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 15 (15 CFR): Commerce and Foreign Trade	
Part 922	National Marine Sanctuary Program Regulations
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 Regulations
Part 157	Rules for the Protection of the Marine Environment relating to Tank Vessels Carrying Oil in Bulk
Part 160	Ports and Waterways Safety-General
Part 161	Vessel Traffic Management
Part 164	Navigation Safety Regulations (in part)
Part 165	Regulated Navigation Areas and Limited Access Areas
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 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

Note

(3) 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) **National Ocean and Atmospheric Administration:** (15 CFR 922):

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

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

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

TITLE 15–COMMERCE AND FOREIGN TRADE

Part 922–National Marine Sanctuary Program Regulations

Subpart A-General

§922.1 Applicability of regulations.

(8) Unless noted otherwise, the regulations in subparts A, D and E apply to all eleven National Marine Sanctuaries for which site-specific regulations appear in subparts F through P, respectively. Subparts B and C apply to the site evaluation list and to the designation of future Sanctuaries.

§922.2 Mission, goals, and special policies.

(9) (a) In accordance with the standards set forth in title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, also known as the National Marine Sanctuaries Act (Act) the mission of the National Marine Sanctuary program (Program) is to identify, designate and manage areas of the marine environment of special national, and in some cases international, significance due to their conservation,

recreational, ecological, historical, research, educational, or aesthetic qualities.

(10) (b) The goals of the Program are to carry out the mission to:

(11) (1) Identify and designate as National Marine Sanctuaries areas of the marine environment which are of special national significance;

(12) (2) Provide authority for comprehensive and coordinated conservation and management of these marine areas, and activities affecting them, in a manner which complements existing regulatory authorities;

(13) (3) Support, promote, and coordinate scientific research on, and monitoring of, the resources of these marine areas, especially long-term monitoring and research of these areas:

(14) (4) Enhance public awareness, understanding, appreciation, and wise use of the marine environment;

(15) (5) Facilitate to the extent compatible with the primary objective of resource protection, all public and private uses of the resources of these marine areas not prohibited pursuant to other authorities;

(16) (6) Develop and implement coordinated plans for the protection and management of these areas with appropriate Federal agencies, State and local governments, Native American tribes and organizations, international organizations, and other public and private interests concerned with the continuing health and resilience of these marine areas;

(17) (7) Create models of, and incentives for, ways to conserve and manage these areas;

(18) (8) Cooperate with global programs encouraging conservation of marine resources; and

(19) (9) Maintain, restore, and enhance living resources by providing places for species that depend upon these marine areas to survive and propagate.

(20) (c) To the extent consistent with the policies set forth in the Act, in carrying out the Program's mission and goals:

(21) (1) Particular attention will be given to the establishment and management of marine areas as National Marine Sanctuaries for the protection of the area's natural resource and ecosystem values; particularly for ecologically or economically important or threatened species or species assemblages, and for offshore areas where there are no existing special area protection mechanisms;

(22) (2) The size of a National Marine Sanctuary, while highly dependent on the nature of the site's resources, will be no larger than necessary to ensure effective management;

(23) (d) Management efforts will be coordinated to the extent practicable with other countries managing marine protected areas;

(24) (4) Program regulations, policies, standards, guidelines, and procedures under the Act concerning the identification, evaluation, registration, and treatment of historical resources shall be consistent, to the extent practicable, with the declared national policy for the protection and preservation of these resources as stated in the National Historic Preservation Act of 1966, 16 U.S.C. 470 et seq., the Archeological and Historical Preservation Act of 1974, 16 U.S.C. 469 et seq., and the Archeological Resources Protection Act of 1979 (ARPA), 16 U.S.C. 470aa et seq. The same degree of regulatory protection and preservation planning policy extended to historical resources on land shall be extended, to the extent practicable, to historical resources in the marine environment within the boundaries of designated National Marine Sanctuaries. The management of historical resources under the authority of the Act shall be consistent, to the extent practicable, with the Federal archeological program by consulting the Uniform Regulations, ARPA (43 CFR part 7) and other relevant Federal regulations. The Secretary of the Interior's Standards and Guidelines for Archeology may also be consulted for guidance. These guidelines are available from the Office of Ocean and Coastal Management at (301) 713-3125.

§922.3 Definitions.

(25) *Act* means title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 16 U.S.C. 1431 et seq., also known as the National Marine Sanctuaries Act.

(26) *Active Candidate* means a site selected by the Secretary from the Site Evaluation List for further consideration for possible designation as a National Marine Sanctuary.

(27) *Assistant Administrator* means the Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration (NOAA), or designee.

(28) *Benthic community* means the assemblage of organisms, substrate, and structural formations found at or near the bottom that is periodically or permanently covered by water.

(29) *Commercial fishing* means any activity that results in the sale or trade for intended profit of fish, shellfish, algae, or corals.

(30) *Conventional hook and line gear* means any fishing apparatus operated aboard a vessel and composed of a single line terminated by a combination of sinkers and hooks or lures and spooled upon a reel that may be hand or electrically operated, hand-held or mounted. This term does not include bottom longlines.

(31) *Cultural resources* means any historical or cultural feature, including archaeological sites, historic structures, shipwrecks, and artifacts.

(32) *Director* means, except where otherwise specified, the Director of the Office of Ocean and Coastal Resource Management, NOAA, or designee.

(33) *Exclusive economic zone* means the exclusive economic zone as defined in the Magnuson Fishery Conservation and Management Act, 16 U.S. 1801 et seq.

(34) *Fish wastes* means waste materials resulting from commercial fish processing operations.

(35) *Historical resource* means a resource possessing historical, cultural, archaeological or paleontological significance, including sites, structures, districts, and objects significantly associated with or representative of earlier people, cultures, maritime heritage, and human activities and events. Historical resources include "submerged cultural resources," and also include "historical properties," as defined in the National Historic Preservation Act, as amended, and its implementing regulations, as amended.

(36) *Indian tribe* means any American Indian tribe, band, group, or community recognized as such by the Secretary of the Interior.

(37) *Injure* means to change adversely, either in the long or short term, a chemical, biological or physical attribute of, or the viability of. This includes, but is not limited to, to cause the loss of or destroy.

(38) *Lightering* means at-sea transfer of petroleum-based products, materials or other matter from vessel to vessel.

(39) *Marine* means those areas of coastal and ocean waters, the Great Lakes and their connecting waters, and submerged lands over which the United States exercises jurisdiction, including the exclusive economic zone, consistent with international law.

(40) *Mineral* means clay, stone, sand, gravel, metalliferous ore, non-metalliferous ore, or any other solid material or other matter of commercial value.

(41) *National historic landmark* means a district, site, building, structure or object designated as such by the Secretary of the Interior under the National Historic Landmarks Program (36 CFR part 65).

(42) *National Marine Sanctuary* means an area of the marine environment of special national significance due to its resource or human-use values, which is designated as such to ensure its conservation and management.

(43) *Person* means any private individual, partnership, corporation or other entity; or any officer, employee, agent, department, agency or instrumentality of the Federal Government, of any State or local unit of government, or of any foreign government.

(44) *Regional Fishery Management Council* means any fishery council established under section 302 of the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq.

(45) *Sanctuary quality* means any of those ambient conditions, physical-chemical characteristics and natural processes, the maintenance of which is essential to the ecological health of the Sanctuary, including, but not limited to, water quality, sediment quality and air quality.

(46) *Sanctuary resource* means any living or non-living resource of a National Marine Sanctuary that contributes to the conservation, recreational, ecological, historical, research, educational, or aesthetic value of the Sanctuary, including, but not limited to, the substratum of the area of the Sanctuary, other submerged features and the surrounding seabed, carbonate rock, corals and other bottom formations, coralline algae and other marine plants and algae, marine invertebrates, brine-seep biota, phytoplankton, zooplankton, fish, seabirds, sea turtles and other marine reptiles, marine mammals and historical resources.

(47) *Secretary* means the Secretary of the United States Department of Commerce, or designee.

(48) *Shunt* means to discharge expended drilling cuttings and fluids near the ocean seafloor.

(49) *Site Evaluation List (SEL)* means a list of selected natural and historical resource sites selected by the Secretary as qualifying for further evaluation for possible designation as National Marine Sanctuaries.

(50) *State* means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, the United States Virgin Islands, Guam, and any other commonwealth, territory, or possession of the United States.

(51) *Subsistence use* means the customary and traditional use by rural residents of areas near or in the marine environment for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles; and for barter, if for food or non-edible items other than money, if the exchange is of a limited and non-commercial nature.

(52) *Take or taking* means:

(53) (1) For any marine mammal, sea turtle, or seabird listed as either endangered or threatened pursuant to the Endangered Species Act, to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect or injure, or to attempt to engage in any such conduct;

(54) (2) For any other marine mammal, sea turtle, or seabird, to harass, hunt, capture, kill, collect or injure, or to attempt to engage in any such conduct.

(55) For the purpose of both (1) and (2) of this definition, this includes, but is not limited to, to collect any dead or injured marine mammal, sea turtle or seabird, or any part thereof; to restrain or detain any marine mammal, sea turtle or seabird, or any part thereof, no matter how temporarily; to tag any sea turtle, marine mammal or seabird; to operate a vessel or aircraft or to do any other act that results in the disturbance or molestation of any marine mammal, sea turtle or seabird.

(56) *Tropical fish* means fish or minimal sport and food value, usually brightly colored, often used for aquaria purposes and which lives in a direct relationship with live bottom communities.

(57) *Vessel* means a watercraft of any description capable of being used as a means of transportation in/on the waters of the Sanctuary.

§922.4 Effect of National Marine Sanctuary designation.

(58) The designation of a National Marine Sanctuary, and the regulations implementing it, are binding on any person subject to the jurisdiction of the United States. Designation does not constitute any claim to territorial jurisdiction on the part of the United States for designated sites beyond the U.S. territorial sea, and the regulations implementing the designation shall be applied in accordance with generally recognized principles of international law, and in accordance with treaties, conventions, and other agreements to which the United States is a party. No regulation shall apply to a person who is not a citizen, national, or resident alien of the United States, unless in accordance with:

(59) (a) Generally recognized principles of international law;

(60) (b) An agreement between the United States and the foreign state of which the person is a citizen; or

(61) (c) An agreement between the United States and the flag state of the foreign vessel, if the person is a crew member of the vessel.

Subpart D–Management Plan Development and Implementation

§922.30 General.

(62) (a) The Secretary shall implement each management plan, and applicable regulations, including carrying out surveillance and enforcement activities and conducting such research, monitoring, evaluation, and education programs as are necessary and reasonable to carry out the purposes and policies of the Act.

(63) (b) Consistent with Sanctuary management plans, the Secretary shall develop and implement site-specific contingency and emergency-response plans designed to protect Sanctuary resources. The plans shall contain alert procedures and actions to be taken in the event of an emergency such as a shipwreck or an oil spill.

§922.31 Promotion and coordination of Sanctuary use.

(64) The Secretary shall take such action as is necessary and reasonable to promote and coordinate the use of National Marine Sanctuaries for research, monitoring, and education purposes. Such action may include consulting with Federal agencies, or other persons to promote use of one or more Sanctuaries for research, monitoring and education, including coordination with the National Estuarine Research Reserve System.

Subpart E–Regulations of General Applicability

§922.40 Purpose.

(65) The purpose of the regulations in this subpart and in subparts F through P of this part is to implement the designations of the 11 National Marine Sanctuaries for which site specific regulations appear in subparts F through P of this part, respectively; by regulating activities affecting them, consistent with their respective terms of designation in order to protect, preserve and manage and thereby ensure the health, integrity and continued availability of the conservation, ecological, recreational, research, educational, historical and aesthetic resources and qualities of these areas.

§922.41 Boundaries.

(66) The boundary for each of the 11 National Marine Sanctuaries covered by this part is described in subparts F through P of this part, respectively.

§922.42 Allowed activities.

(67) All activities (e.g., fishing, boating, diving, research, education) may be conducted unless prohibited or otherwise regulated in subparts F through P of this part, subject to any emergency regulations promulgated pursuant to §§922.44, 922.111(c), or §922.165, subject to all prohibitions, regulations, restrictions, and conditions validly imposed by any Federal, State, or local authority of competent jurisdiction, including Federal and State fishery management authorities, and subject to the provisions of section 312 of the Act. The assistant Administrator may only directly regulate fishing activities pursuant to the procedure set forth in section 304(a)(5) of the NMSA.

§922.43 Prohibited or otherwise regulated activities.

(68) Subparts F through P of this part set forth site-specific regulations applicable to the activities specified therein.

§922.44 Emergency regulations.

(69) Where necessary to prevent or minimize the destruction of, loss of, or injury to a Sanctuary resource or quality, or minimize the imminent risk of such destruction, loss, or injury, any and all activities are subject to immediate temporary regulation, including prohibition. The provisions of this section do not apply to the Cordell Bank and Florida Keys National Marine Sanctuaries. See §§922.111(c) and 922.165, respectively, for the authority to issue emergency regulations with respect to those sanctuaries.

§922.45 Penalties.

(70) (a) Each violation of the NMSA or FKNMSPA, any regulation in this part, or any permit issued pursuant thereto, is subject to a civil penalty of not more than $100,000. Each day of a continuing violation constitutes a separate violation.

(71) (b) Regulations setting forth the procedures governing administrative proceedings for assessment of civil penalties, permit sanctions, and denials for enforcement reasons, issuance and use of written warnings, and release or forfeiture of seized property appear at 15 CFR part 904.

§922.46 Response costs and damages.

(72) Under section 312 of the Act, any person who destroys, causes the loss of, or injures any Sanctuary resource is liable to the United States for response costs and damages resulting from such destruction, loss or injury, and any vessel used to destroy, cause the loss of, or injure any Sanctuary resource is liable in rem to the United States for response costs and damages resulting from such destruction, loss or injury.

§922.47 Pre-existing authorizations or rights and certifications of pre-existing authorizations or rights.

(73) (a) Leases, permits, licenses, or rights of subsistence use or access in existence on the date of designation of any National Marine Sanctuary shall not be terminated by the Director. The Director may, however, regulate the exercise of such leases, permits, licenses, or rights consistent with the purposes for which the Sanctuary was designated.

(74) (b) The prohibitions listed in subparts F through P of this part do not apply to any activity authorized by a valid lease, permit, license, approval or other authorization in existence on the effective date of Sanctuary designation, or in the case of the Florida Keys National Marine Sanctuary the effective date of the regulations in this subpart P, and issued by any Federal, State or local authority of competent jurisdiction, or by any valid right of subsistence use or access in existence on the effective date of Sanctuary designation, or in the case of the Florida Keys National Marine Sanctuary the effective date of the regulations in this subpart P, provided that the holder of such authorization or right complies with certification procedures and criteria promulgated at the time of Sanctuary designation, or in the case of the Florida Keys National Marine Sanctuary the effective date of the regulations in this subpart P of this part, and with any terms and conditions on the exercise of such authorization or right imposed by the Director as a condition of certification as the Director deems necessary to achieve the purpose for which the Sanctuary was designated.

§922.48 National Marine Sanctuary permits-application procedures and issuance criteria.

(75) (a) A person may conduct an activity prohibited by subparts F through O of this part if conducted in accordance with the scope, purpose, terms and conditions of a permit issued under this section and subparts F through O of this part. For the Florida Keys National Marine Sanctuary, a person may conduct an activity prohibited by subpart P if conducted in accordance with the scope, purpose, terms and conditions of a permit issued under §922.166.

(76) (b) Applications for permits to conduct activities otherwise prohibited by subpart F through O of this part should be addressed to the Director and sent to the address specified in subparts F through O of this part. An application must include:

(77) (1) A detailed description of the proposed activity including a timetable for completion:

(78) (2) The equipment, personnel and methodology to be employed;

(79) (3) The qualifications and experience of all personnel;

(80) (4) The potential effects of the activity, if any, on Sanctuary resources and qualities; and

(81) (5) Copies of all other required licenses, permits, approvals or other authorizations.

(82) (c) Upon receipt of an application, the Director may request such additional information from the applicant as he or she deems necessary to act on the application and may seek the views of any persons or entity, within or outside the Federal government, and may hold a public hearing, as deemed appropriate.

(83) (d) The Director, at his or her discretion, may issue a permit, subject to such terms and conditions as he or she deems appropriate, to conduct a prohibited activity, in accordance with the criteria found in subparts F through O. The Director shall further impose, at a minimum, the conditions set forth in the relevant subpart.

(84) (e) A permit granted pursuant to this section is nontransferable.

(85) (f) The Director may amend, suspend, or revoke a permit issued pursuant to this section for good cause. The Director may deny a permit application pursuant to this section, in whole or in part, if it is determined that the permittee or applicant has acted in violation of the terms and conditions of a permit or of the regulations set forth in this section or subparts F through O or for other good cause. Any such action shall be communicated in writing to the permittee or applicant by certified mail and shall set forth the reason(s) for the action taken. Procedures governing permit sanctions and denials for enforcement reasons are set forth in subpart D of 15 CFR part 904.

§922.49 Notification and review of applications for leases, licenses, permits, approvals or other authorizations to conduct a prohibited activity.

(86) (a) A person may conduct an activity prohibited by subparts L through P of this part if such activity is specifically authorized by any valid Federal, State, or local lease, permit, license, approval, or other authorization issued after the effective date of Sanctuary designation, or in the case of the Florida Keys National Marine Sanctuary after the effective date of the regulations in subpart P of this part, provided that:

(87) (1) The applicant notifies the Director, in writing, of the application for such authorization (and of any application for an amendment, renewal, or extension of such authorization) within fifteen (15) days of the date of filing of the application or of the effective date of Sanctuary designation, or in the case of the Florida Keys National Marine Sanctuary the effective date of the regulations in subpart P of this part, whichever is later;

(88) (2) The applicant complies with the other provisions of this §922.49;

(89) (3) The Director notifies the applicant and authorizing agency that he or she does not object to issuance of the authorization (or amendment, renewal, or extension); and

(90) (4) The applicant complies with any terms and conditions the Director deems reasonably necessary to protect Sanctuary resources and qualities.

(91) (b) Any potential applicant for an authorization described in paragraph (a) of this section may request the Director to issue a finding as to whether the activity for which an application is intended to be made is prohibited by subparts L through P of this part.

(92) (c) Notification of filings of applications should be sent to the Director, Office of Ocean and Coastal Resource Management at the address specified in subparts L through P of this part. A copy of the application must accompany the notification.

(93) (d) The Director may request additional information from the applicant as he or she deems reasonably necessary to determine whether to object to issuance of an authorization described in paragraph (a) of this section, or what terms and conditions are reasonably necessary to protect Sanctuary resources and qualities. The information requested must be received by the Director within 45 days of the postmark date of the request. The Director may seek the views of any persons on the application.

(94) (e) The Director shall notify, in writing, the agency to which application has been made of his or her pending review of the application and possible objection to issuance. Upon completion of review of the application and information received with respect thereto, the Director shall notify both the agency and applicant, in writing, whether he or she has an objection to issuance and what terms and conditions he or she deems reasonably necessary to protect Sanctuary resources and qualities, and reasons therefor.

(95) (f) The Director may amend the terms and conditions deemed reasonably necessary to protect Sanctuary resources and qualities whenever additional information becomes available justifying such an amendment.

(96) (g) Any time limit prescribed in or established under this §922.49 may be extend by the Director for good cause.

(97) (h) The applicant may appeal any objection by, or terms or conditions imposed by, the Director to the Assistant Administrator or designee in accordance with the provisions of §922.50.

§922.50 Appeals of administrative action.

(98) (a)(1) Except for permit actions taken for enforcement reasons (see subpart D of 15 CFR part 904 for applicable procedures), an applicant for, or a holder of, a National Marine Sanctuary permit; an applicant for, or a holder of, a Special Use permit pursuant to section 310 of the Act; a person requesting certification of an existing lease, permit, license or right of subsistence use or access under §922.47; or, for those Sanctuaries described in subparts L through P, an applicant for a lease, permit, license or other authorization issued by any Federal, State, or local authority of competent jurisdiction (hereinafter appellant) may appeal to the Assistant Administrator:

(99) (i) The granting, denial, conditioning, amendment, suspension or revocation by the Director of a National Marine Sanctuary or Special Use permit;

(100) (ii) The conditioning, amendment, suspension or revocation of a certification under §922.47; or

(101) (iii) For those Sanctuaries described in subparts L through P, the objection to issuance of or the imposition of terms and conditions on a lease, permit, license or other authorization issued by any Federal, State, or local authority of competent jurisdiction.

(102) (2) For those National Marine Sanctuaries described in subparts F through K, any interested person may also appeal the same actions described in paragraphs (a)(1) (i) and (ii) of this section. For appeals arising from actions taken with respect to these National Marine Sanctuaries, the term "appellant" includes any such interested persons.

(103) (b) An appeal under paragraph (a) of this section must be in writing, state the action(s) by the Director appealed and the reason(s) for the appeal, and be received within 30 days of receipt of notice of the action by the Director. Appeals should be addressed to the Assistant Administrator for Ocean Services and Coastal Zone Management, NOAA 1305 East-West Highway, 13th Floor, Silver Spring, MD 20910.

(104) (c)(1) The Assistant Administrator may request the appellant to submit such information as the Assistant Administrator deems necessary in order for him or her to decide the appeal. The information requested must be received by the Assistant Administrator within 45 days of the postmark date of the request. The Assistant Administrator may seek the views of any other persons. For the Monitor National Marine Sanctuary, if the appellant has request a hearing, the Assistant Administrator shall grant an informal hearing. For all other National Marine Sanctuaries, the Assistant Administrator may determine whether to hold an informal hearing on the appeal. If the Assistant Administrator determines that an informal hearing should be held, the Assistant Administrator may designate an officer before whom the hearing shall be held.

(105) (2) The hearing officer shall give notice in the **Federal Register** of the time, place and subject matter of the hearing. The appellant and the Director may appear personally or by counsel at that hearing and submit such material and present such arguments as deemed appropriate by the hearing officer. Within 60 days after the record for the hearing closes, the hearing officer shall recommend a decision in writing to the Assistant Administrator.

(106) (d) The Assistant Administrator shall decide the appeal using the same regulatory criteria as for the initial decision and shall base the appeal decision on the record before the Director and any information submitted regarding the appeal, and, if a hearing has been held, on the record before the hearing officer and the hearing officer's recommended decision. The Assistant Administrator shall notify the appellant of the final decision and the reason(s) therefore in writing. The Assistant Administrator's decision shall constitute final agency action for the purpose of the Administrative Procedure Act.

(107) (e) Any time limit prescribed in or established under this section other than the 30-day limit for filing an appeal may be extended by the Assistant Administrator or hearing office for good cause.

Subpart N–Stellwagen Bank National Marine Sanctuary

§922.140 Boundary

(108) (a) The Stellwagen Bank National Marine Sanctuary (Sanctuary) consists of an area of approximately 638 square nautical miles (NM) of Federal marine waters and the submerged lands thereunder, over and around Stellwagen Bank and other submerged features off the coast of Massachusetts. The boundary encompasses the entirety of Stellwagen Bank; Tillies Bank, to the northeast of Stellwagen Bank; and portions of Jefferys Ledge, to the north of Stellwagen Bank.

(109) (b) The Sanctuary boundary is identified by the following coordinates, indicating the most northeast, southeast, southwest, west-northwest, and north-northwest points:

(110) 42°45'59.83"N., 70°13'01.77"W. (NE);

(111) 42°05'35.51"N., 70°02'08.14"W. (SE);

(112) 42°07'44.89"N., 70°28'15.44"W. (SW);

(113) 42°32'53.52"N., 70°35'52.38"W. (WNW); and

(114) 42°39'04.08"N., 70°30'11.29"W. (NNW).

