

Failure of redundant navigational-safety equipment, including but not limited to failure of one of two installed radars, where each satisfies §164.72(a), does not necessitate either a deviation or an authorization.

(1) The initial notice and request for a deviation and an authorization may be spoken, but the request must also be written. The written request must explain why immediate repair is impracticable, and state when and by whom the repair will be made.

(2) The COTP, upon receiving even a spoken request, may grant a deviation and an authorization from any of the provisions of §§164.70 through 164.82 for a specified time if he or she decides that they would not impair the safe navigation of the vessel under anticipated conditions.

[CGD 94-020, 61 FR 35075, July 3, 1996]

## PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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- 165.T08-080 Safety Zone; Queen Isabella Bridge, Gulf Intracoastal Waterway, Brownsville, Texas
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- 165.804 Snake Island, Texas City, Texas; mooring and fleeting of vessels—safety zone.
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- 165.T11-065 Security Zones: Cruise ships, San Pedro Bay, California.
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- 165.T11-078 Safety Zone; Carquinez Strait, Vallejo and Crockett, CA.
- 165.T11-082 Safety Zone; North Pacific Ocean, Gulf of the Farallones, offshore of San Francisco, CA.
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- 165.1103 Security Zone: San Diego Bay, California.
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- 165.1105 Security Zone: San Diego Bay, California.
- 165.1106 San Diego Bay, California—safety zone.
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- 165.1120 Security Zone; Naval Amphibious Base, San Diego, CA.
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- 165.1153 Safety zone: Middle Harbor—San Pedro Channel, CA.
- 165.1155 Security Zone; Diablo Canyon Nuclear Power Plant, Avila Beach, California.
- 165.1171 Copper Canyon, Lake Havasu, Colorado River—Regulated Navigation Area.
- 165.1181 San Francisco Bay Region, California—regulated navigation area.
- 165.1182 Safety/Security Zone: San Francisco Bay, San Pablo Bay, Carquinez Strait, and Suisun Bay, CA.
- 154.1191 Safety zones: Northern California annual fireworks events.

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- 165.1301 Puget Sound and Adjacent Waters in Northwestern Washington—Regulated Navigation Area.
- 165.1302 Bangor Naval Submarine Base, Bangor, WA.
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- 165.T14-069 Security Zones; Oahu, Maui, Hawaii, and Kauai, HI.
- 165.1401 Apra Harbor, Guam—safety zones.
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- 165.T17-009 Port Valdez and Valdez Narrows, Valdez, Alaska—security zone.
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- 165.1701 Port Valdez, Valdez, Alaska—safety zone.
- 165.1702 Gastineau Channel, Juneau, Alaska—safety zone.
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- 165.1706 Gastineau Channel, Juneau, Alaska—Safety Zone.
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### Subpart G—Protection of Naval Vessels

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- 165.2015 Definitions.
- 165.2020 Enforcement authority.
- 165.2025 Atlantic Area.

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### 165.2030 Pacific Area.

AUTHORITY: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.46.

SOURCE: CGD 79-034, 47 FR 29660, July 8, 1982, unless otherwise noted.

### Subpart A—General

#### § 165.1 Purpose of part.

The purpose of this part is to:

- (a) Prescribe procedures for establishing different types of limited or controlled access areas and regulated navigation areas;
- (b) Prescribe general regulations for different types of limited or controlled access areas and regulated navigation areas;
- (c) Prescribe specific requirements for established areas; and
- (d) List specific areas and their boundaries.

#### § 165.5 Establishment procedures.

(a) A safety zone, security zone, or regulated navigation area may be established on the initiative of any authorized Coast Guard official.

(b) Any person may request that a safety zone, security zone, or regulated navigation area be established. Except as provided in paragraph (c) of this section, each request must be submitted in writing to either the Captain of the Port or District Commander having jurisdiction over the location as described in Part 3 of this chapter, and include the following:

- (1) The name of the person submitting the request;
- (2) The location and boundaries of the safety zone, security zone, or regulated navigation area;
- (3) The date, time, and duration that the safety zone, security zone, or regulated navigation area should be established;
- (4) A description of the activities planned for the safety zone, security zone, or regulated navigation area;
- (5) The nature of the restrictions or conditions desired; and

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(6) The reason why the safety zone, security zone, or regulated navigation area is necessary.

(Requests for safety zones, security zones, and regulated navigation areas are approved by the Office of Management and Budget under control number 2115-0076, 2115-0219, and 2115-0087).

(c) Safety Zones and Security Zones. If, for good cause, the request for a safety zone or security zone is made less than 5 working days before the zone is to be established, the request may be made orally, but it must be followed by a written request within 24 hours.

[CGD 79-034, 47 FR 29660, July 8, 1982, as amended by CGD 79-026, 48 FR 35408, Aug. 4, 1983]

### § 165.7 Notification.

(a) The establishment of these limited access areas and regulated navigation areas is considered rulemaking. The procedures used to notify persons of the establishment of these areas vary depending upon the circumstances and emergency conditions. Notification may be made by marine broadcasts, local notice to mariners, local news media, distribution in leaflet form, and on-scene oral notice, as well as publication in the FEDERAL REGISTER.

(b) Notification normally contains the physical boundaries of the area, the reasons for the rule, its estimated duration, and the method of obtaining authorization to enter the area, if applicable, and special navigational rules, if applicable.

(c) Notification of the termination of the rule is usually made in the same form as the notification of its establishment.

### § 165.8 Geographic coordinates.

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

on the particular map or chart being used.

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

## Subpart B—Regulated Navigation Areas

### § 165.10 Regulated navigation areas.

A regulated navigation area is a water area within a defined boundary for which regulations for vessels navigating within the area have been established under this part.

### § 165.11 Vessel operating requirements (regulations).

Each District Commander may control vessel traffic in an area which is determined to have hazardous conditions, by issuing regulations:

(a) Specifying times of vessel entry, movement, or departure to, from, within, or through ports, harbors, or other waters;

(b) Establishing vessel size, speed, draft limitations, and operating conditions; and

(c) Restricting vessel operation, in a hazardous area or under hazardous conditions, to vessels which have particular operating characteristics or capabilities which are considered necessary for safe operation under the circumstances.

[CGD 79-026, 48 FR 35408, Aug. 4, 1983]

### § 165.13 General regulations.

(a) The master of a vessel in a regulated navigation area shall operate the vessel in accordance with the regulations contained in Subpart F.

(b) No person may cause or authorize the operation of a vessel in a regulated navigation area contrary to the regulations in this part.

## Subpart C—Safety Zones

### § 165.20 Safety zones.

A Safety Zone is a water area, shore area, or water and shore area to which, for safety or environmental purposes, access is limited to authorized persons, vehicles, or vessels. It may be stationary and described by fixed limits or it may be described as a zone around a vessel in motion.

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**§ 165.23 General regulations.**

Unless otherwise provided in this part:

(a) No person may enter a safety zone unless authorized by the COTP or the District Commander;

(b) No person may bring or cause to be brought into a safety zone any vehicle, vessel, or object unless authorized by the COTP or the District Commander;

(c) No person may remain in a safety zone or allow any vehicle, vessel, or object to remain in a safety zone unless authorized by the COTP or the District Commander; and

(d) Each person in a safety zone who has notice of a lawful order or direction shall obey the order or direction of the COTP or District Commander issued to carry out the purposes of this subpart.

**Subpart D—Security Zones**

**§ 165.30 Security zones.**

(a) A security zone is an area of land, water, or land and water which is so designated by the Captain of the Port or District Commander for such time as is necessary to prevent damage or injury to any vessel or waterfront facility, to safeguard ports, harbors, territories, or waters of the United States or to secure the observance of the rights and obligations of the United States.

(b) The purpose of a security zone is to safeguard from destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of a similar nature:

- (1) Vessels,
- (2) Harbors,
- (3) Ports, and
- (4) Waterfront facilities:

in the United States and all territory and water, continental or insular, that is subject to the jurisdiction of the United States.

**§ 165.33 General regulations.**

Unless otherwise provided in the special regulations in Subpart F of this part:

(a) No person or vessel may enter or remain in a security zone without the permission of the Captain of the Port;

(b) Each person and vessel in a security zone shall obey any direction or order of the Captain of the Port;

(c) The Captain of the Port may take possession and control of any vessel in the security zone;

(d) The Captain of the Port may remove any person, vessel, article, or thing from a security zone;

(e) No person may board, or take or place any article or thing on board, any vessel in a security zone without the permission of the Captain of the Port; and

(f) No person may take or place any article or thing upon any waterfront facility in a security zone without the permission of the Captain of the Port.

**Subpart E—Restricted Waterfront Areas**

**§ 165.40 Restricted waterfront areas.**

The Commandant, may direct the COTP to prevent access to waterfront facilities, and port and harbor areas, including vessels and harbor craft therein. This section may apply to persons who do not possess the credentials outlined in §125.09 of this chapter when certain shipping activities are conducted that are outlined in §125.15 of this chapter.

**Subpart F—Specific Regulated Navigation Areas and Limited Access Areas**

FIRST COAST GUARD DISTRICT

**§ 165.T01-058 Safety Zone: Chelsea River Safety Zone for McArdle Bridge Repairs, Chelsea River, East Boston, Massachusetts.**

(a) *Location.* The following area is a safety zone: All waters of the Chelsea River 100-yards upstream and downstream of the McArdle Bridge, East Boston, MA.

(b) *Effective Date.* This section is effective from May 13 until July 13, 2002, and will be enforced from sunset until sunrise each day during this period.

(c) *Regulations.*

(1) In accordance with the general regulations in §165.23 of this part, entry into or movement within this zone is prohibited unless authorized by the Captain of the Port Boston.

(2) All vessel operators shall comply with the instructions of the Captain of the Port (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.

EFFECTIVE DATE NOTE: By CGD01-02-058, 67 FR 34614, May 15, 2002, §165.T01-058 was added, effective May 13, 2002, until July 13, 2002.

**§ 165.100 Regulated Navigation Area: Navigable waters within the First Coast Guard District.**

(a) *Regulated navigation area.* All navigable waters of the United States, as that term is used in 33 CFR 2.05-25(a), within the geographic boundaries of the First Coast Guard District, as defined in 33 CFR 3.05-1(b).

(b) *Definitions.* Terms used in this section have the same meaning as those found in 33 CFR 157.03. Single-hull identifies any tank barge that is not a double-hull tank barge.

(c) *Applicability.* This section applies to primary towing vessels engaged in towing tank barges carrying petroleum oil in bulk as cargo in the regulated navigation area, or as authorized by the District Commander.

(d) *Regulations—(1) Positive control for barges.* (i) Except as provided in paragraph (d)(1)(iii) of this section, each single-hull tank barge, unless being towed by a primary towing vessel with twin-screw propulsion and with a separate system for power to each screw, must be accompanied by an escort or assist tug of sufficient capability to promptly push or tow the tank barge away from danger of grounding or collision in the event of—

- (A) A propulsion failure;
- (B) A parted towing line;
- (C) A loss of tow;
- (D) A fire;
- (E) Grounding;
- (F) A loss of steering; or
- (G) Any other casualty that affects the navigation or seaworthiness of either vessel.

(ii) Double-hull tank barges are exempt from paragraph (d)(1)(i) of this section.

(iii) The cognizant Captain of the Port (COTP), upon written application, may authorize an exemption from the requirements of paragraph (d)(1)(i) of this section for—

(A) Any tank barge with a capacity of less than 25,000 barrels, operating in an area with limited depth or width such as a creek or small river; or

(B) Any tank barge operating on any waters within the COTP Zone, if the operator demonstrates to the satisfaction of the COTP that the barge employs an equivalent level of safety to that provided by the positive control provisions of this section. Each request for an exemption under this paragraph must be submitted in writing to the cognizant COTP no later than 7 days before the intended transit.

(iv) The operator of a towing vessel engaged in towing any tank barge must immediately call for an escort or assist tug to render assistance in the event of any of the occurrences identified in paragraph (d)(1)(i) of this section.

(2) *Enhanced communications.* Each vessel engaged in towing a tank barge must communicate by radio on marine band or Very High Frequency (VHF) channel 13 or 16, and issue security calls on marine band or VHF channel 13 or 16, upon approach to the following places:

- (i) Execution Rocks Light (USCG Light List No. [LLNR] 21440).
- (ii) Matinecock Point Shoal Buoy (LLNR 21420).
- (iii) 32A Buoy (LLNR 21380).
- (iv) Cable and Anchor Reef Buoy (LLNR 21330).
- (v) Stratford Middle Ground Light (LLNR 21260).
- (vi) Old Field Point Light (LLNR 21275).
- (vii) Approach to Stratford Point from the south (NOAA Chart 12370).
- (viii) Falkner Island Light (LLNR 21170).
- (ix) TE Buoy (LLNR 21160).
- (x) CF Buoy (LLNR 21140).
- (xi) PI Buoy (LLNR 21080).
- (xii) Race Rock Light (LLNR 19815).
- (xiii) Valiant Rock Buoy (LLNR 19825).
- (xiv) Approach to Point Judith in vicinity of Block Island ferry route.
- (xv) Buzzards Bay Entrance Light (LLNR 630).

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(xvi) Buzzards Bay Midchannel Lighted Buoy (LLNR 16055)

(xvii) Cleveland East Ledge Light (LLNR 16085).

(xviii) Hog Island buoys 1 (LLNR 16130) and 2 (LLNR 16135).

(xix) Approach to the Bourne Bridge.

(xx) Approach to the Sagamore Bridge.

(xxi) Approach to the eastern entrance of Cape Cod Canal.

(3) *Voyage planning.* (i) Each owner or operator of a towing vessel employed to tow a tank barge shall prepare a written voyage plan for each transit of the tank barge.

(ii) The watch officer is authorized to make modifications to the plan and validate it as necessary.

(iii) Except as provided in paragraph (d)(3)(iv) of this section, each voyage plan must contain:

(A) A description of the type, volume, and grade of cargo.

(B) Applicable information from nautical charts and publications, including Coast Pilot, Coast Guard Light List, and Coast Guard Local Notice to Mariners, for the destination(s).

(C) Current and forecasted weather, including visibility, wind, and sea state for the destination(s).

(D) Data on tides and tidal currents for the destination(s).

(E) Forward and after drafts of the tank barge, and under-keel and vertical clearances for each port and berthing area.

(F) Pre-departure checklists.

(G) Calculated speed and estimated times of arrival at proposed waypoints.

(H) Communication contacts at Vessel Traffic Service (VTS) (if applicable), bridges, and facilities, and port-specific requirements for VHF radio.

(I) The master's standing orders detailing closest points of approach, special conditions, and critical maneuvers.

(iv) Each owner or operator of a tank barge on an intra-port transit of not more than four hours may prepare a voyage plan that contains:

(A) The information described in paragraphs (d)(3)(iii)(D) and (E) of this section.

(B) Current weather conditions including visibility, wind, and sea state. This information may be entered in ei-

ther the voyage plan or towing vessel's log book.

(C) The channels of VHF radio to monitor.

(D) Other considerations such as availability of pilot, assist tug, berth, and line-handlers, depth of berth at mean low water, danger areas, and security calls.

(4) *Navigation restriction areas.* Unless authorized by the cognizant COTP, no tank barge may operate in—

(i) The waters of Cape Cod Bay south of latitude 42°5' North and east of longitude 70°25' West; or

(ii) The waters of Fishers Island Sound east of longitude 72°2' West, and west of longitude 71°55' West.

(e) In addition to the authority for this part 165, this section is also authorized under authority of section 311, Pub. L. 105-383.

[CGD1-98-151, 63 FR 71770, Dec. 30, 1998, as amended by CGD01-98-151, 64 FR 12749, Mar. 15, 1999; USCG-1999-5832, 64 FR 34715, June 29, 1999; CGD01-98-151, 65 FR 35838, June 6, 2000]

§ 165.101 Kittery, Maine—regulated navigation area.

(a) The following is a regulated navigation area—Waters within the boundaries of a line beginning at 43°04'50"N, 70°44'52"W; then to 43°04'52"N, 70°44'53"W; then to 43°04'59"N, 70°44'46"W; then to 43°05'05"N, 70°44'32"W; then to 43°05'03"N, 70°44'30"W; then to the beginning point.

(b) Regulations—No vessel may operate in this area at a speed in excess of five miles per hour.

§ 165.102 Security Zone: Walkers Point, Kennebunkport ME.

(a) *Location.* The following area is a security zone: From point of land located on Cape Arundel at latitude 43°20.4' North, longitude 070°28.0' West; thence to a point approximately 500 yards southwest of Walkers Point located at latitude 43°20.2' North, longitude 070°27.9' West; thence to a point located approximately 500 yards south of Walkers Point at latitude 43°20.1' North, longitude 070°27.6' West; thence to a point located approximately southeast of Walkers Point at latitude 43°20.4' North, longitude 070°27.2' West; thence to an unnamed point of land located at 43°20.9' North, longitude

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070°27.1' West; thence along the shoreline of Walkers Point to the beginning point. The aforementioned offshore positions are approximated by white buoys marked in orange indicating an exclusionary area.

(b) *Regulations.* (1) In accordance with the general regulations in §165.33 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port, Portland, Maine. Section 165.33 also contained other general requirements.

(2) No person may swim upon or below the surface of the water within the boundaries of this security zone.

[CGDI 89-008, 54 FR 13883, Apr. 6, 1989]

### § 165.103 Safety Zone: Portsmouth Harbor, Portsmouth, New Hampshire.

(a) The following areas are established as safety zones during the specified conditions:

(1) For all inbound tank vessels carrying Liquefied Petroleum Gas (LPG), the waters bounded by the limits of the Piscataqua River Channel and extending 1000 yards ahead and 500 yards astern of an LPG tanker while the vessel transits Bigelow Bight, Portsmouth Harbor and the Piscataqua River to the LPG receiving facility at Newington, New Hampshire. This safety zone remains in effect until the LPG carrier is safely moored at the LPG receiving facility on the Piscataqua River.

(2) For all outbound tank vessels carrying LPG, the waters bounded by the limits of the Piscataqua River Channel and extending 1000 yards ahead and 500 yards astern of an LPG tanker while the vessel departs the LPG facility and transits the Piscataqua River, Portsmouth Harbor and Bigelow Bight. This safety zone remains in effect until the LPG carrier passes Gunboat Shoal Lighted Bell Buoy "1" (LLNR 185) located in Bigelow Bight.

(b) The general regulations governing safety zones contained in 33 CFR 165.23 apply.

(c) The Captain of the Port will notify the maritime community and local agencies of periods during which this safety zone will be in effect by providing advance notice of scheduled arrivals and departures of LPG vessels

via the telephone and/or Marine Safety Information Radio Broadcasts.

[CGD 188-106, 54 FR 20572, May 12, 1989]

EFFECTIVE DATE NOTE: By CGD01-01-192, 66 FR 58066, Nov. 20, 2001, §165.103 was suspended effective from Nov. 9, 2001, through June 21, 2002. At 67 FR 30811, May 8, 2002, the effective date of the suspension was extended from June 21, 2002, through Aug. 15, 2002.

### § 165.110 Boston Harbor, Boston, Massachusetts.

(a) The following areas are established as safety zones during the specified conditions:

(1) The waters bounded by the limits of the Boston Main Ship Channel and extending two miles ahead and one mile astern of a loaded Liquefied Natural Gas Tank vessel while the vessel transits the Boston North Channel and Boston Harbor. The safety Zone remains in effect until the LNG vessel is alongside the DISTRIGAS waterfront facility in the Mystic River. Lat. 42°23.3' N., Long. 71°03.7' W.

(2) The waters and land area within 150' of a Liquefied Natural Gas Tank vessel when the vessel is alongside the DISTRIGAS waterfront facility, Everett, MA. Lat. 42°23.3' N., Long. 71°03.7' W. This Safety Zone remains in effect while the LNG vessel remains in a loaded condition or is transferring liquefied natural gas.

(b) The general regulations governing safety zones as contained in 33 CFR 165.20 apply.

[CGD1-83-4R, 49 FR 19819, May 10, 1984]

EFFECTIVE DATE NOTE: At 66 FR 59698, Nov. 30, 2001, §165.110 was suspended from Nov. 13, 2001, through June 15, 2002. At 67 FR 20644, Apr. 26, 2002, the suspension was extended from June 15, 2002, through Aug. 15, 2002.

### § 165.111 Safety Zone: Boston Harbor, Boston, Massachusetts.

(a) The following areas are established as safety zones during the conditions specified:

(1) Around the U.S.S. *Constitution* or any accompanying parade vessels when *Constitution* is under way—300 yards in all directions in the waters around the U.S.S. *Constitution* and each parade vessel accompanying *Constitution* whenever the U.S.S. *Constitution* is underway in Boston Harbor from the time such vessels depart their respective

berths until the time they complete their transit and are safely moored.

(2) Whenever *Constitution* is moored at Pier 1, Charlestown Navy Yard—the waters between Hoosac Pier and Pier 1, Charlestown Navy Yard, from the imaginary line connecting the outer easternmost point protruding into Boston Harbor from Hoosac Pier to the outer westernmost point protruding into Boston Harbor from Pier 1, Charlestown Navy Yard, extending inbound along the face of both piers to the landside points where both piers end.

(3) Around the U.S.S. *Constitution*—fifty yards in all directions in the waters around *Constitution* when the vessel is moored at any Boston berthing location other than Pier 1, Charlestown Navy Yard.

(b) The general regulations governing safety zones as contained in 33 CFR 165.23 apply.

[CGD1 91-109, 57 FR 30407, July 9, 1992]

**§ 165.112 Safety Zone: USS CASSIN YOUNG, Boston, Massachusetts.**

(a) *Location.* The following area is a safety zone:

Around the USS CASSIN YOUNG (DD-793) and any accompanying parade vessels when the USS CASSIN YOUNG is underway. The zone extends 100 yards in all directions in the waters around the USS CASSIN YOUNG and accompanying parade vessels whenever the USS CASSIN YOUNG is underway in Boston Harbor from the time the USS CASSIN YOUNG departs its berth until it is safely moored.

(b) *Regulations.* The general regulations governing safety zones as contained in 33 CFR 165.23 apply.

[CGD01-93-001, 58 FR 47991, Sept. 14, 1993]

**§ 165.113 Security Zone: Dignitary arrival/departure Logan International Airport, Boston, MA**

(a) *Location.* The permanent security zone consists of four sectors that may be activated in part, or in whole, upon the request of the U.S. Secret Service. These zones are for the protection of the President or Vice President of the United States, as well as visiting heads of foreign states or foreign governments arriving at, or departing from,

Logan International Airport and as determined by the transit route across Boston Harbor. The security zone will be as follows:

(1) Sector one will go into effect 15 minutes prior to the scheduled landing or takeoff of the aircraft carrying either the President, Vice President, or visiting heads of foreign states or foreign governments at Logan International Airport. Sector one will preclude all vessels from approaching within three hundred yards of the Logan International Airport shoreline, bound on the west by a line drawn between positions 42°22'45" N., 071°01'05" W. and 42°21'48" N., 071°01'45" W. (NAD) 1983).

(2) Sector two will go into effect 15 minutes before the vehicle carrying the President, Vice President, or visiting heads of foreign states or foreign governments enters the Callahan Tunnel or Sumner Tunnel. Sector two may preclude vessels, as necessary, from entering an area of the main ship channel, Boston Inner Harbor; fifty yards in all directions from a point directly above the Callahan Tunnel or Sumner Tunnel.

(3) Sector three will go into effect 15 minutes before the vehicle carrying the President, Vice President, or visiting heads of foreign states or foreign governments enters the Ted Williams Tunnel. Sector three may preclude vessels, as necessary, from entering an area of the main ship channel, Boston Inner Harbor, fifty yards in all directions from a point directly above the Ted Williams Tunnel.

(4) Sector four will go into effect 15 minutes before the President, Vice President, or visiting heads of foreign states or foreign governments board the designated transport vessel. Sector four will preclude all vessels from approaching within three hundred yards in all directions from the designated vessel transporting the President, Vice President, or visiting heads of foreign states or foreign governments between Logan International Airport and any location in Boston Harbor.

(5) The activation of a particular sector of this security zone will be announced via Safety Marine Information Broadcasts and/or by locally issued notices.

(b) *Regulations.* (1) The general regulations covering security zones contained in 33 CFR 165.33 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

[CGD01-97-004, 63 FR 16117, Apr. 2, 1998]

**§ 165.114 Safety and Security Zones: Escorted Vessels—Boston Harbor, Massachusetts.**

(a) *Location.* The following waters within the Boston Captain of the Port Zone, 1000 yards ahead and astern, and 100 yards on each side of any designated escorted vessel, are established as safety and security zones: All waters of Boston Inner Harbor, including the waters of the Mystic River, Chelsea River, and Reserved Channel west of a line running from Deer Island Light, at position 42°20'25" N, 070°57'15" W, to Long Island, at position 42°19'48" N, 070°57'15" W, and west of the Long Island Bridge, running from Long Island to Moon Head.

(b) *Escorted vessels 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.

(c) *Regulations.* (1) In accordance with the general regulations in §§ 165.23 and 165.33 of this part, entry into or movement within this zone is prohibited unless authorized by the Captain of the Port Boston.

(2) All vessel operators shall comply with the instructions of the COTP or the designated on-scene U.S. Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels.

[CGD01-01-227, 67 FR 20912, Apr. 29, 2002]

**§ 165.115 Safety and Security Zones; Pilgrim Nuclear Power Plant, Plymouth, Massachusetts.**

(a) *Location.* All waters of Cape Cod Bay and land adjacent to those waters enclosed by a line beginning at position 41°57'5" N, 070°34'42" W; then running southeast to position 41°56'40.5" N, 070°41'4.5" W; then running southwest to position 41°56'32" N, 070°34'14" W; then running northwest to position 41°56'55.5" N, 070°34'52" W; then running northeast back to position 41°57'5" N, 070°34'42" W.

(b) *Regulations.* (1) In accordance with the general regulations in §§ 165.23 and 165.33 of this part, entry into or movement within these zones is prohibited unless authorized by the Captain of the Port Boston.

(2) All vessel operators shall comply with the instructions of the COTP or the designated on-scene U.S. Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels.

(3) No person may enter the waters or land area within the boundaries of the safety and security zones unless previously authorized by the Captain of the Port, Boston or his authorized patrol representative.

[CGD01-02-002, 67 FR 37693, May 30, 2002]

**§ 165.120 Safety Zone: Chelsea River, Boston Inner Harbor, Boston, MA.**

(a) *Location.* The following area is a safety zone: The waters of the Chelsea River, Boston Inner Harbor, for 100 yards upstream and downstream of the center of the Chelsea Street Draw span (in the approximate position of Latitude 42°33'10"N., Longitude 71°01'23" W.).

(b) *Regulation.* The following standards are the minimum requirements for transit of the Safety Zone. Additional precautions may be taken by the pilot and/or person in charge (Master or Operator).

(1) All tankships greater than 1,000 Gross Tons shall be under the direction and control of the Licensed Federal Pilot. This does not relieve persons in charge (Masters or Operators) from their ultimate responsibility for the safe navigation of vessels.

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(2) All vessel(s) speed shall be kept to a minimum considering all factors and the need for optimum vessel control.

(3) Restrictions on size and draft of vessels:

(i) No vessel greater than 661 feet in length (using length overall) or greater than 90.5 feet in beam (using extreme breadth) shall transit the Safety Zone.

(ii) No vessel greater than 630.5 feet in length or 85.5 feet or greater in beam shall transit the Safety Zone during the period between sunset and sunrise.

(iii) No tankship greater than 550.5 feet in length shall transit the Safety Zone, either inbound or outbound, with a draft less than 18.0 feet forward and 24.0 feet aft.

(4) Restrictions when the Chelsea River channel is obstructed by vessel(s) moored at the Northeast Petroleum Terminal located downstream of the Chelsea Street Bridge on the Chelsea, MA side of the Chelsea River—hereafter referred to as the Jenny Dock (approximate position 42°23'09" N., 71°01'31" W.)—or the Mobile Oil Terminal located on the East Boston Side of the Chelsea River downstream of the Chelsea Street Bridge (approximate position 42°23'05" N., 71°01'31" W.):

(i) When there is a vessel moored at each terminal, no vessel greater than 300.5 feet in length or greater than 60.5 feet in beam, shall transit the safety zone.

(ii) When a vessel with a beam greater than 60.5 feet is moored at either terminal, no vessel greater than 630.5 feet in length or greater than 85.5 feet in beam shall transit the Safety Zone.

(iii) When a vessel with a beam greater than 85.5 feet is moored at either terminal, no vessel greater than 550.5 feet in length or greater than 85.5 feet in beam shall transit the Safety Zone.

(5) Requirements for tug assistance:

(i) All tankships greater than 630.5 feet in length or greater than 85.5 feet in beam shall be assisted by at least four tugs of adequate horsepower.

(ii) All tankships from 450 feet in length up to and including 630.5 feet in length and less than 85.5 feet in beam shall be assisted by at least three tugs of adequate horsepower.

(iii) All tug/barge combinations with a tonnage of over 10,000 Gross Tons (for the barge(s), in all conditions of draft,

shall be assisted by at least one tug of adequate horsepower.

(6) U.S. Certificated integrated tug/barge (ITB) combinations shall meet the requirements of a tankship of similar length and beam except that one less assist tug would be required.

(7) Variances from the above standard must be approved in advance by the Captain of the Port of Boston, MA.

[CCGD1-85-4R, 51 FR 10835, Mar. 31, 1986; 51 FR 23415, June 27, 1986, as amended by USCG-1998-3799, 63 FR 35532, June 30, 1998]

**§ 165.121 Safety Zone: Rhode Island Sound, Narragansett Bay, Providence River.**

(a) *Location.* The following areas are established as safety zones:

(1) For Liquefied Petroleum Gas (LPG) vessels while at anchor in the waters of Rhode Island Sound; in position Latitude 41°25' N., Longitude 71°23' W., a Safety Zone with a radius of one-half mile around the LPG vessel.

(2) For Liquefied Petroleum Gas (LPG) vessels while transitting Narragansett Bay and the Providence River; a moving Safety Zone from a distance of two (2) miles ahead to one (1) mile astern to the limits of the navigable channel around the LPG vessel.

(3) For Liquefied Petroleum Gas (LPG) vessels while moored at the LPG facility, Port of Providence; a safety zone within 50 feet around the vessel. No vessel shall moor within 200 feet from the LPG vessel. All vessels transiting the area are to proceed with caution to minimize the effects of wake around the LPG vessel.

(4) For Liquefied Petroleum Gas (LPG) vessels while moored with manifolds connected at the LPG Facility, Port of Providence; a Safety Zone within a 100 foot radius around the shoreside manifold while connected. This is in addition to the requirements for LPG vessels while moored at the LPG Facility, Port of Providence.

(b) The Captain of the Port Providence will notify the maritime community of periods during which this safety zone will be in effect by providing advance notice of scheduled arrivals and departures of LPG vessels via Marine Safety Information Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz).

(c) *Regulations.* The general regulations governing safety zones contained in § 165.23 apply.

[CGD1-88-010, 53 FR 31858, Aug. 22, 1988, as amended by CGD01-92-004, 59 FR 52425, Oct. 18, 1994; USCG-1998-3799, 63 FR 35532, June 30, 1998]

**§ 165.122 Providence River, Providence, R.I. regulated navigation area.**

(a) *Description of the regulated navigation area (RNA).* The Regulated Navigation Area (RNA) encompasses the deep draft channel between Narragansett Bay Entrance Lighted Horn Buoy NB (LLNR 17675) 41°23.0' N Latitude, 71°23.4' W Longitude, and Fox Point, Providence.

(b) *Regulations.* (1) The following restrictions apply in the portion of the regulated area between Conimicut Light (LLNR 18305) and Channel Light 42 (Fuller Rock Light, (LLNR 18580)).

(i) No vessel with a draft greater than 35 feet may transit when water depth is at or below mean low water.

(ii) Vessels with drafts greater than 35 feet but less than 38 feet may transit when water depth is other than that on or below mean low water, provided there is sufficient depth under the keel to prevent grounding.

(iii) Vessels with drafts greater than or equal to 38 feet must obtain permission, 48 hours in advance of the desired transit time, from the Captain of the Port, Providence to transit.

(2) Vessels with drafts greater than 35 feet must have at least one mile of visibility to transit the regulated area between Conimicut Light (LLNR 18305) and Channel Light 42 (LLNR 18580, Fuller Rock Light).

(3) Vessels over 65 feet in length are prohibited from passing, meeting, or overtaking other vessels over 65 feet in length in the regulated area from:

(i) Gaspee Point to Channel Light 42, (Fuller Rock Light, LLNR 18580).

(ii) Conimicut Point Reach (Conimicut Light, LLNR 18305) to Channel Lighted Buoy 19, 41°43.7' N Latitude, 71°21.8' W Longitude, (LLNR 18330) and Channel Lighted Buoy 20, 41°43.7' N Latitude, 71°21.8' W Longitude, (LLNR 18335).

(4) Vessels over 65 feet in length inbound for berths up the Providence

River, planning to transit through the deep draft channel, are required to make Safety Signal (SECURITE) calls on both VHF channels 13 and 16 at the following geographic locations: Pilot's Station, Abeam of Castle Hill, Approaching the Newport bridge, South of Prudence Island, Abeam of Sandy Point, Abeam of Popasquash Point, Approaching the Southern End of Rumstick Neck Reach, Abeam of Conimicut Point Light (LLNR 18305), Abeam of Gaspee Point, Abeam of Sabin Point and upon mooring.

(5) Vessels over 65 feet in length outbound for sea down the Providence River Channel transiting through this regulated navigation area are required to make SECURITE calls on VHF channels 13 and 16 at the following geographic locations: one-half hour prior to departure from the berth, at departure from the berth, Abeam of Sabin Point, Abeam of Gaspee Point, and Abeam of Conimicut Light (LLNR 18305).

(6) Vessels 65 feet and under in length and all recreational vessels when meeting deep draft commercial vessel traffic in the Providence River Channel between Conimicut Light (LLNR 18305) and Channel Light 42 (LLNR 18580, Fuller Rock Light) shall keep out of the way of the oncoming deep draft commercial vessel.

(7) The Captain of the Port, Providence, may authorize a deviation from these regulations.

(c) *Enforcement.* Violations of this regulated navigation area should be reported to the Captain of the Port, Providence, at (401) 435-2300. Persons in violation of these regulations will be subject to civil penalty under § 165.13(b) of this part.

[CGD01-93-030, 59 FR 18489, Apr. 19, 1994]

**§ 165.130 Sandy Hook Bay, New Jersey—security zone.**

(a) Naval Ammunition Depot Piers. The waters within the following boundaries are a security zone—A line beginning on the shore at 40°25'57"N, 74°04'32"W; then to 40°27'52.5"N, 74°03'14.5"W; then to 40°27'28.3"N, 74°02'12.4"W; then to 40°26'29.2"N, 74°02'53"W; then to 40°26'31.1"N, 74°02'57.2"W; then to 40°25'27.3"N,

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74°03'41"W; then along the shoreline to the beginning point.

(b) Terminal Channel. The waters within the following boundaries are a security zone—A line beginning at 40°27'41.2"N, 74°02'46"W; then to 40°28'27"N, 74°02'17.2"W; then to 40°28'21.1"N, 74°02'00"W; then to 40°28'07.8"N, 74°02'22"W; then to 40°27'39.8"N, 74°02'41.4"W; then to the beginning.

(c) The following rules apply to the security zone established in paragraph (b) of this section (Terminal Channel) instead of the rule in §165.33(a):

(1) No vessel shall anchor, stop, remain or drift without power at any-time in the security zone.

(2) No vessel shall enter, cross, or otherwise navigate in the security zone when a public vessel, or any other vessel, that cannot safely navigate outside the Terminal Channel, is approaching or leaving the Naval Ammunition Depot Piers at Leonardo, New Jersey.

(3) Vessels may enter or cross the security zone, except as provided in paragraph (c)(2) of this section.

(4) No person may swim in the security zone.

[CGD 77-118a, 42 FR 35784, July 11, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and CGD 87-008b, 52 FR 25218, July 6, 1987]

§ 165.140 New London Harbor, Connecticut—security zone.

(a) Security zones:

(1) Security zone A. The waters of the Thames River west of the Electric Boat Division Shipyard enclosed by a line beginning at a point on the shoreline at 41°20'22.1" N, 72°04'52.8" W; then west to 41°20'28.7" N, 72°05'03.5" W; then to 41°20'53.3" N, 72°05'6.6" W; then to 41°21'03" N, 72°05'06.7" W; then due east to a point on the shoreline at 41°21'03" N, 72°05'00" W; then along the shoreline to the point of beginning.

(2) Security zone B. The waters of the Thames River, west of the Naval Submarine Base, New London, CT, enclosed by a line beginning at a point on the shoreline at 41°23'15.8" N., 72°05'17.9" W.; then to 41°23'15.8" N., 72°05'22" W.; then to 41°23'25.9" N., 72°05'29.9" W.; then to 41°23'33.8" N., 72°05'34.7" W.; then to 41°23'37.0" N., 72°05'38.0" W.; then to 41°23'41.0" N., 72°05'40.3" W.; then to

41°23'47.2" N., 72°05'42.3" W.; then to 41°23'53.8" N., 72°05'43.7" W.; then to 41°23'59.8" N., 72°05'43.0" W.; then to 41°24'12.4" N., 72°05'43.2" W.; then to a point on the shoreline at 41°24'14.4" N., 72°05'38" W.; then along the shoreline to the point of beginning.

(b) Special regulation. Section 165.33 does not apply to public vessels when operating in Security Zone A, or to vessels owned by, under hire to, or performing work for the Electric Boat Division when operating in Security Zone A.

[CGD 79-034, 47 FR 29660, July 8, 1982, as amended by COTP 83-01, 48 FR 33264, July 21, 1983; CGD3-83-29, 48 FR 51622, Nov. 10, 1983; CGD3-84-26, 49 FR 40405, Oct. 16, 1984; CGD3-86-56, 52 FR 17296, May 7, 1987. Redesignated by CGD 87-008b, 52 FR 25218, July 6, 1987; CDG3 86-56, 52 FR 44107, Nov. 18, 1987; CGD01-97-104, 62 FR 51782, Oct. 3, 1997]

§ 165.141 Safety Zone: Sunken vessel EMPIRE KNIGHT, Boon Island, ME.

(a) Location. The following area is a safety zone: All waters of the Atlantic Ocean within a 1,000 yard radius of the stern section of the sunken vessel EMPIRE KNIGHT, in approximate position 43°06'19" N, 70°27'09" W, (NAD 1983) and extending from the water's surface to the seabed floor.

(b) Effective date. This section is effective on August 23, 1996, twenty-four hours a day, seven days a week.

(c) Regulations. (1) The general regulations contained in 33 CFR 165.23 apply.

(2) All vessels and persons are prohibited from anchoring, diving, dredging, dumping, fishing, trawling, laying cable, or conducting salvage operations in this zone except as authorized by the Coast Guard Captain of the Port, Portland, Maine. Innocent transit through the area within the safety zone is not affected by this regulation and does not require the authorization of the Captain of the Port.

(3) All persons and vessels shall comply with the instructions of the COTP or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing

light, or other means, the operator of a vessel shall proceed as directed.

[CGD 01-95-141, 61 FR 60032, Nov. 26, 1996]

**§ 165.150 New Haven Harbor, Quinnipiac River, Mill River.**

(a) *The following is a regulated navigation area:* The waters surrounding the Tomlinson Bridge located within a line extending from a point A at the southeast corner of the Wyatt terminal dock at 41°17'50"N, 72°54'36"W thence along a line 126°T to point B at the southwest corner of the Gulf facility at 41°17'42"N, 72°54'21"W thence north along the shoreline to point C at the northwest corner of the Texaco terminal dock 41°17'57"N, 72°54'06"W thence along a line 303°T to point D at the west bank of the mouth of the Mill River 41°18'05"N, 72°54'23"W thence south along the shoreline to point A.

(b) *Regulations.* (1) No person may operate a vessel or tow a barge in this Regulated Navigation Area in violation of these regulations.

(2) *Applicability.* The regulations apply to barges with a freeboard greater than ten feet and to any vessel towing or pushing these barges on outbound transits of the Tomlinson Bridge.

(3) *Regulated barges may not transit the bridge—*

(i) During the period from one hour to five hours after high water slack,

(ii) When the wind speed at the bridge is greater than twenty knots, and

(iii) With the barge being towed on a hawser, stern first.

(4) *Regulated barges with a beam greater than fifty feet must be pushed ahead through the bridge.*

(5) *If the tug operator does not have a clear view over the barge when pushing ahead, the operator shall post a lookout on the barge with a means of communication with the operator.*

(6) *Regulated barges departing the Mill River may transit the bridge only between sunrise and sunset. Barges must be pushed ahead of the tug, bow first, with a second tug standing by to assist at the bow.*

(7) *Nothing in this section is intended to relieve any person from complying with:*

(i) *Applicable Navigation and Pilot Rules for Inland Waters;*

(ii) *Any other laws or regulations;*

(iii) *Any order or direction of the Captain of the Port.*

(8) *The Captain of the Port, New Haven, may issue an authorization to deviate from any rule in this section if the COTP finds that an alternate operation can be done safely.*

[CGD 79-034, 47 FR 29660, July 8, 1982, as amended by CGD 80-069, 47 FR 53368, Nov. 26, 1982. Redesignated by CGD 87-008b, 52 FR 25218, July 6, 1987]

**§ 165.151 Safety Zones; Long Island Sound annual fireworks displays.**

(a) *Safety Zones.* The following areas are designated safety zones. All coordinates references 1983 North American Datum (NAD83).

(1) *Indian Harbor Yacht Club Fireworks Safety Zone.* All waters of Long Island Sound off Greenwich CT, within a 800-foot radius of the fireworks barge located in approximate position 41°00'35" N, 073°37'05" W.

(2) *City of Rowayton Fireworks Safety Zone.* All waters of Long Island Sound in Sheffield Channel off of Ballast Reef within a 1000-foot radius of the fireworks barge located in approximate position 41°03'11" N, 073°26'41" W.

(3) *The Yampol Family Fireworks Safety Zone.* All waters of Long Island Sound off Cold Springs Harbor, Cove Neck New York within a 1200-foot radius of the fireworks barge located in approximate position 40°53'00" N, 073°29'13" W.

