Coast Guard, Marine Safety, Security and Environmental Protection, 2100 Second Street SW., Washington, DC 20593-0001, and must state:

(46) (1) The provisions of the Act or this part from which an exemption is requested; and

(47) (2) The reasons why marine navigation will not be adversely affected if the exemption is granted and if the exemption relates to a local communication system how that system would fully comply with the intent of the concept of the Act but would not conform in detail if the exemption is granted.

§26.09 List of exemptions.

(48) (a) All vessels navigating on those waters governed by the navigation rules for Great Lakes and their connecting and tributary waters (33 U.S.C. 241 et seq.) are exempt from the requirements of the Vessel Bridge-to-Bridge Radiotelephone Act and this part until May 6, 1975.

(49) (b) Each vessel navigating on the Great Lakes as defined in the Inland Navigational Rules Act of 1980 (33 U.S.C. 2001 et seq.) and to which the Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1201-1208) applies is exempt from the requirements in 33 U.S.C. 1203, 1204, and 1205 and the regulations under §26.03, 26.04, 26.05, 26.06, and 26.07. Each of these vessels and each person to whom 33 U.S.C. 1208(a) applies must comply with Articles VII, X, XI, XII, XIII, XV, and XVI and Technical Regulations 1-9 of "The Agreement Between the United States of America and Canada for Promotion of Safety on the Great Lakes by Means of Radio, 1973."

Part 80–COLREGS Demarcation Lines

§80.01 General basis and purpose of demarcation lines.

(50) (a) The regulations in this part establish the lines of demarcation delineating those waters upon which mariners shall comply with the International Regulations for Preventing Collisions at Sea, 1972 (72

COLREGS) and those waters upon which mariners shall comply with the Inland Navigation Rules.

(51) (b) The waters inside of the lines are Inland Rules waters. The waters outside the lines are COLREGS waters.

(52) (c) 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.

§80.165 New York Harbor.

(53) A line drawn from East Rockaway Inlet Breakwater Light to Sandy Hook Light.

§80.170 Sandy Hook, NJ to Tom's River, NJ.

(54) (a) A line drawn from Shark River Inlet North Breakwater Light 2 to Shark River Inlet South Breakwater Light 1.

(55) (b) A line drawn from Manasquan Inlet North Breakwater Light 4 to Manasquan Inlet South Breakwater Light 3.

(56) (c) A line drawn from Barnegat Inlet North Breakwater Light 4A to the seaward extremity of the submerged Barnegat Inlet South Breakwater; thence along the submerged breakwater to the shoreline.

§80.501 Tom's River, NJ to Cape May, NJ.

(57) (a) A line drawn from the seaward tangent of Long Beach Island to the seaward tangent to Pullen Island across Beach Haven and Little Egg Inlets.

(58) (b) A line drawn from the seaward tangent of Pullen Island to the seaward tangent of Brigantine Island across Brigantine Inlet.

(59) (c) A line drawn from the seaward extremity of Absecon Inlet.

(60) (d) A line drawn from the southernmost point of Longport at latitude 39°18.2'N. longitude 74°32.1'W. to the northeastern- most point of Ocean City at latitude 39°17.6'N. longitude 74°33.1'W. across Great Egg Harbor Inlet.

(61) (e) A line drawn parallel with the general trend of highwater shoreline across Corson Inlet.

(62) (f) A line formed by the centerline of the Townsend Inlet Highway Bridge.

(63) (g) A line formed by the shoreline of Seven Mile Beach and Hereford Inlet Light.

(64) (h) A line drawn from Cape May Inlet East Jetty Light 4 to Cape May Inlet West Jetty Light 5.

§80.503 Delaware Bay.

(65) A line drawn from Cape May Light to Harbor of Refuge Light; thence to the northernmost extremity of Cape Henlopen.

§80.505 Cape Henlopen, DE. to Cape Charles, VA.

(66) (a) A line drawn from the seaward extremity of Indian River Inlet North Jetty to Indian River Inlet South Jetty Light.

(67) (b) A line drawn from Ocean City Inlet Light 6, 225° true across Ocean City Inlet to the submerged south breakwater.

(68) (c) A line drawn from Assateague Beach Tower Light to the tower charted at latitude 37°52.6'N. longitude 75°26.7'W.

(69) (d) A line formed by the range of Wachapreague Inlet Light 3 and Parramore Beach Lookout Tower drawn across Wachapreague Inlet.

(70) (e) A line drawn from the lookout tower charted on the northern end of Hog Island to the seaward tangent of Parramore Beach.

(71) (f) A line drawn 207° true from the lookout tower charted on the southern end of Hog Island across Great Machipongo Inlet.

(72) (g) A line formed by the range of the two cupolas charted on the southern end of Cobb Island drawn across Sand Shoal Inlet.

(73) (h) Except as provided elsewhere in this section from Cape Henlopen to Cape Charles, lines drawn parallel with the general trend of the highwater shoreline across the entrances to small bays and inlets.

§80.510 Chesapeake Bay Entrance, VA.

(74) A line drawn from Cape Charles Light to Cape Henry Light.

Part 110–Anchorage Regulations

§110.1 General.

(75) (a) The areas described in Subpart A of this part are designated as special anchorage areas for purposes of 33 U.S.C. §§2030(g) and 2035(j). Vessels of less than 20 meters in length, and barges, canal boats, scows, or other nondescript craft, are not required to sound signals required by rule 35 of the Inland Navigation Rules (33 U.S.C. 2035). Vessels of less than 20 meters are not required to exhibit anchor lights or shapes required by rule 30 of the Inland Navigation Rules (33 U.S.C. 2030).

(76) (b) The anchorage grounds for vessels described in Subpart B of this part are established, and the rules and regulations in relation thereto adopted, pursuant to the authority contained in section 7 of the act of March 4, 1915, as amended (38 Stat. 1053; 33 U.S.C. 471).

(77) (c) All bearings in the part are referred to true meridian.

(78) (d) 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.

Subpart A–Special Anchorage Areas

§110.65 Indian River Bay, Del.

(79) Beginning at a point bearing 174°, 300 feet, from a point on the southerly edge of the project channel 5,500 feet westerly from the State highway bridge across Indian River Inlet; thence 174°, 600 feet; thence 264°, 800 feet; thence 354°, 600 feet; and thence 84°, 800 feet, to the point of beginning.

§110.67 Delaware River, Essington, Pa.

(80) North of Little Tinicum Island, between the mouth of Darby Creek and Jansen Avenue, Essington, bounded as follows: Beginning at a point (approximately latitude 39°51'31", longitude 75°17'43") on a line in prolongation of the westerly line of Jansen Avenue 135 yards southerly from the mean high water line; thence 184°, 300 yards; thence 274°30', 1,700 yards; thence 04°, 425 yards; thence 100°, 1,225 yards; and thence 95°, 490 yards, to the point of beginning.

§110.70 Chesapeake and Delaware Canal, easterly of Courthouse Point, Md.

(81) The waters southerly of a line joining the northernmost extremity of Courthouse Point and the westernmost point of Herring Island; westerly of a line bearing 180° from a point on the aforesaid line 220 yards from the westernmost point of Herring Island; and northerly and easterly of the shore line.

§110.70a Northeast River, North East, Md.

(82) The water area west of North East Heights, Maryland enclosed by a line beginning on the shoreline at latitude

(83) 39°34'26"N., 75°57'18"W.; thence westerly to

(84) 39°34'26"N., 75°57'29"W.; thence northeasterly to

(85) 39°34'30"N., 75°57'27"W.; thence easterly to the shoreline at

(86) 39°34'30"N., 75°57'18"W.; thence southerly following the shoreline to the point of beginning.

§110.71 Jacobs Nose Cove, Elk River, Md.

(87) The water area of Jacobs Nose Cove, on the west side of the mouth of Elk River, Maryland, comprising the entire cove south of Jacobs Nose as defined by the shoreline and a line bearing 046°–226° true across the entrance of the cove tangent to the shore on both the north and south sides.

§110.71a Cabin Creek, Grasonville, Md.

(88) The waters of Cabin Creek, Maryland, enclosed by a line drawn from

(89) 38°56'34"N., 76°12'49"W., on the western shore to

(90) 38°56'28"N., 76°12'29"W., on the eastern shore; thence following the general line of the shore to the point of beginning.

§110.71b Wye River, Wye, Md.

(91) The waters of a cove on the western shore of Wye River opposite Drum Point enclosed by a line drawn from

(92) 38°53'17"N., 76°11'23"W., to

(93) 38°53'18"N., 76°11'23"W., to

(94) 38°53'18"N., 76°11'13"W.; thence following the shoreline to the point of beginning.

§110.72 Blackhole Creek, Md.

(95) The waters on the west side of Blackhole Creek, a tributary of Magothy River, southwest of a line bearing 310°30' from the most northerly tip of an unnamed island located 0.16 mile upstream from the mouth of the creek approximately 660 feet to the west shore of the creek; northwest of a line ranging from the southwesterly tip of the island toward the point of land on the west shore of the creek immediately southwest thereof; and north of a line 100 feet from and parallel to the shore of the creek to its intersection with the south property line extended of the Potapskut Sailing Association, Inc., thence northwesterly along the said property line extended to the shore.

§110.72a Chester River, southeast of Chestertown, Md.

(96) The waters of the Chester River enclosed by a line beginning at a point on the Rolph Marina pier at latitude 39°10'25"N., 76°02'17"W.; thence 327° to a point 400 feet southwest of the entrance to Hambleton Creek at 39°10'55"N., 76°02'40"W.; thence northeasterly to the eastern side of the entrance to Hambleton Creek; thence southerly following the shoreline to the Rolph Point Marina pier; thence southwesterly along the Rolph Point Marina pier to the point of beginning.

Subpart B–Anchorage Grounds

§110.157 Delaware Bay and River.

(97) (a) *The anchorage grounds–(1) Anchorage A off the entrance to Mispillion River.* In Delaware Bay southwest of Brandywine Channel beginning at

(98) 38°53'57"N., 75°08'00"W., thence northwesterly to

(99) 39°01'22"N., 75°13'25"W., thence southwesterly to

(100) 39°00'49"N., 75°14'57"W., thence southeasterly to

(101) 38°53'22"N., 75°09'26"W., thence northeasterly to the point of beginning. Supervision over the anchoring of vessels and over all cargo transfer operations in Anchorage A is exercised by the Captain of the Port, Philadelphia. The regulations of paragraphs (b)(1) and (b)(2) of this section do not apply to this anchorage.

(102) (2) *Anchorage 1 off Bombay Hook Point.* On the southwest side of the channel along Liston Range, bounded as follows: Beginning at a point (approximately latitude 39°17'59", longitude 75°23'07") bearing 228° from Ship John Shoal Light, 167 yards southwest of the southwest edge of the channel along Liston Range; thence 228°, 2,000 yards; thence 318°, 8,000 yards; thence 48°, 2,000 yards; and thence 138°, 8,000 yards, to the point of beginning.

(103) (3) *Anchorage 2 northwest of Artificial Island.* On the east side of the channel along Reedy Island Range, bounded as follows: Beginning at a point bearing 105° from the northernmost point of Reedy Island, 167 yards easterly of the east edge of the channel along Reedy Island Range; thence 105°, 800 yards; thence 195°, 4,500 yards; thence 285°, 800 yards to a point (approximately latitude 39°28'58", longitude 75°33'37") opposite the intersection of Reedy Island and Baker Ranges; and thence 15°, 4,500 yards, to the point of beginning.

(104) (4) *Anchorage 3 southeast of Reedy Point.* Southeast of the entrance to the Chesapeake and Delaware Canal at Reedy Point, bounded on the east by the west edge of the channel along Reedy Island and New Castle Ranges; on the west by a line beginning at a point on the west edge of the channel along Reedy Island Range at latitude 39°31'43", thence to a point bearing 168°30', 3,150 yards, from Chesapeake and Delaware Canal 2 Light, and thence to a point bearing 131°, 1,160 yards, from Chesapeake and Delaware Canal 2 Light; and on the north by a line running from the last-described point 113°30', approximately 813 yards, to the west edge of the channel along New Castle Range.

(105) (5) *Anchorage 4 north of Reedy Point.* North of the entrance to the Chesapeake and Delaware Canal at Reedy Point, on the west side of the river, bounded as follows: Beginning at a point (approximately latitude 39°33'51", longitude 75°33'35") 344°58' true, 160 yards from Chesapeake and Delaware Canal Light 2; thence 306°26', 1,442 yards; thence 36°26', 377 yards; thence 126°26', 1,442 yards; thence 216°26', 377 yards to the point of beginning.

(106) (6) *Anchorage 5 southeast of Pea Patch Island.* On the northeast side of the channel along New Castle Range, bounded as follows: Beginning at latitude 39°34'28", longitude 75°33'06"; thence 334°, 2,343 yards; thence 64°, 512 yards; thence 154°, 2,343 yards; and thence 244°, 512 yards, to the point of beginning.

(107) (7) *Anchorage 6 off Deepwater Point.* Southeast of the entrance to Christina River, on the east side of the channel along Cherry Island Range, bounded as follows: Beginning at latitude 39°41'31", longitude 75°30'55"; thence 17°, 2,747 yards; thence 112°, 847 yards; thence 215°, 1,340 yards; thence 204°, 893 yards; thence 186°30', 500 yards; and thence 286°, 377 yards, to the point of beginning. Vessels must not cast anchor in the cable area at the lower end of this anchorage except in case of emergency.

(108) (8) *Anchorage 7 off Marcus Hook.* (i) On the southeast side of the channel along Marcus Hook Range, bounded by a line connecting the following points:

(109) 39°49'17"N., 75°22'50"W.

(110) 39°48'39"N., 75°23'17"W.

(111) 39°47'45"N., 75°25'01"W.

(112) 39°47'43"N., 75°26'00"W.

(113) (DATUM: NAD 83)

(114) (ii) A vessel that is arriving from or departing for sea and that requires an examination by public health, customs, or immigration authorities shall anchor in the preferential area of this anchorage designated for the use of vessels awaiting quarantine inspection, this area being the waters bounded by the arc of a circle with a radius of 366 yards and with the center located at:

(115) 39°48'46"N., 75°23'26"W.

(116) (DATUM: NAD 83)

(117) (iii) Should the remainder of the anchorage be in use, the preferential area, when available, may be used by vessels not subject to quarantine inspection.

(118) (9) *Anchorage 8 off Thompson Point.* On the south side of the channel along Tinicum Range, between Thompson Point and the east side of Crab Point, bounded as follows: Beginning at a point on the south edge of the channel along Tinicum Range at longitude 75°18'24"; thence easterly along the edge of the channel to longitude 75°17'54"; thence 179°, 267 yards; thence 260°30', 793 yards; thence 358°, 425 yards, to the point of beginning.

(119) (10) *Anchorage 9 near entrance to Mantua Creek.* On the southeast side of the channel along Mifflin Range, bounded as follows: Beginning at a point on the southeast edge of the channel at longitude 75°14'26"; thence northeasterly along the edge of the channel to

longitude 75°12'01.5"; thence 203°30', 933 yards; thence 233°30', 3,058 yards; and thence 263°30', 933 yards, to the point of beginning. Vessels must not cast anchor in this anchorage in such manner as to interfere unreasonably with the passage of other vessels to and from Mantua Creek.

(120) (11) *Anchorage 10 (naval) at Naval Base, Philadelphia*. On the north side of the channel along West Horseshoe Range, bounded as follows: Beginning at the southeasterly corner of Pier 7 (approximately latitude 39°53'11", longitude 75°09'58.5"); thence 174°, 525 yards, to the north edge of the channel along West Horseshoe Range; thence 273°30' along the edge of the channel, 880 yards; thence 354°, 433 yards, to the southeasterly corner of Pier 1; and thence 88°30', 875 yards, to the point of beginning. This is a restricted naval anchorage.

(121) (12) *Anchorage 11 at Gloucester*. On the east side of the channel south of the Walt Whitman Bridge at Gloucester, bounded as follows: Beginning at a point on the east edge of the channel at latitude 39°54'16"; thence 174°30', 500 yards, to latitude 39°54'02", longitude 75°07'43"; thence 202°, 1,133 yards; thence 217°30', 1,142 yards, to the east edge of channel; thence northeasterly along the edge of the channel to the point of beginning.

(122) (13) *Anchorage 12 between Gloucester and Camden*. On the east side of the channel adjoining and on the upstream side of Anchorage 11, from Gloucester to Camden, bounded as follows: Beginning at a point on the east edge of the channel at latitude 39°54'16"; thence northerly along the edge of the channel to latitude 39°56'32.5"; thence 133°, 283 yards to a point on a line 100 feet west of the established pierhead line; thence southerly along this line to latitude 39°54'34"; thence 196°16', 882 yards to latitude 39°54'08.5"; thence 354°36', 267 yards to the point of beginning. The area between New York Shipbuilding Corporation Pier No. 2 and the MacAndrews and Forbes Company pier, Camden, shall be restricted to facilitate the movement of carfloats to and from Bulson Street, Camden. The area in front of the Public Service Electric and Gas Company pier shall be restricted to facilitate the movement of vessels to and from the pier. Should the anchorage become so congested that vessels are compelled to anchor in these restricted areas, they must move immediately when another berth is available.

(123) (14) *Anchorage 13 at Camden*. On the east side of the channel adjoining and on the upstream side of Anchorage 12, to Cooper Point, Camden, bounded as follows: Beginning at a point on the east edge of the channel at latitude 39°56'32.5"; thence northerly along the edge of the channel to latitude 39°57'39.7"; thence 139°, 217 yards to a point on a line 100 feet west of the established pierhead line; thence southerly along this line to latitude 39°56'26.5"; thence 313°, 283 yards to the point of beginning.

(124) (15) *Anchorage 14 opposite Port Richmond*. On the southeast side of the channel, north of Petty Island, bounded as follows: Beginning at a point on the southeast edge of the channel at longitude 75°05'43"; thence 163°, 248 yards; thence 253°, 1,978 yards, to the southeast edge of the channel; and thence northeasterly along the edge of the channel to the point of beginning. Vessels having a draft of less than 20 feet must anchor southwest of Pier No. 11, Port Richmond. The area off the Cities Service Oil Company wharves, Petty Island, shall be restricted to facilitate the movement of vessels to and from the wharves.

(125) (16) *Anchorage 15 off northeasterly end of Petty Island*. On the southeast side of the channel, bounded as follows: Beginning at a point on the southeast edge of the channel at longitude 75°05'34.7"; thence northeasterly along the southeast edge of the channel to longitude 75°05'09.5"; thence 171°, 198 yards; thence 260°30', 667 yards; and thence 351°, 198 yards, to the point of beginning. When necessary, this anchorage will be reserved for vessels under the custody of the United States, at which time other vessels may be required by the Captain of the Port to shift position.

(126) (17) *Anchorage 16 between Port Richmond and Five Mile Point*. On the northwest side of the channel, bounded as follows: Beginning at a point on the northwest edge of the channel at longitude 75°05'35"; thence northeasterly along the edge of the channel to longitude 75°04'20"; thence 328°, 125 yards; thence 243°, 450 yards; thence 251°, 475 yards; thence 257°, 1,042 yards; thence 174°30', 122 yards, to the point of beginning. When necessary, this anchorage will be reserved for vessels under the custody of the United States, at which time other vessels may be required by the Captain of the Port to shift position.

(127) (b) *General regulations*. (1) Except in cases of great emergency, no vessel shall be anchored in Delaware Bay and River between Ship John Light and The Pennsylvania Railroad Company bridge at Delair, New Jersey, outside of the anchorage areas established in this section, or within a cable or pipe line area shown on a Government chart, or be moored, anchored, or tied up to any pier, wharf, or other vessel in such manner as to obstruct or endanger the passage of any vessel. When an emergent condition exists due to congestion in the prescribed anchorage areas in the Delaware River, the Captain of the Port may authorize the anchorage of vessels in locations other than the prescribed areas. Vessels so anchored must not be anchored within the channel limits. Any vessel anchored outside of the

prescribed anchorage limits must move to a prescribed anchorage area when space becomes available.

(128) (2) No vessel shall occupy any prescribed anchorage for a longer period than 48 hours without a permit from the Captain of the Port. Vessels expecting to be at anchor more than 48 hours shall obtain a permit from the Captain of the Port for that purpose. No vessel in such condition that it is likely to sink or otherwise become a menace or obstruction to navigation or anchorage of other vessels shall occupy an anchorage except in an emergency, and then only for such period as may be permitted by the Captain of the Port.

(129) (3) Whenever, in the opinion of the Captain of the Port such action may be necessary, he may require any or all vessels in any designated anchorage area to moor with two or more anchors.

(130) (4) (Reserved)

(131) (5) Anchors shall be placed well within the anchorage areas, so that no portion of the hull or rigging will at any time extend outside of the anchorage area.

(132) (6) Light-draft barges using the anchorages shall be anchored away from the deeper portions of the anchorages, so as not to interfere with the anchoring of deep-draft vessels. Any barges towed in tandem to an anchorage area shall be bunched together when anchoring.

(133) (7) Upon approval of the District Engineer, Corps of Engineers, the Captain of the Port may permit wrecking plant or other vessels legally engaged in recovering sunken property, or in laying or repairing pipe lines or cables, or plant engaged in dredging operations, to anchor in channels. Such permission is not necessary for plant engaged upon works of river and harbor improvement under the supervision of the District Engineer, but the District Engineer will notify the Captain of the Port in advance of all such proposed work.

(134) (8) (Reserved)

(135) (9) A vessel upon being notified to shift its position shall get under way at once or signal for a tug and shall change position as directed with reasonable promptness.

(136) (10) Nothing in this section shall be construed as relieving any vessel or the owner or person in charge of any vessel from the penalties of law for obstructing navigation or for obstructing or interfering with range lights, or for not complying with the laws relating to lights and fog signals or other navigation laws and regulations.

(137) (11) Annually from September 1 until December 31, additional requirements and restrictions in this paragraph for the use of anchorages defined in paragraphs (a)(7), (a)(8), and (a)(10) of this section apply.

(138) (i) Before anchoring in Anchorage 7 off Marcus Hook, as described in paragraph (a)(8) of this section, a vessel must first obtain permission from the Captain of the Port, Philadelphia, at least 24 hours in advance of arrival. Permission to anchor will be granted on a "first-come, first-served" basis. The Captain of the Port, Philadelphia, will allow only one vessel at a time to be at anchor in Anchorage 7, and no vessel may remain within Anchorage 7 for more than 12 hours. Any vessel arriving from or departing to sea that requires an examination by the public health service, customs or immigration authorities will be directed to an anchorage for the required inspection by the Captain of the Port on a case-by-case basis.

(139) (ii) For Anchorage 6 off Deepwater Point, as described in paragraph (a)(7) of this section, and Anchorage 9 as described in paragraph (a)(10) of this section.

(140) (A) Any vessel 700 feet or greater in length requesting anchorage shall obtain permission from the Captain of the Port, Philadelphia, Pennsylvania, at least 24 hours in advance.

(141) (B) Any vessel from 700 to 750 feet in length shall have one tug alongside at all times while the vessel is at anchor.

(142) (C) Any vessel greater than 750 feet in length shall have two tugs alongside at all times while the vessel is at anchor.

(143) (D) The Master, owner or operator of a vessel at anchor shall ensure that any tug required by this section is of sufficient horsepower to assist with necessary maneuvers to keep the vessel clear of the navigation channel.

(144) (iii) As used in this section, Captain of the Port means the Commander of Sector Delaware Bay or any Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port to act on his behalf. The Captain of the Port may be contacted by telephone at 215-271-4807 or via VHF marine band radio, channel 16.

(145) (c) *Regulations for vessels carrying and handling explosives*. (1) All vessels carrying explosives as defined in and subject to, Title 49 Code of Federal Regulations, Parts 171-177, or on which such explosives are to be loaded, shall obtain a permit from the Captain of the Port, except as provided in paragraph (c)(5) of this section. The maximum amount of explosives for which a permit is required in 49 CFR Parts 171-177, which may be carried or loaded at any time by a vessel shall not exceed 800 tons, except in cases of great emergency or by special permit from the Captain of the Port. This written permit shall be obtained from the Captain of the Port before vessels carrying explosives or on which explosives are to be loaded within the weight limit specified in paragraph (c)(1) of this section, may anchor in any anchorage. Permits will not be issued for Anchorage 2 under any circumstances. Such permit may be

revoked at any time. All vessels used in connection with loading, or unloading explosives shall carry written permits from the Captain of the Port, and shall show such permit whenever required by him or his representative.

(146) (2) Vessels handling explosives shall be anchored so as to be at least 2,200 feet from any other vessel, but the number of vessels which may anchor in an anchorage at any one time shall be at the discretion of the Captain of the Port. This provision is not intended to prohibit barges or lighters from tying up alongside the vessels for the transfer of cargo.

(147) (3) Whenever a vessel or barge not mechanically self-propelled anchors while carrying explosives or while awaiting the loading of explosives, the Captain of the Port may require the attendance of a tug upon such vessel or barge when in his judgment such action is necessary.

(148) (4) Fishing and navigation are prohibited within an anchorage whenever occupied by an anchored vessel displaying a red flag.

(149) (5) The District Engineer, U.S. Army Corps of Engineers, may authorize, in writing, a vessel carrying explosives for use on river and harbor works or on other work under Department of the Army permit, to anchor in or near the vicinity of such work. The Captain of the Port will prescribe the conditions under which explosives shall be stored and handled in such cases.

(150) (6) Vessels carrying explosives or on which explosives are to be loaded, within the weight limit specified in paragraph (c)(1) of this section, shall comply with the general regulations in paragraph (b) of this section when applicable.

(151) (7) Nothing in this section shall be construed as relieving any vessel or the owner or person-in-charge of any vessel, and all others concerned, of the duties and responsibilities imposed upon them to comply with the regulations governing the handling, loading or discharging of explosives entitled "Subchapter C-Hazardous Materials Regulations" (49 CFR Parts 171 through 177).

§110.158 Baltimore Harbor, MD.

(152) North American Datum 1983.

(153) (a) *Anchorage Grounds.*

(154) (1) *Anchorage No. 1, general anchorage.*

(155) (i) The waters bounded by a line connecting the following points:

(156) 39°15'13.51"N., 76°34'07.76"W.

(157) 39°15'11.01"N., 76°34'11.69"W.

(158) 39°14'52.98"N., 76°33'52.67"W.

(159) 39°14'47.90"N., 76°33'40.73"W.

(160) (ii) No vessel shall remain in this anchorage for more than 12 hours without permission from the Captain of the Port.

(161) (2) *Anchorage No. 2, general anchorag*e.

(162) (i) The waters bounded by a line connecting the following points:

(163) 39°14'46.23"N., 76°33'25.82"W.

(164) 39°14'56.96"N., 76°33'37.15"W.

(165) 39°15'08.55"N., 76°33'37.65"W.

(166) 39°15'19.28"N., 76°33'24.49"W.

(167) 39°15'19.33"N., 76°33'14.32"W.

(168) 39°15'14.19"N., 76°32'57.76"W.

(169) 39°15'06.87"N., 76°32'45.48"W.

(170) 39°14'41.37"N., 76°32'27.38"W.

(171) 39°14'30.93"N., 76°32'33.52"W.

(172) 39°14'46.27"N., 76°32'49.69"W.

(173) 39°14'43.76"N., 76°32'53.62"W.

(174) 39°14'57.51"N., 76°33'08.13"W.

(175) (ii) No vessel shall remain in this anchorage for more than 72 hours without permission from the Captain of the Port.

(176) (3) *Anchorage No. 3, Upper, general anchorage.*

(177) (i) The waters bounded by a line connecting the following points:

(178) 39°14'32.48"N., 76°33'11.31"W.

(179) 39°14'46.23"N., 76°33'25.82"W.

(180) 39°14'57.51"N., 76°33'08.13"W.

(181) 39°14'43.76"N., 76°32'53.62"W.

(182) (ii) No vessel shall remain in this anchorage for more than 24 hours without permission from the Captain of the Port.

(183) (4) *Anchorage No. 3, Lower, general anchorage.*

(184) (i) The waters bounded by a line connecting the following points:

(185) 39°14'32.48"N., 76°33'11.31"W.

(186) 39°14'46.27"N., 76°32'49.69"W.

(187) 39°14'30.93"N., 76°32'33.52"W.

(188) 39°14'24.40"N., 76°32'39.87"W.

(189) 39°14'15.66"N., 76°32'53.58"W.

(190) (ii) No vessel shall remain in this anchorage for more than 72 hours without permission from the Captain of the Port.

(191) *(5) Anchorage No. 4, general anchorage.*

(192) (i) The waters bounded by a line connecting the following points:

(193) 39°13'52.91"N., 76°32'29.60"W.

(194) 39°14'05.91"N., 76°32'43.30"W.

(195) 39°14'07.30"N., 76°32'43.12"W.

(196) 39°14'17.96"N., 76°32'26.41"W.

(197) 39°14'05.32"N., 76°32'13.09"W.

(198) 39°14'00.46"N., 76°32'17.77"W.

(199) (ii) No vessel shall remain in this anchorage for more than 72 hours without permission from the Captain of the Port.

(200) (6) *Anchorage No. 5, general anchorage.*

(201) (i) The waters bounded by a line connecting the following points:

(202) 39°14'07.89"N., 76°32'58.23"W.

(203) 39°13'34.82"N., 76°32'23.66"W.

(204) 39°13'22.25"N., 76°32'28.90"W.

(205) 39°13'21.20"N., 76°33'11.94"W.

(206) (ii) No vessel shall remain in this anchorage for more than 72 hours without permission from the Captain of the Port.

(207) (7) *Anchorage No. 6, general anchorage.*

(208) (i) The waters bounded by a line connecting the following points:

(209) 39°13'42.98"N., 76°32'19.11"W.

(210) 39°13'20.65"N., 76°31'55.58"W.

(211) 39°13'34.00"N., 76°31'33.50"W.

(212) 39°14'01.95"N., 76°32'02.65"W.

(213) 39°13'51.01"N., 76°32'18.71"W.

(214) (ii) No vessel shall remain in this anchorage for more than 72 hours without permission from the Captain of the Port.

(215) (8) *Anchorage No. 7, Dead ship anchorage.*

(216) (i) The waters bounded by a line connecting the following points:

(217) 39°13'00.40"N., 76°34'10.40"W.

(218) 39°13'13.40"N., 76°34'10.81"W.

(219) 39°13'13.96"N., 76°34'05.02"W.

(220) 39°13'14.83"N., 76°33'29.80"W.

(221) 39°13'00.40"N., 76°33'29.90"W.

(222) (ii) The primary use of this anchorage is to lay up dead ships. Such use has priority over other uses. Permission from the Captain of the Port must be obtained prior to the use of this anchorage for more than 72 hours.

(223) (b) *Definition*s. As used in this section: *Class 1 (explosive) materials means* Division 1.1, 1.2, 1.3, and 1.4 explosives, as defined in 49 CFR 173.50; Dangerous cargo means certain dangerous cargo as defined in Sec. 160.203 of this title.

(224) (c) *General regulations*. (1) Except as otherwise provided, this section applies to vessels over 20 meters long and all vessels carrying or handling dangerous cargo or Class 1 (explosive) materials while anchored in an anchorage ground described in this section.

(225) (2) Except in cases where unforeseen circumstances create conditions of imminent peril, or with the permission of the Captain of the Port, no vessel shall be anchored in Baltimore Harbor and Patapsco River outside of the anchorage areas established in this section for more than 24 hours. No vessel shall anchor within a tunnel, cable or pipeline area shown on a government chart. No vessel shall be moored, anchored, or tied up to any pier, wharf, or other vessel in such manner as to extend into established channel limits. No vessel shall be positioned so as to obstruct or endanger the passage of any other vessel.

(226) (3) Except in an emergency, a vessel that is likely to sink or otherwise become a menace or obstruction to navigation or the anchoring of other vessels may not occupy an anchorage, unless the vessel obtains a permit from the Captain of the Port.

(227) (4) The Captain of the Port may grant a revocable permit to a vessel for a habitual use of an anchorage. Only the vessel that holds the revocable permit may use the anchorage during the period that the permit is in effect.

(228) (5) Upon notification by the Captain of the Port to shift its position, a vessel at anchor shall get underway and shall move to its new designated position within 2 hours after notification.

(229) (6) The Captain of the Port may prescribe specific conditions for vessels anchoring within the anchorages described in this section, including, but not limited to, the number and location of anchors, scope of chain, readiness of engineering plant and equipment, usage of tugs, and requirements for maintaining communication guards on selected radio frequencies.

(230) (7) No vessel at anchor or at a mooring within an anchorage may transfer oil to or from another vessel unless the vessel has given the Captain of the Port the four hours advance notice required by §156.118 of this chapter.

(231) (8) No vessel shall anchor in a "dead ship" status (propulsion or control unavailable for normal operations) without prior approval of the Captain of the Port.

(232) (d) *Regulations for vessels handling or carrying dangerous cargoes or Class 1 (explosive) materials*. (1) This paragraph (d) applies to every vessel, except a U.S. naval vessel, handling or carrying dangerous cargoes or Class 1 (explosive) materials.

(233) (2) The Captain of the Port may require every person having business aboard a vessel handling or carrying dangerous cargoes or Class 1 (explosive) materials while in an anchorage, other than a member of the crew, to hold a form of identification prescribed in the vessel's security plan.

(234) (3) Each person having business aboard a vessel handling or carrying dangerous cargoes or Class 1 (explosive) materials while in an anchorage, other than a member of the crew, shall present the identification prescribed by paragraph (d)(2) of this section to any Coast Guard Boarding Officer who requests it.

(235) (4) Each non-self-propelled vessel handling or carrying dangerous cargoes or Class 1 (explosive) materials must have a tug in attendance at all times while at anchor.

(236) (5) Each vessel handling or carrying dangerous cargoes or Class 1 (explosive) materials while at anchor

must display by day a bravo flag in a prominent location and by night a fixed red light.

§110.159 Annapolis Harbor, MD.

(237) (a) *The Anchorage Grounds–(1) Naval Anchorage for Deep Draft Vessels*. In the Chesapeake Bay, bounded on the north by latitude 38°58'00"; on the east by a line bearing 203° from latitude 38°58'00", longitude 76°24'00"; on the south by latitude 38°56'30"; and on the west by a line bearing 139° from Greenbury Point Shoal Light. This anchorage is reserved for deep draft naval vessels. Berths in the area will be assigned on application to the Superintendent, U.S. Naval Academy.

(238) (2) *Middle Ground Anchorage*. Beginning at a point in the Severn River 139°, 620 yards from Triton Light (located at the intersection of the northeast and southeast seawall of the Naval Academy grounds); thence easterly to a point 112°30', 970 yards from Triton Light; thence southeasterly to a point 274°, 1,045 yards from the radio tower at the tip of Greenbury Point; thence south-southeasterly to a point 233°30', 925 yards from the radio tower at the tip of Greenbury Point; thence west to a point 295°, 1,015 yards from Greenbury Point Shoal Light; thence northwesterly to the point of beginning.

(239) (3) *South Anchorage*. In the Severn River, beginning at a point on the shoreline at Horn Point, Eastport, 168°, 1,190 yards from Triton Light; thence east to a point 294°, 1,075 yards from Greenbury Point Shoal Light; thence northwest to a point 143°, 595 yards from Triton Light; thence westerly to a point 209°, 700 yards from Triton Light; thence 180° to a point on the shoreline at Eastport. No vessel shall anchor within 100 feet of any wharf, marine railway, or other structure without the permission of the owner thereof.

(240) (4) *Naval Anchorage for Small Craft*. In the Severn River, beginning at a point 80 feet off the southeast seawall of the Naval Academy bearing 132° from Triton Light; thence easterly to a point 072°30', 285 yards from Triton Light; thence southeasterly to a point 109°, 785 yards from Triton Light; thence westerly to a point 211°, 537 yards from Triton Light; thence northwesterly to a point 45 yards off the southeast seawall of the Naval Academy bearing 214°, 535 yards from Triton Light; thence northeasterly to the point of beginning. Except in the case of emergency, no vessel shall be anchored in this area without the permission of the Superintendent, U.S. Naval Academy. Anchorages will be assigned upon request to the Superintendent, U.S. Naval Academy.

(241) (5) *Spa Creek Anchorage*. In Spa Creek, those waters bounded by a line connecting the following points:

(242) 38°58'37.3"N., 76°28'48.1"W.

(243) 38°58'36.1"N., 76°28'57.8"W.

(244) 38°58'31.6"N., 76°29'03.3"W.

(245) 38°58'26.7"N., 76°28'59.5"W.

(246) Datum: NAD 83

(247) **Note.**–The City Council of Annapolis has promulgated local ordinances to control the building of structures, and mooring and anchorage of vessels in anchorages (a)(3), and (a)(5). These local ordinances will be enforced by the local harbormaster.

(248) (b) *The regulations*. (1) Except in the case of emergency, no vessel shall be anchored in the area to the north and east of the Annapolis Channel bounded on the east by Greenbury Point; on the south by a line bearing 270° from the southern tip of Greenbury Point; on the west by the Annapolis Channel; on the north by the southern boundary of the cable area and the shoreline of the Government reservation and Carr Creek.

(249) (2) Except in the case of emergency, no vessel shall be anchored in Annapolis Harbor to the westward of the dredged channel and northward of the southern boundary of the South Anchorage outside of the established anchorage areas, except in Spa Creek and the area to the southwestward of the Naval anchorage for small craft. No vessel shall be so anchored that any part of the vessel extends at any time within this area. Any vessel anchoring, under great emergency, within this area shall be placed as close to an anchorage area as practicable, and shall move away immediately after the emergency ceases.

(250) (3) No vessel shall be anchored in the cable and pipeline area, lying between the Naval Academy and the Naval Ship Research and Development Laboratory and having the following limits: Southeastern limit, from Triton Light 072° to white "Cable Crossing" sign at the Naval Ship Research and Development Laboratory; northwestern limit, a line bearing 054° from the Capitol Dome.

(251) (4) Except in the case of emergency, no vessel shall be anchored, without permission of the Superintendent, U.S. Naval Academy, in the Naval Academy Drill area described as follows:

(252) That portion of the Severn River lying to the northeastward of the Naval Academy, bounded on the north by the State Highway Bridge and on the south by the northern limit of the cable and pipeline area, excluding that area off the eastern shoreline enclosed by a line bearing approximately 131° from the eastern abutment of the State Highway Bridge to the vicinity of Ferry Point. This drill area also includes the lower part of Dorseys Creek below the Naval Academy Drawbridge. Requests to anchor in this drill area shall be made to the Superintendent, U.S. Naval Academy.

(253) (5) The restrictions in this section do not apply to the anchoring or marking by buoys or apparatus used

for the purpose of taking seafood, except within the cable or pipeline area described in paragraph (b)(3) of this subsection.

(254) (6) The regulations in paragraph (b) shall be enforced by the Superintendent, U.S. Naval Academy, and such agencies as he may designate.

§110.166 York River, Va., naval anchorage.

(255) (a) *The anchorage grounds.* Between Yorktown and the Naval Mine Depot, beginning at

(256) 37°15'34"N., 76°31'25"W.; thence to

(257) 37°15'25"N., 76°31'39.5"W.; thence to

(258) 37°16'21.5"N., 76°32'46"W.; thence to

(259) 37°17'07.5"N., 76°34'17"W.; thence to

(260) 37°17'55"N., 76°35'14.5"W.; thence to

(261) 37°18'05"N., 76°35'01"W.; thence to

(262) 37°17'20"N., 76°34'07"W.; thence to

(263) 37°16'33.5"N., 76°32'34"W., and thence to the point of beginning.

(264) (b) *The regulations.* This anchorage is reserved for the exclusive use of naval vessels and except in cases of emergency, no other vessel shall anchor therein without permission from the local naval authorities, obtained through the Captain of the Port, Norfolk, Virginia. Movement of vessels through the anchorage will not be restricted.

§110.168 Hampton Roads, Virginia, and adjacent waters (Datum: NAD 83).

(265) (a) *Anchorage Grounds.* (1) *Anchorage A (Naval Anchorage).* The waters bounded by the shoreline and a line connecting the following

(266) points:

(267) 36º55'33.0'N., 76º02'47.0"W.

(268) 36º57'02.8'N., 76º03'02.6"W.

(269) 36º56'45.0'N., 76º01'30.0"W.

(270) 36º55'54.0'N., 76º01'37.0"W.

(271) (2) *Chesapeake Bay, Thimble Shoals Channel Anchorages.*

(272) (i) *Anchorage B (Naval Anchorage).* The waters bounded by a line connecting the following points:

(273) 36º57'58.0'N., 76º06'07.0"W.

(274) 36º57'11.0'N., 76º03'02.1"W.

(275) 36º55'48.8'N., 76º03'14.0"W.

(276) 36º56'31.8'N., 76º06'07.0"W.

(277) 36º57'04.0'N., 76º06'07.0"W.

(278) 36º57'08.5'N., 76º06'24.5"W.

(279) (ii) *Anchorage C (Naval Anchorage).* The waters bounded by a line connecting the following points:

(280) 36º58'54.8'N., 76º09'41.5"W.

(281) 36º58'18.8'N., 76º07'18.0"W.

(282) 36º57'27.0'N., 76º07'37.5"W.

(283) 36º58'04.0'N., 76º10'00.0"W.

(284) (iii) *Anchorage D (Naval Anchorage).* The waters bounded by the shoreline and a line connecting the following points:

(285) 36º55'49.0'N., 76º10'32.8"W.

(286) 36º58'04.0'N., 76º10'02.1"W.

(287) 36º57'31.2'N., 76º07'54.8"W.

(288) 36º55'24.1'N., 76º08'28.8"W.

(289) (iv) *Anchorage E (Commercial Explosive Anchorage).* The waters bounded by a line connecting the following points:

(290) 36º59'58.7'N., 76º13'47.0"W.

(291) 36º59'08.2'N., 76º10'33.8"W.

(292) 36º58'13.0'N., 76º10'51.8"W.

(293) 36º59'02.0'N., 76º14'10.2"W.

(294) (v) *Explosive Handling Berth E-1 (Explosives Anchorage Berth)*: The waters bounded by the arc of a circle with a radius of 500 yards and with the center located at:

(295) 36º59'05.0'N., 76º11'23.0"W.

(296) (3) *Hampton Roads Anchorages.* (i) *Anchorage F, Hampton Bar.* The waters bounded by a line connecting the following points:

(297) 36º59'51.6'N., 76º19'12.0"W.

(298) 36º59'25.2'N., 76º18'48.5"W.

(299) 36º58'49.1'N., 76º19'33.8"W.

(300) 36º59'25.0'N., 76º20'07.0"W.

(301) (ii) *Anchorage Berth F-1.* The waters bounded by a line connecting the arc of a circle with a radius of 500 yards and with the center located at:

(302) 36º59'29.1'N., 76º19'15.1"W.

(303) (iii) *Anchorage G, Hampton Flats (Naval Explosives Anchorage).* The waters bounded by a line connecting the following points:

(304) 36º59'25.0'N., 76º20'07.0"W.

(305) 36º58'49.1'N., 76º19'33.8"W.

(306) 36º57'41.4'N., 76º21'07.7"W.

(307) 36º57'34.6'N., 76º21'26.7"W.

(308) 36º57'31.1'N., 76º22'01.9"W.

(309) 36º58'07.0'N., 76º22'03.0"W.

(310) 36º58'54.8'N., 76º21'42.6"W.

(311) (iv) *Explosives Handling Berth G-1.* The waters bounded by the arc of a circle with a radius of 500 yards and with the center located at:

(312) 36º57'50.0'N., 76º21'37.0"W.

(313) (v) *Explosives Handling Berth G-2.* The waters bounded by the arc of a circle with a radius of 500 yards and with the center located at:

(314) 36º58'14.0'N., 76º21'01.5"W.

(315) (vi) *Explosives Handling Berth G-3.* The waters bounded by the arc of a circle with a radius of 500 yards and with the center located at:

(316) 36º58'34.2'N., 76º20'31.4"W.

(317) (vii) *Explosives Handling Berth G-4*. The waters bounded by the arc of a circle with a radius of 500 yards and with the center located at:

(318) 36º58'54.9'N., 76º20'03.2"W.

(319) (viii) *Anchorage H, Newport News Bar*. The waters bounded by a line connecting the following points:

(320) 36º58'07.0'N., 76º22'03.0"W.

(321) 36º57'31.1'N., 76º22'01.9"W.

(322) 36º57'18.0'N., 76º24'11.2"W.

(323) 36º57'38.3'N., 76º24'20.0"W.

(324) 36º57'51.8'N., 76º22'31.0"W.

(325) (4) *James River Anchorages*. (i) *Anchorage I, Newport News*. The waters bounded by a line connecting the following points:

(326) 36º57'06.7'N., 76º24'44.3"W.