(115) The western border is formed by a straight line connecting the most southwest and the west-northwest points of the Sanctuary. At the most west-northwest point, the Sanctuary border follows a line contiguous with the three-mile jurisdictional boundary of Massachusetts to the most north-northwest point. From this point, the northern border is formed by a straight line connecting the most north-northwest point and the most northeast point. The eastern border is formed by a straight line connecting the most northeast and the most southeast points of the Sanctuary. The southern border follows a straight line between the most southwest point and a point located at 42°06'54.57"N., 70°16'42.7"W. From that point, the southern border then continues in a west-to-east direction along a line contiguous with the three-mile jurisdictional boundary of Massachusetts until reaching the

APPENDIX A TO SUBPART N OF PART 922—STELLWAGEN BANK NATIONAL MARINE SANCTUARY BOUNDARY COORDINATES

(Appendix Based on North American Datum of 1927)

Pt.	Latitude	Longitude	Loran	
			9960W	9960X
E1	42°45'59.83"	70°13'01.77"	13,607.19	25,728.57
E2	42°05'35.51"	70°02'08.14"	13,753.39	25,401.78
E3	42°06'18.25"	70°03'17.55"	13,756.72	25,412.46
E4	42°06'29.53"	70°04'03.36"	13,760.30	25,417.53
E5	42°07'02.70"	70°05'13.61"	13,764.52	25,427.27
E6	42°07'13.80"	70°06'23.75"	13,770.54	25,434.45
E7	42°07'35.95"	70°07'27.89"	13,775.08	25,442.51
E8	42°07'42.33"	70°08'26.07"	13,780.35	25,448.27
E9	42°07'59.94"	70°09'19.78"	13,784.84	25,455.02
E10	42°08'04.95"	70°10'24.40"	13,790.27	25,461.28
E11	42°07'55.19"	70°11'47.67"	13,799.38	25,467.56
E12	42°07'59.84"	70°13'03.35"	13,806.58	25,474.95
E13	42°07'46.55"	70°14'21.91"	13,815.52	25,480.62
E14	42°07'27.29"	70°15'22.95"	13,823.21	25,484.05
E15	42°06'54.57"	70°16'42.71"	13,833.88	25,487.79
E16	42°07'44.89"	70°28'15.44"	13,900.14	25,563.22
E17	42°32'53.52"	70°35'52.38"	13,821.60	25,773.51
E18	42°33'30.24"	70°35'14.96"	13,814.43	25,773.54
E19	42°33'48.14"	70°35'03.81"	13,811.68	25,774.28
E20	42°34'30.45"	70°34'22.98"	13,803.64	25,774.59
E21	42°34'50.37"	70°33'21.93"	13,795.43	25,770.55
E22	42°35'16.08"	70°32'32.29"	13,787.92	25,768.31
E23	42°35'41.80"	70°31'44.20"	13,780.57	25,766.25
E24	42°36'23.08"	70°30'58.98"	13,772.14	25,766.14
E25	42°37'15.51"	70°30'23.01"	13,763.69	25,768.12
E26	42°37'58.88"	70°30'06.60"	13,758.09	25,771.07
E27	42°38'32.46"	70°30'06.54"	13,755.07	25,774.58
E28	42°39'04.08"	70°30'11.29"	13,752.75	25,778.35

most southeast point of the Sanctuary. The boundary coordinates are listed in appendix A to this subpart.

§922.141 Definitions.

(116) In addition to those definitions found at §922.3, the following definitions apply to this subpart:

(117) *Industrial material* means mineral, as defined in §922.3.

(118) *Traditional fishing* means those commercial or recreational fishing methods which have been conducted in the past within the Sanctuary.

§922.142 Prohibited or otherwise regulated activities.

(119) (a) Except as specified in paragraphs (b) through (f) of this section, the following activities are prohibited and thus are unlawful for any person to conduct or cause to be conducted:

(120) (1)(i) Discharging or depositing, from within the boundary of the Sanctuary, any material or other matter except:

(121) (A) Fish, fish parts, chumming materials or bait used in or resulting from traditional fishing operations in the Sanctuary;

(122) (B) Biodegradable effluent incidental to vessel use and generated by marine sanitation devices approved in accordance with Section 312 of the Federal Water Pollution Control Act, as amended, (FWPCA), 33 U.S.C. 1322 et seq.;

(123) (C) Water generated by routine vessel operations (e.g. cooling water, deck wash down and graywater as defined by Section 312 of the FWPCA) excluding oily wastes from bilge pumping; or

(124) (D) Engine exhaust;

(125) (ii) Discharging or depositing, from beyond the boundary of the Sanctuary, any material or other matter, except those listed in paragraphs (a)(1)(i)(A) through (D) of this section, that subsequently enters the Sanctuary and injures as Sanctuary resource or quality.

(126) (2) Exploring for, developing or producing industrial materials within the Sanctuary.

(127) (3) Drilling into, dredging or otherwise altering the seabed of the Sanctuary; or constructing, placing or abandoning any structure, material or other matter on the seabed of the Sanctuary, except as incidental result of:

(128) (i) Anchoring vessels;

(129) (ii) Traditional fishing operations; or

(130) (iii) Installation of navigation aids.

(131) (4) Moving, removing or injuring, or attempting to move, remove or injure, a Sanctuary historical resource. This prohibition does not apply to moving, removing or injury resulting incidentally from traditional fishing operations.

(132) (5) Taking any marine reptile, marine mammal or seabird in or above the Sanctuary, except as permitted by the Marine Mammal Protection Act, as amended, (MMPA), 16 U.S.C. 1361 et seq., the Endangered Species Act, as amended, (ESA), 16 U.S.C. 1531 et seq., and the Migratory Bird Treaty Act, as amended, (MBTA), 16 U.S.C. 703 et seq.

(133) (6) Lightering in the Sanctuary.

(134) (7) Possessing within the Sanctuary (regardless of where taken, moved or removed from), except as necessary for valid law enforcement purposes, any historical resource, or any marine mammal, marine reptile or seabird taken in violation of the MMPA, ESA or MBTA.

(135) (8) Interfering with, obstructing, delaying or preventing an investigation, search, seizure or disposition of seized property in connection with enforcement of the Act or any regulation or permit issued under the Act.

(136) (b) The prohibitions in paragraphs (a)(1), (3) through (8) of this section do not apply to any activity necessary to respond to an emergency threatening life, property or the environment.

(137) (c)(1)(i) All Department of Defense military activities shall be carried out in a manner that avoids to the maximum extent practicable any adverse impacts on Sanctuary resources and qualities.

(138) (ii) Department of Defense military activities may be exempted from the prohibitions in paragraphs (a)(1) and (3) through (7) of this section by the Director after consultation between the Director and the Department of Defense.

(139) (iii) If it is determined that an activity may be carried out, such activity shall be carried out in a manner that avoids to the maximum extent practicable any adverse impact on Sanctuary resources and qualities. Civil engineering and other civil works projects conducted by the U.S. Army Corps of Engineers are excluded from the scope of this paragraph (c).

(140) (2) In the event of threatened or actual destruction of, loss of, or injury to a Sanctuary resource or quality resulting from an untoward incident, including but not limited to spills and groundings caused by the Department of Defense, the Department of Defense shall promptly coordinate with the Director for the purpose of taking appropriate actions to respond to and mitigate the harm and, if possible, restore or replace the Sanctuary resource or quality.

(141) (d) The prohibitions in paragraphs (a)(1) and (3) through (7) of this section do not apply to any activity executed in accordance with the scope, purpose, terms and conditions of a National Marine Sanctuary permit

issued pursuant to §922.48 and §922.143 or a Special Use permit issued pursuant to Section 310 of the Act.

(142) (e) The prohibitions in paragraphs (a)(1) and (3) through (7) of this section do not apply to any activity authorized by any lease, permit, license, approval or other authorization issued after the effective date of Sanctuary designation (November 4, 1992) and issued by any Federal, State or local authority of competent jurisdiction, provided that the applicant complies with §922.49, the Director notifies the applicant and authorizing agency that he or she does not object to issuance of the authorization, and the applicant complies with any terms and conditions the Director deems necessary to protect Sanctuary resources and qualifies. Amendments, renewals and extensions of authorizations in existence on the effective date designation constitute authorizations issued after the effective date.

(143) (f) Notwithstanding paragraphs (d) and (e) of this section, in no event may the Director issue a permit under §922.48 and §922.143, or under section 310 of the act, authorizing, otherwise approving, the exploration for, development or production of industrial materials within the Sanctuary, or the disposal of dredged materials within the Sanctuary (except by certification, pursuant to §922.47, of valid authorizations in existence on November 4, 1992) and any leases, licenses, permits, approvals or other authorizations authorizing the exploration, for development or production of industrial materials in the Sanctuary issued by other authorities after November 4, 1992, shall be invalid.

§922.143 Permit procedures and criteria.

(144) (a) A person may conduct an activity prohibited by §922.142 (a)(1) and (3) through (7) if conducted in accordance with scope, purpose, manner, terms and conditions of a permit issued under this section and §922.48.

(145) (b) Applications for such permits should be addressed to the Director, Office of Ocean and Coastal Resource Management, ATTN: Manager, Stellwagen Bank National Marine Sanctuary, 14 Union Street, Plymouth, MA 02360.

(146) (c) The Director, at his or her discretion may issue a permit, subject to such terms and conditions as he or she deems appropriate, to conduct an activity prohibited by §922.142(a)(1) and (3) through (7), if the Director finds that the activity will have only negligible short-term adverse effects on Sanctuary resources and qualities and will: further research related to Sanctuary resources and qualities; further the educational, natural or historical resource value of the Sanctuary; further salvage or recovery operations in or near the Sanctuary in connection with a recent air or marine casualty; or assist in managing the Sanctuary. In deciding whether to issue a permit, the Director may consider such factors as: the professional qualifications and financial ability of the applicant as related to the proposed activity; the duration of the activity and the duration of its effects; the appropriateness of the methods and procedures proposed by the applicant for the conduct of the activity; the extent to which the conduct of the activity may diminish or enhance Sanctuary resources and qualities; the cumulative effects of the activity; and the end value of the activity. In addition, the Director may consider such other factors as he or she deems appropriate.

(147) (d) It shall be a condition of any permit issued that the permit or a copy thereof be displayed on board all vessels or aircraft used in the conduct of the activity.

(148) (e) The Director may, inter alia, make it a condition of any permit issued that any data or information obtained under the permit be made available to the public.

(149) (f) The Director may, inter alia, make it a condition of any permit issued that a NOAA official be allowed to observe any activity conducted under the permit an/or that the permit holder submit one or more reports on the status, progress or results of any activity authorized by the permit.

TITLE 33–NAVIGATION AND NAVIGABLE WATERS

Part 26–Vessel Bridge-to-Bridge Radiotelephone Regulations

§26.01 Purpose

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

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

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

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

(154) (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.

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

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

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

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

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

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

(161) *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.

(162) *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.

(163) **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.

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

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

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

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

(168) (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.

(169) (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.

(170) (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.

(171) (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).

(172) (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):

(173) (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;

(174) (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 channels junction with the Inner Harbor Navigation Canal; and

(175) (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.

(176) (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).

(177) **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.

(178) (a) No person may use the frequency designated by the Federal Communications Commission under section 8 of the Act, 33 U.S.C. section 1207(a), to transmit any information other than information necessary for the safe navigation of vessels or necessary tests.

(179) (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.

(180) (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.

(181) (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.

(182) (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.

(183) 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.

(184) 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.

(185) No person may use the services 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.

(186) (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.

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

(188) (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:

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

(190) (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.

(191) (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.

(192) (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.

(193) (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.

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

(195) (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.

§80.105 Calais, Maine to Cape Small, Maine.

(196) The 72 COLREGS shall apply on the harbors, bays, and inlets on the east coast of Maine from International Bridge at Calais, ME to the southwesternmost extremity of Bald Head at Cape Small.

§80.110 Casco Bay, Maine.

(197) (a) A line drawn from the southwesternmost extremity of Bald Head at Cape Small to the southeasternmost extremity of Ragged Island; thence to the southern tangent of Jaquish Island thence to Little Mark Island Monument Light; thence to the northernmost extremity of Jewell Island.

(198) (b) A line drawn from the tower on Jewell Island charted in approximate position latitude 43°40.6'N. longitude 70°05.9'W. to the northeasternmost extremity of Outer Green Island.

(199) (c) A line drawn from the southwesternmost extremity of Outer Green Island to Ram Island Ledge Light; thence to Portland Head Light.

§80.115 Portland Head, Maine to Cape Ann, Mass

(200) (a) Except inside lines specifically described in this section, the 72 COLREGS shall apply on the harbors, bays, and inlets on the east coast of Maine, New Hampshire, and Massachusetts from Portland Head to Halibut Point at Cape Ann.

(201) (b) A line drawn from the southernmost tower on Gerrish Island charted in approximate position latitude 43°04.0'N. longitude 70°41.2'W. to Whaleback Light; thence to Jaffrey Point Light 2A; thence to the northeasternmost extremity of Frost Point.

(202) (c) A line drawn from the northernmost extremity of Farm Point to Annisquam Harbor Light.

§80.120 Cape Ann, Mass. to Marblehead Neck, Mass.

(203) (a) Except inside lines specifically described in this section, the 72 COLREGS shall apply on the harbors, bays and inlets on the east coast of Massachusetts from Halibut Point at Cape Ann to Marblehead Neck.

(204) (b) A line drawn from Gloucester Harbor Breakwater Light to the twin towers charted in approximate position latitude 42°35.1'N. longitude 70°41.6'W.

(205) (c) A line drawn from the westernmost extremity of Gales Point to the easternmost extremity of House Island; thence to Bakers Island Light; thence to Marblehead Light.

§80.125 Marblehead Neck, Mass. to Nahant, Mass.

(206) The 72 COLREGS apply on the harbors, bays, and inlets on the east coast of Massachusetts from Marblehead Neck to the easternmost tower at Nahant, charted in approximate position latitude 42°25.4'N., longitude 70°54.6'W.

§80.130 Boston Harbor entrance.

(207) A line drawn from the easternmost tower at Nahant, charted in approximate position latitude 42°25.4'N., longitude 70°54.6'W., to Boston Lighted Horn Buoy "B"; thence to the easternmost radio tower at Hull, charted in approximate position latitude 42°16.7'N., longitude 70°52.6'W.

§80.135 Hull, Mass. to Race Point, Mass.

(208) (a) Except inside lines described in this section, the 72 COLREGS apply on the harbors, bays, and inlets on the east coast of Massachusetts from the easternmost radio tower at Hull, charted in approximate position latitude 42°16.7'N., longitude 70°52.6'W., to Race Point on Cape Cod.

(209) (b) A line drawn from Canal Breakwater Light 4 south to the shoreline.

Part 110–Anchorage Regulations

§110.1 General.

(210) (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).

(211) (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).

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

(213) (d) 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.

Subpart A–Special Anchorage Areas

§110.4 Penobscot Bay, Maine.

(214) (a) *Rockland Harbor.* Beginning at a point bearing 244°, 1,715 yards, from Rockland Breakwater Light; thence 260°, 490 yards, to a point bearing 248° from Rockland Breakwater Light; thence 350°, 580 yards, to a point bearing 263° from Rockland Breakwater Light; thence 83°, 480 yards, to a point bearing 263° from Rockland Breakwater Light; and thence 169°, 550 yards, to the point of beginning. This area is limited to vessels no greater than 20 meters in length.

(215) **Note to paragraph (a):** This area is primarily for use by yachts and other recreational craft. Temporary floats or buoy for marking the location of the anchor may be used. All moorings shall be so placed that no vessel, when anchored, shall at any time extend beyond the limits of the area. All anchoring in the area shall be under the supervision of the local harbormaster or such authority as may be designated by authorities of the City of Rockland, Maine. Requests for placement of mooring buoys shall be directed to the local government. Fixed mooring piles or stakes are prohibited.

(216) (b) [Reserved].

§110.5 Casco Bay, Maine

(217) (a) Beals Cove, west side of Orrs Island, Harpswell. The entire cove as defined by the shoreline and a line across the entrance bearing 215° and tangent to the shore on the north side.

(218) (a–1) *Merriconeag Sound, Harpswell.* The area comprises that portion of the Sound beginning at a point on the shoreline about 1,000 feet northeasterly from the southwesterly extremity of Orr's Island at

(219) 43°45'09"N., 69°59'14"W., thence extending 290° to a point at

(220) 43°45'10"N., 69°59'20"W., thence extending 20° to a point at

(221) 43°45'34"N., 69°59'05"W., thence extending 110° to a point on the shoreline at

(222) 43°45'33"N., 69°58'58"W., thence along the shoreline to the point of beginning.

(223) **Note:** The area is principally for use by yachts and other recreational craft. Fore and aft moorings will be allowed. Temporary floats or buoys for marking anchors in place will be allowed. All moorings shall be so placed that no vessel, when anchored, shall at any time extend beyond the limits of the area. Fixed mooring piles or stakes are prohibited. All anchoring in the area shall be under the supervision of the local harbor master or such authority as may be designated by authorities of the Town of Harpswell, Maine.

(224) (a–2) *Mackeral Cove, Bailey Island, Harpswell.* The water area of Mackerel Cove lying northeasterly of a line from a point on Abner Point at

(225) 43°43'28"N., 70°00'19"W., to a point on Bailey Island at

(226) 43°43'18.2"N., 70°00'12.2"W.

(227) (b) *Harpswell Harbor, east side of Harpswell Neck, Harpswell.* The entire area lying westerly of a line bearing 8° from the eastern extremity of Stovers Point to the point of land at the northerly end of the harbor, said point of land bearing approximately 275° from the observatory on Orrs Island.

(228) (c) *Basin Cove, west side of Harpswell Neck, Harpswell.* All of the area lying northeasterly of a line bearing 350° from the northwest corner of the entrance to the cove.

(229) (c–1) *Basin Point, Potts Harbor, east side of Basin Point.* The water area east of Basin Point enclosed by a line beginning at the southernmost extremity of Basin Point at

(230) 43°44'17"N., 70°02'36"W.; thence easterly to

(231) 43°44'17"N., 70°02'19"W.; thence north northeasterly to a point on the shoreline at

(232) 43°44'43"N., 70°02'05"W.; thence following the shoreline to the point of beginning.

(233) (d) *Mussel Cove and adjacent waters at Falmouth Foreside, Falmouth.* All of the waters enclosed by a line beginning at the Dock House (F.S.) located at latitude 43°44'22"N., longitude 70°11'41"W.; thence 123°, 200 yards; thence 204°, 1,760 yards; thence 220°, 1,950 yards to Prince Point; thence along the shoreline to the point of beginning.

(234) (e) *Harraseeket River.* That portion of the Harraseeket River within the mean low water lines, between Stockbridge Point and Weston Point, excluding therefrom a thoroughfare, 100 feet wide, the center line of which follows the natural channel.

(235) **Note:** This area is reserved for yachts and other small recreational craft. Fore and aft moorings will be allowed in this area. Temporary floats or buoys for marking anchors or moorings in place will be allowed. Fixed mooring piles or stakes are prohibited. All moorings shall be so placed that no vessel when anchored shall at any time extend into the thoroughfare. All anchoring in the area shall be under the supervision of the local harbor master or such other authority as may be designated by the authorities of the Town of Freeport, Maine.

§110.6 Portland Harbor, Portland, Maine (between Little Diamond Island and Great Diamond Island).

(236) Beginning at the southeasterly corner of the wharf, at the most southerly point of Great Diamond Island at

(237) 43°40'13"N., 70°12'00"W.; thence extending southwesterly to the northeasterly corner of the wharf on the easterly side of Little Diamond Island at

(238) 43°40'03"N., 70°12'15"W.; thence extending along the northerly side of the wharf to its shoreward end at

(239) 43°40'03"N., 70°12'17"W.; thence extending along the shoreline of Little Diamond Island to

(240) 43°40'11"N., 70°12'20"W.; thence extending northeasterly to the shoreline of the southerly side of Great Diamond Island at

(241) 43°40'21"N., 70°12'06"W.; thence extending along the shoreline of Great Diamond Island to the shoreward end of a wharf at

(242) 43°40'15"N., 70°12'02"W.; thence extending along the southwesterly side of the wharf to the point of beginning.

(243) **Note**: The area is principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes are prohibited. The anchoring of vessels and placing of temporary moorings will be under the jurisdiction, and at the discretion of the local Harbor Master. All moorings shall be so placed that no moored vessels will extend beyond the limit of the area.

§110.6a Fore River, Portland Harbor, Portland, Maine. The water area beginning at a point on the shoreline near the Coast Guard Base in position

(244) 43°38'43"N., 70°14'49"W., thence 319° to

(245) 43°38'55"N., 70°15'03"W., thence 050° to

(246) 43°39'06"N., 70°14'43"W., thence 161° to mainland; and thence southwesterly along the shore to the point of beginning.

§110.10 Portsmouth Harbor, N.H., north of Newcastle Island.

(247) From the northernmost point of Goat Island to latitude 43°04'25"N., longitude 070°43'37"W.; thence 089°30' for 1025 yards; thence 120° for 285 yards, thence 213° to the shoreline of Newcastle Island, thence along the shoreline of Newcastle Island and across the breakwater to Goat Island and to the point of beginning.

§110.25 Beverly and Salem Harbors, Mass.

(248) (a) *Beverly Harbor, North of Salem Neck*. A line extending from the northerly end of the Salem Willows Yacht Club House 360 yards bearing 281° true to

(249) 42°32'14"N., 70°52'26"W.; thence north 275 yards to Monument Bar Beacon thence 540 yards bearing 080° to

(250) 42°32'25"N., 70°52'04"W., thence 365 yards bearing 175° to

(251) 42°32'14"N., 70°52'03"W.; thence 237° to the shore.

(252) (b) *Bass River*. All of the area upstream of the highway bridge (Popes Bridge) outside of the dredged channel.

(253) (c) *South Channel*. Bounded by a line commencing at the northernmost point of Peachs Point at

(254) 42°31'08.3"N., 70°50'34.7"W.; thence westerly to a point, at

(255) 42°31'21.6"N., 70°51'17.0"W. off Fluen Point; thence westerly to a point at

(256) 42°31'19.0"N., 70°51'49.3"W., off Naugus Head; thence southwesterly to a point at

(257) 45°31'00"N., 70°52'18.5"W. east of Folger Point; thence to a point at

(258) 42°30'38.0"N., 70°52'36.5"W.; thence easterly to a point on Long Point at

(259) 42°30'52.3"N., 70°53'06.9"W. The areas will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed in the areas but fixed piles or stakes may not be placed. The anchoring of vessels, the placing of moorings, and the maintenance of fairways will be under the jurisdiction of the local Harbor Master.

(260) (d) *Beverly and Mackerel Coves, north side of Beverly Harbor*. The water area enclosed by a line commencing at the southernmost point of Curtis Point in Beverly; thence bearing 238°, 1,400 yards to latitude 42°32'29.4"N., longitude 70°51'34"W.; thence 284°, 1,475 yards to the western shoreline of Mackerel Cove; thence north northeasterly to the point of beginning.

(261) (e) *Collins Cove, Salem, Mass*. The water area enclosed by a line beginning at Monument Bar Beacon; thence 242°, 580 yards to

(262) 42°32'14.5"N., 70°52'46.3"W.; thence 284°, 220 yards to

(263) 42°32'16"N., 70°52'55"W.; thence 231°, 525 yards to a point on the shoreline; thence following the shoreline and the western boundary of the special anchorage area as described in 33 CFR 110.25(a) to the point of beginning.

§110.26 Marblehead Harbor, Marblehead, Mass.

(264) The area comprises that portion of the harbor lying between the extreme low water line and southwestward of a line bearing 336° from Marblehead Neck Light to a point on Peach Point at latitude 42°31'03", longitude 70°50'30".