(4) *Groton Long Point Yacht Club Fireworks Safety Zone.* All waters of Long Island Sound off of Groton Long Point, Groton, CT, within a 600-foot radius of the fireworks barge in approximate position 41°18'05" N, 072°02'08" W.

(5) *City of West Haven Fireworks Safety Zone.* All waters of New Haven Harbor on Long Island Sound off Bradley Point within a 1200-foot radius of the fireworks barge in approximate position 41°15'07" N, 072°57'26" W.

(6) *New Haven Festival Fireworks Safety Zone.* All waters of New Haven Harbor on Long Island Sound within a 1200-foot radius of the fireworks barge in approximate position 40°17'31" N, 072°54'48" W.

(7) *Madison Cultural Arts Fireworks Safety Zone*. All the waters of Long Island Sound located off the City of Madison within an 800-foot radius of the fireworks barge in approximate position 41°16'10" N, 072°36'30" W.

(8) *Arnold L. Chase Fireworks Safety Zone*. All waters of Connecticut River within a 600 foot radius of the fireworks barge located in approximate position 41°15'56" N, 072°21'49" W, about 100-yards off Fenwick Pier.

(9) *Saybrook Summer Pops Fireworks Safety Zone*. All waters of Connecticut River within a 600-foot radius of the fireworks barge located in approximate position 41°17'35" N, 072°21'20" W.

(10) *Mashantucket Pequot Fireworks Safety Zone*. All waters of Thames River within a 1200-foot radius of the fireworks barges located in approximate positions: barge one, 41°21'01" N, 072°05'25" W, barge two, 41°20'58" N, 072°05'23" W, barge three, 41°20'53" N, 072°05'21" W, located off New London, CT.

(11) *Harbor Day Fireworks Safety Zone*. All waters of Thames River within a 600-foot radius of the fireworks barge located in approximate position 41°31'14" N 072°04'44" W, located off American Warf Marina, Norwich, CT.

(12) *Riverfest Fireworks Safety Zone*. All the waters of the Connecticut River within a 600-foot radius of the fireworks barge located in approximate position 41°45'34" N, 072°39'37" W.

(13) *Southampton Fresh Air Home Fireworks Safety Zone*. All the waters of Shinnecock Bay within a 600-foot radius of the fireworks barge located in approximate position 40°51'48" N, 072°28'30" W, off of Southampton, NY.

(14) *T.E.L. Enterprises Fireworks Safety Zone*. All the waters of Great South Bay within a 600-foot radius of the fireworks barge located in approximate position 40°41'17" N, 073°00'20" W, off of Davis Park, NY.

(15) *Patchogue Chamber of Commerce Fireworks Safety Zone*. All the waters of Great South Bay within an 800-foot radius of the fireworks barge located in approximate position 40°44'38" N, 073°00'33" W, off of Patchogue, NY.

(16) *Fire Island Tourist Bureau Fireworks Safety Zone*. All the waters of Great South Bay within a 600-foot radius of the fireworks barge located in

approximate position 40°35'45" N, 073°05'23" W, off of Cherry Cove, NY.

(17) *Treibeck's Party Fireworks Safety Zone*. All the waters of the Atlantic Ocean within a 1200-foot radius of the fireworks barge located in approximate position 40°54'04" N, 072°16'50" W, off of Sagaponack, NY.

(b) *Notification*. Coast Guard Group/Marine Safety Office Long Island Sound and Coast Guard Group Moriches will cause notice of the activation of these safety zones to be made by all appropriate means to effect the widest publicity among the affected segments of the public, including publication in the local notice to mariners, marine information broadcasts, and facsimile. Fireworks barges used in these locations will also have a sign on their port and starboard side labeled "FIREWORKS—STAY AWAY" with the same dimensions listed previously.

(c) *Enforcement period*. Specific zones in this section will be enforced from 8 p.m. to 11 p.m. (e.s.t.) each day a barge with a "FIREWORKS—STAY AWAY" sign is posted in that zone.

(d) *Regulations*. Vessels may not enter, remain in, or transit through the safety zones in this section during the enforcement period unless authorized by the Captain of the Port Long Island Sound or designated Coast Guard patrol personnel on scene.

[CGD01-01-077, 67 FR 22352, May 3, 2002]

**§ 165.T01-153 Regulated Navigation Area: Long Island Sound Marine Inspection and Captain of the Port Zone.**

(a) *Regulated navigation area location*. All waters of the Long Island Sound Marine Inspection and Captain of the Port Zone, as delineated in 33 CFR 3.05-35, extending seaward to a line 12 nautical miles from the territorial sea baseline, are established as a regulated navigation area (RNA).

(b) *Applicability*. This section applies to all vessels operating within the RNA, except the following:

- (1) Recreational vessels;
- (2) Vessels operating exclusively within the Marine Inspection and Captain of the Port Zone;
- (3) Vessels on a single voyage which depart from and return to the same port or place within the RNA;

(4) U.S. flagged public vessels; and  
 (5) Primary towing vessels engaged in towing tank barges carrying petroleum oil in bulk as cargo and issuing the security calls required under 33 CFR 165.100(d)(2).

(c) *Effective dates.* This section is effective from June 15, 2002 through November 15, 2002.

(d) *Regulations.* (1) Speed restrictions in vicinity of Naval Submarine Base New London and Lower Thames River. Vessels of 300 gross tons or more may not proceed at a speed over eight knots in the Thames River from New London Harbor channel buoys 7 and 8 (Light List numbers 21875 and 21880 respectively) north through the upper limit of the Naval Submarine Base New London Restricted Area, as specified in 33 CFR 334.75(a). All vessels less than 300 gross tons are exempt from this rule. This speed restriction does not apply to public vessels as defined in 33 U.S.C. 1321(a)(4). The U.S. Navy and other Federal, State and municipal agencies may assist the U.S. Coast Guard in the enforcement of this rule.

(2) All inbound vessels operating within the RNA must be inspected to the satisfaction of the United States Coast Guard and must obtain authorization from the Captain of the Port before crossing the line three nautical miles from the territorial sea baseline.

(3) Vessels awaiting inspection or Captain of the Port authorization to enter within the three nautical mile line will be directed to anchor in a specific location within the Regulated Navigation Area.

(4) Vessels over 1,600 gross tons operating in the RNA within the line extending seaward three nautical miles from the territorial sea baseline must receive authorization from the Captain of the Port prior to any vessel movements.

[CDG09-01-187, 67 FR 519, Jan. 4, 2002, as amended at 67 FR 40861, June 14, 2002]

EFFECTIVE DATE NOTE: By CDG09-01-187, 67 FR 519, Jan. 4, 2002, §165.T01-153 was added, effective from Dec. 10, 2001, until June 15, 2002. At 67 FR 40861, June 14, 2002, paragraph (c) was revised and the effective date was extended to Nov. 15, 2002.

**§ 165.T01-154 Safety and Security Zones: Long Island Sound Marine Inspection Zone and Captain of the Port Zone.**

(a) *Safety and security zones.* The following are established as safety and security zones:

(1) *Safety and Security Zone A:* The waters of Long Island Sound south, east and west of the Millstone Power Plant within a seven hundred (700) yard radius of the stack at Millstone, Lat. 41°18'34" North, Long. 72°9'57" West (NAD 83).

(2) *Safety and Security Zone B.* U. S. Coast Guard vessels: All waters within a 100-yard radius of any anchored U. S. Coast Guard vessel.

(b) *Effective dates.* This section is effective from June 15, 2002 through November 15, 2002.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 and 165.33 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U. S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

[CDG09-01-187, 67 FR 520, Jan. 4, 2002, as amended at 67 FR 40861, June 14, 2002]

EFFECTIVE DATE NOTE: By CDG09-01-187, 67 FR 520, Jan. 4, 2002, §165.T01-154 was added, effective from Dec. 10, 2001, until June 15, 2002. At 67 FR 40861, June 14, 2002, paragraph (b) was revised and the effective date was extended to Nov. 15, 2002.

**§ 165.155 Northville Industries Offshore Platform, Riverhead, Long Island, New York— safety zone.**

(a) The following area is established as a safety zone during the specified condition:

(1) The waters within a 500 yard radius of the Northville Industries Offshore Platform, Long Island, New York, 1 mile North of the Riverhead shoreline at 41°00" N, 072°38" W, while a Liquefied Petroleum Gas (LPG) vessel is moored at the Offshore Platform. The safety zone remains in effect until

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the LPG vessel departs the Offshore Platform.

(b) The general regulations governing safety zone contained in 33 CFR 165.23 apply.

(c) The Captain of the Port will notify the maritime community of periods during which this safety zone will be in effect by providing notice of scheduled moorings at the Northville Industries Offshore Platform of LPG vessels via Marine Safety Information Radio Broadcast.

[CGD3 85-86, 51 FR 37181, Oct. 20, 1986. Redesignated by CGD 87-008b, 52 FR 25218, July 6, 1987]

## § 165.160 New York, New Jersey, Sandy Hook Channel, Raritan Bay, Arthur Kill—safety zone.

(a) The following areas are established as safety zones during the specified conditions:

(1) For incoming tank vessels loaded with Liquefied Petroleum Gas, the waters within a 100 yard radius of the LPG carrier while the vessel transits the Sandy Hook Channel, Raritan Bay East and West Reach, Ward Point Bend East and West Reach, and the Arthur Kill to the LPG receiving facility. The Safety Zone remains in effect until the LPG vessel is moored at the LPG receiving facility in the Arthur Kill.

(2) For outgoing tank vessels loaded with LPG, the waters within a 100 yard radius of the LPG carrier while the vessel departs the LPG facility and transits the Arthur Kill, Ward Point Bend West and East Reach, Raritan Bay West and East Reach, and Sandy Hook Channel. The safety zone remains in effect until the LPG vessel passes the Scotland Lighted Horn Buoy "S" (LLNR 1619) at the entrance to the Sandy Hook Channel.

(b) The general regulations governing safety zones contained in 33 CFR 165.23 apply.

(c) The Captain of the Port will notify the maritime community of periods during which this safety zone will be in effect by providing advance notice of scheduled arrivals and departures of loaded LPG vessels via a Ma-

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rine Safety Information Radio Broadcast.

[CGD3 84-08, 49 FR 25447, June 21, 1984. Redesignated by CGD 87-008b, 52 FR 25218, July 6, 1987]

## § 165.161 Safety zones: Coast Guard activities New York annual fireworks displays.

(a) *Safety zones.* The following areas are designated safety zones:

(1) *North Hempstead, NY, fireworks, Hempstead Harbor:*

(i) *Location.* All waters of Hempstead Harbor within a 300-yard radius of the fireworks barge in approximate position 40°49'54" N 073°39'14" W (NAD 1983), about 360 yards north of Bar Beach, Hempstead Harbor.

(ii) *Effective period.* Paragraph (a)(1)(i) of this section is in effect annually from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on the Friday before Memorial Day, and the Saturday after Labor Day. If the event is cancelled due to inclement weather, then paragraph (a)(1)(i) of this section is effective from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on the Saturday before Memorial Day and the Sunday after Labor Day.

(2) *Seaport Memorial Day fireworks, East River, NY:*

(i) *Location.* All waters of the East River south of the Brooklyn Bridge and north of a line drawn from the southwest corner of Pier 3, Brooklyn, to the northeast corner of Pier 6, Manhattan.

(ii) *Effective period.* Paragraph (a)(2)(i) of this section is in effect annually from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on Memorial Day. If the event is cancelled due to inclement weather, then paragraph (a)(2)(i) of this section is effective from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on the day following Memorial Day.

(3) *Highlands, NJ, fireworks, Sandy Hook Bay:*

(i) *Location.* All waters of Sandy Hook Bay within a 150-yard radius of the fireworks barge in approximate position 40°24'33.8" N 073°59'46.2" W (NAD 1983), about 1,200 yards west of Plum Island.

(ii) *Effective period.* Paragraph (a)(3)(i) of this section is in effect annually from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on the Saturday before Father's

Day. If the event is cancelled due to inclement weather, then paragraph (a)(3)(i) of this section is effective from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on Father's Day.

(4) *Kingston, NY, fireworks, Rondout Creek:*

(i) *Location.* All waters of Rondout Creek between the Kingston-Port Ewen Bridge (mile 1.1) and the Kingston-US 9 Bridge (mile 1.3).

(ii) *Effective period.* Paragraph (a)(4)(i) of this section is in effect annually from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on the Saturday and Sunday before July 4th.

(5) *Staten Island July 3rd fireworks, Arthur Kill:*

(i) *Location.* All waters of the Arthur Kill, Ward Point Bend (West), and the Raritan River Cutoff, within a 300-yard radius of the fireworks barge in approximate position 40°30'18" N 074°15'30" W (NAD 1983), about 300 yards west of Conference House Park, Staten Island.

(ii) *Effective period.* Paragraph (a)(5)(i) of this section is in effect annually from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on July 3rd. If the event is cancelled due to inclement weather, then paragraph (a)(5)(i) of this section is effective from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on July 4th and July 5th.

(6) *Red Bank, NJ, July 3rd fireworks, Navesink River:*

(i) *Location.* All waters of the Navesink River within a 360-yard radius of the fireworks barge in approximate position 40°21'20" N 074°04'10" W (NAD 1983), about 360 yards northwest of Red Bank, NJ.

(ii) *Effective period.* Paragraph (a)(6)(i) of this section is in effect annually from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on July 3rd. If the event is cancelled due to inclement weather, then paragraph (a)(6)(i) of this section is effective from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on July 4th.

(7) *Burlington, VT, July 3rd fireworks, Burlington Bay:*

(i) *Location.* All waters of Burlington Bay within a 300-yard radius of the fireworks barge in approximate position 44°28'30.6"N 073°13'31.3"W (NAD 1983), beside the Burlington Bay Breakwater.

(ii) *Effective period.* Paragraph (a)(7)(i) of this section is in effect an-

nually from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on July 3rd. If the event is cancelled due to inclement weather, then paragraph (a)(7)(i) of this section is effective from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on the following two Fridays and Saturdays.

(8) *Rensselaer, NY, fireworks, Hudson River:*

(i) *Location.* All waters of the Hudson River within a 180-yard radius of the fireworks barge in approximate position 42°38'23" N 073°44'59.1" W (NAD 1983), about 480 yards south of the Dunn Memorial Bridge (mile 145.4).

(ii) *Effective period.* Paragraph (a)(8)(i) of this section is in effect annually from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on the first and second Saturday in August. If the event is cancelled due to inclement weather, then paragraph (a)(8)(i) of this section is effective from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on the first and second Sunday in August.

(9) *Staten Island Labor Day fireworks, Arthur Kill:*

(i) *Location.* All waters of the Arthur Kill, Ward Point Bend (West), and the Raritan River Cutoff, within a 300-yard radius of the fireworks barge in approximate position 40°30'18" N 074°15'30" W (NAD 1983), about 300 yards west of Conference House Park, Staten Island.

(ii) *Effective period.* Paragraph (a)(9)(i) of this section is in effect annually from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on the Saturday before Labor Day. If the event is cancelled due to inclement weather, then paragraph (a)(9)(i) of this section is effective from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on the Sunday and Monday of Labor Day Weekend.

(10) *Seaport Labor Day fireworks, East River, NY:*

(i) *Location.* All waters of the East River south of the Brooklyn Bridge and north of a line drawn from the southwest corner of Pier 3, Brooklyn, to the northeast corner of Pier 6, Manhattan.

(ii) *Effective period.* Paragraph (a)(10)(i) of this section is in effect annually from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on Labor Day. If the event is cancelled due to inclement weather, then paragraph (a)(10)(i) of this section is effective from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on the day following Labor Day.

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(11) *Deepavali Festival fireworks, East River, NY:*

(i) *Location.* All waters of the East River south of the Brooklyn Bridge and north of a line drawn from the southwest corner of Pier 3, Brooklyn, to the northeast corner of Pier 6, Manhattan.

(ii) *Effective period.* Paragraph (a)(11)(i) of this section is in effect annually from 6 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on the first Sunday in October. If the event is cancelled due to inclement weather, then paragraph (a)(11)(i) of this section is effective from 6 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on the first Monday in October.

(12) *Seaport New Year's Eve fireworks, East River, NY:*

(i) *Location.* All waters of the East River south of the Brooklyn Bridge and north of a line drawn from the southwest corner of Pier 3, Brooklyn, to the northeast corner of Pier 6, Manhattan.

(ii) *Effective period.* Paragraph (a)(12)(i) of this section is in effect annually from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on New Year's Eve. If the event is cancelled due to inclement weather, then paragraph (a)(12)(i) of this section is effective from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on the day following New Year's Eve.

(b) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene-patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

[CGD 01-00-227, 66 FR 6479, Jan. 22, 2001]

**§ 165.162 Safety Zone: New York Super Boat Race, Hudson River, New York.**

(a) *Regulated area.* The following area is a safety zone: All waters of the Lower Hudson River south of a line drawn from the northwest corner of Pier 76 in Manhattan to a point on the New Jersey shore in Weehawken, New Jersey at approximate position 40°45'52"N 074°01'01"W (NAD 1983) and

north of a line connecting the following points (all coordinates are NAD 1983):

Latitude	Longitude
40°42'16.0"N .....	074°01'09.0"W, then south to
40°41'55.0"N .....	074°01'16.0"W, then west to
40°41'47.0"N .....	074°01'36.0"W, then northwest to
40°41'55.0"N .....	074°01'59.0"W, then to shore at
40°42'20.5"N .....	074°02'06.0"W.

(b) *Regulations.* (1) Vessels not participating in this event, swimmers, and personal watercraft of any nature are prohibited from entering or moving within the regulated area unless authorized by the Patrol Commander.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene-patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(c) *Effective period.* This section is in effect annually from 10 a.m. until 4 p.m. on the Sunday following Labor Day.

[CGD01-98-175, 64 FR 31984, June 15, 1999]

**§ 165.163 Safety Zones; Port of New York/New Jersey Fleet Week.**

(a) The following areas are established as safety zones:

(1) Safety Zone A—(i) *Location.* A moving safety zone for the Parade of Ships including all waters 500 yards ahead and astern, and 200 yards of each side of the designated column of parade vessels as it transits the Port of New York and New Jersey from the Verrazano Narrows Bridge to Riverside State Park on the Hudson River between West 137th and West 144th Streets, Manhattan.

(ii) *Enforcement period.* Paragraph (a)(1)(i) of this section is enforced annually from 8 a.m. until 5 p.m. on the Wednesday before Memorial Day.

(2) Safety Zone B—(i) *Location.* A safety zone including all waters of the Hudson River between Piers 83 and 90, Manhattan, from the parade column east to the Manhattan shoreline.

(ii) *Enforcement period.* Paragraph (a)(2)(i) of this section is enforced annually from 8 a.m. until 5 p.m. on the Wednesday before Memorial Day.

(3) Safety Zone C—

(i) *Location.* A moving safety zone including all waters of the Hudson River within a 200-yard radius of each parade vessel upon its leaving the parade of ships until it is safely berthed.

(ii) *Enforcement period.* Paragraph (a)(3)(i) of this section is enforced annually from 8 a.m. until 5 p.m. on the Wednesday before Memorial Day.

(4) Safety Zone D—

(i) *Location.* A safety zone including all waters of the Hudson River bound by the following points: from the southeast corner of Pier 90, Manhattan, where it intersects the seawall, west to approximate position 40°46'10"N 074°00'13"W (NAD 1983), south to approximate position 40°45'54"N 074°00'25"W (NAD 1983), then east to the northeast corner of Pier 83 where it intersects the seawall.

(ii) *Enforcement period.* Paragraph (a)(4)(i) of this section is enforced annually from 10 a.m. until 5 p.m., from Friday through Monday, Memorial Day weekend.

(5) Safety Zone E—

(i) *Location.* A moving safety zone including all waters 500 yards ahead and astern, and 200 yards on each side of the departing U.S. Navy Aircraft or Helicopter Carrier as it transits the Port of New York and New Jersey from its mooring at the Intrepid Sea, Air and Space Museum, Manhattan, to the COLREGS Demarcation line at Ambrose Channel Entrance Lighted Bell Buoy 2 (LLNR 34805).

(ii) *Enforcement period.* Paragraph (a)(5)(i) of this section is enforced annually on the Wednesday following Memorial Day. Departure time is dependent on tide, weather, and granting of authority for departure by the Captain of the Port, New York.

(b) *Effective period.* This section is effective annually from 8 a.m. on the Wednesday before Memorial Day until 4 p.m. on the Wednesday following Memorial Day.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene-patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U. S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

[CGD1-98-170, 64 FR 24946, May 10, 1999]

**§ 165.164 Security Zones: Dignitary Arrival/Departure and United Nations Meetings, New York, NY.**

(a) The following areas are established as security zones:

(1) *Location.* Wall Street heliport: All waters of the East River within the following boundaries: East of a line drawn between approximate position 40°42'01"N 074°00'39"W (east of The Battery) to 40°41'36"N 074°00'52"W (NAD 1983) (point north of Governors Island) and north of a line drawn from the point north of Governors Island to the southwest corner of Pier 7 North, Brooklyn; and south of a line drawn between the northeast corner of Pier 13, Manhattan, and the northwest corner of Pier 2 North, Brooklyn.

(2) [*Reserved*]

(3) *Location.* Marine Air Terminal, La Guardia Airport: All waters of Bowery Bay, Queens, New York, south of a line drawn from the western end of La Guardia Airport at approximate position 40°46'47"N 073°53'05"W (NAD 1983) to the Rikers Island Bridge at approximate position 40°46'51"N 073°53'21"W (NAD 1983) and east of a line drawn between the point at the Rikers Island Bridge to a point on the shore in Queens, New York, at approximate position 40°46'36"N 073°53'31"W (NAD 1983).

(4) *Location.* All waters of the East River bound by the following points: 40°44'37" N, 073°58'16.5"W (the base of East 35th Street, Manhattan), then east to 40°44'34.5"N, 073°58'10.5"W (about 175 yards offshore of Manhattan), then northeasterly to 40°45'29" N, 073°57'26.5"W (about 125 yards offshore of Manhattan at the Queensboro Bridge), then northwesterly to 40°45'31" N, 073°57'30.5"W (Manhattan shoreline at the Queensboro Bridge), then southerly to the starting point at 40°44'37" N,

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073°58'16.5"W. All nautical positions are based on North American Datum of 1983.

(5) *Location.* All waters of the East River north of a line drawn from approximate position 40°44'37" N, 073°58'16.5"W (the base of East 35th Street, Manhattan), to approximate position 40°44'23" N, 073°57'44.5"W (Hunters Point, Long Island City), and south of the Queensboro Bridge. All nautical positions are based on North American Datum of 1983.

(6) The security zone will be activated 30 minutes before the dignitaries' arrival into the zone and remain in effect until 15 minutes after the dignitaries' departure from the zone.

(7) The activation of a particular zone will be announced by facsimile and marine information broadcasts.

(b) *Regulations.* (1) The general regulations contained in 33 CFR 165.33 apply .

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene-patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel using siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

[CGD01-98-006, 64 FR 24948, May 10, 1999, as amended by CGD01-00-146, 65 FR 47320, Aug. 2, 2000]

**§ 165.165 Regulated Navigation Area; Kill Van Kull Channel, Newark Bay Channel, South Elizabeth Channel, Elizabeth Channel, Port Newark Channel and New Jersey Pierhead Channel, New York and New Jersey.**

(a) *Regulated Navigation Area (RNA).* All waters of the Kill Van Kull (KVK) Channel east of KVK Light 16A (LLNR 37340) in North of Shooters Island Reach, east of Shooters Island Light 2 (LLNR 37375) in South of Shooters Island Reach, and west of KVK Channel Junction Lighted Bell Buoy 'KV' (LLNR 37265) in Constable Hook Reach; all waters of Newark Bay Channel south of Newark Bay Light 19 (LLNR 37505); all waters of South Elizabeth Channel, Elizabeth Channel, Port Newark Channel, and New Jersey Pierhead

Channel south of New Jersey Pierhead South Channel Lighted Buoy 5 (LLNR 37020).

(b) *Description of Work Areas in the RNA.*

(1) Work Area (1): The waters bounded by a line connecting the following points:

Latitude	Longitude
40°38'40.0"N	074°03'45.0"W
40°38'50.4"N	074°04'16.0"W
40°38'57.9"N	074°04'11.8"W
40°39'03.8"N	074°04'43.8"W
40°39'04.5"N	074°05'07.6"W
40°39'01.8"N	074°05'14.8"W
40°39'05.0"N	074°05'17.1"W
40°39'10.3"N	074°05'05.0"W
40°39'09.3"N	074°04'27.8"W
40°39'00.2"N	074°03'45.1"W
40°38'58.0"N	074°03'34.9"W
40°38'40.0"N	074°03'45.0"W

(2) Work Area (2): The waters bounded by a line connecting the following points:

Latitude	Longitude
40°38'50.4"N	074°04'16.0"W
40°38'57.5"N	074°04'37.8"W
40°38'59.2"N	074°04'55.4"W
40°38'57.4"N	074°05'12.9"W
40°38'47.5"N	074°05'33.8"W
40°38'45.8"N	074°05'43.6"W
40°38'49.4"N	074°05'44.7"W
40°38'51.0"N	074°05'35.7"W
40°39'04.7"N	074°05'06.6"W
40°39'03.7"N	074°04'29.5"W
40°38'57.9"N	074°04'11.8"W
40°38'50.4"N	074°04'16.0"W

(3) Work Area (3): The waters bounded by a line connecting the following points:

Latitude	Longitude
40°38'45.8" N	074°05'43.6" W
40°38'49.4" N	074°05'44.7" W
40°38'51.2" N	074°05'35" W
40°39'01.8" N	074°05'14.8" W
40°39'05.0" N	074°05'17.1" W
40°38'57.5" N	074°05'32.3" W
40°38'53.8" N	074°05'44.1" W
40°38'53.1" N	074°05'56.8" W
40°38'55.3" N	074°06'38.1" W
40°38'41.5" N	074°07'18.3" W
40°38'38.2" N	074°07'41.4" W
40°38'38.5" N	074°07'46.0" W
40°38'35.2" N	074°07'49.0" W
40°38'31.2" N	074°07'50.0" W
40°38'30.1" N	074°07'41.3" W
40°38'33.9" N	074°07'15.1" W
40°38'44.0" N	074°06'45.7" W
40°38'46.7" N	074°06'25.9" W
40°38'44.8" N	074°05'49.6" W
40°38'45.8" N	074°05'43.6" W

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(4) Work Area (4): The waters bound- ed by a line connecting the following points:

Latitude	Longitude
40°38'31.2" N	074°07'50.0" W
40°38'35.2" N	074°07'49.0" W
40°38'36.6" N	074°08'01.2" W
40°38'28.2" N	074°08'51.0" W
40°38'35.2" N	074°09'06.2" W
40°38'30.0" N	074°09'12.0" W
40°38'24.8" N	074°09'02.6" W
40°38'24.0" N	074°08'52.0" W
40°38'31.5" N	074°08'07.4" W
40°38'31.8" N	074°07'54.6" W
40°38'31.2" N	074°07'50.0" W

(5) Work Area (5): The waters bound- ed by a line connecting the following points:

Latitude	Longitude
40°38'35.2" N	074°07'49.0" W
40°38'38.5" N	074°07'46.0" W
40°38'40.7" N	074°08'01.3" W
40°38'34.0" N	074°08'41.0" W
40°38'40.0" N	074°08'52.0" W
40°38'50.0" N	074°08'55.0" W
40°38'35.2" N	074°09'06.2" W
40°38'28.2" N	074°08'51.0" W
40°38'36.6" N	074°08'01.2" W
40°38'35.2" N	074°07'49.0" W

(6) Work Area (6): The waters bound- ed by a line connecting the following points:

Latitude	Longitude
40°39'17.0" N	074°08'38.0" W
40°40'21.0" N	074°08'00.0" W
40°40'34.3" N	074°07'54.0" W
40°40'35.9" N	074°08'03.9" W
40°40'33.2" N	074°08'12.0" W
40°40'26.6" N	074°08'17.9" W
40°39'34.3" N	074°08'55.8" W
40°39'30.8" N	074°08'58.2" W
40°39'21.6" N	074°08'50.2" W
40°39'17.0" N	074°08'38.0" W

(7) Work Area (7): The waters bound- ed by a line connecting the following points:

Latitude	Longitude
40°40'26.7" N	074°08'17.9" W
40°41'14.4" N	074°09'35.0" W
40°41'18.9" N	074°09'31.9" W
40°40'46.1" N	074°08'38.9" W
40°40'44.5" N	074°08'30.2" W
40°40'33.2" N	074°08'12.0" W
40°40'26.7" N	074°08'17.9" W

(8) Work Area (8): The waters bound- ed by a line connecting the following points:

Latitude	Longitude
40°39'30.8" N	074°08'58.2" W
40°39'40.6" N	074°09'22.5" W
40°39'43.5" N	074°09'25.8" W
40°39'44.8" N	074°09'24.9" W
40°39'32.8" N	074°08'55.2" W
40°39'30.8" N	074°08'58.2" W
AND	
40°39'21.6" N	074°08'50.2" W
40°39'17.0" N	074°03'38.0" W
40°38'50.0" N	074°08'55.0" W
40°38'30.0" N	074°09'12.0" W
40°38'33.3" N	074°09'19.5" W
40°38'46.8" N	074°09'22.8" W
40°39'07.7" N	074°08'58.8" W
40°39'21.6" N	074°08'50.2" W

(9) Work Area (9): The waters bound- ed by a line connecting the following points:

Latitude	Longitude
40°40'34.3" N	074°07'54.0" W
40°41'08.5" N	074°07'38.5" W
40°41'11.6" N	074°07'50.8" W
40°41'17.6" N	074°07'56.4" W
40°41'20.0" N	074°08'00.3" W
40°41'42.3" N	074°08'21.2" W
40°41'59.4" N	074°09'11.0" W
40°41'55.8" N	074°09'13.1" W
40°41'39.1" N	074°08'24.6" W
40°41'21.0" N	074°08'07.6" W
40°40'46.1" N	074°08'38.9" W
40°40'44.5" N	074°08'30.2" W
40°40'50.4" N	074°08'30.3" W
40°41'13.4" N	074°08'09.7" W
40°41'13.7" N	074°08'05.6" W
40°41'03.2" N	074°07'55.7" W
40°40'54.4" N	074°07'55.7" W
40°40'35.9" N	074°08'03.9" W
40°40'34.3" N	074°07'54.0" W

(c) *Projected dates for each work area.* Dredging is scheduled to commence in Work Area (2) on April 19, 1999. As con- tracts are let for dredging of each of the remaining work areas, commence- ment dates will be made available via the Local Notice to Mariners, marine information broadcasts, facsimile, and at New York Harbor Operations Com- mittee meetings.

(d) *Regulations.* (1) No vessel shall enter or transit any work area where drill barges and/or dredges are located without permission of Vessel Traffic Service New York (VTSNY).

(2) Each vessel transiting in the vi- cinity of the work areas, where drill barges and/or dredges are located, is re- quired to do so at no wake speed.

(3) No vessel shall enter the RNA when they are advised by the drilling barge or VTSNY that a misfire or hangfire has occurred. Vessels already

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underway in the RNA shall proceed to clear the impacted area immediately.

(4) Vessels, 300 gross tons or greater, and tugs with tows are prohibited from meeting or overtaking other vessels when transiting alongside an active work area.

(5) Vessels, 300 gross tons or greater, and tugs with tows transiting with the prevailing current (as measured from the Battery tide station) are regarded as the stand-on vessel.

(6) Prior to entering the RNA, the master, pilot or operator of each vessel, 300 gross tons or greater and tugs with tows, shall ensure that they have sufficient propulsion and directional control to safely navigate the area under the prevailing conditions, and shall notify VTSNY as to their decision regarding the employment of assist tugs while transiting the RNA.

(7) Hawser or wire length must not exceed 100 feet, measured from the towing bit on the tug to the point where the hawser or wire connects with the towed vessel or barge, for any vessel with another vessel/barge in tow.

(8) Waiver. The Captain of the Port, New York may, upon request, authorize a deviation from any regulation in this section if it is found that the proposed operations can be done safely. An application for deviation must be received not less than 24 hours before the intended operation and must state the need and describe the proposal.

(9) Tugs with tows includes a tug with a vessel or barge in tow, alongside, or being pushed.

(10) *Bergen Point West Reach*. In addition to the requirements in paragraphs (d)(1) through (d)(9) of this section, the following provisions apply to vessels transiting in or through Work Areas (4) and (5):

(i) *Tug requirements*. All vessels 350 feet in length, or greater, excluding tugs with tows, require one assist tug. All vessels 700 feet in length, or greater, excluding tugs with tows, require two assist tugs. All vessels 900 feet in length, or greater, excluding tugs with tows, require three assist tugs.

(ii) *Tidal current restrictions*. Vessels 700 feet in length, or greater, are restricted to movements within one hour before or after slack water, as meas-

ured from the Bergen Point current station.

(iii) *Astern tows*. Hawser tows are not permitted unless an assist tug accompanies the tow.

(iv) *Sustained winds from 20 to 34 knots*. In sustained winds from 20 to 34 knots:

(A) cargo ships and tankers in ballast may not transit Work Areas (4) and (5);

(B) tugs pushing or towing alongside tank barges 350 feet in length, or greater, in light condition, require an assist tug in Work Areas (4) and (5).

(v) *Sustained winds greater than 34 knots*. In sustained winds greater than 34 knots, vessels 300 gross tons or greater and all tugs with tows are prohibited from transiting Work Areas (4) and (5).

[USCG-1998-4443, 64 FR 18579, Apr. 15, 1999; CGD01-98-165, 64 FR 34313, June 25, 1999; CGD01-02-069, 67 FR 42726, June 25, 2002]

EFFECTIVE DATE NOTE: By CGD01-02-069, 67 FR 42726, June 25, 2002, §165.165 was amended by adding paragraph (d)(10), effective from June 17, 2002, until March 30, 2003.

**§ 165.T01-165 Regulated Navigation Area: New York Marine Inspection Zone and Captain of the Port Zone.**

(a) *Regulated navigation area*. The following waters within the boundaries of the New York Marine Inspection Zone and Captain of the Port Zone are established as Regulated Navigation Areas:

(1) All waters of the Hudson River, New York Harbor Upper and Lower Bays, Sandy Hook Bay, Raritan Bay, Newark Bay, Arthur Kill and Kill Van Kull, within the following boundaries: south of the George Washington Bridge on the Hudson River; west of a line drawn from the Governor's Island ventilators to the western end of the Brooklyn Bridge; north of a line drawn between Rockaway Point, NY and the northern tip of Sandy Hook, NJ; south of Leigh-Valley Bridge; and east of the Raritan River Cut-off.

(2) Within the RNA is a smaller sector designated Area A—Lower Manhattan: All waters within the RNA consisting of the Hudson River south of the Holland Tunnel ventilators; all waters west of a line drawn from the Governor's Island ventilators to the western end of the Brooklyn Bridge, thence from the southwest corner of Pier

Lima on Governor's Island to Liberty Island Gong Buoy 29 (LLNR 34995) thence to the southeast corner of Pier 7 at Liberty State Park.

(b) *Applicability.* This section applies to all vessels operating within the Regulated Navigation Area, including naval and public vessels, except vessels that are engaged in the following operations:

- (1) Law enforcement;
- (2) Emergency response;
- (3) Servicing aids to navigation; or
- (4) Surveying, maintenance, or improvement of waters in the Regulated Navigation Area.

(c) *Effective dates.* This section is effective from September 28, 2001 through August 15, 2002.

(d) *Regulations.* (1) Only emergency response vessels directly assisting with the disaster in lower Manhattan may operate in the sector designated Area A. Commercial vessels assisting with the disaster recovery efforts in Area A must contact Vessel Traffic Services New York (VTSNY) prior to entering the area. Vessels transiting Area A must do so at no wake speed, or speeds not to exceed 10 knots, whichever is less.

(2) Passenger ferry services operating within the RNA are not authorized to use ferry slips south of 14th Street in Manhattan, without receiving express authorization from VTSNY.

(3) Any passenger ferry operating within the RNA is required to contact VTSNY before getting underway to ensure compliance with the foregoing requirements in this section and to inform VTSNY of the vessel's destination.

(4) No vessel whose Certificate of Inspection authorizes it to carry more than 49 passengers may enter, transit or operate within the RNA until Coast Guard Activities New York, Inspection Division, has reviewed and approved that vessel's Security Plan. An approved Vessel Security Plan submitted in accordance with 33 CFR 120 will satisfy the requirements of this section. A Vessel Security Plan shall, at a minimum:

- (i) Describe all measures taken to ensure the physical security of the vessel and the security, safety and identity of persons on board the vessel;

(ii) Identify those areas and spaces on the vessel that passengers are restricted or prohibited from entering or accessing; and

(iii) Establish a procedure to address and report terrorist or hijacking threats.

(5) Each passenger vessel whose Certificate of Inspection authorizes it to carry more than 49 passengers shall keep its pilot house door closed and locked while operating within the RNA to ensure maximum protection of the passengers and crew.

(6) All deep draft vessels operating within the RNA must enter the Port via Ambrose or Sandy Hook Channels. Before entering the RNA, the following conditions must be met:

(i) The vessel must undergo a port security inspection by the U. S. Coast Guard;

(ii) The vessel's agent must confirm that the vessel's berth is ready to receive the ship;

(iii) The vessel must embark a pilot; and

(iv) The vessel must be escorted by two tugs when transiting the harbor inside of one nautical mile (1 NM) south of the Verrazano Narrows Bridge or the Outerbridge Crossing.

(7) Recreational vessels are prohibited from operating within the RNA. If circumstances permit the resumption of some recreational vessel traffic during the effective period of this rule, the Captain of the Port will broadcast the terms and conditions under which recreational vessels may operate within the RNA.

[CGD01-01-181, 66 FR 51561, Oct. 10, 2001, as amended at 67 FR 16018, Apr. 4, 2002]

EFFECTIVE DATE NOTE: By CGD01-01-181, 66 FR 51561, Oct. 10, 2001, §165.T01-165 was added, effective Sept. 28, 2001, through Apr. 8, 2002. At 67 FR 16017, Apr. 4, 2002, paragraph (c) was revised and the effective date was extended through Aug. 15, 2002.

**§ 165.166 Safety Zone: Macy's July 4th Fireworks, East River, NY.**

(a) *Regulated Area.* The following area is a safety zone: All waters of the East River east of a line drawn from the Fireboat Station Pier, Battery Park City, in approximate position 40°42'15.4" N 074°01'06.8" W (NAD 1983) to Governors Island Light (2) (LLNR 35010), in

approximate position 40°41'34.4" N 074°01'10.9" W (NAD 1983); north of a line drawn from Governors Island, in approximate position 40°41'25.3" N 074°00'42.5" W (NAD 1983) to the southwest corner of Pier 9A, Brooklyn; south of a line drawn from East 47th Street, Manhattan through the southern point of Roosevelt Island to 46 Road, Brooklyn, and all waters of Newtown Creek west of the Pulaski Bascule Bridge.

(b) *Activation period.* This section is activated annually from 6:30 p.m. until 11:30 p.m. on July 4th. If the event is cancelled due to inclement weather then this section is in effect from 6:30 p.m. until 11:30 p.m. on July 5th.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) No vessels, except the Staten Island Ferries, will be allowed to transit the safety zone without the permission of the Captain of the Port, New York.

(3) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(4) Vessels equal to or greater than 20 meters (65.6 feet) in length, carrying persons for the purpose of viewing the fireworks, may take position in an area inside the safety zone, at least 200 yards off the bulkhead on the west bank and just off the pierhead faces on the east bank of the East River between the Williamsburg Bridge and North 9th Street, Brooklyn. This area is bound by the following points: 40°42'45.5" N 073°58'07.4" W; thence to 40°42'50.4" N 073°58'23.2" W; thence to 40°43'23.1" N 073°58'12.7" W; thence to 40°43'21.5" N 073°57'45.7" W; (NAD 1983) thence back to the point of beginning. All vessels must be in this location by 6:30 p.m. (e.s.t.) the day of the event.

[CGD01-00-242, 66 FR 20405, Apr. 23, 2001]

**§ 165.T01-166 Safety and Security Zones: New York Marine Inspection Zone and Captain of the Port Zone.**

(a) *Safety and security zones.* The following are established as safety and security zones:

(1) *Safety and Security Zone A.* Indian Point Nuclear Power Plant: All waters of the Hudson River within 1000 yards of the Indian Point Nuclear Power Station, located south of Peekskill Bay, from Charles Point on the north to the overhead power cables to the south.

(2) *Safety and Security Zone B.* OEM Emergency Command Post: All waters of the Hudson River bound by the following points: from the northeast corner of Pier 96, Manhattan, where it intersects the seawall; thence to approximate position 40°46'23" N, 073°59'59" W; thence to 40°45'56.4" N, 074°00'19.1" W; thence to the southeast corner of Pier 84, Manhattan, where it intersects the seawall; thence along the shoreline to the point of origin (NAD 83).

(3) *Safety and Security Zone C.* Liberty Island. All waters of Upper New York Bay bound by the following points: the northeast corner of Liberty State Park in approximate position 40°42'20.4" N, 074°02'06.2" W; thence to Ellis Island Lighted Gong Buoy 31 (LLNR 35005); thence to Liberty Island Lighted Gong Buoy 29 (LLNR 34995); thence to the southeast corner of Pier 7, Liberty State Park, in approximate position 40°41'26.2" N, 074°03'17.9" W.

(4) *Safety and Security Zone D.* USNS COMFORT: A moving security zone including all waters within a 200-yard radius of the USNS COMFORT while it is transiting, moored or berthed in any portion of the Port of New York/New Jersey.

(5) *Safety and Security Zone E.* U.S. Coast Guard vessels: All waters within a 100-yard radius of any anchored U.S. Coast Guard vessel.

(6) *Safety and Security Zone F.* Bridge stanchions: All waters within 25 yards of any bridge stanchion in the Port of New York/New Jersey including, but not limited to, the following bridges at the specified mile markers:

(i) In the East River: Brooklyn Bridge (Mile 0.8), Manhattan Bridge (Mile 1.1), Williamsburg Bridge (Mile

2.3), Queensboro Bridge (Mile 5.5), Triboro Bridge (Mile 7.8), Whitestone Bridge (Mile 13.8) and Throgs Neck Bridge (Mile 15.8);

(ii) In the Hudson River: George Washington Bridge (Mile 11.8)

(iii) In the Kill Van Kull: Bayonne Bridge (Mile 1.5);

(iv) In the Arthur Kill: Outerbridge Crossing (Mile 2.0), Goethals Bridge (Mile 11.5) and AK Lift Bridge (Mile 11.6); and

(v) In New York Harbor: Verrazano Narrows Bridge.