(327) 36º56'22.6'N., 76º24'28.0"W.

(328) 36º56'03.0'N., 76º24'37.0"W.

(329) 36º57'53.7'N., 76º26'41.5"W.

(330) 36º58'23.0'N., 76º27'11.0"W.

(331) 36º58'48.5'N., 76º27'11.0"W.

(332) 36º58'35.4'N., 76º26'38.4"W.

(333) 36º57'51.7'N., 76º26'02.8"W.

(334) 36º57'30.6'N., 76º25'34.5"W.

(335) (ii) *Anchorage Berth I-1*. The waters bounded by the arc of a circle with a radius of 400 yards and with the center located at:

(336) 36º57'08.5'N., 76º25'21.6"W.

(337) (iii) *Anchorage Berth I-2*. The waters bounded by the arc of a circle with a radius of 400 yards and with the center located at:

(338) 36º57'23.8'N., 76º25'46.0"W.

(339) (iv) *Anchorage J, Newport News Middle Ground*. The waters bounded by a line connecting the following points:

(340) 36º55'59.9'N., 76º22'11.7"W.

(341) 36º55'59.9'N., 76º24'00.0"W.

(342) 36º56'25.3'N., 76º23'48.0"W.

(343) 36º57'10.2'N., 76º24'09.9"W.

(344) 36º57'12.0'N., 76º23'47.3"W.

(345) 36º56'38.5'N., 76º21'39.1"W.

(346) 36º56'38.5'N., 76º20'47.0"W.

(347) (v) *Anchorage K, Newport News Middle Ground*. The waters bounded by a line connecting the following points:

(348) 36º57'56.4'N., 76º20'30.5"W.

(349) 36º57'08.5'N., 76º20'31.0"W.

(350) 36º56'48.8'N., 76º20'22.5"W.

(351) 36º56'45.0'N., 76º20'32.0"W.

(352) 36º56'45.0'N., 76º21'37.7"W.

(353) 36º57'14.1'N., 76º23'29.1"W.

(354) 36º57'28.1'N., 76º21'11.7"W.

(355) (vi) *Anchorage Berth K-1*. The waters bounded by the arc of a circle with a radius of 400 yards and with the center located at:

(356) 36º57'30.5'N., 76º20'45.3"W.

(357) (vii) *Anchorage Berth K-2*. The waters bounded by the arc of a circle with a radius of 400 yards and with the center located at:

(358) 36º57'16.8'N., 76º21'09.5"W.

(359) (viii) *Anchorage Berth L, Craney Island Flats*. The waters bounded by a line connecting the following points:

(360) 36º55'59.9'N., 76º22'11.7"W.

(361) 36º56'38.5'N., 76º20'45.5"W.

(362) 36º56'30.0'N., 76º20'24.3"W.

(363) 36º56'04.2'N., 76º20'26.2"W.

(364) (5) *Elizabeth River Anchorages*. (i) *Anchorage M, Port Norfolk*. The waters bounded by a line connecting the following points:

(365) 36º51'45.7'N., 76º19'31.5"W.

(366) 36º51'45.8'N., 76º19'20.7"W.

(367) 36º51'37.8'N., 76º19'24.3"W.

(368) 36º51'32.5'N., 76º19'31.1"W.

(369) 36º51'40.7'N., 76º19'37.3"W.

(370) 36º51'45.7'N., 76º19'31.5"W.

(371) (ii) *Anchorage N, Hospital Point*. The waters bounded by a line connecting the following points:

(372) 36º51'05.4'N., 76º18'22.4"W.

(373) 36º50'50.0'N., 76º18'00.0"W.

(374) 36º50'36.7'N., 76º17'52.8"W.

(375) 36º50'33.6'N., 76º17'58.8"W.

(376) 36º50'49.3'N., 76º18'09.0"W.

(377) 36º50'50.3'N., 76º18'07.8"W.

(378) 36º50'56.2'N., 76º18'12.5"W.

(379) 36º51'01.8'N., 76º18'32.3"W.

(380) (iii) *Anchorage O, The Hague*. The waters of the basin known as 'The Hague', north of the Brambleton Avenue Bridge, except for the area within 100 feet of the bridge span that provides access to and from the Elizabeth River.

(381) (6) *Anchorage Q. Quarantine Anchorage*. The waters bounded by a line connecting the following points:

(382) 37º17'13.7'N., 76º06'41.6"W.

(383) 37º17'30.3'N., 76º05'53.9"W.

(384) 37º16'25.0'N., 76º05'18.4"W.

(385) 37º16'08.4'N., 76º06'06.0"W.

(386) (i) *Anchorage Berth Q-1*. The waters bounded by the arc of a circle with a radius of 500 yards and with the center located at:

(387) 37º17'05.7'N., 76º06'08.9"W.

(388) (ii) *Anchorage Berth Q-2*. The waters bounded by the arc of a circle with a radius of 500 yards with the center located at:

(389) 37º16'33.0'N., 76º05'51.1"W.

(390) (b) *Definitions*. As used in this section—

(391) *Class 1 (explosive) materials* means Division 1.1, 1.2, 1.3, and 1.4 explosives, as defined in 49 CFR 173.50.

(392) *Dangerous cargo* means "certain dangerous cargo" as defined in §160.204 of this title.

(393) *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.

(394) (c) *General regulations*. (1) Except as otherwise provided, this section applies to vessels over 20 meters long and vessels carrying or handling dangerous cargo or Class 1 (explosive) materials while anchored in an anchorage ground described in this section.

(395) (2) Except as otherwise provided, a vessel may not occupy an anchorage for more than 30 days, unless the vessel obtains permission from the Captain of the Port.

(396) (3) Except in an emergency, a vessel that is likely to sink or otherwise become a menace or obstruction to navigation or to the anchoring of other vessels, may not occupy an anchorage, unless the vessel obtains permission from the Captain of the Port.

(397) (4) The Captain of the Port may, upon application, assign a vessel to a specific berth within an anchorage for a specified period of time.

(398) (5) The Captain of the Port may grant a revocable permit to a vessel for a habitual use of a berth. Only the vessel that holds the revocable permit may use the berth during the period that the permit is in effect.

(399) (6) The Commander, Fifth Coast Guard District, may authorize the establishment and placement of temporary mooring buoys within a berth. Placement of a fixed structure within an anchorage may be authorized by the District Engineer, U.S. Army Corps of Engineers.

(400) (7) If an application is for the long-term lay up of a vessel, the Captain of the Port may establish special conditions in the permit with which the vessel must comply.

(401) (8) Upon notification by the Captain of the Port to shift its position within an anchorage, a vessel at anchor must get underway at once or signal for a tug. The vessel must move to its new location within 2 hours after notification.

(402) (9) The Captain of the Port may prescribe specific conditions for vessels anchoring within the anchorages described in this section, including, but not limited to, the number and location of anchors, scope of chain, readiness of engineering plant and equipment, usage of tugs, and requirements for maintaining communications guards on selected radio frequencies.

(403) (10) A vessel that does not have a sufficient crew on board to weigh anchor at any time must have two anchors in place, unless the Captain of the Port waives this requirement. Members of the crew may not be released until the required anchors have been set.

(404) (11) No vessel at anchor or at a mooring within an anchorage may transfer oil to another vessel unless the vessel has given the Captain of the Port the four hours advance notice required by §156.118 of this title.

(405) (12) Barges may not anchor in the deeper portions of anchorages or interfere with the anchoring of deep-draft vessels.

(406) (13) Barges towed in tandem to an anchorage must be nested together when anchored.

(407) (14) Any vessel anchored or moored in an anchorage adjacent to the Chesapeake Bay Bridge Tunnel or Monitor-Merrimac Bridge Tunnel (MMBT) must be capable of getting underway within 30 minutes with sufficient

(408) power to keep free of the bridge tunnel complex.

(409) (15) A vessel may not anchor or moor in an anchorage adjacent to the Chesapeake Bay Bridge Tunnel or Monitor-Merrimac Bridge Tunnel (MMBT) if its steering or main propulsion equipment is impaired.

(410) (d) *Regulations for vessels handling or carrying dangerous cargoes or Class 1 (explosive) materials*. This paragraph applies to every vessel, except a naval vessel, handling or carrying dangerous cargoes or Class 1 (explosive) materials.

(411) (1) Unless otherwise directed by the Captain of the Port, each commercial vessel handling or carrying dangerous cargoes or Class 1 (explosive) materials must be anchored or moored within Anchorage Berth E-1.

(412) (2) Each vessel, including each tug and stevedore boat, used for loading or unloading dangerous cargoes or Class 1 (explosive) materials in an anchorage, must have permission issued by the Captain of the Port.

(413) (3) The Captain of the Port may require every person having business aboard a vessel handling or carrying dangerous cargoes or Class 1 (explosive) materials while in an anchorage, other than a member of the crew, to hold a form of valid identification.

(414) (4) Each person having business aboard a vessel handling or carrying dangerous cargoes or Class 1 (explosive) materials while in an anchorage, other than a member of the crew, must present the identification prescribed by paragraph (d)(3) of this section to any Coast Guard boarding officer who requests it.

(415) (5) Each non-self-propelled vessel handling or carrying dangerous cargoes or Class 1 (explosive) materials must have a tug in attendance at all times while at anchor.

(416) (6) Each vessel handling or carrying dangerous cargoes or Class 1(explosive) materials while at anchor must display by day a red flag (Bravo flag) in a prominent location and by night a fixed red light.

(417) (e) *Regulations for Specific Anchorages*. (1) *Anchorages A, B, C, and D*. Except for a naval vessel, military support vessel, or vessel in an emergency situation, a vessel may not anchor in Anchorages A, B, C, or D without the permission of the Captain of the Port. The Captain of the Port must consult with the Commander, Naval Amphibious Base Little Creek, before granting a vessel permission to anchor in Anchorages A, B, C, or D.

(418) (2) *Anchorage E*. (i) A vessel may not anchor in Anchorage E without permission from the Captain of the Port.

(419) (ii) The Captain of the Port must give commercial vessels priority over naval and public vessels.

(420) (iii) The Captain of the Port may at any time revoke permission to anchor in Anchorage E issued under the authority of paragraph (e)(4)(i) of this section.

(421) (iv) A vessel may not anchor in Anchorage Berth E-1, unless it is handling or carrying dangerous cargoes or Class 1 (explosive) materials.

(422) (v) A vessel may not anchor within 500 yards of Anchorage Berth E-1 without the permission of the Captain of the Port, if the berth is occupied by a vessel handling or carrying dangerous cargoes or Class 1 (explosive) materials.

(423) (3) *Anchorage F*. A vessel having a draft less than 45 feet may not anchor in Anchorage F without the permission of the Captain of the

(424) Port. No vessel may anchor in Anchorage F for a longer period than 72 hours without permission from the Captain of the Port. Vessels expecting to be at anchor for more than 72 hours must obtain permission from the Captain of the Port.

(425) (4) *Anchorage G*. (i) Except for a naval vessel, a vessel may not anchor in Anchorage G without the permission of the Captain of the Port.

(426) (ii) When handling or transferring Class 1 (explosive) materials in Anchorage G, naval vessels must comply with Department of Defense Ammunition and Explosives Safety Standards, or the standards in this section, whichever are the more stringent.

(427) (iii) When barges and other vessels are berthed at the Ammunition Barge Mooring Facility, located at 36º58'34'N., 76º21'12"W., no other vessel, except a vessel that is receiving or offloading Class 1 (explosive) materials, may anchor within 1,000 yards of the Ammunition Barge Mooring Facility. Vessels transferring class 1 (explosive) materials must display by day a red flag (Bravo flag) in a prominent location and by night a fixed red light.

(428) (iv) Whenever a vessel is handling or transferring Class 1 (explosive) materials while at anchor in Anchorage G, no other vessel may anchor in Anchorage G without the permission of the Captain of the Port. The Captain of the Port must consult with the Commander, Naval Station Norfolk, before granting a vessel permission to anchor in Anchorage G.

(429) (v) A vessel located within Anchorage G may not handle or transfer Class 1 (explosive) materials within 400 yards of Norfolk Harbor Entrance Reach.

(430) (vi) A vessel may not handle or transfer Class 1 (explosive) materials within 850 yards of another anchored vessel, unless the other vessel is also handling or transferring Class 1 (explosive) materials.

(431) (vii) A vessel may not handle or transfer Class 1 (explosive) materials within 850 yards of Anchorage F or H.

(432) (5) *Anchorage I: Anchorage Berths I-1 and I-2*. A vessel that is 500 feet or less in length or that has a draft of 30 feet or less may not anchor in Anchorage Berth I-1 or I-2 without the permission of the Captain of the Port.

(433) (6) *Anchorage K: Anchorage Berths K-1 and K-2*. A vessel that is 500 feet or less in length or that has a draft of 30 feet or less may not anchor in Anchorage Berth K-1 or K-2 without the permission of the Captain of the Port.

(434) (7) *Anchorage N*. Portions of this anchorage are a special anchorage area under §110.72aa of this part during marine events regulated under Sec. 100.501 of this chapter.

(435) (8) *Anchorage O*. (i) A vessel may not anchor in Anchorage O unless it is a recreational vessel.

(436) (ii) No float, raft, lighter, houseboat, or other craft may be laid up for any reason in Anchorage O without the permission of the Captain of the Port.

(437) (9) *Anchorage Q: Quarantine Anchorage*. (i) A vessel that is arriving from or departing for sea and that requires an examination by public health, customs, or immigration authorities shall anchor in Anchorage Q. Vessels not needing examination may use Anchorage Q at any time.

(438) (ii) Every vessel using Anchorage Q must be prepared to move promptly under its own power to another location when directed by the Captain of the Port, and must promptly vacate Anchorage Q after being examined and released by authorities.

(439) (iii) Any non-self-propelled vessel using Anchorage Q must have a tugboat in attendance while undergoing examination by quarantine, customs, or immigration authorities, except with the permission of the Captain of the Port.

Part 117–Drawbridge Operation Regulations

Subpart A–General Requirements

§117.1 Purpose.

(440) This subpart prescribes general requirements relating to the use and operation of drawbridges across the navigable waters of the United States.

(441) **Note.**–The primary jurisdiction to regulate drawbridges across the navigable waters of the United States is vested in the Federal Government. Laws, ordinances, regulations, and rules which purport to regulate these bridges and which are not promulgated by the Federal Government have no force and effect.

§117.3 Applicability.

(442) The provisions of this subpart not in conflict with the provisions of Subpart B apply to each drawbridge.

(443) **Note.**–For all of the requirements applicable to a drawbridge listed in Subpart B, one must review the requirements in Subpart A and §§117.51 through 117.99 of Subpart B, as well as the requirements in Subpart B applicable to the particular drawbridge in question.

§117.4 Definitions.

(444) Certain terms used in this part are defined in this section.

(445) *Appurtenance*. The term "appurtenance" means an attachment or accessory extending beyond the hull or superstructure that is not an integral part of the vessel and is not needed for a vessel's piloting, propelling, controlling, or collision avoidance capabilities.

(446) *Lowerable*. The term "lowerable" means the nonstructural vessel appurtenance can be mechanically or manually lowered and raised again. The term "lowerable" also applies to a nonstructural vessel appurtenance which can be modified to make the item flexible, hinged, collapsible, or telescopic such that it can be mechanically or manually lowered and raised again. Failure to make the modification is considered equivalent to refusing to lower a lowerable nonstructural appurtenance that is not essential to navigation. Examples of appurtenances which are considered to be lowerable include, but are not limited to, fishing outriggers, radio antennae, television antennae, false stacks, and masts purely for ornamental purposes. Examples of appurtenances which are not considered to be lowerable include, but are not limited to, radar antennae, flying bridges, sailboat masts, piledriver leads, spud frames on hydraulic dredges, drilling derricks' substructures and buildings, cranes on drilling or construction vessels, or other items of permanent and fixed equipment.

(447) *Nonstructural*. The term "nonstructural" means that the item is not rigidly fixed to the vessel and is thus susceptible to relocation or alteration.

(448) *Not essential to navigation*. The term "not essential to navigation" means the nonstructural vessel appurtenance does not adversely affect the vessel's piloting, propulsion, control or collision avoidance capabilities when in the lowered position.

§117.5 When the draw shall open.

(449) Except as otherwise required by this subpart, drawbridges shall open promptly and fully for the passage of vessels when a request to open is given in accordance with this subpart.

§117.7 General duties of drawbridge owners and tenders.

(450) (a) Drawbridge owners and tenders shall operate the draw in accordance with the requirement in this part.

(451) (b) Except for drawbridges not required to open for the passage of vessels, owners of drawbridges shall ensure that:

(452) (1) The necessary drawtenders are provided for the safe and prompt opening of the draw;

(453) (2) The operating machinery of the draw is maintained in a serviceable condition; and

(454) (3) The draws are operated at sufficient intervals to assure their satisfactory operation.

§117.9 Delaying opening of a draw.

(455) No person shall unreasonably delay the opening of a draw after the signals required by §117.15 have been given.

(456) **Note**.–Trains are usually controlled by the block method. That is, the track is divided into blocks or segments of a mile or more in length. When a train is in a block with a drawbridge, the draw may not be able to open until the train has passed out of the block and the yardmaster or other manager has "unlocked" the drawbridge controls. The maximum time permitted for delay is defined in Subpart B for each affected bridge. Land and water traffic should pass over or through the draw as soon as possible in order to prevent unnecessary delays in the opening and closure of the draw.

§117.11 Unnecessary opening of the draw.

(457) No vessel owner or operator shall–

(458) (a) Signal a drawbridge to open if the vertical clearance is sufficient to allow the vessel, after all lowerable nonstructural vessel appurtenances that are not essential to navigation have been lowered, to safely pass under the drawbridge in the closed position; or

(459) (b) Signal a drawbridge to open for any purpose other than to pass through the drawbridge opening.

§117.15 Signals.

(460) (a) *General*. (1) The operator of each vessel requesting a drawbridge to open shall signal the drawtender and the drawtender shall acknowledge that signal. The signal shall be repeated until acknowledged in some manner by the drawtender before proceeding.

(461) (2) The signals used to request the opening of the draw and to acknowledge that request shall be sound signals, visual signals, or radiotelephone communications described in this subpart.

(462) (3) Any of the means of signaling described in this subpart sufficient to alert the party being signaled may be used.

(463) (b) *Sound signals*. (1) Sound signals shall be made by whistle, horn, megaphone, hailer, or other device capable of producing the described signals loud enough to be heard by the drawtender.

(464) (2) As used in this section, "prolonged blast" means a blast of four to six seconds duration and "short blast" means a blast of approximately one second duration.

(465) (3) The sound signal to request the opening of a draw is one prolonged blast followed by one short blast sounded not more than three seconds after the prolonged blast. For vessels required to be passed through a draw during a scheduled closure period, the sound signal to request the opening of the draw during that period is five short blasts sounded in rapid succession.

(466) (4) When the draw can be opened immediately, the sound signal to acknowledge a request to open the draw is one prolonged blast followed by one short blast sounded not more than 30 seconds after the requesting signal.

(467) (5) When the draw cannot be opened immediately, or is open and shall be closed promptly, the sound signal to acknowledge a request to open the draw is five short blasts sounded in rapid succession not more than 30 seconds after the vessel's opening signal. The signal shall be repeated until acknowledged in some manner by the requesting vessel.

(468) (c) *Visual signals*. (1) The visual signal to request the opening of a draw is–

(469) (i) A white flag raised and lowered vertically; or

(470) (ii) A white, amber, or green light raised and lowered vertically.

(471) (2) When the draw can be opened immediately, the visual signal to acknowledge a request to open the draw, given not more than 30 seconds after the vessel's opening signal, is–

(472) (i) A white flag raised and lowered vertically;

(473) (ii) A white, amber, or green light raised and lowered vertically, or

(474) (iii) A fixed or flashing white, amber, or green light or lights.

(475) (3) When the draw cannot be opened immediately, or is open and must be closed promptly, the visual signal to acknowledge a request to open the draw is–

(476) (i) A red flag or red light swung back and forth horizontally in full sight of the vessel given not more than 30 seconds after the vessel's opening signal; or

(477) (ii) A fixed flashing red light or lights given not more than 30 seconds after the vessel's opening signal.

(478) (4) The acknowledging signal when the draw cannot open immediately or is open and must be closed promptly shall be repeated until acknowledged in some manner by the requesting vessel.

(479) (d) *Radiotelephone communications*. (1) Radiotelephones may be used to communicate the same information provided by sound and visual signals.

(480) **NOTE:** Call signs and radio channels for drawbridges equipped with radiotelephones are included with the bridge descriptions in chapters 4 through 15.

(481) (2) The vessel and the drawtender shall monitor the frequency used until the vessel has cleared the draw.

(482) (3) When radiotelephone contact cannot be initiated or maintained, sound or visual signals under this section shall be used.

§117.17 Signalling for contiguous drawbridges.

(483) When a vessel must pass two or more drawbridges close together, the opening signal is given for the first bridge. After acknowledgment from the first bridge that it will promptly open, the opening signal is given for the second bridge, and so on until all bridges that the vessel must pass have been given the opening signal and have acknowledged that they will open promptly.

§117.19 Signaling when two or more vessels are approaching a drawbridge.

(484) When two or more vessels are approaching the same drawbridge at the same time, or nearly the same time, whether from the same or opposite directions, each vessel shall signal independently for the opening of the draw and the drawtender shall reply in turn to the signal of each vessel. The drawtender need not reply to signals by vessels accumulated at the bridge for passage during a scheduled open period.

§117.21 Signalling for an opened drawbridge.

(485) When a vessel approaches a drawbridge with the draw in the open position, the vessel shall give the opening signal. If no acknowledgment is received within 30 seconds, the vessel may proceed, with caution, through the open draw.

§117.23 Installation of radiotelephones.

(486) (a) When the District Commander deems it necessary for reasons of safety of navigation, the District Commander may require the installation and operation of a radiotelephone on or near a drawbridge.

(487) (b) The District Commander gives written notice of the proposed requirement to the bridge owner.

(488) (c) All comments the owner wishes to submit shall be submitted to the District Commander within 30 days of receipt of the notice under paragraph (b) of this section.

(489) (d) If, upon consideration of the comments received, the District Commander determines that a radiotelephone is necessary, the District Commander notifies the bridge owner that a radiotelephone shall be installed and gives a reasonable time, not to exceed six months, to install the radiotelephone and commence operation.

§117.24 Radiotelephone installation identification.

(490) (a) The Coast Guard authorizes, and the District Commander may require the installation of a sign on drawbridges, on the upstream and downstream sides, indicating that the bridge is equipped with and operates a VHF radiotelephone in accordance with §117.23.

(491) (b) The sign shall give notice of the radiotelephone and its calling and working channels–

(492) (1) In plain language; or

(493) (2) By a sign consisting of the outline of a telephone handset with the long axis placed horizontally and a vertical three-legged lightning slash superimposed over the handset. The slash shall be as long vertically as the handset is wide horizontally and normally not less than 27 inches and no more than 36 inches long. The preferred calling channel should be shown in the lower left quadrant and the preferred working channel should be shown in the lower right quadrant.

(494) **Note.–**It is recommended that the radio-telephone sign be similar in design to the Service Signs established by the Federal Highway Administration (FHWA) in U.S. Road Symbol Signs using Reflective Blue and Reflective White colors. Color and design information is available from the District Commander of the Coast Guard District in which the bridge is located.

§117.31 Operation of draw of emergency situations.

(495) (a) When a drawtender is informed by a reliable source that an emergency vehicle is due to cross the draw, the drawtender shall take all reasonable measures to have the draw closed at the time the emergency vehicle arrives at the bridge.

(496) (b) When a drawtender receives notice, or a proper signal as provided in §117.15 of this part, the drawtender shall take all reasonable measures to have the draw opened, regardless of the operating schedule of the draw, for passage of the following, provided this opening does not conflict with local emergency management procedures which have been approved by the cognizant Coast Guard Captain of the Port:

(497) (1) Federal, State, and local government vessels used for public safety;

(498) (2) Vessels in distress where a delay would endanger life or property;

(499) (3) Commercial vessels engaged in rescue or emergency salvage operations; and

(500) (4) Vessels seeking shelter from severe weather.

§117.33 Closure of draw for natural disasters or civil disorders.

(501) Drawbridges need not open for the passage of vessels during periods of natural disasters or civil disorders declared by the appropriate authorities unless otherwise provided for in Subpart B or directed to do so by the District Commander.

§117.35 Operations during repair or maintenance.

(502) (a) When operation of the draw must deviate from the regulations in this part for scheduled repair or maintenance work, the drawbridge owner shall request approval from the District Commander at least 30 days before the date of the intended change. The request shall include a brief description of the nature of the work to be performed and the times and dates of requested changes. The District Commander's decision is forwarded to the applicant within five working days of the receipt of the request. If the request is denied, the reasons for the denial are forwarded with the decision.

(503) (b) When the draw is rendered inoperative because of damage to the structure or when vital, unscheduled repair or maintenance work shall be performed without delay, the drawbridge owner shall immediately notify the District Commander and give the reasons why the draw is or should be rendered inoperative and the expected date of completion of the repair or maintenance work.

(504) (c) All repair or maintenance work under this section shall be performed with all due speed in order to return the draw to operation as soon as possible.

(505) (d) If the operation of the draw will be affected for periods of less than 60 days, the regulations in this part will not be amended. Where practicable, the District Commander publishes notice of temporary deviations from the regulations in this part in the Federal Register and Local Notices to Mariners. If operation of the draw is expected to be affected for more than 60 days, the District Commander publishes temporary regulations covering the repair period.

§117.37 Opening or closure of draw for public interest concerns.

(506) (a) For reasons of public health or safety or for public functions, such as street parades and marine regattas, the District Commander may authorize the opening or closure of a drawbridge for a specified period of time.

(507) (b) Requests for opening or closure of a draw shall be submitted to the District Commander at least 30 days before the proposed opening or closure and include a brief description of the proposed event or other reason for the request, the reason why the opening or closure is required, and the times and dates of the period the draw is to remain open or closed.

(508) (c) Approval by the District Commander depends on the necessity for the opening or closure, the reasonableness of the times and dates, and the overall effect on navigation and users of the bridge.

§117.39 Closure of draw due to infrequent use.

(509) Upon written request by the owner or operator of a drawbridge, the District Commander may, after notice in the Federal Register and opportunity for public comment, permit the draw to be closed and untended due to infrequency of use of the draw by vessels. The District Commander may condition approval on the continued maintenance of the operating machinery.

§117.41 Maintenance of draw in fully open position.

(510) The draw may be maintained in the fully open position to permit the passage of vessels and drawtender service discontinued if the District Commander is notified in advance. The draw shall remain in the fully open position until drawtender service is restored or authorization under §117.39 is given for the draw to remain closed and untended.

§117.43 Changes in draw operation requirements for regulatory purposes.

(511) In order to evaluate suggested changes to the drawbridge operation requirements, the District Commander may authorize temporary deviations from the regulations in this part for periods not to exceed 90 days. Notice of these deviations is disseminated in the Local Notices to Mariners and published in the Federal Register.

§117.45 Operation during winter in the Great Lakes area.

(512) (a) The Commander, Ninth Coast Guard District, may determine that drawbridges located in the Ninth Coast Guard District need not open during the winter season when general navigation is curtailed, unless a request to open the draw is given at least 12 hours before the time of the intended passage.

(513) (b) Notice of these determinations is disseminated in Local Notices to Mariners and other appropriate media. Notices indicate–

(514) (1) The name and location of the bridge affected;

(515) (2) The period of time covered; and

(516) (3) The telephone number and address of the party to whom requests for openings are given.

§117.47 Clearance gauges.

(517) (a) Clearance gauges are required for drawbridges across navigable waters of the United States discharging into the Atlantic Ocean south of Delaware Bay (including the Lewes and Rehoboth Canal, DE) or into the Gulf of Mexico (including coastal waterways contiguous thereto and tributaries to such waterways and the Lower Atchafalaya River, LA), except the Mississippi River and its tributaries and outlets.

(518) (b) Except for provisions in this part which specify otherwise for particular drawbridges, clearance gauges shall be designed, installed, and maintained according to the provisions of 33 CFR 118.160 (not carried in this Coast Pilot).

(519) **Note.**–Clearance gauge requirements, if any, for drawbridges other than those referred to in this section are listed in Subpart B under the appropriate bridge.

§117.49 Process of violations.

(520) (a) Complaints of alleged violations under this part are submitted to the District Commander of the Coast Guard District in which the drawbridge is located.

(521) (b) Penalties for violations under this part are assessed and collected under Subpart 1.07 of Part 1 of this chapter (not published in this Coast Pilot; see 33 CFR 1.07).

Subpart B–Specific Requirements

§117.51 Purpose.

(522) This subpart prescribes specific requirements relating to the operation of certain drawbridges.

(523) **Note.**–The drawbridges under this subpart are listed by the waterway they cross and by the state in which they are located. Waterways are arranged alphabetically by state. The drawbridges listed under a waterway are generally arranged in order from the mouth of the waterway moving upstream. The drawbridges on the Atlantic Intracoastal Waterway are listed from north to south and on the Gulf Intracoastal Waterway from east to west.

§117.53 Applicability.

(524) (a) The requirements in this subpart apply to the bridges listed and are in addition to, or vary from, the general requirements in Subpart A.

(525) (b) A requirement in this subpart which varies from a general requirement in Subpart A supersedes the general requirement.

(526) (c) All other general requirements in Subpart A not at variance apply to the bridges listed in this subpart.

(527) (d) The draws of a number of the bridges listed in this subpart need not open for the passage of vessels during certain periods, however, this does not preclude the bridge owner from directing the drawtender to open the draw during these periods.

§117.55 Posting of requirements.

(528) (a) The owner of each drawbridge under this subpart, other than removable span bridges, shall ensure that a sign summarizing the requirements in this subpart applicable to the bridge is posted both upstream and downstream of the bridge. The requirements to be posted need not include those in Subpart A or §§117.51 through 117.99.

(529) (b) The signs shall be of sufficient size and so located as to be easily read at any time from an approaching vessel.

(530) (c) If advanced notice is required to open the draw, the signs shall also state the name, address, and telephone number of the person to be notified.

§117.57 Advance notice.

(531) Owners and tenders of drawbridges requiring advance notice to open shall use all reasonable means to open the draw at the requested time and give due regard to the possibility that a brief delay may be experienced by the vessel giving the advance notice.

§117.59 Special requirements due to hazards.

(532) For the duration of occurrences hazardous to safety or navigation, such as floods, freshets, and damage to the bridge or fender system, the District Commander may require the owner of an operational drawbridge listed in this subpart to have the bridge attended full time and open on signal.

DELAWARE

§117.231 Brandywine Creek.

(533) The draw of the Conrail bridge, mile 1.1, the Church Street bridge, mile 1.3, and the Sixteenth Street bridge, mile 1.7, all at Wilmington, need not be opened for the passage of vessels.

§117.233 Broad Creek.

(534) The draws of the Conrail bridge, mile 8.0, the Poplar Street bridge, mile 8.2, and the US13A bridge, mile 8.2, all at Laurel, shall open on signal if at least four hours notice is given.

§117.235 Chesapeake and Delaware Canal.

(535) The draw of the Conrail bridge, mile 7.7, shall open on signal. The following light signals, located in the center of the drawspan on both sides of the bridge, shall be used:

(536) (a) When the draw is to be opened immediately, one fixed amber light.

(537) (b) When the draw is not ready to be opened, one flashing red light.

§117.237 Christina River.

(538) (a) The owners of the bridges on this waterway:

(539) (1) Shall provide and keep in good legible condition two board gages painted white with black figures not less than six inches high, to indicate the vertical clearance under the closed draw at all stages of the tide. The gages shall be so placed on the bridges that they are plainly visible to the operator of each vessel approaching the bridges either up or downstream.

(540) (2) Shall open on signal except that the draw of a railroad bridge need not be opened when a train is in the bridge block, approaching the bridge, or within 5 minutes of the passage of a passenger train; but in no event shall the opening of the draw be delayed more than 10 minutes.

(541) (b) The draw of the Norfolk Southern Railroad Bridge, mile 1.4 at Wilmington, shall operate as follows:

(542) (1) The draw shall remain in the open position for navigation. The draw shall only be closed for train crossings or periodic maintenance authorized in accordance with subpart A of this part.

(543) (2) The bridge shall be operated by the controller at the Harrisburg, PA Dispatcher's Office. The controller shall monitor vessel traffic with closed circuit cameras and infrared sensors covering the swing radius. Operational information will be provided 24 hours a day on marine channel 13 and via telephone (717) 541-2140.

(544) (3) The bridge shall not be operated from the remote location in the following events: Failure or obstruction of the infrared sensors, closed-circuit cameras or marine-radio communications, or anytime controller's visibility is inhibited. In these situations, a bridge tender with Norfolk Southern must be called and on-site within 30 minutes.

(545) (4) Before the bridge closes for any reason, the remote operator will monitor waterway traffic in the area. The bridge shall only be closed if the off-site

remote operator's visual inspection shows that the channel is clear and there are no vessels transiting in the area. While the bridge is moving, the operator shall maintain constant surveillance of the navigation channel.

(546) (5) Before closing the draw, the channel traffic lights would change from flashing green to flashing red, the horn will sound five short blasts, and an audio voice warning stating. "Attention, Attention. Norfolk Southern Railroad Bridge over Christina River at milepost 1.4 will be closing to river traffic." Five short blasts of the horn will continue until the bridge is seated and locked down to vessels. The channel traffic lights will continue to flash red.

(547) (6) When the rail traffic has cleared, the horn will sound one prolonged blast followed by one short blast to indicate the draw is opening to vessel traffic. During the opening swing movement, the channel traffic lights would flash red until the bridge returns to the fully open position. In the full open position to vessels, the bridge channel lights will flash green followed by an announcement stating, "Security, security, security. Norfolk Southern Railroad Bridge over Christina River at mile 1.4 is open for river traffic". Vessels shall stay clear of both channels as to not interfere with infrared detectors, until green lights are displayed on the swing span.

(548) (c) The draws of the Conrail bridges, at miles 4.1 and 4.2, both at Wilmington, shall open on signal from 6 a.m. to 8 p.m. if at least 24 hours notice is given. From 8 p.m. to 6 a.m., the draws need not be opened for the passage of vessels.

(549) (d) The draws of the Norfolk Southern Railroad bridges, at miles 4.1 and 4.2, both at Wilmington, shall open on signal from 6 a.m. to 8 p.m. if at least 24 hours notice is given. From 8 p.m. to 6 a.m., the draws need not be opened for the passage of vessels.

§117.239 Lewes and Rehoboth Canal.

(550) The draws of the Delaware highway bridges, mile 2.0 and 7.0, both at Rehoboth, shall open on signal from May 1 through October 31 from 7 a.m. to 8 p.m. and from 8 p.m. to 7 a.m. if at least two hours notice is given. From November 1 through April 30, the draws shall open on signal if at least 24 hours notice is given.

§117.241 Mispillion River.

(551) The draws of the S14 bridge, mile 11.0 at Milford, shall open on signal if at least two hours notice is given.

§117.243 Nanticoke River.

(552) The draw of the Norfolk Southern Railway Bridge across the Nanticoke River, at mile 39.4, at Seaford, Delaware will operate as follows:

(553) (a) From March 15 through November 15 the draw will open on signal for all vessels except that, from 11 p.m. to 5 a.m. at least 2½ hours notice will be required.

(554) (b) At all times from November 16 through March 14 the draw will open on signal if at least 2½ hours notice is given.

(555) (c) When notice is required, the owner operator of the vessel must provide the bridge tender with an estimated time of passage by calling 717-541-2151/2140.

DISTRICT OF COLUMBIA

§117.253 Anacostia River.

(556) (a) The draw of the Frederick Douglass Memorial (South Capitol Street) bridge, mile 1.2, shall open on signal if at least 24 hours notice is given. The draw is closed to the passage of vessels on each Presidential Inauguration Day and may occasionally be closed without advance notice to permit uninterrupted transit of dignitaries across the bridge.

(557) (b) The CSX Railroad Bridge, mile 3.4.

(558) (1) The draw of the bridge to be operated by the controller at the Benning Yard office shall open on signal;

(559) (i) At all times for public vessels of the United States, state and local government vessels, commercial vessels and any vessels in an emergency involving danger to life or property.

(560) (ii) Between 9 a.m. and 12 p.m. and between 1 p.m. and 6 p.m. from May 15 through September 30.

(561) (iii) Between 6 p.m. and 7 p.m. from May 15 through September 30 if notice is given to the controller at the Benning Yard office not later than 6 p.m. on the day for which the opening is requested.

(562) (iv) At all other times, if at least eight hours notice is given to the controller at the Benning Yard office.

(563) (2) The CSX Railroad Bridge shall not be operated by the controller at the Benning Yard office in the event of failure or obstruction of the motion sensors, laser scanners, video cameras or marine-radio communications. In these situations, a bridge tender must be called to operate the bridge on-site.

(564) (3) Except as provided in §117.31(b), opening of the draw shall not exceed ten minutes after clearance of rail traffic.

(565) (4) A horn will sound one prolonged blast followed by one short blast to indicate that the CSX Railroad Bridge is moving to the full open position for vessel traffic. During open span movement, the channel traffic lights will flash red until the bridge is in the full open position to vessels. In the full open position to vessels, the bridge channel traffic lights will flash green.

(566) (5) A horn will sound five short blasts, the channel traffic lights will flash red, and an audio voice-warning device will announce bridge movement during closing span movement. Five short blasts of the horn will continue until the bridge is seated in and locked down. When the bridge is seated and in locked down position to vessels, the channel traffic lights will continue to flash red.

(567) (6) The owners of the bridge shall provide and keep in good legible condition two board gauges painted white with black figures not less than six inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gauges shall be placed on the bridge so that they are plainly visible to the operator of any vessel approaching the bridge from either upstream or downstream.

§117.255 Potomac River.

(568) (a) The draw of the Woodrow Wilson Memorial (I-95) bridge, mile 103.8, between Alexandria, Virginia, and Oxon Hill, Maryland-

(569) (1) Shall open on signal at any time only for a vessel in distress, notwithstanding the provisions of §117.31:

(570) (2) Shall open for the passage of a commercial vessel at any time except:

(571) (i) Monday through Friday (except Federal holidays), 5 a.m. to 10 a.m. and 2 p.m. to 8 p.m.

(572) (ii) Saturday, Sunday, and Federal holidays, 2 p.m. to 7 p.m.

(573) (3) Need not open for the passage of a commercial vessel under paragraph (a)(2) of this section unless-

(574) (i) The owner or operator of the vessel provides the bridge tender with an estimate of the approximate time of that passage at least 12 hours in advance at (202) 727-5522; and

(575) (ii) The owner or operator of the vessel notifies the bridge tender at least 4 hours in advance of the requested time for that passage.

(576) (4) Shall open for the passage of a recreational vessel at any time except:

(577) (i) Monday through Friday (except Federal holidays), 5 a.m. to 12 midnight;

(578) (ii) Saturday, Sunday, and Federal holidays, 7 a.m. to 12 midnight, except as provided in paragraph (a)(4)(iii) of this section;

(579) (iii) Notwithstanding paragraph (a)(4)(ii) of this section, the bridge may open beginning at 10 p.m. on Saturday, Sunday, or a Federal holiday for the passage of a recreational vessel if the owner or operator of the vessel notifies the Bridge Tender of the time of that passage by not later than 12 hours before that time.

(580) (5) Need not open for the passage of a recreational vessel under paragraph (a)(4) of this section unless-

(581) (i) The owner or operator of the vessel provides the bridge tender with an estimate of the approximate time of the passage at least 12 hours in advance at (202) 727-5522; and

(582) (ii) the owner or operator of the vessel notifies the bridge tender at least 4 hours in advance of the requested time for that passage.

(583) (6) A recreational vessel may pass through the drawspan at any time it is open for passage of a commercial vessel.

(584) (b) The draws of all other bridges need not be opened for the passage of vessels.

MARYLAND

§117.541 Baltimore Harbor–Patapsco River.

(585) (a) The draw of the Hanover Street S2 bridge, mile 12.0 across the Middle Branch of the Patapsco River at Baltimore, shall open on signal from 5 a.m. to 6:30 a.m., 9:30 a.m. to 4 p.m., and 6 p.m. to 9:00 p.m. The draw need not be opened from 6:30 a.m. to 9:30 a.m. and 4 p.m. to 6 p.m.; however, fire boats, police boats, and other vessels engaged in emergency operations shall be passed immediately during this period. When a vessel desires to pass the draw from 9 p.m. to 5 a.m., notice shall be given to the superintendent of the bridge, either at the bridge before 9 p.m. or at the superintendent's residence after 9 p.m. If the notice is given from 5 a.m. to 9 p.m. or if at least one half hour has elapsed since the notice was given, the draw shall open promptly at the time requested.

(586) (b) The draw of the Western Maryland railroad bridge, mile 12.5 across the Middle Branch of the Patapsco River at Baltimore, shall open on signal from 7 a.m. to 12 noon and 1 p.m. to 4 p.m. Monday through Friday except legal holidays. At all other times, the draw shall open if at least six hours notice is given. Marine firefighting equipment and pollution control vessels shall be passed as soon as possible but in no event more than 15 minutes after notice is given.

§117.543 Bear Creek.

(587) (a) The draws of the Baltimore County Revenue Authority (Dundalk Avenue) highway toll bridge, mile 1.5, and the Peninsula Parkway bridge, mile 2.1, both between Dundalk and Sparrows Point, shall open on signal; except that, from April 16 through November 15 from 12 midnight to 8 a.m. except Saturdays, Sundays, and Federal and State holidays, at least one half hour notice is required.

(588) (b) The draw of the Baltimore County highway bridge, mile 3.4 at Wise Avenue between Dundalk and Sparrows Point, shall open on signal if at least four hours notice is given.

§117.547 Bush River.

(589) The draw of the Amtrak bridge, mile 6.8 at Perryman, operates as follows:

(590) (a) When notice under paragraph (b) of this section is given, the draw shall open twice a day -

(591) (1) From May 1 through September 30, on each Saturday, Sunday, and Federal holiday falling on a Friday or a Monday; and

(592) (2) In October, on the Saturday and Sunday of one weekend.

(593) (b) Notice of the need for an opening is given to the Amtrak Assistant Transportation Superintendent at 301-291-4278 by an authorized representative of the Bush River Yacht Club by noon on the Friday just preceding the day of opening or, if that Friday is a Federal holiday, by noon on the preceding Thursday.

(594) (c) Amtrak determines the times for openings and shall schedule the times–

(595) (1) During daylight hours;

(596) (2) Six to ten hours apart; and

(597) (3) One opening before noon and one after noon.

(598) (d) Amtrak shall notify a representative of the Yacht Club of the times of all openings for the weekend (or extended weekend) in question by 6 p.m. on the Friday just preceding the weekend or, if that Friday is a Federal holiday, by 6 p.m. on the preceding Thursday.

(599) (e) Each opening shall be of sufficient duration to pass waiting vessels.

§117.549 Cambridge Harbor.

(600) The draw of the S342 bridge, mile 0.1 at Cambridge, shall open on signal from 6 a.m. to 8 p.m.; except that, from 12 noon to 1 p.m. Monday through Friday, the draw need not be opened. The draw need not be opened from 8 p.m. to 6 a.m.

§117.551 Chester River.

(601) The draw of the S213 bridge, mile 26.8 at Chestertown, shall open on signal from April 1 through September 30 from 6 a.m. to 6 p.m. At all other times, the draw shall open on signal if at least six hours notice is given.

§117.553 Choptank River.

(602) (a) The draw of the Maryland 331 bridge, mile 35.3, at Dover, shall open on signal from 6 a.m. to 6 p.m. year-round, and the draw shall remain closed from 6 p.m. to 6 a.m., year-round, unless 24 hours advance notice is given by calling 301-820-8592 or 301-745-2096.

(603) (b) The draw of the Conrail bridge, mile 50.9 at Denton, shall open on signal from May 30 through September 30 from sunrise to sunset and at all other times if at least four hours notice is given.

§117.555 College Creek.

(604) The draws of the Naval Academy highway bridge, mile 0.3 at Annapolis, and the Maryland highway bridge, mile 0.4 at Annapolis, need not be opened for the passage of vessels.

§117.557 Curtis Creek.

(605) The draw of the I695 bridge, mile 0.9 at Baltimore, shall open on signal if at least a one-hour notice is given to the Maryland Transportation Authority in Baltimore.

§117.559 Isle of Wight Bay.

(606) The draw of the US50 bridge, mile 0.5, at Ocean City, shall open on signal; except that, from October 1 through April 30 from 6 p.m. to 6 a.m., the draw shall open if at least three hours notice is given and from May 25 through September 15 from 9:25 a.m. to 9:55 p.m. the draw shall open at 25 minutes after and 55 minutes after the hour for a maximum of five minutes to let accumulated vessels pass, except that, on Saturdays from 1 p.m. to 5 p.m., the draw shall open on the hour for all waiting vessels and shall remain in the open position until all waiting vessels pass.