(265) Note: The area is principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors are allowed. Fixed mooring piles or stakes are prohibited. All moorings shall be so that no vessel, when anchored, shall at any time extend beyond the limits of the area. The anchoring of vessels and the placing of temporary moorings are under the jurisdiction and at the direction of the local harbormaster.

§110.30 Boston Harbor, Mass., and adjacent waters.

(266) (a) *Lynn Harbor.* North of a line bearing 244° from the tower of the Metropolitan District Building, extending from the shore to a point 100 feet from the east limit of the channel; east of a line bearing 358°, extending thence to a point 100 feet east of the northeast corner of the turning basin; south of a line bearing 88°, extending thence to the shore; and south and west of the shore line to its intersection with the south boundary.

(267) (b) *Vicinity of Pleasant Park Yacht Club, Winthrop.* Southerly of a line bearing 276° from a point on the west side of Pleasant Street, Winthrop, 360 feet from the southwest corner of its intersection with Main Street; westerly of a line bearing 186° from a point on the south side of Main Street 140 feet from the southwest corner of its intersection with Pleasant Street; northerly of a line bearing 256° from a point on the west side of Pleasant Street 550 feet from the southwest corner of its intersection with Main Street; and easterly of a line bearing 182° from a point on the south side of Main Street 640 feet from the southwest corner of its intersection with Pleasant Street.

(268) (c) *Mystic River, east side of Chelsea Bridge North.* Northerly of the northerly fender pier of Chelsea Bridge North; easterly of Chelsea Bridge North; southerly of the shore line; and westerly of a line bearing 7° from the easterly end of the aforesaid fender pier.

(269) (d) *Mystic River, west side of Chelsea Bridge North.* Northerly of the northerly fender pier of Chelsea Bridge North and a line extending from the westerly end of the shoreward face of the aforesaid fender pier to the southeasterly corner of the wharf projecting from the Naval Hospital grounds; easterly of the aforesaid wharf; southerly of the shore of the Naval Hospital grounds; and westerly of Chelsea Bridge North.

(270) (e) *Vicinity of South Boston Yacht Club, South Boston.* Northerly of a line bearing 96° from the stack of the heating plant of the Boston Housing Authority in South Boston; easterly of a line bearing 5° from the west shaft of the tunnel of the Boston Main Drainage Pumping Station; southerly of the shore line; and westerly of a line bearing 158° from the northeast corner of the iron fence marking the east boundary of the South Boston Yacht Club property.

(271) (f) *Dorchester Bay, in vicinity of Savin Hill Yacht Club.* Northerly of a line bearing 64° from the stack of the old power plant of the Boston Elevated Railway on Freeport Street in Dorchester; westerly of a line bearing 163° from the stack of the Boston Main Drainage Pumping Station on the Cow Pasture in Dorchester; and southerly and easterly of the shore line.

(272) (g) *Dorchester Bay, in vicinity of Dorchester Yacht Club.* Eastward of a line bearing 21° from the stack located a short distance northwestward of the Dorchester Yacht Club; southward of a line bearing 294° from the southerly channel pier of the highway bridge; westward of the highway bridge and the shore line; and northward of the shore line.

(273) (h) *Quincy Bay, in vicinity of Wollaston and Squantum Yacht Clubs.* Northwesterly of a line bearing 36°30' from a point on the shore 2,600 feet easterly of the east side of the Wollaston Yacht Club landing; southwesterly of a line bearing 129°15' from the water tank in Squantum; and southeasterly and northeasterly of the shore line.

(274) (i) *Quincy Bay, in vicinity of Merrymount Yacht Club.* South of a line starting from a point bearing 246°, 3,510 yards, from the stack of the pumping station on Nut Island, and extending thence 306° to the shore; west of a line bearing 190° from the aforesaid point to the shore; and north and east of the shore line.

(275) (j) *Weymouth Fore River, in vicinity of Quincy Yacht Club.* Southwesterly of a line bearing 119° from the outer end of the wharf at Nut Island; northwesterly of a line bearing 199°30' from Pig Rock Light to the eastern end of Raccoon Island; northerly of Raccoon Island and of a line from its western extremity bearing 245° from Beacon 2A; and easterly of the shore of Houghs Neck.

(276) (k) *Weymouth Fore River, in vicinity of Wessagussett Yacht Club.* Southwesterly of a line bearing 117° from channel light "4"; southeasterly of a line 150 feet from and parallel to the meandering easterly limit of the dredged channel; easterly of a line bearing 188° from the eastern extremity of Rock Island Head; and northwesterly of the shore line.

(277) (l) *Weymouth Back River, in vicinity of Eastern Neck.* The cove on the north side of the river lying northerly of a line bearing 264°30' from the southwesterly corner of the American Agricultural Chemical Company's wharf (Bradley's Wharf) to the shore of Eastern Neck, about 2,200 feet distant.

(278) (m)(1) *Boston Inner Harbor* A. The waters of the western side of Boston Inner Harbor north of the entrance to the Fort Point Channel bounded by a line

beginning at a point due east of the New England Aquarium,

(279) 42°21'31.62"N., 71°02'52.37"W. Thence ENE toward the Main Ship Channel to a point,

(280) 42°21'32.6"N., 71°02'47.3"W. Thence SE to a point due east of Harbor Towers,

(281) 42°21'26.4"N., 71°02'40.66"W. Thence W toward the Boston Shore to a point,

(282) 42°21'26.4"N., 71°02'56.31"W. Thence NE to the original point.

(283) **Note**.–Administration of the Special Anchorage Areas is exercised by the Harbormaster, City of Boston pursuant to local ordinances. The City of Boston will install and maintain suitable navigational aids to mark the limits of Special Anchorage Areas.

§110.31 Hull Bay and Allerton Harbor at Hull, Mass.

(284) (a) *Area No. 1 in Allerton Harbor*. That area north of Hog Island beginning at

(285) 42°18'15"N., 70°53'46"W.; thence due east to

(286) 42°18'15"N., 70°53'29.5"W.; thence due south to

(287) 42°18'07.5"N., 70°53'29.5"W.; thence due west to

(288) 42°18'07.5"N., 70°53'46"W.; thence due north to the point of beginning.

(289) (b) *Area No. 2 in Hull Bay*. That area south of Hog Island beginning at

(290) 42°17'50.5"N., 70°54'07"W.; thence due east to

(291) 42°17'50.5"N., 70°53'29.5"W.; thence due south to

(292) 42°17'30"N., 70°53'29.5"W.; thence due west to

(293) 42°17'30"N., 70°54'07"W.; thence due north to the point of beginning.

(294) (c) *Area No. 3 in Hull Bay*. That area north of Bumkin Island beginning at

(295) 42°17'22"N., 70°54'07"W.; thence due east to

(296) 42°17'22"N., 70°53'17.5"W.; thence due south to

(297) 42°17'01"N., 70°53'17.5"W.; thence due west to

(298) 42°17'01"N., 70°54'07"W.; thence due north to the point of beginning.

(299) **Note**: The areas will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes are prohibited. The anchoring of vessels and the placing of temporary moorings is under the jurisdiction, and at the discretion, of the local Harbor Master, Hull, Mass.

§110.32 Hingham Harbor, Hingham, Mass.

(300) (a) *Area 1*. Beginning at

(301) 42°15'39"N., 70°53'24"W.; thence to

(302) 42°15'53.5"N., 70°53'32.0"W.; thence to

(303) 42°15'56.0"N., 70°53'23.0"W.; thence to

(304) 42°15'42.0"N., 70°53'15.0"W., thence to point of beginning.

(305) (b) *Area 2. Beginning at*

(306) 42°15'30.0"N., 70°53'02.5"W.; thence to

(307) 42°15'30.0"N., 70°53'13.5"W.; thence to

(308) 42°15'27.5"N., 70°53'18.0"W.; thence to

(309) 42°15'28.5"N., 70°53'31.0"W.; thence to

(310) 42°15'35.0"N., 70°53'34.0"W.; thence to

(311) 42°15'36.0"N., 70°53'36.5"W.; thence to

(312) 42°15'41.0"N., 70°53'34.5"W.; thence to

(313) 42°15'31.0"N., 70°53'28.0"W.; thence to

(314) 42°15'31.5"N., 70°53'03.0"W.; thence to point of beginning.

(315) (c) *Area 3*. Beginning at

(316) 42°15'33.0"N., 70°53'01.5"W.; thence to

(317) 42°15'33.5"N., 70°53'19.0"W.; thence to

(318) 42°15'35.5"N., 70°53'02.0"W.; thence to point of beginning.

(319) (d) *Area 4*. Beginning at

(320) 42°14'47.0"N., 70°53'09.5"W.; thence to

(321) 42°14'48.5"N., 70°53'11.5"W.; thence to

(322) 42°14'54.0"N., 70°53'08.0"W.; thence to

(323) 42°14'56.5"N., 70°52'58.5"W.; thence to point of beginning.

(324) (e) *Area 5*. Beginning at

(325) 42°14'48.0"N., 70°52'57.0"W.; thence to

(326) 42°14'48.5"N., 70°53'02.0"W.; thence to

(327) 42°14'58.0"N., 70°52'51.0"W.; thence to

(328) 42°14'53.5"N., 70°52'50.0"W.; thence to point of beginning.

(329) **Note:** The areas will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed in the areas but fixed piles or stakes may not be placed. The anchoring of vessels and the placing of moorings will be under the jurisdiction of the local Harbor Master.

§110.37 Sesuit Harbor, Dennis, Mass.

(330) All the waters of Sesuit Harbor southerly of a line extending between the outer end of the jetties on each side of the entrance to the Harbor.

(331) **Note:** The area will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes will be prohibited. The anchoring of vessels and the placing of temporary moorings will be under the jurisdiction and at the discretion of the local Harbor Master.

Subpart B–Anchorage Grounds

§110.130 Bar Harbor, Maine.

(332) (a) *Anchorage grounds*. (1) Anchorage "A" is that portion of Frenchman Bay, Bar Harbor, ME enclosed by a rhumb line connecting the following points:

Latitude	Longitude
44°23'43"N	068°12'00"W; thence to
44°23'52"N	068°11'22"W; thence to
44°23'23"N	068°10'59"W; thence to
44°23'05"N	068°11'32"W; returning to start

(333) (2) Anchorage "B" is that portion of Frenchman Bay, Bar Harbor, ME enclosed by a rhumb line connecting the following points:

Latitude	Longitude
44°24'33"N	068°13'09"W; thence to
44°24'42"N	068°11'47"W; thence to copied
44°24'11"N	068°11'41"W; thence to
44°24'02"N	068°13'03"W; returning to start

(334) (b) *Regulations.*(1) Anchorage A is a general anchorage ground reserved for passenger vessels, small commercial vessels and pleasure craft. Anchorage B is a general anchorage ground reserved primarily for a passenger vessels 200 feet and greater.

(335) (2) These anchorage grounds are authorized for use year round.

(336) (3) Temporary floats or buoys for marking anchors will be allowed in all anchorage areas.

(337) (4) Fixed mooring, piles or stakes are prohibited.

(338) (5) Any vessels anchored in this area shall be capable of moving and when ordered to move by the Captain of the Port shall do so with reasonable promptness.

(339) (6) The anchoring of vessels is under the coordination of the local Harbormaster.

§110.132 Rockland Harbor, Maine.

(340) (a) *The anchorage grounds*–(1) *Anchorage A.* Beginning at a point bearing 158°, 1,075 yards, from Rockland Breakwater Light; thence 252°, 2,020 yards, to a point bearing 224° from Rockland Breakwater Light; thence 345°, 740 yards, to a point bearing 242° from Rockland Breakwater Light; thence 72°, 1,300 yards , to a point bearing 222° from Rockland Breakwater Light; and thence 120°, 1,000 yards, to the point of beginning.

(341) (2) *Anchorage B.* Beginning at a point bearing 273°, 400 yards, from Rockland Breakwater Light; thence 273°, 700 yards, to a point bearing 273° from Rockland Breakwater Light; thence 349°, 850 yards, to a point bearing 305° from Rockland Breakwater Light; thence 89°, 700 yards, to a point bearing 328° from Rockland Breakwater Light; and thence 169°, 900 yards, to the point of beginning.

(342) (b) *The regulations.* (1) Anchorages A and B are general anchorage grounds reserved for merchant vessels, commercial vessels or passenger vessels over 65 feet in length. Fixed moorings, piles or stakes are prohibited.

(343) (2) A distance of approximately 500 yards shall be left between Anchorages A and B for vessels entering or departing from the Port of Rockland. A distance of approximately 100 yards shall be left between Anchorage A and the Special Anchorage Area for vessels entering or departing facilities in the vicinity of Atlantic Point. Any vessel anchored in these anchorages shall be capable of moving and when ordered to move by the Captain of the Port shall do so with reasonable promptness.

(344) (3) All other vessels within the Rockland Harbor area are prohibited from anchoring within 300 yards or operating within 100 feet of any navy yard, shipbuilding plant, power plant, oil terminal, marine terminal, munitions plant, military or naval arsenal or depot, warehouse, or freight pier without permission from the Captain of the Port, Rockland, Maine, or his authorized representative.

§110.133 Kennebec River in vicinity of Bath, Maine.

(345) (a) *The anchorage grounds.* Vessels may anchor only within the following limits:

(346) (1) Northward of a line bearing 54° true and extending from a point on Passmore's wharf in prolongation with the north side of Commerce Street, Bath, Maine, to a point on the shore in Woolwich, approximately 1,200 feet north of the Maine Central Railroad wharf.

(347) (2) Southward of a line drawn from the derrick on the Bath Iron Works wharf to Sassanoa Point in Woolwich.

(348) (b) *The regulations.* (1) Vessels in the north anchorage shall be so anchored as to leave a clear fairway of 150 feet channelward of the established harbor lines at Bath, and a clear fairway 200 feet from the east or Woolwich shore, for the passage of steamers, tows, rafts, and other watercraft.

(349) (2) The launching of vessels into the waters between the anchorages or the bringing up of such vessels by their anchors will be permitted: *Provided*, that the vessels so launched shall be removed there from within 12 hours from the time of anchorage.

§110.134 Portland Harbor, Maine.

(350) (a) *The anchorage grounds–(1) Anchorage A (general).* Beginning at latitude 43°39'37"N., longitude 070°14'35"W.; thence approximately 090° for 1550 yards to Fort Gorges Island Ledge Buoy 4; thence 350° for 300 yards; thence 025° for 780 yards; thence 303° for 750 yards; thence 254° for 560 yards; thence 186° for 750 yards; and thence to the point of beginning.

(351) (2) *Anchorage B* (general-primarily intended for deep draft vessels). Beginning at Fort Gorges Island Ledge Buoy 4; thence 062° to Little Diamond Island; thence along the southwestern shore to the pier on the southern end of Little Diamond Island; 133° for 1200 yards; 270° to House Island Light; thence along the western shore of House Island to Fort Scammel Point Light; thence 325° for 1700 yards to the point of beginning.

(352) (3) *Anchorage C*. Bounded on the northwest by House Island; on the north by a line running 90° from House Island Light to Peak Island; on the east by the western shore of Peak Island, by a line running 198° from the westernmost point on Peak Island to Cushing Island, and by the shore of Cushing Island to its westernmost point; and on the southwest by a line running from the westernmost point on Cushing Island to Fort Scammel Point Light.

(353) (b) *The regulations*. (1) Anchorage B is intended for general purposes, but especially for use by oil tankers and other large deep-draft ships entering harbor at night and intending to proceed to the dock allotted at daylight the following morning or as soon as practicable. This area is also to be used for quarantine anchorage. Vessels must be so anchored in this area as to leave at all times an open usable channel at least 100 feet wide for passage of ferry and other boats between Portland, Peak Island, and Bay Points. Any vessels anchored in this area shall be ready to move on short notice when ordered to do so by the Captain of the Port.

(354) (2) Anchorage C is intended for use only by small vessels and for temporary anchorage.

§110.138 Boston Harbor, Mass.

(355) (a) *The anchorage grounds*–(1) *Bird Island Anchorage*. Beginning at a point bearing 93°, 1,400 yards, from the aerial beacon on top of the Boston Custom House tower; thence to a point bearing 81°, 1,600 yards, from the aerial beacon on top of the Boston Custom House tower; thence to a point bearing 102°, 3,100 yards, from the aerial beacon on top of the Boston Custom House tower; thence to a point bearing 109°, 3,050 yards, from the aerial beacon on top of the Boston Custom House tower; and thence to the point of beginning.

(356) (2) *President Roads Anchorage*–(i) *40-foot anchorage*. Beginning at a point bearing 237°, 522 yards from Deer Island Light; thence to a point bearing 254°, 2,280 yards from Deer Island Light; thence to a point bearing 261°, 2,290 yards from Deer Island Light; thence to a point bearing 278°, 2,438 yards from Deer Island Light; thence to a point bearing 319°, 933 yards from Deer Island Light; thence to a point bearing 319°, 666 yards from Deer Island Light; and thence to point of beginning.

(357) (ii) *35-foot anchorage*. Beginning at a point bearing 256°, 2,603 yards from Deer Island Light; thence to a point bearing 258°30', 3,315 yards from Deer Island Light; thence to a point bearing 264°, 3,967 yards from Deer Island Light; thence to a point bearing 261°, 2,290 yards from Deer Island Light; and thence to point of beginning.

(358) (3) *Long Island Anchorage*. East of Long Island, bounded as follows: Beginning at the southwesternmost point of Gallups Island; thence 270° to Long Island; thence southerly along the eastern shore line of Long Island to Bass Point; thence to the northernmost point of Rainsford Island; thence to Georges Island Gong Buoy 6; and thence to the point of beginning.

(359) (4) *Castle Island Anchorage*. Bounded on the north by Castle Island and adjacent land; on the east by a line between Castle Rocks Fog Signal Light and Old Harbor Shoal Buoy 2; on the southeast by a line between Old Harbor Shoal Buoy 2 and Old Harbor Buoy 4; and on the west by a line running due north from Old Harbor Buoy 4 to the shore line at City Point.

(360) (5) *Explosive anchorage*. In the lower harbor, bounded on the northeast by a line between the northeast end of Peddocks Island and the northeast end of Rainsford Island; on the northwest by Rainsford Island; on the southwest by a line between the western extremity of Rainsford Island and the westernmost point of Peddocks Island; and on the southeast by Peddocks Island.

(361) (b) The regulations. (1) The Captain of the Port may authorize the use of the President Roads Anchorage as an explosives anchorage when he finds that the interests of commerce will be promoted and that safety will not be prejudiced thereby. Vessels anchored in this area shall move promptly upon notification by the Captain of the Port.

(362) (2) In the Long Island Anchorage vessels shall anchor in the position designated by the Captain of the Port.

(363) (3) Floats or buoys for marking anchors or moorings in place will be allowed in all areas. Fixed mooring piles or stakes are prohibited.

Part 117–Drawbridge Operation Regulations

Subpart A–General Requirements

§117.1 Purpose.

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

(365) **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.

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

(367) **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.

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

(369) **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.

(370) **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.

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

(372) **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.

(373) 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.

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

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

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

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

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

§117.9 Delaying opening of a draw.

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

(380) **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.

(381) No vessel owner or operator shall –

(382) (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

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

§117.15 Signals.

(384) (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.

(385) (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.

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

(387) (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.

(388) (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.

(389) (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.

(390) (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.

(391) (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.

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

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

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

(395) (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–

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

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

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

(399) (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–

(400) (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

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

(402) (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.

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

(404) **NOTE:** Call signs and radio channels for drawbridges with radiotelephones are listed in Appendix A to this part.

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

(406) (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.

(407) 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 Signalling when two or more vessels are approaching a drawbridge.

(408) 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.

(409) 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.

(410) (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.

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

(412) (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.

(413) (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.

(414) (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.

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

(416) (1) In plain language; or

(417) (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.

§117.31 Operation of draw for emergency situations.

(418) (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.

(419) (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 this 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:

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

(421) (2) vessels in distress where a delay would endanger life or property;

(422) (3) commercial vessels engaged in rescue or emergency salvage operations; and

(423) (4) vessels seeking shelter from severe weather.

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

(424) 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.

(425) (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.

(426) (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.

(427) (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.

(428) (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.

(429) (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.

(430) (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.

(431) (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.

(432) 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.

(433) 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.

(434) 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.

(435) (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.

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

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

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

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

§117.47 Clearance gauges.

(440) (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.

(441) (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).

(442) **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.

(443) (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.

(444) (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.

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

(446) **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.

(447) (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.

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

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

(450) (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.

(451) (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.

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

(453) (c) If advance 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.

(454) 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.

(455) 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.

(456) **MAINE**

§117.521 Back Cove.

(457) The draw of the Canadian National railroad bridge, mile 0.2 at Portland, need not be opened for the passage of vessels. The draw shall be returned to operable condition within six months after notification from the District Commander to do so.

§117.523 Back River.

(458) The draw of the Maine Department of Transportation highway bridge, mile 4.6 between Hodgdon and Barters Island at Boothbay, shall open on signal from June 1 through October 31; except that, from 5 p.m. to 8 a.m., the draw shall be opened on signal if notice was given to the drawtender from 8 a.m. to 5 p.m. From November 1 through May 31 the draw shall open on signal if at least 24 hours notice is given to the drawtender or to the Maine Department of Transportation at Augusta.

(459) §117.525 Kennebec River.

(460) (a) The draw of the Carlton Bridge, mile 14.0, between Bath and Woolwich shall operate as follows:

(461) (1) From May 15 through September 30 the draw shall open on signal; except that, from 5 p.m. to 8 a.m., the draw shall open on signal if a two-hour notice is given by calling the number posted at the bridge.

(462) (2) From October 1 through May 14 the draw shall open on signal; except that, from 5 p.m. to 8 a.m., the draw shall open on signal after a twenty-four hours notice is given and from 8 a.m. to 5 p.m., on Saturday and Sunday, after an eight-hour notice is given by calling the number posted at the bridge.

(463) (3) Trains and locomotives shall be controlled so that any delay in opening the draw 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.

(464) (4) From June 1 through September 30:

(465) (i) On signal at all times for commercial vessels except as noted in paragraph (a)(2) of this section;

(466) (ii) For recreational vessels on signal except that from 6 a.m. to 6 p.m. need open only at 10 a.m. and 2 p.m., except as noted in paragraph (a)(1) of this section.

(467) (5) From April 15 through May 30, and October 1, through November 15, open on signal:

(468) (i) From 3 a.m. to 7 p.m., except as noted in paragraph (a)(2) of this section;

(469) (ii) From 7 p.m. to 3 a.m. if four hours notice is given, except as noted in paragraph (a)(1) of this section.

(470) (6) From February 15 through April 14 and November 16 through December 15 at all times on signal, except as noted in paragraphs (a)(1) and (a)(2) of this section, if at least four hours notice is given.

(471) (7) From December 16 through February 14 open on signal, except as noted in paragraphs (a)(1) and (a)(2) of this section, if 24 hours is given.

(472) (8) The owners of Carlton (US1) bridge shall provide and keep in good legible condition clearance gauges for the draw and the designated navigable fixed span with figures not less than 18 inches high designed, installed and maintained according to the provisions of §118.160 of this chapter.

(473) (b) The draw of the Route-197 bridge, mile 27.1, between Richmond and Dresden shall open on signal from June 1 through September 30, from 9 a.m. to 5 p.m. From 5 p.m. to 9 a.m., the draw shall open on signal after notice is given to the drawtender while the drawtender is on duty between 9 a.m. and 5 p.m. From October 1 through May 31, the draw shall open on signal after at least a twenty-four-hour advance notice is

given to the Maine Department of Transportation Division Office in Rockland, Maine.

§117.527 Kennebunk River.