(b) *Effective dates.* This section is effective from September 28, 2001 through August 15, 2002.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 and 165.33 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene-patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

[CGD01-01-181, 66 FR 51561, Oct. 10, 2001, as amended at 67 FR 16018, Apr. 4, 2002]

EFFECTIVE DATE NOTE: By CGD01-01-181, 66 FR 51561, Oct. 10, 2001, §165.T01-166 was added, effective Sept. 28, 2001, through Apr. 8, 2002. At 67 FR 16017, Apr. 4, 2002, paragraph (b) was revised and the effective date was extended through Aug. 15, 2002.

**§ 165.168 Safety Zones: New York Harbor, Western Long Island Sound, East River, and Hudson River Fireworks.**

(a) *New York Harbor.* Figure 1 of this section displays the safety zone areas in paragraphs (a)(1) through (a)(9).

(1) *Liberty Island Safety Zone:* All waters of Upper New York Bay within a 360-yard radius of the fireworks barge in approximate position 40°41'16.5" N 074°02'23" W (NAD 1983), located in Federal Anchorage 20-C, about 360 yards east of Liberty Island.

(2) *Ellis Island Safety Zone:* All waters of Upper New York Bay within a 360-yard radius of the fireworks barge located between Federal Anchorages 20-A and 20-B, in approximate position

40°41'45" N 074°02'09" W (NAD 1983), about 365 yards east of Ellis Island.

(3) *South Beach, Staten Island Safety Zone:* All waters of Lower New York Bay within a 360-yard radius of the fireworks barge in approximate position 40°35'11" N 074°03'42" W (NAD 1983), about 350 yards east of South Beach, Staten Island.

(4) *Raritan Bay Safety Zone:* All waters of Raritan Bay in the vicinity of the Raritan River Cutoff and Ward Point Bend (West) within a 240-yard radius of the fireworks barge in approximate position 40°30'04" N 074°15'35" W (NAD 1983), about 240 yards east of Raritan River Cutoff Channel Buoy 2 (LLNR 36595).

(5) *Coney Island Safety Zone:* All waters of Lower New York Bay within a 250-yard radius of the fireworks land shoot located on the south end of Steeplechase Pier, Coney Island, in approximate position 40°34'11" N 073°59'00" W (NAD 1983).

(6) *Arthur Kill, Elizabeth, New Jersey Safety Zone:* All waters of the Arthur Kill within a 150-yard radius of the fireworks land shoot located in Elizabeth, New Jersey, in approximate position 40°38'50" N 074°10'58" W (NAD 1983), about 675 yards west of Arthur Kill Channel Buoy 20 (LLNR 36780).

(7) *South Ellis Island Safety Zone:* All waters of Upper New York Bay within a 240-yard radius of the fireworks barge in approximate position 40°41'39.9" N 074°02'33.7" W (NAD 1983), about 260 yards south of Ellis Island.

(8) *Rockaway Beach Safety Zone:* All waters of the Atlantic Ocean within a 360 yard radius of the fireworks barge in approximate position 40°34'28.2" N 073°50'00.0" W (NAD 1983), off Beach 116th Street.

(9) *Rockaway Inlet Safety Zone:* All waters of Rockaway Inlet within a 360 yard radius of the fireworks barge in approximate position 40°34'19.1" N 073°54'43.5" W (NAD 1983), about 1,200 yards south of Point Breeze.

(b) *Western Long Island Sound.* Figure 2 of this section displays the safety zone areas in paragraphs (b)(1) through (b)(10).

(1) *Penningo Neck, Western Long Island Sound Safety Zone:* All waters of western Long Island Sound within a 300-yard radius of the fireworks barge in

approximate position 40°56'21" N 073°41'23" W (NAD 1983), about 525 yards east of Milton Point, Peningo Neck, New York.

(2) *Satans Toe, Western Long Island Sound Safety Zone*: All waters of western Long Island Sound within a 360-yard radius of the fireworks barge in approximate position 40°55'21" N 073°43'41" W (NAD 1983), about 635 yards northeast of Larchmont Harbor (East Entrance) Light 2 (LLNR 25720).

(3) *Larchmont, Western Long Island Sound Safety Zone*: All waters of western Long Island Sound within a 240-yard radius of the fireworks barge in approximate position 40°54'45" N 073°44'55" W (NAD 1983), about 450 yards southwest of the entrance to Horseshoe Harbor.

(4) *Manursing Island, Western Long Island Sound Safety Zone*: All waters of western Long Island Sound within a 360-yard radius of the fireworks barge in approximate position 40°57'47" N 073°40'06" W (NAD 1983), about 380 yards north of Rye Beach Transport Rock Buoy 2 (LLNR 25570).

(5) *Glen Island, Western Long Island Sound Safety Zone*: All waters of western Long Island Sound within a 240-yard radius of the fireworks barge in approximate position 40°53'12" N 073°46'33" W (NAD 1983), about 350 yards east of the northeast corner of Glen Island, New York.

(6) *Twin Island, Western Long Island Sound Safety Zone*: All waters of western Long Island Sound within a 200-yard radius of the fireworks land shoot in approximate position 40°52'10" N 073°47'07" W (NAD 1983), at the east end of Orchard Beach, New York.

(7) *Davenport Neck, Western Long Island Sound Safety Zone*: All waters of western Long Island Sound within a 360-yard radius of the fireworks barge in Federal Anchorage No. 1-A, in approximate position 40°53'46" N 073°46'04" W (NAD 1983), about 360 yards northwest of Emerald Rock Buoy (LLNR 25810).

(8) *Glen Cove, Hempstead Harbor Safety Zone*: All waters of Hempstead Harbor within a 360-yard radius of the fireworks barge in approximate position 40°51'58" N 073°39'34" W (NAD 1983), about 500 yards northeast of Glen Cove Breakwater Light 5 (LLNR 27065).

(9) *Bar Beach, Hempstead Harbor Safety Zone*: All waters of Hempstead Harbor within a 180-yard radius of the fireworks barge in approximate position 40°49'50" N 073°39'12" W (NAD 1983), about 190 yards north of Bar Beach, Hempstead Harbor, New York.

(10) *Larchmont Harbor, Western Long Island Sound Safety Zone*: All waters of western Long Island Sound within a 240-yard radius of the fireworks barge in approximate position 40°55'21.8" N 073°44'21.7" W (NAD 1983), about 540 yards north of Umbrella Rock.

(c) *East River*. Figure 3 of this section displays the safety zone areas in paragraphs (c)(1) through (c)(4).

(1) *Pier 14, East River Safety Zone*: All waters of the East River within a 180-yard radius of the fireworks barge in approximate position 40°42'07.5" N 074°00'06" W (NAD 1983), about 250 yards southeast of Pier 14, Manhattan, New York.

(2) *Wards Island, East River Safety Zone*: All waters of the East River within a 150-yard radius of the fireworks land shoot in approximate position 40°46'55.5" N 073°55'33" W (NAD 1983), about 200 yards northeast of the Triborough Bridge.

(3) *Pier 16, East River Safety Zone*: All waters of the East River within a 180-yard radius of the fireworks barge in approximate position 40°42'12.5" N 074°00'02.0" W (NAD 1983), about 200 yards east of Pier 16.

(4) *Newtown Creek, East River Safety Zone*: All waters of the East River within a 360-yard radius of the fireworks barge in approximate position 40°44'24.0" N 073°58'00.0" W (NAD 1983), about 785 yards south of Belmont Island.

(d) *Hudson River*. Figure 4 of this section displays the safety zone areas in paragraphs (d)(1) through (d)(11).

(1) *Pier 60, Hudson River Safety Zone*: All waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°44'49" N 074°01'02" W (NAD 1983), about 500 yards west of Pier 60, Manhattan, New York.

(2) *The Battery, Hudson River Safety Zone*: All waters of the Hudson River and Anchorage Channel within a 360-yard radius of the fireworks barge in approximate position 40°42'00" N 074°01'17" W (NAD 1983), about 500 yards

south of The Battery, Manhattan, New York.

(3) *Battery Park City, Hudson River Safety Zone*: All waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°42'39" N 074°01'21" W (NAD 1983), about 480 yards southwest of North Cove Yacht Harbor, Manhattan, New York.

(4) *Pier 90, Hudson River Safety Zone*: All waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°46'11.8"N 074°00'14.8" W (NAD 1983), about 375 yards west of Pier 90, Manhattan.

(5) *Yonkers, New York, Hudson River Safety Zone*: All waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°56'14.5" N 073°54'33" W (NAD 1983), about 475 yards northwest of the Yonkers Municipal Pier, New York.

(6) *Hastings-on-Hudson, New York, Hudson River Safety Zone*: All waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°59'44.5" N 073°53'28" W (NAD 1983), about 425 yards west of Hastings-on-Hudson, New York.

(7) *Pier D, Hudson River Safety Zone*: All waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°42'57.5" N 074°01'34" W (NAD 1983), about 375 yards southeast of Pier D, Jersey City, New Jersey.

(8) *Pier 54, Hudson River Safety Zone*: All waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°44'31" N 074°01'00" W (NAD 1983), about 380 yards west of Pier 54, Manhattan.

(9) *Pier 84, Hudson River Safety Zone*: All waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°45'56.9" N 074°00'25.4" W (NAD 1983), about 380 yards west of Pier 84, Manhattan.

(10) *Peekskill Bay, Hudson River Safety Zone*: All waters of Peekskill Bay within a 360-yard radius of the fireworks barge in approximate position 41°17'16" N 073°56'18" W (NAD 1983), about 670 yards north of Travis Point.

(11) *Jersey City, Hudson River Safety Zone*: All waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°42'37.3" N 074°01'41.6" W (NAD 1983), about 420 yards east of Morris Canal Little Basin.

(e) *Notification*. Coast Guard Activities New York will cause notice of the activation of these safety zones to be made by all appropriate means to effect the widest publicity among the affected segments of the public, including publication in the local notice to mariners, marine information broadcasts, and facsimile. Fireworks barges used in these locations will also have a sign on their port and starboard side labeled "FIREWORKS—STAY AWAY". This sign will consist of 10" high by 1.5" wide red lettering on a white background. Shore sites used in these locations will display a sign labeled "FIREWORKS—STAY AWAY" with the same dimensions.

(f) *Effective Period*. This section is effective from 6 p.m. (e.s.t.) to 1 a.m. (e.s.t.) each day a barge with a "FIREWORKS—STAY AWAY" sign on the port and starboard side is on-scene or a "FIREWORKS—STAY AWAY" sign is posted in a location listed in paragraphs (a) through (d) of this section. Vessels may enter, remain in, or transit through these safety zones during this time frame if authorized by the Captain of the Port New York or designated Coast Guard patrol personnel on scene.

(g) *Regulations*. (1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene-patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U. S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Figure 1  
§ 165.168(a) New York  
Harbor Fireworks Safety  
Zones drawn to scale.

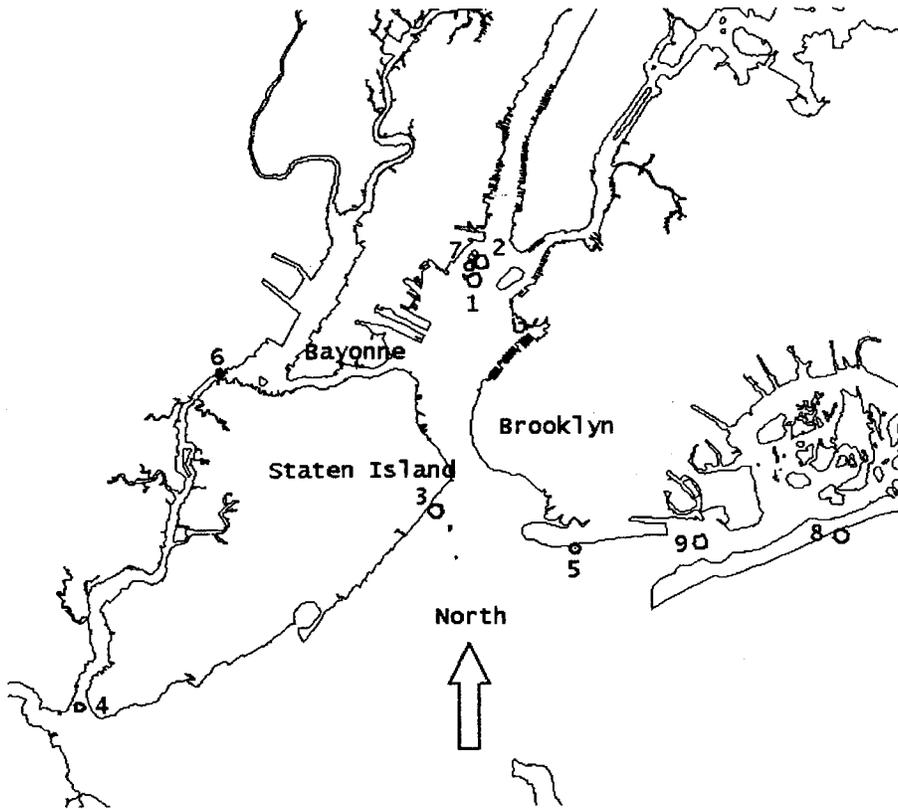


Figure 2  
§ 165.168(b) Western Long  
Island Sound Fireworks Safety  
Zones drawn to scale.

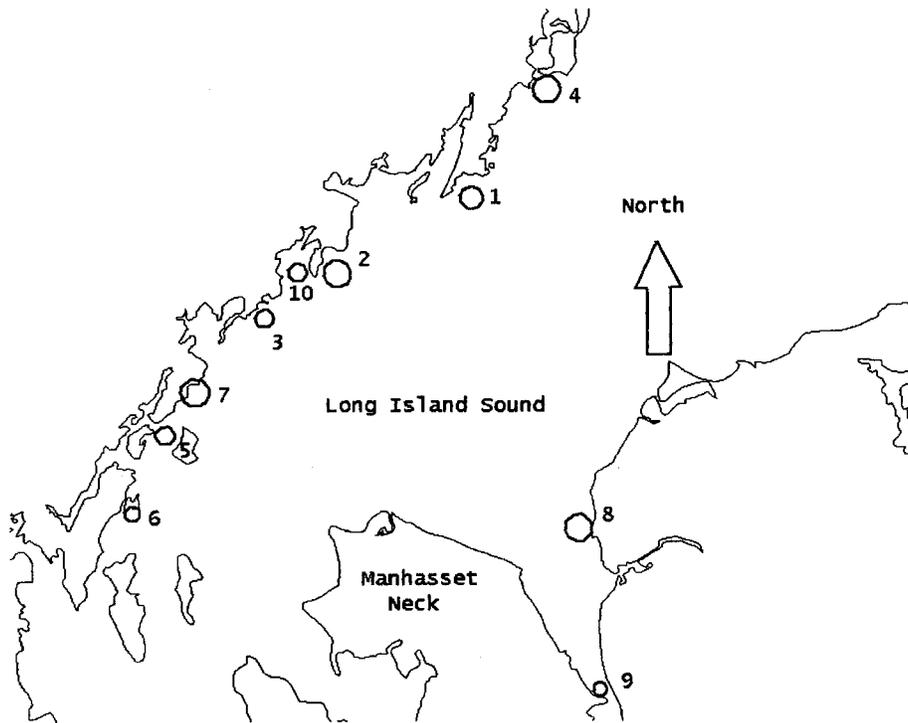
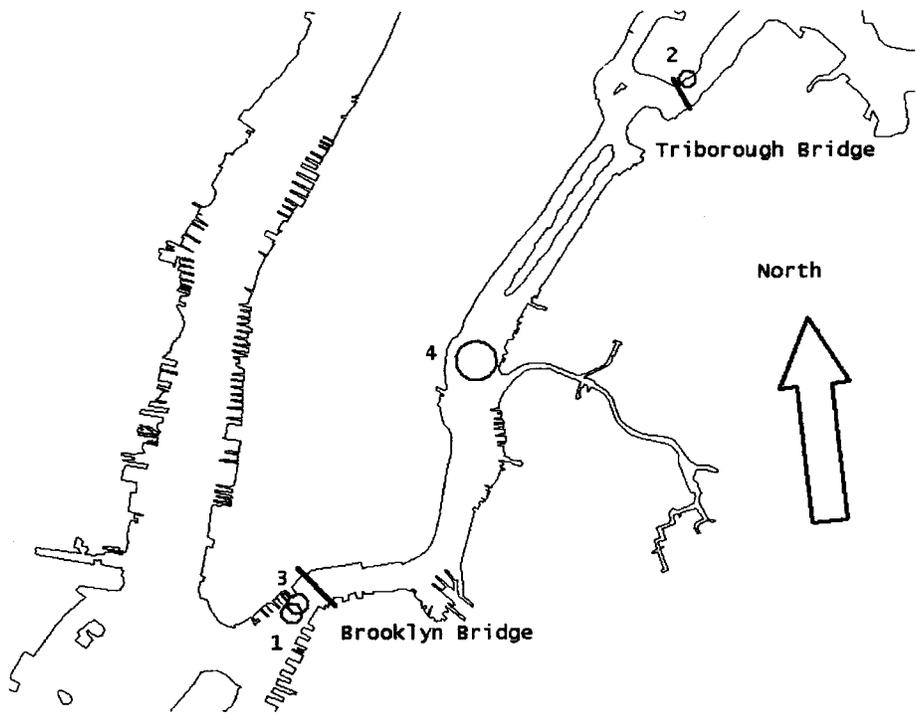
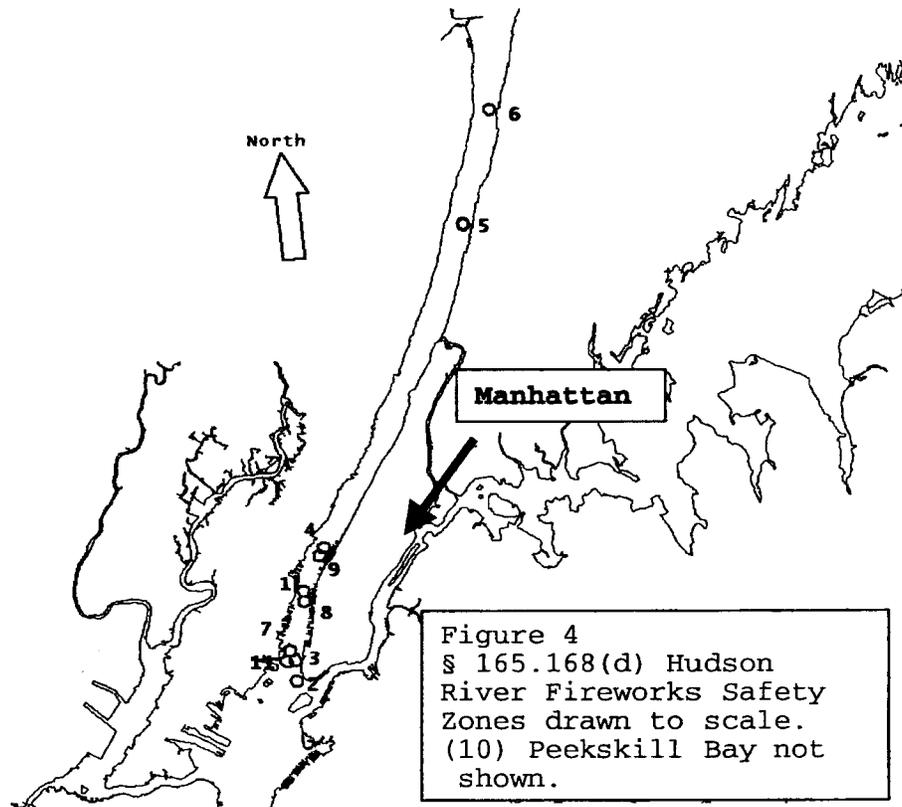


Figure 3  
§ 165.168(c) East River  
Fireworks Safety Zones  
drawn to scale.





[CDG01-00-004, 65 FR 43239, July 13, 2000, as amended by CGD01-00-221, 66 FR 16000, Mar. 22, 2001]

**§ 165.170 Safety Zone: Triathlon, Ulster Landing, Hudson River, NY.**

(a) *Regulated area.* The following area is a safety zone: All waters of the Hudson River, in the vicinity of Ulster Landing, bound by the following points: 42°00'03.7"N, 073°56'43.1"W; thence to 41°59'52.5"N, 073°56'34.2"W; thence to 42°00'15.1"N, 073°56'25.2"W; thence to 42°00'05.4"N, 073°56'41.9"W (NAD 1983); thence along the shoreline to the point of beginning.

(b) *Effective period.* This section is in effect annually from 6 a.m. until 9 a.m. on the first Sunday after July 4th.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) No vessels will be allowed to transit the safety zone without the permis-

sion of the Captain of the Port, New York.

(3) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

[CGD01-00-248, 66 FR 29486, May 31, 2001]

**§ 165.T01-188 Safety and Security Zones: High Interest Vessels, Narragansett Bay, Rhode Island.**

(a) *Location.* The following areas are safety and security zones:

(1) All waters of Rhode Island Sound within a one half mile radius of any high interest vessel while the vessel is anchored within one half mile of the point Latitude 41°25' N, Longitude 71°23' W;

(2) all waters of Rhode Island Sound, Narragansett Bay, the Providence and Taunton Rivers two (2) miles ahead and one (1) mile astern, and extending 1000 yards on either side of any high interest vessel transiting Narragansett Bay, or the Providence and Taunton Rivers;

(3) all waters and land within a 1000-yard radius of any high interest vessel moored at a waterfront facility in the Providence Captain of the Port zone.

(b) *Effective date.* This rule is effective from October 6, 2001, through September 15, 2002.

(c) *Regulations.* (1) In accordance with the general regulations in §§165.23 and 165.33 of this part, entry into or movement within these zones, including below the surface of the water, during times in which high interest vessels are present and the zones are enforced is prohibited unless authorized by the COTP Providence or authorized representative.

For the purposes of this rule, high interest vessels operating in the Captain of the Port Providence zone include barges or ships carrying liquefied petroleum gas (LPG), liquefied natural gas, chlorine, anhydrous ammonia, or any other cargo deemed to be high interest by the Captain of the Port.

(2) All persons and vessels shall comply with the instructions of the COTP, and the designated on-scene U.S. Coast Guard personnel and any personnel from Federal, state, county, municipal or private agencies designated by the Captain of the Port to assist with the enforcement of these safety and security zones.

(3) The general regulations covering safety and security zones in §§165.23 and 165.33, respectively, of this part apply.

EFFECTIVE DATE NOTE: By CGD01-01-188, 66 FR 64146, Dec. 12, 2001, §165.T01-188 was added, effective from Oct. 6, 2001, until June 15, 2002. At 67 FR 35035, May 17, 2002, paragraph (b) was revised and the effective date was extended through Sept. 15, 2002.

**§ 165.T01-192 Safety and Security Zones; LPG Transits, Portland, Maine Marine Inspection Zone and Captain of the Port Zone**

(a) *Location.* The following areas are safety and security zones: (1) All waters of the Piscataqua River within a 500-yard radius of any Liquefied Petroleum Gas vessel while it is moored at the SEA 3, Inc. LPG receiving facility on the Piscataqua River, Newington, New Hampshire.

(2) Except as provided in paragraph (a)(1) of this section, in the internal waters of the United States and the navigable waters of the United States, as defined by 33 U.S.C. 1222(5), that are within the of the Portland, Maine, Marine Inspection Zone and Captain of the Port Zone, all waters one mile ahead, one half mile astern, and 1000-yards on either side of any Liquefied Petroleum Gas vessel.

(b) *Regulations.* (1) In accordance with the general regulations in §§165.23 and 165.33 of this part, entry into or movement within this zone is prohibited unless previously authorized by the Captain of the Port (COTP), Portland, Maine.

(2) All persons and vessels shall comply with the instructions of the COTP or the designated on-scene U.S. Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, and local, state, and federal law enforcement vessels. Emergency response vessels are authorized to move within the zone, but must abide by restrictions imposed by the Captain of the Port, Portland, Maine.

(c) *Effective dates.* This section is effective from November 9, 2001 through August 15, 2002.

EFFECTIVE DATE NOTE: By CGD01-01-192, 66 FR 58066, Nov. 20, 2001, §165.T01-192 was added, effective from Nov. 9, 2001 through June 21, 2002. At 67 FR 30807, May 8, 2002, the section heading was revised, paragraph (c) was added, and the effective date was extended from June 21, 2002, through Aug. 15, 2002.

**§ 165.T01-207 Security Zone: Seabrook Nuclear Power Plant, Seabrook, New Hampshire.**

(a) *Location.* The following area is a security zone: All land and waters within 250 yards of the waterside property boundary of Seabrook Nuclear Power Plant identified as follows: beginning at position 42°53'58"N, 070°51'06"W; then running along the property boundaries of Seabrook Nuclear Power Plant to its position 42°53'46"N, 070°51'06"W.

(b) *Effective dates.* This rule is effective from December 7, 2001 until August 15, 2002.

(c) *Regulations.* (1) In accordance with the general regulations in §165.33 of this part, entry into or movement within this zone is prohibited unless authorized by the Captain of the Port, Portland, Maine.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port, Portland, Maine or designated on-scene U.S. Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels.

(3) No person may enter the waters within the boundaries of the security zone unless previously authorized by the Captain of the Port, Portland, Maine or his authorized patrol representative.

EFFECTIVE DATE NOTE: By CGD01-01-207, 66 FR 67488, Dec. 31, 2001, §165.T01-207 was added, effective from Dec. 7, 2001 until June 15, 2002. At 67 FR 30807, May 8, 2002, paragraph (b) was revised and the effective date was extended from June 15, 2002, until Aug. 15, 2002.

**§ 165.T01-214 Safety and Security Zone: Liquid Natural Gas Carrier Transits and Anchorage Operations, Boston, Massachusetts.**

(a) *Location.* The following areas are safety and security zones:

(1) In the waters of Broad Sound bounded by a line starting at position 42° 25' N, 070° 58' W; then running southeast to position 42° 22' N, 070° 56' W; then running east to position 42° 22' N,

070° 50' W; then running north to position 42° 25' N, 070° 50' W; then running west back to the starting point; all waters within a 500-yard radius of any anchored Liquid Natural Gas Carrier (LNGC) vessel;

(2) All waters of the Mystic River within a 500-yard radius of any LNGC vessel moored at the Distrigas Facility, Everett, Massachusetts;

(3) Except as provided in paragraphs (1) and (2) of this section, in the internal waters of the United States and the navigable waters of the United States, as defined by 33 U.S.C. 1222(5), that are within the Boston Marine Inspection Zone and Captain of the Port Zone, as defined in 33 CFR 3.05-10, two miles ahead and one mile astern, and 1000-yards on each side of any LNGC vessel.

(b) *Effective date.* This section is effective from October 22, 2001, until August 15, 2002.

(c) *Regulations.* (1) In accordance with the general regulations in §§165.23 and 165.33 of this part, entry into or movement within this zone is prohibited unless authorized by the Captain of the Port, Boston.

(2) All vessel operators shall comply with the instructions of the COTP or the designated on-scene U.S. Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels.

(3) No person may enter the waters within the boundaries of the safety and security zones unless previously authorized by the Captain of the Port, Boston or his authorized patrol representative.

[CGD01-01-214, 66 FR 59698, Nov. 30, 2001, as amended at 67 FR 20644, Apr. 26, 2002]

EFFECTIVE DATE NOTE: By CGD01-01-214, 66 FR 59698, Nov. 30, 2001, §165.T01-214 was added, effective Nov. 13, 2001, through June 15, 2002. At 67 FR 20644, Apr. 26, 2002, paragraph (b) was revised, and the effective date of the section extended from June 15, 2002, through Aug. 15, 2002.

**§ 165.T01-223 Safety Zone: Fore River Bridge Repairs—Weymouth, Massachusetts.**

(a) *Location.* The following area is a safety zone: All waters of the Weymouth Fore River within a 30-foot radius of The Middlesex Corporation (TMC) construction barge located under the Fore River Bridge.

(b) *Regulations.* (1) In accordance with the general regulations in §165.23 of this part, entry into or movement within this zone is prohibited unless authorized by the Captain of the Port Boston.

(2) All vessel operators shall comply with the instructions of the COTP or the designated on-scene U.S. Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels.

(3) No person may enter the waters within the boundaries of the safety zone unless previously authorized by the Captain of the Port, Boston or his authorized patrol representative.

[CGD01-01-223, 67 FR 1100, Jan. 9, 2002]

EFFECTIVE DATE NOTE: By CGD01-01-223, 67 FR 1100, Jan. 9, 2002, §165.T01-223 was added effective Jan. 1, 2002 until Sept. 30, 2002.

**§ 165.T02-031 Safety Zone: Fore River Channel, Weymouth Fore River, Weymouth, MA.**

(a) *Location.* The following area is a safety zone: 200 yards upstream and 100 yards downstream of the Route 3A bridge on all waters within the Weymouth Fore River main shipping channel, which is bounded by 42°14'34" N, 070°58'03" W; 42°14'44" N, 070°57'59" W; 42°14'45" N, 070°58'03" W; and 42°14'35" N, 070°58'05" W.

(b) *Effective Date.* This section is effective from June 10 to August 30, 2002. Within this period the zone will be enforced during the following closure periods: from sunrise Monday June 10, 2002 until sunset on Saturday June 15, 2002, sunrise Monday June 24, 2002 until sunset on Saturday June 29, 2002, sunrise Monday July 15, 2002 until sunset on Saturday July 20, 2002, and sunrise Monday July 29, 2002 until sunset on Saturday August 3, 2002. In the event

that the contractor is unable to complete the prescribed work during these times, two contingency closures may be enforced if needed from sunrise Monday August 12, 2002 until sunset Saturday August 17, 2002, and from sunrise Monday August 26, 2002 until noon on Friday August 30, 2002. If the Captain of the Port (COTP) determines that a safety zone in effect cannot be used due to unforeseen conditions (prompting the need to use a contingency closure), the COTP will discontinue the safety zone for that period and issue a broadcast notice to mariners (BNTM) so informing the public.

(c) *Regulations.* (1) In accordance with the general regulations in §165.23 of this part, entry into or movement within this zone will be prohibited unless authorized by the Captain of the Port Boston. Requests to enter the safety zone can be made by calling Marine Safety Office Boston at (617) 223-3000. (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.

EFFECTIVE DATE NOTE: By CGD01-02-031, 67 FR 38593, June 5, 2002, §165.T02-031 was added, effective from June 10, 2002, until Aug. 30, 2002.

FIFTH COAST GUARD DISTRICT

**§ 165.T05-071 Security Zone; Calvert Cliffs Nuclear Power Plant, Chesapeake Bay, Calvert County, MD.**

(a) *Location.* The following area is a security zone: the waters of the Chesapeake Bay in the vicinity of the Calvert Cliffs Nuclear Power Plant bounded by a line drawn from a point located at 38°26'06" N, 076°26'18" W to 38°26'10" N, 076°26'12" W, thence to 38°26'21" N, 076°26'28" W, thence back to shore at 38°26'14" N, 076°26'33" W. All coordinates reference Datum: NAD 1983.

(b) *Regulations.* (1) In accordance with the general regulations in §165.33, entry into the security zone described in §165.T05-071 is prohibited except as

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**§ 165.501**

authorized by the Captain of the Port or his designated representative.

(2) Persons or vessels requiring entry into or passage within the zone must request authorization from the Captain of the Port or his designated representative by telephone at (410) 576-2693 or by radio on VHF-FM channel 16.

(3) The operator of any vessel within the security zone shall:

(i) Stop the vessel immediately upon being directed to do so by the Coast Guard Captain of the port or his designated representative; and

(ii) Proceed as directed by the Coast Guard Captain of the Port or his designated representative.

(c) *Definitions.* The designated representative of the Captain of the Port is any Coast Guard Commissioned, Warrant, or Petty Officer who has been authorized by the Captain of the Port, Baltimore to act on his behalf.

(d) *Effective period.* This section is effective from 5 p.m. on January 9, 2002 to 5 p.m. on September 30, 2002.

(e) *Enforcement.* The COTP may enlist the cooperation of Federal, state, county, municipal, and private agencies to assist in the enforcement of these regulations.

(f) *Authority.* This section is promulgated under 33 U.S.C. 1226.

[CGD05-01-071, 67 FR 9205, Feb. 28, 2002, as amended at 67 FR 41178, June 17, 2002]

EFFECTIVE DATE NOTE: By CGD05-01-071, 67 FR 9205, Feb. 28, 2002, § 165.T05-071 was added, effective Jan. 9, 2002, until 5 p.m. June 15, 2002. At 67 FR 41178, June 17, 2002, paragraph (d) was revised and the effective date was extended to 5 p.m. on Sept. 30, 2002.

**§ 165.501 Chesapeake Bay entrance and Hampton Roads, Va. and adjacent waters—regulated navigation area.**

(a) *Regulated Navigation Area.* The waters enclosed by the shoreline and the following lines are a Regulated Navigation Area:

(1) A line drawn across the entrance to Chesapeake Bay between Wise Point and Cape Charles Light, and then continuing to Cape Henry Light.

(2) A line drawn across the Chesapeake Bay between Old Point Comfort Light and Cape Charles City Range “A” Rear Light.

(3) A line drawn across the James River along the eastern side of the U.S. Route 17 highway bridge, between Newport News and Isle of Wight County, Virginia.

(4) A line drawn across Chuckatuck Creek along the northern side of the north span of the U.S. Route 17 highway bridge, between Isle of Wight County and Suffolk, Virginia.

(5) A line drawn across the Nansemond River along the northern side of the Mills Godwin (U.S. Route 17) Bridge, Suffolk, Virginia.

(6) A line drawn across the mouth of Bennetts Creek, Suffolk, Virginia.

(7) A line drawn across the Western Branch of the Elizabeth River along the eastern side of the West Norfolk Bridge, Portsmouth, Virginia.

(8) A line drawn across the Southern Branch of the Elizabeth River along the northern side of the I-64 highway bridge, Chesapeake, Virginia.

(9) A line drawn across the Eastern Branch of the Elizabeth River along the western side of the west span of the Campostella Bridge, Norfolk, Virginia.

(10) A line drawn across the Lafayette River along the western side of the Hampton Boulevard Bridge, Norfolk, Virginia.

(11) A line drawn across Little Creek along the eastern side of the Ocean View Avenue (U.S. Route 60) Bridge, Norfolk, Virginia.

(12) A line drawn across Lynnhaven Inlet along the northern side of the Shore Drive (U.S. Route 60) Bridge, Virginia Beach, Virginia.

(13) A line drawn due east from the mean low water mark at the North Carolina / Virginia border at latitude 36°33'03" N, longitude 75°52'00" W, to the Territorial Seas boundary line at latitude 36°33'05" N, longitude 75°36'51" W, thence generally northeastward along the Territorial Seas boundary line to latitude 38°01'39" N, longitude 74°57'18" W, thence due west to the mean low water mark at the Maryland / Virginia border at latitude 38°01'39" N, longitude 75°14'30" W.

(b) *Definitions.* In this section:

(1) *CBBT* means the Chesapeake Bay Bridge Tunnel.

(2) *Thimble Shoal Channel* consists of the waters bounded by a line connecting Thimble Shoal Channel Lighted Bell Buoy 1TS, thence to Lighted Gong Buoy 17, thence to Lighted Buoy 19, thence to Lighted Buoy 21, thence to Lighted Buoy 22, thence to Lighted Buoy 18, thence to Lighted Buoy 2, thence to the beginning.

(3) *Thimble Shoal North Auxiliary Channel* consists of the waters in a rectangular area 450 feet wide adjacent to the north side of Thimble Shoal Channel, the southern boundary of which extends from Thimble Shoal Channel Lighted Buoy 2 to Lighted Buoy 18.

(4) *Thimble Shoal South Auxiliary Channel* consists of the waters in a rectangular area 450 feet wide adjacent to the south side of Thimble Shoal Channel, the northern boundary of which extends from Thimble Shoal Channel Lighted Bell Buoy 1TS, thence to Lighted Gong Buoy 17 thence to Lighted Buoy 19, thence to Lighted Buoy 21.

(c) *Applicability.* This section applies to all vessels operating within the Regulated Navigation Area, including naval and public vessels, except vessels that are engaged in the following operations:

(1) Law Enforcement.

(2) Servicing aids to navigation.

(3) Surveying, maintenance, or improvement of waters in the Regulated Navigation Area.

(d) *Regulations*—(1) *Anchoring restrictions.* (i) No vessel over 65 feet long may anchor or moor in this Regulated Navigation Area outside an anchorage designated in §110.168 of this title, unless:

(A) The vessel has the permission of the Captain of the Port.

(B) The vessel is carrying explosives for use on river or harbor works or on other work under a permit issued by the District Engineer, Corps of Engineers, and the vessel is anchored in or near the vicinity of the work site. The District Engineer shall prescribe the quantities of explosives allowed on the vessel and the conditions under which the vessel may store or handle explosives. The vessel may not anchor unless a copy of the permit and instructions relating to the carriage and handling of explosives from the Corps of Engineers to the vessel or contractor

are provided to the Captain of the Port before the vessel anchors.

(ii) A vessel may anchor in a channel with the permission of the Captain of the Port, if the vessel is authorized by the District Engineer to engage in the recovery of sunken property, to lay or repair a legally established pipeline or cable, or to engage in dredging operations.

(iii) A vessel engaged in river and harbor improvement work under the supervision of the District Engineer may anchor in a channel, if the District Engineer notifies the Captain of the Port in advance of the start of the work.

(iv) Except as provided in paragraphs (d)(1)(ii) and (iii) of this section, a vessel may not anchor in a channel unless it is unable to proceed without endangering the safety of persons, property, or the environment.

(v) A vessel that is anchored in a channel because it is unable to proceed without endangering the safety of persons, property, or the environment, shall:

(A) Not anchor, if possible, within a cable or pipeline area.

(B) Not obstruct or endanger the passage of any vessel.

(C) Anchor near the edge of the channel, if possible.

(D) Not interfere with the free navigation of any channel.

(E) Not obstruct the approach to any pier.

(F) Not obstruct aids to navigation or interfere with range lights.

(G) Move to a designated anchorage or get underway as soon as possible or when directed by the Captain of the Port.

(vi) A vessel may not anchor within the confines of Little Creek Harbor, Desert Cove, or Little Creek Cove without the permission of the Captain of the Port. The Captain of the Port shall consult with the Commander, Naval Amphibious Base Little Creek, before granting permission to anchor within this area.

(2) *Secondary Towing Rig Requirements.* (i) A vessel over 100 gross tons may not be towed in this Regulated Navigation Area unless it is equipped with a secondary towing rig, in addition to its primary towing rig, that:

(A) Is of sufficient strength for towing the vessel.

(B) Has a connecting device that can receive a shackle pin of at least two inches in diameter.

(C) Is fitted with a recovery pickup line led outboard of the vessel's hull.

(ii) A tow consisting of two or more vessels, each of which is less than 100 gross tons, that has a total gross tonnage that is over 100 gross tons, shall be equipped with a secondary towing rig between each vessel in the tow, in addition to its primary towing rigs, while the tow is operating within this Regulated Navigation Area. The secondary towing rig must:

(A) Be of sufficient strength for towing the vessels.

(B) Have connecting devices that can receive a shackle pin of at least two inches in diameter.

(C) Be fitted with recovery pickup lines led outboard of the vessels' hulls.

(3) *Anchoring Detail Requirements.* A self-propelled vessel over 100 gross tons, which is equipped with an anchor or anchors (other than a tugboat equipped with bow fenderwork of a type of construction that prevents an anchor being rigged for quick release), that is underway within two nautical miles of the CBBT or the I-664 Bridge Tunnel shall station its personnel at locations on the vessel from which they can anchor the vessel without delay in an emergency.

(4) *Draft Limitations.* A vessel drawing less than 25 feet may not enter the Thimble Shoal Channel, unless the vessel is crossing the channel. Channel crossings shall be made as perpendicular to the channel axis as possible.

(5) *Traffic Directions.* (i) Except when crossing the channel, a vessel in the Thimble Shoal North Auxiliary Channel shall proceed in a westbound direction.

(ii) Except when crossing the channel, a vessel in the Thimble Shoal South Auxiliary Channel shall proceed in an eastbound direction.

(6) *Restrictions on Vessels With Impaired Maneuverability—(i) Before entry.* A vessel over 100 gross tons, whose ability to maneuver is impaired by hazardous weather, defective steering equipment, defective main propulsion machinery, or other damage, may not

enter the Regulated Navigation Area without the permission of the Captain of the Port, unless the vessel is attended by one or more tugboats with sufficient total power to ensure the vessel's safe passage through the Regulated Navigation Area.

(ii) *After entry.* The master of a vessel over 100 gross tons, which is underway in the Regulated Navigation Area, shall, as soon as possible, do the following, if the vessel's ability to maneuver becomes impaired for any reason:

(A) Report the impairment to the Captain of the Port.

(B) Unless the Captain of the Port waives this requirement, have one or more tugboats, with sufficient total power to ensure the vessel's safe passage through the Regulated Navigation Area, attend the vessel.

(7) *Requirements for Navigation Charts, Radars, and Pilots.* No vessel over 100 gross tons may enter the Regulated Navigation Area, unless it has on board:

(i) *Corrected charts of the Regulated Navigation Area.* Instead of corrected paper charts, warships or other vessels owned, leased, or operated by the United States Government and used only in government noncommercial service may carry electronic charting and navigation systems that have met the applicable agency regulations regarding navigation safety.

(ii) An operative radar during periods of reduced visibility; or

(iii) A pilot or other person on board with previous experience navigating vessels on the waters of the Regulated Navigation Area.

(8) *Emergency Procedures.* (i) Except as provided in paragraphs (d)(8) (ii) and (iii) of this section, in an emergency any vessel may deviate from the regulations in this section to the extent necessary to avoid endangering the safety of persons, property, or the environment.