§117.561 Kent Island Narrows.

(607) The draw of the U.S. Route 50/301 bridge, mile 1.0, Kent Island Narrows, operates as follows:

(608) (a) From November 1 through April 30, the draw shall open on signal from 6 a.m. to 6 p.m. but need not be opened from 6 p.m. to 6 a.m.

(609) (b) From May 1 through October 31, the draw shall open on signal on the hour and half-hour from 6 a.m. to 9 p.m., but need not be opened from 9 p.m. to 6 a.m.

(610) (c) The draw shall open on signal for public vessels of the United States, state and local government vessels used for public safety purposes, and vessels in distress. Operational information will be available 24 hours a day by calling 1-800-543-2515

§117.563 Marshyhope Creek.

(611) The draw of the S14 bridge, mile 5.8 at Brookview, need not be opened for the passage of vessels. The operating machinery shall be maintained in a serviceable condition.

§117.565 Miles River.

(612) The draw of the Route S370 bridge, mile 10.0 at Easton, Maryland, shall open on signal; except that from November 1 through March 31, 24 hours a day, and from April 1 through October 31, from 6 p.m. to 6 a.m., a six-hour advance notice to the drawtender is required for bridge openings.

§117.567 Patuxent River.

(613) The draw of S231 bridge, mile 18.5 at Benedict, shall open on signal; except that, from 6 p.m. to 6 a.m., the draw shall open on signal if notice is given to the Toll Captain at the Administration Building at the east end of the bridge before 6 p.m.

§117.569 Pocomoke River.

(614) (a) The Conrail railroad bridge, mile 15.2, at Pocomoke City, shall open on signal, except between November 1 and March 31 the draw must open only if at least five hours advance notice is given.

(615) (b) The draw of the Route 675 bridge, mile 15.6, at Pocomoke City, shall open on signal, except between November 1 and March 31 the draw must open only if at least five hours advance notice is given.

(616) (c) The draw of the S12 bridge, mile 29.9, at Snow Hill, shall open on signal if at least five hours notice is given.

§117.570 Sassafras River.

(617) The draw of the Sassafras River (Route 213) bridge, mile 10.0 at Georgetown, Maryland, shall open on signal; except that from November 1 through March 31, from midnight to 8 a.m., the draw need only open if at least a six-hour advance notice is given.

§117.571 Spa Creek.

(618) The S181 bridge, mile 4.0, at Annapolis, Maryland:

(619) (a) From May 1 to October 31, Monday through Friday, except Federal and State holidays:

(620) (1) The draw shall remain closed from 7:30 a.m. to 9:00 a.m. and from 4:30 p.m. to 7:30 p.m., except the draw shall open at 6:00 p.m. and 7:00 p.m. for any vessels waiting to pass.

(621) (2) The draw shall open on the hour and the half-hour, from 9:00 a.m. to 4:30 p.m.

(622) (3) The draw shall open on the hour and half hour, from 7:30 p.m. to 7:30 a.m.

(623) (b) From November 1 to April 30, Monday through Friday, except Federal and State holidays:

(624) (1) The draw shall remain closed from 7:30 a.m. to 9:00 a.m. and from 4:30 p.m. to 6:00 p.m.

(625) (2) The draw shall open on signal from 9:00 a.m. to 4:30 p.m. and from 6:00 p.m. to 7:30 a.m.

(626) (c) On Saturdays, Sundays, and holidays year-round, the draw shall open on the hour and half-hour for vessels waiting to pass. Except on July 4th of every year form 8:30 p.m. to 11 p.m., the draw need not open for vessels, and in the event of inclement weather, the alternate date is July 5th.

(627) (d) The draw shall always open on signal for public vessels of the United States, or local vessels used for public safety, tugs with tows, and vessels in distress.

§117.573 Stoney Creek.

(628) The draw of the Stoney Creek (S173) bridge, mile 0.9, in Riviera shall open on signal, except:

(629) (a) From 6:30 a.m. to 9 a.m. and from 3:30 p.m. to 6:30 p.m., Monday through Friday except Federal and State holidays, the draw need be opened only at 7:30 a.m. and 5 p.m. if any vessels are waiting to pass.

(630) (b) From 11 a.m. to 7 p.m. on Saturday and from 12 p.m. to 5 p.m. on Sunday, the draw need be opened only on the hour and half hour.

(631) (c) Public vessels of the United States and vessels in an emergency involving danger to life or property shall be passed at any time.

§117.575 Susquehanna River.

(632) The draw of the Conrail bridge, mile 1.0 at Havre de Grace, shall open on signal if at least 24 hours notice is given.

§117.577 Weems Creek.

(633) The draw of the S437 bridge, mile 0.7 at West Annapolis, shall open on signal from sunrise to sunset from May 1 through September 30. At all other times, the draw shall open on signal if at least five hours notice is given.

§117.579 Wicomico River (North Prong).

(634) The draws of the Main Street and US 50 bridges, mile 22.4, Salisbury, Maryland shall open on signal, except from 7 a.m. to 9 a.m., from 12 noon to 1 p.m., and from 4 p.m. to 6 p.m., the draw need not be opened for the passage of vessels, except for tugs with tows, if at least three hours of advance notice is given, and the reason for passage through the bridges during a closure period is due to delay caused by inclement weather or other emergency or unforeseen circumstances.

NEW JERSEY

§117.701 Alloway Creek.

(635) (a) The draws of the Salem County bridges, miles 5.1 at Hancocks Bridge, and 6.5 at New Bridge, shall open on signal if at least 24 hours notice is given.

(636) (b) The draw of the S49 bridge, mile 9.5 at Quinton, need not be opened for the passage of vessels.

§117.705 Beaver Dam Creek.

(637) The draw of the Ocean County bridge, mile 0.5 at Point Pleasant, shall open on signal from June 1 through September 30 and from 8 a.m. to 4 p.m. during April, May, October, and November. At all other times, the draw shall open on signal if at least 24 hours notice is given.

§117.711 Cohansey River.

(638) The draw of the Broad Street bridge, mile 18.2 at Bridgeton, need not be opened for the passage of vessels.

§117.713 Cooper River.

(639) (1) The draws of the State Street bridge, mile 0.3, the Conrail bridge at North River Avenue, mile 0.9, and the Federal Street bridge, mile 1.0, both at Camden, shall open on signal if at least four hours notice is given.

(640) (b) The draw of the Admiral Wilson Boulevard bridge, mile 1.1 at Camden, need not be opened for the passage of vessels. However, the draw shall be returned to operable condition within six months after notification by the District Commander to do so.

§117.716 Delaware River.

(641) The following requirements apply at all drawbridges across the Delaware River:

(642) (a) The draws of railroad bridges need not be opened when there is a train in the bridge block approaching the bridge with the intention of crossing, or within five minutes of the known time of the passage of a scheduled passenger train.

(643) (b) The opening of a bridge may not be delayed more than five minutes for a highway bridge or 10 minutes for a railroad bridge, after the signal to open is given.

(644) (c) The owners of drawbridges shall provide and keep in good legible condition two board gages painted white with black figures not less than six inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gages shall be so placed on the bridge that they are plainly visible to operators of vessels approaching the bridge either up or downstream.

§117.720 Great Channel.

(645) The draw of the County of Cape May bridge, mile 0.7, between Stone Harbor and Nummy Island, shall open on signal except that:

(646) (a) From May 15 through October 15 from 10 p.m. to 6 a.m., the draw need only open if at least four hours advance notice is given.

(647) (b) [Suspended]

(648) (c) From 8 a.m. on October 16, 2003, until 11 p.m. on May 14, 2004, the draw of the County of Cape May Bridge, mile 0.7 between Stone Harbor and Nummy Island need not open for the passage of vessels.

§117.721 Grassy Sound Channel.

(649) The draw of the Grassy Sound Channel Bridge, mile 1.0, in Middle Township, will open on signal from 6 a.m. to 8 p.m. from May 15 through September 30; two-hours advance notice is required for all other openings by phoning 609-368-4591.

§117.725 Manantico Creek.

(650) The draw of the highway bridge, mile 0.5 at Millville, need not be opened for the passage of vessels.

§117.727 Manasquan River.

(651) The draw of the Route 70 Bridge, mile 3.4, at Riviera Beach, shall open on signal on the hour, except that from 4 p.m. to 7 p.m. Monday through Friday and from 11 p.m. to 7 a.m., every day the draw need not be opened.

§117.729 Mantua Creek.

(652) (a) The draw of the CONRAIL Railroad Bridge, mile 1.4 at Paulsboro, shall operate as follows:

(653) (1) From March through November, the draw shall be left in the open position to vessels and will only be closed for the passage of trains and to perform periodic maintenance authorized in accordance with subpart A of this part.

(654) (i) Trains shall be controlled so that any delay in opening of the draw shall not exceed ten minutes except as provided in §117.31(b).

(655) (ii) Before the bridge closes for any reason, an on-site train crewmember will observe the waterway for approaching craft, which will be allowed to pass. An on-site train crewmember will then operate the bridge by radiophone. The bridge shall only be closed if an on-site train crewmember's visual inspection shows that the channel is clear and there are no vessels transiting in the area.

(656) (iii) While the CONRAIL Railroad Bridge is moving from the full open to the full closed position, an on-site train crewmember will maintain constant surveillance of the navigational channel to ensure no conflict with maritime traffic exists. In the event of failure or obstruction, the on-site train crewmember will stop the bridge and return the bridge to the open position.

(657) (iv) During closing of the span, the channel traffic lights will flash red, the horn will sound five short blasts, and an audio voice warning device will announce bridge movement, and the bridge will close. When the bridge is seated and locked down to vessels, the channel traffic lights will continue to flash red. When the rail traffic has cleared the swing span, the horn will sound one prolonged blast followed by one short blast to signal the draw of the CONRAIL Railroad Bridge is about to return to its full open position to vessels.

(658) (v) During open span movement, the channel traffic lights will flash red, the horn will sound one prolonged blast followed by one short blast, then a pause,

and an audio voice warning will announce bridge movement until the bridge is in the full open position. In the full open position, the channel traffic lights will flash green.

(659) (2) From December to February, the draw may be left in the closed position and opened on signal if at least four hours notice is given by telephone at (856) 231-2393.

(660) (b) The draw of the S.R. 44 bridge, mile 1.7, at Paulsboro, shall open on signal from March 1 through November 30 from 7 a.m. to 11 p.m., and shall open on signal at all other times upon four hours notice.

§117.731 Maurice River.

(661) The draw of the Cumberland County bridge, mile 12.1 at Mauricetown, need not be opened for the passage of vessels.

§117.731a Mullica River.

(662) The draws of bridges listed in this section shall open on signal, except as follows:

(663) (a) The draw of the Lower Bank bridge, mile 15.0, need not open during the following periods unless at least four hours notice is given:

(664) (1) From May 1 through November 30, from 11 p.m. to 7 a.m.

(665) (2) From December 1 through April 30, at all times.

(666) (b) The draw of the Green Bank bridge, mile 18.0, need not open unless at least four hours notice is given during the following periods:

(667) (1) April 1 through November 30, from 11 p.m. to 7 a.m.

(668) (2) December 1 through March 31, at all times.

(669) (c) The draws shall open as soon as possible during the periods when four hours notice is required for vessels in distress, public vessels of the United States, and state and local vessels used for public safety purposes.

§117.732 Nacote Creek.

(670) (a) The Route 9 bridge, mile 1.5, shall open on signal, except that from 11 p.m. to 7 a.m., the draw shall open if at least two hours notice is given.

(671) (b) The draw of the Atlantic County (Rte. 575) bridge, mile 3.5 at Port Republic, shall open on signal if at least eight hours notice is given.

§117.733 New Jersey Intracoastal Waterway.

(672) (a) The following requirements apply to all bridges listed in this section: The owners of these bridges shall provide, and keep in good legible condition, clearance gauges with figures not less than twelve (12) inches high designed, installed and maintained according to the provisions of §118.160 of this chapter.

(673) (b) The draw of the Route 35 Bridge, mile 1.1 across Manasquan River at Brielle, shall open on signal except as follows:

(674) (1) From May 15 through September 30:

(675) (i) On Saturdays, Sundays and Federal holidays, from 8 a.m. to 10 p.m., the draw need only open 15 minutes before the hour and 15 minutes after the hour.

(676) (ii) On Mondays to Thursdays from 4 p.m. to 7 p.m., and on Fridays, except Federal holidays from 12 p.m. to 7 p.m., the draw need only open 15 minutes before the hour and 15 minutes after the hour.

(677) (2) Year-round from 11 p.m. to 8 a.m., the draw need only open if at least four hours notice is given.

(678) (c) The draw of the County Route 528 Bridge, mile 6.3 across Barnegat Bay at Mantoloking, shall open on signal; except that from Memorial Day through Labor Day on Saturdays, Sundays and Federal holidays from 9 a.m. to 6 p.m., the draw need only open on the hour, twenty minutes after the hour, and forty minutes after the hour.

(679) (d) The draw of the S37 Bridges across Barnegat Bay, mile 14.1 at Seaside Heights, shall open on signal except as follows:

(680) (1) From December 1 through March 31 from 11 p.m. to 8 a.m., the draw need not be opened.

(681) (2) From April 1 through November 30 from 11 p.m. to 8 a.m., the draw need only open if at least four hours notice is given.

(682) (3) From Memorial Day through Labor Day from 8 a.m. to 8 p.m., the draw need only open on the hour and half hour.

(683) (e) The draw of the AMTRAK New Jersey Transit Rail Operations (NJTRO) automated railroad swing bridge across Beach Thorofare, mile 68.9 at Atlantic City shall operate as follows:

(684) (1) Open on signal from 11 p.m. to 6 a.m. From 6 a.m. to 11 p.m., the draw shall open on signal from 20 minutes to 30 minutes after each hour and remain open for all awaiting vessels.

(685) (2) Opening of the draw span may be delayed for ten minutes except as provided in §117.31(b). However, if a train is moving toward the bridge and has crossed the home signal for the bridge before the signal requesting opening of the bridge is given, that train may continue across the bridge and must clear the bridge interlocks before stopping.

(686) (3) When the bridge is not tended locally and/or is operated from a remote location, sufficient, closed circuit TV cameras shall be operated and maintained at the bridge site to enable the remotely located bridge/train controller to have full view of both river traffic and the bridge.

(687) (4) Radiotelephone Channel 13 (156.65 MHz) VHF-FM, shall be maintained and utilized to facilitate

communication in both remote and local control locations. The bridge shall also be equipped with directional microphones and horns to receive and deliver signals to vessels within a mile that are not equipped with radiotelephones.

(688) (5) Whenever the remote control system equipment is partially disabled or fails for any reason, the bridge shall be physically tended and operated by local control. Personnel shall be dispatched to arrive at the bridge as soon as possible, but not more than one hour after malfunction or disability of the remote system. Mechanical bypass and override capability for remote operation shall be provided and maintained.

(689) (6) When the draw is opening and closing, or is closed, yellow flashing lights located on the ends of the centers piers shall be displayed continuously until the bridge is returned to the fully open position.

(690) (f) The draw of the Route 30 Bridge across Beach Thorofare, mile 67.2 at Atlantic City shall open on signal except that, year-round from 11 p.m. to 7 a.m. and, from November 1 through March 31 from 3 p.m. to 11 p.m., the draw need only open if at least four hours notice is given.

(691) (g) The draw of the US40-322 (Albany Avenue) Bridge, mile 70.0 across Inside Thorofare, at Atlantic City, shall open on signal except that:

(692) (1) Year-round, from 11 p.m. to 7 a.m.; and from November 1 through March 31 from 3 p.m. to 11 p.m., the draw need only open if at least four hours notice is given;

(693) (2) From June 1 through September 30:

(694) (i) From 9 a.m. to 4 p.m. and from 6 p.m. to 9 p.m. the draw need only open on the hour and half hour; and

(695) (ii) From 4 p.m. to 6 p.m. the draw need not open.

(696) (h) The draw of the Dorset Avenue Bridge across Inside Thorofare, mile 72.1 at Ventnor City, shall open on signal except that from June 1 through September 30, from 9:15 a.m. to 9:15 p.m., the draw need only open at 15 and 45 minutes after the hour.

(697) (i) The draw of the Route 52 (Ninth Street) Bridge, mile 80.4 across Beach Thorofare, at Ocean City, shall open on signal except that from Memorial Day through Labor Day from 8 a.m. to 8 p.m., the draw need only open on the hour and half hour.

(698) (j) The draw of the Stone Harbor Boulevard Bridge, mile 102.0 across Great Channel, at Stone Harbor, shall open on signal except that:

(699) (1) From October 1 through March 31 from 10 p.m. to 6 a.m. the draw need only open if at least eight hours notice is given.

(700) (2) From Memorial Day through Labor Day from 6 a.m. to 6 p.m. on Saturdays, Sundays and Federal holidays, the draw need open only on the hour, 20 minutes after the hour, and 20 minutes before the hour.

(701) (k) The draw of Cape May Canal Railroad Bridge across Cape May Canal, mile 115.1, at Cape May shall operate as follows:

(702) (1) The draw shall be maintained in the open position; the draw may close only for the crossing of trains and maintenance of the bridge. When the draw is closed for a train crossing a bridge tender shall be present to reopen the draw after the train has cleared the bridge. When the draw is closed for maintenance a bridge tender shall be present to open the draw upon signal.

(703) (2) Train service generally operates as follows (please contact Cape May Seashore Lines for current train schedules):

(704) (i) Winter (generally December through March): In general, there is no train service, therefore the bridge is unmanned and placed in the full open position.

(705) (ii) Spring (generally April through May and Fall (generally September through November): Generally weekend service only: Friday through Sunday train service starts at 10 a.m. and ends at 7:30 p.m. Monday through Thursday the bridge generally unmanned and in the open position.

(706) (iii) Summer Service (generally June through August): Daily train service starting at 10 a.m. and ending 7:30 p.m.

(707) (3) When a vessel approaches the drawbridge with the draw in the open position, the vessel shall give the opening signal. If no acknowledgment is received within 30 seconds, the vessel may proceed, with caution, through the open draw. When the draw is open and will be closing promptly, the drawbridge will generally signal using sound signals or radio telephone.

(708) (4) Opening of the draw span may be delayed for ten minutes after a signal to open except as provided in (117.31(b). However, if a train is moving toward the bridge and has crossed the home signal for the bridge before the signal requesting opening of the bridge is given, the train may continue across the bridge and must clear the bridge interlocks as soon as possible in order to prevent unnecessary delays in the opening of the draw.

§117.737 Oldmans Creek.

(709) The draws of the US30 bridge, mile 3.1 at Nortonville, the Conrail railroad bridge, mile 4.0 at Jumbo, and the Salem County bridge, mile 5.1 at Pedricktown, need not be opened for the passage of vessels. However, the draws of any of these bridges shall be restored to operable condition within six months after notification by the District Commander to do so.

§117.741 Raccoon Creek.

(710) (a) The draw of the Route 130 highway bridge, mile 1.8 at Bridgeport, shall open on signal:

(711) (1) March 1 through November 30, from 7 a.m. to 11 p.m.

(712) (2) At all other times, if at least four hours notice is given.

(713) (b) The draw of the CONRAIL Railroad Bridge, mile 2.0 at Bridgeport, shall operate as follows:

(714) (1) From March 1 through November 30, the draw shall be left in the open position at all times and will only be closed for the passage of trains and to perform periodic maintenance authorized in accordance with subpart A of this part.

(715) (i) Trains shall be controlled so that any delay in opening of the draw shall not exceed ten minutes except as provided in § 117.31(b).

(716) (ii) Before the bridge closes for any reason, a train crewmember will observe the waterway for approaching craft, which will be allowed to pass. A train crewmember will then operate the bridge by radiophone. The bridge shall only be closed if a train crewmember's visual inspection shows that the channel is clear and there are no vessels transiting in the area.

(717) (iii) While the CONRAIL Railroad Bridge is moving from the full open to the full closed position, a train crewmember will maintain constant surveillance of the navigational channel to ensure no conflict with maritime traffic exists. In the event of failure or obstruction, the train crewmember will stop the bridge and return the bridge to the open position.

(718) (iv) The CONRAIL Railroad channel traffic lights will change from flashing green to flashing red anytime the bridge is not in the full open position.

(719) (v) During closing of the span, the channel traffic lights will change from flashing green to flashing red, the horn will sound four times, followed by a pause, then the four blasts will be repeated and the bridge will close. When the rail traffic has cleared the swing span, the horn will automatically sound five times to signal the draw of the CONRAIL Railroad Bridge is about to return to its full open position.

(720) (vi) During open span movement, the channel traffic lights will be flashing red, the horn will sound four times, followed by a pause, then four blasts will be repeated until the bridge is in the full open position. In the full open position, the channel traffic lights will then turn from flashing red to flashing green.

(721) (2) At all other times, the draw may be left in the closed position and opened on signal if at least four hours notice is given by telephone at (856) 231-2393.

§117.745 Rancocas River (Creek).

(722) (a) The following requirements apply to all bridges across the Rancocas River (Creek):

(723) (1) Public vessels of the United States, state or local vessels used for public safety and vessels in distress shall be passed through the draw of each bridge as soon as possible without delay at any time. The opening signal from these vessels is four or more short blasts of a whistle or horn, or a radio request.

(724) (2) The owners of these bridges shall provide and keep in good legible condition clearance gauges for each draw with figures not less than 12 inches high designed, installed and maintained according to the provisions of §118.160 of this chapter.

(725) (3) Trains and locomotives shall be controlled so that any delay in opening the draw span shall not exceed ten minutes. However, if a train moving toward the bridge has crossed the home signal for the bridge before the signal requesting opening of the bridge is given, that train may continue across the bridge and must clear the bridge interlocks before stopping or reversing.

(726) (b) The draws of the SR#543 bridge, mile 1.3 at Riverside, the Conrail bridge, mile 1.6 at Delanco and the SR#38 bridge, mile 7.8 at Centerton, shall operate as follows:

(727) (1) From April 1 through October 31 open on signal from 7 a.m. to 11 p.m.

(728) (2) From November 1 through March 31 from 7 a.m. to 11 p.m., open on signal if at least 24 hours notice is given, except as provided in paragraph (a)(1) of this section.

(729) (3) Year round from 11 p.m. to 7 a.m. need not open for the passage of vessels, except as provided in paragraph (a)(1) of this section.

§117.749 Salem River.

(730) The draw of the S49 bridge, mile 3.5 at Salem, shall open on signal if at least 24 hours notice is given.

§117.751 Shark River (South Channel).

(731) The draws of S71 bridge, mile 0.8, the railroad bridge, mile 0.9, and the S35 bridge, mile 0.9, all at Avon, operate as follows:

(732) (a) The bridges operate as one unit. The owners shall provide signal systems so connected that the operator of any of the bridges may simultaneously notify the operators of the other two. The operator of the first bridge to be passed shall be responsible for observing the approach of vessels, for receiving and acknowledging signals, and for coordinating the opening of the other draws.

(733) (b) The draws shall open on signal; except that, from May 15 through September 30 from 4 p.m. to 7

p.m. Monday through Friday except Federal holidays and from 9 a.m. to 9 p.m. Saturdays, Sundays, and holidays, the draw need be opened only on the hour and half hour if a vessel is waiting to pass.

(734) (c) The owners of the bridges shall provide and keep in good legible condition two board gages painted white with black figures not less than eight inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gages shall be so placed on the bridges that they are plainly visible to operators of vessels approaching the bridges either up or downstream.

§117.753 Ship Channel, Great Egg Harbor Bay.

(735) The draw of the S52 (Ship Channel) bridge, mile 0.5 between Somers Point and Ocean City, shall open:

(736) (a) From 11 p.m. to 7 a.m., on signal, if at least 24 hours advance notice is given.

(737) (b) From Memorial Day through Labor Day from 8 a.m. to 8 p.m., on the hour and half hour.

(738) (c) At all other times, on signal, for any vessel.

§117.757 Tuckahoe River.

(739) The draw of the State highway bridge, mile 8.0 at Tuckahoe, shall open on signal if at least 24 hours notice is given.

§117.759 Wading River.

(740) The draw of the Burlington County highway bridge, mile 5.0 at Wading River, shall open on signal if at least 24 hours notice is given.

PENNSYLVANIA

§117.901 Chester Creek.

(741) The draw of the Front Street bridge, mile 0.1 at Chester, shall open on signal if at least 24 hours notice is given.

§117.903 Darby Creek.

(742) (a) The draw of the CONRAIL Railroad Bridge, mile 0.3, at Essington, will operate as follows:

(743) (1) The owner of this bridge on this waterway shall provide and keep in good legible condition two board gages painted white with black figures, nine inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gages shall be so placed on the bridge that they are plainly visible to operators of vessels approaching the bridge either up or downstream.

(744) (2) Trains shall be controlled so that any delay in opening of the draw shall not exceed ten minutes except as provided in §117.31(b). However, if a train moving toward the bridge has crossed the home signal for the bridge before the signal requesting opening of the bridge is given, the train may continue across the bridge and must clear the bridge interlocks before stopping.

(745) (3) From May 15 through October 15, the draw shall be left in the open position at all times and will only be lowered for the passage of trains and to perform periodic maintenance authorized in accordance with subpart A of this part.

(746) (4) The bridge will be operated by the bridge/train controller at the Delair Railroad Bridge in Delair, New Jersey.

(747) (5) Before the bridge closes for any reason, an on-site crewmember will observe the waterway for approaching craft, which will be allowed to pass. The on-site crewmember will then communicate with the off-site bridge/train controller at the Delair Railroad Bridge either by radio or telephone, requesting the off-site bridge/train controller to lower the bridge.

(748) (6) The bridge shall only be lowered from the remote site if the on-site crewmember's visual inspection shows there are no vessels in the area and the infrared channel sensors are not obstructed.

(749) (7) While the CONRAIL Railroad Bridge is moving from the full open to the full closed position, the off-site bridge/train controller will maintain constant surveillance of the navigational channel using infrared sensors to ensure no conflict with maritime traffic exists. In the event of failure or obstruction of the infrared channel sensors, the off-site bridge/train controller will stop the bridge and return the bridge to the open position. In the event of loss of radio or telephone communications with the on-site crewmember, the off-site bridge/train controller will stop the bridge and the bridge will return to the open position.

(750) (8) When the draw cannot be operated from the remote site, a bridge tender must be called to operate the bridge in the traditional on-site manner.

(751) (9) The CONTRAIL Railroad channel traffic lights will change from flashing green to flashing red anytime the bridge is not in the full open position.

(752) (10) During downward span movement, the channel traffic lights will change from flashing green to flashing red, the horn will sound two times, followed by a pause, and then two repeat blasts until the bridge is seated and locked down.

(753) (11) When the rail traffic has cleared, the off-site bridge/train controller at the Delair Railroad Bridge will sound the horn five times to signal the draw of the CONRAIL Railroad Bridge is about to return to its full open position.

(754) (12) During upward span movement, the channel traffic lights will change from flashing green to flashing red, the horn will sound two times, followed by a

pause, and then sound repeat blasts until the bridge is in the full open position. In the full open position, the channel traffic lights will then turn from flashing red to flashing green.

(755) (13) From October 16 through May 14, the draw shall open on signal if at least 24 hours notice is given by telephone at 856-231-7088 or 856-662-8201. Operational information will be provided 24 hours a day by telephone at 856-231-7088 or 856-662-8201.

(756) (b) The Reading Railroad Bridge, mile 0.3, at Essington, will be left in the full open position at all times.

§117.904 Delaware River.

(757) See §117.716, Delaware River, listed under New Jersey.

§117.905 Schuylkill River.

(758) (a) The following requirements apply to all drawbridges across the Schuylkill River:

(759) (1) The draws of railroad bridges need not be opened when there is a train in the bridge block approaching the bridge with the intention of crossing, or within five minutes of the known time of the passage of a scheduled passenger train.

(760) (2) The opening of a bridge may not be delayed more than five minutes for a highway bridge or 10 minutes for a railroad bridge, after the signal to open is given.

(761) (3) The owners of drawbridges shall provide and keep in good legible condition two board gages painted white with black figures not less than six inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gages shall be so placed on the bridge that they are plainly visible to operators of vessels approaching the bridge either up or downstream.

(762) (b) The Passyunk Avenue bridge, mile 3.5 at Philadelphia, shall open on signal at all times if at least four hours notice is given. Public vessels of the United States shall be passed as soon as possible at any time.

(763) (c) The draw of the Conrail bridge, mile 5.5 at Grays Ferry Avenue, Philadelphia, shall open on signal; except that, on Saturdays and Sundays, the draw shall open on signal if at least two hours notice is given. Public vessels of the United States shall be passed as soon as possible at any time.

(764) (d) The draw of the University Avenue bridge, mile 6.2 at Philadelphia, shall open on signal at all times if at least two hours notice is given. Public vessels of the United States shall be passed as soon as possible at any time.

(765) (e) The draw of the Conrail bridge, mile 6.4 near Christian Street, Philadelphia, shall open on signal if at least two hours notice is given.

VIRGINIA

§117.995 Appomattox River.

(766) The draw of the Seaboard System Railroad bridge, mile 2.5 at Hopewell, shall open on signal if at least 24 hours notice is given to the Seaboard System Agent at Hopewell. However, a drawtender shall be in constant attendance and the draw shall open on signal upon 30 days notice, in writing, to do so from the District Commander.

§117.997 Atlantic Intracoastal Waterway, South Branch of the Elizabeth River to the Albemarle and Chesapeake Canal.

(767) (a) The draw of the Belt Line Railroad Bridge, mile 2.6, in Portsmouth and Chesapeake will operate as follows:

(768) (1) The bridge will be left in the open position at all times and will only be lowered for the passage of trains and to perform periodic maintenance authorized in accordance with Subpart A of this part.

(769) (2) The bridge will be operated by the controller at the Berkley Yard office.

(770) (3) The controller will monitor waterway traffic in the bridge and directly beneath the bridge with closed circuit cameras mounted on top of the bridge and with surface navigational radar.

(771) (4) When the bridge closes for any reason, the controller will announce 30 minutes in advance, 15 minutes in advance, immediately proceeding the actual lowering, over marine channel 13, that the Belt Line Railroad Bridge is closing for river traffic. In each of these three announcements, the bridge/train controller will request all concerned river traffic to please acknowledge on marine channel 13.

(772) (5) The bridge shall only be operated from the remote site if closed circuit visual and radar information shows there are no vessels in the area and no opposing radio communications have been received.

(773) (6) While the Belt Line Bridge is moving from the full open position to the full closed position, the bridge/train controller will maintain constant surveillance of the navigational channel to ensure no conflict with maritime traffic exists. In the event of failure of a camera or the radar system, or loss of marine-radio communications, the bridge shall not be operated by the off-site bridge/train controller from the remote location.

(774) (7) If the off-site bridge/train controller's visibility of the navigational channel is less than ¾ of a mile, the bridge shall not be operated from the remote location.

(775) (8) When the draw cannot be operated from the remote site, a bridgetender must be called to operate the bridge in the traditional on- site manner.

(776) (9) The Belt Line mid-channel lights will change from green to red anytime the bridge is not in the full open position.

(777) (10) During the downward and upward span movement, a warning alarm will sound until the bridge is seated and locked down or in the full open position.

(778) (11) When the bridge has returned to its full up position, the mid-channel light will turn from red to green, and the controller will announce over marine radio channel 13, "Security, security, security, the Belt Line bridge is open for river traffic." Operational information will be provided 24 hours a day on marine channel 13 and via telephone 757-543-1996 or 757-545-2941.

(779) (b) The draw of the Jordan (S 337) bridge, mile 2.8, in Chesapeake:

(780) (1) Shall open on signal at any time for commercial vessels carrying liquefied flammable gas or other hazardous materials.

(781) (2) From 6:30 a.m. to 8:30 a.m. and from 3:30 p.m. to 5:30 p.m., Monday through Friday, except Federal holidays:

(782) (i) Need not open for the passage of recreational or commercial vessels that do not qualify under paragraph (b)(2)(ii) of this section.

(783) (ii) Need not open for commercial cargo vessels, including tugs and tows, unless 2 hours advance notice has been given to the Jordan Bridge Office at 757-545-4695.

(784) (3) Shall open on signal at all other times.

(785) (c) The draw of the Norfolk and Western railroad bridge across the South Branch of the Elizabeth River, mile 3.6 at Portsmouth-Chesapeake, shall be maintained in the open position; except the draw may close for the crossing of trains and maintenance of the bridge. When the draw is closed, a drawtender shall be present and draw shall open on signal.

(786) (d) The draw of the Gilmerton (US13/460) bridge, mile 5.8, in Chesapeake:

(787) (1) Shall open on signal at any time for commercial vessels carrying liquefied flammable gas or other hazardous materials.

(788) (2) From 6:30 a.m. to 8:30 a.m. and from 3:30 p.m. to 5:30 p.m., Monday through Friday, except Federal holidays:

(789) (i) Need not open for the passage of recreational or commercial vessels that do not qualify under paragraph (d)(2)(ii) of this section.

(790) (ii) Need not open for commercial cargo vessels, including tugs, and tugs with tows, unless 2 hours advance notice has been given to the Gilmerton Bridge at 757-545-1512.

(791) (3) Shall open on signal at all other times.

(792) (e) The draw of the Norfolk Southern #7 Railroad Bridge, mile 5.8 in Chesapeake, shall operate as follows:

(793) (1) The draw shall be remotely controlled by the operator at the Norfolk Southern #5 Railroad Bridge office over the Eastern Branch of the Elizabeth River, at mile 1.1, in Norfolk.

(794) (2) The draw shall be left in the open position to vessels and will only be closed for the passage of trains and to perform periodic maintenance authorized in accordance with subpart A of this part.

(795) (3) Trains shall be controlled so that any delay in opening of the draw shall not exceed ten minutes except as provided in §117.31(b).

(796) (4) Before the bridge closes for any reason, the off-site remote operator will monitor waterway traffic in the area with closed circuit cameras and motion sensors mounted on the bridge. The bridge will only be closed if the off-site remote operator's visual inspection shows that the channel is clear and there are no vessels transiting in the area.

(797) (5) While the bridge is moving from the full open position to the full closed position, the off-site remote operator will maintain constant surveillance of the navigation channel to ensure that no conflict with maritime traffic exists. In the event of failure or obstruction, the off-site remote operator will stop and return the bridge to the full open position to vessels. In the event of a failure or obstruction, a bridge tender must be called by the off-site remote operator and must be on-site within 30 minutes of the call to operate the bridge.

(798) (6) During closing of the span, the channel traffic lights will change from flashing green to flashing red, the horn will sound twice, and an audio voice warning device will announce bridge movement, then two repeat blasts of the horn will sound until the bridge is seated and locked down. When the bridge is seated and locked down to vessels, the channel traffic lights will flash red.

(799) (7) During the open span movement, the channel traffic lights will flash red, the horn will sound twice, followed by a pause, and then five repeat blasts of the horn will sound until the bridge is in the full open position to vessels. In the full open position to vessels, the bridge channel traffic lights will turn from flashing red to flashing green then an audio warning device will announce bridge movement by stating "Security, security, security, the Norfolk Southern #7 Railroad Bridge at mile 5.8 is open for river traffic".

(800) (8) Operational information will be provided 24 hours a day on marine channel 13 and via telephone 757-924-5320.

(801) (f) The draw of the I-64 bridge across the South Branch of the Elizabeth River, mile 7.1 at Chesapeake, shall open on signal if at least 24 hours notice is given.

(802) (g) The draw of the Dominion Boulevard (US 17) bridge, mile 8.8 in Chesapeake:

(803) (1) Shall open on signal at any time for commercial vessels carrying liquefied flammable gas or other hazardous materials.

(804) (2) From 6:30 a.m. to 8:30 a.m. and from 4 p.m. to 6 p.m., Monday through Friday, except Federal holidays:

(805) (i) Need not open for the passage of recreational or commercial vessels that do not qualify under paragraph (g)(2)(ii) of this section.

(806) (ii) Need not open for commercial cargo vessels, including tugs, and tugs with tows, unless 2 hours advance notice has been given to the Dominion Boulevard bridge at 757-547-0521.

(807) (3) From Memorial Day to Labor Day, from 8:30 a.m. to 4 p.m., Monday through Friday, except Federal holidays, the draw need be opened only every hour on the half-hour.

(808) (4) If any vessel is approaching the bridge and cannot reach the draw exactly on the half hour, the drawtender may delay the opening up to ten minutes past the half hour for the passage of the approaching vessel and any other vessels that are waiting to pass.

(809) (5) Shall open on signal at all other times.

(810) (h) The draw of the S168 bridge, mile 12 at Chesapeake (Great Bridge), shall open on signal; except that, from 6 a.m. to 7 p.m., the draw need be opened only on the hour. If any vessel is approaching the bridge and cannot reach the draw exactly on the hour, the drawtender may delay the hourly opening up to 10 minutes past the hour for the passage of the approaching vessel and any other vessels that are waiting to pass. Vessels in an emergency condition which presents danger to life or property shall be passed at any time.

(811) (i) The draw of the Albemarle & Chesapeake Railroad bridge, mile 13.9, in Chesapeake, Virginia, shall be maintained in the open position; the draw may close only for the crossing of trains and maintenance of the bridge. When the draw is closed, a bridgetender shall be present to reopen the draw after the train has cleared the bridge.

(812) (j) The draw of the Centerville Turnpike (SR170) bridge across the Albemarle and Chesapeake Canal, mile 15.2, at Chesapeake:

(813) (1) Shall open on signal at any time for commercial vessels carrying liquefied flammable gas or other hazardous materials.

(814) (2) From 6:30 a.m. to 8:30 a.m. and from 4 p.m. to 6 p.m., Monday through Friday, except Federal holidays:

(815) (i) Need not open for the passage of recreational or commercial vessels that do not qualify under paragraph (i)(2)(ii) of this section.

(816) (ii) Need not open for commercial cargo vessels, including tugs, and tugs with tows, unless 2 hours advance notice has been given to the Centerville Turnpike bridge at (757) 547-3632.

(817) (3) From 8:30 a.m. to 4 p.m., Monday through Friday, except Federal holidays, the draw need only be opened on the hour and half hour.

(818) (4) If any vessel is approaching the bridge and cannot reach the draw exactly on the hour or half hour, the drawtender may delay the opening ten minutes past the hour or half hour for the passage of the approaching vessel and any other vessels that are waiting to pass.

(819) (5) Shall open on signal at all other times.

§117.1001 Cat Point Creek.

(820) The draw of the S634 bridge, mile 0.3 at Naylors, need not be opened for the passage of vessels.

§117.1003 Chickahominy River.

(821) The draw of the highway bridge, mile 1.5 at Barrets Ferry, shall open on signal; except that, from 11 p.m. to 7 a.m., the draw shall open on signal if at least 12 hours notice is given.

§117.1005 Chincoteague Channel

(822) The draw of the SR 175 Bridge, mile 3.5, at Chincoteague shall open on demand from midnight to 6 a.m., and on the hour from 6 a.m. to midnight, except that from 7 a.m. to 5 p.m. on the last consecutive Wednesday and Thursday in July of every year, the draw need not be opened.

§117.1007 Elizabeth River–Eastern Branch.

(823) (a) The draw of the Norfolk Southern Railroad Bridge (NS #V2.8), mile 2.7 at Norfolk, shall operate as follows:

(824) (1) The draw shall remain in the open position for navigation. The draw shall only be closed for train crossings or periodic maintenance authorized in accordance with subpart A of this part.

(825) (2) The bridge shall be operated by the controller at the Norfolk Southern Railroad Bridge (NS #5), mile 1.1, over the Eastern Branch of the Elizabeth River in Norfolk, VA. The controller shall monitor vessel traffic with closed circuit cameras and infrared sensors covering the swing radius. Operational information will be provided 24 hours a day on marine channel 13 and via telephone 757-446-5320.

(826) (3) The bridge shall not be operated from the remote location in the following events: Failure or obstruction of the infrared sensors, closed-circuit cameras

or marine-radio communications, or anytime controller's visibility is inhibited. In these situations, a bridge tender with Norfolk Southern must be called to operate the bridge on-site.

(827) (4) Before the bridge closes for any reason, the remote operator will monitor waterway traffic in the area. The bridge shall only be closed if the off-site remote operator's visual inspection shows that the channel is clear and there are no vessels transiting in the area. While the bridge is moving, the operator shall maintain constant surveillance of the navigation channel.

(828) (5) Before closing the draw, the channel traffic lights will change from flashing green to flashing red, the horn will sound five short blasts, and an audio voice warning stating, "Attention, Attention. Norfolk Southern's Railroad Bridge over the Eastern Branch of the Elizabeth River at milepost 2.7 will be closing to river traffic." Five short blasts of the horn will continue until the bridge is seated and locked down to vessels, the channel traffic lights will continue to flash red.

(829) (6) When the rail traffic has cleared, the horn will sound one prolonged blast followed by one short blast to indicate that the draw is opening to vessel traffic. During the opening swing movement, the channel traffic lights will flash red until the bridge returns to the fully open position. In the full open position to vessels, the bridge channel lights will flash green followed by an announcement stating, "Security, security, security. Norfolk Southern Railroad Bridge at mile 2.7 is open for river traffic." Vessels shall stay clear of both channels as to not interfere with infrared detectors, until green lights are displayed on the swing span.

(830) (b) The draw of the Berkley Bridge mile 0.4, at Norfolk, shall remain closed one hour prior to the published start of a scheduled marine event regulated under §100.501, and shall remain closed until one hour following the completion of the event unless the Patrol Commander designated under §100.501 allows the bridge to open for commercial vessel traffic.

(831) (c) The draw of the Berkley Bridge, mile 0.4 in Norfolk–

(832) (1) Shall open on signal at any time, except from 5 a.m. to 9 a.m. and from 3 p.m. to 7 p.m., Monday through Friday, except Federal holidays.

(833) (2) From 5 a.m. to 9 a.m. and from 3 p.m. to 7 p.m., Monday through Friday, except Federal holidays, shall open at any time for commercial vessels with a draft of 18 feet or more, provided that at least 6 hours advance notice has been given to the Berkley Bridge Traffic Control room at (757) 494-2490.

§117.1013 Kinsale Creek.

(834) The draw of the state highway bridge, mile 4.0, at Kinsale need not be opened for the passage of vessels.

§117.1015 Mattaponi River.

(835) The draws of the Lord Delaware (S33) bridge, mile 0.8 at West Point, and the S629 bridge, mile 28.5 at Walkerton, shall open on signal if at least 24 hours notice is given. The drawtender service for either bridge shall be increased to the degree determined to be adequate within 30 days after written notice is received from the District Commander to do so.

§117.1021 North Landing River.

(836) The draw of the S165 bridge, mile 20.2 at Chesapeake, shall open on signal; except that, from 6 a.m. to 7 p.m., the draw need be opened only on the hour and half hour for the passage of pleasure craft. Public vessels of the United States, commercial vessels, and vessels in an emergency endangering life or property shall be passed at any time.

(837) **Note:** Call signs and radio channels for drawbridges equipped with radiotelephones are included with the bridge descriptions in chapters 4 through 15.

§117.1023 Pamunkey River.

(838) (a) The draw of the Eltham Bridge (SR33/30), mile 1.0, located in West Point, Virginia, shall open on signal; except that, the bridge need not open for commercial crabbing and fishing vessels and recreational vessels on Mondays through Fridays, except Federal Holidays, from 7 a.m. to 9 a.m., 12 noon to 1 p.m. and 4 p.m. to 6 p.m., at all other times, the bridge will open for these vessels only on the hour, Monday through Friday, except Federal holidays.

(839) (b) Public vessels of the United States and vessels in an emergency involving danger to life or property shall be passed at any time.

§117.1025 York River.

(840) (a) The Coleman Memorial Bridge, mile 7.0 at Yorktown, shall open on signal; except from 5 a.m. to 8 a.m. and 3 p.m. to 7 p.m., Monday through Friday, except Federal holidays, the bridge shall remain closed to navigation.

(841) (b) The bridge shall be opened at anytime for vessels in an emergency which presents danger to life or property.

Part 157–Rules for the Protection of the Marine Environment relating to Tank Vessels carrying Oil in Bulk (in part).

For a complete description of this part see 33 CFR 157.

Subpart A–General

§157.01 Applicability.

(842) (a) Unless otherwise indicated, this part applies to each vessel that carries oil in bulk as cargo and that is:

(843) (1) Documented under the laws of the United States (a U.S. vessel); or

(844) (2) Any other vessel that enters or operates in the navigable waters of the United States, or that operates, conducts lightering under 46 U.S.C 3715, or receives cargo from or transfers cargo to a deepwater port under 33 U.S.C. 1501 et seq, in the United States Exclusive Economic Zone, as defined in 33 U.S.C. 2701(8).