(474) The Dock Square drawbridge at mile 1.0, across the Kennebunk River, between Kennebunk and Kennebunkport, Maine, need not open for vessel traffic. The owners of the bridge shall provide and keep in good legible condition, two board gages in accordance with 33 CFR 118.160, of this chapter.

§117.529 Narraguagus River.

(475) The draw of the highway bridge, mile 1.8 at Milbridge, shall open on signal if at least 24 hours notice is given to the Maine State Highway Commission, Division Office at Ellsworth.

§117.531 Piscataqua River.

(476) (a) The following requirements apply to all bridges across the Piscataqua River.

(477) (1) Public vessels of the United States, state and local vessels used for public safety, vessels in distress, commercial vessels over 100 gross tons, inbound ferry service vessels and inbound commercial fishing vessels shall be passed through the draws 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, horn or a radio request.

(478) (2) The owners of these bridges shall provide and keep in good legible condition clearance gauges for each draw with figures not less than 18 inches high designed, installed and maintained according to the provisions of §188.160 of this chapter.

(479) (3) Trains and locomotives shall be controlled so that any delay in opening the draw shall not exceed five 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.

(480) (4) Except as provided in paragraphs (b) through (c) of this section the draws shall open on signal.

(481) (b) The draw of the Memorial (US 1) bridge, mile 3.5, shall open on signal; except that from 15 May through 31 October, from 7 a.m. to 7 p.m., the draw need be opened only on the hour and half hour for recreational vessels and commercial vessels less than 100 gross tons except as provided in (a)(1).

(482) (c) The draw of the Sarah M. Long (Route 1 Bypass) bridge, mile 4.0, shall open as follows:

(483) (1) The main ship channel draw shall open on signal; except that from 15 May through 31 October, from 7 a.m. to 7 p.m., the draw need be opened only at quarter of and quarter after the hour for recreational vessels and commercial vessels less than 100 gross tons except as provided in (a)(1).

(484) (2) The secondary recreation draw shall be left in the fully open position from 15 May through 31 October except for the crossing of a train in accordance with (a)(3) above.

§117.533 Sheepscot River.

(485) The draw of the Maine Central Railroad Bridge, mile 15.0, between Wiscasset and North Edgecombe, Maine, need not be opened for the passage of vessels. The draw of the Maine Central Railroad Bridge shall be returned to operable condition within six months after notification by the District Commander to do so.

§117.535 Taunton River.

(486) The draw of the Maine highway bridge, mile 4.3 between Hancock and Sullivan, need not be opened for the passage of vessels.

(487) **MASSACHUSETTS**

§117.586 Annisquam River and Blynman Canal.

(488) The draw of the Blynman (SR127) Bridge shall open on signal, except that, from noon to 6 p.m. on Thanksgiving Day, 6 p.m. on December 24 to midnight on December 25, and from 6 p.m. on December 31 to midnight on January 1, the draw shall open on signal if at least a two-hour advance notice is given by calling the number posted at the bridge.

§117.588 Base River.

(489) The Hall Whitaker Bridge, mile 0.6 at Beverly, shall operate as follows:

(490) (a) Public vessels of the United States and state or local vessels used for public safety shall be passed as soon as possible.

(491) (b) The owners of this bridge 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.

(492) (c) That the draw of the Hall Whitaker bridge shall open on signal if at least 24 hours notice is given by commercial and recreational vessels.

§117.591 Charles River and its tributaries.

(493) (a) The following requirements apply to all bridges across the Charles River and it's tributaries:

(494) (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.

(495) (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.

(496) (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.

(497) (4) Except as provided in paragraph (b) through (f) of this section, the draws shall open on signal.

(498) (b) The draw of the Charlestown Bridge, mile 0.4 at Boston, need not be opened for the passage of vessels.

(499) (c) The draw of the Massachusetts Bay Transportation Authority (MBTA/Amtrak Bridge, mile 0.8, at Boston, shall open on signal; except that from 6:15 a.m. to 9:10 a.m. and 4:15 p.m. to 6:30 p.m., Monday through Friday, except holidays, the draw need not be opened for the passage of vessels, except as stated in paragraph (a)(1) of this section.

(500) (d) The draw of the Massachusetts Bay Transportation Authority (East Cambridge Viaduct) Railroad Bridge, mile 1.0 at Boston, need not be opened for the passage of vessels. However, the operating machinery of the draw shall be maintained in an operable condition.

(501) (e) The draw of the Metropolitan District Commission (Craigie) Bridge, mile 1.0 at Boston, shall operate as follows:

(502) (1) Open on signal; except that from 6:15 a.m. to 9:10 a.m. and 3:15 p.m. to 6:30 p.m., Monday through Friday, except holidays, the draw need not open for the passage of vessels, except as stated in paragraph (a)(1) of this section.

(503) (2) From December 1 to March 31, the draw shall open on signal after a 24 hour advance notice is given.

(504) (3) From midnight to 8 a.m., April, May, October, and November, the draw shall open on signal after at least an eight-hour advance notice is given.

(505) (f) The draws of the bridges across Broad Canal, mile 0.0, need not open for the passage of vessels. However, the draws shall returned to operable condition within one year after notification by the District Commander to do so.

§117.593 Chelsea River.

(506) All drawbridges across the Chelsea River shall open on signal. The opening signal for each drawbridge is two prolonged blasts followed by two short blasts and one prolonged blast. The acknowledging signal is three prolonged blasts when the draw can be opened immediately and is two prolonged blasts when the draw cannot be opened or is open and must be closed.

§117.595 Danvers River.

(507) (a) The requirements in this paragraph apply to all bridges across the Danvers River:

(508) (1) 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.

(509) (2) 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.

(510) (b) The draw of the Massachusetts Bay Transportation Authority (MBTA)/AMTRAK Bridge, at mile 0.05, between Salem and Beverly, shall open on signal; except that, from midnight to 5 a.m., daily, and on December 25 and January 1, the draw shall open as soon as possible, but not more than one hour after notice is given to the drawtenders either at the bridge during the time the drawtenders are on duty or by calling the number posted at the bridge.

(511) (c) The Kernwood Bridge, at mile 1.0, shall operate as follows:

(512) (1) From May 1 through September 30, midnight to 5 a.m., and from October 1 through April 30, 7 p.m. to 5 a.m., draw shall open on signal after at least a one-hour advance notice is given by calling the number posted at the bridge.

(513) (2) From noon to 6 p.m. on Thanksgiving Day and all day on Christmas and New Years Day, the draw shall open on signal after at least a one-hour advance notice is given by calling the number posted at the bridge.

§117.597 Dorchester Bay.

(514) The draw of the William T. Morrisey Boulevard Bridge, mile 0.0, at Boston, shall operate as follows:

(515) (a) From 7:30 a.m. to 9 a.m. and 4:30 p.m. to 6 p.m., Monday through Friday, except holidays, the draw need not open for the passage of vessel traffic.

(516) (b) The draw shall open on signal from April 16 through May 31, from 8 a.m. through midnight, except as provided in paragraph (a) of this section. From midnight through 8 a.m. at least an eight-hour advance notice is required for bridge openings.

(517) (c) The draw shall open on signal at all times from June 1 through September 30, except as provided in paragraph (a) of this section.

(518) (d) The draw shall open on signal from October 1 through October 14, 8 a.m. through midnight except as provided in paragraph (a) of this section. From midnight through 8 a.m. at least an eight-hour advance notice is required for bridge openings.

(519) (e) The draw shall open on signal from October 15 through April 15, after at least a 24 hours notice is given, except as provided in paragraph (a) of this section.

§117.599 Fort Point Channel.

(520) The draw of the Northern Avenue Bridge, mile 0.1, at Boston, shall operate as follows:

(521) (a) From May 1 through October 31, the draw shall open on signal from 7 a.m. to 11 p.m. From 11 p.m. to 7 a.m. the draw shall open on signal if at least a two-hour advance notice is given by calling the number posted at the bridge.

(522) (b) From November 1 through April 30, the draw shall open on signal from 7 a.m. to 3 p.m. From 3 p.m. to 7 a.m. the draw shall open on signal if at least a twenty-four hours advance notice is given by calling the number posted at the bridge.

§117.601 Malden River.

(523) The draw of S16 bridge, mile 0.3 between Medford and Everett, need not be opened for the passage of vessels.

§117.603 Manchester Harbor.

(524) The Massachusetts Bay Transportation Authority Bridge at mile 1.0 in Manchester, shall operate as follows:

(525) (a) The draw shall open on signal–

(526) (1) From Memorial Day through September 30 from 7 a.m. to 11 p.m.;

(527) (2) From April 1 to Memorial Day and from October 1 to November 1 from 9 a.m. to 1 p.m. and 2 p.m. to 6 p.m.

(528) (b) At all other times, the draw shall open on signal with at least four hours notice.

(529) (c) The owner of this bridge shall provide and keep in good legible condition, clearance gauges for each draw with figures not less than twelve (12) inches high designed, installed and maintained in accordance with the provisions of section 118.160 of this chapter.

§117.605 Merrimack River.

(530) (a) The draw of the Newburyport US1 Bridge, mile 3.4, shall operate as follows:

(531) (1) From May 1 through November 15, from 6 a.m. to 10 p.m., the draw shall open on signal; except that, from Memorial Day through Labor Day, from 6 a.m. to 10 p.m., the draw shall open 6 a.m. to 10 p.m., the draw shall open on signal only on the hour and half hour.

(532) (2) At all other times the draw shall open on signal after at least a one-hour advance notice is given by calling the number posted at the bridge.

(533) (b) The draw of the Boston and Maine railroad bridge, mile 3.4 at Newburyport, is normally maintained in the fully open position. When the draw is in the closed position, a drawtender shall be on duty and the draw shall open on signal.

(534) (c) The draws of the Massachusetts Department of Public Works bridges, mile 5.8 at Newburyport and mile 12.6 at Rock Village, and Groveland bridge, mile 16.5 at Groveland, shall open on signal if at least two hours notice is given. Public vessels of the United States and state or local vessels used for public safety shall be passed through the draw a soon as possible.

§117.609 Mystic River.

(535) (a) The draw of the S99 Alford Street Bridge, mile 1.4, shall open on signal; except that, Monday through Saturday, excluding holidays, the draw need not open for the passage of vessel traffic from 7:45 a.m. to 9 a.m., 9:10 a.m. to 10 a.m., and 5 p.m. to 6 p.m., daily. From November 1 through March 31, between 3 p.m. and 7 a.m., at least an eight-hour advance notice is required for bridge openings by calling the number posted at the bridge.

(536) (b) The draw of the Wellington Bridge, mile 2.5, need not open for the passage of vessel traffic.

§117.611 Neponset River.

(537) The Granite Avenue Bridge, mile 2.5, between Boston and Milton, Massachusetts, shall operate as follows:

(538) (a) The draw of the Granite Avenue Bridge shall open on signal from May 1 through October 31; 6 a.m. to 12 midnight. At all other times the draw shall open on signal if at least one hour advance notice is given by calling the number posted at the bridge.

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

§117.613 North River.

(540) The draw of the Plymouth County (Bridge Street) Bridge, mile 4.0, at Norwell, shall open on signal from May 1 through October 31 if at least four hours notice

is given. From November 1 through April 30, the draw shall open on signal if at least 24 hours notice is given.

§117.615 Plum Island River.

(541) The draw of the Plum Island Turnpike Bridge, mile 3.3, between Newburyport and Plum Island, shall operate as follows:

(542) (a) From April 1 through November 30, 5 a.m. to 9 p.m., the draw shall open on signal if at least one hour advance notice is given by calling the number posted at the bridge. At all other times the draw shall open on signal if at least three hours advance notice is given.

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

§117.618 Saugus River

(544) (a) The following requirements apply to all bridges across the Saugus River:

(545) (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 at any time. The opening signal from these vessels is four or more short blasts of a whistle or horn or a radio request.

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

(547) (3) Trains and locomotives shall be controlled so that any delay in opening the draw span shall not exceed seven 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, the train may continue across the bridge and must clear the bridge interlocks before stopping.

(548) (b) The draw of the General Edwards SR1A Bridge, mile 1.7, between Revere and Lynn, shall open on signal; except that, from April 1 through November 30, from midnight through 8 a.m. at least an eight-hour advance notice is required for bridge openings, and at all times from December 1 through March 31, at least an eight-hour advance notice is required for bridge openings.

(549) (c) The Fox Hill (SR107) Bridge, at mile 2.5, shall operate as follows:

(550) (1) The draw shall open on signal, except that, from October 1 through May 31, from 7 p.m. to 5 a.m., the draw shall open after at least a one-hour advance notice is given by calling the number posted at the bridge.

(551) (2) From noon to 6 p.m. on Thanksgiving Day, and all day on Christmas, and New Years Day, the draw shall open on signal after at least a one-hour advance notice is given by calling the number posted at the bridge.

§117.621 Fore River.

(552) The draw of the Quincy Weymouth SR3A bridge, mile 3.5 between Quincy Point and North Weymouth, Massachusetts, shall open on signal, except that:

(553) (a) From 6:30 a.m. to 9 a.m. and from 4:30 p.m. to 6:30 p.m., Monday through Friday, except holidays observed in the locality, the draw need not be opened.

(554) (b) The draw shall open on signal at all times for self-propelled vessels greater than 10,000 gross tons.

(555) (c) From noon to 6 p.m. on Thanksgiving Day, from 6 p.m. on December 24 to midnight on December 25, and from 6 p.m. on December 31 to midnight on January 1, the draw shall open on signal after at least a two-hour advance notice is given by calling the number posted at the bridge.

(556) **NEW HAMPSHIRE**

§117.697 Hampton River.

(557) The SR1A bridge, mile 0.0 at Hampton, operates as follows:

(558) (a) The draw shall open on signal from April 1 through October 31 for the passage of vessels during daylight hours from three hours before to three hours after each high tide. “Daylight hours” means one-half hour before sunrise to one-half hour after sunset. High tide occurs one-half hour later than the time of high tide for Portland, Maine, as published in the tide tables published by private entities using data provided by the National Ocean Service. At all other times, the draw shall open on signal if at least three hours notice is given.

(559) (b) The owners of the bridge 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.

(560) (c) Vessels which can pass under the closed draw with a clearance of one foot or more shall not signal for the opening of the draw. In case a vessel gives the prescribed signal and the drawtender is uncertain as to whether the vessel can safely pass, the drawtender shall open the draw. If the drawtender finds that there would have been a clearance of one foot or more had the draw remained closed, the matter shall be reported immediately to the District Commander, giving the name of the vessel, the time of opening the draw, the clearance

under the bridge as indicated by the gage at the time of opening the draw, and the approximate vertical clearance required by the vessel.

§117.699 Little Harbor.

(561) The draw of the SR1B bridge, mile 1.0 between New Castle and Rye, shall open on signal from April 1 through October 31 from 6 a.m. to 10 p.m. if at least four hours notice is given. At all other times, the draw shall open as soon as possible only for emergencies.

(562) **Note.**–Call signs and radio channels for drawbridges equipped with radiotelephones are included with the bridge descriptions in chapters 4 through 12.

§117.700 Piscataqua River.

(563) See §117.531, Piscataqua River, listed under Maine.

Part 157—Rules for the Protection of the Marine Environment relating to Tank Vessels Carrying Oil in Bulk.

Subpart A–General

§157.01 Applicability.

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

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

(566) (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).

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

§157.02 Incorporation by reference.

(568) (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 U.S. Coast Guard, Office of Operating and Environmental Standards (G-MSO), 2100 Second Street SW., Washington, DC 20593-0001, and is available from the sources indicated in Paragraph (b) of this section.

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

§157.03 Definitions.

(570) Except as otherwise stated in a subpart:

(571) *Amidships* means the middle of the length.

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

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

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

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

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

(577) *Clean ballast* means ballast which:

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

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

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

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

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

(583) *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.

(584) *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.

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

(586) *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.

(587) *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.

(588) *Double hull* means watertight protective spaces that do not carry any oil and which separate the sides, bottom, forward end, 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.

(589) *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.

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

(591) *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.

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

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

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

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

(596) *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.

(597) *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.

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

(599) (1) Web frames.

(600) (2) Girders.

(601) (3) Webs.

(602) (4) Main brackets.

(603) (5) Transverses.

(604) (6) Stringers.

(605) (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.

(606) *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.

(607) *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.

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

(609) (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;

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

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

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

(613) *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.

(614) *New vessel* means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(631) *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.

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

(633) *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.

(634) *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 hydrocarbons as well as animal and vegetable oils.

(635) *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."

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

(637) (1) Slops from bilges;

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

(639) (3) Oil residue; and

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

(641) *Oil residue* means–

(642) (1) Oil cargo residue; and

(643) (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.

(644) *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.

(645) *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.

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

(647) *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.

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

(649) *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.

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

(651) *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.

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

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

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

(655) *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—

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

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

(658) (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.

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

(660) *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.

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

§157.04 Authorization of classification societies.

(662) (a) The Coast Guard may authorize any classification society (CS) to perform certain plan reviews, certifications, and inspections required by this part on vessels classed by that CS except that only U.S. classification societies may be authorized to perform those

plan reviews, inspections, and certifications for U.S. vessels.

(663) (b) If a CS desires authorization to perform the plan reviews, certifications, and inspections required under this part, it must submit to the Commandant (G-MOC), U.S. Coast Guard, Washington, DC 20593-0001, evidence from the governments concerned showing that they have authorized the CS to inspect and certify vessels on their behalf under the MARPOL 73/78.

(664) (c) The Coast Guard notifies the CS in writing whether or not it is accepted as an authorized CS. If authorization is refused, reasons for the refusal are included.

(665) (d) Acceptance as an authorized CS terminates unless the following are met:

(666) (1) The authorized CS must have each Coast Guard regulation that is applicable to foreign vessels on the navigable waters of the United States.

(667) (2) Each issue concerning equivalents to the regulations in this part must be referred to the Coast Guard for determination.

(668) (3) Copies of any plans, calculations, records of inspections, or other documents relating to any plan review, inspection, or certification performed to meet this part must be made available to the Coast Guard.

(669) (4) Each document certified under §§157.116(a)(2), 157.118(b)(1)(ii), and 157.216(b)(1)(11) must be marked with the name or seal of the authorized CS.

(670) (5) A copy of the final documentation that is issued to each vessel that is certified under this part must be referred to the Commandant (G-MOC), U.S. Coast Guard, Washington, D.C. 20593-0001.

Subpart B–Design, Equipment, and Installation

§157.08 Applicability of Subpart B.

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

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

(673) (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.

(674) (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.

(675) (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.

(676) (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.

(677) (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.

(678) (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.

(679) (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.

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

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

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

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

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

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

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

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

(688) (4) Has undergone a major conversion for which:

(689) (i) The contract is awarded after June 1, 1979;

(690) (ii) In the absence of a contract, conversion is begun after January 1, 1980; or

(691) (iii) Conversion is completed after June 1, 1982.

(692) (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.

(693) (1) 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.

(694) (m) Section 157.12 does not apply to a U.S. vessel that:

(695) (1) Is granted an exemption under Subpart F of this part; or

(696) (2) Is engaged solely in voyages that are:

(697) (i) Between ports or places within the United States, its territories or possessions;

(698) (ii) Of less than 72 hours in length; and

(699) (iii) At all times within 50 nautical miles of the nearest land.

(700) (n) Section 157.10d does not apply to:

(701) (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);

(702) (2) An oil spill response vessel;

(703) (3) Before January 1, 2015–

(704) (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

(705) (ii) A delivering vessel that is offloading oil in bulk as cargo in lightering activities–

(706) (A) Within a lightering zone established under 46 U.S.C. 3715(b)(5); and

(707) (B) More than 60 miles from the territorial sea base line, as defined in 33 CFR 2.05-10.

(708) (4) A vessel documented under 46 U.S.C., Chapter 121, that was equipped with a double hull before August 12, 1992;

(709) (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, Chukchi 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

(710) (6) A vessel in the National Defense Reserve Fleet pursuant to 50 App. U.S.C. 1744.

§157.10d Double hulls on tank vessels.

(711) (a) With the exceptions stated in §157.08(n), this section applies to a tank vessel—

(712) (1) For which the building contract is awarded after June 30, 1990; or

(713) (2) That is delivered after December 31, 1993;

(714) (3) That undergoes a major conversion for which;

(715) (i) The contract is awarded after June 30, 1990; or

(716) (ii) Conversion is completed after December 31, 1993; or

(717) (4) That is otherwise required to have a double hull by 46 U.S.C. 3703a(c).

(718) NOTE: 46 U.S.C. 3703a(c) is shown in appendix G to this part.

(719) (b) Each vessel to which this section applies must be fitted with:

(720) (1) A double hull in accordance with this section; and

(721) (2) If §157.10 applies, segregated ballast tanks and a crude oil washing system in accordance with that section.

(722) (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:

(723) (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:

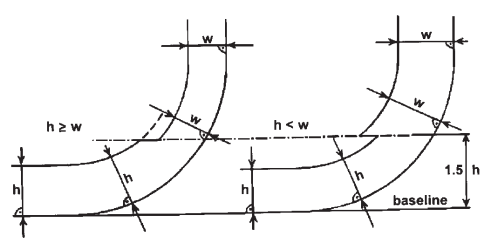


Figure 157.10d(c) Minimum Double Hull Dimensions

(724) (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.).

(725) (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.).

(726) (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.

(727) (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:

(728) (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.).

(729) (ii) For a vessel of less than 5,000 DWT: h=B/15, but in no case less than 0.76 meter (30 in.).

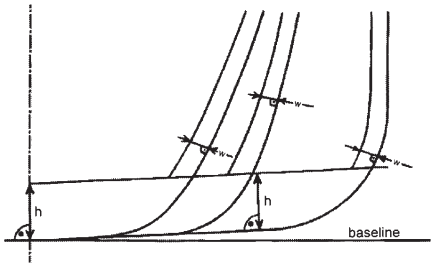
(730) (iii) For a vessel to which Paragraph (a)(4) of this section applies: h=B/15; or, h=2.0 meters (79 in.), whichever is the lesser, but in no case less than 0.76 meter (30 in.), provided that the double bottom was fitted under a construction or conversion contract awarded prior to June 30, 1990.

(731) (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—

(732) (i) For a vessel of 5,000 DWT and above: At levels up to 1.5h above the base line, not less than the 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.

(733) (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.

Figure 157.10d(c)(3)(ii) - Minimum Double Hull Dimensions Within the turn of the bilge of Vessels under 5,000 DWT



(734) (4) For a vessel to which §157.10(b) applies that is built under a contract awarded after September 11, 1992.

(735) (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.

(736) (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.

(737) (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:

(738) (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

(739) (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.

(740) (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.

(741) (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.

(742) (e) Except as provided in Paragraph (e)(3) of this section, a vessel must not carry any oil in any tank extending forward of:

(743) (1) The collision bulkhead; or

(744) (2) In the absence of a collision bulk-head, the transverse plane perpendicular to the centerline through a point located:

(745) (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;

(746) (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

(747) (iii) On each vessel which operates exclusively as a box or trail barge, 61 cm. (2 ft.) aft of the headlog.

(748) (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.

(749) (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.

(750) (a) The purpose of this subpart is to establish mandatory safety and operational requirements to reduce environmental damage resulting from petroleum oil spills.

(751) (b) This subpart applies to each tank vessels specified in §157.01 of this part that—

(752) (1) Is 5,000 gross tons or more;

(753) (2) Carries petroleum oil in bulk as cargo or oil cargo residue; and

(754) (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).

§157.445 Maneuvering performance capability.

(755) (a) A tankship owner or operator shall ensure that maneuvering tests in accordance with IMO Resolution A.751(18), sections 1.2, 2.3-2.4, 3-4.2, and 5 (with Explanatory Notes in MSC/Circ. 644) have been conducted by July 29, 1997. Completion of maneuvering performance tests must be shown by—

(756) (1) For a foreign flag tankship, a letter from the flag administration or an authorized classification society, as described in §157.04 of this part, stating the requirements in Paragraph (a) of this section have been met; or

(757) (2) For a U.S. flag tankship, results from the vessel owner confirming the completion of the tests or a letter from an authorized classification society, as described in §157.04 of this part, stating the requirements in Paragraph (a) of this section have been met.