(ii) A vessel over 100 gross tons with an emergency that is located within two nautical miles of the CBBT or I-664 Bridge Tunnel (other than a self-propelled vessel that is capable of getting underway in 30 minutes, has sufficient

power to avoid any bridge, tunnel island, or vessel, and whose maneuverability is not impaired by a steering equipment or main propulsion defect):

(A) Shall notify the Captain of the Port of its location and the nature of the emergency, as soon as possible.

(B) May not anchor outside an anchorage designated in §110.168 of this title, unless the vessel is unable to proceed to an anchorage without endangering the safety of persons, property, or the environment.

(C) Shall make arrangements for one or more vessels to attend the vessel, with sufficient power to keep the vessel in position.

(iii) If a vessel over 100 gross tons must anchor outside an anchorage because the vessel is unable to proceed without endangering the safety of persons, property, or the environment, the vessel shall:

(A) Not anchor, if possible, within a cable or pipeline area.

(B) Not obstruct or endanger the passage of any vessel.

(C) Not interfere with the free navigation of any channel.

(D) Not obstruct the approach to any pier.

(E) Not obstruct aids to navigation or interfere with range lights.

(F) Move to a designated anchorage or get underway as soon as possible or when directed by the Captain of the Port.

(9) *Vessel Speed Limits on Little Creek.* A vessel may not proceed at a speed over five knots between the Route 60 bridge and the mouth of Fishermans Cove (Northwest Branch of Little Creek).

(10) *Vessel Speed Limits on the Southern Branch of the Elizabeth River.* A vessel may not proceed at a speed over six knots between the junction of the Southern and Eastern Branches of the Elizabeth River and the Norfolk and Portsmouth Belt Line Railroad Bridge between Chesapeake and Portsmouth, Virginia.

(11) *Restrictions on Vessel Operations During Aircraft Carrier and Other Large Naval Vessel Transits of the Elizabeth River.* (i) Except for a vessel that is moored at a marina, wharf, or pier or that is anchored, no vessel may, without the permission of the Captain of

the Port, come within or remain within 500 yards from a naval aircraft carrier or other large naval vessel, which is restricted in its ability to maneuver in the confined waters, while the aircraft carrier or large naval vessel is transiting the Elizabeth River between the Norfolk Naval Base, Norfolk, Virginia, and the Norfolk Naval Shipyard, Portsmouth, Virginia.

(ii) The permission required by paragraph (d)(11)(i) of this section may be obtained from a designated representative of the Captain of the Port, including the duty officer at the Coast Guard Marine Safety Office, Hampton Roads, or from the Coast Guard patrol commander.

(iii) The Captain of the Port issues a Broadcast Notice to Mariners to inform the marine community of scheduled vessel movements that are covered by paragraph (d)(11) of this section.

(iv) Notwithstanding paragraph (d)(11)(i) of this section, a vessel may not remain moored at the Elizabeth River Ferry dock at the foot of High Street in Portsmouth, Virginia, when the dock is within a safety zone for a naval aircraft carrier or other large naval vessel.

(12) *Restrictions on Vessel Operations During Liquefied Petroleum Gas Carrier Movements on the Chesapeake Bay and Elizabeth River.* (i) Except for a vessel that is moored at a marina, wharf, or pier or that is anchored, and which remains moored or at anchor, no vessel may, without the permission of the Captain of the Port, come within or remain within 250 feet from the port and starboard sides and 300 yards from the bow and stern of a vessel that is carrying liquefied petroleum gas in bulk as cargo, while the gas carrier transits between Thimble Shoal Lighted Buoy 3 and the Atlantic Energy Terminal on the Southern Branch of the Elizabeth River.

(ii) The permission required by paragraph (d)(12)(i) of this section may be obtained from a designated representative of the Captain of the Port, including the duty officer at the Coast Guard Marine Safety Office, Hampton Roads, or from the Coast Guard patrol commander.

(iii) A vessel that has carried liquefied petroleum gas in a tank is carrying the liquefied petroleum gas as cargo for the purposes of paragraph (d)(12)(i) of this section, unless the tank has been gas freed since liquefied petroleum gas was last carried as cargo.

(iv) The Captain of the Port issues a Broadcast Notice to Mariners to inform the marine community of scheduled vessel movements that are covered by paragraph (d)(12) of this section.

(v) Notwithstanding paragraph (d)(12)(i) of this section, a vessel may not remain moored at the Elizabeth River Ferry dock at the foot of High Street in Portsmouth, Virginia, when the dock is within a safety zone for a liquefied petroleum gas carrier.

(13) Restrictions on the Use of the Elizabeth River Ferry Dock at the Foot of High Street, Portsmouth, Virginia.

(i) No vessels, other than those being operated as ferries for the Tidewater Transportation District Commission, may embark or disembark passengers or otherwise moor at the Elizabeth River Ferry dock at the foot of High Street, Portsmouth, Virginia.

(ii) Any vessel being operated for the Tidewater Transportation District Commission may not moor at the dock longer than necessary to embark passengers awaiting transportation or disembark passengers already aboard the vessel.

(iii) The master or another authorized licensed officer must remain in the pilothouse and be prepared to get the vessel underway immediately or take other actions necessary to ensure the safety of the vessel's passengers, whenever a vessel is moored at the dock.

(14) Speed restrictions on Norfolk Harbor Reach. Vessels of 300 gross tons or more may not proceed at a speed over eight knots between the Elizabeth River Channel Lighted Gong Buoy 5 (LL 9470) of Norfolk Harbor Reach (northwest of Sewells Point) at approximately 36°58'00" N, 76°20'00" W and gated Elizabeth River Channel Lighted Buoys 17 (LL 9595) and 18 (LL 9600) of Craney Island Reach (southwest of Norfolk International Terminal) at approximately 36°54'17" N, 76°20'11" W. All vessels less than 300 gross tons are ex-

empt from this rule. All coordinates reference Datum NAD 1983. This speed restriction does not apply to Public vessels as defined in 33 U.S.C. 1321(a)(4). The U.S. Navy or other Federal agencies may assist the U.S. Coast Guard in the enforcement of this paragraph.

(15) *Port Security Requirements.* No vessel in excess of 300 gross tons, including tug and barge combinations in excess of 300 gross tons (combined), shall enter the Regulated Navigation Area, move within the Area, or be present within the Area unless it complies with the following requirements.

(i) Obtain authorization to enter the Regulated Navigation Area from the Captain of the Port or his representative at least thirty minutes prior to entering the Regulated Navigation Area. All vessels entering or remaining in the Area may be subject to a Coast Guard boarding.

(ii) Follow all instructions issued by the Captain of the Port or his representative.

(iii) Ensure that no person who is not a permanent member of the vessel's crew, or a member of a Coast Guard boarding team, boards the vessel without presenting valid photo identification.

(iv) Report any departure from or movement within the Regulated Navigation Area to the Captain of the Port or his representative at least 30 minutes prior to getting underway.

(v) Contact the Captain of the Port or his representative on VHF-FM channel 13 or 16, or by calling (757) 444-5209 or (757) 444-5210.

(vi) In addition to the authorities listed in this Part, this section is promulgated under the authority under 33 U.S.C. 1226.

(16) For purposes of the port security requirements in paragraph (d)(15) of this section, the Captain of the Port or his representative means any official designated by the Captain of the Port including, but not limited to, any Coast Guard patrol vessel. All patrol vessels shall display the Coast Guard Ensign at all times when underway.

(e) *Waivers.* (1) The Captain of the Port may, upon request, waive any regulation in this section, if the Captain of the Port finds that the vessel can be operated safely.

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(2) An application for a waiver must state the need for the waiver and describe the proposed vessel operations.

(f) *Control of Vessels Within the Regulated Navigation Area.* (1) When necessary to prevent damage, destruction, or loss of any vessel, the I-664 Bridge Tunnel, or the CBBT, the Captain of the Port may direct the movement of vessels or issue orders requiring vessels to anchor or moor in specific locations.

(2) If needed to further the maritime or commercial interests of the United States, the Captain of the Port may order a vessel to move from the location in which it is anchored to another location within the Regulated Navigation Area.

(3) The master of a vessel within the Regulated Navigation Area shall comply with any orders or directions issued to the master's vessel by the Captain of the Port.

[CGD 05-88-17, 54 FR 608, Jan. 9, 1989; CGD 05-88-17, 54 FR 7190, Feb. 17, 1989, as amended by CGD 05-89-01, 54 FR 19169, May 4, 1989; CGD05-01-066, 66 FR 53713, Oct. 24, 2001; CGD05-01-080, 66 FR 66754, Dec. 27, 2001; CGD05-01-046, 67 FR 3814, Jan. 28, 2002]

EFFECTIVE DATE NOTE: By CGD05-01-066, 66 FR 53713, Oct. 24, 2001, paragraph (d)(14) was added, effective Oct. 24, 2001, until June 15, 2002. By CGD05-01-066, 67 FR 41337, June 18, 2002, the effective date was extended until Dec. 15, 2002. By CGD05-01-080, 66 FR 66754, Dec. 27, 2001, paragraph (a)(1) was suspended and paragraphs (a)(13), (d)(15), and (d)(16) were added, effective Dec. 11, 2001, until June 15, 2002. By CGD05-01-066, 67 FR 41337, June 18, 2002, the effective date was extended until Dec. 15, 2002.

§ 165.502 Cove Point, Chesapeake Bay, Maryland—safety zone.

(a) The waters and waterfront facilities located within the following boundaries constitute a safety zone effective when an LNG (Liquefield Natural Gas) carrier is maneuvering in the vicinity of the Cove Point terminal and when a moored LNG carrier indicates its intention to get underway: A line beginning at a point one-half mile NW of the end of the north pier of the Columbia LNG facility at Cove Point, Maryland, located at 38°24'43"N latitude, 76°23'32"W longitude; thence 056°T to a point 2800 yards offshore at 38°24'59"N latitude, 76°23'01"W longitude; thence 146°T to a point located 2300

yards offshore at 38°23'52"N latitude, 76°22'03"W longitude; thence 236°T to a point one-half mile SE of the end of the south pier of the Columbia LNG facility at Cove Point, Maryland, located 38°23'39"N latitude, 76°22'35"W longitude; thence northwesterly to the point of origin and the area within 50 yards on the shore side of the Columbia LNG Corporation offshore terminal.

(b) The waters and waterfront facilities located within the following boundary constitute a safety zone when an LNG carrier is moored at the Columbia LNG offshore terminal; an area extending 50 yards shoreward of the offshore terminal and 200 yards offshore of all parts of the offshore terminal and the LNG carrier.

(c) The waters and waterfront facilities located within the following boundary constitute a safety zone when no LNG carrier is moored at the receiving terminal: the area within 50 yards of the Columbia LNG offshore terminal, at Cove Point, Maryland.

§ 165.504 Newport News Shipbuilding and Dry Dock Company Shipyard, James River, Newport News, Va.

(a) *Location.* The following is a security zone: The waters of the James River encompassed by a line beginning at the intersection of the shoreline with the northernmost property line of the Newport News Shipbuilding and Dry Dock Co. at latitude 37°00'38.1"N, longitude 76°27'05.7"W, thence southerly to latitude 36°59'58.4"N, longitude 76°27'16.7"W, thence southeasterly to latitude 36°59'23.0"N, longitude 76°26'54.6"W, thence westerly to latitude 36°59'21.5"N, longitude 76°26'58.4"W, thence southeasterly to latitude 36°59'12.9"N, longitude 76°26'52.4"W, thence easterly to latitude 36°59'14.2"N, longitude 76°26'49.1"W, thence southeasterly to latitude 36°58'37.8"N, longitude 76°26'26.3"W, thence easterly to latitude 36°58'43.5"N, longitude 76°26'13.7"W, thence northerly to the intersection of the shoreline with the southernmost property line of the Newport News Shipbuilding and Dry Dock Co. at latitude 36°58'48.0"N, longitude 76°26'11.2"W, thence northwesterly along the shoreline to the point of beginning.

(b) *Security zone anchorage.* The following is a security zone anchorage: The waters of the James River encompassed by a line beginning at the intersection of the shoreline with the northernmost property line of the Newport News Shipbuilding and Dry Dock Company shipyard at latitude 37°00'38.1"N, longitude 76°27'05.7"W, thence southerly to latitude 36°59'58.4"N, longitude 76°27'16.7"W, thence easterly to the shoreline at latitude 36°59'58.5"N, longitude 76°27'11.6"W, thence along the shoreline to the point of beginning.

(c) *Special Regulations.* (1) Section 165.33 (a), (e), and (f) do not apply to the following vessels or individuals on board those vessels:

(i) Public vessels of the United States.

(ii) Public vessels owned or operated by the Commonwealth of Virginia or its subdivisions for law enforcement or firefighting purposes.

(iii) Vessels owned by, operated by, or under charter to Newport News Shipbuilding and Dry Dock Co.

(iv) Vessels that are performing work at Newport News Shipbuilding and Dry Dock Co., including the vessels of subcontractors and other vendors of Newport News Shipbuilding and Dry Dock Co. or other persons that have a contractual relationship with Newport News Shipbuilding and Dry Dock Co.

(v) Vessels that are being built, rebuilt, repaired, or otherwise worked on at or by Newport News Shipbuilding and Dry Dock Co. or another person authorized to perform work at the shipyard.

(vi) Vessels that are authorized by Newport News Shipbuilding and Dry Dock Company to moor at and use its facilities.

(vii) Commercial shellfish harvesting vessels taking clams from the shellfish beds within the zone, if

(A) The owner of the vessel has previously provided the Captain of the Port, Hampton Roads, Virginia, information about the vessel, including:

(1) The name of the vessel;

(2) The vessel's official number, if documented, or state number, if numbered by a state issuing authority;

(3) A brief description of the vessel, including length, color, and type of vessel;

(4) The name, Social Security number, current address, and telephone number of the vessel's master, operator, or person in charge; and

(5) Upon request, information the vessel's crew.

(B) The vessel is operated in compliance with any specific orders issued to the vessel by the Captain of the Port or other regulations controlling the operation of vessels within the security zone that may be in effect.

(d) *Enforcement.* The U.S. Coast Guard may be assisted in the enforcement of this zone by the U.S. Navy.

[CGD5 86-03, 51 FR 18322, May 19, 1986, as amended by CGD5 87-038, 52 FR 41996, Nov. 2, 1987]

**§ 165.510 Delaware Bay and River, Salem River, Christina River and Schuylkill River-Regulated Navigation Area.**

(a) *Regulated Navigation Area.* The following is a Regulated Navigation Area: The navigable waters of Delaware Bay and River, Salem River, Christina River, and Schuylkill River, in an area bounded on the south by a line drawn across the entrance to the Delaware Bay between Cape May Light and Harbor of Refuge Light and then continuing to the northernmost extremity of Cape Henlopen, and bounded on the north by a line drawn across the Delaware River between Trenton, NJ and Morrisville, PA along the southern side of the U.S. Route 1 Bridge.

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

*COTP* means the Captain of the Port, Philadelphia, PA and any Coast Guard commissioned, warrant or petty officer who has been authorized by the COTP to act on his or her behalf.

*Dangerous Cargo* means those cargoes listed in § 160.203 of this chapter when carried in bulk, but does not include cargoes listed in Table 1 of 46 CFR part 153.

*Underway* means that a vessel is not at anchor, made fast to the shore, or aground.

(c) *Applicability.* This section applies to any vessel operating within the Regulated Navigation Area, including a naval or public vessel, except a vessel engaged in:

(1) Law enforcement;

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(2) Servicing aids to navigation; or  
(3) Surveying, maintaining, or improving waters within the Regulated Navigation Area.

(d) *Draft limitation.* Unless otherwise authorized by the COTP, no vessel with a draft greater than 55 feet may enter this regulated navigation area.

NOTE: The project depth in many areas of the Regulated Navigation Area is less than 55 feet.

(e) *Oil transfer operations.* Unless otherwise authorized by the COTP, no vessel to vessel oil transfer operations, excluding bunkering, may be conducted within the area between the southern boundary of this regulated navigation area and the southern span of the Delaware Memorial Bridge except within the anchorage ground designated in 110.157(a)(1) of this chapter.

(f) *Requirements for vessels carrying dangerous cargoes.* The master, owner, or operator of a vessel carrying a dangerous cargo shall:

(1) Notify the COTP at least 72 hours before the vessel enters or departs the regulated navigation area and at least 12 hours before the vessel moves within the regulated navigation area. The notice must include a report of the vessel's propulsion and machinery status and, for foreign flag vessels, the notice must include any outstanding deficiencies identified by the vessel's flag state or classification society;

(2) Not enter, get or remain underway within the regulated navigation area if visibility is or is expected to be less than two (2) miles. If during the transit visibility becomes less than two (2) miles, the vessel must seek safe anchorage and notify the COTP immediately;

(3) Not anchor in any area within the regulated navigation area unless in times of emergency or with COTP permission;

(4) Not transfer dangerous cargo while the vessel is at anchor or bunkering;

(5) Maintain a manned watch in the steering compartment whenever the vessel is underway within the regulated navigation area unless the vessel has two separate and independent steering control systems with duplicate pilothouse steering gear control

systems which meet the requirements of 46 CFR 58.25-70;

(6) When anchored within the regulated navigation area and:

(i) Sustained winds are greater than 25 knots but less than 40 knots, ensure the main engines are ready to provide full power in five minutes or less; and

(ii) Sustained winds are 40 knots or over, ensure that the main engines are on line to immediately provide propulsion;

(7) While moored within the regulated navigation area, ensure that at least two wire cable mooring lines (firewarps) are rigged and ready for use as emergency towing hookups fore and aft on the outboard side of the vessel;

(8) While underway or anchored within the regulated navigation area, ensure that at least two wire cable mooring lines (firewarps) are rigged and ready for use as emergency towing hookups fore and aft on the vessel; and,

(9) Proceed as directed by the COTP.

(g) *Requirements for vessels operating in the vicinity of a vessel carrying dangerous cargoes.* (1) Except for a vessel that is attending a vessel carrying dangerous cargo with permission from the master of the vessel carrying dangerous cargo or a vessel that is anchored or moored at a marina, wharf, or pier, and which remains moored or at anchor, no vessel may, without the permission of the COTP:

(i) Come or remain within 500 yards of the port or starboard side or within 1,000 yards of the bow or stern of an underway vessel that is carrying dangerous cargo; or

(ii) Come or remain within 100 yards of a moored or anchored vessel carrying dangerous cargo.

(2) The master, owner, or operator of any vessel receiving permission under paragraph (g)(1) of this section shall:

(i) Maintain a continuous radio guard on VHF-FM channels 13 and 16;

(ii) Operate at "no wake" speed or the minimum speed needed to maintain steerage; and

(iii) Proceed as directed by the COTP.

(3) No vessel may overtake a vessel carrying dangerous cargoes unless the overtaking can be completed before

reaching any bend in the channel. Before any overtaking, the pilots, masters or operators of both the overtaking vessel and the vessel being overtaken must clearly agree on the circumstances of the overtaking, including vessel speeds, time and location of overtaking.

(h) *Additional restrictions above the C&D Canal.* When operating on the Delaware River above the C&D Canal:

(1) A vessel carrying dangerous cargo must be escorted by at least one commercial tug; and

(2) Meeting situations shall be avoided on river bends to the maximum extent possible.

(i) The COTP will issue a Broadcast Notice to Mariners to inform the marine community of scheduled vessel movements during which the restrictions imposed by paragraphs (g) and (h) of this section will be in effect.

[CGD 05-96-010, 62 FR 40275, July 28, 1997, as amended by USCG-2000-7223, 65 FR 40058, June 29, 2000]

**§ 165.514 Safety Zone: Atlantic Intra-coastal Waterway and connecting waters, vicinity of Marine Corps Base Camp Lejeune, North Carolina.**

(a) *Location.* The following area is a safety zone: All waters of the Atlantic Intracoastal Waterway (AICW) and connecting waters, from Bogue Sound—New River Daybeacon 58 (LLNR 39210) at approximate position 34°37'57" North, 077°12'18" West, and continuing in the AICW southwest to Bogue Sound—New River Daybeacon 70 (LLNR 39290) at approximate position 34°33'07" North, 077°20'30" West. All coordinates reference Datum: NAD 1983.

(b) Notwithstanding the provisions of 33 CFR 334.440(e)(2)(i), no vessel may enter the safety zone described in paragraph (a) of this section while weapons firing exercises are in progress, except as provided in paragraph (c) of this section or unless permitted by the Captain of the Port (COTP) Wilmington.

(1) Red warning flags or red warning lights will be displayed on towers located at both ends of the safety zone (Bear Creek and Cedar Point) while firing exercises are in progress. The flags or lights will be displayed by 8 a.m. on days where firing exercises are sched-

uled, and will be removed at the end of the firing exercise.

(2) A Coast Guard or U.S. Navy vessel will patrol each end of the safety zone to ensure the public is aware that firing exercises are in progress and that the firing area is clear of vessel traffic before weapons are fired.

(c)(1) The COTP Wilmington will announce the specific times and locations of firing exercises by Broadcast Notice to Mariners and Local Notice to Mariners. Normally, weapons firing for each firing exercise is limited to a two nautical mile portion of the safety zone. The COTP may issue general permission to transit all or specified parts of the safety zone outside of the actual firing area or if firing is temporarily stopped. This general permission will be announced in a Local Notice to Mariners and Broadcast Notice to Mariners.

(2) Weapons firing will be suspended and vessels permitted to transit the specified two nautical mile firing area for a one-hour period beginning at the start of each odd-numbered hour local time (e.g., 9 a.m.; 1 p.m.). A vessel may not enter the specified firing area unless it will be able to complete its transit of the firing area before firing exercises are scheduled to re-start at the beginning of the next even-numbered hour.

(d) U.S. Navy safety vessels may be contacted on VHF marine band radio channels 13 (156.65 Mhz) and 16 (156.8 Mhz). The Captain of the Port may be contacted at the Marine Safety Office, Wilmington, NC by telephone at 1-(800) 325-4956.

[CGD 05-98-38, 63 FR 58636, Nov. 2, 1998, as amended by USCG-2000-7223, 65 FR 40058, June 29, 2000]

**§ 165.515 Safety Zone: Cape Fear River, Wilmington, North Carolina.**

(a) *Location.* The following area is a safety zone:

(1) The waters of the Cape Fear River bounded by a line connecting the following points:

<i>Latitude</i>	<i>Longitude</i>
34°14'12" N	77°57'10" W
34°14'12" N	77°57'06" W
34°13'54" N	77°57'00" W
34°13'54" N	77°57'06" W

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(2) The safety zone boundary can be described as follows: starting at the stern of the Battleship USS NORTH CAROLINA, across the Cape Fear River to the north end of the Coast Guard moorings, down along the east bank of the Cape Fear River to the bow of the tug CAPTAIN JOHN TAXIS Memorial (Chandler's Wharf), back across the Cape Fear River to Eagle Island, and then up along the west bank of the Cape Fear River to the stern of the Battleship USS NORTH CAROLINA.

(b) *Definitions.* The designated representative of the Captain of the Port is any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port, Wilmington, North Carolina to act on his behalf.

(c) *General information.* The Captain of the Port and the Duty Officer at the Marine Safety Office, Wilmington, North Carolina, can be contacted at telephone number 1-800-325-4956. The Coast Guard Patrol Commander and the senior boarding officer on each vessel enforcing the safety zone can be contacted on VHF-FM channels 16 and 81.

(d) *Regulation.* Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(1) The operator of any vessel in the immediate vicinity of this safety zone shall:

(i) Stop the vessel immediately upon being directed to do so by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard Ensign.

(ii) Proceed as directed by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard Ensign.

(2) Any spectator vessel may anchor outside of the regulated area specified in paragraph (a) of the section, but may not block a navigable channel.

(e) *Effective date.* The Captain of the Port will issue a Marine Safety Information Broadcast and a Notice to Mariners to notify the public when this section is in effect.

[59 FR 33200, June 28, 1994, as amended by USCG-2000-7223, 65 FR 40059, June 29, 2000]

§ 165.530 Safety Zone: Cape Fear and Northeast Cape Fear Rivers, NC.

(a) *Location.* The following area is a moving safety zone during the specified conditions: The waters of the Cape Fear and Northeast Cape Fear Rivers for 500 yards ahead and astern, and 75 yards abeam of a vessel carrying hazardous materials when designated by the Captain of the Port Wilmington, North Carolina.

(b) *General Information.* (1) The Captain of the Port and the Duty Officer at the Marine Safety Office, Wilmington, North Carolina, can be contacted at telephone number 1-800-325-4956. The Coast Guard Patrol Commander enforcing the safety zone can be contacted on VHF-FM channels 16 and 81.

(2) The Captain of the Port may authorize and designate any Coast Guard commissioned, warrant, or petty officer to act on his behalf in enforcing this safety zone.

(3) The Marine Safety Office Wilmington will notify the maritime community of periods during which this safety zone will be in effect by providing advance notice of scheduled arrivals and departures of loaded hazardous materials vessels via a marine broadcast Notice to Mariners.

(c) *Regulation.* The general regulations governing safety zones contained in § 165.23 apply.

[COTP Wilmington, NC 94-004, 59 FR 42759, Aug. 19, 1994, as amended by USCG-2000-7223, 65 FR 40059, June 29, 2000]

§ 165.540 Regulated Navigation Area; Cape Fear River, Northeast Cape Fear River, Wilmington, North Carolina.

(a) *Description of the Regulated Navigation Area (RNA).* The RNA encompasses all waters of the Cape Fear River and Northeast Cape Fear River from the intersection of Bald Head Shoal Channel and Smith Island Channel (centerline coordinates Latitude 33°52'24.028" N, Longitude 78°00'29.624" W (NAD 83)) to mile 26.7 on the Northeast Cape Fear River.

(b) *Work areas.* Dredging work within the RNA will be conducted in five distinct areas: Ocean Bar II, Horseshoe Shoal, Passing Lane & Anchorage Basin, Big Island, and the Northeast Cape Fear River. Drilling or blasting is

expected to occur within the Passing Lane & Anchorage Basin, Big Island, and the Northeast Cape Fear River work areas. The blast sites within the RNA, will be identified and made available to the public through: Broadcast Notices to Mariners or Local Notices to Mariners (Local Notices to Mariners are available on-line at [www.navcen.uscg.gov/lnm/d5/](http://www.navcen.uscg.gov/lnm/d5/)); direct contact with the control vessel on channel 16 VHF-FM; direct contact with the contractor; or through the Captain of the Port on VHF marine Band Radio, channels 13 and 16; or at telephone number (910) 772-2200. In addition, dredge and blasting companies will have a control vessel present at the site of each blast.

(c) *Enforcement period.* This section will be enforced during the months of August, September, October, November, December, and January, each year. This rule will expire on January 31, 2006.

(d) *Definitions.*

*Active work area* means a work area in which blasting, drilling, or dredging operations are currently taking place.

*Blast site* means the area where explosive material is handled during loading, including the perimeter formed by the loaded blast holes and fifty (50) feet (15.2 meters) in all directions from loaded holes.

*Blasting operations* means the detonation of explosives on the river bottom.

*Captain of the Port* means the Coast Guard officer designated by the Commandant to command the Captain of the Port Zone as described in 33 CFR 3.25-20.

*Control vessel* means the vessel at an active work area which coordinates operations within the active work area.

*Hangfire* means a blast that fails to detonate at initiation, but detonates at a later time.

*Mile* means measured as nautical miles.

*Misfire* means a blast that fails to detonate completely after an attempt at initiation, also the explosive material that failed to detonate as planned.

*RNA* means Regulated Navigation Area.

*Work area* means those places within the RNA where dredging, drilling, and blasting shall be conducted.

(e) *Description of work areas in the RNA.* (1) *Ocean Bar II, mouth of Cape Fear.* The work area includes: Part of Bald Head Shoal Channel, Smith Island Channel, Baldhead Caswell Channel, Southport Channel, Battery Island Channel, Lower Swash Channel, and the majority of Snows Marsh Channel. The downstream end of the work area (centerline coordinates: Latitude 33° 50'43.668"N, Longitude 78° 01'40.068"W (NAD 1983)) is located southeast of Cape Fear River Channel Lighted Buoy 8 (LL 30350), approximately 2,560 feet east of the centerline of the existing Bald Head Shoal Channel. Upstream end of the work area is located 1,200 feet downstream of the intersection of Snows Marsh Channel and Horseshoe Shoal Channel at turn six (mile 6.5, approximately 1,150 feet downstream of Cape Fear River Channel Lighted Buoy 25 (LL 30530/39965)).

(2) *Horseshoe Shoal.* The work area includes: Horseshoe Shoal Channel and part of Snows Marsh Channel. Downstream end of the work area is located 1,200 feet downstream of the intersection of Snows Marsh Channel and Horseshoe Shoal Channel (mile 6.5, approximately 1,150 feet downstream of Cape Fear River Channel Lighted Buoy 25 (LL 30530/39965)). Upstream end of the work area is located at the intersection of Horseshoe Shoal Channel and Reaves Point Channel (mile 7.7, at about Cape Fear River Channel Lighted Buoy 27 (LL 30550/39945)).

(3) *Big Island.* The work area includes: Part of Keg Island Channel, Lower Big Island Channel, Upper Big Island Channel, and part of Lower Brunswick Channel. Downstream end of the work area is approximately 2,230 feet upstream of the intersection of Upper Lilliput Channel and Keg Island Channel (mile 16.2, approximately 1,320 feet downstream of Cape Fear River Channel Lighted Buoy 46 (LL 30765) and approximately 2,300 feet upstream of Cape Fear River Channel Lighted Buoy 44 (LL 30750)). Upstream end of the work area is approximately 2,680 feet upstream of intersection of Upper Big Island Channel and Lower Brunswick Channel (mile 18.7, approximately 1,620 feet upstream of Cape Fear River Channel Lighted Buoy 56 (LL 30830) and approximately 590 feet downstream of the

Carolina Power & Light Company (CP&L) overhead power line crossing).

(4) *Passing Lane and Anchorage Basin.* There are two separate work areas for this contract, separated by the Big Island Contract.

(i) Passing Lane work area is located immediately downstream of the Big Island contract work area. The work area includes: Reaves Point Channel, Lower Midnight Channel, Upper Midnight Channel, Lilliput Channel, and part of Keg Island Channel. Downstream end of Passing Lane work area is the intersection of Horseshoe Shoal Channel and Reaves Point Channel (mile 7.7, at about Cape Fear River Channel Lighted Buoy 27 (LL 30550/39945)). Upstream end of the Passing Lane work area is approximately 2,230 feet upstream of intersection of Upper Lilliput Channel and Keg Island Channel (mile 16.2, approximately 1,320 feet downstream of Cape Fear River Channel Lighted Buoy 46 (LL 30765) and approximately 2,300 feet upstream of Cape Fear River Channel Lighted Buoy 44 (LL 30750)).

(ii) Anchorage Basin work area is located immediately upstream of the Big Island contract work area. The work area includes: Part of Lower Brunswick Channel, Fourth East Jetty Channel, Between Channel, and Anchorage Basin Channel. Downstream end of Anchorage Basin work area is approximately 2,680 feet upstream of intersection of Upper Big Island Channel and Lower Brunswick Channel (mile 18.7, approximately 1,620 feet upstream of Cape Fear River Channel Lighted Buoy 56 (LL 30830) and approximately 590 feet downstream of the CP&L overhead power line crossing). Upstream end of Anchorage Basin work area is the Cape Fear Memorial Bridge (mile 23.6).

(5) *Northeast Cape Fear River.* The downstream end of the work area is the Cape Fear Memorial Bridge (mile 23.6). Upstream end of the work area (approximately mile 26.7) is on the Northeast Cape Fear River and is approximately 700 feet upstream of the turning basin located opposite Koch Sulfur Products Co. and approximately 90 feet downstream of the submerged gas pipeline crossing.

(f) *Regulations.* (1) Blasting, drilling, and dredging operations raise many

safety issues for vessels transiting the RNA. All mariners are reminded to exercise caution while transiting or operating in the RNA.

(2) Active work areas, control vessels, and blast sites will be identified via Broadcast Notices to Mariners or Local Notices to Mariners. The Local Notice to Mariners is available on-line at [www.navcen.uscg.gov/lnm/d5/](http://www.navcen.uscg.gov/lnm/d5/). Control vessels shall monitor channel 16 VHF-FM.

(3) The following requirements apply to all vessels.

(i) All vessels shall inform themselves of the active work areas prior to entering the RNA.

(ii) All vessels shall contact and receive permission from the control vessel for that work area before entering the active work area.

(iii) All vessels transiting an active work area shall do so at no wake speed or the minimum speed necessary to maintain steerage.

(iv) During blasting operations all vessels are prohibited from entering an area of 500 yards surrounding the blast site. Upon notification of a misfire or hangfire, all vessels underway in the RNA shall proceed to clear the active work area in which the misfire or hangfire occurred.

(4) Vessels over 300 gross tons and tugs with tows are required to contact the COTP 12 hours before vessel movement within the RNA.

(5) Vessels meeting the notice of arrival requirements under 33 CFR 160.207 are encouraged to notify the COTP at least 48-hours before the vessel enters the RNA to facilitate scheduling and minimize delays. Updates are encouraged at least 12 hours before arriving at the RNA boundaries. The COTP may delay entry into the RNA to accommodate other commercial traffic.

(6) Vessels of 300 gross tons or greater shall be prohibited from entering the RNA when they are advised that a misfire or hangfire has occurred.

(7) For any vessel with another vessel/barge in tow transiting an active work area, the hawser or wire length of the tow shall not exceed 275 feet, measured from the towing bit on the tug to the point where the hawser or wire connects with the towed vessel or barge.

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(8) Vessels of 300 gross tons or greater and tugs with tows, shall, prior to entering the RNA, ensure that they have sufficient propulsion and directional control to safely navigate the RNA under the prevailing conditions.

(9) Vessels of 300 gross tons or greater and tugs with tows are prohibited from meeting or overtaking vessels of 300 gross tons or greater or tugs with tows in active work areas or within one nautical mile of an active work area.

(10) The Captain of the Port, Wilmington may, upon written request, authorize a deviation from any regulation in this section if it is found that the proposed operations can be done safely. An application for deviation must be received not less than 48 hours before intended operation and must state the need and describe the proposal.

[CGD05-01-006, 66 FR 39099, July 27, 2001]

**SEVENTH COAST GUARD DISTRICT**

**§ 165.T07-047 Security Zone; Port of San Juan, Puerto Rico.**

(a) *Regulated area.* Temporary moving security zones are established 50 yards around all cruise ships entering or departing the Port of San Juan. These moving security zones are activated when the subject vessel is one mile north of the #1 buoy at approximate position 18°28.3' N, 66°07.6' W when entering the Port of San Juan and deactivated when the vessel passes this buoy on its departure from the Port of San Juan. Temporary fixed security zones are also established 50 yards around all cruise ships when these vessels are moored in the Port of San Juan.

(b) *Regulations.* In accordance with the general regulations in §165.33 of this part, entry into this zone is prohibited except as authorized by the Captain of the Port, or a Coast Guard commissioned, warrant, or petty officer designated by him. The Captain of the Port will notify the public of any changes in the status of this zone by Marine Safety Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz).

(c) *Dates.* This rule is effective at 11:59 p.m. on June 15, 2002 until 11:59 p.m. on October 31, 2002.

[CGD07-02-047, 67 FR 40610, June 13, 2002]

EFFECTIVE DATE NOTE: By CGD07-02-047, 67 FR 40610, June 13, 2002, §165.T07-047 was added, effective from 11:59 p.m., June 15, 2002, until 11:59 p.m., Oct. 31, 2002.

**§ 165.T07-052 Security Zone; HOVENSA Refinery, St. Croix, U.S. Virgin Islands.**

(a) *Regulated area.* A temporary fixed security zone is established 20 yards around all commercial tank and freight vessels moored at every dock at the HOVENSA refinery at St Croix, U. S. Virgin Islands.

(b) *Regulations.* In accordance with the general regulations in §165.33 of this part, all persons aboard commercial tank and freight vessels moored at the docks in the regulated area must remain on board for the duration of the port call unless escorted by designated HOVENSA personnel or specifically authorized by the Captain of the Port San Juan, or a Coast Guard commissioned, warrant, or petty officer designated by him. The Captain of the Port will notify the public of any changes in the status of this zone by Marine Safety Radio Broadcast on VHF Marine Band Radio, Channel 16 (157.1 Mhz).

(c) *Dates.* This section becomes effective at 5 a.m. on May 25, 2002, and will terminate at 11:59 p.m. on October 31, 2002.

EFFECTIVE DATE NOTE: By CGD07-02-052, 67 FR 40618, June 13, 2002, §165.T07-052 was added, effective from 5 a.m. on May 25, 2002, until 11:59 p.m., Oct. 31, 2002.

**§ 165.T07-053 Security Zones: Tampa Bay, Tampa, Florida, Crystal River, Florida.**

(a) The following areas are security zones:

(1) *Florida Power Crystal River Power Plant*—The security zone for the Florida Power Corporation Channel encompasses the waters within the following points: 28°56.87'N, 082°45.17'W (Northwest corner), 28°57.37'N, 082°41.92'W (Northeast corner), 28°56.81'N, 082°45.17'W (Southwest corner), and 28°57.32'N, 082°41.92'W (Southeast corner). The security zone for the Demory Gap Channel encompasses the waters within the following points: 28°57.61'N, 082°43.42'W (Northwest corner), 28°57.53'N, 082°41.88'W (Northeast corner), 28°57.60'N, 082°43.42'W (Southwest

corner), 28°57.51'N, 082°41.88'W (Southeast corner).

(2) *Port of Tampa, Hazardous Cargo Vessels*—Temporary security zones are established 100 yards around moored vessels carrying or transferring Liquefied Petroleum Gas (LPG), Anhydrous Ammonia (NH<sub>3</sub>) and/or grade “A” and “B” flammable liquid cargoes in the Port of Tampa, Florida. Additionally a 200-yard minimal speed zone is created around these vessels.

(3) *Port of Tampa, Cruise Ships*—Temporary security zones are established 100 yards around moored cruise ships in Tampa, Florida. Additionally a 200-yard minimal speed zone is created around these cruise ships.

(4) *Moving Cruise Ships, Tampa Bay*—One hundred-yard security zones around all cruise ships east of the Tampa Bay “T” sea buoy entering or departing Tampa Bay. Additionally, any vessel transiting within 200 yards of a moving cruise ship must proceed through the area at the minimum speed necessary to maintain safe navigation.

(5) *St. Petersburg Harbor Seawall and Moorings*—The Coast Guard is establishing temporary fixed security zones in all waters north of the marked channel in St. Petersburg Harbor, St. Petersburg, Florida. These security zones will encompass all waters on the north side of channel serving St. Petersburg Harbor, commencing at dayboard “10” in approximate position 27°45.58'N, 082°37.52'W, and westward along the seawall 100 feet from the seawall and around all moorings and vessels to the end of the storage facility in approximate position 27°45.68'N, 082°37.80'W.

(6) *St. Petersburg Harbor South Moorings*—A security zone is established for the Coast Guard south moorings in St. Petersburg Harbor. The zone will extend 100 feet around the piers commencing from approximate position 27°45.52'N, 082°37.96'W to 27°45.52'N, 082°37.60'W. All positions noted are fixed using the North American Datum of 1983 (World Geodetic System 1984). The southern boundary of the zone is shoreward of a line between Green Daybeacon 11(LLN 2500) westerly to the entrance to Salt Creek.

(7) *Pendola Point to East Bay*—Temporary security zones are established 50

yards from shoreline or seawall and encompassing all piers around facilities commencing at: 27°54.16'N 082°26.11'W, east northeast to 27°54.19'N 082°26.00'W, then northeast to 27°54.37'N 082°25.72'W closing off all of Port Sutton Channel to commercial and recreational fisherman, then northerly to 27°54.48'N 082°25.72'W, then northeasterly and terminating at point 27°55.27'N 082°25.17'W.

(8) *Eastern Side of Hookers Point*—Temporary security zones are established 50 yards from shoreline or seawall and encompassing all piers around facilities commencing at: 27°56.05'N 082°25.95'W southwesterly to 27°56.00'N 082°26.08'W then southerly 27°55.83'N 082°26.07'W then southeasterly to 27°55.66'N 082°25.73'W the south to 27°54.75'N 082°25.74'W then southwesterly and terminating at point 27°54.57'N 082°25.86'W.

(9) *Southwestern Hookers Point to Ybor Channel*—Temporary security zones are established 50 yards from shoreline or seawall and encompassing all piers around facilities commencing at: 27°54.74'N 082°26.47'W, northwest to 27°55.25'N 082°26.73'W, then north-northwest to 27°55.60'N 082°26.80'W, then north-northeast to 27°56.00'N 082°26.74'W, then northeast 27°56.56'N 082°26.55'W, and north to 27°56.84'N 082°26.55'W, west to 27°56.84'N 082°26.66'W, then southerly to 27°56.65'N 082°26.66'W, southwesterly to 27°56.7'N 082°26.7'W then southwesterly and terminating at 27°56.53'N 082°26.96'W.

(10) *Sunshine Skyway Bridge*—The Coast Guard is establishing temporary fixed security zones in all waters extending 100 feet around all bridge supports and rocky outcroppings at the base of the supports for the Sunshine Skyway Bridge in Tampa Bay, located at approximate position 27°37'12" N Latitude, 82°39'20" W Longitude.

b. *Regulations.* In accordance with the general regulations in §165.33 of this part, entry into these zones is prohibited except as authorized by the Captain of the Port, or his designated representative. The Captain of the Port will notify the public of these restrictions via Marine Safety Broadcast on VHF-FM Channel 16 and 13 (157.1 MHz).

c. *Authority.* In addition to 33 U.S.C. 1231 and 50 U.S.C. 191, the authority for this section includes 33 U.S.C. 1226.

d. *Dates.* This section is effective from 6:01 p.m. on June 15, 2002 until 11:59 p.m. October 31, 2002.

[CTOP TAMPA-02-053, 67 FR 42485, June 24, 2002]

EFFECTIVE DATE NOTE: By CTOP TAMPA-02-053, 67 FR 42485, June 24, 2002, §165.T07-053 was added, effective from 6:01 p.m., June 15, 2002, until 11:59 p.m., Oct. 31, 2002.