(845) (b) This part does not apply to a vessel exempted under 46 U.S.C. 2109 or 46 U.S.C. 3702.

§157.03 Definitions.

(846) Except as otherwise stated in a subpart:

(847) Amidships means the middle of the length.

(848) *Animal fat* means a non-petroleum oil, fat, or grease derived from animals and not specifically identified elsewhere in this part.

(849) *Ballast voyage* means the voyage that a tank vessel engages in after it leaves the port of final cargo discharge.

(850) *Breadth or B* means the maximum molded breadth of a vessel in meters.

(851) *Cargo tank length* means the length from the forward bulkhead of the forward most cargo tanks, to the after bulkhead of the aftermost cargo tanks.

(852) *Center tank* means any tank inboard of a longitudinal bulkhead.

(853) *Clean ballast* means ballast which:

(854) (1) If discharged from a vessel that is stationary into clean, calm water on a clear day, would not–

(855) (i) Produce visible traces of oil on the surface of the water or on adjoining shore lines; or

(856) (ii) Cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shore lines; or

(857) (2) If verified by an approved cargo monitor and control system, has an oil content that does not exceed 15 p.m.

(858) *Combination carrier* means a vessel designed to carry oil or solid cargoes in bulk.

(859) *Crude oil* means any liquid hydrocarbon mixture occurring naturally in the earth, whether or not treated to render it suitable for transportation, and includes crude oil from which certain distillate fractions may have been removed, and crude oil to which certain distillate fractions may have been added.

(860) *Deadweight or DWT* means the difference in metric tons between the lightweight displacement and the total displacement of a vessel measured in water of specific gravity 1.025 at the load waterline corresponding to the assigned summer freeboard.

(861) *Dedicated clean ballast tank* means a cargo tank that is allocated solely for the carriage of clean ballast.

(862) *Domestic trade* means trade between ports or places within the united States, its territories and possessions, either directly or via a foreign port including trade on the navigable rivers, lakes, and inland waters.

(863) *Double bottom* means watertight protective spaces that do not carry any oil and which separate the bottom of tanks that hold any oil within the cargo tank length from the outer skin of the vessel.

(864) *Double hull* means watertight protective space that do not carry any oil and which separate the sides, bottom, forward end, and aft and aft end of tanks that hold any oil within the cargo tank length from the outer skin of the vessel as prescribed in §157.10d.

(865) *Doubles sides* means watertight protective spaces that do not carry any oil and which separate the sides of tanks that hold any oil within the cargo tank length from the outer skin of the vessel.

(866) *Existing vessel* means any vessel that is not a new vessel.

(867) *Fleeting or assist towing vessel* means any commercial vessel engaged in towing astern, alongside, or pushing ahead, used solely within a limited geographic area, such as a particular barge fleeting area or commercial facility, and used solely for restricted service, such as making up or breaking up larger tows.

(868) *Foreign trade* means any trade that is not domestic trade.

(869) *From the nearest land* means from the baseline from which the territorial sea of the United States is established in accordance with international law.

(870) *Fuel oil* means any oil used as fuel for machinery in the vessel in which it is carried.

(871) *Inland vessel* means a vessel that is not oceangoing and that does not operate on the Great Lakes.

(872) *Instantaneous rate of discharge of oil content* means the rate of discharge of oil in liters per hour at any instant, divided by the speed of the vessel in knots at the same instant.

(873) *Integrated tug barge* means a tug and a tank barge with a mechanical system that allows the connection of the propulsion unit (the tug) to the stern of the cargo

carrying unit (the tank barge) so that the two vessels function as a single self-propelled vessel.

(874) Large primary structural member includes any of the following:

(875) (1) Web frames.

(876) (2) Girders.

(877) (3) Webs.

(878) (4) Main brackets.

(879) (5) Transverses.

(880) (6) Stringers.

(881) (7) Struts in transverse web frames when there are 3 or more struts and the depth of each is more than 1/15 of the total depth of the tank.

(882) *Length or L* means the distance in meters from the fore side of the stem to the axis of the rudder stock on a waterline at 85 percent of the least molded depth measured from the molded baseline, or 96 percent of the total length on that waterline, whichever is greater. In vessels designed with drag, the waterline is measured parallel to the designed waterline.

(883) *Lightweight* means the displacement of a vessel in metric tons without cargo, fuel oil, lubricating oil, ballast water, fresh water, and feedwater in tanks, consumable stores, and any persons and their effects.

(884) *Major conversion* means a conversion of an existing vessel that:

(885) (1) Substantially alters the dimensions or carrying capacity of the vessel, except a conversion that includes only the installation of segregated ballast tanks, dedicated clean ballast tanks, a crude oil washing system, double sides, a double bottom, or a double hull;

(886) (2) Changes the type of vessel;

(887) (3) Substantially prolongs the vessel's service life; or

(888) (4) Otherwise so changes the vessel that it is essentially a new vessel, as determined by the Commandant (G-MOC).

(889) *MARPOL 73/78* means the International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978 relating to that Convention. A copy of MARPOL 73/78 is available from the International Maritime Organization, 4 Albert Embankment, London, SE1 7SR, England.

(890) *New vessel* means:

(891) (1) A U.S. vessel in domestic trade that:

(892) (i) Is constructed under a contract awarded after December 31, 1974;

(893) (ii) In the absence of a building contract, has the keel laid or is at a similar stage of construction after June 30, 1975;

(894) (iii) Is delivered after December 31, 1977; or

(895) (iv) Has undergone a major conversion for which:

(896) (A) The contract is awarded after December 31, 1974;

(897) (B) In the absence of a contract, conversion is begun after June 30, 1975; or

(898) (C) Conversion is completed after December 31, 1977; and

(899) (2) A foreign vessel or a U.S. vessel in foreign trade that;

(900) (i) Is constructed under a contract awarded after December 31, 1975;

(901) (ii) In the absence of a building contract, has the keel laid or is at a similar stage of construction after June 30, 1976;

(902) (iii) Is delivered after December 31, 1979; or

(903) (iv) Has undergone a major conversion for which:

(904) (A) The contract is awarded after December 31, 1975;

(905) (B) In the absence of a contract, conversion is begun after June 30, 1976; or

(906) (C) Conversion is completed after December 31, 1979.

(907) *Non-petroleum oil* means oil of any kind that is not petroleum-based. It includes, but is not limited to, animal fat and vegetable oil.

(908) *Oceangoing* has the same meaning as defined in §151.05 of this chapter.

(909) *Officer in charge of a navigational watch* means any officer employed or engaged to be responsible for navigating or maneuvering the vessel and for maintaining a continuous vigilant watch during his or her periods of duty and following guidance set out by the master, international or national regulations, and company policies.

(910) *Oil* means oil of any kind or in any form including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil. This includes liquid carbons as well as animal and vegetable oils.

(911) *Oil cargo residue* means any residue of oil cargo whether in solid, semi-solid, emulsified, or liquid form from cargo tanks and cargo pump room bilges, including but not limited to, drainages, leakages, exhausted oil, muck, clingage, sludge, bottoms, paraffin (wax), and any constituent component of oil. The term "oil cargo residue" is also known as "cargo oil residue".

(912) *Oil residue* means–

(913) (1) Oil cargo residue; and

(914) (2) Other residue of oil whether in solid, semi-solid, emulsified, or liquid form, resulting from drainages, leakages, exhausted oil, and other similar occurrences from machinery spaces.

(915) *Oil spill response vessel* means a vessel that is exclusively dedicated to operations to prevent or mitigate environmental damage due to an actual or impending accidental oil spill. This includes a vessel that performs routine service as an escort for a tank vessel, but

excludes a vessel that engages in any other commercial activity, such as the carriage of any type of cargo.

(916) *Oil tanker* means a vessel that is constructed or adapted primarily to carry crude oil or products in bulk as cargo. This includes a tank barge, a tankship, and a combination carrier, as well as a vessel that is constructed or adapted primarily to carry noxious liquid substances in bulk as cargo and which also carries crude oil or products in bulk as cargo.

(917) *Oil mixture* means a mixture, in any form, with any oil content. "Oily mixture" includes, but is not limited to–

(918) (1) Slops from bilges;

(919) (2) Slops from oil cargoes (such as cargo tank washings, oily waste, and oily refuse);

(920) (3) Oil residue; and

(921) (4) Oily ballast water from cargo or fuel oil tanks, including any oil cargo residue.

(922) *Other non-petroleum oil* means an oil of any kind that is not petroleum oil, an animal fat, or a vegetable oil.

(923) *Permeability of a space* means the ratio of volume within a space that is assumed to be occupied by water to the total volume of that space.

(924) *Petroleum oil* means petroleum in any form, including but not limited to, crude oil, fuel oil, sludge, oil residue, and refined products.

(925) *Primary towing vessel* means any vessel engaged in towing astern, alongside, or pushing ahead and includes the tug in an integrated tug barge. It does not include fleeting or assist towing vessels.

(926) *Product* means any liquid hydrocarbon mixture in any form, except crude oil, petrochemicals, and liquefied gases.

(927) *Segregated ballast* means the ballast water introduced into a tank that is completely separated from the cargo oil and fuel oil system and that is permanently allocated to the carriage of ballast.

(928) *Slop tank* means a tank specifically designed for the collection of cargo drainings, washings, and other oily mixtures.

(929) *Tank* means an enclosed space that is formed by the permanent structure of a vessel, and designated for the carriage of liquid in bulk.

(930) *Tank barge* means a tank vessel not equipped with a means of self-propulsion.

(931) *Tank vessel* means a vessel that is constructed or adapted primarily to carry, or that carries, oil or hazardous material in bulk as cargo or cargo residue, and that–

(932) (1) Is a vessel of the United States;

(933) (2) Operates on the navigable waters of the United States; or

(934) (3) Transfers oil or hazardous material in a port or place subject to the jurisdiction of the United States. This does not include an offshore supply vessel, or a fishing vessel or fish tender vessel of not more than 750 gross tons when engaged only in the fishing industry.

(935) *Tankship* means a tank vessel propelled by mechanical power or sail.

(936) *Vegetable oil* means a non-petroleum oil or fat not specifically identified elsewhere in this part that is derived from plant seeds, nuts, kernels, or fruits.

(937) *Wing tank* means a tank that is located adjacent to the side shell plating.

Subpart B–Design, Equipment, and Installation

§157.08 Applicability of Subpart B.

(938) **NOTE:** An "oil tanker" as defined in §157.03 includes barges as well as self-propelled vessels.

(939) (a) Sections 157.10d and 157.11(g) apply to each vessel to which this part applies.

(940) (b) Sections 157.11 (a) through (f), 157.12, 157.15, 157.19(b)(3), 157.33, and 157.37 apply to each vessel to which this part applies that carries 200 cubic meters or more of crude oil or products in bulk as cargo, as well as to each oceangoing oil tanker to which this part applies of 150 gross tons or more. These sections do not apply to a foreign vessel which remains beyond the navigable waters of the United States and does not transfer oil cargo at a port or place subject to the jurisdiction of the United States.

(941) (c) Section 157.21 applies to each oil tanker to which this part applies of 150 gross tons or more that is oceangoing or that operates on the Great Lakes. This section does not apply to a foreign vessel which remains beyond the navigable waters of the United States and does not transfer oil cargo at a port or place subject to the jurisdiction of the United States.

(942) (d) Sections in subpart B of 33 CFR part 157 that are not specified in paragraphs (a) through (c) of this section apply to each oceangoing oil tanker to which this part applies of 150 gross tons or more, unless otherwise indicated in paragraphs (e) through (m) of this section. These sections do not apply to a foreign vessel which remains beyond the navigable waters of the United States and does not transfer oil cargo at a port or place subject to the jurisdiction of the United States.

(943) (e) Sections 157.11 (a) through (f), 157.12, and 157.15 do not apply to a vessel, except an oil tanker, that carries less than 1,000 cubic meters of crude oil or products in bulk as cargo and which retains oil mixtures on board and discharges them to a reception facility.

(944) (f) Sections 157.11 (a) through (f), 157.12, 157.13, and 157.15 do not apply to a tank vessel that carries only asphalt, carbon black feedstock, or other products with similar physical properties, such as specific gravity and cohesive and adhesive characteristics, that inhibit effective product/water separation and monitoring.

(945) (g) Sections 157.11 (a) through (f), 157.12, 157.13, 157.15, and 157.23 do not apply to a tank barge that cannot ballast cargo tanks or wash cargo tanks while underway.

(946) (h) Sections 157.19 and 157.21 do not apply to a tank barge that is certificated by the Coast Guard for limited short protected coastwise routes if the barge is otherwise constructed and certificated for service exclusively on inland routes.

(947) (i) Section 157.09(d) does not apply to any:

(948) (1) U.S. vessel in domestic trade that is constructed under a contract awarded before January 8, 1976;

(949) (2) U.S. vessel in foreign trade that is constructed under a contract awarded before April 1, 1977; or

(950) (3) Foreign vessel that is constructed under a contract awarded before April 1, 1977.

(951) (j) Sections 157.09 and 157.10a do not apply to a new vessel that:

(952) (1) Is constructed under a building contract awarded after June 1, 1979;

(953) (2) In the absence of a building contract, has the keel laid or is at a similar stage of construction after January 1, 1980;

(954) (3) Is delivered after June 1, 1982; or

(955) (4) Has undergone a major conversion for which:

(956) (i) The contract is awarded after June 1, 1979;

(957) (ii) In the absence of a contract, conversion is begun after January 1, 1980; or

(958) (iii) Conversion is completed after June 1, 1982.

(959) (k) Sections 157.09(b)(3), 157.10(c)(3), 157.10a(d)(3), and 157.10b(b)(3) do not apply to tank barges.

(960) (l) Section 157.10b does not apply to tank barges if they do not carry ballast while they are engaged in trade involving the transfer of crude oil from an offshore oil exploitation or production facility on the Outer Continental Shelf of the United States.

(961) (m) Section 157.12 does not apply to a U.S. vessel that:

(962) (1) Is granted an exemption under Subpart F of this part; or

(963) (2) Is engaged solely in voyages that are:

(964) (i) Between ports or places within the United States, its territories or possessions;

(965) (ii) Of less than 72 hours in length; and

(966) (iii) At all times within 50 nautical miles of the nearest land.

(967) (n) Section 157.10d does not apply to:

(968) (1) A vessel that operates exclusively beyond the navigable waters of the United States and the United States Exclusive Economic Zone, as defined in 33 U.S.C. 2701(8);

(969) (2) An oil spill response vessel;

(970) (3) Before January 1, 2015–

(971) (i) A vessel unloading oil in bulk as cargo at a deepwater port licensed under the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.); or

(972) (ii) A delivering vessel that is offloading oil in bulk as cargo in lightering activities–

(973) (A) Within a lightering zone established under 46 U.S.C. 3715(b)(5); and

(974) (B) More than 60 miles from the territorial sea base line, as defined in 33 CFR 2.05–10.

(975) (4) A vessel documented under 46 U.S.C., Chapter 121, that was equipped with a double hull before August 12, 1992;

(976) (5) A barge of less than 1,500 gross tons as measured under 46 U.S.C., Chapter 145, carrying refined petroleum in bulk as cargo in or adjacent to waters of the Bering Sea, Chuckchi Sea, and Arctic Ocean and waters tributary thereto and in the waters of the Aleutian Islands and the Alaskan Peninsula west of 155 degrees west longitude; or

(977) (6) A vessel in the National Defense Reserve Fleet pursuant to 50 App. U.S.C. 1744.

§157.10d Double hulls on tank vessels.

(978) (a) With the exceptions stated in §157.08(n), this section applies to a tank vessel–

(979) (1) For which the building contract is awarded after June 30, 1990;

(980) (2) That is delivered after December 31, 1993;

(981) (3) That undergoes a major conversion for which;

(982) (i) The contract is awarded after June 30, 1990; or

(983) (ii) Conversion is completed after December 31, 1993; or

(984) (4) That is otherwise required to have a double hull by 46 U.S.C. 3703a(c).

(985) (b) Each vessel to which this section applies must be fitted with:

(986) (1) A double hull in accordance with this section; and

(987) (2) If §157.10 applies, segregated ballast tanks and a crude oil washing system in accordance with that section.

(988) (c) Except on a vessel to which §157.10d(d) applies, tanks within the cargo tank length that carry any oil must be protected by double sides and a double bottom as follows:

(989) (1) Double sides must extend for the full depth of the vessel's side or from the uppermost deck, disregarding a rounded gunwale where fitted, to the top of the

double bottom. At any cross section, the molded width of the double side, measured at right angles to the side shell plating, from the side of tanks containing oil to the side shell plating, must not be less than the distance w as shown in Figure 157.10d(c) and specified as follows:

(990) (i) For a vessel of 5,000 DWT and above: w=[0.5+(DWT/20,000)] meters; or, w=2.0 meters (79 in.)., whichever is less, but in no case less than 1.0 meter (39 in.).

(991) (ii) For a vessel of less than 5,000 DWT; w=[0.4+(2.4)(DWT/20,000)] meters, but in no case less than 0.76 meter (30 in.).

(992) (iii) For a vessel to which paragraph (a)(4) of this section applies: w=0.76 meter (30 in.), provided that the double side was fitted under a construction or conversion contract awarded prior to June 30, 1990.

(993) (2) At any cross section, the molded depth of the double bottom, measured at right angles to the bottom shell plating, from the bottom of tanks containing oil to the bottom shell plating, must not be less than the distance h as shown in Figure 157.10d(c) and specified as follows:

(994) (i) For a vessel of 5,000 DWT and above: h=B/15; or, h=2.0 meters (79 in.), whichever is less, but in no case less than 1.0 meter (39 in.).

(995) (ii) For a vessel of less than 5,000 DWT: h=B/15, but in no case less than 0.76 meter (30 in.).

(996) (iii) For a vessel to which paragraph (a)(4) of this section applies: h=B/15; or, h=2.0 meters (79 in.), whichever is the lesser, but in no case less than 0.76 meter (30 in.), provided that the double bottom was fitted under a construction or conversion contract awarded prior to June 30, 1990.

(997) (3) For a vessel built under a contract awarded after September 11, 1992, within the turn of the bilge or at cross sections where the turn of the bilge is not clearly defined, tanks containing oil must be located inboard of the outer shell–

(998) (i) For a vessel of 5,000 DWT and above: At levels up to 1.5h above the base line, not less than distance h, as shown in Figure 157.10d(c) and specified in paragraph (c)(2) of this section. At levels greater than 1.5h above the base line, not less than the distance w, as shown in Figure 157.10d(c) and specified in paragraph (c)(1) of this section.

(999) (ii) For a vessel of less than 5,000 DWT: Not less the distance h above the line of the mid-ship flat bottom, as shown in Figure 157.10d(c)(3)(ii) and specified in paragraph (c)(2) of this section. At levels greater than h above the line of the mid-ship flat bottom, not less than the distance w, as shown in Figure 157.10d(c)(3)(ii) and specified in paragraph (c)(1) of this section.

(1000) (4) For a vessel to which §157.10(b) applies that is built under a contract awarded after September 11, 1992.

(1001) (i) The aggregate volume of the double sides, double bottom, forepeak tanks, and afterpeak tanks must not be less than the capacity of segregated ballast tanks required under §157.10(b). Segregated ballast tanks that may be provided in addition to those required under §157.10(b) may be located anywhere within the vessel.

(1002) (ii) Double side and double bottom tanks used to meet the requirements of §157.10(b) must be located as uniformly as practicable along the cargo tank length. Large inboard extensions of individual double side and double bottom tanks, which result in a reduction of overall side or bottom protection, must be avoided.

(1003) (d) A vessel of less than 10,000 DWT that is constructed and certificated for service exclusively on inland or limited short protected coastwise routes must be fitted with double sides and a double bottom as follows:

(1004) (1) A minimum of 61 cm. (2 ft.) from the inboard side of the side shell plate, extending the full depth of the side or from the main deck to the top of the double bottom, measured at right angles to the side shell; and

(1005) (2) A minimum of 61 cm. (2 ft.) from the top of the bottom shell plating, along the full breadth of the vessel's bottom, measured at right angles to the bottom shell.

(1006) (3) For a vessel to which paragraph (a)(4) of this section applies, the width of the double sides and the depth of the double bottom may be 38 cm. (15 in.), in lieu of the dimensions specified in paragraphs (d)(1) and (d)(2) of this section, provided that the double side and double bottom tanks were fitted under a construction or conversion contract awarded prior to June 30, 1990.

(1007) (4) For a vessel built under a contract awarded after September 11, 1992, a minimum 46 cm. (18 in.) clearance for passage between framing must be maintained throughout the double sides and double bottom.

(1008) (e) Except as provided in paragraph (e)(3) of this section, a vessel must not carry any oil in any tank extending forward of:

(1009) (1) The collision bulkhead; or

(1010) (2) In the absence of a collision bulk-head, the transverse plane perpendicular to the centerline through a point located:

(1011) (i) The lesser of 10 meters (32.8 ft.) or 5 percent of the vessel length, but in no case less than 1 meter (39 in.), aft of the forwarded perpendicular;

(1012) (ii) On a vessel of less than 10,000 DWT tons that is constructed and certificated for service exclusively on

inland or limited short protected coastwise routes, the lesser of 7.62 meters (25 ft.) or 5 percent of the vessel length, but in no case less than 61 cm. (2 ft.), aft of the headlog or stem at the freeboard deck; or

(1013) (iii) On each vessel which operates exclusively as a box or trail barge, 61 cm. (2 ft.) aft of the headlog.

(1014) (3) This paragraph does not apply to independent fuel oil tanks that must be located on or above the main deck within the areas described in paragraphs (e)(1) and (e)(2) of this section to serve adjacent deck equipment that cannot be located further aft. Such tanks must be as small and as far aft as is practicable.

(1015) (f) On each vessel, the cargo tank length must not extend aft to any point closer to the stern than the distance equal to the required width of the double side, as prescribed in §157.10d(c)(1) or §157.10d(d)(1).

Subpart G–Interim Measures for Certain Tank Vessels Without Double Hulls Carrying Petroleum Oils

§157.400 Purpose and applicability.

(1016) (a) The purpose of this subpart is to establish mandatory safety and operational requirements to reduce environmental damage resulting from petroleum oil spills.

(1017) (b) This subpart applies to each tank vessels specified in §157.01 of this part that–

(1018) (1) Is 5,000 gross tons or more;

(1019) (2) Carries petroleum oil in bulk as cargo or oil cargo residue; and

(1020) (3) Is not equipped with a double hull meeting §157.10d of this part, or an equivalent to the requirements of §157.10d, but required to be equipped with a double hull at a date set forth in 46 U.S.C. 3703a (b)(3) and (c)(3).

§157.455 Minimum under-keel clearance.

(1021) (a) The owner or operator of a tankship, that is not fitted with a double bottom that covers the entire cargo tank length, shall provide the tankship master with written under-keel clearance guidance that includes–

(1022) (1) Factors to consider when calculating the ship's deepest navigational draft;

(1023) (2) Factors to consider when calculating the anticipated controlling depth;

(1024) (3) Consideration of weather or environmental conditions; and

(1025) (4) Conditions which mandate when the tankship owner or operator shall be contacted prior to port entry or getting underway; if no such conditions exist, the guidance must contain a statement to that effect.

(1026) (b) Prior to entering the port or place of designation and prior to getting underway, the master of a tankship that is not fitted with the double bottom that covers the entire cargo tank length shall plan the ship's passage using guidance issued under paragraph (a) of this section and estimate the anticipated under-keel clearance. The tankship master and the pilot shall discuss the ship's planned transit including the anticipated under-keel clearance. An entry must be made in the tankship's official log or in other onboard documentation reflecting discussion of the ship's anticipated passage.

(1027) (c) The owner or operator of a tank barge, that is not fitted with a double bottom that covers the entire cargo tank length, shall not permit the barge to be towed unless the primary towing vessel master or operator has been provided with written under-keel clearance guidance that includes–

(1028) (1) Factors to consider when calculating the tank barge's deepest navigational draft;

(1029) (2) Factors to consider when calculating the anticipated controlling depth;

(1030) (3) Consideration of weather or environmental conditions; and

(1031) (4) Conditions which mandate when the tank barge owner or operator shall be contacted prior to port entry or getting underway; if no such conditions exist, the guidance must contain a statement to that effect.

Part 160–Ports and Waterways Safety-General

Subpart A–General:

§160.1 Purpose.

(1032) (a) This subchapter contains regulations implementing the Ports and Waterways Safety Act (33 U.S.C. 1221) and related statutes.

§160.3 Definitions.

(1033) For the purposes of this subchapter:

(1034) *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.

(1035) *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.

(1036) *Commandant* means the Commandant of the United States Coast Guard.

(1037) *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.

(1038) *Deviation* means any departure from any rule in this subchapter.

(1039) *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.

(1040) *ETA* means estimated time of arrival.

(1041) *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.

(1042) *Person* means an individual, firm, corporation, association, partnership, or governmental entity.

(1043) *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.

(1044) *Tanker* means a self-propelled tank vessel constructed or adapted primarily to carry oil or hazardous materials in bulk in the cargo spaces.

(1045) *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.

(1046) *Vehicle* means every type of conveyance capable of being used as a means of transportation on land.

(1047) *Vessel* means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

(1048) *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.

(1049) *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.

(1050) **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.

(1051) *VTS Special Area* means a waterway within a VTS area in which special operating requirements apply.

§160.5 Delegations.

(1052) (a) District Commanders and Captains of the Ports are delegated the authority to establish safety zones.

(1053) (b) Under the provisions of 33 CFR 6.04–1 and 6.04–6, District Commanders and Captains of the Ports have been delegated authority to establish security zones.

(1054) (c) Under the provisions of 33 CFR §1.05–1, District Commanders have been delegated authority to establish regulated navigation areas.

(1055) (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.

§160.7 Appeals.

(1056) (a) Any person directly affected by a safety zone or an order or direction issued under this subchapter (33 CFR Subchapter P) 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.

(1057) (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.

(1058) (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 Office of Marine Safety, Security and Environmental Protection, U.S. Coast Guard, Washington, D.C. 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 Office of 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 Office of Marine Safety, Security and Environmental Protection. The decision of the Assistant Commandant for Office of Marine Safety, Security and Environmental Protection is based upon the materials submitted, without oral argument or presentation. The decision of the Assistant Commandant for Office of Marine Safety, Security and Environmental Protection is issued in writing and constitutes final agency action.

(1059) (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.

Subpart B–Control of Vessel and Facility Operations

§160.101 Purpose.

(1060) 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.

(1061) (a) This subpart applies to any–

(1062) (1) Vessel on the navigable waters of the United States, except as provided in paragraphs (b) and (c) of this section;

(1063) (2) Bridge or other structure on or in the navigable waters of the United States; and

(1064) (3) Land structure or shore area immediately adjacent to the navigable waters of the United States.

(1065) (b) This subpart does not apply to any vessel on the Saint Lawrence Seaway.

(1066) (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–

(1067) (1) Innocent passage through the territorial sea of the United States;

(1068) (2) Transit through the navigable waters of the United States which form a part of an international strait.

§160.105 Compliance with orders.

(1069) Each person who has notice of the terms of an order issued under this subpart must comply with that order.

§160.107 Denial of entry.

(1070) 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.

(1071) (a) To prevent damage to, or 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 those 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–

(1072) (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

(1073) (2) Conduct examinations to assure compliance with the safety equipment requirements for structures.

§160.111 Special orders applying to vessel operations.

(1074) Each District Commander or Captain of the Port may order a vessel to operate or anchor in the manner directed when–

(1075) (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;

(1076) (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

(1077) (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.

(1078) (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.

(1079) (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:

(1080) (1) Fails to comply with any applicable regulation;

(1081) (2)Discharges oil or hazardous material in violation of any law or treaty of the United States;

(1082) (3) Does not comply with applicable vessel traffic service requirements;

(1083) (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.

(1084) (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.

(1085) (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.

§160.115 Withholding of clearance.

(1086) (a) 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.

Subpart C–Notification of Arrivals, Hazardous Conditions, and Certain Dangerous Cargos

§160.201 General.

(1087) This subpart contains requirements and procedures for submitting Notices of Arrival (NOA) and Notice of Hazardous Condition. The sections in this subpart describe:

(1088) (a) Applicability and exemptions from requirements in this subpart;

(1089) (b) Required information in an NOA;

(1090) (c) Required changes to an NOA;

(1091) (d) Methods and times for submission of an NOA and changes to an NOA;

(1092) (e) How to obtain a waiver; and

(1093) (f) Requirements for submission of the Notice of Hazardous Conditions.

§160.202 Applicability.

(1094) (a) This subpart applies to U.S. and foreign vessels bound for or departing from ports or places in the United States.

(1095) (b) This subpart does not apply to recreational vessels under 46 U.S.C. *4301 et seq.*

(1096) (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.

(1097) (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.

(1098) (a) Except for reporting notice of hazardous conditions, the following vessels are exempt from requirements in this subpart:

(1099) (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.

(1100) (2) Oil Spill Recovery Vessels (OSRVs) when engaged in actual spill response operations or during spill response exercises.

(1101) (3) Vessels operating upon the following waters:

(1102) (i) Mississippi River between its sources and mile 235, Above Head of Passes;

(1103) (ii) Tributaries emptying into the Mississippi River above mile 235;

(1104) (iii) Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway and the Red River; and

(1105) (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.

(1106) (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:

(1107) (1) Vessels 300 gross tons or less, except for foreign vessels entering any port or place in the Seventh Coast Guard District as described in 33 CFR 3.35–1(b).

(1108) (2) Vessels operating exclusively within a Captain of the Port Zone.

(1109) (3) Vessels arriving at a port or place under force majeure.

(1110) (4) Towing vessels and barges operating solely between ports or places in the continental United States.

(1111) (5) Public vessels.

(1112) (6) Except for tank vessels, U.S. vessels operating solely between ports or places in the United States on the Great Lakes.

(1113) (c) Vessels less than 500 gross tons need not submit the International Safety Management (ISM) Code Notice (Entry (7) to Table 160.206).

(1114) (d) [Suspended]

(1115) (e) [Suspended]

(1116) (f) U.S. vessels need not submit the International Ship and Port Facility Code (ISPS) Notice information (Entry (9) to Table 160.206).

§160.204 Definitions.

(1117) As used in this subpart:

(1118) *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.

(1119) *Barge* means a non-self propelled vessel engaged in commerce.

(1120) *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.

(1121) *Certain dangerous cargo* (CDC) includes any of the following:

(1122) (1) Division 1.1 or 1.2 explosives as defined in 49 CFR 173.50.

(1123) (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.

(1124) (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.

(1125) (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.

(1126) (5) A liquid material that has a primary or subsidiary classification of Division 6.1 "poisonous material" as listed 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.

(1127) (6) Class 7, "highway route controlled quantity" radioactive material or "fissile material, controlled shipment," as defined in 49 CFR 173.403.

(1128) (7) Bulk liquefied chlorine gas and Bulk liquefied gas cargo that is flammable and/or toxic and carried under 46 CFR 154.7.

(1129) (8) The following bulk liquids:

(1130) (i) Acetone cyanohydrin,

(1131) (ii) Allyl alcohol,

(1132) (iii) Chlorosulfonic acid,

(1133) (iv) Crotonaldehyde,

(1134) (v) Ethylene chlorohydrin,

(1135) (vi) Ethylene dibromide,

(1136) (vii) Methacrylonitrile, and

(1137) (viii) Oleum (fuming sulfuric acid).

(1138) (9) Ammonium nitrate and ammonium nitrate base fertilizers, in bulk, listed as a Division 5.1 material in 49 CFR 172.101.

(1139) (10) Propylene oxide, alone or mixed with ethylene oxide, in bulk.

(1140) *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."

(1141) *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.

(1142) *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.

(1143) *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.

(1144) *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.

(1145) *Nationality* means the state (nation) in which a person is a citizen or to which a person owes permanent allegiance.

(1146) *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.

(1147) *Persons in addition to crewmembers* mean any person onboard the vessel, including passengers, who are not included on the list of crewmembers.

(1148) *Port or place of departure* means any port or place in which a vessel is anchored or moored.

(1149) *Port or place of destination* means any port or place in which a vessel is bound to anchor or moor.

(1150) *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.

(1151) *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.

(1152) *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.

(1153) (a) Each NOA must contain all of the information items specified in Table 160.206.

(1154) (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.

(1155) (c) You may submit a copy of INS Form I–418 to meet the requirements of entries (4) and (5) in Table 160.206.

(1156) (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 and departure 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 charges to an NOA.

§160.208 Changes to a submitted NOA.

(1157) (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.

(1158) (b) Changes in the following information need not be reported:

(1159) (1) Changes in arrival or departure times that are less than six (6) hours;

(1160) (2) Changes in vessel location or position of the vessel at the time of reporting (entry (2)(vi) to Table 160.206); and

TABLE 160.206.—NOA INFORMATION ITEMS

Required information	Vessels not carrying CDC	Vessels Carrying CDC	
		Vessels	Towing vessels controlling vessels carrying CDC
(1) Vessel Information:			
(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
(2) Voyage Information:			
(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
(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) Cargo Information:			
(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) Information for each Crewmember Onboard:			
(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) Information for each Person Onboard in Addition to Crew:	X	X	X
(i) Full name;	X	X	X

TABLE 160.206.—NOA INFORMATION ITEMS

Required information	Vessels not carrying CDC	Vessels Carrying CDC	
		Vessels	Towing vessels controlling vessels carrying CDC
(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)			
(6) Operational condition of equipment required by §164.35 of this chapter	X	X	X
(7) International Safety Management (ISM) Code Notice:			
(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) [Suspended]	X	X	X
(9) International Ship and Port Facility Code (ISPS) Notice:*	X	X	X
(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 therefore;	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.

(1161) (3) Changes to crewmembers' position or duties on the vessel (entry (5)(v) to Table 160.206).

(1162) (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.

(1163) (a) [Suspended]

(1164) (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.

(1165) (c) *Seventh Coast Guard District*. Those foreign 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).

(1166) (d) [Suspended]

(1167) (e) *Submission to the National Vessel Movement Center (NVMC)*. Except as provided in paragraphs (b) and (c) of this section, vessels must submit NOA information required by §160.206 (entries 1-9 to Table 160.206) to the NVMC, United States Coast Guard, 408 Coast Guard Drive, Kearneysville, WV 25430, By:

(1168) (1) Electronic submission via the electronic NOA (e-NOA) available on the NVMC web site at http://www.nvmc.uscg.gov.

(1169) (2) Electronic submission via web service of formatted XML (eXtensible Markup Language) documents. E-mail sans@nvmc.uscg.gov to ask for the XML schema details;

(1170) (3) E-mail at sans@nvmc.uscg.gov. Workbook available at http://www.nvmc.uscg.gov;

(1171) (4) Fax at 1-800-547-8724 or 304-264-2684. Workbook available at http://www.nvmc.uscg.gov; or,

(1172) (5) Telephone at 1-800-708-9823 or 304-264-2502.

§160.212 When to submit an NOA.

(1173) (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.

(1174) (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.

(1175) (3) Times for submitting NOAs areas follows:

If your voyage time is–	You must submit an NOA–
(i) 96 hours or more; or	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.

(1176) (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.

(1177) (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.

(1178) (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.

(1179) (c) [Suspended]

§160.214 Waivers.

(1180) 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.

(1181) 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

General Rules

§161.1 Purpose and Intent.

(1182) (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.

(1183) (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.

(1184) (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.

(1185) (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 regulations (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.

(1186) For the purposes of this part:

(1187) *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.

(1188) *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:

(1189) (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.

(1190) (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.

(1191) (3) Vessel characteristics that affect or restrict maneuverability, such as cargo arrangement, trim, loaded condition, underkeel clearance, speed, or similar characteristics.

(1192) *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.

(1193) *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.

(1194) *Towing Vessel* means any commercial vessel engaged in towing another vessel astern, alongside, or by pushing ahead.

(1195) *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).

(1196) *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).

(1197) *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.

(1198) *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.

(1199) *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.

(1200) *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.

(1201) **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.

(1202) **VTS Special Area** means a waterway within a VTS area in which special operating requirements apply.

(1203) *VTS User* means a vessel, or an owner, operator, charterer, master, or person directing the movement of a vessel, that is:

(1204) (a) Subject to the Vessel Bridge-to-Bridge Radiotelephone Act; or

(1205) (b) Required to participate in a VMRS within a VTS area (VMRS User).

(1206) *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.

§161.3 Applicability.

(1207) 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.

(1208) Each VTS User shall carry on board and maintain for ready reference a copy of these rules.

(1209) **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.

(1210) (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.

(1211) (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 Director. Requests to deviate shall be made as far in advance as practicable. Upon receipt of the request, the VTS Director 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.

(1212) 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:

(1213) (a) Hazardous conditions or circumstances;

(1214) (b) Vessel congestion;

(1215) (c) Traffic density;

(1216) (d) Environmental conditions;

(1217) (e) Aids to navigation status;

(1218) (f) Anticipated vessel encounters;

(1219) (g) Another vessel's name, type, position, hazardous vessel operating conditions, if applicable, and intended navigation movements, as reported;

(1220) (h) Temporary measures in effect;

(1221) (i) A description of local harbor operations and conditions, such as ferry routes, dredging, and so forth;

(1222) (j) Anchorage availability; or

(1223) (k) Other information or special circumstances.

§161.11 VTS measures.

(1224) (a) A VTS may issue measures or directions to enhance navigation and vessel safety and to protect the marine environment, such as, but not limited to:

(1225) (1) Designating temporary reporting points and procedures;

(1226) (2) Imposing vessel operating requirements; or

(1227) (3) Establishing vessel traffic routing schemes.

(1228) (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.

(1229) (a) Subject to the exigencies of safe navigation, a VTS User shall comply with all measures established or directions issued by a VTS.

(1230) (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.

(1231) (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 communicated in the English language.

(1232) **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.

(1233) (d) As soon as practicable a, VTS User shall notify the VTS of any of the following:

(1234) (1) A marine casualty as defined in 46 CFR 4.05-1;

(1235) (2) Involvement in the ramming of a fixed or floating object;

(1236) (3) A pollution incident as defined in §151.15 of this chapter:

(1237) (4) A defect or discrepancy in an aid to navigation;

(1238) (5) A hazardous condition as defined in §160.203 of this chapter;

(1239) (6) Improper operation of vessel equipment required by Part 164 of this chapter;

(1240) (7) A situation involving hazardous materials for which a report is required by 49 CFR 176.48; and

(1241) (8) A hazardous vessel operating condition as defined in §161.2.

§161.13 VTS Special Area Operating Requirements.

(1242) The following operating requirements apply within a VTS Special Area:

(1243) (a) A VTS User shall, if towing astern, do so with as short a hawser as safety and good seamanship permits.

(1244) (b) A VMRS User shall:

(1245) (1) Not enter or get underway in the area without prior approval of the VTS;

(1246) (2) Not enter a VTS Special Area if a hazardous vessel operating condition or circumstance exists;

(1247) (3 Not meet, cross, or overtake any other VMRS User in the area without prior approval of the VTS; and

(1248) (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.

(1249) (a) A Vessel Movement Reporting System (VMRS) is a system used to monitor and track vessel movements within a 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.

(1250) (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, and final).

§161.16 Applicability.

(1251) Unless otherwise stated, the provisions of this subpart apply to the following vessels and VMRS Users:

(1252) (a) Every power-driven vessel of 40 meters (approximately 131 feet) or more in length, while navigating;

(1253) (b) Every towing vessel of 8 meters (approximately 26 feet) or more in length, while navigating; or

(1254) (c) Every vessel certificated to carry 50 or more passengers for hire, when engaged in trade.

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 Berwick Traffic	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	. . . . .	The navigable waters north of 29°N., west of 94°20'W., south of 29°49'N., and east of 95°20'W.
Houston Traffic	156.550 MHz (Ch. 11) . . . . . . 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.
Houston Traffic	156.600 MHz (Ch. 12) . . . . . . 156.250 MHz (Ch. 5A) —For Sailing Plans only	The navigable waters south of a line extending due west from the southern most end of Exxon Dock #1 (20°43.37'N., 95°01.27'W.)
Los Angeles/Long Beach: MMSI/To be determined *San Pedro Traffic*	156.700 MHz (Ch. 14)	*Vessel Movement Reporting System Area*: The navigable waters within a 25 nautical mile radius of Point Fermin Light (33°42.3'N., 118°17.6'W.)
Louisville: Not applicable *Louisville Traffic*	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]—0036699952		
New Orleans Traffic	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)
New Orleans Traffic	156.600 MHz (Ch. 12)	.*New Orleans Sector*. The navigable waters of the Lower Mississippi River bounded on the north by a line drawn perpendicular 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).
New York —003669951 *New York Traffic*	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°41.9'N.; 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.

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]
New York Traffic	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).
New York Traffic	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 *Sabine Traffic*	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 *Valdez Traffic*	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] *Seattle Traffic*—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.
Seattle Traffic—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
Tofino Traffic—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.
Victoria Traffic—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.

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]
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. The requirements set forth in §§161.21 and 164.46 of this subchapter apply in those areas denoted with a MMSI number.

[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 161.46 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.

§161.17 Definitions.

(1255) As used in the subpart:

(1256) *Center* means a Vessel Traffic Center or Vessel Movement Center.

(1257) *Published* means available in a widely-distributed and publicly available medium (e.g., VTS User's Manual, ferry schedule, Notice to Mariners).

§161.18 Reporting requirements.

(1258) (a) A Center may:

(1259) (1) Direct a vessel to provide any of the information set forth in Table 161.18(a) (IMO Standard Ship Reporting System);

(1260) (2) Establish other means of reporting for those vessels unable to report on the designated frequency; or

(1261) (3) Require reports from a vessel in sufficient time to allow advance vessel traffic planning.

(1262) (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).

(1263) (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.

(1264) **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.

(1265) (d) A vessel must report:

(1266) (1) Any significant deviation from its Sailing Plan, as defined in §161.19, or from previously reported information; or

(1267) (2) Any intention to deviate from a VTS issued measure or vessel traffic routing system.

(1268) (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.

§161.19 Sailing Plan (SP).

(1269) Unless otherwise stated, at least 15 minutes before navigating a VTS area, a vessel must report the:

(1270) (a) Vessel name and type;

(1271) (b) Position;

(1272) (c) Destination and ETA;

(1273) (d) Intended route;

(1274) (e) Time and point of entry; and

(1275) (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).

(1276) A vessel must report its name and position:

(1277) (a) Upon point of entry into a VMRS area;

(1278) (b) At designated points as set forth in Subpart C; or

(1279) (c) When directed by the Center.

§161.21 Automated reporting.

(1280) (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.

(1281) (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:

(1282) (1) Notify the Center;

(1283) (2) Make voice radio Position Reports at designated reporting points as required by §161.20(b) of this part; and

(1284) (3) Make any other reports as directed by the Center.

§161.22 Final Report (FR).

(1285) A vessel must report its name and position:

(1286) (a) On arrival at its destination; or

(1287) (b) When leaving a VTS area.

§161.23 Reporting exemptions.

(1288) (a) Unless otherwise directed, the following vessels are exempted from providing Position and Final Reports due to the nature of their operation:

(1289) (1) Vessels on a published schedule and route;

(1290) (2) Vessels operating within an area of a radius of three nautical miles or less; or

(1291) (3) Vessels escorting another vessel or assisting another vessel in maneuvering procedures.

(1292) (b) A vessel described in paragraph (a) of this section must:

(1293) (1) Provide a Sailing Plan at least 5 minutes but not more than 15 minutes before navigating within the VMRS area; and

(1294) (2) If it departs from its promulgated schedule by more than 15 minutes or changes its limited operating

TABLE 161.18(a).--THE IMO STANDARD SHIP REPORTING SYSTEM

ALPHA	Ship	Name, call sign or ship station identity, and flag.
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.
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,
DELTA	Position	True bearing (first 3 digits) and distance (state distance) in nautical miles from a clearly identified landmark (state landmark).
ECHO	True course	A 3 digit group.
FOXTROT	Speed in knots and tenths of knots	A 3 digit group.
GOLF	Port of Departure	Name of last port of call.
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).
INDIA	Destination and expected time of arrival.	Name of port and date time group expressed as in (B).
JULIET	Pilot	State whether a deep sea or local pilot is on board.
KILO	Date, time and point of exit from system.	Exit time expressed as in (B) and exit position expressed as in (C) or (D).
LIMA	Route information	Intended track.
MIKE	Radio	State in full names of communications stations/frequencies guarded.
NOVEMBER	Time of next report	Date time group expressed as in (B).
OSCAR	Maximum present static draught in meters.	4 digit group giving meters and centimeters.
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.
QUEBEC	Defects, damage, deficiencies or limitations.	Brief detail of defects, damage, deficiencies or other limitations.
ROMEO	Description of pollution or dangerous goods lost.	Brief details of type pollution (oil, chemicals, etc) or dangerous goods lost overboard; position expressed as in (C) or (D).
SIERRA	Weather conditions	Brief details of weather and sea conditions prevailing.
TANGO	Ship's representative and/or owner.	Details of name and particulars of ship's representative and/or owner for provision of information.
UNIFORM	Ship size and type	Details of length, breadth, tonnage, and type, etc., as required.
VICTOR	Medical personnel	Doctor, physician's assistant, nurse, no medic.
WHISKEY	Total number of persons on board.	State number.
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.).

area, make the established VMRS reports, or report as directed.