(758) (b) If a tankship undergoes a major conversion or alteration affecting the control systems, control surfaces, propulsion system, or other areas which may be expected to alter maneuvering performance, the tankship owner or operator shall ensure that new maneuvering tests are conducted as required by Paragraph (a) of this section.

(759) (c) If a tankship is one of a class of vessels with identical propulsion, steering, hydrodynamic, and other relevant design characteristics, maneuvering performance test results for any tankship in the class may be used to satisfy the requirements of Paragraph (a) of this section.

(760) (d) The tankship owner or operator shall ensure that the performance test results, recorded in the format of Appendix 6 of the Explanatory Notes in MSC/Circ. 644., are prominently displayed in the wheelhouse.

(761) (e) Prior to entering the port or place of destination and prior to getting underway, the tankship master shall discuss the results of the performance tests with the pilot while reviewing the anticipated transit and the possible i impact of the tankship's maneuvering capability on the transit.

Part 160–Ports and Waterways Safety-General

Subpart A–General

§160.1 Purpose.

(762) Part 160 contains regulations implementing the Ports and Waterways Safety Act (33 U.S.C. 1221) and related statutes.

§160.3 Definitions.

(763) For the purposes of this subchapter:

(764) "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.

(765) "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.

(766) "Commandant" means the Commandant of the United States Coast Guard.

(767) "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.

(768) "Deviation" means any departure from any rule in this subchapter.

(769) "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.

(770) "ETA" means estimated time of arrival.

(771) "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.

(772) "Person" means an individual, firm, corporation, association, partnership, or governmental entity.

(773) "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.

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

(775) "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.

(776) "Vehicle" means every type of conveyance capable of being used as a means of transportation on land.

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

(778) "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.

(779) "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.

(780) **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.

(781) "VTS Special Area" means a waterway within a VTS area in which special operating requirements apply.

§160.5 Delegations.

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

(783) (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.

(784) (c) Under the provisions 33 CFR §1.05-1, District Commanders have been delegated authority to establish regulated navigation areas.

(785) (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.

(786) (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.

(787) (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.

(788) (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.

(789) (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.

(790) 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.

(791) (a) This subpart applies to any–

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

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

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

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

(796) (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:

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

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

§160.105 Compliance with orders.

(799) 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.

(800) 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.

(801) (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:

(802) (1) Direct the handling, loading, unloading, storage, stowage, 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

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

§160.111 Special orders applying to vessel operations.

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

(805) (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;

(806) (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

(807) (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.

(808) (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.

(809) (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:

(810) (1) Fails to comply with any applicable regulation;

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

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

(813) (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.

(814) (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.

(815) (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.

(816) (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 Arrival, Conditions, and Certain Dangerous Cargos

§160.201 General.

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

(818) (a) Applicability and exemptions from requirements in this subpart;

(819) (b) Required information in an NOA;

(820) (c) Required changes to an NOA;

(821) (d) Methods and times for submission of an NOA and changes to an NOA;

(822) (e) How to obtain a waiver; and

(823) (f) Requirements for submission of the Notice of Hazardous Conditions.

§160.202 Applicability.

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

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

(826) (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.

(827) (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.

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

(829) (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.

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

(831) (3) Vessels operating upon the following waters:

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

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

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

(835) (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.

(836) (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:

(837) (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).

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

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

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

(841) (5) Public vessels.

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

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

(844) (d) [Suspended]

(845) (e) [Suspended]

(846) (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.

(847) As used in this subpart:

(848) *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.

(849) *Barge* means a non-self propelled vessel engaged in commerce.

(850) *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.

(851) *Certain dangerous cargo* (CDC) includes any of the following:

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

(853) (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.

(854) (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.

(855) (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.

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

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

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

(859) (8) The following bulk liquids:

(860) (i) Acetone cyanohydrin,

(861) (ii) Allyl alcohol,

(862) (iii) Chlorosulfonic acid,

(863) (iv) Crotonaldehyde,

(864) (v) Ethylene chlorohydrin,

(865) (vi) Ethylene dibromide,

(866) (vii) Methacrylonitrile, and

(867) (viii) Oleum (fuming sulfuric acid).

(868) (9) Ammonium nitrate and ammonium nitrate base fertilizers, in bulk, listed as a Division 5.1 material in 49 CFR 172.101.

(869) (10) Propylene oxide, alone or mixed with ethylene oxide, in bulk.

(870) *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."

(871) *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.

(872) *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.

(873) *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.

(874) *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.

(875) *Nationality* means the state (nation) in which a person is a citizen or to which a person owes permanent allegiance.

(876) *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.

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

(878) *Port or place of departure* means any port or place in which a vessel is anchored or moored.

(879) *Port or place of destination* means any port or place in which a vessel is bound to anchor or moor.

(880) *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.

(881) *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.

(882) *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.

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

(884) (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.

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

(886) (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 changes to an NOA.

§160.208 Changes to a submitted NOA.

(887) (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.

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

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

TABLE 160.206.—NOA INFORMATION ITEMS

Required information	Vessels not carrying CDC	Vessels Carrying CDC	
		Vessels	Towing vessels controlling vessels carrying CDC
(5) Information for each Person Onboard in Addition to Crew:	X	X	X
(i) Full name;	X	X	X
(ii) Date of birth;	X	X	X
(iii) Nationality;	X	X	X
(iv) Passport number; and	X	X	X
(v) Where the person embarked (list port or place and country)			
(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]			

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

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

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

(892) (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.

(893) (a) [Suspended]

(894) (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.

(895) (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).

(896) (d) [Suspended]

(897) (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:

(898) (1) Electronic submission via the electronic NOA (e-NOA) available on the NVMC web site at http://www.nvmc.uscg.gov.

(899) (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;

(900) (3) E-mail at sans@nvmc.uscg.gov. Workbook available at http://www.nvmc.uscg.gov;

(901) (4) Fax at 1-800-547-8724 or 304-264-2684. Workbook available at http://www.nvmc.uscg.gov; or,

(902) (5) Telephone at 1-800-708-9823 or 304-264-2502.

§160.212 When to submit an NOA.

(903) (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.

(904) (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.

(905) (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.

(906) (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.

(907) (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.

(908) (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.

(909) (c) [Suspended]

§160.214 Waivers.

(910) 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.

(911) 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.

(912) (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.

(913) (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.

(914) (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.

(915) (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.

(916) For the purposes of this part:

(917) "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.

(918) "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:

(919) (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.

(920) (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.

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

(922) "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.

(923) *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.

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

(925) *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).

(926) *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).

(927) *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.

(928) "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.

(929) "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.

(930) "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.

(931) **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.

(932) "VTS Special Area" means a waterway within a VTS area in which special operating requirements apply.

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

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

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

(936) "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.

(937) 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.

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

(939) **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.

(940) (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.

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

Services, VTS Measures, and Operating Requirements

§161.10 Services.

(942) 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:

(943) (a) Hazardous conditions or circumstances;

(944) (b) Vessel congestion;

(945) (c) Traffic density;

(946) (d) Environmental conditions;

(947) (e) Aids to navigation status;

(948) (f) Anticipated vessel encounters;

(949) (g) Another vessel's name, type, position, hazardous vessel operating conditions, if applicable, and intended navigation movements, as reported;

(950) (h) Temporary measures in effect;

(951) (i) A description of local harbor operations and conditions, such as ferry routes, dredging, and so forth;

(952) (j) Anchorage availability; or

(953) (k) Other information or special circumstances.

§161.11 VTS measures.

(954) (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:

(955) (1) Designating temporary reporting points and procedures;

(956) (2) Imposing vessel operating requirements; or

(957) (3) Establishing vessel traffic routing schemes.

(958) (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.

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

(960) (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.

(961) (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.

(962) **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.

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

(964) (1) A marine casualty as defined in 46 CFR 4.05-1;

(965) (2) Involvement in the ramming of a fixed or floating object;

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.

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—003669956 *San Francisco Traffic*	156.700 MHz (Ch. 14)	The navigable waters of the San Francisco Offshore Precautionary Area, the navigable waters shoreward of the San Francisco Offshore Precautionary Area east of 122°42.0'W. and north of 37°40.0'N. extending eastward through the Golden Gate, and the navigable waters of San Francisco Bay and as far east as the port of Stockton on the San Joaquin River, as far north as the port of Sacramento on the Sacramento River.
San Francisco Traffic	156.600 MHz (Ch. 12)	The navigable waters within a 38 nautical mile radius of Mount Tamalpais (37°55.8'N., 122°34.6'W.) west of 122°42.0'W. and south of 37°40.0'N. and excluding the San Francisco Offshore Precautionary Area.
St. Marys River —003669953 *Soo Traffic*	156.600 MHz (Ch. 12)	The waters of the St. Marys River between 45°57'N. (De Tour Reef Light) and 46°38.7'N. (Ile Parisienne Light), except the St. Marys Falls Canal and those navigable waters east of a line from 46°04.16'N. and 46°01.57'N. (La Pointe to Sims Point in Potagannissing Bay and Worsley Bay).

Notes:

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

(966) (3) A pollution incident as defined in §151.15 of this chapter:

(967) (4) A defect or discrepancy in an aid to navigation;

(968) (5) A hazardous condition as defined in §160.203 of this chapter;

(969) (6) Improper operation of vessel equipment required by Part 164 of this chapter;

(970) (7) A situation involving hazardous materials for which a report is required by 49 CFR 176.48; and

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

§161.13 VTS Special Area Operating Requirements.

(972) The following operating requirements apply within a VTS Special Area:

(973) (a) A VTS User shall, if towing astern, do so with as short a hawser as safety and good seamanship permits.

(974) (b) A VMRS User shall:

(975) (1) Not enter or get underway in the area without prior approval of the VTS;

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

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

(978) (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.

(979) (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.

(980) (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.

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

(982) (a) Every power-driven vessel of 40 meters (approximately 131 feet) or more in length, while navigating;

(983) (b) Every towing vessel of 8 meters (approximately 26 feet) or more in length, while navigating; or

(984) (c) Every vessel certificated to carry 50 or more passengers for hire, when engaged in trade.

§161.17 Definitions.

(985) As used in the subpart:

(986) *Center* means a Vessel Traffic Center or Vessel Movement Center.

(987) *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.

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

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

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

(991) (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).

(992) (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.

(993) **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.

(994) (d) A vessel must report:

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

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

TABLE 161.18(a).–THE IMO STANDARD SHIP REPORTING SYSTEM

A	ALPHA	Ship	Name, call sign or ship station identity, and flag.
B	BRAVO	Dates and time of events	A 6 digit group giving day of month (first two digits), hours and minutes (last four digits). If other than UTC state time zone used.
C	CHARLIE	Position	A 4 digit group giving latitude in degrees and minutes suffixed with N (north) or S (south) and a 5 digit group giving longitude in degrees and minutes suffixed with E (east) or W (west); or,
D	DELTA	Position	True bearing (first 3 digits) and distance (state distance) in nautical miles from a clearly identified landmark (state landmark).
E	ECHO	True course	A 3 digit group.
F	FOXTROT	Speed in knots and tenths of knots	A 3 digit group.
G	GOLF	Port of Departure	Name of last port of call.
H	HOTEL	Date, time and point of entry system.	Entry time expressed as in (B) and into the entry position expressed as in (C) or (D).
I	INDIA	Destination and expected time of arrival.	Name of port and date time group expressed as in (B).
J	JULIET	Pilot	State whether a deep sea or local pilot is on board.
K	KILO	Date, time and point of exit from system.	Exit time expressed as in (B) and exit position expressed as in (C) or (D).
L	LIMA	Route information	Intended track.
M	MIKE	Radio	State in full names of communications stations/frequencies guarded.
N	NOVEMBER	Time of next report	Date time group expressed as in (B).
O	OSCAR	Maximum present static draught in meters.	4 digit group giving meters and centimeters.
P	PAPA	Cargo on board	Cargo and brief details of any dangerous cargoes as well as harmful substances and gases that could endanger persons or the environment.
Q	QUEBEC	Defects, damage, deficiencies or limitations.	Brief detail of defects, damage, deficiencies or other limitations.
R	ROMEO	Description of pollution or dangerous goods lost.	Brief details of type of pollution (oil, chemicals, etc) or dangerous goods lost overboard; position expressed as in (C) or (D).
S	SIERRA	Weather conditions	Brief details of weather and sea conditions prevailing.
T	TANGO	Ship's representative and/or owner.	Details of name and particulars of ship's representative and/or owner for provision of information.
U	UNIFORM	Ship size and type	Details of length, breadth, tonnage, and type, etc., as required.
V	VICTOR	Medical personnel	Doctor, physician's assistant, nurse, no medic.
W	WHISKEY	Total number of persons on board.	State number.
X	XRAY	Miscellaneous	Any other information as appropriate. [i.e., a detailed description of a planned operation, which may include: its duration; effective area; any restrictions to navigation; notification procedures for approaching vessels; in addition, for a towing operation; configuration, length of the tow, available horsepower, etc.; for a dredge or floating plant: configuration of pipeline, mooring configuration, number of assist vessels, etc.].

(997) (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).

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

(999) (a) Vessel name and type;

(1000) (b) Position;

(1001) (c) Destination and ETA;

(1002) (d) Intended route;

(1003) (e) Time and point of entry; and

(1004) (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).

(1005) A vessel must report its name and position:

(1006) (a) Upon point of entry into a VMRS area;

(1007) (b) At designated points as set forth in Subpart C; or

(1008) (c) When directed by the Center.

§161.21 Automated reporting.

(1009) (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.

(1010) (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:

(1011) (1) Notify the Center;

(1012) (2) Make voice radio Position Reports at designated reporting points as required by §161.20(b) of this part; and

(1013) (3) Make any other reports as directed by the Center.

§161.22 Final Report (FR).

(1014) A vessel must report its name and position:

(1015) (a) On arrival at its destination; or

(1016) (b) When leaving a VTS area.

§161.23 Reporting exemptions.

(1017) (a) Unless otherwise directed, the following vessels are exempted from providing Position and Final Reports due to the nature of their operation:

(1018) (1) Vessels on a published schedule and route;

(1019) (2) Vessels operating within an area of a radius of three nautical miles or less; or

(1020) (3) Vessels escorting another vessel or assisting another vessel in maneuvering procedures.

(1021) (b) A vessel described in paragraph (a) of this section must:

(1022) (1) Provide a Sailing Plan at least 5 minutes but not more than 15 minutes before navigating within the VMRS area; and

(1023) (2) If it departs from its promulgated schedule by more than 15 minutes or changes its limited operating area, make the established VMRS reports, or report as directed.

(1024) (c) In those VTS areas capable of receiving automated position reports from Automatic Identification System equipment (AISSE) as required by §164.43 of this chapter and where AISSE is required, vessels equipped with an operating AISSE are not required to make voice radio position reports at designated reporting points as required by §161.20(b) of this part, unless otherwise directed by the VTC.

(1025) (1) Whenever an AISSE becomes non-operational as defined in §164.43(c) of this chapter, before entering or while underway in a VTS area, a vessel must:

(1026) (i) Notify the VTC;

(1027) (ii) Make voice radio position reports at designated reporting points as required by §161.20(b) of this part;

(1028) (iii) Make other voice radio reports as directed; and

(1029) (iv) Restore the AISSE to operating condition as soon as possible.

(1030) (2) Whenever an AISSE becomes non-operational due to a loss of position correction information (i.e., the U.S. Coast Guard differential global positioning system (dGPS) cannot provide the required error correction messages) a vessel must:

(1031) (i) Make required voice radio position reports at designated reporting points required by §161.20(b) of this part; and

(1032) (ii) Make other voice radio reports as directed.

(1033) **Note:** Regulations pertaining to AISSE required capabilities are set forth in §164.43 of this chapter.

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

(1034) **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.

(1035) 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.

(1036) **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.

(1037) The VTS area consists of the navigable waters of the Ohio River between McAlpine Locks (Mile 606.8) and Twelve Mile 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.

(1038) (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.

(1039) (b) Precautionary Areas.

(1040) (c) Reporting Points.

§161.40 Vessel Traffic Service Berwick Bay.

(1041) (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.

(1042) (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.

(1043) (c) Reporting Points.

Part 164–Navigation Safety Regulations (in part). For a complete description of this part see 33 CFR 164.

§164.01 Applicability.

(1044) (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.

(1045) (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–

(1046) (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;

(1047) (2) Used solely for assistance towing as defined by 46 CFR 10.103;

(1048) (3) Used solely for pollution response; or

(1049) (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.

(1050) (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.

(1051) (d) Provisions of §164.46 apply to some self-propelled vessels of less 1600 gross tonnage.

§164.02 Applicability exception for foreign vessels.

(1052) (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:

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 Precautional 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 94°01.4'W	
7	Lynchburg	Ferry Crossing	29°45.8'N 94°04.8'W	
8	Shell Oil	Boggy Bayou	29°44.1'N 94°08.0'W	
9	Greens Bayou	Greens Bayou	29°44.8'N 94°10.1'W	
10	Hess Turning Basin	Hunting Bayou Turning Basin	29°44.3'N 94°12.1'W	
11	Lyondell Turning Basin	Sims Bayou Turning Basin	29°43.2'N 94°14.4'W	
12	I-610 Bridge	I-610 Bridge	29°43.5'N 94°16.0'W	
13	Houston Turning Basin	Buffalo Bayou	29°45.0'N 94°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	

(1053) (1) Are not destined for, or departing from, a port or place subject to the jurisdiction of the United States; and

(1054) (2) Are in:

(1055) (i) Innocent passage through the territorial sea of the United States; or

(1056) (ii) Transit through navigable waters of the United States which form a part of an international strait.

§164.03 Incorporation by reference.

(1057) (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.

(1058) (b) The materials approved for incorporation by reference in this part and the sections affected are as follows:

(1059) *American Petroleum Institute (API)*, 1220 L Street NW., Washington, DC 20005

(1060) API Specifications 9A, Specification for Wire Rope, Section 3, Properties and Tests for Wire and Wire Rope, May 28, 1984. . . . . **164.74**

(1061) *American Society for Testing and Materials (ASTM)*, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959

(1062) ASTM D4268-93, Standard Test Method for Testing Fiber Ropes **164.74**

(1063) *Cordage Institute*, 350 Lincoln Street, Hingham, MA 02043

(1064) CIA-3, Standard Test Methods for Fiber Rope Including Standard Terminations, Revised, June 1980 . . . . . **164.74**

(1065) *International Electrotechnical Commission (IEC)*, 3, rue de Varemb, Geneva, Switzerland.

(1066) 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**

(1067) *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**

(1068) Resolution MSC.74(69), Annex 3, Recommendation on Performance Standards for a Universal Shipborne Automatic Identification System (AIS), adopted May 12, 1998 . . . . . **164.46**

(1069) SN/Circ.227, Guidelines for the Installation of a Shipborne Automatic Identification System (AIS), dated January 6, 2003 . . . . . **164.46**

(1070) 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**

(1071) 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**

(1072) *International Telecommunication Union Radiocommunication Bureau (ITU-R)*, Place de Nations CH-1211 Geneva 20 Switzerland

(1073) (1) ITU-R Recommendation M.821, Optional Expansion of the Digital Selective-Calling System for Use in the Maritime Mobile Service, 1992. . . . . **164.43**

(1074) (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**

(1075) 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**

(1076) *Radio Technical Commission for Maritime Services*, 655 Fifteenth Street, NW., Suite 300, Washington, DC 20005

(1077) (1) RTCM Paper 12-78/DO-100, Minimum Performance Standards, Loran C Receiving Equipment, 1977 . . . . . **164.41**

(1078) (2) RTCM Paper 194-93/SC104-STD, RTCM Recommended Standards for Differential NAVSTAR GPS Service, Version 2.1, 1994. . . . . **164.43**

(1079) (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**

(1080) (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 under way; General.

(1081) The owner, master, or person in charge of each vessel underway shall ensure that:

(1082) (a) The wheelhouse is constantly manned by persons who:

(1083) (1) Direct and control the movement of the vessel; and

(1084) (2) Fix the vessel's position;

(1085) (b) Each person performing a duty described in paragraph (a) of this section is competent to perform that duty;

(1086) (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;

(1087) (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;

(1088) (e) Buoys alone are not used to fix the vessel's position;

(1089) **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.

(1090) (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;

(1091) (g) Rudder orders are executed as given;

(1092) (h) Engine speed and direction orders are executed as given;

(1093) (i) Magnetic variation and deviation and gyrocompass errors are known and correctly applied by the person directing the movement of the vessel;

(1094) (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.);

(1095) (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.

(1096) (1) Current velocity and direction for the area to be transited are known by the person directing the movement of the vessel;

(1097) (m) Predicted set and drift are known by the person directing movement of the vessel;

(1098) (n) Tidal state for the area to be transited is known by the person directing movement of the vessel;

(1099) (o) The vessel's anchors are ready for letting go;

(1100) (p) The person directing the movement of the vessel sets the vessel's speed with consideration for:

(1101) (1) The prevailing visibility and weather conditions;

(1102) (2) The proximity of the vessel to fixed shore and marine structures;

(1103) (3) The tendency of the vessel underway to squat and suffer impairment of maneuverability when there is small underkeel clearance;

(1104) (4) The comparative proportions of the vessel and the channel;

(1105) (5) The density of marine traffic;

(1106) (6) The damage that might be caused by the vessel's wake;

(1107) (7) The strength and direction of the current; and

(1108) (8) Any local vessel speed limit;

(1109) (q) The tests required by §164.25 are made and recorded in the vessel's log; and

(1110) (r) The equipment required by this part is maintained in operable condition.

(1111) (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.

(1112) (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.

(1113) (u) On each passenger vessel meeting the requirements of the International Convention for the Safety of Life at Sea, 1960 (SILAS 60) and on each cargo vessel meeting the requirements of SILAS 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.

(1114) (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.

(1115) (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.

(1116) (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.

(1117) (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:

(1118) (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).

(1119) (2) A qualified helmsman is present at the helm and prepared at all times to assume manual control.

(1120) (3) The tanker is not operating in any of the following areas:

(1121) (i) The areas of the traffic separation schemes specified in subchapter P of this chapter.

(1122) (ii) The portions of a shipping safety fairway specified in part 166 of this chapter.

(1123) (iii) An anchorage ground specified in part 110 of this chapter.

(1124) (iv) An area within one-half nautical mile of any U.S. shore.

§164.15 Navigation bridge visibility.

(1125) (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:

(1126) (1) From the conning position, the view of the sea surface must not be obscured by more than the lesser of two ship 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.

(1127) (2) From the conning position, the horizontal field of vision must extend over an arc from at least 22.5 degrees abaft the beam on one side of the vessel, through dead ahead, to at least 22.5 degrees abaft the beam on the other side of the vessel. Blind sectors forward of the beam caused by cargo, cargo gear, or other permanent obstruction must not exceed 10 degrees each, nor total more than 20 degrees, including any blind sector within the arc of visibility described in paragraph (a)(1) of this section.

(1128) (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.

(1129) (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.

(1130) (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.

(1131) The master or person in charge of each vessel that is anchored shall ensure that:

(1132) (a) A proper anchor watch is maintained;

(1133) (b) Procedures are followed to detect a dragging anchor; and

(1134) (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.

(1135) (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:

(1136) (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:

(1137) (i) Each remote steering gear control system.

(1138) (ii) Each steering position located on the navigating bridge.

(1139) (iii) The main steering gear from the alternative power supply, if installed.

(1140) (iv) Each rudder angle indicator in relation to the actual position of the rudder.