**§ 165.701 Vicinity, Kennedy Space Center, Merritt Island, Florida—security zone.**

(a) The water, land, and land and water within the following boundaries are a security zone—The perimeter of the Cape Canaveral Barge Canal and the Banana River at 28°24'33" N., 80°39'48" W.; then due west along the northern shoreline of the barge canal for 1,300 yards; then due north to 28°28'42" N., 80°40'30" W., on Merritt Island. From this position, the line proceeds irregularly to the eastern shoreline of the Indian River to a position 1,300 yards south of the NASA Causeway at 28°30'54" N., 80°43'42" W. (the line from the barge canal to the eastern shoreline of the Indian River is marked by a three-strand barbed-wire fence), then north along the shoreline of the Indian River to the NASA Causeway at 28°31'30" N., 80°43'48" W. The line continues west on the southern shoreline of the NASA Causeway to NASA Gate 3 (permanent), then north to the northern shoreline of the NASA Causeway and east on the northern shoreline of the causeway back to the shoreline on Merritt Island at position 28°31'36" N., 80°43'42" W., then northwest along the shoreline to 28°41'01.2" N., 80°47'10.2" W. (Blackpoint); then due north to channel marker #6 on the Intracoastal Waterway (ICW), then northeast along the southern edge of the ICW to the western entrance to the Haulover Canal. From this point, the line continues northeast along the southern edge of the Haulover Canal to the eastern entrance to the canal; then due east to a point in the Atlantic Ocean 3 miles offshore at 28°44'42" N., 80°37'51" W.; then south along a line 3 miles from the coast to Wreck Buoy "WR6", then to Port Canaveral Channel Lighted Buoy 10, then west along the northern edge of the Port Canaveral Channel to the northeast corner of the intersection of

the Cape Canaveral Barge Canal and the ICW in the Banana River at 28°24'36" N., 80°38'42" W. The line continues north along the east side of the Intracoastal Waterway to daymarker '35' thence North Westerly one quarter of a mile south of NASA Causeway East (Orsino Causeway) to the shoreline on Merritt Island at position 28°30.95"N., 80°37.6"W., then south along the shoreline to the starting point.

(b) The area described in paragraph (a) of this section is closed to all vessels and persons, except those vessels and persons authorized by the Commander, Seventh Coast Guard District, or the COTP Jacksonville, Florida, whenever space vehicles are to be launched by the United States Government from Cape Canaveral.

(c) COTP Jacksonville, Florida, closes the security zone, or specific portions of it, by means of locally promulgated notices. The closing of the area is signified by the display of a red ball from a 90-foot pole near the shoreline at approximately 28°35'00" N., 80°34'36" W., and from a 90-foot pole near the shoreline at approximately 28°25'18" N., 80°35'00" W. Appropriate Local Notices to Mariners will also be broadcast on 2670 KHZ.

[CGD 79-034, 47 FR 29660, July 8, 1982, as amended by CGD 7-82-10, 48 FR 11696, Mar. 21, 1983; USCG-1998-3799, 63 FR 35532, June 30, 1998]

**§ 165.703 Tampa Bay, Florida—Safety Zone.**

(a) A floating safety zone is established consisting of an area 1000 yards fore and aft of a loaded anhydrous ammonia vessel and the width of the channel in the following areas:

(1) For inbound tank vessels loaded with anhydrous ammonia, Tampa Bay Cut "F" Channel from Lighted Buoys "3F" and "4F" north through and including Gadsden Point Cut Lighted Buoy "3" and commencing at Gadsden Point Cut Lighted Buoys "7" and "8" north and including Hillsborough Cut "C" Channel.

(i) For vessels bound for R. E. Knight Pier at Hookers Point the safety zone includes, in addition to the area in paragraph (a)(1) of this section, Hillsborough Cut "D" Channel to the southern tip of Harbor Island.

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(ii) For vessels bound for the anhydrous ammonia receiving terminals to Port Sutton the safety zone includes, in addition to the area in paragraph (a)(1) of this section, Port Sutton Channel.

(2) For outbound tank vessels loaded with anhydrous ammonia the safety zone is established when the vessel departs the receiving terminal and continues through the area described in paragraph (a)(1) of this section.

(3) The floating safety zone is disestablished when the anhydrous ammonia carrier is safely moored at the anhydrous ammonia receiving facility.

(b) All vessels over 5000 gross tons intending to pass anhydrous ammonia vessels moored in Port Sutton, and all vessels intending to moor in the R. E. Knight facilities at Hookers Point while an anhydrous ammonia vessel is moored in this facility, must give 30 minutes notice to the anhydrous ammonia vessel so it may take appropriate safety precautions.

(c) The general regulations governing safety zones contained in §165.23 apply.

(d) The Marine Safety Office Tampa will notify the maritime community of periods during which these safety zones will be in effect by providing advance notice of scheduled arrivals and departures of loaded anhydrous ammonia vessels via a marine broadcast Notice to Mariners.

(e) Should the actual time of entry of the anhydrous ammonia vessel into the safety zone vary more than one half hour from the scheduled time stated in the broadcast Notice to Mariners, the person directing the movement of the anhydrous ammonia vessel shall obtain permission from Captain of the Port Tampa before commencing the transit.

(f) Prior to commencing the movement, the person directing the movement of the anhydrous ammonia vessel shall make a security broadcast to advise mariners of the intended transit. All additional security broadcasts as recommended by the U.S. Coast Pilot 5, ATLANTIC COAST shall be made through the transit.

(g) Vessels carrying anhydrous ammonia are permitted to enter and transit Tampa and Hillsborough Bay and approaches only with a minimum of three miles visibility.

(h) The Captain of the Port Tampa may waive any of the requirements of this subpart for any vessel upon finding that the vessel or class of vessel, operational conditions, or other circumstances are such that application of this subpart is unnecessary or impractical for purposes of port safety or environmental safety.

(i) The owner, master, agent or person in charge of a vessel or barge, loaded with anhydrous ammonia shall report the following information to the Captain of the Port, Tampa at least twenty-four hours before entering Tampa Bay or its approaches or departing from Tampa Bay:

(1) Name and country of registry of the vessel or barge;

(2) The name of the port or place of departure;

(3) The name of the port or place of destination;

(4) The estimated time that the vessel is expected to begin its transit of Tampa Bay and the time it is expected to commence its transit of the safety zone.

(5) The cargo carried and amount.

[CGD7-85-32, 51 FR 28382, Aug. 7, 1986 as amended by CGD07-87-07, 52 FR 31763, Aug. 24, 1987; 65 FR 9221, Feb. 24, 2000]

**§ 165.704 Safety Zone; Tampa Bay, Florida.**

(a) A floating safety zone is established consisting of an area 1000 yards fore and aft of a loaded Liquefied Petroleum Gas (LPG) vessel and the width of the channel in the following areas. Any vessels desiring to enter the safety zone must obtain authorization from the Captain of the Port Tampa.

(1) For vessels loaded with LPG and bound for the LPG receiving terminal in Port Sutton the safety zone starts at Tampa Bay Cut "F" Channel from Lighted Buoys "3F" and "4F" and proceeds north ending at Gadsden Point Cut Lighted Buoys "3" and "4". The safety zone starts again at Gadsden Point Cut Lighted Buoys "7" and "8" and proceeds north through Hillsborough Cut "C", Port Sutton Entrance Channel, and ends at the Port Sutton LPG facility.

(2) For vessels loaded with LPG and bound for the LPG receiving terminal in Rattlesnake the safety zone starts

at Tampa Bay Cut "J" Channel from lighted buoy "10J" and proceeds north through Tampa Bay Cut "K" Channel to buoy "11K." When a loaded LPG vessel departs the marked channel at Tampa Bay Cut "K" buoy "11K" enroute to Rattlesnake, Tampa, FL, the floating safety zone extends 500 yards in all directions surrounding the loaded LPG vessel, until it arrives at the entrance to Rattlesnake. While the loaded LPG vessel is maneuvering in the Rattlesnake slip and until it is safely moored at the LPG facility, the floating safety zone extends 150 feet fore and aft of the loaded LPG vessel and the width of the slip. Moored vessels are allowed within the parameters of the 150-foot safety zone.

(b) The floating safety zone is disestablished when the LPG carrier is safely moored at the LPG receiving facility.

(c) For outbound tank vessels loaded with LPG, the safety zone is established when the vessel departs the terminal and continues through the area described in paragraph (a) of this section.

(d) All vessels over 5000 gross tons intending to pass LPG vessels moored in Port Sutton, and all vessels intending to pass LPG vessels moored in Rattlesnake, must give 30 minutes notice to the LPG vessel so it may take appropriate safety precautions.

(e) The general regulations governing safety zones contained in §165.23 apply.

(f) The Coast Guard Captain of the Port Tampa will notify the maritime community of periods during which these safety zones will be in effect by providing advance notice of scheduled arrivals and departures of loaded LPG vessels via a marine broadcast Notice to Mariners.

(g) Should the actual time of entry of the LPG vessel into the safety zone vary more than one half (½) hour from the scheduled time stated in the broadcast Notice to Mariners, the person directing the movement of the LPG vessel shall obtain permission from Captain of the Port Tampa before commencing the transit.

(h) Prior to commencing the movement, the person directing the movement of the LPG vessel shall make a security broadcast to advise mariners

of the intended transit. All additional security broadcasts as recommended by the U.S. Coast Pilot 5, ATLANTIC COAST, shall be made throughout the transit.

(i) Vessels carrying LPG are permitted to enter and transit Tampa Bay and Hillsborough Bay and approaches only with a minimum of three miles visibility.

(j) The Captain of the Port Tampa may waive any of the requirements of this subpart for any vessel upon finding that the vessel or class of vessel, operational conditions, or other circumstances are such that application of this subpart is unnecessary or impractical for purposes of port safety or environmental safety.

(k) The owner, master, agent or person in charge of a vessel or barge, loaded with LPG shall report, at a minimum, the following information to the Captain of the Port Tampa at least twenty-four (24) hours before entering Tampa Bay, its approaches, or departing Tampa Bay:

- (1) The name and country of registry of the vessel or barge;
- (2) The name of the port or place of departure;
- (3) The name of the port or place of destination;
- (4) The estimated time that the vessel is expected to begin its transit of Tampa Bay and the time it is expected to commence its transit of the safety zone(s); and
- (5) The cargo carried and amount.

[COTP Tampa 00-054, 66 FR 14489, Mar. 13, 2001]

**§ 165.T0704 Safety Zone: Savannah River, Savannah, Georgia.**

(a) *Location.* The following area is a safety zone: Two hundred foot radius around Garden City Terminal, approximate position 32 degrees 8 minutes, N, 81 degrees 9.5 minutes W, and around all cargo ships loaded with military equipment and transiting the Savannah River.

(b) *Effective dates.* This regulation becomes effective at 12 p.m. 14 December 1990 until terminated by the Captain of the Port, Savannah, GA.

(c) *Regulation.* In accordance with the general regulations in §165.23 of this

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part, entry into the zone is subject to the following requirements.

(1) All persons and vessels in the vicinity of the safety zone shall immediately obey any direction or order of the Captain of the Port or a representative of the Captain of the Port.

(2) The "representative of the Captain of the Port" is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port, Savannah, GA to act on his behalf. A representative of the Captain of the Port may be contacted on board any Coast Guard vessel assigned to enforce the safety zone.

(3) Before entering the safety zone, a vessel operator shall contact the Captain of the Port or a representative of the Captain of the Port to determine what restrictions, if any, have been imposed on vessels in the safety zone. The Captain of the Port may be contacted by telephone via the Command Duty Officer at (912) 944-4371. Coast Guard vessels assisting in the enforcement of the safety zone may be contacted on VHF-FM channels 13 or 16, or vessel operators may determine restrictions in effect for the safety zone by coming alongside a Coast Guard vessel patrolling the perimeter of the safety zone.

(4) The Captain of the Port will issue a Marine Safety Information Broadcast Notice to Mariners to Notify the maritime community of the safety zone and restrictions imposed.

[Reg. 90-129, 55 FR 52272, Dec. 21, 1990]

EFFECTIVE DATE NOTE: At 55 FR 52272, Dec. 21, 1990, §165.T0704 was added. This is an emergency temporary rule and will remain in effect until terminated by the Captain of the Port Savannah, GA.

**§ 165.705 Port Canaveral Harbor, Cape Canaveral, Florida.**

(a) Security Zone A—East (Trident) Basin, Port Canaveral Harbor, at Cape Canaveral Air Force Station, Brevard County, Florida. All waters of the East Basin north of latitude 28°24'36"N.

(b) Security Zone B—Middle Basin, Port Canaveral Harbor, adjacent to the Navy wharf at Cape Canaveral Air Force Station, Brevard County, Florida. The waters of Port Canaveral Harbor within a line circumscribing the water approaches to the Navy wharf along the northeasterly edge of the

Port Canaveral Harbor turning basin at a distance of 200 feet from all portions of the wharf including the dolphins located 200 feet off the northwest end and 75 feet off the southeast end of the wharf.

(c) Entrance into these zones by vessels other than vessels owned or leased by the United States is prohibited without permission of the Captain of the Port, Jacksonville, Florida.

(d) The general regulations governing security zones contained in 33 CFR 165.33 apply.

[CGD7 87-38, 53 FR 38718, Oct. 3, 1988; CGD7 87-38, 54 FR 611, Jan. 9, 1989; CGD7 89-21, 54 FR 26198, June 22, 1989]

**§ 165.708 Safety/Security Zone; Charleston Harbor and Cooper River, Charleston, SC.**

(a) *Regulated area.* The following boundaries are established as a safety and security zone during specified conditions:

(1) All waters 200 yards ahead and astern and 100 yards to each side of a vessel transporting nuclear materials while the vessel transits from Charleston Harbor Entrance Buoy "C" (LLNR 1885, position 32-39.6N, 079-40.9W) to the Charleston Naval Weapons Station (position 32-55.4N, 079-56.0W) on the Cooper River. All coordinates referenced use datum: NAD 1983.

(2) All waters within 100 yards of the vessel described in paragraph (a)(1) of this section while the vessel is conducting cargo operations at the Charleston Naval Weapons Station.

(b) Captain of the Port Charleston will announce the activation of the safety/security zones described in paragraph (a) of this section by Broadcast Notice to Mariners. The general regulations governing safety and security zones contained in §§165.23 and 165.33 apply.

[COTP Charleston 96-034, 61 FR 68156, Dec. 27, 1996]

**§ 165.711 Safety Zone: Port Everglades, Fort Lauderdale, FL.**

(a) *Regulated Area.* A moving safety zone is established in the following area:

(1) The waters around naval aircraft carriers entering Port Everglades in an area 700 yards forward, 500 yards astern

and 350 yards on either side of each vessel, beginning at the Port Everglades Sea Buoy in approximate position 26°05.5'N, 80°04.8'W and continuing until the vessel is safely moored in approximate position 26°04.9'N, 80°06.9'W. All coordinates referenced use datum: NAD 83.

(2) The waters around naval aircraft carriers departing Port Everglades in an area 700 yards forward, 500 yards astern and 350 yards on either side of each vessel beginning at the Pier in approximate position 26°04.9'N, 80°06.9'W, and continuing until the stern passes the Port Everglades Sea Buoy, in approximate position 26°05.5'N, 80°04.8'W. All coordinates referenced use datum: NAD 83.

(b) *Regulations.* (1) No person or vessel may enter, transit, or remain in the safety zone unless authorized by the Captain of the Port, Miami, Florida, or a Coast Guard commissioned, warrant, or petty officer designated by him.

(2) Vessels encountering emergencies which require transit through the moving safety zone should contact the Coast Guard patrol craft on VHF Channel 16. In the event of an emergency, the Coast Guard patrol craft may authorize a vessel to transit through the safety zone with a Coast Guard designated escort.

(3) All persons and vessels shall comply with the instructions of on-scene patrol personnel. On-scene patrol personnel include commissioned, warrant, or petty officers of the U.S. Coast Guard. Coast Guard Auxiliary and local or state officials may be present to inform vessel operators of this regulation and other applicable laws.

[COTP MIAMI 96-054, 62 FR 32201, June 13, 1997]

**§ 165.T07-013 Security Zone: Internal waters and territorial seas adjacent to the Florida peninsula.**

(a) *Location.* The following area is established as a security zone: All U.S. internal waters and territorial seas adjacent to the State of Florida south of the Florida-Georgia border and extending seaward three nautical miles from the baseline from which the territorial sea is measured around the Florida peninsula to the extent where the Florida panhandle and adjacent internal waters

and territorial sea intersect with longitude 83°50' West. In general these are the U.S. internal waters and territorial seas adjacent to the Florida peninsula.

(b) *Applicability.* This section applies to non-public vessels less than 50 meters (165 feet) in length and all associated auxiliary vessels within the security zone, but shall not apply to foreign flagged vessels in innocent passage in the territorial sea of the United States. For the purpose of this section, an "auxiliary vessel" includes every description of watercraft or other artificial contrivance used or capable of being used as a means of transportation on water attached to, or embarked in, another vessel to which this section applies.

(c) *Regulations.* (1) The general regulations in §165.33 of this part do not apply to this security zone.

(2)(i) Non-public vessels less than 50 meters (165 feet) in length and persons on board those vessels may not get underway from a berth, pier, mooring or anchorage in the security zone, or depart the security zone, with the intent to enter Cuban territorial waters without express written authorization from one of the following officials or their designees: Commander, Seventh Coast Guard District; the Captain of the Port Miami; the Captain of Port Tampa; or the Captain of the Port of Jacksonville. Upon receiving a request for written authorization, the aforementioned officials shall have ten (10) calendar days from the receipt of the application, to decide whether an application for written authorization shall be granted or denied. Upon notification by the aforementioned officials that the application has been denied, the applicant has three (3) business days in which to request a written denial notification. If such a request is made within three (3) business days after the Coast Guard's notice of denial, the aforementioned officials have fifteen (15) calendar days to provide specific, written reasons stating the basis for denial. The aforementioned officials may issue orders to control the movement of vessels to which this section applies.

(ii) Applications for permission to depart the security zone with the intent of entering Cuban territorial waters

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may be obtained by writing or calling Commander (oi), Seventh Coast Guard District, 909 SE First Avenue, Miami, FL 33131, phone (305) 415-6920. The completed application may be returned via mail, or facsimile to (305) 415-6925. Further, applications may be obtained from the following U.S. Coast Guard units: Marine Safety Office Miami, 100 MacArthur Causeway, Miami, FL 33139, ph. (305) 536-5693; Marine Safety Office Tampa, 155 Columbia Drive, Tampa, FL 33606, ph. (813) 228-2195; Marine Safety Office Jacksonville, 7820 Arlington Expy., Suite 400, Jacksonville, FL 32211, ph. (904) 232-2640; Coast Guard Group Key West, Florida, ph. (305) 292-7500.

(3) Where there is a reasonable, articulable basis to believe a vessel to which this section applies intends to enter Cuban territorial waters, an official referenced in paragraph (c)(2) of this section may require the master, owner, or person in charge of a vessel within the security zone, including all auxiliary vessels, to provide verbal assurance that the vessel will not enter Cuban territorial waters as a condition for a vessel to get underway from a berth, pier, mooring, or anchorage in the security zone, or depart from the security zone. The failure of a vessel master, owner, or person in charge of a vessel within the Security Zone, including all auxiliary vessels, to provide requested verbal assurances shall not be used as the sole basis for seizing the vessel for forfeiture under the Security Zone. In addition, an official referenced in paragraph (c)(2) may require the master, owner, or person in charge of the vessel to identify all persons on board the vessel and provide verbal assurances that all persons on board have received actual notice of the regulations in this section.

(4) The owner or person in charge of the vessel shall maintain the express written authorization for the vessel on board the vessel.

(d) *Enforcement.* (1) Vessels or persons violating this section may be subject to:

- (i) Seizure and forfeiture of the vessel;
- (ii) A monetary penalty of not more than \$10,000; and

(iii) Imprisonment for not more than 10 years.

(2) Violation of 18 U.S.C. 1001 may result in imprisonment for not more than five years or a fine, or both.

(e) This section implements Presidential Proclamation No. 6867. This section is issued under the authority delegated in Department of Transportation Order No. 96-3-7.

[CGD07-96-013, 62 FR 25391, May 14, 1997, CGD07-98-006, 63 FR 38477, July 17, 1998, as amended by CGD07-00-091, 65 FR 65785, Nov. 2, 2000]

EFFECTIVE DATE NOTE: By CGD07-98-006, 63 FR 38477, July 17, 1998, §165.T07-013 was amended by revising the heading and paragraph (a). By CGD07-00-091, 65 FR 65785, Nov. 2, 2000, §165.T07-013 was further amended by revising paragraphs (c)(2) and (c)(3). This is an emergency temporary rule and will terminate when the National Emergency as declared by the President in Presidential Proclamation No. 6867 terminates.

**§ 165.714 Regulated Navigation Area; Atlantic Ocean, Charleston, SC.**

(a) *Location.* The following area is a Regulated Navigation Area: A trapezoid at the water surface, and the entire water column from surface to seabed inclusive of the vessel, bounded by the following four coordinates:

	Latitude	Longitude
Western boundary.	32°42'56" N	79°47'34" W
Southern boundary.	32°42'32" N	79°46'42" W
Eastern boundary.	32°43'26" N	79°45'27" W
Northern boundary.	32°43'56" N	79°46'08" W

(NAD 83)

(b) *Regulations.* In accordance with the general regulations in §165.23 of this part, all vessels and persons are prohibited from anchoring, diving, laying cable or conducting salvage operations in this zone except as authorized by the Captain of the Port.

[CGD 07-95-054, 60 FR 45047, Aug. 30, 1995]

**§ 165.720 Safety/Security Zone: St. Johns River, Jacksonville, FL.**

(a) *Location.* The water and the land within the following boundaries are established as a safety and security zone during specified conditions:

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(1) All waters within 200 yards of Blount Island, Jacksonville, Florida and all adjacent land within 100 yards of the island shoreline during staging of Department of Defense equipment and during the loading/unloading of military supply vessels.

(2) All waters within 200 yards of "any" waterfront facility at which a laden military vessel is located and all land at the facility, including docks and piers, within 100 yards of the St. Johns River.

(3) All waters within 200 yards of any specified military supply vessel during its transit of the St. Johns River and out to three (3) nautical miles offshore.

(b) *Regulations.* (1) For public notice, the zone described in paragraph (a)(1) of this section is effective beginning 11 December 1990 and will remain in force until cancelled by the Captain of the Port Jacksonville, Florida.

(2) The COTP Jacksonville may activate, as necessary, any portion of the safety/security zone described in paragraphs (a)(2) and (a)(3) of this section by means of locally promulgated broadcast notice to mariners. Once implemented, neither overtaking nor meeting situations will be allowed during specified vessel transits.

(3) In accordance with the general regulations governing safety and security zones contained in 33 CFR 165.23 and 165.33 of this part, entry into any portion of the described zone is prohibited unless authorized by the Captain of the Port Jacksonville, Florida.

(4) This regulation does not apply to authorized law enforcement agencies operating within the safety/security zone.

[COTP Jacksonville, FL Reg. 90-124, 55 FR 51700, Dec. 17, 1990]

**§ 165.721 Safety Zone: St. Johns River, Jacksonville, FL.**

(a) *Location.* The following area is established as a safety zone during the specified conditions: The waters within a 500 yard radius of the fireworks barge or barges during the storage, preparation, and launching of fireworks in the St. Johns River between the Hart and Acosta Bridges.

(b) *Effective dates.* This section becomes effective upon activation by the Captain of the Port by the broad-

casting of a local Notice to Mariners on appropriate VHF-FM radio frequencies. It terminates at the conclusion of the fireworks display unless terminated earlier by the Captain of the Port.

(c) *Regulations.* (1) In accordance with the general regulations in 165.23 of this part, anchoring, mooring or transiting in this zone is prohibited unless authorized by the Captain of the Port or District Commander.

(2) This regulation does not apply to authorized law enforcement agencies operating within the Safety Zone.

[COTP Jacksonville Reg. 94-027, 59 FR 55584, Nov. 8, 1994]

**§ 165.722 Security Zone: St. Johns River, Jacksonville, Florida.**

(a) *Location.* The water located within the following area is established as a security zone: beginning at the shoreline of the St. Johns River at the northernmost property line of Naval Air Station Jacksonville next to Timuquana Country Club, at 30°14'39.5" N, 81°40'45" W; thence northeasterly to 30°14'42" N, 81°40'42" W; thence south remaining 400 feet from the shoreline at mean high water; thence past Piney Point and Black Point to the northern edge of Mulberry Cover Manatee refuge, 400 feet from Naval Air Station Jacksonville boat ramp, at 30°13'00" N, 81°40'23.5" W; thence southwesterly in a straight line to position 30°12'14" N, 81°40'42" W; thence southerly, remaining 400' seaward of the mean high water shoreline to 30°11'40" N, 81°41'15.5" W; thence northwest to the point at the end of the property line of Naval Air Station Jacksonville just north of the Buckman Bridge at position 30°11'42.30" N, 81°41'23.66" W; thence northeasterly along the mean high water shoreline of the St. Johns River and Mulberry Cove to the point of beginning. Datum: NAD 83

(b) In accordance with the general regulations in §165.33 of this part, no person or vessel may enter or remain in the zone without the permission of the Captain of the Port Jacksonville, Florida. All other portions of §165.33 remain applicable.

(c) This regulation does not apply to Coast Guard vessels and authorized law

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enforcement vessels operating within the Security Zone.

[COTP Jacksonville Reg. 93-115, 60 FR 65571, Dec. 20, 1995]

**§ 165.726 Regulated Navigation Areas; Miami River, Miami, Florida.**

(a) *Location.* The following are Regulated Navigation Areas:

(1) All the waters of the Miami River, Miami, Florida, from the Brickell Avenue Bridge, in approximate position 25°46'19" N, 80°11'4" W, inland to the South Florida Water Management District's salinity dam in approximate position 25°48'4" N, 80°15'6" W.

(2) The Tamiami Canal from its intersection with the Miami river in approximate position 25°47'7" N, 80°14'7" W to the N.W. 37th Avenue bridge in approximate position 25°48'5" N, 80°15'5" W. All coordinates referenced use datum: NAD 83.

(b) *Regulations.* The restrictions in this paragraph apply to vessels operating within the regulated navigation areas in paragraph (a) of this section unless authorized to deviate by the Captain of the Port, Miami, Florida, or a Coast Guard commissioned, warrant, or petty officer designated by him.

(1) All rafted vessels (inboard and outboard) must be properly moored in accordance with applicable municipal laws and regulations.

(2) At no time shall any vessels be rafted more than two abreast.

(3) Neither single nor rafted vessels shall extend greater than 54 feet into the main river (measured from the dock) without permission of the Captain of the Port.

(4) A minimum channel width of 65 feet shall be maintained at all times on the Miami River from the Brickell Avenue Bridge west to the Tamiami Canal. A minimum channel width of 45 feet shall be maintained at all times on the Miami River west of the junction of the Miami River and the Tamiami Canal to the South Florida Water Management District's salinity dam, as well as on the Tamiami Canal from its mouth to the N.W. 37th Avenue Bridge.

(5) All moored and rafted vessels shall provide safe access from the shore.

(6) All moored and rafted vessels shall provide clear and ready access for

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land-based firefighters to safely and quickly reach outboard rafted vessels.

(7) No vessels shall moor or raft in any manner as to impede safe passage of another vessel to any of the tributaries of the Miami River.

(8) Nothing in these regulations shall prohibit the U.S. Army Corps of Engineers from requiring the relocation or movement of vessels in a declared flood emergency.

(c) *Enforcement.* Violations of these regulated navigation areas should be reported to the Captain of the Port, Miami. Persons in violation of these regulations will be subject to civil penalty under § 165.13(b) of this part.

[CGD07-97-019, 62 FR 50512, Sept. 26, 1997]

**§ 165.728 Jacksonville, Florida—safety zones.**

(a) The water, land, and land and water within the following boundaries are established as safety zones during the specified conditions:

(1) *Zone A.* 200 yards in all directions around any specified Maritime Prepositioned Ship as it transits between the St. Johns River entrance sea buoy (STJ) and its berth inside the Mayport Basin (Ribault Bay), Mayport, Florida. The prescribed safety zone will also be in effect as the vessel transits to its berth at Blount Island Marine Terminal, Jacksonville, Florida.

(2) *Zone B.* 100 yards in all directions on land and 200 yards on water from the eastern end of Transit Shed #2 to the east shore of Alligator Creek at Blount Island Terminal, Jacksonville, Florida.

(3) *Zone C:* 100 yards in all directions on land from Gate berth #1 and all waters within the Back River (locally known as the Gate Slip) on Blount Island, Jacksonville, Florida, commencing from a line drawn between the southwesterly most shore point latitude 30°23'34", longitude 81°30'52" and the southeasterly most shore point latitude 30°23'38", longitude 81°30'36".

(b) The areas described in paragraph (a) of this section may be closed to all vessels and persons, except those vessels and persons authorized by the Commander, Seventh Coast Guard District or the Captain of the Port, Jacksonville, Florida, whenever specified Maritime Prepositioned Ships are

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transiting the St. Johns River (Zone A), moored at Blount Island (Zone B), or moored at Gate Terminal (Zone C).

(c) The general regulations governing safety zones contained in 33 CFR 165.23 apply.

(d) The Captain of the Port Jacksonville, Florida will activate the safety zones or specific portions of them by issuing a local broadcast notice to mariners. The closing of the area at Blount Island, described above, will be signified by the display of a rotating yellow light located on the waterfront at Blount Island Marine Terminal or at the Gate Terminal Berth #1.

[CGD7 87-15, 52 FR 23442, June 22, 1987, as amended by CGD7 91-33, 56 FR 22826, May 17, 1991]

**§ 165.729 Jacksonville Harbor, Florida—security zone.**

(a) The water, land, and land and water within the following boundaries are established as security zones during the specified conditions:

(1) *Zone A.* 200 yards in all directions around any specified Maritime Prepositioned Ship as it transits between the St. Johns River entrance sea buoy (STJ) and its berth inside the Mayport Naval Basin (Ribault Bay), Mayport, Florida. The prescribed security zone will also be in effect as the vessel transits to its berth at Blount Island Marine Terminal, Jacksonville, Florida.

(2) *Zone B.* 100 yards in all directions on land and 200 yards on water from the eastern end of Transit Shed #2 to the east shore of Alligator Creek at Blount Island Terminal, Jacksonville, Florida.

(3) *Zone C:* 100 yards in all directions on land from Gate berth #1 and all waters within the Back River (locally known as the Gate Slip) on Blount Island, Jacksonville, Florida, commencing from a line drawn between the southwesterly most shore point latitude 30°23'34", longitude 81°30'52" and the southeasterly most shore point latitude 30°23'38", longitude 81°30'36".

(b) The areas described in paragraph (a) of this section shall be closed to all vessels and persons, except those vessels and persons authorized by the Commander, Seventh Coast Guard District or the Captain of the Port, Jack-

sonville, Florida, whenever specified Maritime Prepositioned Ships are transiting the St. Johns River (Zone A), moored at Blount Island (Zone B), or moored at Gate Terminal (Zone C).

(c) The general regulations governing security zones contained in 33 CFR 165.33 apply.

(d) The Captain of the Port Jacksonville, Florida will activate the security zones or specific portions of them by issuing a local broadcast notice to mariners. The closing of the area at Blount Island, described above, will be signified by the display of a rotating yellow light located on the waterfront at Blount Island Marine Terminal or at the Gate Terminal Berth #1.

[CGD7 87-16, 52 FR 23443, June 22, 1987, as amended by CGD7 91-34, 56 FR 22827, May 17, 1991]

**§ 165.730 King's Bay, Georgia—Regulated navigation area.**

Vessels transiting in the water bounded by the line connecting the following points must travel no faster than needed for steerageway:

<i>Latitude</i>	<i>Longitude</i>
30°48'00.0" N	081°29'24.0" W
30°46'19.5" N	081°29'17.0" W
30°47'35.0" N	081°30'16.5" W

and thence to the point of beginning

[CGD7 92-41, 58 FR 38057, July 15, 1993]

**§ 165.731 Safety/Security Zone: Cumberland Sound, Georgia and St. Marys River Entrance Channel.**

(a) *Location.* A permanent safety/security zone is established within the following coordinates, the area enclosed by a line starting at

- 30°44'55" N, 081°29'39" W; thence to
- 30°44'55" N, 081°29'18" W; thence to
- 30°46'35" N, 081°29'18" W; thence to
- 30°47'02" N, 081°29'34" W; thence to
- 30°47'21" N, 081°29'39" W; thence to
- 30°48'00" N, 081°29'42" W; thence to
- 30°49'07" N, 081°29'56" W; thence to
- 30°49'55" N, 081°30'35" W; thence to
- 30°50'15" N, 081°31'08" W; thence to
- 30°50'14" N, 081°31'30" W; thence to
- 30°49'58" N, 081°31'45" W; thence to
- 30°49'58" N, 081°32'03" W; thence to

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30°50'12" N, 081°32'17" W; thence following the land based perimeter boundary to the point of origin.

(b) A temporary safety/security zone, when activated by the Captain of the Port, Jacksonville, Florida, encompasses all waters and land from bank to bank within Cumberland Sound and the St. Marys Entrance Channel: the northern extent of this zone starts at the southern tip of Crab Island; lighted buoy number "1" at the mouth of the Amelia River demarks the southern boundary; day marker number "2" at the mouth of the St. Marys River indicates the western boundary; and the eastern boundary extends out to three (3) nautical miles in the Atlantic Ocean, with the zone also encompassing the waters within 1000 yards of the entrance channel east of the jetties.

(c) *Regulations.* (1) The Captain of the Port, Jacksonville, Florida will activate the temporary safety/security zone described in paragraph (b) of this section by issuing a local broadcast notice to mariners.

(2) All persons and vessels in the vicinity of the safety/security zone shall immediately obey any direction or order of the Captain of the Port, Jacksonville, Florida.

(3) The general regulations governing safety and security zones contained in 33 CFR 165.23 and .33 apply. No person or vessel may enter or remain within the designated zones without the permission of the Captain of the Port, Jacksonville, Florida.

	Latitude	Longitude		Latitude	Longitude
1:	27°56'20.5"N	082°26'42.0"W	to	27°56'19.3"N	82°26'37.5"W
2:	27°55'32.0"N	082°26'54.0"W	to	27°55'30.9"N	82°26'49.1"W

(b) Ships requiring Federal or State pilotage shall not meet or overtake other like vessels in Sparkman Channel.

(c) Vessels having a draft of more than 35.5 feet may not transit Sparkman Channel.

(d) Vessels having a draft of 34.5 feet, but not over 35.5 feet, may transit Sparkman Channel only when the tide

(4) This regulation does not apply to persons or vessels operating under the authority of the United States Navy nor to authorized law enforcement agencies.

[COTP Jacksonville Reg. 90-94, 55 FR 42374, Oct. 19, 1990]

**§ 165.735 Brunswick, Georgia, Turtle River, Vicinity of Sydney Lanier Bridge.**

Except during the flood tide, every vessel over 500 GRT departing the Port of Brunswick for sea shall do so only from the Turtle River, so as to be shaped up for bridge transit:

(a) Before reaching Turtle River Buoy "1" (Light List Number 6050); or,

(b) Before reaching the intersection of Brunswick Harbor Range and Turtle River Lower Range, provided that the vessel:

(1) Be equipped with an operable bow thruster or have tug assistance; and

(2) Be stopped and maneuvered with no appreciable way on until aligned with the centerline axis of the Turtle River Channel.

[CGD7 87-27, 52 FR 48811, Dec. 28, 1987]

**§ 165.752 Sparkman Channel, Tampa, Florida—regulated navigation area.**

(a) A regulated navigation area is established to protect vessels from limited water depth in Sparkman Channel caused by an underwater pipeline. The regulated navigation area is in Sparkman Channel between the lines connecting the following points (referenced in NAD 83):

is at least one foot above mean low water.

(e) Vessels with a draft of 30 feet or greater shall transit as near as possible to the center of the channel.

[CGD7 90-52, 56 FR 36005, July 30, 1991, as amended by USCG-1998-3799, 63 FR 35532, June 30, 1998]

**§ 165.753 Regulated navigation area; Tampa Bay, Florida.**

(a) The following is a regulated navigation area (RNA): All the navigable waters of Tampa Bay, Hillsborough Bay and Old Tampa Bay, including all navigable waterways tributary thereto. Also included are the waters of Egmont Channel, Gulf of Mexico from Tampa Bay to the seabuoy, Tampa Lighted Whistle Buoy T, LLNR 18465.

(b) The master, pilot, or person in charge of any vessel of 50 meters or greater shall give a Navigational Advisory Broadcast in accordance with 47 CFR 80.331 on VHF-FM channel 13 at the following broadcast/reporting points:

- (1) Prior to getting underway from any berth or anchorage;
- (2) Prior to entering Egmont Channel from seaward;
- (3) Prior to passing Egmont Key in any direction;
- (4) Prior to transiting the Skyway Bridge in either direction;
- (5) Prior to transiting the intersection of Tampa Bay Cut F Channel, Tampa Bay Cut G Channel, and Gadsden Point Cut Channel;
- (6) Prior to anchoring or approaching a berth for docking;
- (7) Prior to tending hawser;
- (8) Prior to transiting Point Pinellas Channel Light 1 in either direction.

(c) Each Navigational Advisory required by this section shall be made in the English language and will contain the following information:

- (1) The words "Hello all vessels, a Navigational Advisory follows";
- (2) Name of vessel;
- (3) If engaged in towing, the nature of the tow;
- (4) Direction of Movement;
- (5) Present location; and,
- (6) The nature of any hazardous conditions as defined by 33 CFR 160.203.

(d) Nothing in this section shall supersede either the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) or the Inland Navigation Rules, as applicable, or relieve the Master or person in charge of the vessel of responsibility for the safe navigation of the vessel.

[CGD07-94-094, 60 FR 58519, Nov. 28, 1995]

**§ 165.754 Safety Zone: San Juan Harbor, San Juan, PR.**

(a) *Regulated Area.* A moving safety zone is established in the following area:

(1) The waters around Liquefied Petroleum Gas ships entering San Juan Harbor in an area one half mile around each vessel, beginning one mile north of the San Juan Harbor 11 Sea Buoy, in approximate position 18-29.3N, 66-07.6W and continuing until the vessel is safely moored at either the Gulf Refinery Oil dock or the Catano Oil dock in approximate position 18-25.8N, 66-06.5W. All coordinates referenced use datum: NAD 83.

(2) The waters around Liquefied Petroleum Gas ships departing San Juan Harbor in an area one half mile around each vessel beginning at either the Gulf Refinery Oil dock or Catano Oil dock in approximate position 18-25.8N, 66-06.5W when the vessel gets underway, and continuing until the stern passes the San Juan Harbor 11 Sea Buoy, in approximate position 18-28.3N, 66-07.6W. All coordinates referenced use datum: NAD 83.

(b) *Regulations.* (1) No person or vessel may enter, transit or remain in the safety zone unless authorized by the Captain of the Port, San Juan, Puerto Rico, or a designated Coast Guard commissioned, warrant, or petty officer.

(2) Vessels encountering emergencies which require transit through the moving safety zone should contact the Coast Guard patrol craft on VHF Channel 16. In the event of an emergency, the Coast Guard patrol craft may authorize a vessel to transit through the safety zone with a Coast Guard designated escort.

(3) The Captain of the Port and the Duty Officer at Marine Safety Office, San Juan, Puerto Rico, can be contacted at telephone number 787-706-2444 or 787-289-2048. The Coast Guard Patrol Commander enforcing the safety zone can be contacted on VHF-FM channels 16 and 22A.

(4) The Marine Safety Office San Juan will notify the marine community of periods during which these safety zones will be in effect by providing advance notice of scheduled arrivals and departures of Liquefied Petroleum

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Gas vessels via a marine broadcast Notice to Mariners.

(5) Should the actual time of entry of the Liquefied Petroleum Gas vessel vary more than one half hour from the scheduled time stated in the broadcast Notice to Mariners, the person directing the movement of the Liquefied Petroleum Gas vessel shall obtain permission from Captain of the Port San Juan before commencing the transit.

(6) All persons and vessels shall comply with the instructions of on-scene patrol personnel. On-scene patrol personnel include commissioned, warrant, or petty officers of the U.S. Coast Guard. Coast Guard Auxiliary and local or state officials may be present to inform vessel operators of the requirements of this section, and other applicable laws.

[COTP SAN JUAN 97-045, 63 FR 27681, May 20, 1998, as amended by USCG-2001-9286, 66 FR 33641, June 25, 2001]

**§ 165.755 Safety Zone; Guayanilla, Puerto Rico**

(a) The following area is established as a safety zone during the specified conditions:

(1) A 100 yard radius surrounding a vessel carrying Liquefied Natural Gas (LNG) while transiting north of Latitude 17°56.0'N in the waters of the Caribbean Sea, on approach to or departure from the Eco-Electrica waterfront facility in Guayanilla Bay, Puerto Rico. The safety zone remains in effect until the LNG vessel is docked at the Eco-Electrica waterfront facility or south of Latitude 17°56.0'N.

(2) The waters within 150 feet of a LNG vessel when the vessel is alongside the Eco-Electrica waterfront facility in Guayanilla Bay, at position 17°58.55'N, 066°45.3'W. This safety zone remains in effect while the LNG vessel is docked with product aboard or is transferring liquefied natural gas.

(b) In accordance with the general regulations in 165.23 of this part, anchoring, mooring or transiting in these zones is prohibited unless authorized by the Coast Guard Captain of the Port.

(c) The Coast Guard Marine Safety Office San Juan will notify the maritime community of periods during which the safety zones will be in effect

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by providing advance notice of scheduled arrivals and departures of LNG vessels via a marine broadcast Notice to Mariners.

[COTP San Juan 00-095, 66 FR 16870, Mar. 28, 2001]

**§ 165.T-07-060 Security Zones; Ports of Jacksonville and Canaveral, Florida.**

(a) *Regulated area.* Temporary moving security zones are established 100 yards around all tank vessels, cruise ships, and military pre-positioned ships during transits entering or departing the ports of Jacksonville and Canaveral, Florida. These moving security zones are activated when the subject vessels pass the St. Johns River Sea Buoy, at approximate position 30°23' 35' N, 81°19' 08' West, when entering the Port of Jacksonville, or pass Port Canaveral Channel Entrance Buoys # 3 or # 4, at respective approximate positions 28°22.7 N, 80°31.8 W, and 28°23.7 N, 80°00.2 W, when entering Port Canaveral. Temporary fixed security zones are established 100 yards around all tank vessels, cruise ships, and military pre-positioned ships docked in the Ports of Jacksonville and Canaveral, Florida.