Subpart C–Vessel Traffic Service and Vessel Movement Reporting System Areas and Reporting Points.

(1295) **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.

(1296) 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 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 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 40°43.7'N., 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.

(1297) **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 facilities advance vessel traffic management in the VTS area and to receive VTSNY advisories and/or assistance. .

§161.30 Vessel Traffic Service Louisville.

(1298) 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.

§161.35 Vessel Traffic Service Houston/Galveston.

(1299) (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-Freeport Cut-Off from Mile 346 to Mile 352; Texas City Channel; Texas City Turnin Basin; Texas City 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.

(1300) (b) Precautionary Areas. (Table 161.35(b))

(1301) (c) Reporting Points. (Table 161.35(c))

§161.40 Vessel Traffic Service Berwick Bay.

(1302) (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 (ICM 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.

(1303) (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.

(1304) (c) Reporting Points. (Table 161.40(c))

§161.45 Vessel Traffic Service St. Marys River.

(1305) (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.

(1306) (b) Reporting Points. (Table 161.45(b))

Part 162–Inland Waterways Navigation Regulations

§162.1 General.

(1307) 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.

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

(1308) (a) Power boats or other vessels propelled by machinery shall not proceed at any time within the limits

TABLE 161.35(b)–VTS HOUSTON/GALVESTON PRECAUTIONARY AREAS

Precautionary area name	Radius (yards)	Center Points	
		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
Carpenter 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 Precautionay Area encompasses a circular area of the radius denoted.

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	
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	Tows 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	Tows 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 Reef	HSC Lt 53A and 54 A	29°30.3'N 94°52.4'W	

TABLE 161.35(c)–VTS HOUSTON/GALVESTON REPORTING POINTS

Designator	Geographic name	Geographic description	Latitude/ Longitude	Notes
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 Pont	Barbour's Cut	29°41.0'N 94°58.9'W	Abeam Barbours 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	

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-Atchafalya River	29°43'47"N 91°13'25"W	
2	Berwick Lock	Mile 1.9 MC/PA	29°43'10"N 91°13'28"W	If transiting the Lock.
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 Grand 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	
9	Shaffer Junction	ICW - Bayou Shaffer Mile 94.5 ICW	29°41'10"N 91°11'38"W	

TABLE 161.45(b)–VTS ST. MARYS RIVER REPORTING POINTS

Designator	Geographic name	Geographic description	Latitude/ Longitude	Notes
1	Ile Parisienne	Ile Parisienne Light.	45°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
3	Round Island	Round Island Light 32	46°26.9N 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	

of these waters at a greater speed than 8 statute miles per hour.

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

(1309) (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.

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

(1310) These regulations are given in the description of the canal in chapter 7 of this Coast Pilot.

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

(1311) (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:

(1312) (1) James River Reserve Fleet, Fort Eustis, Virginia.

(1313) (2) Beaumont Reserve Fleet, Neches River near Beaumont, Texas.

(1314) (3) Suisun Bay Reserve Fleet near Benicia, California.

(1315) (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 to do so has first been granted in each case by the enforcing agency.

(1316) (c) The regulations in this section shall be enforced by the respective Fleet Superintendents and such agencies as they may designate.

Part 164–Navigation Safety Regulations (in part).

For a complete description of this part see 33 CFR 164.

§164.01 Applicability.

(1317) (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.

(1318) (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 towing vessel is exempt from the requirements of §164.72 if it is–

(1319) (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;

(1320) (2) Used solely for assistance towing as defined by 46 CFR 10.103;

(1321) (3) Used solely for pollution response; or

(1322) (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.

(1323) (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.

(1324) (d) Provisions of §164.46 apply to some self-propelled vessels of less than 1600 gross tonnage.

§164.02 Applicability exception for foreign vessels.

(1325) (a) Except as provided in §164.46(a)(2) of this part, including §§164.38 and 164.39, this part does not apply to vessels that:

(1326) (1) Are not destined for, or departing from, a port or place subject to the jurisdiction of the United States; and

(1327) (2) Are in:

(1328) (i) Innocent passage through the territorial sea of the United States; or

(1329) (ii) Transit through navigable waters of the United States which form a part of an international strait.

§164.03 Incorporation by reference.

(1330) (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 available for inspection 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.

(1331) (b) The materials approved for incorporation by reference in this part and the sections affected are as follows:

(1332) *American Petroleum Institute (API)*, 1220 L Street NW., Washington, DC 20005

(1333) API Specifications 9A, Specification for Wire Rope, Section 3, Properties and Tests for Wire and Wire Rope, May 28, 1984 . . . . . **164.74**

(1334) *American Society for Testing and Materials (ASTM)*, 100 Barr Harbor Drive, West Conshohocken, PA 19428- 2959.

(1335) ASTM D4268-93, Standard Test Method for Testing Fiber Ropes. **164.74**

(1336) *Cordage Institute*, 350 Lincoln Street, Hingham, MA 02043

(1337) CIA-3, Standard Test Methods for Fiber Rope Including Standard Terminations, Revised, June 1980 . . . . . **164.74**

(1338) **International Electrotechnical Commission (IEC)**

(1339) 3, rue de Varemb, Geneva, Switzerland.

(1340) 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**

(1341) *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 . . . . . **164.13**

(1342) Resolution MSC.74(69), Annex 3, Recommendation on Performance Standards for a Universal

Shipborne Automatic Identification System (AIS), adopted May 12, 1998 . . . . . **164.46**

(1343) SN/Circ.227, Guidelines for the Installation of a Shipborne Automatic Identification System (AIS), dated January 6, 2003 . . . . . **164.46**

(1344) 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**

(1345) 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**

(1346) *International Telecommunication Union Radiocommunication Bureau (ITU-R)*, Place de Nations CH-1211 Geneva 20 Switzerland

(1347) (1) ITU-R Recommendation M.821, Optional Expansion of the Digital Selective-Calling System for Use in the Maritime Mobile Service, 1992 . . . . . **164.43**

(1348) (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**

(1349) 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**

(1350) *Radio Technical Commission for Maritime Services*, 655 Fifteenth Street, NW., Suite 300, Washington, DC 20005

(1351) (1) RTCM Paper 12-78/DO-100, Minimum Performance Standards, Loran C Receiving Equipment, 1977 . . . . . **164.41**

(1352) (2) RTCM Paper 194-93/SC104-STD, RTCM Recommended Standards for Differential NAVSTAR GPS Service, Version 2.1, 1994 . . . . . **164.43**

(1353) (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**

(1354) (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**

§164.11 Navigation underway: General.

(1355) The owner, master, or person in charge of each vessel underway shall ensure that:

(1356) (a) The wheelhouse is constantly manned by persons who–

(1357) (1) Direct and control the movement of the vessel; and

(1358) (2) Fix the vessel's position;

(1359) (b) Each person performing a duty described in paragraph (a) of this section is competent to perform that duty;

(1360) (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;

(1361) (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;

(1362) (e) Buoys alone are not used to fix the vessel's position;

(1363) **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.

(1364) (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;

(1365) (g) Rudder orders are executed as given;

(1366) (h) Engine speed and direction orders are executed as given;

(1367) (i) Magnetic variation and deviation and gyrocompass errors are known and correctly applied by the person directing the movement of the vessel;

(1368) (j) A person whom he has determined is competent to steer the vessel is in the wheelhouse at all times (See 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.);

(1369) (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.

(1370) (1) Current velocity and direction for the area to be transited are known by the person directing the movement of the vessel;

(1371) (m) Predicted set and drift are known by the person directing movement of the vessel;

(1372) (n) Tidal state for the area to be transited is known by the person directing movement of the vessel;

(1373) (o) The vessel's anchors are ready for letting go;

(1374) (p) The person directing the movement of the vessel sets the vessel's speed with consideration for–

(1375) (1) The prevailing visibility and weather conditions;

(1376) (2) The proximity of the vessel to fixed shore and marine structures;

(1377) (3) The tendency of the vessel underway to squat and suffer impairment of maneuverability when there is small underkeel clearance;

(1378) (4) The comparative proportions of the vessel and the channel;

(1379) (5) The density of marine traffic;

(1380) (6) The damage that might be caused by the vessel's wake;

(1381) (7) The strength and direction of the current; and

(1382) (8) Any local vessel speed limit;

(1383) (q) The tests required by§164.25 are made and recorded in the vessel's log; and

(1384) (r) The equipment required by this part is maintained in operable condition.

(1385) (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.

(1386) (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.

(1387) (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.

§164.13 Navigation underway: tankers.

(1388) (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.

(1389) (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.

(1390) (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.

(1391) (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:

(1392) (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).

(1393) (2) A qualified helmsman is present at the helm and prepared at all times to assume manual control.

(1394) (3) The tanker is not operating in any of the following areas:

(1395) (i) The areas of the traffic separation schemes specified in subchapter P of this chapter.

(1396) (ii) The portions of a shipping safety fairway specified in part 166 of this chapter.

(1397) (iii) An anchorage ground specified in part 110 of this chapter.

(1398) (iv) An area within one-half nautical mile of any U.S. shore.

(1399) (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—

(1400) (1) Can maintain a predetermined trackline with a cross track error of less than 10 meters 95 percent of the time;

(1401) (2) Provides continuous position data accurate to within 20 meters 95 percent of the time; and

(1402) (3) Has an immediate override control.

§164.15 Navigation bridge visibility.

(1403) (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:

(1404) (1) From the conning position, the view of the sea surface must not be obscured by more than the lesser of two 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.

(1405) (2) From the conning position, the horizontal field of vision must extend over an arch 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.

(1406) (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.

(1407) (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.

(1408) (b) A clear view must be provided through at least two front windows at all times regardless of weather conditions.

§164.19 Requirements for vessels at anchor.

(1409) The master or person in charge of each vessel that is anchored shall ensure that–

(1410) (a) A proper anchor watch is maintained;

(1411) (b) Procedures are followed to detect a dragging anchor; and

(1412) (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.

§164.25 Tests before entering or getting underway.

(1413) (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:

(1414) (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:

(1415) (i) Each remote steering gear control system.

(1416) (ii) Each steering position located on the navigating bridge.

(1417) (iii) The main steering gear from the alternative power supply, if installed.

(1418) (iv) Each rudder angle indicator in relation to the actual position of the rudder.

(1419) (v) Each remote steering gear control system power failure alarm.

(1420) (vi) Each remote steering gear power unit failure alarm.

(1421) (vii) The full movement of the rudder to the required capabilities of the steering gear.

(1422) (2) All internal vessel control communications and vessel control alarms.

(1423) (3) Standby or emergency generator, for as long as necessary to show proper functioning, including steady state temperature and pressure readings.

(1424) (4) Storage batteries for emergency lighting and power systems in vessel control and propulsion machinery spaces.

(1425) (5) Main propulsion machinery, ahead and astern.

(1426) (b) Vessels navigating on the Great Lakes and their connecting and tributary waters, having once completed the test requirements of this sub-part, are considered to remain in compliance until arriving at the next port of call on the Great Lakes.

(1427) (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.

(1428) (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:

(1429) (1) Operation of the main steering gear from within the steering gear compartment.

(1430) (2) Operation of the means of communications between the navigating bridge and the steering compartment.

(1431) (3) Operation of the alternative power supply for the steering gear if the vessel is so equipped.

§164.30 Charts, publications, and equipment: General.

(1432) 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.

§164.33 Charts and publications.

(1433) (a) Each vessel must have the following:

(1434) (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–

(1435) (i) Are of a large enough scale and have enough detail to make safe navigation of the area possible; and

(1436) (ii) Are currently corrected.

(1437) (2) For the area to be transited, a currently corrected copy of, or applicable currently corrected extract from, each of the following publications:

(1438) (i) U.S. Coast Pilot.

(1439) (ii) Coast Guard Light List.

(1440) (3) For the area to be transited, the current edition of, or applicable current extract from:

(1441) (i) Tide tables published by private entities using data provided by the National Ocean Service.

(1442) (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.

(1443) (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.

(1444) (c) As used in this section, "currently corrected" means corrected with changes contained in all Notices to Mariners published by National Geospatial–Intelligence Agency, or an equivalent foreign government publication, reasonably available to the vessel, and that is applicable to the vessel's transit.

§164.35 Equipment: All vessels.

(1445) Each vessel must have the following:

(1446) (a) A marine radar system for surface navigation.

(1447) (b) An illuminated magnetic steering compass, mounted in a binnacle, that can be read at the vessel's main steering stand.

(1448) (c) A current magnetic compass deviation table or graph or compass comparison record for the steering compass, in the wheelhouse.

(1449) (d) A gyrocompass.

(1450) (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.

(1451) (f) An illuminated rudder angle indicator in the wheelhouse.

(1452) (g) The following maneuvering information prominently displayed on a fact sheet in the wheelhouse:

(1453) (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.

(1454) (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 rudder.

(1455) (3) For each vessel with a fixed propeller, a table of shaft revolutions per minute for a representative range of speeds.

(1456) (4) For each vessel with a controllable pitch propeller, a table of control settings for a representative range of speeds.

(1457) (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.

(1458) (6) The maneuvering information for the normal load and normal ballast condition for–

(1459) (i) Calm weather-wind 10 knots or less, calm sea;

(1460) (ii) No current;

(1461) (iii) Deep water conditions-water depth twice the vessel's draft or greater; and

(1462) (iv) Clean hull.

(1463) (7) At the bottom of the fact sheet, the following statement:

(1464) Warning.

(1465) 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:

(1466) (1) Calm weather-wind 10 knots or less, calm sea;

(1467) (2) No current;

(1468) (3) Water depth twice the vessel's draft or greater;

(1469) (4) Clean hull; and

(1470) (5) Intermediate drafts or unusual trim.

(1471) (h) An echo depth sounding device.

(1472) (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.

(1473) (j) Equipment on the bridge for plotting relative motion.

(1474) (k) Simple operating instructions with a block diagram, showing the changeover procedures for remote steering gear control systems and steering gear power units, permanently displayed on the navigating bridge and in the steering gear compartment.

(1475) (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.

(1476) (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.

(1477) (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.

(1478) (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.

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

(1479) (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.

(1480) **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.

(1481) (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.

§164.38 Automatic radar plotting aids (ARPA).

(1482) (See 33 CFR 164.)

§164.39 Steering gear: Foreign tankers.

(1483) (a) This section applies to each foreign tanker of 10,000 gross tons or more, except a public vessel, that–

(1484) (1) Transfers oil at a port or place subject to the jurisdiction of the United States; or

(1485) (2) Otherwise enters or operates in the navigable waters of the United States, except a vessel described by §164.02 of this part.

(1486) (b) *Definitions*. The terms used in this section are as follows:

(1487) *Constructed* means the same as in Chapter II-1, Regulations 1.1.2 and 1.1.3.1, of SOLAS 74.

(1488) *Existing tanker* means a tanker–

(1489) (1) For which the building contract is placed on or after June 1, 1979;

(1490) (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;

(1491) (3) The delivery of which occurs on or after June 1, 1982; or

(1492) (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.

(1493) *Public vessel, oil, hazardous materials, and foreign vessel* mean the same as in 46 U.S.C. 2101.

(1494) *SOLAS 74* means the International Convention for the Safety of Life at Sea, 1974, as amended.

(1495) *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).

(1496) (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.

(1497) (d) Each tanker constructed before September 1, 1984, must meet the requirements of Chapter II-1, Regulation 29.19, of SOLAS 74.

(1498) (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.

(1499) (f) Each tanker constructed before September 1, 1984, must meet the applicable requirements of Chapter II-1, Regulations 29.14 and 29.15, of SOLAS 74.

§164.40 Devices to indicate speed and distance.

(1500) (a) Each vessel required to be fitted with an Automatic Radar Plotting Aid (ARPA) under §164.38 must be fitted with a device to indicate speed and distance of the vessel either through the water, or over the ground.

(1501) (b) The device must meet the following specifications:

(1502) (1) The display must be easily readable on the bridge by day or night.

(1503) (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.

(1504) (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.

§164.41 Electronic position fixing devices.

(1505) (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:

(1506) (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.

(1507) (2) A satellite navigation receiver with:

(1508) (i) Automatic acquisition of satellite signals after initial operator settings have been entered; and

(1509) (ii) Position updates derived from satellite information during each usable satellite pass.

(1510) (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.

(1511) **Note.**–The Federal Radionavigation Plan is available from the National Technical Information Service, Springfield, Va. 22161, with the following Government Accession Numbers:

(1512) Vol 1, ADA 116468

(1513) Vol 2, ADA 116469

(1514) Vol 3, ADA 116470

(1515) Vol 4, ADA 116471

(1516) (b) Each label required under paragraph (a)(1) of this section must show the following:

(1517) (1) The name and address of the manufacturer.

(1518) (2) The following statement by the manufacturer:

(1519) This receiver was designed and manufactured to meet Part 2 (Minimum Performance Standards) of the RTCM MPS for Marine Loran-C Receiving Equipment.

§164.42 Rate of turn indicator.

(1520) 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.

§164.43 Automatic Identification System Shipborne Equipment –Prince William Sound.

(1521) (a) Until December 31, 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:

(1522) (1) Twelve-channel all-in-view Differential Global Positioning System (dGPS) receiver;

(1523) (2) Marine band Non-Directional Beacon receiver capable of receiving dGPS error correction messages;

(1524) (3) VHF-FM transceiver capable of Digital Selective Calling (DSC) on the designated DSC frequency; and

(1525) (4) Control unit.

(1526) (b) An AISSE must have the following capabilities:

(1527) (1) Use dGPS to sense the position of the vessel and determine the time of the position using Universa Coordinated Time (UTC);

(1528) (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;

(1529) (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;

(1530) (4) Achieve a course error of less than 0.5 degrees from true course over ground in the course information transmitted to a VTS;

(1531) (5) Achieve a speed error of less than 0.05 knots from true speed over ground in the speed information transmitted to a VTS;

(1532) (6) Receive and comply with commands broadcast from a VTS as DSC messages on the designated DSC frequency;

(1533) (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;

(1534) (8) Transmit the vessel's position, tagged with the UTC position solution, course over ground, speed over ground, and Lloyd's identification number to a VTS;

(1535) (9) Display a visual alarm to indicate to shipboard personnel when a failure to receive or utilize the RTCM messages occurs;

(1536) (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

(1537) (11) Display two RTCM type 16 messages, one of which must display the position error in the position error broadcast.

(1538) (c) An AISSE is considered non-operational if it fails to meet the requirements of paragraph (b) of this section.

(1539) **Note:** Vessel Traffic Service (VTS) areas and operating procedures are set forth in Part 161 of this chapter.

§164.46 Automatic Identification System (AIS).

(1540) (a) The following vessels must have a properly installed, operational, type approved AIS as of the date specified:

(1541) (1) Self-propelled vessels of 65 feet or more in length, other than passenger and fishing vessels, in commercial service and on an international voyage, not later than December 31, 2004.

(1542) (2) Nothwithstanding paragraph (a)(1) of this section, the following, self-propelled vessels, that are on an international voyage must also comply with SOLAS, as amended, Chapter V, regulation 19.2.1.6, 19.2.4, and 19.2.3.5 or 19.2.5.1 as appropriate (Incorporated by reference, see §164.03):

(1543) (i) Passenger vessels, of 150 gross tonnage or more, not later than July 1, 2003;

(1544) (ii) Tankers, regardless of tonnage, not later than the first safety survey for safety equipment on or after July 1, 2003;

(1545) (iii) Vessels, other than passenger vessels or tankers, of 50,000 gross tonnage or more, not later than July 1, 2004; and

(1546) (iv) Vessels, other than passenger vessels or tankers, of 300 gross tonnage or more 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.

(1547) (3) Notwithstanding paragraphs (a)(1) and (a)(2) of this section, the following vessels, when navigating an area denoted in table 161.12(c) of §161.12 of this chapter, not later than December 31, 2004:

(1548) (i) Self-propelled vessels of 65 feet or more in length, other than fishing vessel and passenger vessels certificated to carry less than 151 passengers-for-hire, in commercial service;

(1549) (ii) Towing vessels of 26 feet or more in length and more than 600 horsepower, in commercial service;

(1550) (iii) Passenger vessels certificated to carry more than 150 passengers-for-hire.

(1551) **Note to §164.46(a):** "Properly installed" refers to an installation using the guidelines set forth in IMO SN/Circ. 227 (incorporated by reference, see §164.03). Not all AIS units are able to broadcast position, course, and speed without the input of an external positioning device (e.g. dGPS); the use of other external devices (e.g. transmitting heading device, gyro, rate of turn indicator) is highly recommended, however, not required except as stated in §164.46(a)(2). "Type approved" refers to an approval by an IMO recognized Administration as to comply with IMO Resolution MSC.74(69), ITU–R Recommendation M.1371–1, and IEC 61993-2 (Incorporated by reference, see §164.03). "Length" refers to "registered length" as defined in 46 CFR part 69. "Gross tonnage" refers to tonnage as defined under the International Convention on Tonnage Measurement of Ships, 1969.

(1552) (b) 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 of this chapter includes accurate input and upkeep of AIS data fields.

(1553) (c) 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.

(1554) (d) The AIS Pilot Plug, on each vessel over 1,600 gross tons, on an international voyage, must be available for pilot use, easily accessible from the primary conning position of the vessel, and near a 120 Volt, AC power, 3-prong receptacle.

§164.51 Deviations from rules: Emergency.

(1555) 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.

§164.53 Deviations from rules and reporting: Non-operating equipment.

(1556) (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 33 CFR 160.

(1557) (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.

§164.55 Deviations from rules: Continuing operation or period of time.

(1558) 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.

§164.61 Marine casualty reporting and record retention.

(1559) 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–

(1560) (a) Ensure compliance with 46 CFR 4.05, "Notice of Marine Casualty and Voyage Records," and

(1561) (b) Ensure that the voyage records required by 46 CFR 4.05–15 are retained for–

(1562) (1) 30 days after the casualty if the vessel remains in the navigable waters of the United States; or

(1563) (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.

§164.70 Definitions.

(1564) For purposes of §§164.72 through 164.82, the term–

(1565) *Current edition* means the most recent published version of a publication, chart, or map required by §164.72.

(1566) *Currently corrected edition* means a current or previous edition of a publication required by §164.72, corrected with changes that come from Notice to Mariners (NTMs) or Notices to Navigation reasonably available and that apply to the vessel's transit. Hand-annotated river maps from U.S. Army Corps of Engineers (ACOE) are currently corrected editions if issued within the previous 5 years.

(1567) *Great Lakes* means the Great Lakes and their connecting and tributary waters 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.

(1568) *Swing-meter* means an electronic or electric device that indicates that rate of turn of the vessel on board which it is installed.

(1569) *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.

(1570) *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.

§164.72 Navigational-safety equipment, charts or maps, and publications required on towing vessels.

(1571) (a) Except as provided by §164.01(b), each towing vessel must be equipped with the following navigational-safety equipment:

(1572) (1) *Marine Radar.* By August 2, 1997, a marine radar that meets the following applicable requirements:

(1573) (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–

(1574) (A) The requirements of the Federal Communications Commission (FCC) specified by 47 CFR part 80; and

(1575) (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.

(1576) (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–

(1577) (A) The requirements of the FCC specified by 47 CFR part 80; and

(1578) (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.

(1579) (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–

(1580) (A) The requirements of the Federal Communications Commission (FCC) specified by 47 CFR part 80; and

(1581) (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.

(1582) (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–

(1583) (A) The requirements of the FCC specified by 47 CFR Part 80; and

(1584) (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.

(1585) (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.

(1586) (2) *Searchlight*. A searchlight, directable 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.

(1587) (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.)

(1588) (4) *Magnetic Compass*. Either–

(1589) (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

(1590) (ii) An illuminated card-type magnetic steering compass readable from the vessel's main steering station.

(1591) (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.

(1592) (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.

(1593) (b) Each towing vessel must carry on board and maintain the following:

(1594) (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.

(1595) (i) The charts or maps must be of a large enough scale and have enough detail to make safe navigation of the areas possible.

(1596) (ii) The charts or maps must be either–

(1597) (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

(1598) (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.

(1599) (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 the section, be of large enough scale, and have enough detail to make safe navigation of the areas possible, and must be currently corrected.

(1600) (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:

(1601) (i) If the vessel is engaged in towing exclusively on Western Rivers–

(1602) (A) U.S. Coast Guard Light List;

(1603) (B) Applicable Notices to Navigation published by the ACOE, or Local Notices to Marines (LNMs) published by the Coast Guard, for the area to be transited, when available; and

(1604) (C) River-current tables published by the ACOE or a river authority, if available.

(1605) (ii) if the vessel is engaged other than in towing exclusively on Western Rivers–

(1606) (A) Coast Guard Light List;

(1607) (B) Notices to Mariners published by the National Geospatial–Intelligence Agency, or LNMs published by the Coast Guard;

(1608) 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:

(1609) (D) Tide tables published by private entities using data provided by the NOS; and

(1610) (E) U.S. Coast Pilot.

(1611) (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:

§164.74 Towline and terminal gear for towing astern.

(1612) (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:

(1613) (1) The size and material of each towline must be–

(1614) (i) Appropriate for the horsepower or bollard pull of the vessel;

(1615) (ii) Appropriate for the static loads and dynamic loads expected during the intended service;

(1616) (iii) Appropriate for the sea conditions expected during the intended service;

(1617) (iv) Appropriate for exposure to the marine environment and to any chemicals used or carried on board the vessel;

(1618) (v) Appropriate for the temperatures of normal stowage and service on board the vessel;

(1619) (vi) Compatible with associated navigational-safety equipment; and

(1620) (vii) Appropriate for the likelihood of mechanical damage.

(1621) (2) Each towline as rigged must be–

(1622) (i) Free of knots;

(1623) (ii) Spliced with a thimble, or have a poured socket at its end; and

(1624) (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.

(1625) (3) The condition of each towline must be monitored through the–

(1626) (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 Specifications 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;

(1627) (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 Specifications 9A, Section 3; ASTM D 4268 (incorporated by reference, see §164.03); or Cordage Institute CIA 3, Standard Test Methods;

(1628) (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);

(1629) (iv) Evaluating the serviceability of the whole towline or any part of the towline, and removing the whole or 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–

(1630) (A) Nautical miles on, or time in service of, the towline;

(1631) (B) Operating conditions experienced by the towline;

(1632) (C) History of loading of the towline;

(1633) (D) Surface condition, including corrosion and discoloration, of the towline;

(1634) (E) Amount of visible damage to the towline;

(1635) (F) Amount of material deterioration indicated by measurements of diameter and, if applicable, measurements of lay extension of the towline; and

(1636) (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

(1637) (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.

(1638) (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:

TABLE 164.72—EQUIPMENT, CHARTS OR MAPS, AND PUBLICATIONS OF TOWING VESSELS FOR 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 Azmuth stabilization requirement in paragraph 3.10).[1]	RTCM Paper 191-93/SC112-X Version 1.2 (except the Azmuth 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 Notice to Mariners.	(2) Local Notices to Mariners	(2) Local Notice to Mariners.
	(3) River-current Tables	(3) Tidal-current Tables	(3) Tidal-current Tables.
	. . . . .	(4) Tide Tables	(4) Tide Tables.
	. . . . .	(5) U.S. Coast Pilot	(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 requirement until August 2, 2001.

[3]A towing vessel may carry either a swing-meter or a magnetic compass.

(1639) (1) The material and size of the terminal gear are appropriate for the strength and anticipated loading of the towline and for the environment;

(1640) (2) Each connection is secured by at least one nut with at least one cotter pin or other means of preventing its failure;

(1641) (3) The lead of the towline is appropriate to prevent sharp bends in the towline from fairlead blocks, chocks, or tackle;

(1642) (4) There is provided a method, whether mechanical or non-mechanical, that does not endanger operating personnel but that easily releases the towline;

(1643) (5) The towline is protected from abrasion or chafing by chafing gear, lagging, or other means;

(1644) (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

(1645) (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.

§164.76 Towline and terminal gear for towing alongside and pushing ahead.

(1646) The owner, master, or operator of each vessel towing alongside or pushing ahead shall ensure the face wires, spring lines, and push gear used–

(1647) (a) Are appropriate for the vessel's horsepower;

(1648) (b) Are appropriate for the arrangement of the tow;

(1649) (c) Are frequently inspected; and

(1650) (d) Remain serviceable.

§164.78 Navigation underway: Towing vessels.

(1651) (a) The owner, master, or operator of each vessel towing shall ensure that each person directing and controlling the movement of the vessel–

(1652) (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;

(1653) (2) Can fix the position of the vessel using installed navigational equipment, aids to navigation, geographic reference-points, and hydrographic contours;

(1654) (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.);

(1655) (4) Evaluates the danger of each closing visual or radar contact;

(1656) (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;

(1657) (6) Knows the speed and direction of the current, and the set, drift, and tidal state for the area to be transited;

(1658) (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

(1659) (8) Monitors the voyage plan required by §164.80.

§164.80 Tests, inspections, and voyage planning.

(1660) (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:

(1661) (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.

(1662) (2) *Navigational equipment*. A test of all installed navigational equipment.

(1663) (3) *Communications*. Operation of all internal vessel control communications and vessel-control alarms, if installed.

(1664) (4) *Lights*. Operation of all navigational lights and all searchlights.

(1665) (5) *Terminal gear*. Visual inspection of tackle; of connections of bridle and towing pendant, if applicable; of chafing gear; and the winch brake, if installed.

(1666) (6) *Propulsion systems*. Visual inspection of the spaces for main propulsion machinery, of machinery, and of devices for monitoring machinery.

(1667) (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:

(1668) (1) *Navigational equipment*. Tests of onboard equipment as required by §164.25.

(1669) (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.

(1670) (c)(1) The voyage-planning requirements outlined in this section do not apply to you if your towing vessel is–

(1671) (i) Used solely for any of the following services or any combination of these services–

(1672) (A) Within a limited geographic area, such as fleeting-area for barges or a commercial facility, and used for restricted service, such as making up or breaking up larger tows:

(1673) (B) For harbor assist;

(1674) (C) For assistance towing as defined by 46 CFR 10.103;

(1675) (D) For response to emergency or pollution;

(1676) (ii) A public vessel that is both owned, or demise chartered, and operated by the United States Government or by a government of a foreign country; and that is not engaged in commercial service;

(1677) (iii) A foreign vessel engaged in innocent passage; or

(1678) (iv) Exempted by the Captain of the Port (COTP).

(1679) (2) If you think your towing vessel should be exempt from these voyage planning requirements for a specified route, you should submit a written request to the appropriate COTP. The COTP will provide you with a written response granting or denying your request.

(1680) (3) 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):

(1681) (i) Applicable information from nautical charts and publication (also see paragraph (b) of section 164.72), including Coast Pilot, Coast Guard Light List, and Coast Guard Local Notice to Mariners for the port of departures, all ports of call, and the destination;

(1682) (ii) 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 section 164.78 and (b) of section 164.82);

(1683) (iii) Data on tides and currents for the port of departure, all ports of call, and the destination, and the river staged and forecast, if appropriate;

(1684) (iv) Forward and after drafts of the barge or barges and under-keel and vertical clearances (air-gaps) for all bridges, ports, and berthing areas;

(1685) (v) Pre-departure checklists;

(1686) (vi) Calculated speed and estimated time of arrival at proposed waypoints;

(1687) (vii) Communication contacts at any Vessel Traffic Services, bridges, and facilities, and any port specific requirements for VHF radio;

(1688) (viii) Any master's or operator's standings orders detailing closest points of approach, special conditions, and critical maneuvers; and

(1689) (ix) Whether the towing vessel has sufficient power to control the tow under all foreseeable circumstances.

§164.82 Maintenance, failure, and reporting.

(1690) (a) *Maintenance*. The owner, master, or operator or each towing vessel shall maintain operative the navigational-safety equipment required by §164.72.

(1691) (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.

(1692) (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:

(1693) (1) Any absence or malfunction of vessel-operating equipment for navigational safety, such as propulsion machinery, steering gear, radar, gyrocompass, echo depth-sounding or other sounding device, automatic dependent surveillance equipment, or navigational lighting;

(1694) (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

(1695) (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.)

(1696) (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.

(1697) (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.

(1698) (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.

Part 165–Regulated Navigation Areas and Limited Access Areas

Subpart A–General

§165.1 Purpose of part.

(1699) The purpose of this part is to–

(1700) (a) Prescribe procedures for establishing different types of limited or controlled access areas and regulated navigation areas;

(1701) (b) Prescribe general regulations for different types of limited or controlled access areas and regulated navigation areas;

(1702) (c) Prescribe specific requirements for established areas; and

(1703) (d) List of specific areas and their boundaries.

§165.5 Establishment procedures.

(1704) (a) A safety zone, security zone, or regulated navigation area may be established on the initiative of any authorized Coast Guard official.

(1705) (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 33 CFR 3, and include the following:

(1706) (1) The name of the person submitting the request;

(1707) (2) The location and boundaries of the safety zone, security zone, or regulated navigation area;

(1708) (3) The date, time, and duration that the safety zone, security zone, or regulated navigation area should be established;

(1709) (4) A description of the activities planned for the safety zone, security zone, or regulated navigation area;

(1710) (5) The nature of the restrictions or conditions desired; and

(1711) (6) The reason why the safety zone, security zone, or regulated navigation area is necessary.

(1712) (Requests for safety zones, security zones, and regulated navigation areas are approved by the Office of Management and Budget under control numbers 2115-0076, 2115-0219, and 2115-0087.)

(1713) (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.

§165.7 Notification.

(1714) (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.

(1715) (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.

(1716) (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.

(1717) 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.

§165.9 Geographic application of limited and controlled access areas and regulated navigation areas.

(1718) (a) *General*. The geographic application of the limited and controlled access areas and regulated navigation areas in this part are determined based on the statutory authority under which each is created.

(1719) (b) *Safety zones and regulated navigation areas*. These zones and areas are created under the authority of the Ports and Waterways Safety Act, 33 U.S.C. 1221–1232. Safety zones established under 33 U.S.C. 1226 and regulated navigation areas may be established in waters subject to the jurisdiction of the United States as defined in §2.38 of this chapter, including the territorial sea to a seaward limit of 12 nautical miles from the baseline.

(1720) (c) *Security zones*. These zones have two sources of authority—the Ports and Waterways Safety Act, 33 U.S.C. 1221–1232, and the Act of June 15, 1917, as emended by both the Magnuson Act of August 9, 1950 ("Magnuson Act"), 50 U.S.C. 191–195, and sec. 104 the Maritime Transportation Security Act of 2002 (Pub. L. 107-295, 116 Stat. 2064). Security zones established under either 33 U.S.C. 1226 or 50 U.S.C. 191 may be established in waters subject to the jurisdiction of the United States as defined in §2.38 of this chapter, including the territorial sea to a seaward limit of 12 nautical miles from the baseline.

(1721) (d) *Naval vessel protection zones*. These zones are issued under the authority of 14 U.S.C. 91 and 633 and may be established in waters subject to the jurisdiction of the United States as defined in §2.38 of this chapter, including the territorial sea to a seaward limit of 3 nautical miles from the baseline.

Subpart B–Regulated Navigation Areas

§165.10 Regulated navigation area.

(1722) A regulated navigation area is a water area within a defined boundary for which regulations for vessels navigating within the area have been established under this part.

§165.11 Vessel operating requirements (regulations).

(1723) Each District Commander may control vessel traffic in an area which is determined to have hazardous conditions, by issuing regulations–

(1724) (a) Specifying times of vessel entry, movement, or departure to, from, within, or through ports, harbors, or other waters;

(1725) (b) Establishing vessel size, speed, draft limitations, and operating conditions; and

(1726) (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.

§165.13 General regulations.

(1727) (a) The master of a vessel in a regulated navigation area shall operate the vessel in accordance with the regulations contained in Subpart F.

(1728) (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.

(1729) 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.

(1730) Unless otherwise provided in this part–

(1731) (a) No person may enter a safety zone unless authorized by the COTP or the District Commander;

(1732) (b) No person may bring or cause to be brought into a safety zone any vehicle, vessel, or object unless authorized by the COTP or the District Commander;

(1733) (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

(1734) (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.

(1735) (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.

(1736) (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:

(1737) (1) Vessels,

(1738) (2) Harbors,

(1739) (3) Ports, and

(1740) (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.

(1741) Unless otherwise provided in the special regulations in Subpart F of this part:

(1742) (a) No person or vessel may enter or remain in a security zone without the permission of the Captain of the Port;

(1743) (b) Each person and vessel in a security zone shall obey any direction or order of the Captain of the Port;

(1744) (c) The Captain of the Port may take possession and control of any vessel in the security zone;

(1745) (d) The Captain of the Port may remove any person, vessel, article, or thing from a security zone;

(1746) (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

(1747) (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.

(1748) 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 33 CFR 125.09 when certain shipping activities are conducted that are outlined in 33 CFR 125.15.

Subpart F–Specific Regulated Navigation Areas and Limited Access Areas

§165.100 Regulated Navigation Area: Navigable waters within the First Coast Guard District.

(1749) (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).

(1750) (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.

(1751) (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.

(1752) (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—

(1753) (A) A propulsion failure;

(1754) (B) A parted towing line;

(1755) (C) A loss of tow;

(1756) (D) A fire;

(1757) (E) Grounding;

(1758) (F) A loss of steering; or

(1759) (G) Any other casualty that affects the navigation or seaworthiness of either vessel.

(1760) (ii) Double-hull tank barges are exempt from paragraph (d)(1)(i) of this section.

(1761) (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—

(1762) (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

(1763) (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.

(1764) (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.

(1765) (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:

(1766) (i) Execution Rocks Light (LLNR 21440).

(1767) (ii) Matinecock Point Shoal Buoy (LLNR 21420).

(1768) (iii) 32A Buoy (LLNR 21380).

(1769) (iv) Cable and Anchor Reef Buoy (LLNR 21330).

(1770) (v) Stratford Middle Ground Light (LLNR 21260).

(1771) (vi) Old Field Point Light (LLNR 21275).

(1772) (vii) Approach to Stratford Point from the south (NOAA Chart 12370).

(1773) (viii) Falkner Island Light (LLNR 21170).

(1774) (ix) TE Buoy (LLNR 21160).

(1775) (x) CF Buoy (LLNR 21140).

(1776) (xi) PI buoy (LLNR 21080).

(1777) (xii) Race Rock Light (LLNR 19815).

(1778) (xiii) Valiant Rock Buoy (LLNR 19825).

(1779) (xiv) Approach to Point Judith in vicinity of Block Island ferry route.

(1780) (xv) Buzzards Bay Entrance Light (LLNR 630).

(1781) (xvi) Buzzards Bay Midchannel Lighted Buoy (LLNR 16055)

(1782) (xvii) Cleveland East Ledge Light (LLNR 16085).

(1783) (xviii) Hog Island buoys 1 (LLNR 16130) and 2 (LLNR 16135).

(1784) (xix) Approach to the Bourne Bridge.

(1785) (xx) Approach to the Sagamore Bridge.

(1786) (xxi) Approach to the eastern entrance of Cape Cod Canal.

(1787) (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.

(1788) (ii) The watch officer is authorized to make modifications to the plan and validate it as necessary.

(1789) (iii) Except as provided in paragraph (d)(3)(iv) of this section, each voyage plan must contain:

(1790) (A) A description of the type, volume, and grade of cargo.

(1791) (B) Applicable information from nautical charts and publications, including Coast Pilot, Coast Guard Light List, and Coast Guard Local Notice of Mariners, for the destination(s).

(1792) (C) Current and forecasted weather, including visibility, wind, and sea state for the destination(s).

(1793) (D) Data on tides and tidal currents for the destination(s).

(1794) (E) Forward and after drafts of the tank barge, and under-keel and vertical clearances for each port and berthing area.

(1795) (F) Pre-departure checklists.

(1796) (G) Calculated speed and estimated times of arrival at proposed waypoints.

(1797) (H) Communication contacts at Vessel Traffic Service (VTS) (If applicable), bridges, and facilities, and port-specific requirements for VHF radio.

(1798) (I) The master's standing orders detailing closest points of approach, special conditions, and critical maneuvers.

(1799) (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:

(1800) (A) The information described in paragraphs (d)(3)(iii)(D) and (E) of this section.

(1801) (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.

(1802) (C) The channels of VHF radio to monitor.

(1803) (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.

(1804) (4) *Navigation restriction areas*. Unless authorized by the cognizant COTP, no tank barge may operate in—

(1805) (i) The waters of Cape Cod Bay south of latitude 42°05' North and east of longitude 70°25' West; or

(1806) (ii) The waters of Fishers Island Sound east of longitude 72°02' West, and west of longitude 71°55'West.

§165.500 Safety/Security Zones; Chesapeake Bay, Maryland.

(1807) (a) Definitions. (1) Certain Dangerous Cargo (CDC) means a material defined in 33 CFR part 160.

(1808) (2) Liquefied Hazardous Gas (LHG) means a material defined in 33 CFR part 127.

(1809) (3) Liquefied Natural Gas (LNG) means a material defined in 33 CFR part 127.

(1810) (4) Cruise ship means a vessel defined as a "passenger vessel" in 46 U.S.C. 2101 (22).

(1811) (b) *Location*. The following areas are a safety/security zone: All waters of the Chesapeake Bay and its tributaries, from surface to bottom, within a 500 yard radius around cruise ships and vessels transporting CDC, LNG, or LHG while transiting, anchored, or moored within the COTP Baltimore zone.

(1812) (c) *Regulations*. (1) The COTP will notify the maritime community of affected vessels and the periods during which the safety/security zones will be enforced by providing notice to mariners in accordance with 33 CFR 165.7.

(1813) (2) Entry into or remaining in this zone is prohibited unless authorized by the Coast Guard COTP, Baltimore, Maryland or his designated representative.

(1814) (3) Persons desiring to transit the area of the security zone may contact the COTP 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 COTP or his or her designated representative.

(1815) (d) *Authority*. In addition to 33 U.S.C. 1231, the authority for this section includes 50 U.S.C. 191.

§165.501 Chesapeake Bay entrance and Hampton Roads, VA and adjacent waters–Regulated Navigation Area.

(1816) (a) *Location*. The waters enclosed by the shoreline and the following lines are a Regulated Navigation Area:

(1817) (1) *Offshore zone*. A line drawn due East from the mean low water mark at the North Carolina and Virginia border at 36°33'03"N., 75°52'00"W., to the Territorial Seas boundary line at 36°33'05"N., 75°36'51"W., thence generally Northeastward along the Territorial Seas boundary line to 38°01'39"N., 74°57'18"W., thence due West to the mean low water mark at the Maryland and Virginia border at 38°01'39"N., 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.

(1818) (2) *Inland zone*. The waters enclosed by the shoreline and the following lines:

(1819) (i) A line drawn across the entrance to Chesapeake Bay between Wise Point and Cape Charles Light, and then continuing to Cape Henry Light.

(1820) (ii) A line drawn across the Chesapeake Bay between Old Point Comfort Light and Cape Charles City Range "A" Rear Light.

(1821) (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.

(1822) (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.

(1823) (v) A line drawn across the Nansemond River along the northern side of the Mills Godwin (U.S. Route 17) Bridge, Suffolk, Virginia.

(1824) (vi) A line drawn across the mouth of Bennetts Creek, Suffolk, Virginia.

(1825) (vii) A line drawn across the Western Branch of the Elizabeth River along the eastern side of the West Norfolk Bridge, Portsmouth, Virginia.

(1826) (viii) A line drawn across the Southern Branch of the Elizabeth River along the northern side of the I-64 highway bridge, Chesapeake, Virginia.

(1827) (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.

(1828) (x) A line drawn across the Lafayette River along the western side of the Hampton Boulevard Bridge, Norfolk, Virginia.

(1829) (xi) A line drawn across Little Creek along the eastern side of the Ocean View Avenue (U.S. Route 60) Bridge, Norfolk, Virginia.

(1830) (xii) A line drawn across Lynnhaven Inlet along the northern side of Shore Drive (U.S. Route 60) Bridge, Virginia Beach, Virginia.

(1831) (b) *Definitions*. In this section:

(1832) *CBBT* means the Chesapeake Bay Bridge Tunnel.

(1833) *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.

(1834) *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.