(1141) (v) Each remote steering gear control system power failure alarm.

(1142) (vi) Each remote steering gear power unit failure alarm.

(1143) (vii) The full movement of the rudder to the required capabilities of the steering gear.

(1144) (2) All internal vessel control communications and vessel control alarms.

(1145) (3) Standby or emergency generator, for as long as necessary to show proper functioning, including steady state temperature and pressure readings.

(1146) (4) Storage batteries for emergency lighting and power systems in vessel control and propulsion machinery spaces.

(1147) (5) Main propulsion machinery, ahead and astern.

(1148) (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.

(1149) (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.

(1150) (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:

(1151) (1) Operation of the main steering gear from within the steering gear compartment.

(1152) (2) Operation of the means of communications between the navigating bridge and the steering compartment.

(1153) (3) Operation of the alternative power supply for the steering gear if the vessel is so equipped.

§164.30 Charts, publications, and equipment: General.

(1154) 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.

(1155) (a) Each vessel must have the following:

(1156) (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–

(1157) (i) Are of a large enough scale and have enough detail to make safe navigation of the area possible; and

(1158) (ii) Are currently corrected.

(1159) (2) For the area to be transited, a currently corrected copy of, or applicable currently corrected extract from, each of the following publications:

(1160) (i) U.S. Coast Pilot.

(1161) (ii) Coast Guard Light List.

(1162) (3) For the area to be transited, the current edition of, or applicable current extract from:

(1163) (i) Tide tables published by private entities using data provided by the National Ocean Service.

(1164) (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.

(1165) (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.

(1166) (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.

(1167) Each vessel must have the following:

(1168) (a) A marine radar system for surface navigation.

(1169) (b) An illuminated magnetic steering compass, mounted in a binnacle, that can be read at the vessel's main steering stand.

(1170) (c) A current magnetic compass deviation table or graph or compass comparison record for the steering compass, in the wheelhouse.

(1171) (d) A gyrocompass.

(1172) (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.

(1173) (f) An illuminated rudder angle indicator in the wheelhouse.

(1174) (g) The following maneuvering information prominently displayed on a fact sheet in the wheelhouse:

(1175) (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.

(1176) (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.

(1177) (3) For each vessel with a fixed propeller, a table of shaft revolutions per minute for a representative range of speeds.

(1178) (4) For each vessel with a controllable pitch propeller, a table of control settings for a representative range of speeds.

(1179) (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.

(1180) (6) The maneuvering information for the normal load and normal ballast condition for:

(1181) (i) Calm weather-wind 10 knots or less, calm sea;

(1182) (ii) No current;

(1183) (iii) Deep water conditions-water depth twice the vessel's draft or greater; and

(1184) (iv) Clean hull.

(1185) (7) At the bottom of the fact sheet, the following statement:

(1186) **Warning.**

(1187) 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:

(1188) (1) Calm weather-wind 10 knots or less, calm sea;

(1189) (2) No current;

(1190) (3) Water depth twice the vessel's draft or greater;

(1191) (4) Clean hull; and

(1192) (5) Intermediate drafts or unusual trim.

(1193) (h) An echo depth sounding device.

(1194) (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.

(1195) (j) Equipment on the bridge for plotting relative motion.

(1196) (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.

(1197) (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.

(1198) (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.

(1199) (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.

(1200) (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.

(1201) (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.

(1202) **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.

(1203) (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). (See 33 CFR 164.)

§164.39 Steering gear: Foreign tankers.

(1204) (a) This section applies to each foreign tanker of 10,000 gross tons or more, except a public vessel, that–

(1205) (1) Transfers oil at a port or place subject to the jurisdiction of the United States; or

(1206) (2) Otherwise enters or operates in the navigable waters of the United States, except a vessel described by §164.02 of this part.

(1207) (b) *Definitions*. The terms used in this section are as follows:

(1208) *Constructed* means the same as in Chapter II-1, Regulations 1.1.2 and 1.1.3.1, of SILAS 74.

(1209) *Existing tanker* means a tanker–

(1210) (1) For which the building contract is placed on or after June 1, 1979;

(1211) (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;

(1212) (3) The delivery of which occurs on or after June 1, 1982; or

(1213) (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.

(1214) Public vessel, oil, hazardous materials, and foreign vessel mean the same as in 46 U.S.C. 2101.

(1215) *SILAS 74* means the International Convention for the Safety of Life at Sea, 1974, as amended.

(1216) *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).

(1217) (c) Each tanker constructed on or after September 1, 1984, must meet the applicable requirements of Chapter II-1, Regulations 29 and 30, of SILAS 74.

(1218) (d) Each tanker constructed before September 1, 1984, must meet the requirements of Chapter II-1, Regulation 29.19, of SILAS 74.

(1219) (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 SILAS 74, must meet the requirements of Chapter II-1, Regulation 29.20, of SILAS 74.

(1220) (f) Each tanker constructed before September 1, 1984, must meet the applicable requirements of Chapter II-1, Regulations 29.14 and 29.15, of SILAS 74.

§164.40 Devices to indicate speed and distance.

(1221) (a) Each vessel required to be fitted with an Automatic Radar Plotting Aid (ARPA) under §164.38 of this part must be fitted with a device to indicate speed and distance of the vessel either through the water or over the ground.

(1222) (b) The device must meet the following specifications:

(1223) (1) The display must be easily readable on the bridge by day or night.

(1224) (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.

(1225) (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.

(1226) (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 barefoot 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:

(1227) (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.

(1228) (2) A satellite navigation receiver with:

(1229) (i) Automatic acquisition of satellite signals after initial operator settings have been entered; and

(1230) (ii) Position updates derived from satellite information during each usable satellite pass.

(1231) (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.

(1232) **Note.**–The Federal Radionavigation Plan is available from the National Technical Information Service, Springfield, Va. 22161, with the following Government Accession Numbers:

(1233) Vol 1, ADA 116468

(1234) Vol 2, ADA 116469

(1235) Vol 3, ADA 116470

(1236) Vol 4, ADA 116471

(1237) (b) Each label required under paragraph (a)(1) of this section must show the following:

(1238) (1) The name and address of the manufacturer.

(1239) (2) The following statement by the manufacturer:

(1240) 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.

(1241) 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.

(1242) (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:

(1243) (1) Twelve-channel all-in-view Differential Global Positioning System (dGPS) receiver;

(1244) (2) Marine band Non-Directional Beacon receiver capable of receiving dGPS error correction messages;

(1245) (3) VHF-FM transceiver capable of Digital Selective Calling (DSC) on the designated DSC frequency; and

(1246) (4) Control unit.

(1247) (b) An AISSE must have the following capabilities:

(1248) (1) Use dGPS to sense the position of the vessel and determine the time of the position using Universal Coordinated Time (UTC);

(1249) (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;

(1250) (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;

(1251) (4) Achieve a course error of less than 0.5 degrees from true course over ground in the course information transmitted to a VTS;

(1252) (5) Achieve a speed error of less than 0.05 knots from true speed over ground in the speed information transmitted to a VTS;

(1253) (6) Receive and comply with commands broadcast from a VTS as DSC messages on the designated DSC frequency;

(1254) (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;

(1255) (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;

(1256) (9) Display a visual alarm to indicate to shipboard personnel when a failure to receive or utilize the RTCM messages occurs;

(1257) (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

(1258) (11) Display two RTCM type 16 messages, one of which must display the position error in the position error broadcast.

(1259) (c) An AISSE is considered non-operational if it fails to meet the requirements of paragraph (b) of this section.

(1260) **Note:** Vessel Traffic Service (VTS) areas and operating procedures are set forth in Part 161 of this chapter.

§164.46 Automatic Identification System (AIS).

(1261) (a) The following vessels must have a properly installed, operational, type approved AIS as of the date specified:

(1262) (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.

(1263) (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):

(1264) (i) Passenger vessels, of 150 gross tonnage or more, not later than July 1, 2003;

(1265) (ii) Tankers, regardless of tonnage, not later than the first safety survey for safety equipment on or after July 1, 2003;

(1266) (iii) Vessels, other than passenger vessels or tankers, of 50,000 gross tonnage or more, not later than July 1, 2004; and

(1267) (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.

(1268) (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:

(1269) (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;

(1270) (ii) Towing vessels of 26 feet or more in length and more than 600 horsepower, in commercial service;

(1271) (iii) Passenger vessels certificated to carry more than 150 passengers-for-hire.

(1272) **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.

(1273) (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.

(1274) (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.

(1275) (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.

(1276) 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.

(1277) (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.

(1278) (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.

(1279) 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.

(1280) 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:

(1281) (a) Ensure compliance with 46 CFR 4.05, "Notice of Marine Casualty and Voyage Records," and

(1282) (b) Ensure that the voyage records required by 46 CFR 4.05-15 are retained for:

(1283) (1) 30 days after the casualty if the vessel remains in the navigable waters of the United States; or

(1284) (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.

(1285) For purposes of §§164.72 through 164.82, the term–

(1286) *Current edition* means the most recent published version of a publication, chart, or map required by §164.72.

(1287) *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.

(1288) *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.

(1289) *Swing-meter* means an electronic or electric device that indicates that rate of turn of the vessel on board which it is installed.

(1290) *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.

(1291) *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.

(1292) (a) Except as provided by §164.01(b), each towing vessel must be equipped with the following navigational-safety equipment:

(1293) (1) *Marine Radar.* By August 2, 1997, a marine radar that meets the following applicable requirements:

(1294) (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–

(1295) (A) The requirements of the Federal Communications Commission (FCC) specified by 47 CFR part 80; and

(1296) (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.

(1297) (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–

(1298) (A) The requirements of the FCC specified by 47 CFR part 80; and

(1299) (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.

(1300) (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–

(1301) (A) The requirements of the Federal Communications Commission (FCC) specified by a 47 CFR part 80; and

(1302) (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.

(1303) (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–

(1304) (A) The requirements of the FCC specified by 47 CFR Part 80; and

(1305) (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.

(1306) (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.

(1307) (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.

(1308) (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.)

(1309) (4) *Magnetic Compass.* Either–

(1310) (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

(1311) (ii) An illuminated card-type magnetic steering compass readable from the vessel's main steering station.

(1312) (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.

(1313) (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.

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 11[1] Stabilization Category BRAVO.	RTCM Paper 71-95/SC112-STD Version 1.1, Display Category 11[1] Stabilization Category BRAVO.	RTCM Paper 71-95/SC112-STD Version 1.1, Display Category 1[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-sou nd ing 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.

(1314) (b) Each towing vessel must carry on board and maintain the following:

(1315) (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.

(1316) (i) The charts or maps must be of a large enough scale and have enough detail to make safe navigation of the areas possible.

(1317) (ii) The charts or maps must be either–

(1318) (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

(1319) (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.

(1320) (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.

(1321) (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:

(1322) (i) If the vessel is engaged in towing exclusively on Western Rivers–

(1323) (A) U.S. Coast Guard Light List;

(1324) (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

(1325) (C) River-current tables published by the ACOE or a river authority, if available.

(1326) (ii) if the vessel is engaged other than in towing exclusively on Western Rivers–

(1327) (A) Coast Guard Light List;

(1328) (B) Notices to Mariners published by the National Geospatial-Intelligence Agency, or LNMs published by the Coast Guard;

(1329) (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;

(1330) (D) Tide tables published by private entities using data provided by the NOS; and

(1331) (E) U.S. Coast Pilot.

(1332) (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:

§164.74 Towline and terminal gear for towing astern.

(1333) (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:

(1334) (1) The size and material of each towline must be–

(1335) (i) Appropriate for the horsepower or bollard pull of the vessel;

(1336) (ii) Appropriate for the static loads and dynamic loads expected during the intended service;

(1337) (iii) Appropriate for the sea conditions expected during the intended service;

(1338) (iv) Appropriate for exposure to the marine environment and to any chemicals used or carried on board the vessel;

(1339) (v) Appropriate for the temperatures of normal stowage and service on board the vessel;

(1340) (vi) Compatible with associated navigational-safety equipment; and

(1341) (vii) Appropriate for the likelihood of mechanical damage.

(1342) (2) Each towline as rigged must be–

(1343) (i) Free of knots;

(1344) (ii) Spliced with a thimble, or have a poured socket at its end; and

(1345) (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.

(1346) (3) The condition of each towline must be monitored through the–

(1347) (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;

(1348) (ii) If the towline is purchased from another owner, master, or operator of a vessel with the intent to use it as a towline or if it is retested for any reason, keeping on board the towing vessel or in company files of a record of each retest of the towline's minimum breaking strength as determined by a class society authorized in

§157.04 of this chapter or by a tensile test that meets API Specification 9A, Section 3; ASTM D 4268 (incorporated by reference, see §164.03); or Cordage Institute CIA 3, Standard Test Methods;

(1349) (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);

(1350) (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–

(1351) (A) Nautical miles on, or time in service of, the towline;

(1352) (B) Operating conditions experienced by the towline;

(1353) (C) History of loading of the towline;

(1354) (D) Surface condition, including corrosion and discoloration, of the towline;

(1355) (E) Amount of visible damage to the towline;

(1356) (F) Amount of material deterioration indicated by measurements of diameter and, if applicable, measurements of lay extension of the towline; and

(1357) (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

(1358) (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.

(1359) (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:

(1360) (1) The material and size of the terminal gear are appropriate for the strength and anticipated loading of the towline and for the environment;

(1361) (2) Each connection is secured by at least one nut with at least one cotter pin or other means of preventing its failure;

(1362) (3) The lead of the towline is appropriate to prevent sharp bends in the towline from fairlead blocks, chocks, or tackle;

(1363) (4) There is provided a method, whether mechanical or non-mechanical, that does not endanger operating personnel but that easily releases the towline;

(1364) (5) The towline is protected from abrasion or chafing by chafing gear, lagging, or other means;

(1365) (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

(1366) (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.

(1367) The owner, master, or operator of each vessel towing alongside or pushing ahead shall ensure the face wires, spring lines, and push gear used–

(1368) (a) Are appropriate for the vessel's horsepower;

(1369) (b) Are appropriate for the arrangement of the tow;

(1370) (c) Are frequently inspected; and

(1371) (d) Remain serviceable.

§164.78 Navigation under way: Towing vessels.

(1372) (a) The owner, master, or operator of each vessel towing shall ensure that each person directing and controlling the movement of the vessel–

(1373) (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;

(1374) (2) Can fix the position of the vessel using installed navigational equipment, aids to navigation, geographic reference-points, and hydrographic contours;

(1375) (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.);

(1376) (4) Evaluates the danger of each closing visual or radar contact;

(1377) (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;

(1378) (6) Knows the speed and direction of the current, and the set, drift, and tidal state for the area to be transited;

(1379) (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

(1380) (8) Monitors the voyage plan required by §164.80.

§164.80 Tests, inspections, and voyage planning.

(1381) (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:

(1382) (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.

(1383) (2) *Navigational equipment*. A test of all installed navigational equipment.

(1384) (3) *Communications*. Operation of all internal vessel control communications and vessel-control alarms, if installed.

(1385) (4) *Lights*. Operation of all navigational lights and all searchlights.

(1386) (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.

(1387) (6) *Propulsion systems*. Visual inspection of the spaces for main propulsion machinery, of machinery, and of devices for monitoring machinery.

(1388) (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:

(1389) (1) *Navigational equipment*. Tests of onboard equipment as required by §164.25.

(1390) (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.

(1391) (c)(1) The voyage-planning requirements outlined in this section do not apply to you if your towing vessel is–

(1392) (i) Used solely for any of the following services or any combination of these services–

(1393) (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:

(1394) (B) For harbor assist;

(1395) (C) For assistance towing as defined by 46 CFR 10.103;

(1396) (D) For response to emergency or pollution;

(1397) (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;

(1398) (iii) A foreign vessel engaged in innocent passage; or

(1399) (iv) Exempted by the Captain of the Port (COTP).

(1400) (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.

(1401) (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):

(1402) (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;

(1403) (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);

(1404) (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;

(1405) (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;

(1406) (v) Pre-departure checklists;

(1407) (vi) Calculated speed and estimated time of arrival at proposed waypoints;

(1408) (vii) Communication contacts at any Vessel Traffic Services, bridges, and facilities, and any port specific requirements for VHF radio;

(1409) (viii) Any master's or operator's standings orders detailing closest points of approach, special conditions, and critical maneuvers; and

(1410) (ix) Whether the towing vessel has sufficient power to control the tow under all foreseeable circumstances.

§164.82 Maintenance, failure, and reporting.

(1411) (a) *Maintenance*. The owner, master, or operator or each towing vessel shall maintain operative the navigational-safety equipment required by §164.72.

(1412) (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.

(1413) (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:

(1414) (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;

(1415) (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

(1416) (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.)

(1417) (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.

(1418) (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.

(1419) (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.

(1420) The purpose of this part is to:

(1421) (a) Prescribe procedures for establishing different types of limited or controlled access areas and regulated navigation areas;

(1422) (b) Prescribe general regulations for different types of limited or controlled access areas and regulated navigation areas;

(1423) (c) Prescribe specific requirements for established areas; and

(1424) (d) List specific areas and their boundaries.

§165.5 Establishment procedures.

(1425) (a) A safety zone, security zone, or regulated navigation area may be established on the initiative of any authorized Coast Guard official.

(1426) (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:

(1427) (1) The name of the person submitting the request;

(1428) (2) The location and boundaries of the safety zone, security zone, or regulated navigation area;

(1429) (3) The date, time, and duration that the safety zone, security zone, or regulated navigation area should be established;

(1430) (4) A description of the activities planned for the safety zone, security zone, or regulated navigation area;

(1431) (5) The nature of the restrictions or conditions desired; and

(1432) (6) The reason why the safety zone, security zone, or regulated navigation area is necessary.

(1433) (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.)

(1434) (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.

(1435) (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.

(1436) (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.

(1437) (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.

(1438) 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.

(1439) (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.

(1440) (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.

(1441) (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.

(1442) (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.

(1443) 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).

(1444) Each District Commander may control vessel traffic in an area which is determined to have hazardous conditions, by issuing regulations:

(1445) (a) Specifying times of vessel entry, movement, or departure to, from, within, or through ports, harbors, or other waters;

(1446) (b) Establishing vessel size, speed, draft limitations, and operating conditions; and

(1447) (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.

(1448) (a) The master of a vessel in a regulated navigation area shall operate the vessel in accordance with the regulations contained in Subpart F.

(1449) (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.

(1450) 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.

(1451) Unless otherwise provided in this part:

(1452) (a) No person may enter a safety zone unless authorized by the COTP or the District Commander;

(1453) (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;

(1454) (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

(1455) (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.

(1456) (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.

(1457) (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:

(1458) (1) Vessels,

(1459) (2) Harbors,

(1460) (3) Ports and

(1461) (4) Waterfront facilities:

(1462) 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.

(1463) Unless otherwise provided in the special regulations in Subpart F of this part:

(1464) (a) No person or vessel may enter or remain in a security zone without the permission of the Captain of the Port;

(1465) (b) Each person and vessel in a security zone shall obey any direction or order of the Captain of the Port;

(1466) (c) The Captain of the Port may take possession and control of any vessel in the security zone;

(1467) (d) The Captain of the Port may remove any person, vessel, article, or thing from a security zone;

(1468) (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

(1469) (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.

(1470) 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.

(1471) (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).

(1472) (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.

(1473) (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.

(1474) (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—

(1475) (A) A propulsion failure;

(1476) (B) A parted towing line;

(1477) (C) A loss of tow;

(1478) (D) A fire;

(1479) (E) Grounding;

(1480) (F) A loss of steering; or

(1481) (G) Any other casualty that affects the navigation or seaworthiness of either vessel.

(1482) (ii) Double–hull tank barges are exempt from paragraph (d)(1)(i) of this section

(1483) (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–

(1484) (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

(1485) (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.

(1486) (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.

(1487) (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 securité calls on marine band or VHF channel 13 or 16, upon approach to the following places:

(1488) (i) Execution Rocks Light (USCG Light List No. (LLNR 21440).

(1489) (ii) Matinecock Point Shoal Buoy (LLNR 21420).

(1490) (iii) 32A Buoy (LLNR 21380).

(1491) (iv) Cable and Anchor Reef Buoy (LLNR 21330).

(1492) (v) Stratford Middle Ground Light (LLNR 21260).

(1493) (vi) Old Field Point Light (LLNR 21275).

(1494) (vii) Approach to Stratford Point from the south (NOAA Chart 12370).

(1495) (viii) Falkner Island Light (LLNR 21170).

(1496) (ix) TE Buoy (LLNR 21160).

(1497) (x) CF Buoy (LLNR 21140).

(1498) (xi) PI buoy (LLNR 21080).

(1499) (xii) Race Rock Light (LLNR 19815).

(1500) (xiii) Valiant Rock Buoy (LLNR 19825).

(1501) (xiv) Approach to Point Judith in vicinity of Block Island ferry route.

(1502) (xv) Buzzards Bay Entrance Light (LLNR 630).

(1503) (xvi) Buzzards Bay Midchannel Lighted Buoy (LLNR 16055)

(1504) (xvii) Cleveland East Ledge Light (LLNR 16085).

(1505) (xviii) Hog Island buoys 1 (LLNR 16130) and 2 (LLNR 16135).

(1506) (xix) Approach to the Bourne Bridge.

(1507) (xx) Approach to the Sagamore Bridge.

(1508) (xxi) Approach to the eastern entrance of Cape Cod Canal.

(1509) (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.

(1510) (ii) The watch officer is authorized to make modifications to the plan and validate it as necessary.

(1511) (iii) Except as provided in paragraph (d)(3)(iv) of this section, each voyage plan must contain:

(1512) (A) A description of the type, volume, and grade of cargo.

(1513) (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).

(1514) (C) Current and forecasted weather, including visibility, wind, and sea state for the destination(s).

(1515) (D) Data on tides and tidal currents for the destination(s).

(1516) (E) Forward and after drafts of the tank barge, and under-keel and vertical clearances for each port and berthing area.

(1517) (F) Pre-departure checklists.

(1518) (G) Calculated speed and estimated times of arrival at proposed waypoints.

(1519) (H) Communication contacts at Vessel Traffic Service (VTS) (If applicable), bridges, and facilities, and port-specific requirements for VHF radio.

(1520) (I) The master's standing orders detailing closest points of approach, special conditions, and critical maneuvers.

(1521) (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:

(1522) (A) The information described in paragraphs (d)(3)(iii)(D) and (E) of this section.

(1523) (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.

(1524) (C) The channels of VHF radio to monitor.

(1525) (D) Other considerations such as availability of pilot, assist tug, berth and line-handlers, depth of berth at mean low water, danger areas, and securité calls

(1526) (4) *Navigation restriction areas.* Unless authorized by the cognizant COTP, no tank barge may operate in—

(1527) (i) The waters of Cape Cod Bay south of latitude 42°05' North and east of longitude 70°25' West; or

(1528) (ii) The waters of Fishers Island Sound east of longitude 72°02' West, and west of longitude 71°55' West.

§165.101 Kittery, Maine-regulated navigation area.

(1529) (a) The following is a regulated navigation area-Waters within the boundaries of a line beginning at

(1530) 43°04'50"N., 70°44'52"W.; then to

(1531) 43°04'52"N., 70°44'53"W.; then to

(1532) 43°04'59"N., 70°44'46"W.; then to

(1533) 43°05'05"N., 70°44'32"W.; then to

(1534) 43°05'03"N., 70°44'30"W.; then to the beginning point.

(1535) (b) Regulations-No vessel may operate in this area at a speed in excess of five miles per hour.

§165.102 Security Zone; Walkers Point, Kennebunkport ME.