(b) *Regulations.* In accordance with the general regulations in §165.33 of this part, entry into these zones is prohibited except as authorized by the Captain of the Port, or a Coast Guard commissioned, warrant, or petty officer designated by him. The Captain of the Port will notify the public of any changes in the status of this zone by Marine Safety Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz).

(c) *Definition.* As used in this section: Cruise ship means a passenger vessel, except for a ferry, greater than 100 feet in length that is authorized to carry more than 12 passengers for hire.

(d) *Dates.* This rule becomes effective at midnight (12:00 a.m.) on June 16, 2002 and will terminate at 12 (noon) on November 15, 2002.

[CGD07-02-060, 67 FR 41340, June 18, 2002]

EFFECTIVE DATE NOTE: By CGD07-02-060, 67 FR 41340, June 18, 2002, temporary §165.T-07-060 was added, effective from midnight (12 a.m.), June 16, 2002, through 12 (noon), Nov. 15, 2002.

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**§ 165.T08-002**

**EIGHTH COAST GUARD DISTRICT**

**§ 165.T08-001 Security Zone; Missouri River Miles 646.0 to 645.6, Fort Calhoun, NE.**

(a) *Location.* The following area is a security zone: The waters of the Missouri River, extending 75 feet from the shoreline of the right descending bank beginning from mile marker 646.0 and ending at mile marker 645.6.

(b) *Effective dates.* This section is effective from 12 p.m. on January 7, 2002 through 8 a.m. on October 15, 2002.

(c) *Authority.* The authority for this section is 33 U.S.C. 1226, 33 U.S.C. 1231, 33 CFR 1.05-1(g), and 49 CFR 1.46.

(d) *Regulations.* (1) Entry into this security zone by persons or vessels is prohibited unless authorized by the Coast Guard Captain of the Port St. Louis or his designated representative.

(2) All vessels that can safely navigate outside of the channel are prohibited from entering the security zone without the express permission of the Captain of the Port St. Louis or his designated representative. Deeper draft vessels that are required to use the channel for safe navigation are authorized entry into the zone but must remain within the channel unless expressly authorized by the Captain of the Port St. Louis or his designated representative.

(3) Vessels or persons requiring permission to enter into the security zone must contact the Captain of the Port, St. Louis at telephone number (314) 406-4629 or Marine Safety Detachment Quad Cities at telephone number (309) 782-0627 or Coast Guard Group Upper Mississippi River at telephone number (319) 524-7511 or on VHF marine channel 16 in order to seek permission to enter the security zones. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port, St. Louis or his designated representative.

(4) Designated representatives are commissioned, warrant, and petty officers of the U.S. Coast Guard.

[COTP St. Louis-02-001, 67 FR 10327, Mar. 7, 2002, as amended at 67 FR 40615, June 13, 2002]

EFFECTIVE DATE NOTE: By COTP St. Louis-02-01, 67 FR 10327, Mar. 7, 2002, § 165.T08-001 was added, effective from 12 p.m. Jan. 7, 2002, until 8 a.m. June 15, 2002. At 67 FR 40615,

June 13, 2002, paragraphs (b) and (d) were revised and the effective date was extended through 8 a.m. Oct. 15, 2002.

**§ 165.T08-002 Security Zone; Missouri River Miles 532.9 to 532.5, Brownville, NE.**

(a) *Location.* The following area is a security zone: The waters of the Missouri River, extending 250 feet from the shoreline of the right descending bank beginning from mile marker 532.9 and ending at mile marker 532.5.

(b) *Effective dates.* This section is effective from 12 p.m. on January 7, 2002 through 8 a.m. on October 15, 2002.

(c) *Authority.* The authority for this section is 33 U.S.C. 1226, 33 U.S.C. 1231, 33 CFR 1.05-1(g), and 49 CFR 1.46.

(d) *Regulations.* (1) Entry into this security zone by persons or vessels is prohibited unless authorized by the Coast Guard Captain of the Port St. Louis or his designated representative.

(2) All vessels that can safely navigate outside of the channel are prohibited from entering the security zone without the express permission of the Captain of the Port St. Louis or his designated representative. Deeper draft vessels that are required to use the channel for safe navigation are authorized entry into the zone but must remain within the channel unless expressly authorized by the Captain of the Port St. Louis or his designated representative.

(3) Vessels or persons requiring permission to enter into the security zone must contact the Captain of the Port, St. Louis at telephone number (314) 406-4629 or Marine Safety Detachment Quad Cities at telephone number (309) 782-0627 or Coast Guard Group Upper Mississippi River at telephone number (319) 524-7511 or on VHF marine channel 16 in order to seek permission to enter the security zones. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port, St. Louis or his designated representative.

(4) Designated representatives are commissioned, warrant, and petty officers of the U.S. Coast Guard.

[COTP St. Louis-02-002, 67 FR 10325, Mar. 7, 2002, as amended at 67 FR 40617, June 13, 2002]

EFFECTIVE DATE NOTE: By COTP St. Louis-02-002, 67 FR 10325, Mar. 7, 2002, § 165.T08-002

**§ 165.T08-003**

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was added, effective from 12 p.m. Jan. 7, 2002, until 8 a.m. June 15, 2002. At 67 FR 40617, June 13, 2002, paragraphs (b) and (d) were revised and the effective date was extended through 8 a.m. Oct. 15, 2002.

**§ 165.T08-003 Security Zone; Upper Mississippi River Miles 507.3 to 506.3, Left Descending Bank, Cordova, IL**

(a) *Location.* The following area is a security zone: The waters of the Upper Mississippi River from mile marker 507.3 to mile marker 506.3, left descending bank, extending out 300 feet from the shoreline.

(b) *Effective dates.* This section is effective from 8 a.m. on January 14, 2002 through 8 a.m. on October 15, 2002.

(c) *Authority.* The authority for this section is 33 U.S.C. 1226, 33 U.S.C. 1231, 33 CFR 1.05-1(g), and 49 CFR 1.46.

(d) *Regulations.* (1) Entry of vessels into this security zone is prohibited unless authorized by the Coast Guard Captain of the Port St. Louis or his designated representative.

(2) Persons or vessels requiring entry into or passage through the zone must request permission from the Captain of the Port St. Louis, or his designated representative. They may be contacted via VHF Channel 16 or via telephone at (309) 782-0627 or (314) 539-3091, ext. 540.

(3) All persons and vessels shall comply with the instructions of the Captain of the Port St. Louis and designated on-scene U.S. Coast Guard patrol personnel. On-scene U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

[COTP St. Louis-02-003, 67 FR 9208, Feb. 28, 2002, as amended at 67 FR 40613, June 13, 2002]

EFFECTIVE DATE NOTE: By COTP St. Louis-02-03, 67 FR 9208, Feb. 28, 2002, § 165.T08-003 was added, effective from 8 a.m. Jan. 14, 2002, until 8 a.m. June 15, 2002. At 67 FR 40613, June 13, 2002, paragraph (b) was revised and the effective date was extended through 8 a.m. Oct. 15, 2002.

**§ 165.T08-016 Security Zone; Corpus Christi Inner Harbor, Corpus Christi, Texas.**

(a) *Location.* The following area is a security zone: Corpus Christi Inner Harbor from the Inner Harbor Bridge to the Viola Turning Basin and all waters in between.

(b) *Effective dates.* This section is effective from 8 a.m. on February 20, 2002 through 8 a.m. on October 15, 2002.

(c) *Authority.* The authority for this section is 33 U.S.C. 1226, 33 U.S.C. 1231, 33 CFR 1.05-1(g), and 49 CFR 1.46.

(d) *Regulations.* (1) No recreational vessels, passenger vessels, or commercial fishing vessels may enter this security zone unless specifically authorized by the Captain of the Port Corpus Christi, or his designated representative.

(2) Recreational vessels, passenger vessels and commercial fishing vessels requiring entry into this security zone must request permission from the Captain of the Port Corpus Christi, or his designated representative. They may be contacted via VHF Channel 16 or via telephone at (361) 888-3162.

(3) All persons and vessels shall comply with the instructions of the Captain of the Port, Corpus Christi and designated on-scene U.S. Coast Guard patrol personnel. On-scene U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

[COTP Corpus Christi 02-001, 67 FR 11922, Mar. 18, 2002, as amended at 67 FR 39301, June 7, 2002]

EFFECTIVE DATE NOTE: By COTP Corpus Christi 02-001, 67 FR 11922, Mar. 18, 2002, § 165.T08-016 was added, effective from 8 a.m. Feb. 20, 2002, through 8 a.m. June 15, 2002. At 67 FR 39301, June 7, 2002, paragraph (b) was revised and the effective date of the section was extended through 8 a.m. Oct. 15, 2002.

**§ 165.T08-035 Security zones; Ports of Houston and Galveston, Texas.**

(a) *Location.* Within the Ports of Houston and Galveston, Texas, temporary moving security zones are established encompassing all waters within 500 yards of a cruise ship between Galveston Bay Approach Lighted Buoy "GB", at approximate position 29°21'18" N, 94°37'36" W [NAD 83] and up to, and including, Barbours Cut. These zones remain in effect during the entire transit of the vessel and continues while the cruise ship is moored or anchored.

(b) *Effective dates.* This section is effective from 12 a.m. (noon) on April 8, 2002 through 8 a.m. on October 15, 2002.

(c) *Authority.* In addition to 33 U.S.C. 1231, the authority for this section includes 33 U.S.C. 1226.

(d) *Regulations.* (1) Entry of persons or vessels into this zone is prohibited unless authorized as follows.

(i) Vessels may enter within 500 yards but not closer than 100 yards of a cruise ship provided they operate at the minimum speed necessary to maintain a safe course.

(ii) No person or vessel may enter within 100 yards of a cruise ship unless expressly authorized by the Coast Guard Captain of the Port Houston-Galveston. Where the Houston Ship Channel narrows to 400 feet or less between Houston Ship Channel Entrance Lighted Bell Buoy "18", light list no. 34385 at approximately 29°21'06" N, 94°47'00" W [NAD 83] and Barbour's Cut, the Captain of the Port Houston-Galveston may permit vessels that must transit the navigable channel between these points to enter within 100 yards of a cruise ship.

(iii) Moored vessels or vessels anchored in a designated anchorage area are permitted to remain within 100 yards of a cruise ship while it is in transit.

(2) Vessels requiring entry within 500 yards of a cruise ship that cannot slow to the minimum speed necessary to maintain a safe course must request express permission to proceed from the Captain of the Port Houston-Galveston, or his designated representative.

(3) For the purpose of this section the term "cruise ship" is defined as a passenger vessel over 100 gross tons, carrying more than 12 passengers for hire, making a voyage lasting more than 24 hours, any part of which is on the high seas, and for which passengers are embarked or disembarked in the United States or its territories.

(4) The Captain of the Port Houston-Galveston will inform the public of the moving security zones around cruise ships via Marine Safety Information Broadcasts.

(5) To request permission as required by this section contact "Houston Traffic" via VHF Channels 11/12 or via phone at (713) 671-5103.

(6) All persons and vessels within the moving security zone shall comply

with the instructions of the Captain of the Port Houston-Galveston and designated on-scene U.S. Coast Guard patrol personnel. On-scene U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

EFFECTIVE DATE NOTE: By COTP Houston Galveston-02-012, 67 FR 21578, May 1, 2002, §165.T08-035 was added, effective Apr. 8, 2002, until June 15, 2002. At 67 FR 39846, June 11, 2002, paragraphs (b) and (d) were revised and the effective date of the section was extended through 8 a.m. Oct. 15, 2002.

**§ 165.T08-049 Security Zones; Lower Mississippi River, Southwest Pass Sea Buoy to Mile Marker 96.0, New Orleans, Louisiana.**

(a) *Location.* Within the Lower Mississippi River and Southwest Pass, temporary moving security zones are established around all cruise ships between the Southwest Pass Entrance Lighted Buoy "SW", at approximate position 28°52'42" N, 89°25'54" W [NAD 83] and Lower Mississippi River mile marker 96.0 in New Orleans, Louisiana. These temporary moving security zones encompass all waters within 500 yards of a cruise ship. These zones remain in effect during the entire transit of the vessel and continue while the cruise ship is moored or anchored.

(b) *Effective period.* This section is effective from 8 a.m. on May 29, 2002, through 8 a.m. on October 15, 2002.

(c) *Authority.* In addition to 33 U.S.C. 1231, the authority for this section includes 33 U.S.C. 1226.

(d) *Regulations.* (1) Entry of persons and vessels into these zones is prohibited unless authorized as follows.

(i) Vessels may enter within 500 yards but not closer than 100 yards of a cruise ship provided they operate at the minimum speed necessary to maintain a safe course.

(ii) No person or vessel may enter within 100 yards of a cruise ship unless expressly authorized by the Coast Guard Captain of the Port New Orleans.

(iii) Moored vessels or vessels anchored in a designated anchorage area are permitted to remain within 100 yards of a cruise ship while it is in transit.

(2) Vessels requiring entry within 500 yards of a cruise ship that cannot slow

to the minimum speed necessary to maintain a safe course must request express permission to proceed from the Captain of the Port New Orleans or his designated representative.

(3) For the purpose of this section the term “cruise ship” is defined as a passenger vessel over 100 gross tons, carrying more than 12 passengers for hire, making a voyage lasting more than 24 hours, any part of which is on the high seas, and for which passengers are embarked or disembarked in the United States or its territories.

(4) The Captain of the Port New Orleans will inform the public of the moving security zones around cruise ships via Marine Safety Information Broadcasts.

(5) To request permission as required by these regulations contact “New Orleans Traffic” via VHF Channels 13/67 or via phone at (504) 589-2780 or (504) 589-6261.

(6) All persons and vessels within the moving security zones shall comply with the instructions of the Captain of the Port New Orleans and designated on-scene U.S. Coast Guard patrol personnel. On-scene U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

EFFECTIVE DATE NOTE: By COTP New Orleans-02-004, 67 FR 39853, June 11, 2002, § 165.T08-049 was added, effective from 8 a.m. May 29, 2002, through 8 a.m. Oct. 15, 2002.

**§ 165.T08-050 Security Zones; Captain of the Port Houston-Galveston Zone.**

(a) *Location.* The following areas are designated as security zones:

(1) *Freeport, TX.* (i) The *Dow Barge Canal* containing all waters bounded by its junction with the Intracoastal Waterway, by a line drawn between the eastern point at latitude 28°56'27" N, 95°18'12" W, and the western point at 28°56'22" N, 95°18'20" W (NAD 1983).

(ii) The *Brazos Harbor* containing all waters west of a line drawn between the northern point at 28°56'15" N, 95°20'03" W, and the southern point 28°56'02" N, 95°20'03" W (NAD 1927) at its junction with the Old Brazos River Cut.

(2) *Texas City, TX.* The Port of Texas City Channel, Turning Basin and In-

dustrial Canal containing all waters bounded by the area south and west of a line drawn between Cut B Inner Range Rear Light (LLNR 24770), and Texas City Channel Light 19 (LLNR 24810).

(3) *Bayport, TX.* The Port of Bayport, Bayport Ship and Bayport Turning Basin containing all waters south of a line drawn from Bayport Ship Channel Light 9 (LLNR-23295) and a western point at 29°36'26" N, 95°01'17" W (NAD 1983).

(4) *Houston, TX.* The Houston Ship Channel and all associated turning basins, bounded by a line drawn between Houston Ship Channel Light 132 (LLNR-24445) and Houston Ship Channel Light 133 (LLNR-24450) west to the T & N Rail Road Swing Bridge at the entrance to Buffalo Bayou, including all waters adjacent to the ship channel from shoreline to shoreline and the first 200 yards of connecting waterways.

(b) *Effective dates.* This rule is effective from 6 a.m. on May 20, 2002 through 6 a.m. on October 15, 2002.

(c) *Regulations.* (1) Entry into these zones is prohibited except for the following:

(i) Commercial vessels operating at waterfront facilities within these zones;

(ii) Commercial vessels transiting directly to or from waterfront facilities within these zones;

(iii) Vessels providing direct operational/logistic support to commercial vessels within these zones;

(iv) Vessels operated by the appropriate port authority or by facilities located within these zones; and

(v) Vessels operated by federal, state, county, or municipal agencies.

(2) Other persons or vessels requiring entry into a zone described in this section must request express permission to enter from the Captain of the Port Houston-Galveston, or his designated representative.

(3) To request permission as required by these regulations contact “Houston Traffic” via VHF Channels 11/12 or via phone at (713) 671-5103.

(4) All persons and vessels shall comply with the instructions of the Captain of the Port Houston-Galveston and designated on-scene U.S. Coast Guard

patrol personnel. On-scene U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

EFFECTIVE DATE NOTE: By COTP Houston-Galveston-02-011, 67 FR 39851, June 11, 2002, § 165.T08-050 was added, effective from 6 a.m. May 20, 2002, through 6 a.m. Oct. 15, 2002.

**§ 165.T08-080 Safety Zone; Queen Isabella Bridge, Gulf Intracoastal Waterway, Brownsville, Texas**

(a) *Location.* The following area is a safety zone: All waters within a 1000-foot radius of vessels and machinery involved in the re-construction of the Queen Isabella Bridge.

(b) *Effective dates.* This regulation becomes effective at 2 p.m. on September 26, 2001 and terminates when the re-construction of the Queen Isabella Bridge is completed and certified by the Texas Department of Transportation to the satisfaction of the Captain of the Port or on September 26, 2002 which ever is earlier.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited except as authorized by the Captain of the Port Corpus Christi.

(2) The safety zone is in effect during all hours of the day. Vessels transiting the Intracoastal Waterway (Mile Marker 665.0) under the bridge shall proceed at minimum speed to maintain steerage-way and during daylight hours only.

(3) No vessels may enter this safety zone unless specifically authorized by the Captain of the Port Corpus Christi. The Captain of the Port will notify the public of changes in the status of this zone by Marine Radio Safety Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz).

[COTP Corpus Christi 01-002, 66 FR 64914, Dec. 17, 2001]

EFFECTIVE DATE NOTE: By COTP Corpus Christi 01-002, 66 FR 64914, Dec. 17, 2001, § 165.T08-080 was added effective at 2 p.m. on September 26, 2001 and terminates when the re-construction of the Queen Isabella Bridge is completed and certified by the Texas Department of Transportation to the satisfaction of the Captain of the Port or September 26, 2002 whichever is earlier.

**§ 165.802 Lower Mississippi River, vicinity of Old River Control Structure—Safety Zone.**

(a) The area enclosed by the following boundary is a safety zone—from the Black Hawk Point Light, mile 316.1 AHP LMR to a point opposite Ft. Adams Light, mile 311.5 AHP along the low water reference plane above the right descending bank; thence to the levee on a line perpendicular to the channel centerline; thence along the levee to the upstream end of the Old River Overbank structure; thence along a line to the Black Hawk Point Light.

(b) Any vessel desiring to enter this safety zone must first obtain permission from the Captain of the Port, New Orleans. The resident engineer at Old River Control Structure (WUG-424) is delegated the authority to permit entry into this safety zone.

[CGD8-87-10, 53 FR 15207, Apr. 28, 1988, as amended by CGD8 89-03, 54 FR 16108, Apr. 21, 1989]

**§ 165.803 Mississippi River—regulated navigation area.**

The following is a Regulated Navigation Area—The waters of the Mississippi River between miles 88 and 240 above Head of Passes.

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

(1) *Breakaway* means a barge that is adrift and is not under the control of a towing vessel.

(2) *COTP* means the Captain of the Port, New Orleans.

(3) *Fleet* includes one or more tiers.

(4) *Fleeting facility* means the geographic area along or near a river bank at which a barge mooring service, either for hire or not for hire, is established.

(5) *Mooring barge* or *spar barge* means a barge moored to mooring devices and to which other barges may be moored.

(6) *Mooring device* includes a deadman, anchor, pile or other reliable holding apparatus.

(7) *Person in charge* includes any owner, agent, pilot, master, officer, operator, crewmember, supervisor, dispatcher or other person navigating, controlling, directing or otherwise responsible for the movement, action, securing, or security of any vessel, barge,

tier, fleet or fleeting facility subject to the regulations in this section.

(8) *Tier* means barges moored inter-dependently in rows or groups.

(b) Waivers:

(1) The COTP may, upon written request, except as allowed in paragraph (3) of this subsection, waive any regulation in this section if it is found that the proposed operation can be conducted safely under the terms of that waiver.

(2) Each written request for a waiver must state the need for the waiver and describe the proposed operation.

(3) Under unusual circumstances due to time constraints, the person in charge may orally request an immediate waiver from the COTP. The written request for a waiver must be submitted within five working days after the oral request.

(4) The COTP may, at any time, terminate any waiver issued under this subsection.

(c) Emergencies. In an emergency, a person may depart from any regulation in this section to the extent necessary to avoid immediate danger to persons, property or the environment.

(d) Mooring: General.

(1) No person may secure a barge to trees or to other vegetation.

(2) No person may allow a barge to be moored with unraveled or frayed lines or other defective or worn mooring.

(3) No person may moor barges side to side unless they are secured to each other from fittings as close to each corner of abutting sides as practicable.

(4) No person may moor barges end to end unless they are secured to each other from fittings as close to each corner of abutting ends as practicable.

(e) *Mooring to a mooring device.* (1) A barge may be moored to mooring devices if the upstream end of that barge is secured to at least one mooring device and the downstream end is secured to at least one other mooring device, except that from mile 127 to mile 240 a barge may be moored to mooring devices if the upstream end of that barge is secured to at least one mooring device.

(2) Barges moored in tiers may be shifted to mooring devices if the shoreward barge at the upstream end of the tier is secured to at least one mooring

device, and the shoreward barge at the downstream end of the tier is secured to at least one other mooring device, except that from mile 127 to mile 240 barges moored in tiers may be shifted to mooring devices if the shoreward barge at the upstream end of the tier is secured to at least one mooring device.

(3) Each wire rope used between the upstream end of a barge and a mooring device must have at least a diameter of 1¼ inch. Chain or line used between the upstream end of a barge and a mooring device must be at least equivalent in strength to 1¼ inch diameter wire rope.

(4) Each wire rope used between the downstream end of a barge and a mooring device must have at least a diameter of ¾ inch. Chain or line used between the downstream end of a barge and a mooring device must be of at least equivalent strength of ¾ inch diameter wire rope.

(f) Moorings: Barge-to-barge; barge-to-vessel; barge-to-wharf or pier. The person in charge shall ensure that a barge moored to another barge, a mooring or spar barge, a vessel, a wharf, or a pier, is secured as near as practicable to each abutting corner of the barge being moored by:

(1) Three parts of wire rope of at least ¾ inch diameter with an eye at each end of the rope passed around the timberhead, caval, or button;

(2) A mooring of natural or synthetic fiber rope that has at least 75 percent of the breaking strength of three parts of ¾ inch diameter wire rope; or

(3) Fixed rigging that is at least equivalent to three parts of ¾ inch diameter wire rope.

(g) Mooring: Person in charge.

(1) The person in charge of a barge, tier, fleet or fleeting facility shall ensure that the barge, tier, fleet or fleeting facility meets the requirements in paragraphs (d) and (e) of this section.

(2) The person in charge shall ensure that all mooring devices, wires, chains, lines and connecting gear are of sufficient strength and in sufficient number to withstand forces that may be exerted on them by moored barges.

(h) Fleeting facility: inspection of moorings.

(1) The person in charge of a fleeting facility shall assign a person to inspect

moorings in accordance with the requirements in paragraph (h)(2) of this section.

(2) The person assigned to inspect moorings shall inspect:

(i) At least twice each day during periods that are six hours or more apart, each mooring wire, chain, line and connecting gear between mooring devices and each wire, line and connecting equipment used to moor each barge; and

(ii) After a towboat adds barges to, withdraws barges from, or moves barges at a fleeting facility, each mooring wire, line, and connecting equipment of each barge within each tier affected by that operation.

(3) The person who inspects moorings shall take immediate action to correct each deficiency.

(i) Fleeting facility: Records. The person in charge of a fleeting facility shall maintain, and make available to the Coast Guard, records containing the following information:

(1) The time of commencement and termination of each inspection required in paragraph (h)(2) of this section.

(2) The name of each person who makes the inspection required in paragraph (h)(2) of this section.

(3) The identification of each barge entering and departing the fleeting facility, along with the following information:

(i) Date and time of entry and departure; and

(ii) The names of any hazardous cargo which the barge is carrying.

NOTE: The requirements in paragraph (i)(3) of this section for the listing of hazardous cargo refer to cargoes regulated by Subchapters D and O of Chapter I, Title 46, Code of Federal Regulations.

(j) Fleeting facility: Surveillance.

(1) The person in charge of a fleeting facility shall assign a person to be in continuous surveillance and to observe the barges in the fleeting facility. Joint use of this person by adjacent facilities may be considered upon submission of a detailed proposal for a waiver to the COTP.

(2) The person who observes the barges shall:

(i) Inspect for movements that are unusual for properly secured barges; and

(ii) Take immediate action to correct each deficiency.

(k) Fleeting facility: person in charge. The person in charge of a fleeting facility shall ensure that each deficiency found under the requirements of paragraph (h) or (j) of this section is corrected.

(l) Securing breakaways. The person in charge shall take immediate action to:

(1) Secure each breakaway; and

(2) Report each breakaway as soon as possible to the COTP by telephone, radio or other means of rapid communication.

(m) High water.

(1) This subsection applies to barges on the Mississippi River between miles 88 and 240 above Head of Passes when:

(i) The Carrollton gage stands 12 feet or more; or

(ii) The Carrollton gage stands 10 feet, the U.S. Army Corps of Engineers forecasts the Mississippi River is rising to 12 feet, and the District Commander determines these circumstances to be especially hazardous and issues orders directing that paragraphs (m)(2) and (3) of this section are in effect.

(2) During high water, the person in charge of a fleeting facility shall ensure compliance with the following requirements:

(i) Each fleet consisting of eight or more barges must be attended by at last one radar-equipped towboat for each 100 barges or less. Joint use of this towboat by adjacent facilities may be considered upon submission of a detailed proposal for a waiver.

(ii) Each fleet must have two or more towboats in attendance when:

(A) Barges are withdrawn from or moved within the fleet and the fleet at the start of the operation contains eight or more barges; or

(B) Barges are added to the fleet and the number of barges being added plus the fleet at the start of the operation total eight or more.

(iii) Each towboat required in paragraphs (m)(2)(i) and (2)(ii) of this section must be:

(A) Capable of safely withdrawing, moving or adding each barge in the fleet;

(B) Immediately operational;

(C) Radio-equipped;

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(D) Within 500 yards of the barges; and

(iv) The person in charge of each towboat required in paragraphs (m)(2)(i) and (2)(ii) of this section shall maintain:

(A) A continuous guard on the frequency specified by current Federal Communications Commission regulations found in Part 83 of Title 47, Code of Federal Regulations; and

(B) When moored, a continuous watch on the barges in the fleeting facility.

(v) During periods when visibility is less than 200 yards, the person in charge of each towboat required in paragraph (m)(2)(i) of this subsection shall maintain, when moored, a continuous radar surveillance of the barges moored in the fleeting facility.

(3) During high water when visibility is reduced to less than 200 yards:

(i) Tows may not be assembled or disassembled;

(ii) No barge may be added to, withdrawn from or moved within a fleet except:

(A) A single barge may be added to or withdrawn from the channelward or downstream end of the fleet; and

(B) Barges made up in a tow may depart a fleet from the channelward or downstream end of the fleet; and

(iii) No person in charge of a tow arriving in this regulated navigation area may moor unless the COTP is notified prior to arrival in the regulated navigation area.

[CGD 79-034, 47 FR 29660, July 8, 1982, as amended by CGD 82-020, 47 FR 35483, Aug. 16, 1982; CGD 79-026, 48 FR 35408, Aug. 4, 1983; CGD 88-075, 54 FR 14958, Apr. 14, 1989; CGD08-94-006, 59 FR 21935, Apr. 28, 1994; CGD08-94-006, 60 FR 37944, July 25, 1995]

**§ 165.804 Snake Island, Texas City, Texas; mooring and fleeting of vessels—safety zone.**

(a) The following is a safety zone:

(1) The west and northwest shores of Snake Island;

(2) The Turning Basin west of Snake Island;

(3) The area of Texas City Channel from the north end of the Turning Basin to a line drawn 000° true from the northwesternmost point of Snake Island.

(b) Special regulations. All vessels are prohibited from mooring, anchoring, or otherwise stopping in the safety zone, except in case of an emergency.

(c) Barges are prohibited from fleeting or grounding in the zone.

(d) In an emergency, vessels shall advise the Captain of the Port, Houston-Galveston, of the nature of the emergency via the most rapid means available.

[CGD 79-034, 47 FR 29660, July 8, 1982, as amended by USCG-2000-7223, 65 FR 40058, June 29, 2000]

**§ 165.805 Calcasieu Channel and Industrial Canal, Calcasieu River, Lake Charles, LA.**

(a) The waters and waterfront facility located within the area described by the following boundaries constitutes a safety zone:

(1) When a Liquefied Natural Gas (LNG) vessel is moored at Trunkline LNG facility: Beginning at the west side property line at position 30°06'38" N., 93°17'34" W., a line extending in an eastward direction and 50 feet from shore to a point 50 feet west of mooring dolphin #1; then due south to a line running in an eastward direction and 50 feet south of the moored LNG vessel to a line running due north to a point 50 feet east of mooring dolphin #13; and then a line extending in an eastward direction and 50 feet from shore to the end of the turning basin.

(2) When an LNG vessel is not moored at the Trunkline LNG facility: Beginning at the west side property line at position 30°06'38" N., 93°17'34" W., a line extending in an eastward direction and 50 feet from shore to a point 50 feet west of mooring dolphin #1; then a continuous uniform line extending 50 feet outside of all facility docks and structures to a point 50 feet east of mooring dolphin #13; and then a line extending in an eastward direction and 50 feet from shore to the end of the turning basin.

(b) The waters within the following boundaries are a safety zone while a non-gas free LNG vessel is transiting within the Calcasieu River ship channel and between buoy "CC" and the Trunkline LNG facility: The area 2 miles ahead, 1 mile astern, and to either side of an LNG vessel to the width

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of the ship channel. Meeting, crossing, or overtaking situations are not permitted within the safety zone unless specifically authorized by the USCG Captain of the Port.

(c) Notice of transiting LNG vessels will be provided by Broadcast and/or Local Notice to Mariners.

[CGD 82-10, 47 FR 41957, Sept. 23, 1982, as amended by CGD8 82-10, 50 FR 31592, Aug. 5, 1985; COTP Port Arthur, TX Reg. 90-03, 56 FR 66599, Dec. 24, 1991; USCG-1998-3799, 63 FR 35533, June 30, 1998]

### § 165.806 Sabine Neches Waterway, Texas—regulated navigation area.

(a) The following is a regulated navigation area—The Sabine Neches Waterway which includes the following waters: Sabine Pass Channel, Port Arthur Canal, Sabine Neches Canal, Neches River, Sabine River and all navigable waterways tributary thereto.

(b) Unless otherwise authorized by the Captain of the Port, Port Arthur, Texas, tows on a hawser of 1000 gross tons or greater transiting the Sabine-Neches Waterway are prohibited unless such tows have a tug of sufficient horsepower made up to the tow in such a manner as to insure that complete and effective control is maintained throughout the transit. Inbound vessels only, may shift the tow or pick up an additional tug within 100 yards inside the entrance jetties provided that such action is necessary for reasons of prudent seamanship.

[CGD8-83-09, 49 FR 35500, Sept. 10, 1984]

### § 165.807 Calcasieu River, Louisiana—regulated navigation area.

(a) The following is a regulated navigation area—The Calcasieu River from the Calcasieu jetties up to and including the Port of Lake Charles.

(b) Unless otherwise authorized by the Captain of the Port, Port Arthur, Texas, tows on a hawser of 1000 gross tons or greater transiting the Calcasieu River are prohibited unless such tows have a tug of sufficient horsepower made up to the tow in such a manner as to insure that complete and effective control is maintained at all times. Inbound vessels only, may shift the tow or pick up an additional tug within 100 yards inside the entrance jetties provided that such ac-

tion is necessary for reasons for prudent seamanship.

[CGD8-83-09, 49 FR 35500, Sept. 10, 1984]

### § 165.808 Corpus Christi Ship Channel, Corpus Christi, TX, safety zone.

(a) The following areas are established as safety zones during specified conditions:

(1) For incoming tank vessels loaded with Liquefied Petroleum Gas, the waters within a 500 yard radius of the LPG carrier while the vessel transits the Corpus Christi Ship Channel to the LPG receiving facility. The safety zone remains in effect until the LPG vessel is moored at the LPG receiving facility.

(2) For outgoing tank vessels loaded with LPG, the waters within a 500 yard radius of the LPG carrier while the vessel departs the LPG facility and transits the Corpus Christi Ship Channel. The safety zone remains in effect until the LPG vessel passes the seaward extremity of the Aransas Pass Jetties.

(b) The general regulations governing safety zones contained in 33 CFR 165.23 apply.

(c) The Captain of the Port will notify the maritime community of periods during which this safety zone will be in effect by providing advance notice of scheduled arrivals and departures of loaded LPG vessels via a Marine Safety Information Broadcast Notice to Mariners.

[CGD 8-84-07, 50 FR 15744, Apr. 22, 1985; 50 FR 19933, May 13, 1985]

### § 165.810 Mississippi River, LA-regulated navigation area.

(a) *Purpose and applicability.* This section prescribes rules for all vessels operating in the Lower Mississippi River below mile 233.9 above Head of Passes including South Pass and Southwest Pass, to assist in the prevention of allisions; collisions and groundings so as to ensure port safety and protect the navigable waters of the Mississippi River from environmental harm resulting from those incidents, and to enhance the safety of passenger vessels moored or anchored in the Mississippi River.

(b) Lower Mississippi River below mile 233.9 above Head of Passes including South and Southwest Passes:

(1) *Supervision.* The use, administration, and navigation of the waterways to which this paragraph applies shall be under the supervision of the District Commander, Eighth Coast Guard District.

(2) *Speed; high-water precautions.* When passing another vessel (in motion, anchored, or tied up), a wharf or other structure, work under construction, plant engaged in river and harbor improvement, levees withstanding flood waters, building partially or wholly submerged by high water, or any other structure liable to damage by collision, suction or wave action, vessels shall give as much leeway as circumstances permit and reduce their speed sufficiently to preclude causing damages to the vessel or structure being passed. Since this subparagraph pertains directly to the manner in which vessels are operated, masters of vessels shall be held responsible for strict observance and full compliance therewith. During high river stages, floods, or other emergencies, the District Commander may prescribe by navigation bulletins or other means the limiting speed in land miles per hour deemed necessary for the public safety for the entire section or any part of the waterways covered by this paragraph, and such limiting speed shall be strictly observed.

(3) *Towing.* Towing in any formation by a vessel with insufficient power to permit ready maneuverability and safe handling is prohibited.

(c) Movement of vessels in vicinity of Algiers Point, New Orleans Harbor:

(1) *Control lights.* When the Mississippi River reaches 8 feet on the Carrollton Gage on a rising stage, and until the gage reads 9 feet on a falling stage, the movement of all tugs with tows and all ships, whether under their own power or in tow, but excluding tugs or towboats without tows or river craft of comparable size and maneuverability operating under their own power, in the vicinity of Algiers Point shall be governed by red and green lights designated and located as follows: Governor Nicholls Light located on the left descending bank on the

wharf shed at the upstream end of Esplanade Avenue Wharf, New Orleans, approximately 94.3 miles above Head of Passes; and Gretna Light located on the right descending bank on top of the levee at the foot of Ocean Avenue, Gretna, approximately 96.6 miles above Head of Passes. Governor Nicholls Light has lights visible from both upstream and downstream, and Gretna Light has lights visible from upstream, all indicating by proper color the direction of traffic around Algiers Point. From downstream, Gretna Light always shows green. All lights are visible throughout the entire width of the river and flash once every second. A green light displayed ahead of a vessel (in the direction of travel) indicates that Algiers Point is clear and the vessel may proceed. A red light displayed ahead of a vessel (in the direction of travel) indicates that Algiers Point is not clear and the vessel shall not proceed. Absence of lights shall be considered a danger signal and no attempt shall be made to navigate through the restricted area.

NOTE: To provide advance information to downbound vessels whether the control light at Gretna (Gretna Light) is red or green, a traffic light is located at Westwego on the right descending bank, on the river bature at the end of Avenue B, approximately 101.4 miles above Head of Passes.

(2) *Ascending vessels.* Ascending vessels shall not proceed farther up the river than a line connecting the upper end of Atlantic Street Discharge Light (on right descending bank) with the lower end of Desire Street Wharf (on left descending bank) when a red light is displayed. Vessels waiting for a change of signal shall keep clear of descending vessels.

(3) *Descending vessels.* (i) Descending vessels shall not proceed farther down the river than a line connecting the lower end of Julia Street Wharf (on left descending bank) with the vertical flagpole at Eastern Associated Terminals (on right descending bank) when a red light is displayed. Vessels shall round to and be headed upstream before they reach that line, if the signal remains against the vessel. Vessels waiting for a change of signal shall keep clear of ascending vessels.

(ii) Vessels destined to a wharf above the lower end of Julia Street Wharf

shall signal the Gretna towerman three long blasts and one short blast of a whistle or horn to indicate that the vessel is not bound below the Julia Street Wharf.

(iii) The master, pilot, or authorized representative of any vessel scheduled to depart from a wharf between Governor Nicholls Light and Louisiana Avenue, bound downstream around Algiers Point, shall communicate with the Governor Nicholls Light towerman by telephone to determine whether the channel at Algiers Point is clear before departure. When the point is clear, vessels shall then proceed promptly so that other traffic will not be unnecessarily delayed.

NOTE: Telephone numbers of both signal towers will be published in navigation bulletins in advance of each operating period.

(4) *Minor changes.* The District Commander is authorized to waive operation or suspension of the lights whenever prospective river stages make it appear that the operation or suspension will be required for only a brief period of time or when river stages will rise or fall below the critical stage which is established for operation or suspension by only a few tenths on the Carrollton Gage.

(5) *Underpowered vessels.* When the Carrollton Gage reads 12 feet or higher, any vessel which is considered by the master or pilot as being underpowered or a poor handler shall not navigate around Algiers Point without the assistance of a tug or tugs.

(6) *Towing.* When the Carrollton Gage reads 12 feet or higher, towing on a hawser in a downstream direction between Julia Street and Desire Street is prohibited except by special permission of the District Commander.

(d) Navigation of South and Southwest Passes.

(1) No vessel, except small craft and towboats and tugs without tows, shall enter either South Pass or Southwest Pass from the Gulf until after any descending vessel which has approached within two and one-half (2½) miles of the outer end of the jetties and visible to the ascending vessel shall have passed to sea.

(2) No vessel having a speed of less than ten mph shall enter South Pass from the Gulf when the stage of the

Mississippi River exceeds 15 feet on the Carrollton Gage at New Orleans. This paragraph does not apply when Southwest Pass is closed to navigation.

(3) No vessel, except small craft and towboats and tugs without tows, ascending South Pass shall pass Franks Crossing Light until after a descending vessel shall have passed Depot Point Light.

(4) No vessel, except small craft and towboats and tugs without tows, shall enter the channel at the head of South Pass until after an ascending vessel which has reached Franks Crossing Light shall have passed through into the river.

(5) When navigating South Pass during periods of darkness no tow shall consist of more than one towed vessel other than small craft, and during daylight hours no tow shall consist of more than two towed vessels other than small craft. Tows may be in any formation. When towing on a hawser, the hawser shall be as short as practicable to provide full control at all times.

(6) When towing in Southwest Pass during periods of darkness no tow shall consist of more than two towed vessels other than small craft, and during daylight hours no tow shall consist of more than three towed vessels other than small craft.

(e) Watch requirements for anchored and moored passenger vessels.

(1) *Passenger vessels.* Except as provided in paragraph (e)(2) of this section, each passenger vessel with one or more passengers on board, must—

(i) Keep a continuously manned pilot-house; and

(ii) Monitor river activities and marine VHF, emergency and working frequencies of the port, so as to be immediately available to take necessary action to protect the vessel, crew, and passengers if an emergency radio broadcast, danger signal, or visual or other indication of a problem is received or detected.

(2) Each ferryboat, and each small passenger vessel to which 46 CFR 175.110 applies, may monitor river activities using a portable radio from a vantage point other than the pilot-house.

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(f) Each self-propelled vessel of 1,600 or more gross tons subject to 33 CFR part 164 shall also comply with the following:

(1) While under way in the RNA, each vessel must have an engineering watch capable of monitoring the propulsion system, communicating with the bridge, and implementing manual-control measures immediately when necessary. The watch must be physically present in the machinery spaces or in the machinery-control spaces and must consist of at least a licensed engineer.

(2) Before embarking a pilot when entering or getting under way in the RNA, the master of each vessel shall ensure that the vessel is in compliance with 33 CFR part 164.

(3) The master shall ensure that the chief engineer has certified that the following additional operating conditions will be satisfied so long as the vessel is under way within the RNA:

(i) The main propulsion plant is in all respects ready for operations including the main-propulsion air-start systems, fuel systems, lubricating systems, cooling systems, and automation systems;

(ii) Cooling, lubricating, and fuel-oil systems are at proper operating temperatures;

(iii) Main propulsion machinery is available to immediately respond to the full range of maneuvering commands any load-limiting programs or automatic acceleration-limiting programs that would limit the speed of response to engine orders beyond that needed to prevent immediate damage to the propulsion machinery are capable of being overridden immediately.

(iv) Main-propulsion standby systems are ready to be immediately placed in service.

(Sec. 104, Pub. L. 92-340, 86 Stat. 424 (33 U.S.C. 1224); sec. 2, Pub. L. 95-474, 92 Stat. 1471 (33 U.S.C. 1223); 49 CFR 1.46(n)(4))

[CGD 75-082, 42 FR 51759, Sept. 29, 1977, as amended by CGD 78-080, 44 FR 47933, Aug. 16, 1979; CGD 86-049, 51 FR 27840, Aug. 4, 1986. Redesignated by CGD 90-020, 59 FR 36324, July 15, 1994; CGD 95-033, 60 FR 28333, May 31, 1995; CCGD08-97-020, 62 FR 58653, Oct. 30, 1997; CCGD08-97-020, 64 FR 18813, Apr. 16, 1999]

**§ 165.811 Atchafalaya River, Berwick Bay, LA-regulated navigation area.**

(a) The following is a regulated navigation area: the waters of the Atchafalaya River in Berwick Bay bounded on the northside from 2,000 yards north of the U.S. 90 Highway Bridge and on the southside from 4,000 yards south of the Southern Pacific Railroad (SPRR) Bridge.