(1835) *I-664 Bridge Tunnel* means the Monitor Merrimac Bridge Tunnel.

(1836) *Inland waters* means waters within the COLREGS Line of Demarcation.

(1837) *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.

(1838) *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.

(1839) *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.

(1840) (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:

(1841) (1) Law enforcement.

(1842) (2) Servicing aids to navigation.

(1843) (3) Surveying, maintenance, or improvement of waters in the Regulated Navigation Area.

(1844) (d) *Regulations.*

(1845) (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 Sec. 110.168 of this title, with these exceptions:

(1846) (i) The vessel has the permission of the Captain of the Port.

(1847) (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.

(1848) (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.

(1849) (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.

(1850) (3) *Secondary towing rig requirements on inland waters*.

(1851) (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:

(1852) (A) Is of sufficient strength for towing the vessel.

(1853) (B) Has a connecting device that can receive a shackle pin of at least two inches in diameter.

(1854) (C) Is fitted with a recovery pickup line led outboard of the vessel's hull.

(1855) (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:

(1856) (A) Be of sufficient strength for towing the vessels.

(1857) (B) Have connecting devices that can receive a shackle pin of at least two inches in diameter.

(1858) (C) Be fitted with recovery pickup lines led outboard of the vessel's hull.

(1859) (4) *Thimble Shoals Channel controls.*

(1860) (i) A vessel drawing less than 25 feet may not enter the Thimble Shoal Channel, unless the vessel is crossing the channel. 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.

(1861) (ii) Except when crossing the channel, a vessel in the Thimble Shoal North Auxiliary Channel shall proceed in a westbound direction.

(1862) (iii) Except when crossing the channel, a vessel in the Thimble Shoal South Auxiliary Channel shall proceed in an eastbound direction.

(1863) (5) *Restrictions on vessels with impaired maneuverability*.

(1864) (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.

(1865) (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.

(1866) (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:

(1867) (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.

(1868) (ii) An operative radar during periods of reduced visibility;

(1869) (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.

(1870) (7) *Emergency procedures.*

(1871) (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.

(1872) (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.

(1873) (8) *Vessel speed limits*.

(1874) (i) L*ittle 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).

(1875) (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.

(1876) (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.

(1877) (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:

(1878) (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.

(1879) (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.

(1880) (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.

(1881) (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.

(1882) (v) In addition to the authorities listed in this part, this paragraph is promulgated under the authority under 33 U.S.C. 1226.

(1883) (e) *Waivers*.

(1884) (1) The Captain of the Port may, upon request, waive any regulation in this section.

(1885) (2) An application for a waiver must state the need for the waiver and describe the proposed vessel operations.

(1886) (f) *Control of vessels within the regulated navigation area*.

(1887) (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.

(1888) (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.

(1889) (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.

§165.502 Safety and Security Zone; Cove Point Liquefied Natural Gas Terminal, Chesapeake Bay, Maryland.

(1890) (a) Location. The following area is a safety and security zone: All waters of the Chesapeake Bay, from surface to bottom, encompassed by lines connecting the following points, beginning at

(1891) 38°24'27"N., 76°23'42"W., thence to

(1892) 38°24'44"N., 76°23'11"W., thence to

(1893) 38°23'55"N., 76°22'27"W., thence to

(1894) 38°23'37"N., 76°22'58"W., thence to beginning at

(1895) 38°24'27"N., 76°23'42"W. These coordinates are based upon North American Datum (NAD) 1983. This area is 500 yards in all directions from the Cove Point LNG terminal structure.

(1896) (b) *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 Coast Guard Captain of the Port, Baltimore, Maryland or his designated representative. Designated representatives include any Coast Guard commissioned, warrant, or petty officer.

(1897) (2) Persons desiring to transit the area of the zone may contact the Captain of the Port at telephone number (410) 576-2693 or via 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 designated representative.

(1898) (c) *Enforcement*. The U.S. Coast Guard may be assisted in the patrol and enforcement of the zone by Federal, State, local, and private agencies.

§165.503 Security Zone; Captain of the Port Hampton Roads Zone.

(1899) (a) *Definitions*. As used in this section–

(1900) *Certain dangerous cargo or CDC* means a material defined as CDC in 33 CFR 160.204.

(1901) *Designated Representative* of the Captain of the Port in any U.S. Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port (COTP), Hampton Roads, Virginia to act on his or her behalf.

(1902) *Passenger vessel* means a vessel defined as a passenger in 46 CFR part 70.

(1903) (b) *Location*. All navigable waters of the Captain of the Port Hampton Roads zone (defined in 33 CFR 3.25-10) within 500 yards around a passenger vessel or vessel carrying a CDC, while the passenger vessel or vessel carrying CDC is transiting, moored or anchored.

(1904) (c) *Regulations*. (1) No vessel may approach within 500 yards of a passenger vessel or vessel carrying a CDC within the Captain of the Port Hampton Roads zone, unless traveling at the minimum speed necessary to navigate safely.

(1905) (2) Under §165.33, no vessel or person may approach within 100 yards of a passenger vessel or vessel carrying a CDC within the Captain of the Port Hampton Roads zone, unless authorized by the COTP Hampton Roads or his or her designated representative.

(1906) (3) The COTP Hampton Roads may notify the maritime and general public by marine information broadcast of the periods during which individual security zones have been activated by providing notice in accordance with 33 CFR 165.7.

(1907) (4) A security zone in effect around a moving or anchored vessel will be enforced by a law enforcement vessel. A security zone in effect around a moored vessel will be enforced by a law enforcement agent shoreside, a law enforcement vessel waterside, or both.

(1908) (5) Persons desiring to transit the area of the security zone within 100 yards of a passenger vessel or vessel carrying a CDC must contact the COTP Hampton Roads on VHF-FM channel 16 (156.8 MHz) or telephone number (757) 668-5555 or (757) 484-8192 to seek permission to transit the area. All persons and vessels must comply with the instructions of the COTP or the COTP's designated representative.

(1909) (d) *Enforcement*. The COTP will enforce these zones and may enlist the aid and cooperation of any Federal, state, county, or municipal law enforcement agency to assist in the enforcement of the regulation.

§165.504 Newport News Shipbuilding and Dry Dock Company Shipyard, James River, Newport News, VA.

(1910) (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

(1911) 37°00'38.1"N., 76°27'05.7"W., thence southerly to

(1912) 36°59'58.4"N., 76°27'16.7"W., thence southeasterly to

(1913) 36°59'23.0"N., 76°26'54.6"W., thence westerly to

(1914) 36°59'21.5"N., 76°26'58.4"W., thence southeasterly to

(1915) 36°59'12.9"N., 76°26'52.4"W., thence easterly to

(1916) 36°59'14.2"N., 76°26'49.1"W., thence southeasterly to

(1917) 36°58'37.8"N., 76°26'26.3"W., thence easterly to

(1918) 36°58'43.5"N., 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

(1919) 36°58'48.0"N., 76°26'11.2"W., thence northwesterly along the shoreline to the point of beginning.

(1920) (b) *Security zone anchorage*. The following is a security zone anchorage: 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 Company shipyard at

(1921) 37°00'38.1"N., 76°27'05.7"W., thence southerly to

(1922) 36°59'58.4"N., 76°27'16.7"W., thence easterly to the shoreline at

(1923) 36°59'58.5"N., 76°27'11.6"W., thence along the shoreline to the point of beginning.

(1924) (c) *Special Regulations*.

(1925) (1) Section 165.33 (a), (e), and (f) do not apply to the following vessels or individuals on board those vessels:

(1926) (i) Public vessels of the United States.

(1927) (ii) Public vessels owned or operated by the Commonwealth of Virginia or its subdivisions for law enforcement or firefighting purposes.

(1928) (iii) Vessels owned by, operated by, or under charter to Newport News Shipbuilding and Dry Dock Co.

(1929) (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.

(1930) (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.

(1931) (vi) Vessels that are authorized by Newport News Shipbuilding and Dry Dock Company to moor at and use its facilities.

(1932) (vii) Commercial shellfish harvesting vessels taking clams from the shellfish beds within the zone, if

(1933) (A) The owner of the vessel has previously provided the Captain of the Port, Hampton Roads, Virginia, information about the vessel, including:

(1934) (1) The name of the vessel;

(1935) (2) The vessel's official number, if documented, or state number, if numbered by a State issuing authority;

(1936) (3) A brief description of the vessel, including length, color, and type of vessel;

(1937) (4) The name, Social Security number, current address, and telephone number of the vessel's master, operator, or person in charge; and

(1938) (5) Upon request, information the vessel's crew.

(1939) (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.

(1940) (d) *Enforcement*. The U.S. Coast Guard may be assisted in the enforcement of this zone by the U.S. Navy.

§165.505 Security Zone; Calvert Cliffs Nuclear Power Plant, Chesapeake Bay, Calvert County, Maryland.

(1941) (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

(1942) 38°26'06"N., 076°26'18"W., thence to

(1943) 38°26'10"N., 076°26'12"W., thence to

(1944) 38°26'21"N., 076°26'28"W., thence to

(1945) 38°26'14"N., 076°26'33"W., thence to beginning at

(1946) 38°26'06"N., 076°26'18"W. These coordinates are based upon North American Datum (NAD) 1983.

(1947) (b) *Regulations*. (1) Entry into or remaining in this zone is prohibited unless authorized by the Coast Guard Captain of the Port, Baltimore, Maryland.

(1948) (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.

(1949) (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.

§165.510 Delaware Bay and River, Salem River, Christina River and Schuylkill River-Regulated Navigation Area.

(1950) (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.

(1951) (B) *Definitions*. As used in this section:

(1952) *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.

(1953) *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.

(1954) *Underway* means that a vessel is not at anchor, made fast to the shore, or aground.

(1955) (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:

(1956) (1) Law enforcement;

(1957) (2) Servicing aids to navigation; or

(1958) (3) Surveying, maintaining, or improving waters within the Regulated Navigation Area.

(1959) (d) *Draft limitation*. Unless otherwise authorized by the COTP, no vessel with a draft greater than 55 feet may enter this regulated navigation area.

(1960) **Note:** The project depth in many areas of the Regulated Navigation Area is less than 55 feet.

(1961) (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.

(1962) (f) *Requirements for vessels carrying dangerous cargoes*. The master, owner, or operator of a vessel carrying a dangerous cargo shall:

(1963) (1) Notify the COTP at least 72 hours before the vessel enters or departs the regulated navigation area and at least 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;

(1964) (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;

(1965) (3) Not anchor in any area within the regulated navigation area unless in times of emergency or with COTP permission;

(1966) (4) Not transfer dangerous cargo while the vessel is at anchor or bunkering;

(1967) (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.

(1968) (6) When anchored within the regulated navigation area and:

(1969) (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

(1970) (ii) Sustained winds are 40 knots or over, ensure that the main engines are on line to immediately provide propulsion;

(1971) (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:

(1972) (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 an emergency towing hookups fore and aft on the vessel; and,

(1973) (9) Proceed as directed by the COTP.

(1974) (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 dangerous 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:

(1975) (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

(1976) (ii) Come or remain within 100 yards of a moored or anchored vessel carrying dangerous cargo.

(1977) (2) The master, owner, or operator of any vessel receiving permission under paragraph (g)(1) of this section shall;

(1978) (i) Maintain a continuous radio guard on VHF-FM channels 13 and 16;

(1979) (ii) Operate at "no wake" speed or the minimum speed needed to maintain steerage; and

(1980) (iii) Proceed as directed by the COTP.

(1981) (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.

(1982) (h) *Additional restrictions above the C&D Canal*. When operating on the Delaware River above the C&D Canal:

(1983) (1) A vessel carrying dangerous cargo must be escorted by at least one commercial tug; and

(1984) (2) Meeting situations shall be avoided on river bends to the maximum extent possible.

(1985) (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.

§165.511 Security Zone; Atlantic Ocean, Chesapeake & Delaware Canal, Delaware Bay, Delaware River and its tributaries.

(1986) (a) *Location*. A 500-yard radius around escorted passenger vessels in the Captain of the Port, Philadelphia zone as defined in 33 CFR 3.25-05.

(1987) (b) *Regulations*. (1) All persons are required to comply with the general regulations governing security zones in §165.33 of this part.

(1988) (2) All persons or vessels operating at the minimum safe speed necessary to maintain navigation may transit within 500 yards of an escorted passenger vessel without the permission of the Captain of the Port Philadelphia, PA or designated representative while the escorted passenger vessel is in the Captain of the Port Philadelphia zone.

(1989) (3) No person or vessel may transit or remain within 100 yards of an escorted passenger vessel without the permission of the Captain of the Port Philadelphia, PA or designated representative while the passenger vessel is in the Captain of the Port Philadelphia zone.

(1990) (4) Any person or vessel authorized to enter the security zone must operate in strict conformance with any directions given by the Captain of the Port Philadelphia, PA or designated representative and leave the security zone immediately if the Captain of the Port Philadelphia, PA or designated representative so orders.

(1991) (5) When an escorted passenger vessel approaches within 100 yards of any vessel that is moored or anchored, the stationary vessel must stay moored or anchored while it remains within 100 yards of the passenger vessel unless it is either ordered by or given permission by the Captain of the Port, Philadelphia or designated representative to do otherwise.

(1992) (6) The Coast Guard 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.

(1993) (c) *Maneuver-restricted vessels*. When conditions permit, the Captain of the Port or designated representative should:

(1994) (1) Permit vessels constrained by their navigational draft or restricted in their ability to maneuver to pass within the 100 yards of the passenger vessel in order to ensure safe passage in accordance with the Navigation Rules as seen in 33 CFR chapter I, subchapters D and E; and

(1995) (2) Permit vessels constrained by their navigational draft or restricted in their ability to maneuver that must transit via a navigable channel or waterway to pass within 100 yards of an anchored passenger vessel.

(1996) (d) *Definitions*. As used in this section–

(1997) *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.

(1998) *Escort* means assets (surface or air) with the Coast Guard insignia that accompany and protect the escorted vessel, armed with crew-served weapons that are manned and ready.

(1999) *Passenger Vessels* means vessels greater than 100 feet in length, over 100 gross tons that are authorized to carry 500 or more passengers, making voyages lasting more than 24 hours, except for ferries.

§165.518 Security Zone; Waters of the Fifth Coast Guard District.

(2000) (a) *Definitions*. As used in this section–

(2001) *Designated Representative* means any U.S. Coast Guard commissioned, warrant or petty officer who has been authorized by the District Commander or local Captain of the Port (COTP), as defined in 33 CFR part 3, subpart 3.25, to act on his or her behalf.

(2002) *Escorted vessel* means a vessel, other than a U.S. naval vessel as defined in §165.2015, that is accompanied by one or more Coast Guard assets or Federal, State or local law enforcement agency assets as listed below:

(2003) (1) Coast Guard surface or air asset displaying the Coast Guard insignia.

(2004) (2) Coast Guard Auxiliary surface asset displaying the Coast Guard Auxiliary insignia.

(2005) (3) State and/or local law enforcement asset displaying the applicable agency markings and or equipment associated with the agency.

(2006) *State and/or local law enforcement officers* means any State or local government law enforcement officer who has authority to enforce State criminal laws.

(2007) (b) *Location*. The following area is a security zone: 500-yard radius around escorted vessels in the navigable waters of the Fifth Coast Guard District as defined in 33 CFR 3.25–1, from surface to bottom.

(2008) (c) *Regulations*. (1) No vessel may approach within 500 yards of an escorted vessel within the navigable waters of the Fifth Coast Guard District, unless traveling at the minimum speed necessary to navigate safely.

(2009) (2) No vessel may enter within a 100-yard radius of an escorted vessel within the navigable waters of the Fifth Coast Guard District, without approval from the District Commander, Captain of the Port or their designated representatives.

(2010) (3) Moored or anchored vessels, which are overtaken by a moving zone, must remain stationary at their location until the escorted vessel maneuvers at least 500 yards past.

(2011) (4) Vessels restricted in their ability to maneuver may request permission of the District Commander, Captain of the Port or designated representative to enter the security zone in order or ensure safe passage in accordance with the Navigation Rules in 33 CFR chapter I, subparts D and E.

(2012) (5) The local COTP may notify the maritime and general public by marine information broadcast of the periods during which individual security zones have been activated by providing notice in accordance with 33 CFR 165.7.

(2013) (6) When moored, a security zone around an escorted vessel may also be enforced by Coast Guard, State or Local law enforcement personnel shoreside.

(2014) (7) Persons desiring to transit within 100 yards of an escorted vessel in the Fifth Coast Guard District must contact the local Captain of the Port on VHF channel 16 (156.800 MHz), VHF channel 13 (156.650 MHz) or at telephone numbers:

(2015) Philadelphia: (215) 271-4807

(2016) Baltimore: (410) 576-2693

(2017) Hampton Roads: (757) 668-5555 or (757) 484-8192

(2018) Wilmington: (910) 772-2200 or (910) 254-1500

(2019) (8) If permission is granted to transit within 100 yards of an escorted vessel, all persons and vessels must comply with the instructions of the District Commander, Captain of the Port or their designated representative.

§165.552 Security Zone; Oyster Creek Generation Station, Forked River, Ocean County, New Jersey.

(2020) (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, bounded by a line beginning at

(2021) 39°49'12.0"N., 074°12'13.0"W.; thence to

(2022) 39°48'39.7"N., 074°12'0"W.; along the shoreline, thence to

(2023) 39°48'40.0"N., 074°12'0.3"W.; thence to

(2024) 39°49'11.8"N., 074°12'10.5"W.; thence back along the shoreline to the beginning point. All coordinates reference Datum: NAD 1983.

(2025) (b) *Regulations*. (1) All persons are required to comply with the general regulations governing security zones in §165.33 of this part.

(2026) (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 zones 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.

(2027) (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.

(2028) (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).

(2029) (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.

§165.553 Security Zone; Salem and Hope Creek Generation Stations, Delaware River, Salem County, New Jersey.

(2030) (a) *Location*. The following area is a security zone: the waters of the Delaware River in the vicinity of the Salem and Hope Creek Generation Stations bounded by a line drawn from a point located at

(2031) 39°28'08.0"N., 075°32'31.7"W. to

(2032) 39°28'06.5"N., 075°32'47.4"W., thence to

(2033) 39°27'28.4"N., 075°32'15.8"W., thence to

(2034) 39°27'28.8"N., 075°31'56.6"W., thence to

(2035) 39°27'39.9"N., 075°31.51.6"W., thence along the shoreline to the point of

(2036) 39°28'08.0"N., 075°32'31.7"W. All coordinates reference Datum: NAD 1983.

(2037) (b) *Regulations*. (1) All persons are required to comply with the general regulations governing security zones in §165.33 of this part.

(2038) (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 zones 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.

(2039) (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.

(2040) (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).

(2041) (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.

§165.555 Safety Zone; Delaware River.

(2042) (a) *Definition*. As used in this section, Captain of the Port means the Commander of Sector Delaware Bay or any Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port to act on his behalf. The Captain of the Port may be contacted by telephone at (215) 271-4807 or via VHF marine band radio, channel 16.

(2043) (b) *Location*. The following area is a safety zone: All waters located within a 150-yard radius around the dredging operation and barge, conducting dredging operations in or near the Marcus Hook Range in the vicinity of Anchorage 7.

(2044) (c) *Enforcement*. This safety zone will be enforced annually beginning on September 1 through December 31.

(2045) (d) *Regulations*.

(2046) (1) All persons are required to comply with the general regulations governing safety zones in 33 CFR 165.23 of this part.

(2047) (2) All Coast Guard vessels enforcing this safety zone or watch officers aboard the Dredge and Barge can be contacted on VHF marine band radio, channel 16. The Captain of the Port may be contacted by telephone at 215-271-4807 or via VHF marine band radio, channel 16.

Subpart G-Protection of Naval Vessels

§165.2010 Purpose.

(2048) 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 guideline 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.

(2049) The following definitions apply to this subpart:

(2050) *Atlantic Area* means that area described in 33 CFR 3.04–1 Atlantic Area.

(2051) *Large U.S. naval vessel* means any U.S. naval vessel greater than 100 feet in length overall.

(2052) *Naval defensive sea area* means those areas described in 32 CFR part 761.

(2053) *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.

(2054) *Navigable waters of the United States* means those waters defined as such in 33 CFR part 2.

(2055) *Navigation rules* means the Navigation Rules, International-Inland.

(2056) *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.

(2057) *Pacific Area* means that area described in 33 CFR 3.04–3 Pacific Area.

(2058) *Restricted area* means those areas established by the Army Corps of Engineers and set out in 33 CFR part 334.

(2059) *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.

(2060) *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.

(2061) *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.

(2062) (a) *Coast Guard.* Any Coast Guard commissioned, warrant or petty officer may enforce the rules and regulations contained in this subpart.

(2063) (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.

(2064) (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, Seventh, Eighth and Ninth U.S. Coast Guard Districts.

(2065) **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.

(2066) (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.

(2067) (c) The Navigation Rules shall apply at all times within a naval vessel protection zone.

(2068) (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.

(2069) (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.

(2070) (f) When conditions permit, the Coast Guard, senior naval officer present in command, or the official patrol should:

(2071) (1) Give advance notice on VHF-FM channel 16 of all large U.S. naval vessel movements;

(2072) (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

(2073) (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

(2074) (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.

(2075) **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.

Part 166–Shipping Safety Fairways

Subpart A–General

§166.100 Purpose.

(2076) The purpose of these regulations is to establish and designate shipping safety fairways and fairway anchorages unobstructed approaches for vessels using U.S. ports.

§166.103 Geographic coordinates.

(2077) 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.

§166.105 Definitions.

(2078) (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.

(2079) (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.

§166.110 Modification of areas.

(2080) Fairways and fairway anchorages are subject to modification in accordance with 33 U.S.C. 1223(c); 92 Stat. 1473.

Subpart B–Designation of Fairways and Fairway Anchorages (in part)

§166.500 Areas along the Atlantic Coast.

(2081) (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.

(2082) (b) *Designated areas*.–(1) Off New York Shipping Safety Fairway.

(2083) (i) Ambrose to Nantucket Safety Fairway. The area enclosed by rhumb lines, (North American Datum of 1927 (NAD-27)), joining points at:

(2084) 40°32'20"N., 73°04'57"W.

(2085) 40°30'58"N., 72°58'25"W.

(2086) 40°34'07"N., 70°19'23"W.

(2087) 40°35'37"N., 70°14'09"W.

(2088) 40°30'37"N., 70°14'00"W.

(2089) 40°32'07"N., 70°19'19"W.

(2090) 40°28'58"N., 72°58'25"W.

(2091) 40°27'20"N., 73°04'57"W.

(2092) (ii) *Nantucket to Ambrose Safety Fairway*. The area enclosed by rhumb lines, NAD-27, joining points at:

(2093) 40°24'20"N., 73°04'58"W.

(2094) 40°22'58"N., 72°58'26"W.

(2095) 40°26'07"N., 70°19'09"W.

(2096) 40°27'37"N., 70°13'46"W.

(2097) 40°22'37"N., 70°13'36"W.

(2098) 40°24'07"N., 70°19'05"W.

(2099) 40°20'58"N., 72°58'26"W.

(2100) 40°19'20"N., 73°04'58"W.

Part 167–Offshore Traffic Separation Schemes

Subpart A–General

§167.1 Purpose.

(2101) 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.

(2102) Geographic coordinates are defined using North American 1927 Datum (NAD 27) unless indicated otherwise.

§167.5 Definitions.

(2103) (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.

(2104) (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.

(2105) (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.

(2106) (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.

(2107) (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.

(2108) (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.

(2109) (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.

§167.10 Operating rules.

(2110) 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.

(2111) (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.

(2112) (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 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.

Atlantic East Coast

§167.150 Off New York Traffic Separation Scheme: General.

(2113) 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.

§167.151 Off New York: Precautionary areas.

(2114) (a) A circular precautionary area with a radius of seven miles is established centered upon Ambrose Light in geographic position

(2115) 40°27.50'N., 73°49.90'W.

(2116) (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 of radius 15.5 miles, centered upon geographic position

(2117) 40°35.00'N., 69°00.00'W., and is intersected by the traffic separation scheme "In the Approach to Boston, Massachusetts" and "Off New York" at the following geographic positions:

(2118) 40°50.33'N., 68°57.00'W.

(2119) 40°23.75'N., 69°14.63'W.

(2120) (2) The precautionary area is bounded to the west by a line connecting the two traffic separation schemes between the following geographic positions:

(2121) 40°36.75'N., 68°15.16'W.

(2122) 40°48.00'N., 69°03.33'W.

§167.152 Off New York: Eastern approach, off Nantucket.

(2123) (a) A separation zone is established bounded by a line connecting the following geographic positions:

(2124) 40°28.75'N., 69°14.83'W.

(2125) 40°27.62'N., 70°13.77'W.

(2126) 40°30.62'N., 70°14.00'W.

(2127) 40°31.75'N., 69°14.97'W.

(2128) (b) A traffic lane for westbound traffic is established between the separation zone and a line connecting the following geographic positions:

(2129) 40°36.75'N., 69°15.17'W.

(2130) 40°35.62'N., 70°15.15'W.

(2131) (c) A traffic lane for eastbound traffic is established between the separation zone and a line connecting the following geographic positions:

(2132) 40°22.62'N., 70°13.60'W.

(2133) 40°23.75'N., 69°14.63'W.

§167.153 Off New York: Eastern approach, off Ambrose Light.

(2134) (a) A separation zone is established bounded by a line connecting the following geographic positions:

(2135) 40°24.33'N., 73°04.97'W.

(2136) 40°24.20'N., 73°11.50'W.

(2137) 40°26.00'N., 73°40.93'W.

(2138) 40°27.00'N., 73°40.75'W.

(2139) 40°27.20'N., 73°11.50'W.

(2140) 40°27.33'N., 73°04.95'W.

(2141) (b) A traffic lane for westbound traffic is established between the separation zone and a line connecting the following geographic positions:

(2142) 40°32.33'N., 73°04.95'W.

(2143) 40°32.20'N., 73°11.50'W.

(2144) 40°28.00'N., 73°40.73'W.

(2145) (c) A traffic lane for eastbound traffic is established between the separation zone and a line connecting the following geographic positions:

(2146) 40°25.05'N., 73°41.32'W.

(2147) 40°19.20'N., 73°11.50'W.

(2148) 40°19.33'N., 73°04.97'W.

§167.154 Off New York: South-eastern approach.

(2149) (a) A separation zone is established bounded by a line connecting the following geographic positions:

(2150) 40°03.10'N., 73°17.93'W.

(2151) 40°06.50'N., 73°22.73'W.

(2152) 40°22.45'N., 73°43.55'W.

(2153) 40°23.20'N., 73°42.70'W.

(2154) 40°08.72'N., 73°20.10'W.

(2155) 40°05.32'N., 73°15.28'W.

(2156) (b) A traffic lane for northwest-bound traffic is established between the separation zone and a line connecting the following geographic positions:

(2157) 40°08.98'N., 73°10.87'W.

(2158) 40°12.42'N., 73°15.67'W.

(2159) 40°24.02'N., 73°41.97'W.

(2160) (c) A traffic lane for southeast-bound traffic is established between the separation zone and a line connecting the following geographic positions:

(2161) 40°21.82'N., 73°44.55'W.

(2162) 40°02.80'N., 73°27.15'W.

(2163) 39°59.43'N., 73°22.35'W.

§167.155 Off New York: Southern approach.

(2164) (a) A separation zone is established bounded by a line connecting the following geographic positions:

(2165) 39°45.70'N., 73°48.00'W.

(2166) 40°20.63'N., 73°48.33'W.

(2167) 40°20.87'N., 73°47.07'W.

(2168) 39°45.70'N., 73°44.00'W.

(2169) (b) A traffic lane for northbound traffic is established between the separation zone and a line connecting the following geographic positions:

(2170) 39°45.70'N., 73°37.70'W.

(2171) 40°21.25'N., 73°45.85'W.

(2172) (c) A traffic lane for southbound traffic is established between the separation zone and a line connecting the following geographic positions:

(2173) 40°20.53'N., 73°49.65'W.

(2174) 39°45.70'N., 73°54.40'W.

(2175) **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.

§167.170 Off Delaware Bay Approach Traffic Separation Scheme: General.

(2176) The Off Delaware Bay Traffic Separation Scheme consists of an Eastern approach, a South-eastern approach, a Two-Way Traffic Route, and a Precautionary Area. The specific areas of the Off Delaware Bay Traffic

Separation Scheme and precautionary Area are described in §167.171, §167.172, §167.173, and §167.174 of this chapter.

§167.171 Eastern approach.

(2177) (a) A separation zone is established bounded by a line connecting the following points:

(2178) 38°46'18"N., 74°34'27"W.

(2179) 38°46'20"N., 74°55'45"W.

(2180) 38°47'27"N., 74°55'24"W.

(2181) 38°47'21"N., 74°34'30"W.

(2182) (b) A traffic lane for westbound traffic is established between the northen side of the separation zone and a line connecting the following points:

(2183) 38°48'19"N., 74°55'18"W.

(2184) 38°49'48"N., 74°34'36"W.

(2185) (c) A traffic lane for eastbound traffic is established between the south side of the separation zone and a line connecting the following points:

(2186) 38°45'27"N., 74°56'12"W.

(2187) 38°44'27"N., 74°34'21"W.

§167.172 Southeastern approach.

(2188) (a) A separation zone is established bounded by a line connecting the following points:

(2189) 38°27'00"N., 74°42'18"W.

(2190) 38°43'24"N., 74°58'00"W.

(2191) 38°44'12"N., 74°57'12"W.

(2192) 38°27'36"N., 74°41'18"W.

(2193) (b) A traffic lane for north-westbound traffic is established between the northeastern side of the separation zone and a line connecting the following points:

(2194) 38°28'48"N., 74°39'18"W.

(2195) 38°45'06"N., 74°56'36"W.

(2196) (c) A traffic lane for south-eastbound traffic is established between the southwestern side of the separation zone and a line connecting the following points:

(2197) 34°42'48"N., 74°58'54"W.

(2198) 34°27'00"N., 74°45'24"W.

§167.173 The Two-Way Traffic Route.

(2199) The Two-Way Traffic Route is established bounded on the west and south by a line connecting the following points:

(2200) 38°50'45"N., 75°03'24"W.

(2201) 38°47'30"N., 75°01'48"W.

(2202) 38°48'19"N., 74°55'18"W.

(2203) 38°50'12"N., 74°49'44"W.

(2204) 38°00'00"N., 74°40'14"W. and, bounded on the east and north by a line connecting the following points:

(2205) 39°00'00"N., 74°41'00"W.

(2206) 38°50'29"N., 74°50'18"W.

(2207) 38°48'48"N., 74°55'15"W.

(2208) 38°48'20"N., 74°59'18"W.

(2209) 38°49'06"N., 75°01'39"W.

(2210) 38°51'16"N., 75°02'50"W.

§167.174 Off Delaware Bay: Precautionary area.

(2211) A precautionary area is established as follows: from

(2212) 38°42'48"N., 74°58'54"W.; thence northerly by an arc of eight nautical miles centered at

(2213) 38°48'54"N., 75°05'36"W.; to

(2214) 38°48'19"N., 74°55'18"W.; thence westerly to

(2215) 38°47'30"N., 75°01'48"W.; thence northerly to

(2216) 38°50'45"N., 75°03'24"W.; thence northeasterly to

(2217) 38°51'16"N., 75°02'50"W.; thence northerly to

(2218) 38°54'48"N., 75°01'36"W.; thence westerly by an arc of 6.7 nautical miles centered at

(2219) 38°48'54"N., 75°05'36"W. to

(2220) 38°55'32"N., 75°05'52"W.; thence southwesterly to

(2221) 38°54'00"N., 75°08'00"W.; thence southerly to

(2222) 38°46'36"N., 75°03'33"W.; thence southeasterly to

(2223) 38°42'48"N., 74°58'54"W.

§167.200 In the approaches to Chesapeake Bay Traffic Separation Scheme: General.

(2224) (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.

(2225) (b) All vessels approaching the Traffic Separation Scheme in the Approaches to Chesapeake Bay should use the appropriate inbound or outbound traffic lane.

§167.201 In the approaches to Chesapeake Bay: Precautionary area.

(2226) A precautionary area is established bounded by a circle with a two-mile radius, centered on the following geographic position:

(2227) 36°56.14'N., 75°57.43'W.

§167.202 In the approaches to Chesapeake Bay: Eastern approach.

(2228) (a) separation line is established connecting the following geographic positions:

(2229) 36°58.66'N., 75°48.63'W.

(2230) 36°56.79'N., 75°55.08'W.

(2231) (b) An inbound traffic lane is established between the separation line and a line connecting the following geographical positions:

(2232) 36°59.14'N., 75°48.88'W.

(2233) 36°57.24'N., 75°55.34'W.

(2234) (c) An outbound traffic lane is established between the separation line and a line connecting the following geographical position:

(2235) 36°56.29'N., 75°54.93'W.

(2236) 36°58.18'N., 75°48.48'W.

§167.203 In the approach to Chesapeake Bay: Southern approach.

(2237) (a) An inbound traffic lane is established between separation lines running through the following geographical positions:

(2238) 36°50.33'N., 75°46.29'W.

(2239) 36°52.90'N., 75°51.52'W.

(2240) 36°55.96'N., 75°54.97'W.

(2241) 36°55.11'N., 75°55.23'W.

(2242) 36°52.35'N., 75°52.12'W.

(2243) 36°49.70'N., 75°46.80'W.

(2244) (b) An outbound traffic lane is established between separation lines running through the following geographical position:

(2245) 36°49.52'N., 75°46.94'W.

(2246) 36°52.18'N., 75°52.29'W.

(2247) 36°54.97'N., 75°55.43'W.

(2248) 36°54.44'N., 75°56.09'W.

(2249) 36°51.59'N., 75°52.92'W.

(2250) 36°48.87'N., 75°47.42'W.

(2251) (c) A deep-water route is established between lines running through the following geographical positions:

(2252) 36°55.11'N., 75°55.23'W.

(2253) 36°52.35'N., 75°52.12'W.

(2254) 36°49.70'N., 75°46.80'W.

(2255) 36°49.52'N., 75°46.94'W.

(2256) 36°52.18'N., 75°52.29'W.

(2257) 36°54.97'N., 75°55.43'W.

(2258) (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:

(2259) (1) Deep draft vessels (drafts greater than 13.5 meters/45 feet in fresh water).

(2260) (2) Naval aircraft carriers.

(2261) (e) It is recommended that a vessel using the deep-water route established in paragraph (c) of this section–

(2262) (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;

(2263) (2) Avoid, as far as practicable, overtaking other vessels operating in the deep-water route; and

(2264) (3) Keep as near to the outer limit of the route which lies on the vessel's starboard side as is safe and practicable.

(2265) (f) Vessels other than those listed in paragraph (d) of this section should not use the deep-water route.

Part 169–Ship Reporting Systems

Subpart A—General

169.1 What is the purpose of this subpart?

(2266) 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?

(2267) *Gross tons* means vessel tonnage measured in accordance with the method utilized by the flag state administration of that vessel.

(2268) *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.

(2269) *Self-propelled ships* means ships propelled by mechanical means.

(2270) *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.

§169.10 What geographic coordinates are used?

(2271) 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 North Atlantic Right Whales

§169.100 What mandatory ship reporting systems are established by this subpart?

(2272) 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.

(2273) **Note:** 50 CFR 224.103(c) contains requirements and procedures concerning North Atlantic right whale approach limitations and avoidance procedures.

§169.102 Who is the shore-based authority?

(2274) 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?

(2275) 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

(2276) 42°39'N, 70°37'W; then northeast to

(2277) 42°45'N, 70°13'W; then southeast to

(2278) 42°10'N, 68°31'W; then south to

(2279) 41°00'N, 68°31'W; then west to

(2280) 41°00'N, 69°17'W; then northwest to

(2281) 42°05'N, 70°02'W; then west to

(2282) 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 Ann at

(2283) 42°39'N, 70°37'W.

169.110 When is the northeastern reporting system in effect?

(2284) The mandatory ship reporting system in the northeastern United States operates year-round.

169.115 Where is the southeastern reporting system located?

(2285) Geographical boundaries of the southeastern area include coastal waters within about 25 nautical miles (45 kilometers) 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 80°51.6'W. with the southern and northern boundaries at 30°00'N. and 31°27'N., respectively.

§169.120 When is the southeastern reporting system in effect?

(2286) 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.

§169.125 What classes of ships are required to make reports?

(2287) 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.

§169.130 When are ships required to make reports?

(2288) 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?

(2289) (a) A ship equipped with INMARSAT C must report in IM0 standard format as provided in §169.140 in table 169.140.

(2290) (b) A ship not equipped with INMARSAT C must report to the Coast Guard using other means, listed below in order of precedence—

(2291) (1) Narrow band direct printing (SITOR).

(2292) (2) HF voice communication, or

(2293) (3) MF or VHF voice communications.

(2294) (c) SITAR 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.

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.
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.

§169.140 What information must be included in the report?

(2295) 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 U.S. Coast Pilot.

Part 207–Navigation Regulations

§207.100 Inland Waterway from Delaware River to Chesapeake Bay, Delaware and Maryland (Chesapeake and Delaware Canal); use, administration, and navigation.

(2296) These regulations are given in the description of the canal in chapter 7 of this Coast Pilot.

§207.800 Collection of navigation statistics.

(2297) (a) *Definitions*. For the purpose of this regulation the following terms are defined:

(2298) (1) *Navigable waters of the United States* means those waters of the United States that are subject to the ebb and flow of the tide shoreward to the mean high water mark, and/or are presently used, or have been used in the past, or may be susceptible to use to transport interstate or foreign commerce. (See 33 CFR part 329 for a more complete definition of this term.)

(2299) (2) *Offenses and Violations* mean:

(2300) (i) Failure to submit a required report.

(2301) (ii) Failure to provide a timely, accurate, and complete report.

(2302) (iii) Failure to submit monthly listings of idle vessels or vessels in transit.

(2303) (iv) Failure to submit a report required by the lockmaster or canal operator.

(2304) (3) *Leased or chartered vessel* means a vessel that is leased or chartered when the owner relinquishes control of the vessel through a contractual agreement with a second party for a specified period of time and/or for a specified remuneration from the lessee. Commercial movements on an affreightment basis are not considered a lease or charter of a particular vessel.

(2305) (4) *Person* or *entity* means an individual, corporation, partnership, or company.

(2306) (5) *Timely* means vessel and commodity movement data must be received by the Waterborne Commerce Statistics Center within 30 days after the close of the month in which the vessel movement or nonmovement takes place.

(2307) (6) *Commercial vessel* means a vessel used in transporting by water, either merchandise or passengers for compensation or hire, or in the course of business of the owner, lessee, or operator of the vessel.

(2308) (7) *Reporting situation* means a vessel movement by an operator that is required to be reported. Typical examples are listed in the instructions on the various ENG Forms. Five typical movements that are required to be reported by vessel operating companies include the following examples: Company A is the barge owner, and the barge transports corn from Minneapolis, MN to New Orleans, LA, with fleeting at Cairo, IL.

(2309) (i) *Lease/Charter:* If Company A leases or charters the barge to Company B, then Company B is responsible for reporting the movements of the barge until the lease/charter expires.

(2310) (ii) *Interline Movement:* A barge is towed from Minneapolis to Cairo by Company A, and from Cairo to New Orleans by Company B. Since Company A is the barge owner, and the barge is not leased. Company A reports the entire movement of the barge with an origin of Minneapolis and a destination of New Orleans.

(2311) (iii) *Vessel Swap/Trade:* Company A swaps barge with Company B to allow Company B to meet a delivery commitment to New Orleans. Since Company A has not leased/chartered the barge, Company A is responsible for filing the report. Company B is responsible for filing the report on the barge which is traded to Company A. The swap or trade will not affect the primary responsibility for reporting the individual vessel movements.

(2312) (iv) *Re-Consignment:* Barge is reconsigned to Mobile, AL. Company A reports the movements as originating in Minneapolis and terminating in Mobile. The point from which barge is reconsigned is not reported, only points of loading and unloading.

(2313) (v) *Fleeting:* Barge is deposited at a New Orleans fleeting area by Company A and towed by Company B from fleeting area to New Orleans area dock for unloading. Company A, as barge owner, reports entire movements from Minneapolis to the unloading dock in New Orleans. Company B does not report any barge movement.

(2314) (b) Implementation of the waterborne commerce statistics provisions of the River and Harbor Act of 1922, as amended by the Water Resources Development Act of 1986 (Pub. L. 99-662), mandates the following:

(2315) (1) Filing Requirements. Except as provided in paragraph (b)(2) of this section, the person or entity receiving remuneration for the movement of vessels or for the transportation of goods or passengers on the navigable waters is responsible for assuring that the activity report of commercial vessels is timely filed.

(2316) (i) For vessels under lease/charter agreements, the lessee or charterer of any commercial vessel engaged in commercial transportation will be responsible for the filing of said reports until the lease/charter expires.

(2317) (ii) The vessel owner, or his designated agent, is always the responsible party for ensuring that all commercial activity of the vessel is timely reported.

(2318) (2) The following Vessel Information Reports are to be filed with the Army Corps of Engineers, at the address specified on the ENG Form, and are to include:

(2319) (i) Monthly Reports. These reports shall be made on ENG Forms furnished upon written request of the vessel operating companies to the Army Corps of Engineers. The forms are available at the following address: U.S. Army Corps of Engineers, Waterborne Commerce Statistics Center, Post Office Box 62180, New Orleans, LA 70161-1280.

(2320) (A) All movements of domestic waterborne commercial vessels shall be reported, including but not limited to: Dry cargo ship and tanker moves, loaded and empty barge moves, towboat moves, with or without barges in tow, fishing vessels, movements of crew boats and supply boats to offshore locations, tugboat moves and movements of newly constructed vessels from the shipyard to the point of delivery.

(2321) (B) Vessels idle during the month must also be reported.

(2322) (C) Notwithstanding the above requirements, the following water-borne vessel movements need not be reported:

(2323) (1) Movements of recreational vessels.

(2324) (2) Movements of fire, police, and patrol vessels.

(2325) (3) Movements of vessels exclusively engaged in construction (e.g., piledrivers and crane barges). **Note:** however, that movements of supplies, materials, and crews to or from the construction site must be timely reported.

(2326) (4) Movements of dredges to or from the dredging site. However, vessel movements of dredged material from the dredging site to the disposal site must be reported.

(2327) (5) Specific movements granted exemption in writing by the Waterborne Commerce Statistics Center.

(2328) (D) ENG Forms 3925 and 3925b shall be completed and filed by vessel operating companies each month for all voyages or vessel movements completed during the

month. Vessels that did not complete a move during the month shall be reported as idle or in transit.

(2329) (E) The vessel operating company may request a waiver from the Army Corps of Engineers, and upon written approval by the Waterborne Commerce Center, the company may be allowed to provide the requisite information of the above paragraph (D), on computer printouts, magnetic tape, diskettes, or alternate medium approved by the Center.

(2330) (F) Harbor Maintenance Tax information is required on ENG Form 3925 for cargo movements into or out of ports that are subject to the provisions of section 1402 of the Water Resources Development Act of 1986 (Pub. L. 99-662).

(2331) (1) The name of the shipper of the commodity, and the shipper's Internal Revenue Service number or Social Security number, must be reported on the form.

(2332) (2) If a specific exemption applies to the shipper, the shipper should list the appropriate exemption code. The specific exemption codes are listed in the directions for ENG Form 3925.

(2333) (3) Refer to 19 CFR part 24 for detailed information on exemptions and ports subject to the Harbor Maintenance Tax.

(2334) (ii) Annual Reports. Annually an inventory of vessels available for commercial carriage of domestic commerce and vessel characteristics must be filed on ENG Forms 3931 and 3932.

(2335) (iii) Transaction Reports. The sale, charter, or lease of vessels to other companies must also be reported to assure that proper decisions are made regarding each company's duty for reporting vessel movements during the year. In the absence of notification of the transaction, the former company of record remains responsible until proper notice is received by the Corps.

(2336) (iv) Reports to Lockmasters and Canal Operators. Masters of self-propelled non-recreational vessels which pass through locks and canals operated by the Army Corps of Engineers will provide the data specified on ENG Forms 3102b, 3102c, and/or 3102d to the lockmaster, canal operator, or his designated representative in the manner and detail dictated.

(2337) (c) *Penalties for Noncompliance.* The following penalties for noncompliance can be assessed for offenses and violations.

(2338) (1) Criminal Penalties. Every person or persons violating the provisions of this regulation shall, for each and every offenses, be liable to a fine of not more than $5,000, or imprisonment not exceeding two months, to be enforced in any district court in the United States within whose territorial jurisdiction such offense may have been committed.

(2339) (2) Civil Penalties. In addition, any person or entity that fails to provide timely, accurate, and complete statements or reports required to be submitted by this regulation may also be assessed a civil penalty of up to $2,500 per violation under 33 U.S.C. 555, as amended.