(1536) (a) *Location*. The following area is a security zone: From point of land located on Cape Arundel at 43°20.4'N., 70°28.0'W.; thence to a point approximately 500 yards southwest of Walkers Point located at 43°20.2'N., 70°27.9'W.; thence to a point located approximately 500 yards south of Walkers Point at 43°20.1'N., 70°27.6'W.; thence to a point located approximately southeast of Walkers Point at 43°20.4'N., 70°27.2'W.; thence to an unnamed point of land located at 43°20.9'N., 70°27.1'W.; thence along the shoreline of Walkers Point to the beginning point. The aforementioned offshore positions are approximated by white buoys marked in orange indicating an exclusionary area.

(1537) (b) *Regulations*. (1) In accordance with the general regulations in §165.33 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port, Portland, Maine. 165.33 also contained other general requirements.

(1538) (2) No person may swim upon or below the surface of the water within the boundaries of this security zone.

§165.103 Safety and Security Zones; LPG Vessel Transits in Portland, Maine, Captain of the Port Zone, Portsmouth Harbor, Portsmouth, New Hampshire.

(1539) (a) *Location*. The following areas are safety and security zones: (1) Except as provided in paragraph (a) (2) of this section, all navigable waters of the Portland, Maine, Captain of the Port zone, as defined in 33 CFR 3.05–15, one mile ahead, one half mile astern, and 1000-yards on either side of any Liquefied Petroleum Gas vessel.

(1540) (2) All waters of the Piscataqua River within a 500-yard radius of any Liquefied Petroleum Gas (LPG) vessel while it is moored at the LPG receiving facility on the Piscataqua River, Newington, New Hampshire.

(1541) (b) *Definitions*. For purposes of this section, navigable waters of the United States includes all waters of the territorial sea as described in Presidential Proclamation No. 5928 of December 27, 1988. Presidential Proclamation No. 5928 of December 27, 1988 declared that the territorial sea of the United States extends to 12 nautical miles from the baseline of the United States.

(1542) (c) *Regulations*. (1) In accordance with the general regulations in §§165.23 and 165.33 of this part, entry into or movement within these zones is prohibited unless previously authorized by the Captain of the Port (COTP), Portland, Maine.

(1543) (2) All persons and vessels shall comply with the instructions of the COTP or the designated on-scene U.S. Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, and local, state, and federal law enforcement vessels. Emergency response vessels are authorized to move within the zone, but must abide by restrictions imposed by the Captain of the Port.

(1544) (3) No person may swim upon or below the surface of the water within the boundaries of the safety and security zones unless previously authorized by the Captain of the Port, Portland, Maine or his authorized patrol representative.

(1545) (d) The Captain of the Port will notify the maritime community and local agencies of periods during which these safety and security zones will be in effect by providing notice of arrivals and departures of LPG vessels via the telephone and/or Marine Safety Information Radio Broadcasts.

§165.105 Security Zones; Passenger Vessels, Portland, Maine, Captain of the Port Zone.

(1546) (a) *Definition*. "Passenger vessel" as used in this section means a passenger vessel over 100 gross tons authorized to carry more than 500 passengers for hire

making voyages, any part of which is on the high seas, and for which passengers are embarked, disembarked or pay a port call, in the Portland, Maine, Captain of the Port zone as delineated in 33 CFR 3.05-15.

(1547) (b) *Location*. The following areas are security zones:

(1548) (1) All navigable waters within the Portland, Maine, Captain of the Port Zone, extending from the surface to the sea floor, within a 100-yard radius of any passenger vessel that is anchored, moored, or in the process of mooring.

(1549) (2) All navigable waters, within the Portland, Maine, Captain of the Port Zone, extending from the surface to the sea floor, extending 200 yards ahead, and 100 yards aside and astern of any passenger vessel that is underway.

(1550) (c) *Regulations*. (1) In accordance with the general regulations in §165.33 of this part, entry into or movement within these zones is prohibited unless previously authorized by the Coast Guard Captain of the Port, Portland, Maine (COTP) or his designated representative.

(1551) (2) All persons and vessels must comply with the instructions of the COTP or the designated on-scene Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, and local, state and federal law enforcement vessels. Emergency response vessels are authorized to move within the zone, but must abide by restrictions imposed by the COTP or his designated representative.

(1552) (3) No person may swim upon or below the surface of the water within the boundaries of these security zones unless previously authorized by the COTP or his designated representative.

(1553) (d) *Enforcement*. The Captain of the Port will enforce these zones and may enlist the aid and cooperation of any Federal, state, county, municipal, or private agency to assist in the enforcement of the regulation.

§165.110 Safety and Security Zone; Liquefied Natural Gas Carrier Transits and Anchorage Operations, Boston, Massachusetts.

(1554) (a) *Definition*. For purposes of this section, navigable waters of the United States includes all waters of the territorial sea as described in Presidential Proclamation No. 5928 of December 27, 1988. Presidential Proclamation No. 5928 of December 27, 1988 declared that the territorial sea of the United States extends to 12 nautical miles from the baseline of the United States.

(1555) (b) *Location*. The following areas are safety and security zones:

(1556) (1) *Vessels underway*. All navigable waters of the United States within the Captain of the Port (COTP) Boston zone, as defined in 33 CFR 3.05–10, two miles ahead and one mile astern, and 500 yards on each side of any liquefied natural gas carrier (LNGC) vessel while underway.

(1557) (2) *Vessels anchored in Broad Sound*. All waters within a 500-yard radius of any anchored LNGC vessel located in the waters of Broad Sound bounded by a line starting at position 42º25'N., 070º58'W.; then running southeast to 42º22'N., 070º56'W.; then running east to 42º22'N., 070º50'W.; then running north to 42º25'N., 070º50'W.; then running west back to the starting point (NAD 83).

(1558) (3) *Vessels moored at the Distrigas LNG facility*. All waters within a 400-yard radius of any LNGC vessel moored at the Distrigas LNG facility in Everett, Ma.

(1559) (c) *Regulations*.

(1560) (1) In accordance with the general regulations in 165.23 and 165.33 of this chapter, entry into or movement within these zones is prohibited unless authorized by the Captain of the Port Boston, or his authorized representative.

(1561) (2) All vessel operators shall comply with the instructions of the COTP or the designated on-scene U.S. Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels.

(1562) (3) No person may enter the waters within the boundaries of the safety and security zones in this section unless previously authorized by the Captain of the Port, Boston, or his authorized patrol representative.

§165.111 Safety Zone: Boston Harbor; Boston, Massachusetts.

(1563) (a) The following areas are established as safety zones during the conditions specified:

(1564) (1) Around the U.S.S. *Constitution* or any accompanying parade vessels when *Constitution* is underway-300 yards in all directions in the waters around the U.S.S. *Constitution* and each parade vessel accompanying *Constitution* whenever the U.S.S. *Constitution* is underway in Boston Harbor from the time such vessels depart their respective berths until the time they complete their transit and are safely moored.

(1565) (2) Whenever *Constitution* is moored at Pier 1, Charlestown Navy Yard-the waters between Hoosac Pier and Pier 1, Charlestown Navy Yard, from the imaginary line connecting the outer easternmost point protruding into Boston Harbor from Hoosac Pier to the outer westernmost point protruding into Boston Harbor from Pier 1, Charlestown Navy Yard, extending

inbound along the face of both piers to the landside points where both piers end.

(1566) (3) Around the U.S.S. *Constitution*-fifty yards in all directions in the waters around *Constitution* when the vessel is moored at any Boston berthing location other than Pier 1, Charlestown Navy Yard.

(1567) (b) The general regulations governing safety zones as contained in 33 CFR 165.23 apply.

§165.112 Safety Zone: USS CASSIN YOUNG, Boston, Massachusetts.

(1568) (a) *Location*. The following area is a safety zone:

(1569) (1) Around the USS CASSIN YOUNG (DD-793) and any accompanying parade vessels when the USS CASSIN YOUNG is underway. The zone extends 100 yards in all directions in the waters around the USS CASSIN YOUNG and accompanying parade vessels whenever the USS CASSIN YOUNG is underway in Boston Harbor from the time the USS CASSIN YOUNG departs its berth until it is safely moored.

(1570) (b) *Regulations*. The general regulations governing safety zones as contained in 33 CFR 165.23 apply.

§165.114 Safety and Security Zones: Escorted Vessels–Boston Harbor, Massachusetts.

(1571) (a) *Location*. The following waters within the Boston Captain of the Port Zone, 1000 yards ahead and astern, and 100 yards on each side of any designated escorted vessel, are established as safety and security zones: All waters of Boston Inner Harbor, including the waters of the Mystic River, Chelsea River, and Reserved Channel west of a line running from Deer Island Light, at position 42º20'25"N., 070º57'15"W., and west of the Long Island Bridge, running from Long Island to Moon Head.

(1572) (b) *Escorted vessel defined*. For the purposes of this section, escorted vessels operating in Boston Harbor include the following: Any vessels deemed to be in need of escort protection by the Captain of the Port, Boston for security reasons or under other circumstances.

(1573) (c) *Regulations*.

(1574) (1) In accordance with the general regulations in §§165.23 and 165.33 of this part, entry into or movement within this zone is prohibited unless authorized by the Captain of the Port, Boston.

(1575) (2) All vessel operators shall comply with the instructions of the COTP or the designated on-scene U.S. Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels.

§165.115 Safety and Security Zones; Pilgrim Nuclear Power Plant, Plymouth, Massachusetts.

(1576) (a) *Location*. All waters of Cape Cod Bay and land adjacent to those waters enclosed by a line beginning at position 41º57'05"N., 070º34'42"W.; then running southeast to position 41º56'40.5"N., 070º41'04.5"W.; then running southwest to position 41º56'32"N., 070º34'14"W.; then running northwest to position 41º56'55.5"N., 070º34'52"W.; then running northeast back to position 41º57'05"N., 070º34'42"W.

(1577) (b) *Regulations*.

(1578) (1) In accordance with the general regulations in §§165.23 and 165.33 of this part, entry into or movement within these zones is prohibited unless authorized by the Captain of the Port, Boston.

(1579) (2) All vessel operators shall comply with the instructions of the COTP or the designated on-scene U.S. Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels.

(1580) (3) No person may enter the waters or land area within the boundaries of the safety and security zones unless previously authorized by the Captain of the Port, Boston or his authorized patrol representative.

§165.116 Safety and Security Zones; Salem and Boston Harbors, Massachusetts.

(1581) (a) *Location*. The following areas are permanent safety and security zones:

(1582) (1) *Reserved Channel, Boston Harbor*. All waters of Boston Harbor within one hundred fifty (150) yards off the bow and stern and one hundred (100) yards abeam of any vessel moored at the Massachusetts Port Authority Black Falcon Terminal;

(1583) (2) *Boston Inner Harbor*. All waters of Boston Harbor within one hundred (100) feet of the Coast Guard Integrated Support Command (ISC) Boston piers and;

(1584) (3) *Salem Harbor*. All waters of Salem Harbor within a two-hundred and fifty (250) yard radius of the center point of the PG & E Power Plant Terminal Wharf, Salem, MA, located at 42º31.33'N., 070º52.67'W., when a vessel is moored at this pier. All coordinates are North American Datum 1983.

(1585) (b) *Effective date*. This section becomes effective July 1, 2002.

(1586) (c) *Regulations*.

(1587) (1) In accordance with the general regulations in §165.23 and §165.33 of this part, entry into or movement within these zones is prohibited unless authorized by the Captain of the Port, Boston.

(1588) (2) All vessel operators shall comply with the instructions of the Captain of the Port or the designated

on-scene U.S. Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels.

(1589) (3) No person may enter the waters or land area within the boundaries of the safety and security zones unless previously authorized by the Captain of the Port, Boston or his authorized patrol representative.

§165.120 Safety Zone: Chelsea River, Boston Inner Harbor, Boston, Mass.

(1590) (a) *Location*. The following area is a safety zone: The waters of the Chelsea River, Boston Inner Harbor, for 100 yards upstream and downstream of the center of the Chelsea Street drawspan (latitude 42°33'10"N., longitude 71°01'23"W.)

(1591) (b) *Regulation*. The following standards are the minimum requirements for transit of the Safety Zone. Additional precautions may be taken by the pilot and/or person in charge (Master or Operator).

(1592) (1) All tankships greater than 1,000 gross tons shall be under the direction and control of a Licensed Federal Pilot, this does not relieve the person in charge (Master or Operator) from his ultimate responsibility for safe navigation of the vessel.

(1593) (2) All vessel(s) speed shall be kept to a minimum considering all factors and the need for optimum vessel control.

(1594) (3) Restrictions on size and draft of vessels:

(1595) (i) No vessel greater than 661 feet in length (using length overall) or greater than 90.5 feet in beam (using extreme breadth) shall transit the Safety Zone.

(1596) (ii) No vessel greater than 630.5 feet in length or 85.5 feet or greater in beam shall transit the Safety Zone during the period between sunset and sunrise.

(1597) (iii) No tankship greater than 550.5 feet in length shall transit the Safety Zone, either inbound or outbound, with a draft less than 18.0 feet forward and 24.0 feet aft.

(1598) (4) Restrictions when the Chelsea River channel is obstructed by vessel(s) moored at the Northeast Petroleum Terminal located downstream of the Chelsea Street Bridge on the Chelsea, MA side of the Chelsea River-hereafter referred to as the Jenny Dock (approximate position 42°23'09"N., 71°01'31"W.)-or the Mobile Oil Terminal located on the East Boston side of the Chelsea River downstream of the Chelsea Street Bridge (approximate position 42°23'05"N., 71°01'31"W.):

(1599) (i) When there is a vessel moored at each terminal, no vessel greater than 300.5 feet in length or greater than 60.5 feet in beam, shall transit the Safety Zone.

(1600) (ii) When a vessel with a beam greater than 60.5 feet is moored at either terminal, no vessel greater than 630.5 feet in length or greater than 85.5 feet in beam shall transit the Safety Zone.

(1601) (iii) When a vessel with a beam greater than 85.5 feet is moored at either terminal, no vessel greater than 550.5 feet in length or greater than 85.5 feet in beam shall transit the Safety Zone.

(1602) (5) Requirements for tug assistance:

(1603) (i) All tankships greater than 630.5 feet in length or greater than 85.5 feet in beam shall be assisted by at least four tugs of adequate horsepower.

(1604) (ii) All tankships from 450 feet in length up to and including 630.5 feet in length and less than 85.5 feet in beam shall be assisted by at least three tugs of adequate horsepower.

(1605) (iii) All tug/barge combinations with a tonnage of over 10,000 gross tons (for the barge(s)), in all conditions of draft, shall be assisted by at least one assist tug of adequate horsepower.

(1606) (6) U.S. Certificated integrated tug/barge (ITB) combinations shall meet the requirements of a tankship of similar length and beam, except that one less tug would be required.

(1607) (7) Variances from the above standard must be approved in advance by the Captain of the Port of Boston, Mass.

§165.141 Safety Zone: Sunken vessel EMPIRE KNIGHT, Boon Island, ME.

(1608) (a) *Location*. The following area is a safety zone: All waters of the Atlantic Ocean within a 1,000 yard radius of the stern section of the sunken vessel EMPIRE KNIGHT, in approximate position 43°06'19"N., 70°27'09"W., (NAD 1983) and extending from the water's surface to the seabed floor.

(1609) (b) *Effective date*. This section is effective on August 23, 1996, twenty-four hours a day, seven days a week.

(1610) (c) *Regulations*.

(1611) (1) The general regulations contained in 33 CFR 165.23 apply.

(1612) (2) All vessels and persons are prohibited from anchoring, diving, dredging, dumping, fishing, trawling, laying cable, or conducting salvage operations in this zone except as authorized by the Coast Guard Captain of the Port, Portland, Maine. Innocent transit through the area within the safety zone is not affected by this regulation and does not require the authorization of the Captain of the Port.

(1613) (3) All persons and vessels shall comply with the instructions of the COTP or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other

means, the operator of a vessel shall proceed as directed.

Subpart G-Protection of Naval Vessels

§165.2010 Purpose.

(1614) 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.

(1615) The following definitions apply to this subpart:

(1616) *Atlantic Area* means that area described in 33 CFR 3.04–1 Atlantic Area.

(1617) *Large U.S. naval vessel* means any U.S. naval vessel greater than 100 feet in length overall.

(1618) *Naval defensive sea area* means those areas described in 32 CFR part 761.

(1619) *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.

(1620) *Navigable waters of the United States* means those waters defined as such in 33 CFR part 2.

(1621) *Navigation rules* means the Navigation Rules, International-Inland.

(1622) *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.

(1623) *Pacific Area* means that area described in 33 CFR 3.04–3 Pacific Area.

(1624) *Restricted area* means those areas established by the Army Corps of Engineers and set out in 33 CFR part 334.

(1625) *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.

(1626) *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.

(1627) *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.

(1628) (a) *Coast Guard.* Any Coast Guard commissioned, warrant or petty officer may enforce the rules and regulations contained in this subpart.

(1629) (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.

(1630) (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.

(1631) **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.

(1632) (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.

(1633) (c) The Navigation Rules shall apply at all times within a naval vessel protection zone.

(1634) (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.

(1635) (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.

(1636) (f) When conditions permit, the Coast Guard, senior naval officer present in command, or the official patrol should:

(1637) (1) Give advance notice on VHF-FM channel 16 of all large U.S. naval vessel movements;

(1638) (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

(1639) (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

(1640) (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.

(1641) **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 169—Ship Reporting Systems

Subpart A–General

§169.1 What is the purpose of this subpart?

(1642) 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?

(1643) *Gross tons* means vessel tonnage measured in accordance with the method utilized by the flag state administration of that vessel.

(1644) *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.

(1645) *Self-propelled ships* means ships propelled by mechanical means.

(1646) *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?

(1647) Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts where the referenced horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

Subpart B–Establishment of Two Mandatory Ship Reporting Systems for the Protection of Northern Right Whales

§169.100 What mandatory ship reporting systems are established by this subpart?

(1648) 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.

(1649) **Note:** 50 CFR 224.103(c) contains requirements and procedures concerning northern right whale approach limitations and avoidance procedures.

§169.102 Who is the shore-based authority?

(1650) 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?

(1651) 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

(1652) 42°39'N, 70°37'W; then northeast to

(1653) 42°45'N, 70°13'W; then southeast to

(1654) 42°10'N, 68°31'W; then south to

(1655) 41°00'N, 68°31'W; then west to

(1656) 41°00'N, 69°17'W; then northwest to

(1657) 42°05'N, 70°02'W, then west to

(1658) 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

(1659) 42°39'N, 70°37'W.

§169.110 When is the northeastern reporting system in effect?

(1660) The mandatory ship reporting system in the northeastern United States operates year-round.

§169.115 Where is the southeastern reporting system located?

(1661) 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 longitude 80°51.6'W with the southern and northern boundaries at latitude 30°00'N and 31°27'N., respectively.

§169.120 When is the southeastern reporting system in effect?

(1662) 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?

(1663) 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?

(1664) 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?

(1665) (a) A ship equipped with INMARSAT C must report in IMO standard format as provided in §169.140 in table 169.140.

(1666) (b) A ship not equipped with INMARSAT C must report to the Coast Guard using other means, listed below in order of precedence–

(1667) (1) Narrow band direct printing (SITOR).

(1668) (2) HF voice communication, or

(1669) (3) MF or VHF voice communications.

(1670) (c) SITOR or HF reports made directly to the Coast Guard's Communications Area Master Station Atlantic (CAMSLANT) in Chesapeake, VA, or MF or VHF reports made to Coast Guard activities or groups, should only be made by ships not equipped with INMARSAT C. Ships in this category must provide all the required information to the Coast Guard watchstander.

§169.140 What information must be included in the report?

(1671) Each ship report made to the shore-based authority must follow the standard reporting and format requirements listed this section in table 169.140. Current email address and telex numbers are published annually in the U.S. Coast Pilot.

Part 207–Navigation Regulations

§207.9 Mystic River, Mass.; dam of Commonwealth of Massachusetts, Metropolitan District Commission.

(1672) (a) *Definition and authority of superintendent*. The term superintendent as used in the regulations in this section shall mean himself and/or his personnel then on duty at the dam. The positioning and movements of all watercraft of every description while in the locks or within 100 yards of the locks or dam shall be subject to the direction of the superintendent whose orders must be obeyed. This order does not relieve the master of the responsibility for the safety of his vessel.

(1673) (b) *Description of Locks*. There are three (3) locks to be used for the passage of vessels; one large lock 325 feet long, 45 feet wide, shall be used for vessels with draft up to seventeen (17) feet; two small locks each 120 feet long and 22 feet wide shall be used for boats up to six (6) feet draft.

(1674) (c) *Maximum draft*. Vessels drawing within six (6) inches of depth over the sills shall not be permitted lockage except under special permission of the

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 group expressed as in (B).
L	Route information	Intended track.

superintendent. Every vessel using the locks and drawing more than ten (10) feet shall be accurately and distinctly marked at bow and stern showing the exact draft of water at such portions of the vessel. Gages set into the walls or the locks, both upstream and downstream of each gate, indicate the depth in feet of water over the sill of the gate.

(1675) (d) *Vessels denied lockage.* The superintendent may deny passage through the locks to any craft with sharp, rough projecting corners, overhanging equipment or cargo, or any craft or tow that is in sinking condition or in any way unseaworthy or insufficiently manned and equipped, or any craft failing to comply with the regulations in this section or with any orders given in pursuance thereof.

(1676) (e) *Protection of lock gates.* (1) In no case shall boats be permitted to enter or leave any of the locks until directed to do so by the superintendent. Boats shall not be permitted to enter or start to leave until the lock gates are at rest within the gate recesses. All persons, whether in charge of vessels or not, are prohibited from willfully or carelessly damaging the locks or any of the appurtenances or the grounds adjacent thereto, and from throwing or allowing any material of any kind to fall from the barge, scow or other vessel into the locks.

(1677) (2) No person shall permit or suffer any vessel, scow, raft, or float to come in contact with any gate or any of the locks of the Amelia Earhart Dam.

(1678) (f) *Damage to walls.* The sides of all craft passing through the locks must be free from projection of any kind which might injure the lock walls. All craft must be provided with suitable fenders. One or more men as the superintendent may direct shall be kept at the head of every tow until it has cleared the lock and guide walls, and shall protect the walls by use of the fenders.

(1679) (g) *Unnecessary delay at locks.* No person shall cause or permit any craft of which he is in charge to remain in the locks or their approaches for a longer

period of time than is necessary for the passage of the locks unless he is especially permitted to do so by the superintendent, and if such craft is, in the opinion of such superintendent, in a position to obstruct navigation, it shall be removed at once as requested or directed by the superintendent.

(1680) (h) *Procedure at locks.* The locks shall be operated promptly for the passage of all craft upon signal, excepting only in such cases as are specifically provided for in the regulations in this section. All registered merchant vessels shall pass through the locks in the order directed by the superintendent. Other craft shall be allowed to pass through the locks at the discretion of the superintendent.

(1681) (i) *Navigation of the locks.* (1) All barges navigating the locks whether approaching or leaving the locks are required to be assisted by one or more tugs of sufficient power to insure full control at all times. All craft approaching the locks while any other vessel going in the opposite direction is in or about to enter shall be stopped where they will not obstruct the free passage of such other vessel.

(1682) (2) All vessels over 100 gross tons including those which are accompanied by towboats must attach not less than two good and sufficient lines, cables, or hawsers to the bollards or other fixtures provided for the purpose to check the speed of the vessel and to stop it as soon as it has gone far enough to permit the lock gate behind it to be closed. Each line, cable, or hawser shall be attended on board while passing into the lock by one or more of the vessel's crew. Where vessels are so long that in order to get them wholly within the locks it is necessary to go within 100 feet of the lock gate ahead, the speed of the vessel must be slow and the vessel must be fully under control at all times by the lines, cables or hawsers. All towboats and vessels less than 100 gross tons may enter the locks without having lines out subject to the discretion of the superintendent. The master or person in charge of a vessel shall arrange to have any line, cable, or hawser handed or thrown from the lock walls by the superintendent, or his assistants, made fast on the vessel as requested or directed, so that in cases of emergency such line, cable, or hawser may also be used to check the speed of and stop the vessel.