(b) Within the regulated navigation area described in paragraph (a) of this section, §161.40 of this chapter establishes a VTS Special Area for waters within a 1000 yard radius of the SPRR Bridge.

(c) When the Morgan City River gauge reads 3.0 feet or above mean sea level, in addition to the requirements set forth in §161.13 of this chapter, the requirements of paragraph (d) and (e) of this section apply to a towing vessel which will navigate:

(1) under the lift span of the SPRR Bridge; or

(2) through the navigational opening of the U.S. 90 Highway Bridge; or

(3) through the navigational opening of the Highway 182 Bridge.

(d) *Towing requirements.* (1) Towing on a hawser is not authorized, except that one self-propelled vessel may tow one other vessel without barges upbound;

(2) A towing vessel and barges must be arranged in tandem, except that one vessel may tow one other vessel alongside;

(3) Length of tow must not exceed 1,180 feet; and

(4) Tows with a box end in the lead must not exceed 400 feet in length.

NOTE: The variation in the draft and the beam of the barges in a multi-barge tow should be minimized in order to avoid unnecessary strain on coupling wires.

(e) *Horsepower Requirement.* (1) The following requirements apply to a towing vessel of 3,000 hp or less:

**TABLE 165.811(E)—MINIMUM AVAILABLE HORSEPOWER REQUIREMENT**  
[The greater value listed.]

Direction of tow	Daytime (sunrise to sunset)	Nighttime (sunset to sunrise)
Upbound .....	400hp or (Length of tow—300ft) × 3.	600hp or (Length of tow—200ft) × 3.

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**TABLE 165.811(E)—MINIMUM AVAILABLE HORSEPOWER REQUIREMENT—Continued**  
[The greater value listed.]

Direction of tow	Daytime (sunrise to sunset)	Nighttime (sunset to sunrise)
Downbound .....	600hp or (Length of tow—200ft) × 3.	600hp or (Length of tow) × 3.

**Note:** A 5% variance from the available horsepower is authorized.

(2) All tows carrying cargoes of particular hazard as defined in §160.203 of this chapter must have available horsepower of at least 600 hp or three times the length of tow, whichever is greater.

(f) *Notice of Requirements.* Notice that these rules are anticipated to be put into effect, or are in effect, will be given by:

- (1) Marine information broadcasts;
- (2) Notices to mariners;
- (3) Vessel Traffic Center advisories or upon vessel information request; and
- (4) Visual displays on top of the SPRR Bridge, consisting of:

- (i) Two vertically arranged red balls by day; or
- (ii) Two vertically arranged flashing white lights by night.

**NOTE:** Visual displays are not shown during precautionary periods (when the Morgan City River Gauge reads 2.5 feet above mean sea level). However, precautionary notices will be issued via marine notice to mariners, notice to mariners, VTC advisories or vessel information requests, when water level remains at or above 2.5 feet. Visual displays are Class I, private aids to navigation maintained by SPRR Bridge.

[CGD 90-020, 59 FR 36334, July 15, 1994, as amended by CGD 95-033, 60 FR 28333, May 31, 1995]

**§ 165.815 Ohio River at Louisville, KY; regulated navigation area.**

(a) The following is a regulated navigation area: The waters of the Ohio River from the Clark Memorial (Highway) Bridge at Mile 603.5, downstream to McAlpine Dam at Mile 604.4.

(b) The general regulations governing regulated navigation area contained in 33 CFR part 165, subpart B apply.

(c) No pleasure or fishing craft shall be operated within the regulated navigation area at any time without prior permission of the Captain of the Port, Louisville, Kentucky, except in case of

emergency and except for passage through McAlpine Lock.

[CGD 2-89-04, 55 FR 23203, June 7, 1990. Redesignated by CGD 96-026, 61 FR 33669, June 28, 1996]

**§ 165.817 Arkansas River, Mile 118.2 to 125.4, Little Rock Arkansas—regulated navigation area.**

(a) Location. The following is a regulated navigation area (RNA): The waters of the Arkansas River between mile 118.2 and mile 125.4.

(b) Regulations. Transit of the RNA is limited during periods of high velocity flow, defined as the flow rate of 70,000 cubic feet per second or more at the Murray Lock and Dam at mile 125.4. The flow rate at this location is calculated by the U.S. Army Corps of Engineers on a regular and routine basis. This information will be distributed by announcements by Coast Guard Marine Information Broadcasts, publication in Coast Guard Local Notice to Mariners, and telephone or radio contact with the Lockmaster at Murray Lock and Dam.

(c) Transit of the RNA during periods of high velocity flow may only occur under the following conditions:

- (1) Vessels may not meet or pass in the RNA.
- (2) No vessel shall anchor, stop, remain or drift without power at any time in the RNA.
- (3) All vessels shall continually monitor VHF-FM channel 13 on their radiotelephone while in or approaching the RNA.

(4) Prior to entering the RNA, downbound vessels shall make a broadcast in the blind on VHF-FM channel 13 announcing their estimated time of departure from Murray Lock and Dam or from the mooring cells at mile 121.5 to ensure there are no upbound vessels within the RNA. If there is upbound traffic within the RNA, the downbound vessel shall not depart until the upbound vessel has passed through the RNA. After departing, vessels will proceed through the RNA, including all drawbridges located therein, without delay.

(5) When upbound vessels reach mile 116, they shall make a broadcast in the blind on VHF-FM channel 13 announcing their estimated arrival time at the

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Rock Island Railroad Bridge at mile 118.2.

(6) When a downbound vessel is already in the RNA, an upbound vessel shall adjust its speed so as to avoid a meeting situation in the RNA.

(d) Refer to 33 CFR 117.123 for draw-bridge operation regulations.

[CGD2-90-04, 57 FR 22176, May 27, 1992. Redesignated by CGD 96-026, 61 FR 33669, June 28, 1996]

**§ 165.820 Security Zone; Ohio River Mile 34.6 to 35.1, Shippingport, Pennsylvania.**

(a) *Location.* The following area is a security zone: The waters of the Ohio River, extending 200 feet from the shoreline of the left descending bank beginning from mile marker 34.6 and ending at mile marker 35.1.

(b) *Regulations.* (1) Entry into or remaining in this zone is prohibited unless authorized by the Coast Guard Captain of the Port, Pittsburgh.

(2) Persons and vessels desiring to transit the area of the security zone may contact the Captain of the Port Pittsburgh at telephone number 412-644-5808 or on VHF channel 16 to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port Pittsburgh or his designated representative.

(c) *Authority.* In addition to 33 U.S.C. 1231, the authority for this section includes 33 U.S.C. 1226.

[COTP Pittsburgh-02-005, 67 FR 40163, June 12, 2002]

**§ 165.821 Ohio River at Cincinnati, OH; regulated navigation area.**

(a) *Location.* The following is a regulated navigation area (RNA)—The waters of the Ohio River between mile 466.0 and mile 473.0.

(b) *Activation.* The restrictions in paragraphs (c) (1) through (4) are in effect from one-half hour before sunset to one-half hour after sunrise when the Cincinnati, Ohio, Ohio River Gauge is at or above the 45 foot level. The Captain of the Port, Louisville, Kentucky will publish a notice in the Local Notice to Mariners and will make announcements by Coast Guard Marine Information Broadcasts whenever the river level measured at the gauge acti-

vates or terminates the navigation restrictions in this section.

(c) *Regulations.*

(1) Transit through the RNA by all downbound vessels towing cargoes regulated by Title 46 Code of Federal Regulations Subchapters D and O with a tow length exceeding 600 feet excluding the tow boat is prohibited.

(2) No vessel shall loiter, anchor, stop, remain or drift without power at any time within the navigation channel of the RNA.

(3) All commercial vessels shall continually monitor VHF-FM channel 13 on their radiotelephone while in or approaching the RNA.

(4) Between Ohio River miles 464.0 and 466.0, downbound vessels shall make a broadcast in the blind, on VHF-FM channel 13 announcing their estimated time of entering the RNA.

[CGD02-95-003, 61 FR 2417, Jan. 26, 1996. Redesignated by CGD 97-023, 62 FR 33365, June 19, 1997, as amended by USCG-1998-3799, 63 FR 35533, June 30, 1998]

**NINTH COAST GUARD DISTRICT**

**§ 165.T09-002 Security Zones; Captain of the Port Chicago Zone, Lake Michigan.**

(a) *Location.* The following areas are security zones. All coordinates are based upon North American Datum 1983.

(1) All waters between the Navy Pier and the Jardine Water Filtration Plant shoreward of a line starting at the southeast corner of the Jardine Water Filtration Plant at 41°53'36" N, 87°36'17" W, and ending at the northeast corner of the Navy Pier at 41°53'33" N, 87°35'55" W, and shoreward of a line starting at the southeast corner of the Navy Pier at 41°53'29" N, 87°35'55" W, thence to the east end of Dime Pier at 41°53'23" N, 87°35'58" W, thence along the south side of Dime Pier to the west end of Dime Pier at 41°53'23" N, 87°36'29" W thence southeast to the corner of the seawall at 41°53'22" N, 87°36'28" W;

(2) All waters in the vicinity of the Dresden Nuclear Power Plant south of a line starting at the Illinois River shore at approximate position 41°23'45" N, 88°16'18" W, thence east to shore at approximate position 41°23'39" N, 88°16'09" W;

(3) All waters of Lake Michigan around the Donald C. Cook Nuclear Power Plant water intakes within a line starting at the shoreline at 41°58.656' N, 86°33.972' W, thence northwest to 41°58.769' N, 86°34.525' W, thence southwest to 41°58.589' N, 86°34.591' W, thence southeast to the shoreline at 41°58.476' N, 86°34.038' W;

(4) All waters of Lake Michigan around the Palisades Nuclear Power Plant within a line starting at the shoreline in approximate position 42°19'02" N, 86°19'05" W, thence northwest to 42°20'10" N, 86°20'01" W, thence northeast to 42°19'43" N, 86°19'52" W, thence to the shoreline at 42°19'26" N, 86°18'55" W;

(5) All waters of the Rock River within a 100-yard radius of the Byron Nuclear Power Plant; with its center in approximate position 42°05'01" N, 89°19'27" W;

(6) All waters 100 yards in all directions of the 68th Street Crib, with its center in approximate position 41°47'10" N, 87°31'51" W;

(7) All waters 100 yards in all directions of the Dever Crib; with its center in approximate position 41°54'55" N, 87°33'20" W;

(8) All waters of Lake Michigan around the Zion Nuclear Power Plant within a line starting from the shoreline in approximate position 42°26'36" N, 87°48'03" W, thence southeast to 42°26'20" N, 87°47'35" W, thence northeast to 42°26'53" N, 87°47'22" W, thence to the shoreline at 42°27'06" N, 87°48'00" W;

(9) All waters of Lake Michigan within an arc of a circle with a 100-yard radius centered on the 79th Street Water Filtration Plant, approximate position 41°45'30" N, 87°33'32" W.

(b) *Regulations.* (1) In accordance with §165.33, entry into this zone is prohibited unless authorized by the Coast Guard Captain of the Port Chicago. Section 165.33 also contains other general requirements.

(2) The Captain of the Port Chicago will normally permit those U. S. Coast Guard certificated passenger vessels that normally load and unload passengers at Navy Pier to operate in the zone. However, should the Captain of the Port Chicago determine it is appropriate, he will require even those U. S. Coast Guard certificated passenger ves-

sels that normally load and unload passengers at Navy Pier to request permission before leaving or entering the security zone. The Captain of the Port Chicago will notify these vessels via Broadcast Notice to Mariners if they must notify the Coast Guard before transiting the security zone. This rule will not obstruct the regular flow of traffic and will allow vessel traffic to pass around the security zone.

(3) All persons and vessels shall comply with the instruction of the Captain of the Port Chicago or the designated on-scene U.S. Coast Guard patrol personnel. On-scene patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels. Emergency response vessels are authorized to move within the zones.

(4) Persons desiring to transit the area of these security zones may contact the Captain of the Port at telephone number (630) 986-2175 or on VHF channel 16 (121.5 MHz) to seek permission to transit the area. If permission is granted, all persons and vessels shall comply with the instructions of the Captain of the Port or his or her designated representative.

(c) *Authority.* In addition to 33 U.S.C. 1231 and 50 U.S.C. 191, the authority for this section includes 33 U.S.C. 1226.

(d) *Effective time and date.* This section is effective from March 25, 2002, through August 1, 2002.

[CGD09-02-008, 67 FR 19678, Apr. 23, 2002, as amended at 67 FR 39294, June 7, 2002]

EFFECTIVE DATE NOTE: By CGD09-02-008, 67 FR 19678, Apr. 23, 2002, §165.T09-002 was added, effective from 9 a.m. Mar. 25, 2002, until June 15, 2002. At 67 FR 39294, June 7, 2002, paragraph (d) was added and the effective date of the section was extended through Aug. 1, 2002.

#### § 165.T09-029 Safety Zone; Buffalo River, Buffalo, NY

(a) *Location.* The following area is a temporary safety zone: all navigable waters of the Buffalo River from 42°52'23" N, 078°52'46" W; east northeast to 42°52'26" N, 078°52'39" W; then northwest along the shoreline to 42°52'41" N, 078°53'10" W; then south to 42°52'3" N, 078°53'10" W; then along the shoreline

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back to the starting point. These coordinates are based upon North American Datum 1983.

(b) *Enforcement Period.* This section is effective from 3:30 p.m. May 31, 2002 until 4:30 p.m. July 31, 2002. The safety zone will be enforced during these dates from 3:30 p.m. until 4:30 p.m. excluding weekends and holidays, unless the Coast Guard Captain of the Port Buffalo or the designated Patrol Commander cease enforcement. The designated Patrol Commander on scene may be contacted on VHF Channel 16.

(c) *Regulations.* In accordance with the general regulations in §165.23 of this part, entry into this zone is prohibited unless authorized by the Coast Guard Captain of the Port, Buffalo, or the designated Patrol Commander.

[CGD09-02-029, 67 FR 40611, June 13, 2002]

EFFECTIVE DATE NOTE: By CGD09-02-029, 67 FR 40611, June 13, 2002, §165.T09-029 was added, effective from 3:30 p.m. May 31, 2002, until 4:40 p.m. July 31, 2002.

§ 165.T09-034 **Safety Zone; Navy Pier, Lake Michigan, Chicago Harbor, IL.**

(a) *Locations.* (1) *Primary launch site.* All waters of Lake Michigan bounded by the arc of a circle with a 1500-foot radius from the fireworks launch platform with its center in approximate position 41°53'18" N, 087°36'08" W. These coordinates are based upon North American Datum 1983.

(2) *Alternate launch site.* In the case of inclement weather, the alternate launch site is all waters of Lake Michigan bounded by the arc of a circle with a 1500-foot radius with its center in approximate position 41°53'24" N, 087°35'44" W.

(b) *Enforcement period.* This section is effective from 9 p.m. (local) June 1, 2002 until 11 p.m. (local) September 1, 2002. The section will be enforced from 9 p.m. until 11 p.m.; on June 1, June 5, June 8, June 12, June 15, June 19, June 22, June 26 June 29, July 3, July 4, July 6, July 10, July 13, July 17, July 20, July 24, July 31, August 3, August 7, August 10, August 14, August 17, August 21, August 24, August 28, August 31, and September 1, 2002.

(c) *Regulations.* In accordance with §165.23 of this part, entry into this zone is prohibited unless authorized by the Coast Guard Captain of the Port, Chi-

cago, or his designated on-scene representative. Section 165.23 also contains other applicable general requirements.

[CGD09-02-035, 67 FR 41176, June 17, 2002]

EFFECTIVE DATE NOTE: By CGD09-02-035, 67 FR 41176, June 17, 2002, §165.T09-034 was added, effective from 9:00 p.m. June 1, 2002, until 11:00 p.m. Sept. 1, 2002.

§ 165.T09-101 **Security Zone; Lake Ontario, Rochester, NY.**

(a) *Location.* The following area is a temporary security zone: all navigable waters of Lake Ontario within a line from 43°16.9' N, 77°18.9' W; north to 43°17.5' N, 77°18.9' W; east to 43°17.5' N, 77°18.3' W; south to 43°16.7' N, 77°18.3' W; back to the starting point 43°16.9' N, 77°18.9' W. (NAD 83).

(b) *Effective time and date.* This section is effective from September 12, 2001, through August 15, 2002.

(c) *Regulations.* In accordance with the general regulations in §165.33 of this part, entry into this zone is prohibited unless authorized by the Coast Guard Captain of the Port, Buffalo, or the designated Patrol Commander. The designated Patrol Commander on scene may be contacted on VHF-FM Channel 16.

[ CDG09-01-125, 66 FR 49285, Sept. 27, 2001, as amended at 67 FR 40854, June 14, 2002]

EFFECTIVE DATE NOTE: By CDG09-01-125, 66 FR 49285, Sept. 27, 2001, §165.T09-101 was added, effective from Sept. 12, 2001, until June 15, 2002. At 67 FR 40854, June 14, 2002, paragraph (b) was revised and the effective date was extended to Aug. 15, 2002.

§ 165.T09-103 **Security Zone: St. Lawrence River, Massena, New York.**

(a) *Location.* The following area is designated a security zone: all waters of the St. Lawrence River encompassed by the points from 45°00.3' N, 74°48.2' W; east to the international border at 45°00.5' N, 74°47.9' W; then southeast along the international border to 45°00.3' N, 74°47.6' W; along the international border to 45°00.3' N, 74°47.4' W; southwest to 44°00.0' N, 74°47.8' W; northwest to 45°00.2' N, 74°48.0' W; back to starting point 45°00.3' N, 74°48.2' W. (NAD 83).

(b) *Effective time and date.* This section is effective from September 12, 2001, through August 15, 2002.

(c) *Regulations.* In accordance with the general regulations in §165.33 of this part, entry into this zone is prohibited unless authorized by the Coast Guard Captain of the Port, Buffalo, or the designated Patrol Commander. The designated Patrol Commander on scene may be contacted on VHF-FM Channel 16.

[ CDG09-01-128, 66 FR 49290, Sept. 27, 2001, as amended at 67 FR 40856, June 14, 2002]

EFFECTIVE DATE NOTE: By CDG09-01-128, 66 FR 49290, Sept. 27, 2001, §165.T09-103 was added, effective from Sept. 12, 2001, until June 15, 2002. At 67 FR 40856, June 14, 2002, paragraph (b) was revised and the effective date was extended to Aug. 15, 2002.

**§ 165.T09-109 Security Zone; Lake Michigan, Kewaunee, WI.**

(a) *Location.* The following area is a temporary security zone: all navigable waters of Western Lake Michigan bound by the following coordinates beginning from a point on the shoreline at 44°20.85' N, 087°32.1' W; then easterly to 44°20.85' N, 087°31.4' W; then southerly to 44°20.35' N, 087°31.4' W; then westerly to 44°20.35' N, 087°32.1' W; then northerly following the shoreline back to the point of origin. These coordinates are based upon North American Datum 1983 (NAD 83).

(b) *Effective time and date.* This section is effective from September 28, 2001, through August 1, 2002.

(c) *Regulations.* In accordance with the general regulations in §165.33 of this part, entry into this zone is prohibited unless authorized by the Coast Guard Captain of the Port Milwaukee, or his designated on-scene representative. The designated on-scene representative will be the Patrol Commander. The Captain of the Port Milwaukee or the Patrol Commander may be contacted via VHF/FM Marine Channel 16.

[ CDG09-01-138, 66 FR 52038, Oct. 12, 2001, as amended at 67 FR 40859, June 14, 2002]

EFFECTIVE DATE NOTE: By CDG09-01-138, 66 FR 52038, Oct. 12, 2001, §165.T09-109 was added, effective from Sept. 28, 2001, until June 15, 2002. At 67 FR 40859, June 14, 2002, paragraph (b) was revised and the effective date was extended to Aug. 1, 2002.

**§ 165.T09-110 Security Zone; Lake Michigan, Point Beach Nuclear Power Plant, WI.**

(a) *Location.* The following area is a temporary security zone: all navigable waters of Western Lake Michigan bound by the following coordinates beginning on the shoreline at 44°17.1' N, 087°32.3' W; then northeasterly to 44°17.4' N, 087°31.6' W; then southeasterly to 44°16.9' N, 087°31.3' W; then southwesterly to 44°16.7' N, 087°32.0' W; then northwesterly along the shoreline back to the point of origin. These coordinates are based upon North American Datum 1983 (NAD 83).

(b) *Effective time and date.* This section is effective from September 28, 2001, through August 1, 2002.

(c) *Regulations.* In accordance with the general regulations in §165.33 of this part, entry into this zone is prohibited unless authorized by the Coast Guard Captain of the Port Milwaukee, or the designated on-scene representative. The Captain of the Port Milwaukee or the designated on-scene representative may be contacted on VHF-FM Channel 16. The designated on-scene representative will be the Patrol Commander.

[ CDG09-01-137, 66 FR 52042, Oct. 12, 2001, as amended at 67 FR 40858, June 14, 2002]

EFFECTIVE DATE NOTE: By CDG09-01-137, 66 FR 52042, Oct. 12, 2001, §165.T09-110 was added, effective from Sept. 28, 2001, until June 15, 2002. At 67 FR 40858, June 14, 2002, paragraph (b) was revised and the effective date was extended to Aug. 1, 2002.

**§ 165.T09-111 Security Zone; Lake Erie, Perry, OH.**

(a) *Location.* The following area is a temporary security zone: all navigable waters of Lake Erie bound by a line beginning at a point 41°48'6" N, 081°09'6" W; thence due north to 41°48'36" N, 081°09'6" W; thence due east to 41°49'0" N, 081°07'54" W; thence due south to the south shore of Lake Erie at 41°48'36" N, 081°07'54" W; and thence westerly along south shore back to the beginning (NAD 83).

(b) *Effective time and date.* This section is effective from October 1, 2001, through August 1, 2002.

(c) *Regulations.* In accordance with the general regulations in §165.33 of

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this part, entry into this zone is prohibited unless authorized by the Coast Guard Captain of the Port Cleveland, or the designated on-scene representative. The designated on-scene representative will be the Patrol Commander on may be contacted on VHF-FM Channel 16.

EFFECTIVE DATE NOTE: By CGD09-01-130, 66 FR 52043, Oct. 12, 2001, §165.T09-111 was added, effective Oct. 1, 2001, until June 15, 2002. At 67 FR 39848, June 11, 2002, paragraph (b) was revised and the effective date of the section was extended through Aug. 1, 2002.

### § 165.901 Great Lakes—regulated navigation areas.

(a) *Lake Huron.* The following are regulated navigation areas:

(1) The waters of Lake Huron known as South Channel between Bois Blanc Island and Cheboygan, Michigan; bounded by a line north from Cheboygan Crib Light (LL-1340) at 45°39'48"N, 84°27'36"W; to Bois Blanc Island at 45°43'42"N, 84°27'36"W; and a line north from the mainland at 45°43'00"N, 84°35'30"W; to the western tangent of Bois Blanc Island at 45°48'42"N, 84°35'30"W.

(2) The waters of Lake Huron between Mackinac Island and St. Ignace, Michigan, bounded by a line east from position 45°52'12"N, 84°43'00"W; to Mackinac Island at 45°52'12"N, 84°39'00"W; and a line east from the mainland at 45°53'12"N, 84°43'30"W; to the northern tangent of Mackinac Island at 45°53'12"N, 84°38'48"W.

(b) *Lake Michigan.* The following is a regulated navigation area—The waters of Lake Michigan known as Gray's Reef Passage bounded by a line from Gray's Reef Light (LL-2006) at 45°46'00"N, 85°09'12"W; to White Shoals Light (LL-2003) at 45°50'30"N, 85°08'06"W; to a point at 45°49'12"N, 85°04'48"W; then to a point at 45°45'42" N, 85°08'42" W; then to the point of beginning.

(c) *Regulations.* The COTP, Sault Ste. Marie, will close and open these regulated navigation areas as ice conditions dictate. Under normal seasonal conditions, only one closing each winter and one opening each spring are anticipated. Prior to the closing or opening of the regulated navigation areas, the COTP will give interested parties, including both shipping interests and is-

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land residents, not less than 72 hours notice of the action. No vessel may navigate in a regulated navigation area which has been closed by the COTP. Under emergency conditions, the COTP may authorize specific vessels to navigate in a closed regulated navigation area.

[CGD 79-034, 47 FR 29660, July 8, 1982, as amended by CGD 79-026, 48 FR 35408, Aug. 4, 1983]

### § 165.902 Niagara River at Niagara Falls, New York—safety zone.

(a) The following is a safety zone—The United States waters of the Niagara River from the crest of the American and Horseshoe Falls, Niagara Falls, New York to a line drawn across the Niagara River from the downstream side of the mouth of Gill Creek to the upstream end of the breakwater at the mouth of the Welland River.

### § 165.903 Safety Zones: Cuyahoga River and Old River, Cleveland, OH.

(a) *Location.* The waters of the Cuyahoga River and the Old River extending ten feet into the river at the following eleven locations, including the adjacent shorelines, are safety zones, coordinates for which are based on NAD 83.

(1) From the point where the shoreline intersects longitude 81°42'24.5" W, which is the southern side of the Norfolk and Southern No. 1 railroad bridge, southeasterly along the shore for six hundred (600) feet to the point where the shoreline intersects longitude 81°42'24.5" W, which is the Holy Moses Water Taxi Landing at Fado's Restaurant.

(2) One hundred (100) feet downriver to one hundred (100) feet upriver from 41 degrees 29'53.5" N, 81 degrees 42'33.5" W, which is the knuckle on the north side of the Old River entrance at Ontario Stone.

(3) Fifty (50) feet downriver to fifty (50) feet upriver from 41 degrees 29'48.4" N, 81 degrees 42'44" W, which is the knuckle adjacent to the Ontario Stone warehouse on the south side of the Old River.

(4) From 41 degrees 29'51.1" N, 81 degrees 42'32.0" W, which is the corner of Christie's Cabaret pier at Sycamore Slip on the Old River, to fifty (50) feet

east of 41 degrees 29'55.1" N, 81 degrees 42'27.6" W, which is the north point of the pier at Shooter's Restaurant on the Cuyahoga River.

(5) Twenty-five (25) feet downriver to twenty-five (25) feet upriver of 41 degrees 29'48.9" N, 81 degrees 42'10.7" W, which is the knuckle toward the downriver corner of the Nautica Stage.

(6) Ten (10) feet downriver to ten (10) feet upriver of 41 degrees 29'45.5" N, 81 degrees 42'9.7" W, which is the knuckle toward the upriver corner of the Nautica Stage.

(7) The fender on the west bank of the river at 41 degrees 29'45.2" N, 81 degrees 42.10" W, which is the knuckle at Bascule Bridge (railroad).

(8) The two hundred seventy (270) foot section on the east bank of the river between the Columbus Road bridge (41 degrees 29'18.8" N, 81 degrees 42'02.3W) downriver to the chain link fence at the upriver end of the Commodores Club Marina.

(9) Fifty (50) feet downriver of twenty-five (25) feet upriver from 41 degrees 29'24.5" N, 81 degrees 41'57.2" W, which is the knuckle at the Upriver Marine fuel pump.

(10) Seventy-five (75) feet downriver to seventy-five (75) feet upriver from 41 degrees 29'33.7" N, 81 degrees 41'57.5" W, which is the knuckle adjacent to the warehouse at Alpha Precast Products (United Ready Mix).

(11) Fifteen (15) feet downriver to fifteen (15) feet upriver from 41 degrees 29'41" N, 81 degrees 41'38.6" W, which is the end of the chain link fence between The Club Mega and Shippers C & D.

(b) *Regulations*—(1) *General Rule*. Except as provided below, entry of any kind or for any purpose into the foregoing zones is strictly prohibited in accordance with the general regulations in § 165.23 of this part.

(2) *Exceptions*. Any vessel may transit, but not moor, stand or anchor in, the foregoing zones as necessary to comply with the Inland Navigation Rules or to otherwise facilitate safe navigation. Cargo vessels of 1600 gross tons (GT) or greater may moor in these zones when conducting cargo transfer operations.

(3) *Waivers*. Owners or operators of docks wishing a partial waiver of these regulations may apply to the Captain

of the Port, Cleveland, Ohio. Partial waivers will only be considered to allow for the mooring of vessels in a safety zone when vessels of 1600 GT or greater are not navigating in the proximate area. Any requests for a waiver must include a plan to ensure immediate removal of any vessels moored in a safety zone upon the approach of a vessel(s) 1600 GTs or greater.

[COTP Cleveland REG 89-01, 54 FR 9778, Mar. 8, 1989, as amended by CGD 09-95-018, 61 FR 37685, July 19, 1996; USCG-2000-7223, 65 FR 40059, June 29, 2000; USCG-2001-9286, 66 FR 33642, June 25, 2001]

**§ 165.904 Lake Michigan at Chicago Harbor & Burnham Park Harbor—Safety and Security Zone.**

(a) *Location*. All waters, waterfront facilities, and shoreline areas within 1000 yards of the shoreline surrounding Merrill C. Meigs Airfield constitute a safety and security zone. This includes all waters including Burnham Park Harbor and the southern part of Chicago Harbor, Lake Michigan, bounded by the following coordinates:

(1) Northwest point: 41°52'33"N, 87°36'58"W

(2) Northeast point: 41°52'33"N, 87°35'41"W

(3) Southeast point: 41°50'42"N, 87°35'41"W

(4) Southwest point: 41°50'42"N, 87°36'33"W

(5) From the southwest point, north along the Lake Michigan shoreline, including Burnham Park Harbor, to the northwest point.

(b) *Effective times and dates*. This safety and security zone will be in effect at various times to be published in the Coast Guard Local Notice to Mariners or broadcasted via Marine Radio VHF-FM Channels 16 & 22. These times will include the actual effective time and date and the termination time and date.

(c) *Restrictions*. (1) In accordance with the general regulations in section 165.23 and 165.33 of this part, entry into this zone is prohibited, unless authorized by the U.S. Coast Guard Captain of the Port, Chicago, or the U.S. Secret Service. Other general requirements in §§ 165.23 and 165.33 also apply. Further, no person may enter or remain in the

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shoreline areas of the established safety and security zone, unless cleared by a Coast Guard or U.S. Secret Service official.

(2) Vessels in Burnham Park Harbor at the commencement of the safety and security zone must be moored and remain moored while the safety and security zone is established, unless authorized to get underway by a Coast Guard or U.S. Secret Service official.

(3) No person may engage in swimming, snorkeling, or diving within the established safety and security zone, except with the permission of the Captain of the Port or U.S. Secret Service.

[CGD09-94-005, 59 FR 45227, Sept. 1, 1994]

§ 165.905 USX Superfund Site Safety Zones: St. Louis River.

(a) The following areas of the St. Louis River, within the designated boxes of latitude and longitude, are safety zones:

(1) Safety Zone #1 (North Spirit Lake): North Boundary: 46°41'33" W South Boundary: 46°41'18" W East Boundary: 92°11'53" W West Boundary: 92°12'11" W

(2) Safety Zone #2 (South Spirit Lake): North Boundary: 46°40'45" N South Boundary: 46°40'33" N East Boundary: 92°11'40" W West Boundary: 92°12'05" W

(b) Transit of vessels through the waters covered by these zones is prohibited. Swimming (including water skiing or other recreational use of the water which involves a substantial risk of immersion in the water) or taking of fish (including all forms of aquatic animals) from the waters covered by these safety zones is prohibited at all times.

[CGD09-95-026, 60 FR 52862, Oct. 11, 1995]

§ 165.906 Lakeside Yacht Club in Cleveland Harbor, Cleveland, OH—regulated navigation areas.

(a) Restricted Areas. The following are areas inside Cleveland Harbor which are subject to navigational restrictions based on the height of vessel masts as specified in paragraph (b) of this section. For the purpose of this section, the term "mast" will be used to include masts, antennae or any other portion of the vessel extending above the waterline. All of these areas are in-

side the "Lakeside Yacht Club entrance channel," defined as the water area between the Lakeside Yacht Club jetties and the Burke Lakefront Airport landfill, or inside the "Lakeside Yacht Club docks," defined as the docking area inside the Lakeside Yacht Club jetties and immediately adjacent to Lakeside Yacht Club.

(1) Restricted area no. 1. Restricted area no. 1 is the water area on the southwest end of the Lakeside Yacht Club entrance channel which is southwest of a line running 328° T and northwest of a line running 232° T from a point at 41°31'28.00" N, 81°40'02.60" W, which point is marked by a fixed flashing yellow light.

(2) Restricted area no. 2. Restricted area no. 2 is the water area of the Lakeside Yacht Club entrance channel which is outside restricted area no. 1 and the entrance to the Yacht Club docking area, and southwest of a line running 328° T from the intersection of 81°39'58.47" W and reference line running between point A at 41°31'33.45" N, 81°39'47.45" W and point B at 41°31'19.67" N, 81°40'19.17" W.

(3) Restricted area no. 3. Restricted area no. 3 is the water area of the Lakeside Yacht Club entrance channel which is outside restricted area no. 1, and southwest of a line running 328° T from point A at 41°31'33.45" N., 81°39'47.45" W.

(4) Restricted area no. 4. Restricted area no. 4 is the area inside the Lakeside Yacht Club docks which is southwest of a line running 328° T from the intersection of 81°39'58.47" W and a reference line running between point A at 41°31'33.45" N, 81°39'47.45" W and point B at 41°31'19.67" N, 81°40'19.17" W, and northwest of the same reference line.

(5) Restricted area no. 5. Restricted area no. 5 is the area inside the Lakeside Yacht Club docks which is outside restricted area 4 and northwest of a line 183 feet southeast and parallel to a reference line running between point A at 41°31'33.45" N, 81°39'47.45" W and point B at 41°31'19.67" N, 81°40'19.17" W.

(6) Restricted area no. 6. Restricted area no. 6 is the area inside the Lakeside Yacht Club docks which is outside restricted areas 4 and 5.

(b) Restrictions applicable to vessels of certain heights. Vessels with masts of

certain heights are subject to the following restrictions with reference to the restricted areas detailed in paragraph (a) of this section. The height of a vessel is the height above the water line of masts, antennas, navigational equipment, or any other structure.

(1) *Less than 41 feet.* Vessels less than 41 feet in height are not subject to any restrictions under this section.

(2) *41 to 45 feet.* Vessels at least 41 feet in height yet less than 45 feet in height may not enter restricted area 1.

(3) *45 to 53 feet.* Vessels at least 45 feet in height yet less than 53 feet in height may not enter restricted area 1 and must comply with the clearance procedures prescribed in paragraph (c) when navigating through restricted area 2.

(4) *53 to 63 feet.* Vessels at least 53 feet in height yet less than 63 feet in height may not enter restricted area 1, must comply with the clearance procedures prescribed in paragraph (c) of this section when navigating through restricted area 2, and may not dock in or enter restricted area 4 at any time.

(5) *63 to 95 feet.* Vessels at least 63 feet in height yet less than 95 feet in height may not enter restricted area 1, must comply with the clearance procedures prescribed in paragraph (c) of this section when navigating through restricted areas 2 or 3, and may not dock in or enter restricted areas 4 or 5 at any time.

(6) *95 feet or more.* Vessel 95 feet or more in height may not enter any restricted area, 1 through 6, at any time.

(c) *Clearance procedures.* Except during the times specified in paragraph (d), operators of vessels subject to these procedures must do the following:

(1) Obtain clearance from the Burke Lakefront Air Traffic Control Tower before navigating through the restricted area(s);

(2) Navigate promptly through the area(s) at a safe and practical speed. Navigation at a safe and practical speed includes brief stops at the fueling dock inside restricted area 3 by vessels with masts between 63 and 95 feet in height; and

(3) Promptly inform the Burke Lakefront Air Traffic Control Tower after clearing the restricted area(s), or of any difficulty preventing prompt clear-

ance. The Burke Lakefront Air Traffic Control Tower may be contacted on marine radio channel 14, or by telephone at (216) 781-6411 except as noted during the suspended hours listed in paragraph (d) of this section. The radio and telephone will be manned when the instrument guided approach system is being utilized.

(4) Clearance may also be obtained for longer periods or for groups of vessels when arranged in advance with Burke Lakefront Airport by any appropriate means of communication, including a prior written agreement.

(d) *Enforcement of clearance requirements.* The clearance procedures specified in paragraph (c) of this section will not be enforced during the following times:

(1) 11:00 p.m. n Fridays to 7:00 a.m. on Saturdays.

(2) 11:00 p.m. on Saturdays to 8:00 a.m. on Sundays.

(3) 12:00 midnight Sunday nights to 7:00 a.m. on Mondays.

(e) *Enforcement.* This section will not be enforced during any period in which the Federal Aviation Administration withdraws approval for operation of an instrument-only approach to runway 24 on the northeast end of Burke Lakefront Airport.

[CGD09-97-002, 64 FR 8006, Feb. 18, 1999]

**§ 165.907 Safety Zones: Annual fireworks events in the Captain of the Port Detroit Zone.**

(a) *Safety Zones.* The following areas are designated safety zones:

(1) *Bay-Rama Fishfly Festival, New Baltimore, MI:*

(i) *Location.* All waters off New Baltimore City Park, Lake St. Clair—Anchor Bay bounded by the arc of a circle with a 300-yard radius with its center located at approximate position 42°41' N, 082°44' W (NAD 1983).

(ii) *Expected date.* One day early in June.

(2) *Jefferson Beach Marina Fireworks, St. Clair Shores, MI:*

(i) *Location.* All waters of Lake St. Clair within a 300-yard radius of the fireworks barge in approximate position 42°32' N, 082°51' W (NAD 1983), about 1000 yards east of Jefferson Beach Marina.

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(ii) *Expected date.* One day in the last week of June.

(3) *Sigma Gamma Assoc., Grosse Pointe Farms, MI:*

(i) *Location.* The waters off Ford's Cove, Lake St. Clair bounded by the arc of a circle with a 300-yard radius with its center in approximate position 42°27' N, 082°52' W (NAD 1983).

(ii) *Expected date.* One day in the last week of June.

(4) *Lake Erie Metro Park Fireworks:* (i) *Location.* The waters off the Brownstown Wave Pool area, Lake Erie bounded by the arc of a circle with a 300-yard radius with its center in approximate position 42°03' N, 083°11' W (NAD 1983).

(ii) *Expected date.* One day in the first week of July.

(5) *City of St. Clair Fireworks:*

(i) *Location.* The waters off St. Clair City Park, St. Clair River bounded by the arc of a circle with a 300-yard radius with its center in approximate position 42°49' N, 082°29' W (NAD 1983).

(ii) *Expected date.* One day in the first week of July.

(6) *Oscoda Township Fireworks:*

(i) *Location.* The waters off the DNR Boat Launch at the mouth of the Ausable River bounded by the arc of a circle with a 300-yard radius with its center in approximate position 44°19' N, 083°25' W (NAD 1983).

(ii) *Expected Date.* One day in the first week of July.

(7) *Port Austin Fireworks:*

(i) *Location.* The waters off the Port Austin Breakwall, Lake Huron bounded by the arc of a circle with a 300-yard radius with its center in approximate position 43°03' N, 082°40' W (NAD 1983).

(ii) *Expected Date.* One day in the first week of July.

(8) *City of Wyandotte Fireworks, Wyandotte, MI:*

(i) *Location.* The waters off the breakwall between Oak & Van Alstyne St., Detroit River bounded by the arc of a circle with a 300-yard radius with its center in approximate position 42°12' N, 083°09' W (NAD 1983).

(ii) *Expected date.* One day in the first week of July.

(9) *Grosse Pointe Farms Fireworks, Grosse Pointe Farms, MI:*

(i) *Location.* All waters of Lake St. Clair within a 300-yard radius of the

fireworks barge in approximate position 42°23' N, 082°52' W (NAD 1983), about 300 yards east of Grosse Pointe Farms.

(ii) *Expected date.* One day in the first week of July.

(10) *Caseville Fireworks, Caseville, MI:*

(i) *Location.* The waters off the Caseville breakwall, Saginaw River bounded by the arc of a circle with a 300-yard radius with its center in approximate position 43°55' N, 083°17' W (NAD 1983).

(ii) *Expected date.* One day in the first week of July.

(11) *Algonac Pickerel Tournament Fireworks, Algonac, MI:*

(i) *Location.* All waters of the St. Clair River within a 300-yard radius of the fireworks barge in approximate position 42°37' N, 082°32' W (NAD 1983), between Algonac and Russell Island, St. Clair River—North Channel.

(ii) *Expected date.* One day in the first week of July.

(12) *Port Sanilac Fireworks, Port Sanilac, MI:*

(i) *Location.* The waters off the South Harbor Breakwall, Lake Huron bounded by the arc of a circle with a 300-yard radius with its center in approximate position 43°25' N, 082°31' W (NAD 1983).

(ii) *Expected date.* One day in the first week of July.

(13) *St. Clair Shores Fireworks, St. Clair Shores, MI:*

(i) *Location.* All waters of Lake St. Clair within a 300-yard radius of the fireworks barge in approximate position 42°32' N, 082°51' W (NAD 1983), about 1000 yards east of Veterans Memorial Park (off Masonic Rd.), St. Clair Shores.

(ii) *Expected date.* One day in the first week of July.

(14) *Port Huron 4th of July Fireworks, Port Huron, MI:*

(i) *Location.* All waters of the Black River within a 300-yard radius of the fireworks barge in approximate position 42°58' N, 082°25' W (NAD 1983), about 300 yards east of 223 Huron Ave., Black River.

(ii) *Expected date.* One day in the first week of July.

(15) *Grosse Pointe Yacht Club 4th of July Fireworks, Grosse Pointe Shores, MI:*

(i) *Location.* All waters of Lake St. Clair within a 300-yard radius of the

fireworks barge in approximate position 42°25' N, 082°52' W (NAD 1983), about 400 yards east of the Grosse Pointe Yacht Club seawall, Lake St. Clair.

(ii) *Expected date.* One day in the first week of July.