(2340) (3) Denial of Passage. In addition to these fines, penalties, and imprisonments, the lockmaster or canal operator can refuse to allow vessel passage.

(2341) (d) *Enforcement Policy.* Every means at the disposal of the Army Corps of Engineers will be utilized to monitor and enforce these regulations.

(2342) (1) To identify vessel operating companies that should be reporting waterborne commerce data, The Corps will make use of, but is not limited to, the following sources.

(2343) (i) Data on purchase and sale of vessels.

(2344) (ii) U.S. Coast Guard vessel documentation and reports.

(2345) (iii) Data collected at Locks, Canals, and other facilities operated by the Corps.

(2346) (iv) Data provided by terminals on ENG Form 3926.

(2347) (v) Data provided by the other Federal agencies including the Internal Revenue Service, Customs Service, Maritime Administration, Department of Transportation, and Department of Commerce.

(2348) (vi) Data provided by ports, local facilities, and State or local governments.

(2349) (vii) Data from trade journals and publications.

(2350) (viii) Site visits and inspections.

(2351) (2) Notice of Violation. Once a reporting violation is determined to have occurred, the Chief of the Waterborne Commerce Statistics Center will notify the responsible party and allow 30 days for the reports to be filed after the fact. If the reports are not filed within this 30-day notice period, then appropriate civil or criminal actions will be undertaken by the Army Corps of Engineers, including the proposal of civil or criminal penalties for noncompliance. Typical cases for criminal or civil action include, but are not limited to, those violations which are willful, repeated, or have a substantial impact in the opinion of the Chief of the Waterborne Commerce Statistics Center.

(2352) (3) Administrative Assessment of Civil Penalties. Civil penalties may be assessed in the following manner.

(2353) (i) Authorization. If the Chief of the Waterborne Commerce Statistics Center finds that a person or entity has failed to comply with any of the provisions specified herein, he is authorized to assess a civil penalty in accordance with the Class I penalty provisions of 33 CFR part 326. Provided, however, that the procedures in 33 CFR part 326 specifically implementing the Clean Water Act (33 U.S.C. 1319(g)(4)), public notice, comment period, and state coordination, shall not apply.

(2354) (ii) Initiation. The Chief of the Waterborne Commerce Statistics Center will prepare and process a proposed civil penalty order which shall state the amount of the penalty to be assessed, described by reasonable specificity the nature of the violation, and indicate the applicable provisions of 33 CFR part 326.

(2355) (iii) Hearing Requests. Recipients of a proposed civil penalty order may file a written request for a hearing or other proceeding. This request shall be as specified in 33 CFR part 326 and shall be addressed to the Director of the Water Resources Support Center, Casey Building, Fort Belvoir, VA 22060-5586, who will provide the requesting person or entity with a reasonable opportunity to present evidence regarding the issuance, modification, or revocation of the proposed order. Thereafter, the Director of the Water Resources Center shall issue a final order.

(2356) (4) Additional Remedies. Appropriate cases may also be referred to the local U.S. Attorney for prosecution, penalty collection, injunctive, and other relief by the Chief of the Waterborne Commerce Statistics Center.

Part 334–Danger Zones and Restricted Area Regulations

§334.1 Purpose.

(2357) The purpose of this part is to:

(2358) (a) Prescribe procedures for establishing, amending and disestablishing danger zones and restricted area;

(2359) (b) List the specific danger zones and restricted areas and their boundaries; and

(2360) (c) Prescribe specific requirements, access limitations and controlled activities within the danger zones and restricted areas.

§334.2 Definitions.

(2361) (a) *Danger zone*. A defined water area (or areas) used for target practice, bombing, rocket firing or other especially hazardous operations, normally for the armed forces. The danger zones may be closed to the public on a full-time or intermittent basis, as stated in the regulations.

(2362) (b) *Restricted area*. A defined water area for the purpose of prohibiting or limiting public access to the area. Restricted areas generally provide security for Government property and/or protection to the public from the risks of damage or injury arising from the Government's use of that area.

§334.3 Special policies.

(2363) (a) *General*. The general regulatory policies stated in 33 CFR part 320 will be followed as appropriate. In addition, danger zone and restricted area regulations shall provide for public access to the area to the maximum extent practicable.

(2364) (b) *Food fishing industry*. The authority to prescribe danger zone and restricted area regulations must be exercised so as not to unreasonably interfere with or restrict the food fishing industry. Whenever the proposed establishment of a danger zone or restricted area may affect fishing operations, the District Engineer will consult with the Regional Director, U.S. Fish and Wildlife Service, Department of the Interior and the Regional Director, National Marine Fisheries Service, National Oceanic & Atmospheric Administration (NOAA),

(2365) (c) *Temporary, occasional or intermittent use*. If the use of the water area is desired for a short period of time, not exceed thirty days in duration, and that planned operations can be conducted safely without imposing unreasonable restrictions on navigation, and without promulgating restricted area regulations in accordance with the regulations in this section, applicants may be informed that formal regulations are not required. Activities of this type shall not reoccur more often than biennially (every other year), unless danger zone/restricted area rules are promulgated under this Part. Proper notices for mariners requesting that vessels avoid the area will be issued by the Agency requesting such use of the water area, or if appropriate, by the District Engineer, to all known interested persons. Copies will also be sent to appropriate State agencies, the Commandant, U.S. Coast Guard, Washington, DC 20590, and Director, National Geospatial–Intelligence Agency, Washington, DC 20390, ATTN: Code NS 12. Notification to all parties and Agencies shall be made at least two weeks prior to the planned event, or earlier, if required for distribution of Local Notice to Mariners by the Coast Guard.

§334.4 Establishment and amendment procedures.

(2366) (a) *Application*. Any request for the establishment, amendment or revocation of a danger zone or restricted area must contain sufficient information for the District Engineer to issue a public notice, and as a minimum must contain the following:

(2367) (1) Name, address and telephone number of requestor including the identity of the command and DoD facility and the identity of a point of contact with phone number.

(2368) (2) Name of waterway and if a small tributary, the name of a larger connecting waterbody.

(2369) (3) Name of closest city or town, county/parish and state.

(2370) (4) Location of proposed or existing danger zone or restricted area with a map showing the location, if possible.

(2371) (5) A brief statement of the need for the area, its intended use and detailed description of the times, dates and extent of restriction.

(2372) (b) *Public notice.* (1) The Corps will normally publish public notices and **Federal Register** documents concurrently. Upon receipt of a request for the establishment, amendment or revocation of a danger zone or restricted area, the District Engineer should forward a copy of the request with his/her recommendation, a copy of the draft public notice and a draft **Federal Register** document to the Office of the Chief of Engineers, ATTN: CECW-OR. The Chief of Engineers will publish the proposal in the **Federal Register** concurrent with the public notice issued by the District Engineer.

(2373) (2) *Content.* The public notice and **Federal Register** documents must include sufficient information to give a clear understanding of the proposed action and should include the following items of information:

(2374) (i) Applicable statutory authority or authorities; (40 Stat. 266; 33 U.S.C. 1) and (40 Stat. 892; 33 U.S.C. 3).

(2375) (ii) A reasonable comment period. The public notice should fix a limiting date within which comments will be received, normally a period not less than 30 days after publication of the notice.

(2376) (iii) The address of the District Engineer as the recipient of any comments received.

(2377) (iv) The identity of the applicant/proponent;

(2378) (v) The name or title, address and telephone number of the Corps employee from whom additional information concerning the proposal may be obtained;

(2379) (vi) The location of the proposed activity accompanied by a map of sufficient detail to show the boundaries of the area(s) and its relationship to the surrounding area.

(2380) (3) *Distribution.* Public notice will be distributed in accordance with 33 CFR 325.3(d)(1). In addition to this general distribution, public notices will be sent to the following Agencies:

(2381) (i) The Federal Aviation Administration (FAA) where the use of airspace is involved.

(2382) (ii) The Commander, Service Force, U.S. Atlantic Fleet, if a proposed action involves a danger zone off the U.S. Atlantic coast.

(2383) (iii) Proposed danger zones on the U.S. Pacific coast must be coordinated with the applicable commands as follows:

(2384) Alaska, Oregon and Washington:

(2385) Commander, Naval Base, Seattle

(2386) California:

(2387) Commander, Naval Base, San Diego

(2388) Hawaii and Trust Territories:

(2389) Commander, Naval Base, Pearl Harbor

(2390) (c) *Public hearing.* The District Engineer may conduct a public hearing in accordance with 33 CFR part 327.

(2391) (d) *Environmental documentation.* The District Engineer shall prepare environmental documentation in accordance with appendix B to 33 CFR part 325.

(2392) (e) *District Engineer's recommendation.* After closure of the comment period, and upon completion of the District Engineer's review he/she shall forward the case through channels to the Office of the Chief of Engineers, ATTN: CECW-OR with a recommendation of whether or not the danger zone or restricted area regulation should be promulgated. The District Engineer shall include a copy of environmental documentation prepared in accordance with appendix B to 33 CFR part 325, the record of any public hearings, if held, a summary of any comments received and a response thereto, and a draft of the regulation as it is to appear in the **Federal Register**.

(2393) (f) *Final decision.* The Chief of Engineers will notify the District Engineer of the final decision to either approve or disapprove the regulations. The District Engineer will notify the applicant/proponent and publish a public notice of the final decision. Concurrent with issuance of the public notice the Office of the Chief of Engineers will publish the final decision in the **Federal Register** and either withdraw the proposed regulation or issue the final regulation as appropriate. The final rule shall become effective no sooner than 30 days after publication in the Federal Register unless the Chief of Engineers finds that sufficient cause exists and publishes that rationale with the regulations.

§334.5 Disestablishment of a danger zone.

(2394) (a) Upon receipt of a request from any agency for the disestablishment of a danger zone, the District Engineer shall notify that agency of its responsibility for returning the area to a condition suitable for use by the public. The agency must either certify that it has not used the area for a purpose that requires cleanup or that it has removed all hazardous materials and munitions, before the Corps will disestablish the area. The agency will remain responsible for the enforcement of the danger zone regulations to prevent unauthorized entry into the area until the area is deemed safe for use by the public and the area is disestablished by the Corps.

(2395) (b) Upon receipt of the certification required in paragraph (a) of this section, the District shall forward the request for disestablishment of the danger zone

through channels to CECW-OR, with its recommendations. Notice of proposed rulemaking and public procedures as outlined in §334.4 are not normally required before publication of the final rule revoking a restricted area or danger zone regulation. The disestablishment/revocation of the danger zone or restricted area regulation removes a restriction on a waterway.

§334.6 Datum.

(2396) (a) Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose reference 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.

(2397) (b) For further information on NAD 83 and National Service nautical charts please contact:

(2398) Director, Coast Survey (N/CS2)

(2399) National Ocean Service, NOAA

(2400) 1315 East-West Highway, Station 6147

(2401) Silver Spring, MD 20910-3282.

§334.100 Atlantic Ocean off Cape May, N.J.; Coast Guard Rifle Range.

(2402) (a) *The danger zone*. The waters of the Atlantic Ocean within an area described as follows: Beginning at Cape May West Jetty Light; thence 180° true, 800 yards; thence 250° true 1,325 yards; and thence 335° true to the shore line.

(2403) (b) *The regulations*. (1) No person or vessel shall enter or remain in the danger area between sunrise and sunset daily, except as authorized by the enforcing agency.

(2404) (2) The regulations in this section shall be enforced by the Commander, Third Coast Guard District, or his authorized representative.

§334.110 Delaware Bay off Cape Henlopen, Del.; naval restricted area.

(2405) (a) *The area*. (1) Beginning at a point on the south shore of Delaware Bay at longitude 75°06'12"; thence to latitude 38°47'25", longitude 75°06'20"; thence to latitude 38°47'48", longitude 75°06'00"; thence to latitude 38°50'43", longitude 75°02'11"; thence to latitude 38°49'16", longitude 74°59'35"; thence to a point on the shore at latitude 38°46'09"; thence northwesterly and southwesterly along the shore at Cape Henlopen to the point of beginning.

(2406) (b) *The regulations*. (1) Anchoring, trawl fishing, crabbing, dragging, grappling, and towing with hawser on bottom are prohibited in the area and no object attached to a vessel shall be placed on or near the bottom.

(2407) (2) This section does not apply to anchored floating navigational aids or to placement or removal of such aids by the Coast Guard.

(2408) (3) This section does not apply to vessels engaged in commercial or pleasure boat fishing provided anchors, trawls, and ground tackle are not used.

(2409) (4) The regulations in this section shall be enforced by the Commandant, Fourth Naval District, and such agencies as he may designate.

§334.120 Delaware Bay off Milford Neck; naval aircraft bombing target area.

(2410) (a) *The danger zone*. A circular area of one nautical mile radius having its center in Delaware Bay at latitude 38°58'12", longitude 75°17'30".

(2411) (b) *The regulations*. (1) Anchoring, trawling, crabbing, fishing and dragging in the danger zone are prohibited during daylight hours.

(2412) (2) The regulations in this section shall be enforced by the Commandant, Fourth Naval District, and such agencies as he may designate.

§334.130 Atlantic Ocean off Wallops Island and Chincoteague Inlet, Va.; danger zone.

(2413) (a) *The area*. An area immediately offshore from Wallops Island defined by lines drawn as follows: Beginning at

(2414) 37°51'30"N., 75°27'30"W.; thence to

(2415) 37°51'30"N., 75°17'12"W.; thence to

(2416) 37°43'18"N., 75°29'42"W.: and thence to

(2417) 37°49'18"N., 75°29'42"W.

(2418) (b) *The regulations*. (1) Persons and vessels may enter and operate in the danger zone at all times when warning signals are not displayed.

(2419) (2) When warning signals are displayed, all persons and vessels in the danger zone, except vessels entering or departing Chincoteague Inlet, shall leave the zone promptly by the shortest possible route and shall remain outside the zone until allowed by a patrol boat to enter or the dangers signal has been discontinued. Vessels entering or departing Chincoteague Inlet shall take the shortest passage possible through the danger zone upon display of the danger signal.

(2420) (3) The intent to conduct rocket-launching operations involving the area shall be indicated by a signal consisting of a large orange-colored, “blimp-shaped” balloon by day and a signal rotating alternately red and white beacon by night. The balloon shall be flown at latitude 37°50'38", longitude 75°28'47" and the beacon shall be displayed about 200 feet above mean high water at latitude 37°50'16", longitude 75°29'07". The appropriate one of these signals shall be displayed 30

minutes prior to rocket-launching time and shall remain displayed until danger no longer exists.

(2421) (4) The regulations in this section shall be enforced by the Director, Wallops Station, National Aeronautics and Space Administration, Wallops Island, Va., or such agencies as he may designate.

§334.140 Chesapeake Bay; United States Army Proving Ground Reservation, Aberdeen, Md.

(2422) (a) *Restricted area defined*. The following indicates the limits of the waters of or adjacent to the Aberdeen Proving Ground, Maryland, and inside of which boundaries will lie the restricted area known as the Aberdeen Proving Ground, Maryland.

(2423) (1) Beginning at a point on the westerly side of Chesapeake Bay, at the south side of the mouth of Swan Creek, Harford County, Maryland, the most northerly point of the reservation known as Plum Point; thence southeasterly along the low water mark on the shore of Chesapeake Bay to and across the north entrance of Spesutie Narrows to and thence along the low water mark on the north shore of Spesutie Island to Locust Point; thence along straight line from Locust Point to Turkey Point for a distance of approximately 1,400 yards; thence following a line parallel with and 1,000 yards from the low water mark on the easterly shore of Spesutie Island to a point 1,000 yards due southeast of Sandy Point; thence approximately southwest in a straight line to a point approximately 1,250 yards S. 10°30' W. from Bear Point; thence approximately 9,275 yards S. 51°04'W. to a point in Chesapeake Bay about 1,700 yards due east from Taylor Island Point; thence southwesterly in a straight course, except such variations as may be necessary to include all of Pooles Island to the southwesterly point of Pooles Island, thence in a northwesterly direction to the most southwesterly point of Spry Island, including all of Spry Island; thence northwesterly in a straight line to extreme southerly island off Lower Island Point; thence northwesterly in a straight line through Brier Point to a point in Seneca Creek where this line intersects a straight line which passes through monuments No. 124 and No. 125 on westerly part of Carroll Island; thence northeasterly in a straight line passing through Marshy Point, at the junction of Dundee Creek and Saltpeter Creek, to the intersection of the center line of Reardon Inlet with Gunpowder River, except such variations as may be necessary to exclude any and all parts of the point of land on the westerly side of Gunpowder River about one mile south of Oliver Point; thence northerly along the center line of Reardon Inlet to its intersection with the southeasterly line of the right of way of the Pennsylvania Railroad; thence northeast along the Pennsylvania Railroad following the reservation boundary line to shore of Bush River, and along its western shore to Fairview Point; thence northeast in a straight line across Bush River to concrete monument No. 64, located on the eastern shore of Bush River, south of Chelsea; thence along the eastern shore of Bush River northerly to the mouth of Sod Run; thence by a broken line along the boundary of the reservation to Swan Creek; and thence in a straight line to Plum Point. (The above description may be traced on National Ocean Survey Chart No. 12273.)

(2424) (b) *Authority delegated Commanding Officer*. The Commanding Officer, Aberdeen Proving Ground, has been delegated the authority by the Secretary of the Army to designate from time to time by suitably posted bulletins or announcements, the conditions under which the public, including food fishermen and crabbers, may enter restricted waters of the Aberdeen Proving Ground.

(2425) (c) *Penalty*. All persons who enter the restricted waters, except as authorized in this section, without the authority of the Commanding Officer, Aberdeen Proving Ground Md., are under the terms of the information given above, guilty of a misdemeanor and upon conviction thereon are punishable by a fine not exceeding $500 or by imprisonment not exceeding 6 months.

(2426) (d) *Entrance into restricted waters by the public*.

(2427) (1) The following water areas are closed to the public at all times:

(2428) (i) Supesutie Narrows-all waters north and east of a line between Bear Point and Black Point;

(2429) (ii) All creeks except Landerick Creek;

(2430) (iii) The water adjacent to Carroll Island which lies between Brier Point and Lower Island Point also known as Hawthorne Cove;

(2431) (iv) The waters immediately off the mouth of Romney Creek;

(2432) (v) The waters adjacent to Abbey Point Recovery Field more accurately described as area number 16; depicted in Aberdeen Proving Ground Regulation 210–10, Appendix A.

(2433) (vi) The waters on the north side of the Bush River from Pond Point to Chelsea Chimney are closed for fishing purposes.

(2434) (2) The remainder of the restricted areas will normally be open for authorized use (including navigation and fishing) during the following hours:

(2435) (i) Monday through Thursday, 5 p.m. to 7:30 a.m.;

(2436) (ii) Weekends, 5 p.m. Friday to 7:30 a.m. Monday;

(2437) (iii) National (not State) holidays, 5 p.m. the day preceding the holiday to 7:30 a.m. the day following the holiday.

(2438) (3) When requirements of tests, as determined by the Commanding Officer, Aberdeen Proving Ground, or his designee, necessitate closing the restricted areas

during the aforementioned times and days, the Commanding Officer, Aberdeen Proving Ground, will publish appropriate circulars or cause to be broadcast over local radio stations notices informing the public of the time and days which entrance to the restricted waters of Aberdeen Proving Ground by the general public will be prohibited.

(2439) (4) A fleet of patrol boats will be positioned at the perimeter of the restricted water zone boundaries (except in extreme weather conditions such as gales or ice) during periods of testing to prevent unauthorized entry. If necessary to attract attention of another vessel about to penetrate the restricted area, the patrol boat may operate a distinctive rotating blue and red light, public address system, and sound a siren, or by radio contact on shipshore FM channel 16 and citizen band channel 12. Buoys will mark the restricted waters along the Chesapeake Bay perimeter during the period, normally 4 June through 1 October annually.

(2440) (5) *Authorized use*. Authorized use as used in this section is defined as fishing from a vessel, navigation using a vessel to transverse a water area, or anchoring a vessel in a water area. Any person who touches any land, or docks or grounds a vessel, within the boundaries of Aberdeen Proving Ground, Maryland, is not using the area for an authorized use and is in violation of this regulation. Further, water skiing in the water area of Aberdeen Proving Ground is permitted as an authorized use when the water area is open for use by the general public provided that no water skier touches any land either dry land (fast land) or subaqueous land and comes no closer than 200 meters from any shoreline. Further, if any person is in the water area of Aberdeen Proving Ground, Maryland, outside of any vessel (except for the purposes of water skiing as outlined above) including, but not limited to, swimming, scuba diving, or other purpose, that person is not using the water in an authorized manner and is in violation of this regulation.

(2441) (e) *Entry onto land and limitations of firing over land*. (1) Entry onto any land, either dry land (fast land) or subaqueous land, within the boundaries of the Aberdeen Proving Ground Reservation as defined in paragraph (a)(1) is prohibited at all times. Provided, the Commander, Aberdeen Proving Ground, is authorized to grant exceptions to this regulation either by written permission or by local regulation. Entry onto the land is punishable as in paragraph (c) of this section.

(2442) (2) There are no limitations on test firing by Federal testing facilities at Aberdeen Proving Ground over land be belonging to Aberdeen Proving Ground.

(2443) (f) *Permits required from the Commanding Officer to set fixed nets in restricted waters*. (1) Fishermen and crabbers desiring to set fixed nets within the restricted waters of Aberdeen Proving Ground Reservation are required in every instance to have a written permit. A fixed net for the purpose of this paragraph is defined as a pound net, staked gill net, hedge fike net, hoop net, eel pot, crab pot, and all other types of nets fastened by means of poles, stakes, weights, or anchors. Permits to fish and crab within the restricted waters of Aberdeen Proving Ground may be obtained by written application to the Commanding Officer, Department of the Army, Aberdeen Proving Ground, Attention: Provost Marshall Division, Aberdeen Proving Ground, Md. Applicants for permits must state the location at which they desire to set fixed nets and state the period of time for which they desire the permit to cover. Nets placed in the restricted waters are subject to damage by gunfire and bombing, and the risk of such damage will be assumed by the holder of the permit.

(2444) (2) Holders of permits for setting fixed nets must comply with the provisions of this part and also with 33 CFR 206.50(d), not carried in this Pilot.

(2445) (g) *Identification signs required at each location of fixed nets*. Fishermen and crabbers who have been granted permits to fish or crab within the restricted waters of Aberdeen Proving Ground Reservation with fixed nets must at each location have a stake securely driven at the outer end of the line of nets on which is mounted a sign board which contains their name and permit number. All stakes set within the restricted area established by this regulation will project at least three (3) feet above the surface of the water at all ordinary high stages of the tide. Nets and other fishing and crabbing structures erected will be marked by stakes set at intervals not greater than fifty (50) feet. Fishing and crabbing structures erected in Aberdeen Proving Ground waters will be plainly marked on both ends, and will be lighted with a white light between sunset and sunrise, by and at the expense of the owner.

(2446) (h) *Removal of pound net poles and or stakes*. At the end of the fishing and crabbing season, fishermen and crabbers must remove and haul away from the location all pound nets, pots, poles or stakes used in their operation. Pound net poles or stakes must not be cast adrift after removal.

(2447) (i) *Restrictions on fishermen and crabbers*. It must be distinctly understood that holders of permits to fish or crab are not authorized to enter the restricted waters of Aberdeen Proving Ground Reservation outside the hours as announced by the Commanding Officer, Aberdeen Proving Ground. In addition, the privileges granted in this paragraph include no right to land nor to cut or procure pound nets poles or stakes on the Aberdeen Proving Ground Reservation.

(2448) (j) Aberdeen Proving Ground Regulations (APGR) 210–10 will govern commercial fishing and crabbing

and APGR 210–26 will govern recreational (non-commercial) fishing and crabbing. This section shall be enforced by the Commander, Aberdeen Proving Ground, and such agencies as he/she may designate.

(2449) (k) *Compliance with Federal, State and county laws required*. The taking of fish and crabs in the waters of Aberdeen Proving Ground Reservation and the setting of and location of nets, in a manner not in compliance with Federal, State, and county laws is prohibited.

§334.150 Severn River at Annapolis, Md.; experimental test area, U.S. Navy Marine Engineering Laboratory.

(2450) (a) *The restricted area*. The waters of Severn River shoreward of a line beginning at the southeasternmost corner of the U.S. Navy Marine Engineering Laboratory sea wall and running thence southwesterly perpendicular to the main Severn River channel, approximately 560 feet, thence northwesterly parallel to and 50 feet shoreward of the edge of the channel, 1,035 feet, and thence northeasterly perpendicular to the channel, approximately 600 feet, to the shore. Spar buoys will mark the corners of the area adjacent to the channel.

(2451) (b) *The regulations*. (1) No vessel or person other than specifically authorized military and naval vessels and persons shall enter or remain in the area during its use for experimental purposes. At all other times vessels and persons may use the area without restriction.

(2452) (2) The area will be in use intermittently, and this use will be signified by the presence of white-painted boats or floats, which will be lighted at night.

(2453) (3) Upon observing the boats or floats referred to in paragraph (b)(2) of this section, or upon being warned, vessels and persons shall immediately vacate the area and remain outside the area during the period of use.

(2454) (4) The regulations in this section shall be enforced by the Commandant, Severn River Naval Command, and such agencies as he may designate.

§334.155 Severn River, Naval Station Annapolis, Small Boat Basin, Annapolis, MD; naval restricted area.

(2455) (a) *The area*. The waters within the Naval Station Annapolis small boat basin and adjacent waters of the Severn River enclosed by a line beginning at the southeast corner of the U.S. Navy Marine Engineering Laboratory; thence to 38°58'56.5"N., 76°28'11.5"W.; thence to 38°58'50.5"N., 76°27'52.0"W.; thence to the southeast corner of the Naval Station's seawall.

(2456) (b) *The regulations*. No person, vessel or other craft shall enter or remain in the restricted area at any time except as authorized by the enforcing agency.

(2457) (c) *Enforcement*. The regulations in this section shall be enforced by the Superintendent, U.S. Naval Academy, in Annapolis, Maryland, and such agencies as he/she may designate.

§334.160 Severn River, at U.S. Naval Academy Santee Basin, Annapolis, Md.; naval restricted area.

(2458) (a) *The area*. The waters within the U.S. Naval Academy Santee Basin and adjacent waters of Severn River inclosed by a line beginning at the northeast corner of Dewey Field seawall; thence to latitude 38°59'03", longitude 76°28'47.5"; thence to latitude 38°58'58", longitude 76°28'40"; and thence to the northwest corner of Farragut Field seawall.

(2459) (b) *The regulations*. (1) No person in the water, vessel or other craft shall enter or remain in the restricted area at any time except as authorized by the enforcing agency.

(2460) (2) The regulations in this section shall be enforced by the Superintendent, U.S. Naval Academy, Annapolis, Md., and such agencies as he may designate.

§334.170 Chesapeake Bay, in the vicinity of Chesapeake Beach, Md.; firing range, Naval Research Laboratory.

(2461) (a) *The danger zone*–(1) *Area A*. A roughly rectangular area bounded on the north by latitude 38°39'55"; on the south by latitude 38°39'09"; on the east by longitude 76°31'03"; and on the west by the shore of Chesapeake Bay.

(2462) (2) *Area B*. The sector of a circle bounded by radii of 9,600 yards bearing 31° (to Bloody Point Bar Light) and 137°30' (to Choptank River Approach Buoy 2), respectively, from the center at the southeast corner of building No. 3; excluding Area A.

(2463) (3) *Area C*. The segment of a circle inclosed by the arcs of two circles having radii of 9,600 yards and 13,200 yards, respectively, and bounded by the extended radii marking the north and south limits of Area B.

(2464) Note: All bearings referred to true meridian.

(2465) (4) *Area D*. A roughly rectangular area bounded on the north by an east-west line through Chesapeake Beach Light 2 at the entrance channel to Fishing Creek; on the south by an east-west line through Plum Point Shoal Buoy 1 northeast from Breezy Point; on the east by the established fishing structure limit line; and on the west by the shore of Chesapeake Bay.

(2466) (b) *The regulations*. (1) No person or vessel shall enter or remain in Area A at any time.

(2467) (2) No person or vessel shall enter or remain in Area B or Area C between the hours of 1:00 p.m. and 5:00 p.m. daily except Sundays, except that through

navigation of commercial craft will be permitted in Area C at all times, but such vessels shall proceed on their normal course and shall not delay their progress.

(2468) (3) No fishing structures, other than those presently in established locations, which may be maintained, will be permitted to be established in Area D without specific permission from the Commanding Officer, Naval Research Laboratory.

(2469) (4) The areas will be in use throughout the year, and no further notice is contemplated that firing is continuing.

(2470) (5) Prior to the conduct of each firing practice a patrol vessel will patrol the range to warn navigation. "Bravo" will be flown from a conspicuous point on the patrol vessel and from a prominent position on shore.

(2471) (6) This section shall be enforced by the Commander, Naval Base, Norfolk, Virginia, and such agencies as he/she may designate.

§334.180 Patuxent River, Md.; restricted areas, U.S. Naval Air Test Center, Patuxent River, Md.

(2472) (a) Except in the gut off the tip of Point Patience, no person in the water and no craft shall approach closer than 75 yards to the beaches, shoreline, or piers of the area formerly occupied by the U.S. Naval Mine Warfare Test Station, or of U.S. Naval Air Station property. A person in the water or a civilian craft shall not approach rafts, barges, or platforms closer than 100 yards.

(2473) (b) Diving tenders will exhibit a square red flag with white X when underwater diving takes place from naval small craft. At such times, persons in the water and civilian craft shall stay at least 200 yards clear of these vessels and the civilian craft shall proceed at a speed not greater than five knots when within 1,000 yards thereof.

(2474) (c) On occasions, seaplane landings and takeoffs will be practiced in the seadrome area north of the U.S. Naval Air Station, Patuxent River. This area includes those waters of the Patuxent River between Town Point and Hog Point shoreward of a line described as follows: Beginning at a point on the shore just west of Lewis Creek, bearing 161°30' true, 2,000 yards from Patuxent River Light 8; thence to a point bearing 130° true, 1,850 yards from Patuxent River Light 8; thence to a point bearing 247°30' true, 3,650 yards from Drum Point Light 2; thence to a point bearing 235° true, 2,060 yards from Drum Point Light 2; thence to a point bearing 129° true, 700 yards from Drum Point Light 2; thence to a point bearing 137° true, 1,060 yards from Drum Point Light 2; and thence to a point on the shore west of Harper Creek entrance, bearing 158°30' true, 1,900 yards from Drum Point Light 2.

(2475) (d) The regulations in this section shall be enforced by the Commanding Officer, U.S. Naval Air Station, Patuxent River, Md., and such agencies as he may designate.

§334.190 Chesapeake Bay, in vicinity of Bloodsworth Island, Md.; shore bombardment, air bombing, air strafing, and rocket firing area, U.S. Navy.

(2476) (a) *The areas*–(1) *Prohibited area*. All waters within a circle 0.5-mile in radius with its center at latitude 38°10'00", longitude 76°06'00".

(2477) (2) *The danger zone*. All waters of Chesapeake Bay and Tangier Sound within an area bounded as follows: Beginning at latitude 38°08'15", longitude 76°10'00"; thence to latitude 38°12'00", longitude 76°10'00"; thence to latitude 38°12'00", longitude 76°07'00"; thence to latitude 38°13'00", longitude 76°06'00"; thence to latitude 38°13'00", longitude 76°04'00"; thence to latitude 38°12'00", longitude 76°02'00"; thence to latitude 38°12'00", longitude 76°00'00"; thence to latitude 38°08'15", longitude 76°00'00"; thence to the point of beginning, excluding the prohibited area described in paragraph (a) (1) of this section.

(2478) (b) *The regulations*. (1) Persons, vessels or other craft shall not enter or remain in the prohibited area at any time unless authorized to do so by the enforcing agency.

(2479) (2) No person, vessel or other craft shall enter or remain in the danger zone when notified by the enforcing authority to keep clear or when firing is or will soon be in progress, except as provided in paragraph (b)(5) of this section.

(2480) (3) Advance notice will be given of the dates and times of all firings in the danger zone and such notice will be published in the local "Notice to Mariners." The area will be in use intermittently throughout the year. On days when firing is conducted, firing will take place normally between sunrise and 12 midnight.

(2481) (4) Prior to the commencement of firing each day in the danger zone, surface or air search of the entire area will be made for the purpose of locating and warning all craft and persons not connected with the firing, and a patrol will be maintained throughout the duration of firing.

(2482) (5) Warning that ships are firing or soon will be firing in the danger zone will be indicated during daylight by a red flag prominently displayed from a control tower on Adams Island at latitude 38°09'06", longitude 76°05'22", and at night by a white light on top of the control tower. Warning that aircraft are firing or soon will be firing will be indicated by the aircraft patrolling the area. All persons, vessels, or other craft shall clear the area when these signals are displayed or when warned by patrol vessels or by aircraft employing the

method of warning known as "buzzing" which consists of low flight by the airplane and repeated opening and closing of the throttle. As an additional warning to crabbing, fishing, and other small craft, and vessels, the control tower on Adams Island will broadcast firing intentions on citizens band radio using channels 11 and 12.

(2483) (6) During hours when firing is in progress or is about to commence, no fishing or oystering vessels or other craft not directly connected with the firing shall navigate within the danger zone, except that deep-draft vessels proceeding in established navigation lanes and propelled by mechanical power at a speed greater than 5 knots normally will be permitted to traverse the area. When ships are firing or soon will be firing in the danger zone, permission for such deep-draft vessels to enter and traverse the area will be indicated during daylight by dipping the red warning flag to half-mast, and at night flashing the warning searchlight. When aircraft are firing or soon will be firing in the danger zone, such deep-draft vessels may proceed unless warned to stay clear of the area by the method of warning known as "buzzing."

(2484) (7) When firing is not in progress or is not about to commence, oystering and fishing boats and other craft may operate within the danger zone.

(2485) (8) All projectiles, bombs, and rockets will be fired to land on Bloodsworth Island or Pone Island, but Naval authorities will not be responsible for damage by such projectiles, bombs, or rockets, or by Navy or Coast Guard vessels, to nets, traps, buoys, pots, fish pounds, stakes, or other equipment which may be located within the danger zone.

(2486) (9) The regulations in this section shall be enforced by the Commander, Naval Base, Norfolk, Virginia, and such agencies as he/she may designate.

§334.200 Chesapeake Bay, Point Lookout to Cedar Point; aerial and surface firing range and target area, U.S. Naval Air Station, Patuxent River, Maryland, danger zones.

(2487) (a) *Aerial firing range* (1) *The danger zone*. The waters of Chesapeake Bay within an area described as follows: Beginning at the easternmost extremity of Cedar Point; thence easterly to the southern tip of Barren Island; thence southeasterly to

(2488) 38°01'15"N., 76°05'33"W.; thence southwesterly to

(2489) 37°59'25"N., 76°10'54"W.; thence northwesterly to

(2490) 38°02'20"N., 76°17'26"W.; thence northerly to Point No Point Light; thence northwesterly to the shore at 38°15'45"N.; thence northeasterly along the shore to the point of beginning. Aerial and surface firing and dropping of nonexplosive ordnance will be conducted throughout the year.

(2491) (2) *The regulations.* (i) Through navigation of surface craft outside the target areas will be permitted at all times. Vessels shall proceed on their normal course and shall not delay their progress.

(2492) (ii) Prior to firing or ordnance drops, the range will be patrolled by naval surface craft or aircraft to warn watercraft likely to be endangered. Surface craft so employed will display a square red flag. Naval aircraft will use a method of warning consisting of repeated shallow dives in the area, following each dive by a sharp pullup.

(2493) (iii) Any watercraft under way or at anchor, upon being so warned, shall immediately vacate the area and shall remain outside the area until conclusion of firing practice.

(2494) (iv) Nothing in this section shall prevent the taking of shellfish or the setting of fishing structures within the range outside target areas in accordance with Federal and State regulations; *Provided*, That no permanent or temporary fishing structures or oyster ground markers shall be placed on the western side of the Chesapeake Bay between Point No Point and Cedar Point without prior written approval of the Commanding Officer, U.S. Naval Air Station, Patuxent River, Md.

(2495) (v) Naval authorities will not be responsible for damage caused by projectiles, bombs, missiles, or Naval or Coast Guard vessels to fishing structures or fishing equipment which may be located in the aerial firing range immediately adjacent to the target areas.

(2496) (b) *Target areas*–(1) *Prohibited area.* A circular area with a radius of 1,000 yards having its center at latitude 38°13'00", longitude 76°19'00" identified as Hooper Target.

(2497) (2) *The area.* A circular area with a radius of 1,000 yards having its center at 38°02'18"N., 76°09'26"W., identified as Hannibal Target.

(2498) (3) *The regulations.* Nonexplosive projectiles and bombs will be dropped at frequent intervals in the target areas. Hooper and Hannibal target areas shall be closed to navigation at all times, except for vessels engaged in operational and maintenance activities as directed by the Commanding Officer of the U.S. Naval Air Station, Patuxent River, Maryland. No person in the waters, vessel, or other craft shall enter or remain in the closed area or climb on targets except on prior written approval of the Commanding Officer, U.S. Naval Air Station, Patuxent River, Maryland.

(2499) (c) *Enforcement*. The regulations in this section shall be enforced by the Commanding Officer of the Naval Air Station, Patuxent River, Maryland and such agencies as he or she may designate.

§334.210 Chesapeake Bay, in vicinity of Tangier Island; Naval guided missiles test operations area.

(2500) (a) *The danger zone*–(1) *Prohibited area*. A circle 1,000 yards in radius with its center at latitude 37°47'54", longitude 76°03'48".

(2501) (2) *Restricted area*. A circle three nautical miles in radius with its center at latitude 37°47'54", longitude 76°03'48", excluding the prohibited area.

(2502) (b) *The regulations*. (1) Persons, vessels or other craft shall not enter or remain in the prohibited area at any time unless authorized to do so by the enforcing agency.

(2503) (2) Except as otherwise provided in paragraph (b)(6) of this section, persons, vessels or other craft shall not enter or remain in the restricted area when firing is or will soon be in progress unless authorized to do so by the enforcing agency.

(2504) (3) Advance notice will be given of the date on which the first firing is to be conducted and such notice will be published in "Notice to Mariners." Thereafter, the danger zone will be in use intermittently throughout the year and no further notice is contemplated that firing is continuing.

(2505) (4) Warning that firing is or will soon be in progress will be indicated by a red flag displayed from one of six dolphin platforms on the perimeter of the prohibited area, and by patrol vessels within the danger zone or by aircraft employing the method of warning known as "buzzing" which consists of low flight by the airplane and repeated opening and closing of the throttle. Surface or air search of the entire area will be made prior to the commencement of firing on each scheduled day. During periods of firing a patrol vessel will remain in the approaches to the restricted area and maintain continuous contact with the firing planes to warn when the area is not clear.

(2506) (5) Upon observing the warning flag or upon receiving a warning by any of the patrol vessels or aircraft, persons, vessels or other craft shall immediately vacate the restricted area and remain outside the area until the conclusion of firing for the day.

(2507) (6) This section shall not deny traverse of portions of the restricted area by commercial craft proceeding in established steamer lanes, but when firing is or will soon be in progress all such craft shall proceed on their normal course through the area with all practicable speed.

(2508) (7) All projectiles, bombs and rockets will be fired to land within the prohibited area, and on or in the immediate vicinity of a target in the restricted area located adjacent to the west side of Tangier Island. The Department of the Navy will not be responsible for damages by such projectiles, bombs, or rockets to nets, traps, buoys, pots, fishponds, stakes, or other equipment which may be located within the restricted area.

(2509) (8) The regulations of this section shall be enforced by the Commander, Naval Air Bases, Fifth Naval District, Norfolk, Virginia, and such agencies as he may designate.

§334.220 Chesapeake Bay, south of Tangier Island, Virginia; naval firing range.

(2510) (a) *The danger zone*. Beginning at latitude 37°46'39", longitude 75°57'43", thence to latitude 37°43'42", longitude 75°55'30"; thence to latitude 37°27'00", longitude 76°02'48"; thence to latitude 37°27'00", longitude 76°08'00"; thence to latitude 37°45'00", longitude 76°09'48"; thence to latitude 37°45'00", longitude 76°08'51"; and thence along the circumference of a circle of five nautical miles radius whose center is at latitude 37°47'54", longitude 76°03'48", to the point of beginning.

(2511) (b) *The regulations*. (1) Any vessel propelled by mechanical means or by sail at a speed greater than five knots may proceed through the danger zone to and from points without, but not from one point to another point within, the area, except when especially notified to the contrary.

(2512) (2) All vessels, other than naval craft, are forbidden to anchor within the danger zone except in cases of great emergency. All vessels anchoring under circumstances of great emergency within the area shall leave the area immediately after the emergency ceases or upon notification by the enforcing agency.

(2513) (3) Fishing, oystering, clamming, crabbing, and other aquatic activities are forbidden within the limits of the danger zone, except that existing fishing structures licensed by the State of Virginia may be maintained and operated; *Provided*, The owners thereof obtain written permits from the enforcing agency designated in paragraph (b)(5) of this section.

(2514) (4) Day and night firing over the range will be conducted intermittently by one or more vessels, depending on weather and operating schedules. When firing is in progress, adequate patrol by naval craft will be conducted to prevent vessels from entering or remaining within the danger zone.

(2515) (5) This section shall be enforced by the Commandant, Fifth Naval District, U.S. Naval Base, Norfolk, Virginia, and such agencies as he may designate.

§334.230 Potomac River.

(2516) (a) *Naval Surface Weapons Center, Dahlgren, Virginia*–(1) *The danger zone*–

(2517) (i) *Lower zone*. The entire portion of the lower Potomac River between a line from Point Lookout, Md., to Smith Point, Va., and a line from Buoy 14 (abreast of St.

Clements Island) to a point near the northeast shore of Hollis Marsh at latitude 38°10'00", longitude 76°45'23.5". Long-range and aerial machine gun firing is normally conducted in this zone at infrequent intervals.

(2518) (ii) *Middle zone*. Beginning at the intersection of the Potomac River Bridge with the Virginia shore; thence to Light 33; thence to latitude 38°19'06", longitude 76°57'07", which point is about 3,300 yards east-southeast of Light 30; thence to Line of Fire Buoy O, about 1,150 yards southwesterly of Swan Point; thence to Line of Fire Buoy M, about 1,700 yards south of Potomac View; thence to Line of Fire Buoy K, about 1,400 yards southwesterly of the lower end of Cobb Island; thence to Buoy 14, abreast of St. Clements Island; thence southwesterly to a point near the northeast shore of Hollis Marsh at latitude 38°10'00", longitude 76°45'23.5"; thence northwesterly to Line of Fire Buoy J, about 3,000 yards off Popes Creek, Va; thence to Line of Fire Buoy L, about 3,600 yards off Church Point; thence to Line of Fire Buoy N, about 900 yards off Colonial Beach; thence to Line of Fire Buoy P, about 1,000 yards off Bluff Point; thence northwest to latitude 38°17'52", longitude 77°01'00", a point of the Virginia shore on property of Naval Surface Weapons Center, a distance of about 3,800 yards; thence northerly along the shore of the Naval Surface Weapons Center to Baber Point, latitude 38°18'42", longitude 77°01'45", and thence north-northwest to latitude 38°19'09", longitude 77°02'08", a point on the Main Dock at the Naval Surface Weapons Center. Firing is normally conducted in this zone daily except Saturdays, Sundays, and national holidays.

(2519) (iii) *Upper zone*. Beginning at Mathias Point, Va; thence north to Light 5; thence in a northeasterly direction to Light 6; thence east-southeast to Lighted Buoy 2, thence east-southeast to a point on the Maryland shore at approximately latitude 38°23'35", longitude 76°59'18"; thence southerly with the Maryland shore to a line passing through Light 1 to the Virginia shore, parallel to the Potomac River Bridge; thence northerly with the Virginia shore to the point of beginning. Aerial bombing and strafing is normally conducted in this zone at infrequent intervals.

(2520) (2) *The regulations*. (i) Firing normally takes place between the hours of 8:00 am. and 4:00 p.m. daily except Saturdays, Sundays, and national holidays, with infrequent night firing between 4:00 p.m. and 10:30 p.m. During a national emergency, firing will take place between the hours of 6:00 a.m. and 10:30 p.m. daily except Sundays.