(1683) (3) Operators of vessels less than 200 gross tons may use the floating moorings in the large lock to fasten lines or hawsers, but they shall not be used to check the way on any vessel greater than 30 gross tons.

(1684) (4) Vessels less than 30 gross tons may fasten lines to the floating moorings in the large or small locks. All persons shall keep off the floating moorings at all times.

(1685) (5) No line shall be attached to anything on or a part of the dam except the fixtures provided for this purpose.

(1686) (6) Equipment of each craft shall include a sufficient bow line and stern line.

(1687) (j) *Mooring.* When a craft is in position in the lock, it shall be securely fastened in a manner satisfactory to the superintendent to prevent the craft moving about while the lock is being filled or emptied, and the lines, cables, or hawsers used for this purpose shall be attended as far as is necessary or required while the filling or emptying is in progress.

(1688) (k) [Reserved]

(1689) (l) *Signals.* (1) All craft desiring lockage shall, on approaching the locks, signal by two long and two short blasts of a whistle or other sound device. Two long blasts from the lock in reply will indicate a delayed opening and direct the craft not to enter the lock.

(1690) (2) Lights are located at each end of each lock and will normally show red. No vessel shall come within 100 feet of the outside of any gate when the signal is red except when so directed by the superintendent.

(1691) (3) Fireboats and craft owned by the U.S. Government shall be given prompt and preferential lockage when they sound four long blasts.

(1692) (4) No vessel shall move into or out of any lock until the controlling signal is green. A green light in addition to audio loud speakers, operated by the superintendent or his assistants, will direct craft through the locks.

(1693) (5) It shall be the duty of every master or person in charge of any vessel to ascertain by personal observation that the lock gate is fully open before proceeding.

(1694) (m) *Operating machinery.* Lock employees only shall be permitted to operate the lock gates, signals or other appliances. No person shall deface or injure any part of the Amelia Earhart Dam, or any pier, wall or other structure or any mechanism connected therewith; nor shall any person, without the consent of the superintendent, make fast to the dam, guard, guide wall, pier, or any appurtenance thereof any vessel, scow, raft, or float.

(1695) (n) *Vessel to carry regulations.* A copy of the regulations in this section shall be kept at all times on board each vessel regularly engaged in navigating the locks. Copies may be obtained without charge from the superintendent; the Commonwealth of Massachusetts, M.D.C. Parks Division, Boston, Mass.; New England Division, Corps of Engineers, Division Engineer, Waltham, Mass.

§207.10 Charles River, Mass.; dam of Charles River Basin Commission.

(1696) (a) The movements of all vessels or boats in and near the lock shall be under the direction of the superintendent in charge of these structures and his assistants, whose orders and signals shall be obeyed.

(1697) (b) Every vessel using the lock and drawing more than 10 feet shall be accurately and distinctly marked at the bow and stern, showing the exact draft of water at such portions of the vessel.

(1698) (c) All steam vessels desiring to pass through the lock shall signal for the same by two long and two short blasts of the whistle.

(1699) (d) (1) All vessels passing through the lock shall have their outboard spars, if any, rigged in, and booms amidships, and secured. All standing and running rigging must be triced in to keep it from blowing out and fouling the drawbridge. Every vessel of 200 tons and under shall be provided with at least two, and every vessel of more than 200 tons shall be provided with at least four good and sufficient lines, cables, or hawsers. Anchors shall either be stowed or shall hang from hawse pipes, hauled up close, clear of the water if possible. Vessels with anchors under foot or hanging from catheads will not be permitted to enter the lock.

(1700) (2) All vessels must be sufficiently manned and must have a sufficient number of round and fore-and-aft fenders to protect the lock from injury. All heavy rope fenders must be securely lashed to prevent their falling into the lock and interfering with the gates.

(1701) (e) All vessels approaching the lock while any other vessel going in the opposite direction is in or about to enter it shall be stopped where they will not obstruct the free passage of such other vessel.

(1702) (f) It shall be the duty of every master or person in charge of any vessel upon approaching the lock from the upstream end to ascertain by personal observation whether or not the upper lock gate is open, and a vessel shall not be permitted to come within 100 feet of the upper lock gate until the gate has been wholly withdrawn into its recess.

(1703) (g) All towboats, whether towing or not, and other steam vessels of less than 100 tons gross may enter the lock under their own power and without having lines out, but all other vessels, including those which are accompanied by towboats, must attach not less than two good and sufficient lines, cables, or hawsers to the bollards or other fixtures provided for the purpose to check the speed of the vessel and to stop it as soon as it has gone far enough to permit the lock gate behind it to be closed, and each line, cable, or hawser shall be attended on board while passing into the lock by one or more of the vessel's crew. Where vessels are so long that in order to get them wholly within the lock it is necessary to approach within 150 feet of the lock gate ahead, the speed of the vessel must be slow and fully under control by the lines, cables, or hawsers. Steam vessels of more than 100 tons gross, not including towboats, will not be permitted to turn their propellers on entering the lock after the bow of the vessel has entered, but will be drawn in by means of capstans on the lock walls or otherwise, and their speed must be checked and the vessel stopped by lines, cables, or hawsers as in other cases. All steam vessels may leave the lock under their own power. The master or person in charge of a vessel shall arrange to have any line, cable, or hawser handed or thrown from the lock walls by the superintendent or his assistants, made fast on the vessel as requested or directed, so that in cases of emergency such line, cable, or hawser may also be used to check the speed of and stop the vessel.

(1704) (h) When a vessel is in position in the lock it shall be securely fastened in a manner satisfactory to the superintendent, or his assistant in charge of the lock at the time, to prevent the vessel from moving about while the lock is being filled or emptied, and the lines, cables, and hawsers used for this purpose shall be attended as far as is necessary or required while the filling or emptying is in progress.

(1705) (i) No vessel which has iron or irons projecting from it or lumber or other cargo projecting over its sides shall enter the lock, except at such time and with such precautions to prevent damage to the lock or its appurtenances as the superintendent, or the assistant in charge of the lock at the time, may require.

(1706) (j) All persons, whether in charge of vessels or not, are prohibited from willfully or carelessly damaging the lock, any of its appurtenances or the grounds adjacent thereto, and from throwing any material of any kind into the lock. No line shall be attached to anything except the bollards and other fixtures provided for the purpose.

(1707) (k) Upon each passage through the lock, the master or clerk of a vessel shall make a statement of the kind and tonnage of the freight carried.

(1708) (1) No person shall cause or permit any vessel or boat of which he is in charge to remain in the lock or its approaches for a longer time than is necessary for the passage of the lock, unless he is especially permitted to do so by the superintendent or the assistant in charge of the lock at the time, and if such vessel or boat is, in the opinion of such superintendent or assistant, in a position to obstruct navigation it shall be removed at once as requested or directed by such superintendent or assistant.

(1709) (m) All registered merchant vessels shall pass through the lock in the order directed by the

superintendent or the assistant in charge of the lock at the time. Unregistered craft will not be allowed to pass through the lock separately unless especially permitted by such superintendent or assistant.

(1710) (n) The lock shall be operated promptly for the passage of all vessels upon signal, excepting only in such cases as are specifically provided for in this section.

§207.20 Cape Cod Canal, Mass.; use, administration, and navigation. (See United States Coast Pilot 2, Atlantic Coast, Cape Cod to Sandy Hook.)

§207.800 Collection of navigation statistics.

(1711) (a) Definitions. For the purpose of this regulation the following terms are defined:

(1712) (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.)

(1713) (2) *Offenses and Violations* mean:

(1714) (i) Failure to submit a required report.

(1715) (ii) Failure to provide a timely, accurate, and complete report.

(1716) (iii) Failure to submit monthly listings of idle vessels or vessels in transit.

(1717) (iv) Failure to submit a report required by the lockmaster or canal operator.

(1718) (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.

(1719) (4) *Person or entity* means an individual, corporation, partnership, or company.

(1720) (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.

(1721) (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.

(1722) (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.

(1723) (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.

(1724) (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.

(1725) (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.

(1726) (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.

(1727) (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.

(1728) (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.

(1729) (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.

(1730) (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.

(1731) (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.

(1732) (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:

(1733) (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.

(1734) (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.

(1735) (B) Vessels idle during the month must also be reported.

(1736) (C) Notwithstanding the above requirements, the following waterborne vessel movements need not be reported:

(1737) (1) Movements of recreational vessels.

(1738) (2) Movements of fire, police, and patrol vessels.

(1739) (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.

(1740) (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.

(1741) (5) Specific movements granted exemption in writing by the Waterborne Commerce Statistics Center.

(1742) (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.

(1743) (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.

(1744) (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).

(1745) (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.

(1746) (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.

(1747) (3) Refer to 19 CFR part 24 for detailed information on exemptions and ports subject to the Harbor Maintenance Tax.

(1748) (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.

(1749) (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.

(1750) (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.

(1751) (c) *Penalties for Noncompliance*. The following penalties for noncompliance can be assessed for offenses and violations.

(1752) (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.

(1753) (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.

(1754) (3) Denial of Passage. In addition to these fines, penalties, and imprisonments, the lockmaster or canal operator can refuse to allow vessel passage.

(1755) (d) *Enforcement Policy*. Every means at the disposal of the Army Corps of Engineers will be utilized to monitor and enforce these regulations.

(1756) (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.

(1757) (i) Data on purchase and sale of vessels.

(1758) (ii) U.S. Coast Guard vessel documentation and reports.

(1759) (iii) Data collected at Locks, Canals, and other facilities operated by the Corps.

(1760) (iv) Data provided by terminals on ENG Form 3926.

(1761) (v) Data provided by the other Federal agencies including the Internal Revenue Service, Customs Service, Maritime Administration, Department of Transportation, and Department of Commerce.

(1762) (vi) Data provided by ports, local facilities, and State or local governments.

(1763) (vii) Data from trade journals and publications.

(1764) (viii) Site visits and inspections.

(1765) (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.

(1766) (3) Administrative Assessment of Civil Penalties. Civil penalties may be assessed in the following manner.

(1767) (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.

(1768) (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.

(1769) (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.

(1770) (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.

(1771) The purpose of this part is to:

(1772) (a) Prescribe procedures for establishing, amending and disestablishing danger zones and restricted area;

(1773) (b) List the specific danger zones and restricted areas and their boundaries; and

(1774) (c) Prescribe specific requirements, access limitations and controlled activities within the danger zones and restricted areas.

§334.2 Definitions.

(1775) (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.

(1776) (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.

(1777) (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.

(1778) (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),

(1779) (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, Hydrographic Center, 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.

(1780) (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:

(1781) (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.

(1782) (2) Name of waterway and if a small tributary, the name of a larger connecting waterbody.

(1783) (3) Name of closest city or town, county/parish and state.

(1784) (4) Location of proposed or existing danger zone or restricted area with a map showing the location, if possible.

(1785) (5) A brief statement of the need for the area, its intended use and detailed description of the times, dates and extent of restriction.

(1786) (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.

(1787) (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:

(1788) (i) Applicable statutory authority or authorities; (40 Stat. 266; 33 U.S.C. 1) and (40 Stat. 892; 33 U.S.C. 3)

(1789) (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.

(1790) (iii) The address of the District Engineer as the recipient of any comments received.

(1791) (iv) The identity of the applicant/proponent;

(1792) (v) The name or title, address and telephone number of the Corps employee from whom additional information concerning the proposal may be obtained;

(1793) (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.

(1794) (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:

(1795) (i) The Federal Aviation Administration (FAA) where the use of airspace is involved.

(1796) (ii) The Commander, Service Force, U.S. Atlantic Fleet, if a proposed action involves a danger zone off the U.S. Atlantic coast.

(1797) (iii) Proposed danger zones on the U.S. Pacific coast must be coordinated with the applicable commands as follows:

(1798) Alaska, Oregon and Washington:

(1799) Commander, Naval Base, Seattle

(1800) California:

(1801) Commander, Naval Base, San Diego

(1802) Hawaii and Trust Territories:

(1803) Commander, Naval Base, Pearl Harbor

(1804) (c) *Public hearing*. The District Engineer may conduct a public hearing in accordance with 33 CFR part 327.

(1805) (d) *Environmental documentation*. The District Engineer shall prepare environmental documentation in accordance with appendix B to 33 CFR part 325.

(1806) (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.**

(1807) (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.

(1808) (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.

(1809) (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.

(1810) (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.

(1811) (b) For further information on NAD 83 and National Service nautical charts please contact:

(1812) Director, Coast Survey (N/CG2)

(1813) National Ocean Service, NOAA

(1814) 1315 East-West Highway, Station 6147

(1815) Silver Spring, MD 20910-3282.

§334.10 Gulf of Maine off Seal Island, Maine; Naval aircraft bombing target area.

(1816) (a) *The danger zone*. A circular area with a radius of 1.5 nautical miles, having its center just easterly of Seal Island at latitude 43°53'00" and longitude 68°44'00".

(1817) (b) *The regulations*. (1) No aerial bombing practice will take place in the danger zone after 5:00 p.m. Mondays through Saturdays, at any time on Sundays, or during foggy or inclement weather.

(1818) (2) Vessels or other watercraft will be allowed to enter the danger zone any time there are no aerial bombing exercises being conducted.

(1819) (3) No live ammunition or explosives will be dropped in the area.

(1820) (4) Suitable Notice to Mariners, by appropriate methods, will be issued by the Commander, First Coast Guard District, Boston, Massachusetts; upon request of the Commandant, First Naval District, Boston, Massachusetts, or his designated agent.

(1821) (5) Prior to the conducting of each bombing practice, the area will be patrolled by a naval aircraft or surface vessel to ensure that no persons or watercraft are within the danger zone.

(1822) Vessels may be requested to veer off when drops are to be made, however, drops will be made only when the area is clear. The patrol aircraft will employ the method of warning known as “buzzing” which consists of low flight by the airplane and repeated opening and closing of the throttle.

(1823) (6) Any such watercraft shall, upon being so warned, immediately leave the designated area and, until the conclusion of the practice, shall remain at such distance that it will be safe from falling projectiles.

(1824) (7) The regulations of this section shall be enforced by the Commandant, First Naval District, Boston, Massachusetts, or such agencies as he may designate.

§334.20 Gulf of Maine off Cape Small, Maine; Naval aircraft practice mining range area.

(1825) (a) *The danger zone*. Within an area bounded as follows: Beginning at

(1826) 43°43'00"N., 69°46'00"W.; thence to

(1827) 43°38'30"N., 69°46'00"W.; thence to

(1828) 43°38'30"N., 69°49'30"W.; thence to

(1829) 43°42'10"N., 69°49'30"W.; thence to the point of beginning.

(1830) (b) *The regulations*. (1) Test drops from aircraft will be made within the area at intermittent periods from noon until sunset local time and only during periods of good visibility.

(1831) (2) Testing will not restrict any fishing, recreational, or commercial activities in the testing area.

(1832) (3) Aircraft will patrol the area prior to and during test periods to insure that no surface vessels are within the area. No test drops will be made while surface vessels are transitting the area.

(1833) (4) No live ammunition or explosives will be dropped in the area.

(1834) (5) The regulations of this section shall be enforced by the Commandant, First Naval District, Boston, Mass., or such agencies as he may designate.

§334.30 Gulf of Maine off Pemaquid Point, Maine; Naval Sonobuoy Test Area.

(1835) (a) *The area*. The test area or "Foul Area" encompasses a circular area one nautical mile in radius, the center of which is located 7.9 nautical miles, bearing 187° magnetic from Pemaquid Light.

(1836) (b) *The regulations*. (1) Sonobuoy drops will be made only in the designated area and when visibility is at least three miles.

(1837) (2) Sonobuoy drop tests will normally be conducted at intermittent periods on a 5-day week basis, Monday through Friday. However, on occasion tests may be conducted intermittently on a seven-day week basis.

(1838) (3) Prior to and during the period when sonobuoys are being dropped, an escort vessel or naval aircraft will be in the vicinity to ensure that no persons or vessels are in the testing area. Vessels may be requested to veer off when sonobuoys are about to be dropped, however, drops will be made only when the area is clear.

(1839) (4) The sonobuoys drops will be made in connection with the production and experimentation of sonobuoys.

(1840) (5) No live ammunition or explosives will be involved.

(1841) (6) The regulations in this section shall be enforced by the Commanding Officer, U.S. Naval Air Station, Brunswick, Maine, or such agencies as he may designate.

§334.40 Atlantic Ocean in vicinity of Duck Island, Maine, Isles of Shoals; naval aircraft bombing target area.

(1842) (a) *The danger zone*. A circular area with a radius of 500 yards having its center on Shag Rock in the vicinity of Duck Island at latitude 43°00'12", longitude 70°36'12".

(1843) (b) *The regulations*. (1) No person or vessel shall enter or remain in the danger zone from 8:00 a.m. to 5:00 p.m. (local time) daily, except as authorized by the enforcing agency.

(1844) (2) This section shall be enforced by the Commandant, First Naval District, and such agencies as he may designate.

§334.45 Kennebec River, Bath Iron Works Shipyard, Naval Restricted Area, Bath, Maine.

(1845) (a) *The area*. The waters within a coffin shaped area on the west side of the river south of the Carlton (Route 1) highway bridge beginning on the western shore at latitude 43°54'40.7"N., longitude 069°48'44.8"W.; thence easterly to latitude 43°54'40.7"N., longitude 069°36.8"W.; thence southeasterly to latitude 43°54'10.4"N., longitude 069°48'34.7"W.; thence southwesterly to latitude 43°53'55.1"N., longitude 069°48'39.1"W.; thence westerly to latitude 43°53'55.1"N., longitude 69°48'51.8"W.; thence northerly along the westerly shoreline to the point of origin.

(1846) (b) *The regulation*. All persons, swimmers, vessels and other craft, except those vessels under the supervision or contract to local military or Naval authority, vessels of the United States Coast Guard, and local or state law enforcement vessels, are prohibited from entering the restricted areas without permission from the Supervisor of Shipbuilding, USN Bath, Maine or his authorized representative.

(1847) (c) *Enforcement*. The regulation in this section, promulgated by the United States Army Corps of Engineers, shall be enforced by the, Supervisor of Shipbuilding, Conversion and Repair, Bath, United States Navy and/or such agencies or persons as he/she may designate.

§334.50 Piscataqua River at Portsmouth Naval Shipyard, Kittery, Maine, restricted areas.

(1848) (a) *The areas*. Area No. 1: The area bounded by a line beginning at a point on the easterly side of Seavey Island at

(1849) 43°04'37"N., 70°43'44"W.; thence to

(1850) 43°04'36"N., 70°43'40"W.; thence to the pier on the westerly side of Clark Island at

(1851) 43°04'36.5"N., 70°43'34"W.; thence along the northerly side of Clark Island to a point on the easterly side at

(1852) 43°04'37"N., 70°43'25"W.; thence northeasterly to the easterly side of Jamaica Island at

(1853) 43°04'49"N., 70°43'24"W.; thence along the southerly and westerly sides of Jamaica Island and thence

generally along the easterly side of Seavey Island to the point of beginning.

(1854) *Area No. 2:* The area bounded by a line beginning at a point on the southerly side of Seavey Island at Henderson Point at

(1855) 43°04'29"N., 70°44'14"W.; thence to

(1856) 43°04'29.5"N., 70°44'17.4"W.; thence to

(1857) 43°04'36.6"N., 70°44'22.6"W.; thence to

(1858) 43°04'44.8"N., 70°44'33.2"W.; thence to

(1859) 43°04'47.4"N., 70°44'42.1"W.; thence to

(1860) 43°04'48"N., 70°44'52"W.; thence to

(1861) 43°04'49"N., 70°44'54"W.; thence to

(1862) 43°04'51"N., 70°44'55"W.; thence to

(1863) 43°04'53"N., 70°44'53"W.; thence to

(1864) 43°04'57"N., 70°44'47"W.; thence to

(1865) 43°04'58"N., 70°44'46"W.; thence to

(1866) 43°05'02"N., 70°44'36"W.; thence to

(1867) 43°05'04"N., 70°44'31"W.; thence along the westerly side of Seavey Island to the beginning point.

(1868) (b) *The regulations.* All persons, vessels and other craft, except those vessels under the supervision of or contract to local military or naval authority, are prohibited from entering the restricted areas without permission from the Commander, Portsmouth Naval Shipyard or his/her authorized representative.

§334.60 Cape Cod Bay south of Wellfleet Harbor, Mass.; naval aircraft bombing target area.

(1869) (a) *The danger zone.* A circular area with a radius of 1,000 yards having its center on the aircraft bombing target hulk James Longstreet in Cape Cod Bay at latitude 41°49'46", longitude 70°02'54".

(1870) (b) *The regulations.* (1) No person or vessel shall enter or remain in the danger zone at any time, except as authorized by the enforcing agency.

(1871) (2) This section shall be enforced by the Commandant, First Naval District, and such agencies as he may designate.

TITLE 40–PROTECTION OF ENVIRONMENT

Part 140–Marine Sanitation Device Standard

§140.1 Definitions.

(1872) For the purpose of these standards the following definitions shall apply:

(1873) (a) *Sewage* means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

(1874) (b) *Discharge* includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

(1875) (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;

(1876) (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;

(1877) (e) *New vessel* refers to any vessel on which construction was initiated on or after January 30, 1975;

(1878) (f) *Existing vessel* refers to any vessel on which construction was initiated before January 30, 1975;

(1879) (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.

(1880) 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.

(1881) (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.

(1882) (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.

(1883) (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).

(1884) (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.

(1885) (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.

(1886) (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.

(1887) (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.

(1888) (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.

(1889) (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. [...]

(1890) (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. [...]

(1891) (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/*.

(1892) (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:

(1893) (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;

(1894) (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;

(1895) (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

(1896) (iv) Include a statement of basis justifying the size of the requested drinking water intake zone, for example, identifying areas of intensive boating activities.

(1897) (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.

(1898) (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.

(1899) (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):

(1900) (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.

(1901) (ii) [Reserved]

§140.5 Analytical procedures.

(1902) 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 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.

(1903) (a) The regulations of parts 222, 223, and 224 of 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 at 50 CFR part 23, chapter I.

(1904) (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).

(1905) (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.

(1906) (c) *Approaching right whales.*

(1907) (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:

(1908) (i) Approach (including by interception) within 500 yards (460 m) of a right whale by vessel, aircraft, or any other means;

(1909) (ii) Fail to undertake required right whale avoidance measures specified under paragraph (c)(2) of this section.

(1910) (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:

(1911) (i) If underway, a vessel must steer a course away from the right whale and immediately leave the area at a slow safe speed.

(1912) (ii) An aircraft must take a course away from the right whale and immediately leave the area at a constant airspeed.

(1913) (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:

(1914) (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.

(1915) (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.

(1916) (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.

(1917) (iv) Paragraphs (c)(1) and (c)(2) of this section do not apply to an aircraft unless the aircraft is conducting whale watch activities.

(1918) (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.

(1919) 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.

(1920) Northern Right Whale (*Eubalaena glacialis*)

(1921) (a) *Great South Channel*. The area bounded by

(1922) 41°40'N., 69°45'W.;

(1923) 41°00'N., 69°05'W.;

(1924) 41°38'N., 68°13'W.; and

(1925) 42°10'N., 68°31'W.

(1926) (b) *Cape Cod Bay, Massachusetts*. The area bounded by

(1927) 42°04.8'N., 70°10'W.;

(1928) 42°12'N., 70°15'W.;

(1929) 42°12'N., 70°30'W.;

(1930) 41°46.8'N., 70°30'W. and on the south and east by the interior shore line of Cape Cod, Massachusetts.

(1931) (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.