(2521) (ii) When firing is in progress, no person, or fishing or oystering vessels shall operate within the danger zone affected unless so authorized by the Naval Surface Weapons Center's patrol boats. Oystering and fishing boats or other craft may cross the river in the danger zone only after they have reported to the patrol boats and received instructions as to when and where to cross. Deep-draft vessels using dredged channels and propelled by mechanical power at a speed greater than five miles per hour may proceed directly through the danger zones without restriction except when especially notified to the contrary. Unless instructed to the contrary by the patrol boat, small craft navigating up or down the Potomac River during firing hours shall proceed outside of the northeastern boundary of the Middle Danger Zone. All craft desiring to enter the Middle Danger Zone when proceeding in or out of Upper Machodoc Creek during firing hours will be instructed by the patrol boat; for those craft which desire to proceed in or out of Upper Machodoc Creek on a course between the western shore of the Potomac River and a line from the Main Dock of the Naval Surface Weapons Center to Line of Fire Buoy P, clearance will be granted to proceed upon request directed to the patrol boat.

(2522) (iii) The regulations in this section shall be enforced by the Commander, Naval Surface Weapons Center and such agencies as he/she may designate. Patrol boats, in the execution of their mission assigned herein, shall display a square red flag during daylight hours for purposes of identification; at night time, a 32 point red light shall be displayed at the mast head. The Naval Surface Weapons Center (Range Control) can be contacted by Marine VHF radio (Channel 16) or by telephone 540-653-8531.

(2523) (b) *Accotink Bay, Accotink Creek, and Pohick Bay; United States Military Reservation, Fort Belvoir, Va.*–(1) *The danger zone*. The waters of Accotink Bay, Accotink Creek, and Pohick Bay, Virginia, within and adjacent to the target ranges of the United States Military Reservation, Fort Belvoir, as follows: All of Accotink Bay; all of Accotink Creek below the bridge which crosses Accotink Creek approximately 400 yards south of U.S. Highway No. 1; and that portion of Pohick Bay bordering its north shore. The mouth of Accotink Bay and that portion of Pohick Bay within the danger zone will be marked by the Post Commander with suitable warning buoys.

(2524) (2) *The regulations*. (i) When firing affecting the area is in progress, the Post Commander will post guards at such locations that the waters in the danger zone may be observed and arrange signals whereby these guards may stop the firing should any person be seen in the danger zone. When firing is in progress, the Post Commander will cause to be displayed both on the east shore of Accotink Bay at its mouth and near the danger zone boundary on Accotink Creek a red

streamer which shall be visible to a person in a boat near those points.

(2525) (ii) Persons desiring to cross the waters in the danger zone shall first determine whether a red streamer is displayed on the east Shore of Accotink Bay at its mouth or near the danger zone boundary on Accotink Creek. If the red streamer is displayed, it will indicate that firing is in progress and that the waters in the danger zone are covered by rifle fire, and the area shall not be entered until the streamer is lowered.

(2526) (iii) The Post Commander is hereby authorized by using such agencies and equipment necessary to stop all boats at the boundary of the danger zone and prohibit their crossing the area until convenient to the firing schedule to do so.

§334.240 Potomac River, Mattawoman Creek and Chicamuxen Creek; U.S. Naval Surface Weapons Center, Indian Head Division, Indian Head, MD.

(2527) (a) *The danger zone.* Beginning at a point on the easterly shore of the Potomac River at

(2528) 38°36'00"N., 77°11'00"W.; thence

(2529) 38°34'30"N., 77°13'00"W.; thence

(2530) 38°33'20"N., 77°14'20"W.; thence

(2531) 38°32'20"N., 77°15'10"W.; thence

(2532) 38°32'00"N., 77°15'00"W.; thence

(2533) 38°32'30"N., 77°14'00"W.; thence upstream along the easterly shoreline of Chicamuxen Creek to its head; thence downstream along the westerly shoreline of Chicamuxen Creek to the southernmost point of Stump Neck; thence northeasterly along the shoreline of Stump Neck to the mouth of Mattawoman Creek; thence along the southeasterly shore of Mattawoman Creek to the pilings remaining from the footbridge connecting the left bank of the creek to Naval Surface Warfare Center, Indian Head Division; thence along the northwesterly shore of Mattawomen Creek from the pilings remaining from the footbridge to the mouth of the creek; thence in a northeasterly direction along the easterly shore of the Potomac River to the point of beginning.

(2534) (b) *The regulations.* (1) Firings consisting of controlled explosions within the danger zone, and controlled shore operations, or accidental explosions, hazardous to vessel traffic within the limits of the danger zone, may take place at any time of the day or night and on any day of the week.

(2535) (2) Flashing red lights, horns, and signs established at appropriate points will warn vessels of impending tests or operations considered to be hazardous to vessels within the danger zone.

(2536) (3) No persons or vessels except vessels of the United States or vessels authorized by the enforcing agency shall enter or remain in the danger zone while lights are flashing, when warning horns are in operation, or when warned or directed by a patrol vessel.

(2537) (4) Nothing in this section shall prohibit the use of Mattawoman Creek or Chicamuxen Creek as a harbor of refuge because of stress of weather.

(2538) (5) Except as prescribed in paragraph (b)(3) of this section, persons and vessels may enter and proceed through the danger zone without restriction. However, accidental explosions may occur at any time and persons and vessels entering the area do so at their own risk.

(2539) (6) Fishermen operating in the danger zone when warning signals are sounded shall evacuate the area immediately.

(2540) (7) The regulations in this section shall be enforced by the Commanding Officer, U.S. Naval Surface Warfare Center, Indian Head Division, Indian Head, Maryland.

§334.250 Gunston Cove, at Whitestone Point, Va.; U.S. Army restricted area.

(2541) (a) *The area.* The waters within an area beginning at a point on the shoreline at longitude 77°08'36"; thence to latitude 38°40'22", longitude 77°08'39"; thence to latitude 38°40'14", longitude 77°08'22"; thence to a point on the shoreline at longitude 77°08'18" and thence along the shoreline to the point of beginning.

(2542) (b) *The regulations.* No person, vessel, or other craft shall enter or remain in the area at any time except as authorized by the enforcing agency.

(2543) (c) The regulations in this section shall be enforced by the District Engineer, U.S. Army Engineer District, Philadelphia, Pa., and such agencies as he may designate.

§334.260 York River, Va.; naval restricted areas.

(2544) (a) *The areas*-(1) *Naval mine service-testing area (prohibited).* A rectangular area surrounding Piers 1 and 2, Naval Weapons Station, and extending upstream therefrom, beginning at a point on the shore line at

(2545) 37°15'25"N., 76°32'32"W.; thence to

(2546) 37°15'42"N., 76°32'06"W.; thence to

(2547) 37°15'27"N., 76°31'48"W.; thence to

(2548) 37°15'05"N., 76°31'27"W.; thence to a point on the shore line at

(2549) 37°14'51"N., 76°31'50"W.; and thence along the shore line to the point of beginning.

(2550) (2) *Naval mine service-testing area (restricted).* A rectangular area adjacent to the northeast boundary of the prohibited area described in subparagraph (1) of this paragraph, beginning at

(2551) 37°16'00"N., 76°32'29"W.; thence to

(2552) 37°16'23"N., 76°32'00"W.; thence to

(2553) 37°15'27"N., 76°30'54"W.; thence to

(2554) 37°15'05"N., 76°31'27"W.; thence to

(2555) 37°15'27"N., 76°31'48"W.; thence to

(2556) 37°15'42"N., 76°32'06"W.; thence to

(2557) 37°15'40"N., 76°32'09"W.; and thence to the point of beginning.

(2558) (3) *Explosives-Handling Berth (Naval).* A circular area of 600 yards radius with its center at latitude 37°13'56"N., longitude 76°28'48"W.

(2559) (b) *The regulations.* (1) All persons and all vessels other than naval craft are forbidden to enter the prohibited area described in paragraph (a)(1) of this section.

(2560) (2) Trawling, dragging, and net-fishing are prohibited, and no permanent obstructions may at any time be placed in the area described in paragraph (a) (2) of this section. Upon official notification, any vessel anchored in the area and any person in the area will be required to vacate the area during the actual mine-laying operation. Persons and vessels entering the area during mine-laying operations by aircraft must proceed directly through the area without delay, except in case of emergency. Naval authorities are required to publish advance notice of mine-laying and/or retrieving operations scheduled to be carried on in the area, and during such published periods of operation, fishing or other aquatic activities are forbidden in the area. No vessel will be denied passage through the area at any time during either mine-laying or retrieving operations.

(2561) (3) The Explosives-Handling Berth (Naval) described in paragraph (a)(3) of this section is reserved for the exclusive use of naval vessels and except in cases of emergency no other vessel shall anchor therein without the permission of local naval authorities, obtained through the Captain of the Port, U.S. Coast Guard, Norfolk, Va. There shall be no restriction on the movement of vessels through the Explosive-Handling Berth.

(2562) (4) Vessels shall not be anchored, nor shall persons in the water approach within 300 yards of the perimeter of the Explosives-Handling Berth when that berth is occupied by a vessel handling explosives.

(2563) (5) The regulations of this section shall be enforced by the Commander, Naval Base, Norfolk, Virginia, and such agencies as he may designate.

§334.270 York River adjacent to Cheatham Annex Depot, Naval Supply Center, Williamsburg, Virginia; restricted area.

(2564) (a) *The area.* The waters of York River bounded as follows: Beginning at a point on shore at Cheatham Annex Depot at

(2565) 37°17'14"N., 76°35'38"W.; thence to a point offshore at

(2566) 37°17'52"N., 76°35'20"W.; thence approximately parallel to the shore to a point at

(2567) 37°17'23"N., 76°34'39"W.; thence to the shore at

(2568) 37°16'58"N., 76°35'03"W.; and thence along the shore at Cheatham Annex Depot to the point of beginning.

(2569) (b) *The regulations.* (1) No loitering will be permitted within the area. Oystermen may work their own leaseholds or public bottom within the area, provided they obtain special permission from the Officer in Charge, Cheatham Annex Depot, Naval Supply Center, Williamsburg, Virginia.

(2570) (2) The regulations in this section shall be enforced by the Officer in Charge, Cheatham Annex Depot, U.S. Naval Supply Center, Williamsburg, Virginia.

§334.275 North and Southwest Branch, Back River, Hampton, U.S. Air Force Base, Langley, VA; restricted area.

(2571) (a) *The area.* Beginning at a point on the island at the entrance to Tide Mills Creek in the Southwest Branch of the Back River at 37°03'50"N., 076°22'00"W., thence along the shore of Langley Air Force Base, 35 yards off the ordinary mean high water (MHW) mark, to a point in the Northwest Branch of the Back River at 37°06'40"N., 076°22'55"W.

(2572) (b) *The regulations.*

(2573) (1) No persons or vessels, recreational or commercial, may enter this restricted area without the permission of the Commanding Officer, Langley Air Force Base.

(2574) (2) The Commanding Officer shall not prevent persons from fulfilling their legal obligation to the Commonwealth of Virginia with regard to oyster planting ground leases that lie within the restricted area. The Commanding Officer may, at his/her discretion, require those persons and vessels working those leases to register with the Langley Air Force Base Security Officer on an annual basis. Failure to comply with this request may result in denial to access the oyster grounds until such time as the request has been complied with.

(2575) (3) Persons or vessels contracted with or utilized by the Commonwealth of Virginia to work the oyster grounds shall give verbal notification to the base Security Office prior to entering the restricted area.

(2576) (4) City, State and Federal law enforcement vessels may enter the restricted area at any time they deem necessary for the enforcement of their respective laws.

(2577) (c) *Enforcement.* The regulations in this section shall be enforced by the Commanding Officer of the Langley Air Force Base and such agencies as he/she may designate.

§334.280 James River between the entrance to Skiffes Creek and Mulberry Point, Va.; Army training and small craft testing area.

(2578) (a) *The restricted area.* Beginning on the shore at
(2579) 37°09'54"N., 76°36'25"W.; thence westerly to
(2580) 37°09'50"N., 76°37'45.5"W.; thence southerly to
(2581) 37°09'00"N., 76°38'05"W.; thence southerly to
(2582) 37°08'22"N., 76°37'55"W.; thence due east to the shore at
(2583) 37°08'22"N., 76°37'22"W.; thence northerly along the shore to the point of beginning.

(2584) (b) *The regulations.* (1) No vessels other than Department of the Army vessels, and no persons other than persons embarked in such vessels shall remain in or enter the restricted area except as provided in paragraph (b)(2) of this section.

(2585) (2) Nothing in the regulations of this section shall prevent the harvesting and cultivation of oyster beds or the setting of fish traps within the restricted area under regulations of the Department of the Army, nor will the passage of fishing vessels to or from authorized traps be unreasonably interfered with or restricted.

(2586) (3) Vessels anchored in the area shall be so anchored as not to obstruct the arc of visibility of Deepwater Shoals Light.

(2587) (4) The Commanding General, Fort Eustis, Va., will, to the extent possible give public notice from time to time through local news media and the Coast Guard's Local Notice to Mariners of the schedule of intended Army use of the restricted area.

(2588) (5) The continuation of the restricted area for more than 3 years after the date of its establishment shall be dependent upon the outcome of the consideration of a request for its continuance submitted to the District Engineer, U.S. Army Engineer District, Norfolk, Virginia, by the using agency at least 3 months prior to the expiration of the 3 years.

(2589) (6) The regulations in this section shall be enforced by the Commanding General, Fort Eustis, Va., and such agencies as he may designate.

§334.290 Elizabeth River, Southern Branch, Va., naval restricted areas.

(2590) (a) *The areas*–(1) *St. Helena Annex Area.* Beginning at a point at St. Helena Annex of the Norfolk Naval Shipyard, on the eastern shore of Southern Branch of Elizabeth River, at latitude 36°49'43", longitude 76°17'26.5"; thence in a southwesterly direction to a point on the eastern boundary of Norfolk Harbor 40-foot channel at latitude 36°49'42", longitude 76°17'33"; thence in a southerly direction along the eastern boundary of Norfolk Harbor 40-foot channel to latitude 36°49'28", longitude 76°17'27"; thence easterly to the shore at latitude 36°49'28", longitude 76°17'22"; and thence, northerly along the shore to the point of beginning.

(2591) (2) *Norfolk Naval Shipyard Area.* Beginning at a point on the shore at the northeast corner of the Norfolk Naval Shipyard, at latitude 36°49'43.5", longitude 76°17'41.5"; thence due east approximately 100 feet to the western boundary of Elizabeth River channel; thence in a southerly direction along the western boundary of the channel to the point where it passes through the draw of the Norfolk and Portsmouth Belt Line Railroad bridge, thence in a southwesterly direction along the northerly side of the bridge to the western shore of Southern Branch of Elizabeth River; and thence along the shore in a northerly direction to the point of beginning.

(2592) (3) *Southgate Terminal Area.* Beginning at a point at the northeast corner of Southgate Terminal Annex of Norfolk Naval Shipyard, at latitude 36°48'23", longitude 76°17'39"; thence east to latitude 36°48'23", longitude 76°17'29"; thence southerly along the western boundary of Norfolk Harbor 35-foot channel to latitude 36°48'04", longitude 76°17'33"; thence west to latitude 36°48'04", longitude 76°17'41"; and thence along the shore in a northerly direction to the point of beginning.

(2593) (b) *The regulations.* (1) No vessels other than Naval vessels and other vessels authorized to move to and from piers at the Norfolk Naval Shipyard and its two annexes described in paragraph (a) (1) and (3) of this section, and no person other than persons embarked in such vessels, shall enter the restricted areas.

(2594) (2) This section shall be enforced by the Commander, Norfolk Naval Shipyard, Portsmouth, Va., and such agencies as he may designate.

§334.293 Elizabeth River, Craney Island Refueling Pier Restricted Area, Portsmouth VA; Naval Restricted Area.

(2595) (a) *The area.* (1) The waters within an area beginning at a point on the shore at
(2596) 36°53'17.4"N., 76°20'21.0"W.; thence easterly to
(2597) 36°53'16.8"N., 76°20'14.4"W.; thence southwesterly to
(2598) 36°53'00.0"N., 76°20'18.0"W.; thence southeasterly to
(2599) 36°52'55.2"N., 76°20'16.5"W.; thence southwesterly to
(2600) 36°52'52.2"N., 76°20'18.0"W.; thence southwesterly to
(2601) 36°52'49.8"N., 76°20'25.8"W.; thence northwesterly to
(2602) 36°52'58.2"N., 76°20'33.6"W.; thence northeasterly to a point on the shore at
(2603) 36°53'00.0"N., 76°20'30.0"W.; thence northerly along the shoreline to the point of beginning.

(2604) (b) *The regulation*. No vessel or persons may enter the restricted area unless specific authorization is granted by the Commander, Navy Region, Mid-Atlantic and/or other persons or agencies as he/she may designate.

(2605) (c) *Enforcement*. The regulation in this section, promulgated by the Corps of Engineers, shall be enforced by the Commander, Navy Region, Mid-Atlantic, and such agencies or persons as he/she may designate.

§334.300 Hampton Roads and Willoughby Bay, Norfolk Naval Base, Naval Restricted Area, Norfolk, Virginia.

(2606) (a) *The area*. (1) The waters within an area beginning at

(2607) 36°55'55.0"N., 76°20'02.0"W.; thence northwesterly to

(2608) 36°56'00.0"N., 76°20'08.0"W.; thence northerly along the eastern limit of Norfolk Harbor Channel to

(2609) 36°57'52.0"N., 76°20'00.0"W.; thence easterly to

(2610) 36°57'52.0"N., 76°19'35.0"W.; thence to

(2611) 36°57'47.7"N., 76°18'57.0"W.; thence southeasterly to

(2612) 36°57'26.0"N., 76°18'42.0"W.; thence easterly to

(2613) 36°57'26.2"N., 76°17'55.2"W.; thence southerly to

(2614) 36°57'05.0"N., 76°17'52.0"W.; thence southeasterly to

(2615) 36°56'56.2"N., 76°17'27.0"W.; thence northeasterly to

(2616) 36°57'10.0"N., 76°16'29.0"W.; thence to the shoreline at

(2617) 36°57'18.8"N., 76°16'22.0"W. at the Naval Air Station.

(2618) (2) Beginning at a point on the Naval Station shore at

(2619) 36°56'37.5"N., 76°19'44.0"W.; thence westerly and northerly along the breakwater to its extremity at

(2620) 36°56'41.5"N., 76°19'54.0"W.; thence westerly to a point on the eastern limit of Norfolk Harbor Channel at

(2621) 36°56'41.5"N., 76°20'05.5"W.; thence northerly along the eastern limit of Norfolk Harbor Channel to

(2622) 36°57'52.0"N., 76°20'00.0"W.; thence easterly to

(2623) 36°57'52.0"N., 76°19'35.0"W.; thence to

(2624) 36°57'47.7"N., 76°18'57.0"W.; thence southeasterly to

(2625) 36°57'26.0"N., 76°18'42.0"W.; thence easterly to

(2626) 36°57'26.2"N., 76°17'55.2"W.; thence southerly to

(2627) 36°57'05.0"N., 76°17'52.0"W.; thence southeasterly to

(2628) 36°56'56.2"N., 76°17'27.0"W.; thence northeasterly to

(2629) 36°57'10.0"N., 76°16'29.0"W.; and thence to the shoreline at

(2630) 36°57'18.8"N., 76°16'22.0W., at the Naval Air Station.

(2631) (b) *The regulation*. No vessel or persons may enter the restricted area unless specific authorization is granted by the Commander, Navy Region, Mid-Atlantic and/or other persons or agencies as he/she may designate.

(2632) (c) *Enforcement*. The regulation in this section, promulgated by the United States Army Corps of Engineers, shall be enforced by the Commander, Navy Region, Mid-Atlantic and/or such agencies or persons as he/she may designate.

§334.310 Chesapeake Bay, Lynnhaven Roads; Navy amphibious training area.

(2633) (a) *The restricted area*. Beginning at

(2634) 36°55'47.0"N., 76°11'04.5"W.; thence to

(2635) 36°59'04.0"N., 76°10'11.0"W.; thence to

(2636) 36°58'28.5"N., 76°07'54.0"W.; thence to

(2637) 36°55'27.5"N., 76°08'42.0"W.; thence westerly along the shore and across the mouth of Little Creek to the point of beginning.

(2638) (b) *The regulations*. (1) No fishpound stakes or structures shall be allowed in the restricted area.

(2639) (2) No person or vessel shall approach within 300 yards of any naval vessel or within 600 yards of any vessel displaying the red “baker” burgee.

(2640) (3) This section shall be enforced by the Commandant, Fifth Naval District, and such agencies as he may designate.

§334.320 Chesapeake Bay entrance; naval restricted area.

(2641) (a) *The area*. Beginning at a point on the south shore of Chesapeake Bay at longitude 76°03'06"; thence to latitude 37°01'18", longitude 76°02'06"; thence to latitude 37°00'18", longitude 75°55'54"; thence to latitude 36°58'00", longitude 75°48'24"; thence to latitude 36°51'48", longitude 75°51'00"; thence to the shore at longitude 75°58'48", and thence northwesterly and southwesterly along the shore at Cape Henry to the point of beginning.

(2642) (b) *The regulations*. (1) Anchoring, trawling, crabbing, fishing, and dragging in the area are prohibited, and no object attached to a vessel or otherwise shall be placed on or near the bottom.

(2643) (2) This section shall be enforced by the Commandant, Fifth Naval District, Norfolk, Va.

§334.330 Atlantic Ocean and connecting waters in vicinity of Myrtle Island, Va.; Air Force practice bombing, rocket firing, and gunnery range.

(2644) (a) *The danger zone.* The waters of the Atlantic Ocean and connecting waters within an area described as follows: Beginning at

(2645) 37°12'18"N., 75°46'00"W.; thence southwesterly to

(2646) 37°08'21"N., 75°50'00"W.; thence northwesterly along the arc of a circle having a radius of three nautical miles and centered at

(2647) 37°11'16"N., 75°49'29"W., to

(2648) 37°10'14"N., 75°52'57"W.; thence northeasterly to

(2649) 37°14'30"N., 75°48'32"W.; thence southeasterly to

(2650) 37°13'38"N., 75°46'18"W.; and thence southeasterly to the point of beginning.

(2651) (b) *The regulations.* (1) No person or vessel shall enter or remain in the danger zone except during intervals specified and publicized from time to time in local newspapers or by radio announcement.

(2652) (2) This section shall be enforced by the Commanding General, Tactical Air Command, Langley Air Force Base, Virginia, and such agencies as he may designate.

§334.340 Chesapeake Bay off Plumtree Island, Hampton, Va.; Air Force precision test area.

(2653) (a) *The danger zone.* The waters of Chesapeake Bay and connecting waters within an area bounded as follows: Beginning at latitude 37°08'12", longitude 76°19'30", which is a point on the circumference of a circle of 10,000-foot radius with its center on Plumtree Point at latitude 37°07'30", longitude 76°17'36"; thence clockwise along the circumference of the circle to latitude 37°09'06", longitude 76°18'00"; thence southeasterly to latitude 37°08'12", longitude 76°17'48"; thence clockwise along the circumference of a circle of 4,000-foot radius (with its center at latitude 37°07'30", longitude 76°17'36" to latitude 37°07'48", longitude 76°18'24"; thence northwesterly to the point of beginning.

(2654) (b) *The regulations.* (1) The danger zone will be in use not more than a total of 4 hours per month, which hours shall be during not more than any 2 days per month.

(2655) (2) No person or vessel shall enter or remain in the danger zone during periods of firing or bombing or when the zone is otherwise in use.

(2656) (3) The Commander, Tactical Air Command, Langley Air Force Base, Va., shall be responsible for publicizing in advance through the Coast Guard's "Local Notice to Mariners," in the local press, and by radio from time to time the schedule of use of the area, and shall station patrol boats to warn vessels during periods of use.

(2657) (4) This section shall be enforced by the Commander, Tactical Air Command, Langley Air Force Base, Va., or such agency as he may designate.

(2658) (c) *Disestablishment of danger zone.* The danger zone will be disestablished not later than December 31, 1967, unless written application for its continuance shall have been made to and approved by the Secretary of the Army prior to that date.

§334.350 Chesapeake Bay off Fort Monroe, Va.; firing range danger zone.

(2659) (a) *The danger zone.* All of the water area lying within a section extending seaward a distance of 4,600 yards between radial lines bearing 83° True and 115° True, respectively, from a point on shore at latitude 37°01'30"N., longitude 76°17'54"W.

(2660) (b) *The regulations.* (1) No weapon having a greater range than the 30-caliber carbine is to be fired into the firing range danger zone.

(2661) (2) During periods when firing is in progress, red flags will be displayed at conspicuous locations on the beach. Observers will be on duty and firing will be suspended as long as any vessel is within the danger zone.

(2662) (3) Passage of vessels through the area will not be prohibited at any time, nor will commercial fishermen be prohibited from working fish nets within the area. No loitering or anchoring for other purposes will be permitted during announced firing periods.

(2663) (4) No firing will be done during hours of darkness or low visibility.

(2664) (5) The Commander, Fort Monroe, Va., is responsible for furnishing in advance the firing schedule to the Commander, 5th Coast Guard District, for publication in his "Local Notice to Mariners" and to the local press at Norfolk and Newport News, Va.

(2665) (c) The regulations in this section shall be enforced by the Commanding Officer, Fort Monroe, Va., and such agencies as he may designate.

§334.360 Chesapeake Bay off Fort Monroe, Virginia; restricted area, U.S. Naval Base and Naval Surface Weapon Center.

(2666) (a) *The area.* Beginning at

(2667) 37°01'03"N., 76°17'52"W.; thence to

(2668) 37°01'00"N., 76°16'11"W.; thence to

(2669) 36°59'43"N., 76°16'11"W.; thence to

(2670) 36°59'18"N., 76°17'52"W.; thence to

(2671) 37°00'05"N., 76°18'18"W.; thence north along the seawall to the point of beginning.

(2672) (b) *The regulations.* (1) Anchoring, trawling, fishing and dragging are prohibited in the restricted area, and no object, either attached to a vessel or otherwise, shall be placed on or near the bottom unless authorized by the Facility Manager, Naval Surface Warfare Center,

Dahlgren Division Coastal Systems Station Detachment, Fort Monroe, Virginia.

(2673) (2) This section shall be enforced by the Commander, Naval Base, Norfolk, Virginia, and such agencies as he may designate.

§334.370 Chesapeake Bay, Lynnhaven Roads; danger zones, U.S. Naval Amphibious Base.

(2674) (a) *Underwater demolitions area (prohibited)*–(1) *The area*. A portion of the restricted area for Navy amphibious training operations described in Sec. 334.310 along the south shore of the Chesapeake Bay, bounded as follows: Beginning at a point at the mean high water line,

(2675) 36°55'26.5"N., 76°08'43"W.; thence 700 yards to

(2676) 36°55'48"N., 76°08'38"W.; thence 500 yards to

(2677) 36°55'46"N., 76°08'57"W.; thence 500 yards to

(2678) 36°55'37"N., 76°09'02"W.; thence 100 yards to

(2679) 36°55'36"N., 76°08'57"W.; thence 200 yards to the mean high water line at

(2680) 36°55'39.5"N., 76°08'59"W.; thence 400 yards along the mean high water line to the point of beginning. The area will be marked by range poles set on shore of the prolongation of the lines forming the eastern and western boundaries.

(2681) (2) *The regulations*. Persons or vessels, other than those vessels owned and operated by the United States, shall not enter the prohibited area at any time unless authorized to do so by the enforcing agency.

(2682) (b) *Small-arms firing range*–(1) *The Area*. Beginning at a point on the shore line at

(2683) 36°55'27"N., 76°08'38"W.; thence to

(2684) 36°55'50"N., 76°08'37"W.; thence to

(2685) 36°57'11"N., 76°08'11"W.; thence to

(2686) 36°56'53"N., 76°07'18"W., thence to

(2687) 36°55'39"N., 76°07'46"W.; thence to

(2688) 36°55'22"N., 76°08'17"W.; thence along the shore line to the point of beginning.

(2689) (2) *The regulations*. (i) Passage of vessels through the area will not be prohibited at any time, nor will commercial fishermen be prohibited from working fish nets within the area. No loitering or anchoring for other purposes will be permitted.

(2690) (ii) A large red warning flag will be flown on shore during periods when firing is in progress. Observers will be on duty and firing will be suspended for the passage of vessels and for the placing and maintenance of fish nets within the area.

(2691) (c) This section shall be enforced by the Commanding Officer, U.S. Naval Amphibious Base, Little Creek, Norfolk, Virginia.

TITLE 40–PROTECTION OF ENVIRONMENT

Part 140–Marine Sanitation Device Standard

§140.1 Definitions.

(2692) For the purpose of these standards the following definitions shall apply:

(2693) (a) *Sewage* means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

(2694) (b) *Discharge* includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

(2695) (c) *Marine sanitation device* includes any equipment for installation onboard a vessel and which is designed to receive, retain, treat, or discharge sewage and any process to treat such sewage;

(2696) (d) *Vessel* includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on waters of the United States;

(2697) (e) *New vessel* refers to any vessel on which construction was initiated on or after January 30, 1975;

(2698) (f) *Existing vessel* refers to any vessel on which construction was initiated before January 30, 1975;

(2699) (g) *Fecal coliform bacteria* are those organisms associated with the intestines of warm-blooded animals that are commonly used to indicate the presence of fecal material and the potential presence of organisms capable of causing human disease.

§140.2 Scope of standard.

(2700) The standard adopted herein applies only to vessels on which a marine sanitation device has been installed. The standard does not require the installation of a marine sanitation device on any vessel that is not so equipped. The standard applies to vessels owned and operated by the United States unless the Secretary of Defense finds that compliance would not be in the interest of national security.

§140.3 Standard.

(2701) (a) (1) In freshwater lakes, freshwater reservoirs or other freshwater impoundments whose inlets or outlets are such as to prevent the ingress or egress by vessel traffic subject to this regulation, or in rivers not capable of navigation by interstate vessel traffic subject to this regulation, marine sanitation devices certified by the U.S. Coast Guard (see 33 CFR part 159, published in 40 FR 4622, January 30, 1975), installed on all vessels shall be designed and operated to prevent the overboard discharge of sewage, treated or untreated, or of any waste derived from sewage. This shall not be

construed to prohibit the carriage of Coast Guard-certified flow-through treatment devices which have been secured so as to prevent such discharges.

(2702) (2) In all other waters, Coast Guard-certified marine sanitation devices installed on all vessels shall be designed and operated to either retain, dispose of, or discharge sewage. If the device has a discharge, subject to paragraph (d) of this section, the effluent shall not have a fecal coliform bacterial count of greater than 1,000 per 100 milliliters nor visible floating solids. Waters where a Coast Guard-certified marine sanitation device permitting discharge is allowed include coastal waters and estuaries, the Great Lakes and inter-connected waterways, fresh-water lakes and impoundments accessible through locks, and other flowing waters that are navigable interstate by vessels subject to this regulation.

(2703) (b) This standard shall become effective on January 30, 1977 for new vessels and on January 30, 1980 for existing vessels (or, in the case of vessels owned and operated by the Department of Defense, two years and five years, for new and existing vessels, respectively, after promulgation of implementing regulations by the Secretary of Defense under section 312(d) of the Act).

(2704) (c) Any vessel which is equipped as of the date of promulgation of this regulation with a Coast Guard-certified flow-through marine sanitation device meeting the requirements of paragraph (a)(2) of this section, shall not be required to comply with the provisions designed to prevent the overboard discharge of sewage, treated or untreated, in paragraph (a)(1) of this section, for the operable life of that device.

(2705) (d) After January 30, 1980, subject to paragraphs (e) and (f) of this section, marine sanitation devices on all vessels on waters that are not subject to a prohibition of the overboard discharge of sewage, treated or untreated, as specified in paragraph (a)(1) of this section, shall be designed and operated to either retain, dispose of, or discharge sewage, and shall be certified by the U.S. Coast Guard. If the device has a discharge, the effluent shall not have a fecal coliform bacterial count of greater than 200 per 100 milliliters, nor suspended solids greater than 150 mg/1.

(2706) (e) Any existing vessel on waters not subject to a prohibition of the overboard discharge of sewage in paragraph (a)(1) of this section, and which is equipped with a certified device on or before January 30, 1978, shall not be required to comply with paragraph (d) of this section, for the operable life of that device.

(2707) (f) Any new vessel on waters not subject to the prohibition of the overboard discharge of sewage in paragraph (a)(1) of this section, and on which construction is initiated before January 31, 1980, which is equipped with a marine sanitation device before January 31, 1980, certified under paragraph (a)(2) of this section, shall not be required to comply with paragraph (d) of this section, for the operable life of that device.

(2708) (g) The degrees of treatment described in paragraphs (a) and (d) of this section are "appropriate standards" for purposes of Coast Guard and Department of Defense certification pursuant to section 312(g)(2) of the Act.

§140.4 Complete prohibition.

(2709) (a) Prohibition pursuant to CWA section 312(f)(3): a State may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into some or all of the waters within such State by making a written application to the Administrator, Environmental Protection Agency, and by receiving the Administrator's affirmative determination pursuant to section 312(f)(3) of the Act. [...]

(2710) (b) Prohibition pursuant to CWA section 312(f)(4)(A): a State may make a written application to the Administrator, Environmental Protection Agency, under section 312(f)(4)(A) of the Act, for the issuance of a regulation completely prohibiting discharge from a vessel of any sewage, whether treated or not, into particular waters of the United States or specified portions thereof, which waters are located within the boundaries of such State. Such application shall specify with particularly the waters, or portions thereof, for which a complete prohibition is desired. The application shall include identification of water recreational areas, drinking water intakes, aquatic sanctuaries, identifiable fish-spawning and nursery areas, and areas of intensive boating activities. If, on the basis of the State's application and any other information available to him, the Administrator is unable to make a finding that the waters listed in the application require a complete prohibition of any discharge in the waters or portions thereof covered by the application, he shall state the reasons why he cannot make such a finding, and shall deny the application. If the Administrator makes a finding that the waters listed in the application require a complete prohibition of any discharge in all or any part of the waters or portions thereof covered by the State's application, he shall publish notice of such findings together with a notice of proposed rule making, and then shall proceed in accordance with 5 U.S.C. 553. If the Administrator's finding is that applicable water quality standards require a complete prohibition covering a more restricted or more expanded area than that applied for by the State, he shall state the reasons why his finding differs in scope from that requested in the State's application. [...]

(2711) (ii) Waters of the State of Florida within the boundaries of the Florida Keys National Marine Sanctuary as

delineated on a map of the Sanctuary at *http://www.fknms.nos.noaa.gov/*.

(2712) (c)(1) Prohibition pursuant to CWA section 312(f)(4)(B): A State may make written application to the Administrator of the Environmental Protection Agency under section 312(f)(4)(B) of the Act for the issuance of a regulation establishing a drinking water intake no discharge zone which completely prohibits discharge from a vessel of any sewage, whether treated or untreated, into that zone in particular waters, or portions thereof, within such State. Such application shall:

(2713) (i) Identify and describe exactly and in detail the location of the drinking water supply intake(s) and the community served by the intake(s), including average and maximum expected amounts of inflow;

(2714) (ii) Specify and describe exactly and in detail, the waters, or portions thereof, for which a complete prohibition is desired, and where appropriate, average, maximum and low flows in million gallons per day (MGD) or the metric equivalent;

(2715) (iii) Include a map, either a USGS topographic quadrant map or a NOAA nautical chart, as applicable, clearly marking by latitude and longitude the waters or portions thereof to be designated a drinking water intake zone; and

(2716) (iv) Include a statement of basis justifying the size of the requested drinking water intake zone, for example, identifying areas of intensive boating activities.

(2717) (2) If the Administrator finds that a complete prohibition is appropriate under this paragraph, he or she shall publish notice of such finding together with a notice of proposed rulemaking, and then shall proceed in accordance with 5 U.S.C. 553. If the Administrator's finding is that a complete prohibition covering a more restricted or more expanded area than that applied for by the State is appropriate, he or she shall also include a statement of the reasons why the finding differs in scope from that requested in the State's application.

(2718) (3) If the Administrator finds that a complete prohibition is inappropriate under this paragraph, he or she shall deny the application and state the reasons for such denial.

(2719) (4) For the following waters the discharge from a vessel of any sewage, whether treated or not, is completely prohibited pursuant to CWA section 312(f)(4)(B):

(2720) (i) Two portions of the Hudson River in New York State, the first is bounded by an east-west line through the most northern confluence of the Mohawk River which will be designated by the Troy-Waterford Bridge (126th Street Bridge) on the south and Lock 2 on the north, and the second of which is bounded on the north by the southern end of Houghtaling Island and on the south by a line between the Village of Roseton on the western shore and Low Point on the eastern shore in the vicinity of Chelsea, as described in Items 2 and 3 of 6 NYCRR Part 858.4.

(2721) (ii) [Reserved]

§140.5 Analytical procedures.

(2722) In determining the composition and quality of effluent discharge from marine sanitation devices, the procedures contained in 40 CFR part 136, "Guidelines Establishing Test Procedures for the Analysis of Pollutants," or subsequent revisions or amendments thereto, shall be employed.

TITLE 46–SHIPPING

Part 15–Manning Requirements (in part)

Subpart I–Vessels in Foreign Trade

§15.1001 General.

(2723) Self-propelled vessels engaged in foreign commerce are required to use a pilot holding an appropriately endorsed Federal first class pilot's license issued by the Coast Guard when operating in the navigable waters of the United States specified in this subpart.

§15.1030 New York and New Jersey.

(2724) The following U.S. navigable waters located within the States of New York and New Jersey when the vessel is making an intra-port transit, to include, but not limited to, a movement from a dock to a dock, from a dock to an anchorage, from an anchorage to a dock, or from an anchorage to an anchorage, within the following listed operating areas:

(2725) (a) East River from Execution Rocks to New York Harbor, Upper Bay;

(2726) (b) Hudson River from Yonkers, New York to New York Harbor, Upper Bay;

(2727) (c) Raritan River from Grossman Dock/Arsenal to New York Harbor, Lower Bay;

(2728) (d) Arthur Kill Channel;

(2729) (e) Kill Van Kull Channel;

(2730) (f) Newark Bay;

(2731) (g) Passaic River from Point No Point to Newark Bay;

(2732) (h) Hackensack River from the turning basin to Newark Bay; and

(2733) (i) New York Harbor, Upper and Lower Bay.

(2734) Note to §15.1030:

(2735) "Intra-port transit" as used in this section includes the movement of a foreign-trade vessel inbound from

sea from the point where a State-licensed pilot ceases providing pilotage to another point within the identified areas (i.e., a dock or anchorage). Likewise, intra-port transit also includes the movement of a foreign-trade vessel outbound to sea from a point within the identified areas (i.e., a dock or anchorage) to the point where a State licensed pilot begins providing pilotage.

§15.1040 Massachusetts.

(2736) The following U.S. navigable waters located within the State of Massachusetts when the vessel is in transit, but not bound to or departing from a port within the following listed operating areas:

(2737) (a) Cape Cod Bay south of 41°48'54"N.;

(2738) (b) The Cape Cod Canal; and

(2739) (c) Buzzards Bay east of a line extending from the southernmost point of Wilbur Point (41°34'55"N., 70°51'15"W.) to the easternmost point of Pasque Island (41°26'55"N., 70°50'30"W.).

TITLE 50–WILDLIFE AND FISHERIES

Part 222–General Endangered and Threatened Marine Species

Subpart A–Introduction and General Provisions

§222.101 Purpose and scope of regulations.

(2740) (a) The regulations of parts 222, 223, and 224 and this chapter implement the Endangered Species Act (Act), and govern the taking, possession, transportation, sale, purchase, barter, exportation, importation of, and other requirements pertaining to wildlife and plants under the jurisdiction of the Secretary of Commerce and determined to be threatened or endangered pursuant to section 4(a) of the Act. These regulations are implemented by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce. This part pertains to general provisions and definitions. Specifically, parts 223 and 224 pertain to provisions to threatened species and endangered species, respectively. Part 226 enumerates designated critical habitat for endangered and threatened species. Certain of the endangered and threatened marine species enumerated in §§224.102 and 223.102 are included in Appendix I or II to the Convention on International Trade of Endangered Species of Wild Fauna and Flora. The importation, exportation, and re-exportation of such species are subject to additional regulations set forth of 50 CFR part 23, chapter I.

(2741) (b) For rules and procedures relating to species determined to be threatened or endangered under the jurisdiction of the Secretary of the Interior, see 50 CFR parts 10 through 17. For rules and procedures relating to the general implementation of the Act jointly by the Departments of the Interior and Commerce and for certain species under the joint jurisdiction of both the Secretaries of the Interior and Commerce, see 50 CFR Chapter IV. Marine mammals listed as endangered or threatened and subject to these regulations may also be subject to additional requirements pursuant to the Marine Mammal Protection Act (for regulations implementing that act, see 50 CFR part 216).

(2742) (c) No statue or regulation of any state shall be construed to relieve a person from the restrictions, conditions, and requirements contained in parts 222, 223, and 224 of this chapter. In addition, nothing in parts 222, 223, and 224 of this chapter, including any permit issued pursuant thereto, shall be construed to relieve a person from any other requirements imposed by a statute or regulation of any state or of the United States, including any applicable health, quarantine, agricultural, or customs laws or regulations or any other National Marine Fisheries Service enforced statutes or regulations.

Part 224–Endangered Marine and Anadromous Species

§224.103 Special prohibitions for endangered marine mammals.

(2743) (c) *Approaching right whales.*

(2744) (1) *Prohibitions*. Except as provided under paragraph (c)(3) of this section, it is unlawful for any person subject to the jurisdiction of the United States to commit, attempt to commit, to solicit another to commit, or cause to be committed any of the following acts:

(2745) (i) Approach (including by interception) within 500 yards (460 m) of a right whale by vessel, aircraft, or any other means;

(2746) (ii) Fail to undertake required right whale avoidance measures specified under paragraph (c)(2) of this section.

(2747) (2) *Right whale avoidance measures*. Except as provided under paragraph (c)(3) of this section, the following avoidance measures must be taken if within 500 yards (460 m) of a right whale:

(2748) (i) If underway, a vessel must steer a course away from the right whale and immediately leave the area at slow safe speed.

(2749) (ii) An aircraft must take a course away from the right whale and immediately leave the area at a constant airspeed.

(2750) (3) *Exceptions*. The following exceptions apply to this section, but any person who claims the applicability of an exception has the burden of proving that the exception applies:

(2751) (i) Paragraphs (c)(1) and (c)(2) of this section do not apply if a right whale approach is authorized by the National Marine Fisheries Service through a permit issued under part 222, subpart C, of this chapter (General Permit Procedures) or through a similar authorization.

(2752) (ii) Paragraphs (c)(1) and (c)(2) of this section do not apply where compliance would create an imminent and serious threat to a person, vessel, or aircraft.

(2753) (iii) Paragraphs (c)(1) and (c)(2)of this section do not apply when approaching to investigate a right whale entanglement or injury, or to assist in the disentanglement or rescue of a right whale, provided that permission is received from the National Marine Fisheries Service or designee prior to the approach.

(2754) (iv) Paragraphs (c)(1) and (c)(2) of this section do not apply to an aircraft unless the aircraft is conducting whale watch activities.

(2755) (v) Paragraph (c)(2) of this section does not apply to the extent that a vessel is restricted in her ability to maneuver and, because of the restriction, cannot comply with paragraph (c)(2) of this section.

Part 226–Designated Critical Habitat

§226.101 Purpose and scope.

(2756) The regulations contained in this part identify those habitats designated by the Secretary of Commerce as critical under section 4 of the Act, for endangered and threatened species under the jurisdiction of the Secretary of Commerce. Those species are enumerated at §223.102 of this chapter, if threatened and at Sec. 224.101 of this chapter, if endangered. For regulations pertaining to the designation of critical habitat, see part 424 of this title, and for regulations pertaining to prohibition against the adverse modification or destruction of critical habitat, see part 402 of this title. Maps and charts identifying designated critical habitat that are not provided in this section may be obtained upon request to the Office of Protected Resources (see §222.102, definition of "Office of Protected Resources").

§226.203 Critical habitat for Northern Right Whales.

(2757) Northern Right Whale (*Eubalaena glacialis*)

(2758) (a) *Great South Channel*. The area bounded by

(2759) 41°40'N., 69°45'W.;

(2760) 41°00'N., 69°05'W.;

(2761) 41°38'N., 68°13'W.; and

(2762) 42°10'N., 68°31'W.

(2763) (b) *Cape Cod Bay, Massachusetts*. The area bounded by

(2764) 42°04.8'N., 70°10'W.;

(2765) 42°12.0'N., 70°15'W.;

(2766) 42°12.0'N., 70°30'W.;

(2767) 41°46.8'N., 70°30'W. and on the south and east by the interior shore line of Cape Cod, Massachusetts.

(2768) (c) *Southeastern United States*. The Coastal waters between 31°15'N., and 30°15'N. from the coast out 15 nautical miles; and the coastal waters between 30°15'N. and 28°00'N. from the coast out 5 nautical miles.