(16) *Lexington Independence Festival Fireworks, Lexington, MI:*

(i) *Location.* All waters of Lake Huron within a 300-yard radius of the fireworks barge in approximate position 43°13' N, 082°30' W (NAD 1983), about 300 yards east of the Lexington breakwall, Lake Huron.

(ii) *Expected date.* One day in the first week of July.

(17) *City of Ecorse Water Festival Fireworks, Ecorse, MI:*

(i) *Location.* All waters of the Ecorse Channel within a 300-yard radius of the fireworks barge in approximate position 42°14' N, 083°09' W (NAD 1983), at the northern end of Mud Island, Ecorse.

(ii) *Expected date.* One day in the first week of July.

(18) *Grosse Ile Yacht Club Fireworks:*

(i) *Location.* The waters off the Grosse Ile Yacht Club Deck, Detroit River bounded by the arc of a circle with a 300-yard radius with its center approximately located at latitude 42°05' N, 083°09' W (NAD 1983).

(ii) *Expected date.* One day in the first week of July.

(19) *Trenton Fireworks Display, Trenton, MI:*

(i) *Location.* All waters of the Trenton Channel within a 300-yard radius of the fireworks barge in approximate position 42°09' N, 083°10' W (NAD 1983), about 200 yards east of Trenton, in the Trenton Channel.

(ii) *Expected date.* One day in the first week of July.

(20) *Belle Maer Harbor 4th of July Fireworks, Harrison Township, MI:*

(i) *Location.* All waters of Lake St. Clair within a 300-yard radius of the fireworks barge in approximate position 42°36' N, 082°47' W (NAD 1983), about 400 yards east of Belle Maer Harbor, Lake St. Clair—Anchor Bay.

(ii) *Expected date.* One day in the first week of July.

(21) *Tawas City 4th of July Fireworks, Tawas, MI:*

(i) *Location.* The waters off the Tawas City Pier, Lake Huron bounded by the

arc of a circle with a 300-yard radius with its center in approximate position 44°13' N, 083°30' W (NAD 1983).

(ii) *Expected date.* One day in the first week of July.

(22) *Maritime Day Fireworks, Marine City, MI:*

(i) *Location.* All waters of the St. Clair River within a 300-yard radius of the fireworks barge in approximate position 42°43' N, 082°29' W (NAD 1983), about 500 yards east of Marine City, St. Clair River.

(ii) *Expected date.* One day in the second weekend of August.

(23) *Venetian Festival Boat Parade & Fireworks, St. Clair Shores, MI:*

(i) *Location.* All waters of Lake St. Clair within a 300-yard radius of the fireworks barge in approximate position 42°28' N, 082°52' W (NAD 1983), about 600 yards off Jefferson Beach Marina, Lake St. Clair.

(ii) *Expected date.* One day in the second weekend of August.

(b) *Regulations.*

(1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator shall proceed as directed.

(3) The safety zones in this regulation are outside navigation channels and will not adversely affect shipping. In cases where shipping is affected, commercial vessels may request permission from the Captain of the Port Detroit to transit the safety zone. Approval will be made on a case-by-case basis. Requests must be made in advance and approved by the Captain of the Port before transits will be authorized. The Captain of the Port may be contacted via U.S. Coast Guard Group Detroit on Channel 16, VHF-FM.

(c) *Effective period.* The Captain of the Port Detroit will publish a Notice of Implementation in the FEDERAL REGISTER as well as in the Ninth Coast

## § 165.910

Guard District Local Notice to Mariners the dates and times this section is in effect.

[CGD09-01-002, 66 FR 27869, May 21, 2001]

### § 165.910 Security Zones; Captain of the Port Detroit Zone, Selfridge Army National Guard Base.

(a) *Location.* The following is a security zone: All waters and adjacent shoreline of Lake St. Clair encompassed by a line commencing at the northeast corner of Selfridge Army National Guard Base at 42°37.8' N, 082°49.1' W; east to 42°37.8' N, 082°48.45' W (approximately one half mile from shore); south to 42°37.2' N, 082°48.45' W; then southeast to 42°36.8' N, 082°47.2' W; then southwest to 42°36.4' N, 082°47.9' W (northeast corner of the Westside breakwall at the entrance to Mac and Rays Marina); then following the shoreline back to the beginning.

(b) *Regulations.* (1) In accordance with § 165.33, entry into this zone is prohibited unless authorized by the Coast Guard Captain of the Port Detroit. Section 165.33 also contains other general requirements.

(2) Persons desiring to transit the area of the security zone may contact the Captain of the Port at telephone number (313) 568-9580, or on VHF channel 16 to seek permission to transit the area. If permission is granted, all persons and vessels shall comply with the instructions of the Captain of the Port or his or her designated representative.

(c) *Authority.* In addition to 33 U.S.C. 1231 and 50 U.S.C. 191, the authority for this section includes 33 U.S.C. 1226.

[CGD09-02-004, 67 FR 39295, June 7, 2002]

### § 165.T09-999 Security Zone; Lake Ontario, Oswego, NY.

(a) *Location.* The following area is a temporary security zone: all waters of Lake Ontario within a line from 43°30.8' N, 76°25.7' W; north to 43°31.2' N, 76°25.7' W; east-northeast to 43°31.6' N, 76°24.9' W; east to 43°31.8' N, 76°23.2' W; south to 43°31.5' N, 76°23.2' W. (NAD 83).

(b) *Effective time and date.* This section is effective from September 12, 2001 through August 15, 2002.

(c) *Regulations.* In accordance with the general regulations in § 165.33 of this part, entry into this zone is pro-

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hibited unless authorized by the Coast Guard Captain of the Port, Buffalo, or the designated Patrol Commander. The designated Patrol Commander on scene may be contacted on VHF-FM Channel 16.

[ CDG09-01-124, 66 FR 49286, Sept. 27, 2001, as amended at 67 FR 40853, June 14, 2002]

EFFECTIVE DATE NOTE: By CDG09-01-124, 66 FR 49286, Sept. 27, 2001, § 165.T09-999 was added, effective from Sept. 12, 2001, until June 15, 2002. At 67 FR 40853, June 14, 2002, paragraph (b) was revised and the effective date was extended to Aug. 15, 2002.

### ELEVENTH COAST GUARD DISTRICT

### § 165.T11-030 Security Zones; Port of San Diego.

(a) *Regulated area.* Temporary moving security zones are established 100 yards around all cruise ships while entering or departing the Port of San Diego. These moving security zones are activated when the cruise ship passes the Los Angeles sea buoy while entering the Port of San Diego. Temporary fixed security zones are established 100 yards around all cruise ships docked in the Port of San Diego. This security zone is deactivated when the cruise ship passes the sea buoy on its departure from the Port of San Diego.

(b) *Regulations.* (1) In accordance with the general regulations in § 165.33 of this part, the following rules apply to security zones established by this section:

(i) No person or vessel may enter or remain in a security zone without the permission of the Captain of the Port;

(ii) Each person and vessel in a security zone must obey any direction or order of the Captain of the Port;

(iii) The Captain of the Port may take possession and control of any vessel in a security zone;

(iv) The Captain of the Port may remove any person, vessel, article, or thing from a security zone;

(v) 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

(vi) 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.

(2) The Captain of the Port will notify the public, via local broadcast notice to mariners, upon activation of security zone around cruise ships transiting San Diego Harbor.

(3) Nothing in this section shall be construed as relieving the owner or person in charge of any vessel from complying with the rules of the road and safe navigation practice.

(4) The regulations of this section will be enforced by the Captain of the Port San Diego, or his authorized representative, and the San Diego Harbor Police.

(c) *Effective Dates.* This section is effective at 11:59 p.m. PST on November 5, 2001, and will terminate at 11:59 p.m. PST on December 21, 2002.

[COTP San Diego 01-022, 67 FR 6649, Feb. 13, 2002, as amended at 67 FR 41847, June 20, 2002]

EFFECTIVE DATE NOTE: By COTP San Diego 01-022, 67 FR 6649, Feb. 13, 2002, §165.T11-030 was added, effective from 11:59 p.m. Nov. 5, 2001, until 11:59 p.m. on June 21, 2002. At 67 FR 41847, June 20, 2002, paragraph (c) was revised and the effective date was extended to 11:59 p.m. Dec. 21, 2002.

**§ 165.T11-048 Security Zone: Waters adjacent to San Onofre**

*Nuclear Generating Station San Diego, CA.*

(a) *Location: San Onofre Nuclear Generating Station.* This security zone encompasses waters within a one nautical mile radius of San Onofre Nuclear Generating Station that is centered at the following coordinate: latitude 33° 22' 30" N, longitude 117° 33' 50" W.

(b) *Effective dates.* These security zones will be in effect from 6 p.m. (PDT) on October 25, 2001 to 11:59 p.m. (PST) on March 21, 2003.

(c) *Regulations.* This section is also issued under section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226). In accordance with the general regulations in §165.33 of this part, no person or vessel may enter or remain in the security zone established by this temporary section, unless authorized by the Captain of the Port, or his designated representative. All other general regulations of §165.33 of this part apply in the security zone established by this temporary section. Mariners requesting permission to transit through

the security zone must request authorization to do so from the Captain of the Port, who may be contacted through Coast Guard Activities San Diego on VHF-FM Channel 16.

[COTP San Diego 01-020, 67 FR 5482, Feb. 6, 2002, as amended at 67 FR 41840, June 20, 2002]

EFFECTIVE DATE NOTE: By COTP San Diego 01-020, 67 FR 5482, Feb. 6, 2002, §165.T11-048 was added, effective from 6 p.m. Oct. 25, 2001, until 3:59 p.m. on June 21, 2002. At 67 FR 41840, June 20, 2002, paragraph (b) was revised and the effective date was extended to 11:59 p.m. Mar. 21, 2003.

**§ 165.T11-060 Security Zone; Port Hueneme Harbor, Ventura County, California.**

(a) *Location.* The following area is a Security Zone: The water area of Port Hueneme Harbor inside of the International Regulations for Preventing Collisions at Sea, 1972 (COLREGS) demarcation line.

(b) *Regulations.* (1) In accordance with the general regulations in §165.33 of this part, the following rules apply to the security zone established by this section:

(i) No person or vessel may enter or remain in this security zone without the permission of the Captain of the Port Los Angeles-Long Beach, CA, or the Commanding Officer, Naval Base Ventura County, CA, "Control 1,";

(ii) Vessels that are required to make Advanced Notifications of Arrival as per §§160.T204-T214 of part 160 of this chapter continue to make such reports;

(iii) All vessels must obtain clearance from "Control 1" on VHF-FM marine radio 06 prior to crossing the COLREGS demarcation line at Port Hueneme Harbor;

(iv) Vessels without marine radio capability must obtain clearance in advance by contacting "Control 1" via telephone at (805) 982-3938 prior to crossing the COLREGS demarcation line at Port Hueneme Harbor.

(2) The Captain of the Port will notify the public of this Security Zone via broadcast and published notice to mariners.

(3) Nothing in this section shall be construed as relieving the owner or person in charge of any vessel from complying with the rules of the road and safe navigation practice.

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(4) The regulations of this section will be enforced by the Captain of the Port Los Angeles-Long Beach, the Commanding Officer, Naval Base Ventura County or their authorized representatives.

(c) *Effective period.* This section is effective from 12:01 a.m. PDT on December 21, 2001, until 11:59 p.m. PDT on June 15, 2003.

[COTP Los Angeles-Long Beach 01-013, 67 FR 1099, Jan. 9, 2002, as amended at 67 FR 41343, June 18, 2002]

EFFECTIVE DATE NOTE: By COTP Los Angeles-Long Beach 01-013, 67 FR 1097, Jan. 9, 2002, temporary §165.T11-060 was added, effective from 12:01 a.m. PST, Dec. 21, 2001, until 11:59 p.m. PDT, June 15, 2002. At 67 FR 41343, June 18, 2002, paragraph (c) was revised, effective June 14, 2002, and the effective date of the section was extended to June 15, 2003.

**§ 165.T11-065 Security Zones; Cruise ships, San Pedro Bay, California.**

(a) *Definition.* “Cruise ship” as used in this section means a passenger vessel over 100 gross tons, carrying more than 12 passengers for hire; making voyages lasting more than 24 hours, any part of which is on the high seas; and for which passengers are embarked or disembarked in the Port of Los Angeles or Port of Long Beach. It does not apply to ferries that hold Coast Guard Certificates of Inspection endorsed for “Lakes, Bays, and Sounds”, and that transit international waters for only short periods of time, on frequent schedules.

(b) *Location.* The following areas are security zones:

(1) All waters, extending from the surface to the sea floor, within a 100 yard radius around any cruise ship that is anchored at a designated anchorage either inside the Federal breakwaters bounding San Pedro Bay or outside at designated anchorages within three nautical miles of the Federal breakwaters;

(2) The shore area and all waters, extending from the surface to the sea floor, within a 100 yard radius around any cruise ship that is moored, or is in the process of mooring, at any berth within the Los Angeles or Long Beach port areas inside the Federal breakwaters bounding San Pedro Bay; and

(3) All waters, extending from the surface to the sea floor, within 200 yards ahead, and 100 yards on each side and astern of a cruise ship that is underway either on the waters inside the Federal breakwaters bounding San Pedro Bay or on the waters within three nautical miles seaward of the Federal breakwaters.

(c) *Regulations.* (1) In accordance with the general regulations in §165.33 of this part, entry into or remaining in this zone is prohibited unless authorized by the Coast Guard Captain of the Port, Los Angeles-Long Beach, or his designated representative.

(2) Persons desiring to transit the area of the security zone may contact the Captain of the Port at telephone number 1-800-221-8724 or on VHF-FM channel 16 (156.8 MHz) to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his or her designated representative.

(d) *Authority.* In addition to 33 U.S.C. 1231 and 50 U.S.C. 191, the authority for this section includes 33 U.S.C. 1226.

(e) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the security zone by the Los Angeles Port Police and the Long Beach Police Department.

(f) *Effective period.* This section is effective from 11:59 p.m. PDT on May 1, 2002 through 11:59 p.m. PST on December 1, 2002.

EFFECTIVE DATE NOTE: By COTP Los Angeles-Long Beach 02-009, 67 FR 31958, May 13, 2002, §165.T11-065 was added effective from 11:59 p.m. PDT on May 1, 2002 to 11:59 p.m. PST on December 1, 2002.

**§ 165.T11-066 Security Zones; Liquefied Hazardous Gas Tank Vessels, San Pedro Bay, California.**

(a) *Definition.* “Liquefied Hazardous Gas (LHG)” as used in this section, is a liquid containing one or more of the products listed in Table 127.005 of 33 CFR 127.005 that is carried in bulk on board a tank vessel as liquefied petroleum gas, liquefied natural gas, or similar liquefied gas products.

(b) *Location.* The following areas are security zones:

(1) All waters of San Pedro Bay, from surface to bottom, within a 500 yard radius around a LHG tank vessel, while the vessel is anchored at a designated anchorage area either inside the Federal breakwaters bounding San Pedro Bay, or is anchored outside the breakwaters at designated anchorages within three nautical miles of the breakwaters;

(2) All waters of San Pedro Bay, from surface to bottom, within 500 yards of a LHG tank vessel, while the vessel is moored at any berth within the Los Angeles or Long Beach, California, port area, inside the Federal breakwaters bounding San Pedro Bay; and

(3) All waters of San Pedro Bay, from surface to bottom, within 1,000 yards ahead of and within 500 yards of all other sides of a LHG tank vessel, while the vessel is underway on the waters inside the Federal breakwaters, or on the waters extending three nautical miles outward from the Federal breakwaters.

(c) *Regulations.* (1) Entry into or remaining in this zone is prohibited unless authorized by the Coast Guard Captain of the Port, Los Angeles-Long Beach, or his or her designated representative.

(2) Persons desiring to transit the area of the security zone may contact the Captain of the Port at telephone number (800) 221-8724 or on VHF-FM channel 16 (156.8 MHz) to seek permission to transit the area. If permission is granted, all persons and vessels shall comply with the instructions of the Captain of the Port or his or her designated representative.

(d) *Authority.* In addition to 33 U.S.C. 1231 and 50 U.S.C. 191, the authority for this section includes 33 U.S.C. 1226.

(e) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the security zones by the Los Angeles Port Police and the Long Beach Police Department.

(f) *Effective period.* This section is effective from 11:59 p.m. PDT on June 15, 2002 through 11:59 p.m. PST on December 21, 2002.

[COTP Los Angeles-Long Beach 02-010, 67 FR 41628, June 19, 2002]

EFFECTIVE DATE NOTE: By COTP Los Angeles-Long Beach 02-010, 67 FR 41628, June 19, 2002, §165.T11-066 was added, effective from

11:59 p.m. PDT, June 15, 2002, until 11:59 p.m. PST on Dec. 21, 2002.

**§ 165.T11-078 Safety Zone; Carquinez Strait, Vallejo and Crockett, CA.**

(a) *Location.* The safety zone encompasses the navigable waters, from the surface to the bottom, within two lines; one line drawn from the westernmost pier at Crockett Marina [38°03'28' N, 122°13'42' W] extending due north to the opposite shore [38°03'56' N, 122°13'42' W], and the other line drawn from the western end of the C & H Sugar facility [38°03'28' N, 122°13'26' W] extending due north to the opposite shore [38°03'54' N, 122°13'26' W]. [Datum: NAD 83].

(b) *Effective period.* This section is effective from 7:30 a.m., June 17, 2002 to 12 (noon), July 16, 2002.

(c) *Enforcement periods.* The Coast Guard will notify the maritime public of the precise times for enforcement of the safety zone via broadcast notice to mariners, Vessel Traffic Service radio communications, and Captain of the Port representatives on scene. If the safety zone is no longer needed prior to the scheduled termination times, the Captain of the Port will cease enforcement of this safety zone and will announce that fact via broadcast notice to mariners. The safety zone enforcement dates and times are as follows:

Date	Safety zone in effect	Safety zone expires
June 17, 2002	7:30 a.m.	12 (noon).
June 18, 2002	9 a.m.	1:30 p.m.
June 19, 2002	10 a.m.	2:30 p.m.
June 20, 2002	11:30 a.m.	4 p.m.
June 21, 2002	1 p.m.	5:30 p.m.
June 22, 2002	8 a.m.	12:30 p.m.
June 23, 2002	9 a.m.	1:30 p.m.
June 24, 2002	9:30 a.m.	2 p.m.
June 25, 2002	10 a.m.	2:30 p.m.
June 26, 2002	4 a.m.	8:30 a.m.
June 27, 2002	4:30 a.m.	9 a.m.
June 28, 2002	5:30 a.m.	10 a.m.
June 29, 2002	6:30 a.m.	11 a.m.
June 30, 2002	6:30 a.m.	11 a.m.
July 1, 2002	7:30 a.m.	12 (noon).
July 2, 2002	8:30 a.m.	1 p.m.
July 3, 2002	5 a.m.	9:30 a.m.
July 4, 2002	No safety zone enforced	
July 5, 2002	No safety zone enforced	
July 6, 2002	No safety zone enforced	
July 7, 2002	No safety zone enforced	
July 8, 2002	8:30 a.m.	1 p.m.
July 9, 2002	9:30 a.m.	2 p.m.
July 10, 2002	10 a.m.	2:30 p.m.
July 11, 2002	10:30 a.m.	3 p.m.
July 12, 2002	4 a.m.	8:30 a.m.
July 13, 2002	5 a.m.	9:30 a.m.
July 14, 2002	5:30 a.m.	10 a.m.
July 15, 2002	7 a.m.	11:30 a.m.

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Date	Safety zone in effect	Safety zone expires
July 16, 2002 .....	7:30 a.m.	12 (noon).

(d) *Regulations.* In accordance with the general regulations in §165.23 of this part, no person or vessel may enter, transit through, or anchor within this safety zone unless authorized by the Captain of the Port, or his designated representative.

[COTP San Francisco Bay 02-003, 67 FR 39299, June 7, 2002]

EFFECTIVE DATE NOTE: By COTP San Francisco Bay 02-003, 67 FR 39299, June 7, 2002, §165.T11-078 was added, effective from 7:30 a.m., June 17, 2002 until 12 (noon), July 16, 2002.

**§ 165.T11-082 Safety Zone; North Pacific Ocean, Gulf of the Farallones, offshore of San Francisco, CA.**

(a) *Regulated area.* The following area is a safety zone: all waters from the surface of the ocean to the bottom within a one nautical mile radius centered at 37°40.38' N, 122°47.59' W (NAD 83).

(b) *Regulations.* In accordance with the general regulations in §165.23 of this part, entry into, transit through, or anchoring within this safety zone by persons, vessels or remotely operated vehicles is prohibited, unless authorized by the Captain of the Port, or a designated representative thereof.

(c) *Effective dates.* The section will be in effect from 11:59 p.m. (PDT) on May 14, 2002 to 11:59 p.m. (PDT) on July 31, 2002. If the need for the safety zone ends prior to the scheduled termination time, the Captain of the Port will cease enforcement of the safety zone and will announce that fact via Broadcast Notice to Mariners.

EFFECTIVE DATE NOTE: By COTP San Francisco Bay 02-008, 67 FR 39600, June 10, 2002, §165.T11-082 was added, effective from 11:59 p.m. (PDT), on May 14, 2002, to 11:59 p.m. (PDT) July 31, 2002.

**§ 165.T11-098 Security Zones; San Francisco Bay and Delta ports.**

(a) *Regulated area.* Temporary moving security zones are established as a 100-yard radius around all cruise ships and tank ships while entering or departing the San Francisco Bay and Delta ports. These moving security zones are acti-

vated when the cruise ship or tank ship passes a line drawn between San Francisco Main Ship Channel buoys 7 and 8 (LLNR 4190 & 4195, positions 37°46.9'N, 122°35.4'W & 37°46.5'N, 122°35.2'W, respectively) while entering the Port of San Francisco. Temporary fixed security zones are established as a 100 yard radius around all cruise ships and tank ships docked in the San Francisco Bay and Delta ports. This security zone is deactivated when the cruise ship or tank ship passes a line drawn between San Francisco Main Ship Channel buoys 7 and 8 (LLNR 4190 & 4195, positions 37°46.9'N, 122°35.4'W & 37°46.5'N, 122°35.2'W, respectively) on its departure from the Port of San Francisco.

(b) *Regulations.* (1) In accordance with the general regulations in §165.33 of this part, the following rules apply to security zones established by this section:

(i) No person or vessel may enter or remain in a security zone without the permission of the Captain of the Port;

(ii) Each person and vessel in a security zone shall obey any direction or order of the Captain of the Port;

(iii) The Captain of the Port may take possession and control of any vessel in a security zone;

(iv) The Captain of the Port may remove any person, vessel, article, or thing from a security zone;

(v) 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

(vi) 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.

(2) The Captain of the Port will notify the public via published notice to mariners.

(3) Nothing in this section shall be construed as relieving the owner or person in charge of any vessel from complying with the rules of the road and safe navigation practice.

(4) The regulations of this section will be enforced by the Captain of the Port San Francisco Bay, or his authorized representative.

(c) *Effective period.* This section is effective at 11:59 p.m. PDT on December

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21, 2001, and will terminate at 11:59 p.m. PST on December 21, 2002.

[COTP San Francisco Bay 01-012, 67 FR 7613, Feb. 20, 2002, as amended at 67 FR 42488, June 24, 2002]

EFFECTIVE DATE NOTE: By COTP San Francisco Bay 01-012, 67 FR 7613, Feb. 20, 2002, § 165.T011-098 was added, effective from 11:59 p.m. PST, Dec. 21, 2001, until 11:59 p.m. PDT on June 21, 2002. At 67 FR 42488, June 24, 2002, paragraph (c) was revised and the effective date was extended to 11:59 p.m. PST on Dec. 21, 2002.

### § 165.1101 Security Zone: San Diego Bay, California.

(a) *Location.* The following area is a security zone: the water area within Naval Base, San Diego enclosed by the following points: Beginning at 32°41'16.5' N, 117°08'01' W (Point A); thence running southwesterly to 32°41'06' N, 117°08'09.3' W (Point B); thence running southeasterly along the U.S. Pierhead Line to 32°39'36.9' N, 117°07'23.5' W (Point C); thence running easterly to 32°39'38.5' N, 117°07'06.5' W (Point D); thence running generally northwesterly along the shoreline of the Naval Base to the place of beginning.

(b) In accordance with the general regulations in § 165.33 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port or the Commander, Navy Region Southwest. Section 165.33 also contains other general requirements.

(c) The U.S. Coast Guard may be assisted in the patrol and enforcement of this security zone by the U.S. Navy.

[CGD11-01-010, 67 FR 4665, Jan. 31, 2001]

### § 165.1102 Security Zone: San Diego Bay, California.

(a) *Location.* The following area is a security zone: The water area adjacent to the Naval Ocean Systems Center, San Diego, California, and the Naval Supply Center, San Diego, California, described as follows:

Commencing at a point on the shoreline of Point Loma, at latitude 32°41'57.8" N, longitude 117°14'17.5" W (Point A), for a place of beginning; thence easterly to latitude 32°41'56.0" N, longitude 117°14'09.9" W (Point B); thence northeasterly to latitude 32°42'03.8" N, longitude 117°14'04.7" W (Point

C); thence northeasterly to latitude 32°42'10.2" N, longitude 117°14'00.6" W (Point D); thence northwesterly to latitude 32°42'14.6" N, longitude 117°14'02.1" W (Point E); thence northwesterly to latitude 32°42'22.7" N, longitude 117°14'05.8" W (Point F); thence northwesterly to latitude 32°42'28.3" N, longitude 117°14'08.4" W (Point G); thence westerly to latitude 32°42'28.3" N, longitude 117°14'09.6" W (Point H); thence generally southerly along the shoreline of Point Loma to the place of beginning (Point A).

(b) *Regulations.* In accordance with the general regulations in § 165.33 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port, the Commander, Naval Base, San Diego, the Commander, Naval Ocean Systems Center, San Diego, or the Commanding Officer, Naval Supply Center, San Diego. Section 165.33 also contains other general requirements.

[COTP San Diego Reg. 85-20, 51 FR 8197, Mar. 10, 1986. Redesignated by USCG-2001-9286, 66 FR 33642, June 25, 2001]

### § 165.1103 Security Zone: San Diego Bay, California.

(a) *Location.* The following area is a security zone: The water area adjacent to Naval Submarine Base, San Diego, California, described as follows:

Commencing at a point on the shoreline of Ballast Point, at latitude 32°41'11.2" N., longitude 117°13'57.0" W. (Point A), for a place of beginning; thence northerly (approximately 352° T) to latitude 32°41'31.8" N., longitude 117°14'00.6" W (Point B); thence westerly (approximately 243° T) to latitude 32°41'24.5" N., longitude 117°14'18.7" W. (Point C); thence generally southeasterly along the shoreline of the Naval Submarine Base to the place of beginning (Point A).

(b) *Regulations.* In accordance with the general regulations in § 165.33 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port, the Commander, Naval Base San Diego, or the Commander, Submarine Force, U.S. Pacific Fleet Representative, West Coast. Section 165.33 also contains other general requirements.

[COTP San Diego Reg. 85-19, 51 FR 8197, Mar. 10, 1986. Redesignated by USCG-2001-9286, 66 FR 33642, June 25, 2001]

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§ 165.1104 Security Zone: San Diego Bay, California.

(a) *Location.* The following area is a security zone: on the waters along the northern shoreline of Naval Base Coronado, the area enclosed by the following points: Beginning at 32° 42'53.0' N, 117°11'45.0' W (Point A); thence running northerly to 32° 42' 55.5' N, 117° 11'45.0' W (Point B); thence running easterly to 32°42'55.0' N, 117°11'30.5' W (Point C); thence running southeasterly to 32°42'40.0' N, 117°11'06.5' W (Point D); thence running southerly to 32°42'37.5' N, 117°11'07.0' W (Point E); thence running southerly to 32°42'28.5' N, 117°11'11.0' W (Point F); thence running southeasterly to 32°42'22.0' N, 117°10'48.0' W (Point G); thence running southerly to 32°42'13.0' N, 117° 10'51.0' W (Point H); thence running generally northwesterly along the shoreline of Naval Base Coronado to the place of beginning.

(b) *Regulations.* In accordance with the general regulations in §165.33 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port, the Commander, Naval Air Force, U.S. Pacific Fleet, the Commander, Navy Region Southwest, or the Commanding Officer, Naval Base Coronado. Section 165.33 also contains other general requirements.

(c) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of this security zone by the U.S. Navy.

[CGD11-98-003, 67 FR 4663, Jan. 31, 2001]

§ 165.1105 Security Zone: San Diego Bay, California.

(a) *Location.* (1) The following area is a security zone: The water area adjacent to Naval Air Station North Island, Coronado, California, and within 100 yards (91 meters) of Bravo Pier, and vessels moored thereto, bounded by the following points (when no vessel is moored at the pier):

(i) Latitude 32°41'53.0" N, Longitude 117°13'33.6" W;

(ii) Latitude 32°41'53.0" N, Longitude 117°13'40.6" W;

(iii) Latitude 32°41'34.0" N, Longitude 117°13'40.6" W;

(iv) Latitude 32°41'34.0" N, Longitude 117°13'34.1" W.

(2) Because the area of this security zone is measured from the pier and from vessels moored thereto, the actual area of this security zone will be larger when a vessel is moored at Bravo Pier.

(b) *Regulations.* In accordance with the general regulations in §165.33 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port or the Commanding Officer, Naval Air Station North Island. Section 165.33 also contains other general requirements.

[COTP San Diego Reg. 85-11, 51 FR 3776, Jan. 30, 1986, as amended at 52 FR 8893, Mar. 20, 1987. Redesignated by USCG-2001-9286, 66 FR 33642, June 25, 2001]

§ 165.1106 San Diego Bay, California—safety zone.

(a) The waters of San Diego Bay enclosed by the following boundaries are a safety zone:

From a point located on the boundary of Coast Guard Air Station San Diego, California at latitude 32°43'37.2" N, longitude 117°10'45.0" W (point A), for a point of beginning; thence southeasterly to latitude 32°43'36.2" N, longitude 117°10'41.5" W (point B); thence southwesterly to latitude 32°43'20.2" N, longitude 117°10'49.5" W (point C); thence northwesterly to latitude 32°43'25.7" N, longitude 117°11'04.6" W (point D); thence northeasterly to latitude 32°43'35.7" N, longitude 117°10'59.5" W (point E); thence generally easterly along the air station boundary to the point of beginning (point A).

(b)(1) In accordance with the general regulations in §165.23 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port, except as provided for below.

(2) Vessels may transit the area of this safety zone without permission, but may not anchor, stop, remain within the zone, or approach within 100 yards (92 meters) of the land area of Coast Guard Air Station San Diego or structures attached thereto.

[CGD 85-034, 50 FR 14703, Apr. 15, 1985 and COTP San Diego Reg. 85-06, 50 FR 38003, Sept. 19, 1985. Redesignated by USCG-2001-9286, 66 FR 33642, June 25, 2001]

**§ 165.1107 San Diego Bay, California.**

(a) *Location.* The area encompassed by the following geographic coordinates is a regulated navigation area:

32°41'24.6"N	117°14'21.9"W
32°41'34.2"N	117°13'58.5"W
32°41'34.2"N	117°13'37.2"W

Thence south along the shoreline to

32°41'11.2"N	117°13'31.3"W
32°41'11.2"N	117°13'58.5"W

Thence north along the shoreline to the point of origin.

Datum: NAD 1983.

(b) *Regulations.* (1) During submarine docking/undocking operations at the U.S. Naval Submarine Base on Ballast Point, San Diego Bay, California, mariners transiting within the regulated navigation area shall proceed at a speed that generates no wake from their vessel.

(2) The Coast Guard will issue a Broadcast Notice to Mariners, and if time permits a Local Notice to Mariners, to inform the maritime community of the dates and times of the submarine docking/undocking operations covered by paragraph (b)(1).

(3) The master and/or operator of a vessel within the regulated navigation area shall comply with any other orders or directions issued by the Coast Guard as required for the safety of the submarine docking/undocking operations covered by paragraph (b)(1).

[CGD11-90-07, 56 FR 14645, Apr. 11, 1991; 56 FR 40360, Aug. 14, 1991, as amended by USCG-1998-3799, 63 FR 35533, June 30, 1998. Redesignated by USCG-2001-9286, 66 FR 33642, June 25, 2001]

**§ 165.1120 Security Zone; Naval Amphibious Base, San Diego, CA.**

(a) *Location.* The following area is a security zone: the waters of San Diego Bay, enclosed by lines connecting the following points: Beginning at 32°40'30.0' N, 117°10'03.0' W (Point A); thence running northeasterly to 32°40'54.0' N, 117°09'35.5' W (Point B); thence running northeasterly to 32°40'55.0' N, 117°09'27.0' W (Point C); thence running southeasterly to 32°40'43.0' N, 117°09'09.0' W (Point D); thence running southerly to 32°40'39.0' N, 117°09'08.0' (Point E); thence running southwesterly to 32°40'30.0' N, 117°09'12.9' W (Point F); thence running

a short distance to 32°40'29.0' N, 117°09'14.0' W (Point G); thence running southwesterly to 32°40'26.0' N, 117°09'17.0' W (Point H); thence running northwesterly to the shoreline to 32°40'31.0' N, 117°09'22.5' W (Point I), thence running along the shoreline to the beginning point.

(b) *Regulations.* In accordance with the general regulations in §165.33 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port or the Commander, Navy Region Southwest.

(c) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of this security zone by the U.S. Navy.

[CGD11-01-011, 67 FR 4661, Jan. 31, 2002]

**§ 165.1121 Security Zone: Fleet Supply Center Industrial Pier, San Diego, CA.**

(a) *Location.* The following area is a security zone: the waters of San Diego Bay extending approximately 100 feet from the north, west, and south sides of the Fleet Industrial Supply Center enclosed by lines connecting the following points: Beginning at 32°42'50' N, 117°10'25' W (Point A); to 32°42'50' N, 117°10'38' W (Point B); to 32°42'54' N, 117°10'38' W (Point C); to 32°42'54' N, 117°10'25' W (Point D).

(b) *Regulations.* In accordance with the general regulations in §165.33, entry into the area of this zone is prohibited unless authorized by the Captain of the Port or the Commander, Navy Region Southwest. Section 165.33 also contains other general requirements.

(c) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of this security zone by the U.S. Navy.

[CGD11-01-008, 67 FR 4660, Jan. 31, 2002]

**§ 165.1131 Security Zone: Wilson Cove, San Clemente Island, California.**

(a) *Location.* The following area is a security zone: The water area adjacent to San Clemente Island, California within 1.5 nautical miles (1.73 statute miles, 2.8 kilometers) of the shoreline of San Clemente Island from Wilson Cove North End Light (LLNR 2565) to Spruce Pier, approximately 4.1 nautical

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miles (4.7 statute miles, 7.65 kilometers) southeast of Wilson Cove North End Light, described as follows:

Starting at a point on the shoreline of San Clemente Island, California, in position 33°01'25.0" N, 118°33'43.0" W, for a place of beginning (point A), thence northeasterly to 33°02'11.0" N, 118°32'13.5" W (point B), thence southeasterly to 32°58'40.5" N, 118°29'15.5" W (point C), thence southwesterly to 32°57'54.0" N, 118°31'17.2" W (point D), thence northwesterly along the shoreline of San Clemente Island to the place of beginning.

(b) *Regulations.* In accordance with the general regulations in §165.33 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port, San Diego, California. Section 165.33 also contains other general requirements.

[COTP San Diego Reg. 87-04, 52 FR 18230, May 14, 1987. Redesignated by USCG-2001-9286, 66 FR 33642, June 25, 2001]

§ 165.1151 Safety Zone: San Pedro Bay, CA.

(a) *Location.* The following areas are established as safety zones during the specified conditions:

(1) The waters within a 500 yard radius around a liquefied hazardous gas tank vessel (LHG T/V), while the vessel is anchored at a designated anchorage area either inside the Federal breakwaters bounding San Pedro Bay, or anchored outside the breakwaters at designated anchorage areas within three (3) miles of the breakwaters;

(2) The waters and land area within 50 yards of a LHG T/V, while the vessel is moored at any berth within the Los Angeles or Long Beach port area, inside the Federal breakwaters bounding San Pedro Bay;

(3) The waters 1000 yards ahead of and within 500 yards of all other sides of a LHG T/V, while the vessel is underway on the waters inside the Federal breakwaters encompassing San Pedro Bay, or within the waters three (3) miles outside of the Federal breakwaters in an area more particularly described as follows: Beginning at a point which is Point Fermin Light (33°42'18" N, 118°17'36" W); thence along the shoreline to the San Pedro breakwater; thence along the San Pedro breakwater and

the Middle breakwater (following the COLREGS Demarcation Lines) to Long Beach Channel Entrance Light "2" (33°43'23" N, 118°10'50" W) thence south southeast to 33°40'31" N, 118°08'42" W; thence west to 33°40'31" N, 118°12'03" W; thence west southwest to 33°39'17" N, 118°16'00" W; thence northwest to 33°40'06" N, 118°17'38" W; thence north to the point of beginning. [Datum: NAD 1983]

(b) *Regulations.* In accordance with the general regulations in §165.23 of this part, entry into, transit through, or anchoring within these zones is prohibited subject to the following exceptions:

(1) Entry may be authorized by the Captain of the Port; or

(2) Vessels already anchored or moored when the safety zone is in effect are not required to get underway to avoid entering into the safety zone boundaries as listed in paragraph (a) of this section.

(c) *Notice.* The Captain of the Port will notify the maritime community of periods during which this safety zone will be in effect via Broadcast Notice to Mariners.

[COTP Los Angeles-Long Beach 96-003, 61 FR 60029, Nov. 26, 1996. Redesignated by USCG-2001-9286, 66 FR 33642, June 25, 2001]

EFFECTIVE DATE NOTE: By COTP Los Angeles-Long Beach 02-002, 67 FR 3816, Jan. 28, 2002, §165.1151 was suspended from Jan. 14, 2002, through June 15, 2002. By COTP Los Angeles-Long Beach 02-010, 67 FR 41628, June 19, 2002, §165.1151 was suspended from 11:59 p.m. PDT, June 15, 2002, until 11:59 p.m. PST on Dec. 21, 2002.

§ 165.1152 San Pedro Bay, California—Regulated navigation area.

(a) *Applicability.* This section applies to all vessels unless otherwise specified. (Note: All geographic coordinates are defined using North American Datum 1983 (NAD 83)).

(b) *Deviations.* The Captain of the Port of Los Angeles-Long Beach or his or her designated representative may authorize a deviation from the requirements of this regulation when it is deemed necessary in the interests of safety.

(c) *Location.* (1) The San Pedro Bay Regulated Navigation Area (RNA) consists of the water area enclosed by the

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Los Angeles-Long Beach breakwater and a line connecting Point Fermin Light at 33°42.30'N, 118°17.60'W, with the following geographical positions:

Latitude	Longitude
33°35.50' N .....	118°17.60' W
33°35.50' N .....	118°09.00' W
33°37.70' N .....	118°06.50' W
33°43.40' N .....	118°10.80' W

(2) The San Pedro Bay RNA consists of the following named sub-areas, defined by lines connecting their respective geographic coordinates:

(i) *The Los Angeles Pilot Area:*

Latitude	Longitude
33°42.50' N .....	118°15.10' W (Los Angeles Light)
33°42.62' N .....	118°14.70' W
33°41.30' N .....	118°13.50' W
33°40.85' N .....	118°14.90' W
33°42.50' N .....	118°15.10' W

(ii) *The Long Beach Pilot Area:*

Latitude	Longitude
33°43.40' N .....	118°11.20' W (Long Beach Light)
33°43.40' N .....	118°10.80' W
33°41.50' N .....	118°10.22' W
33°40.52' N .....	118°10.22' W
33°40.52' N .....	118°11.82' W
33°41.50' N .....	118°11.82' W
33°43.40' N .....	118°11.20' W

(iii) *The Los Angeles Deep Water Traffic Lane:*

Latitude	Longitude
33°42.47' N .....	118°14.95' W
33°42.56' N .....	118°14.75' W
33°39.48' N .....	118°13.32' W
33°39.42' N .....	118°13.55' W
33°42.47' N .....	118°14.95' W

(iv) *The Long Beach Deep Water Traffic Lane:*

Latitude	Longitude
33°43.43' N .....	118°11.15' W
33°43.39' N .....	118°10.90' W
33°41.51' N .....	118°10.71' W
33°41.50' N .....	118°10.95' W
33°43.43' N .....	118°11.15' W

(v) *Los Angeles Deep Water Pilot Area:* A 0.5nm radius around 33°39.00' N, 118°13.19' W.

(d) *General regulations.* The following regulations contained in paragraphs (d)(1) through (d)(3) of this section apply to power driven vessels of 1600 or more gross tons, a towing vessel of 8

meters (approximately 26 feet) or over in length engaged in towing, or vessels of 100 gross tons and upward carrying one or more passengers for hire.

(1) A vessel shall not exceed a speed of 12 knots through the water within the RNA.

(2) A vessel navigating within the RNA, shall have its engine(s) ready for immediate maneuver and shall operate its engine(s) in a control mode and on fuel that will allow for an immediate response to any engine order, ahead or astern, including stopping its engine(s) for an extended period of time.

(3) A vessel navigating within the RNA shall maintain a minimum separation from other vessels of at least 0.25 nm.

(e) *Specific regulations—*(1) *Los Angeles Pilot Area.* (i) No vessel may enter the Los Angeles Pilot Area unless it is entering or departing Los Angeles Harbor entrance (Angels Gate).

(ii) Vessels entering the Los Angeles Pilot Area shall pass directly through without stopping or loitering except as necessary to embark or disembark a pilot.

(2) *Long Beach Pilot Area.* (i) No vessel may enter the Long Beach Pilot Area unless it is entering or departing Long Beach Harbor entrance (Queens Gate).

(ii) Vessels entering the Long Beach Pilot Area shall pass directly through without stopping or loitering except as necessary to embark or disembark a pilot.

(iii) Every vessel shall leave Long Beach Approach Lighted Whistle Buoy "LB" to port when entering and departing Long Beach Channel and departing vessels shall pass across the southern boundary of the Long Beach Pilot Area.

(3) *Los Angeles and Long Beach Deep Water Traffic Lanes.* When a vessel of 50 foot draft or greater is using the Los Angeles or Long Beach Deep Water Traffic Lane no other vessel shall enter the Deep Water Traffic Lane if it will result in a meeting, crossing or overtaking situation.

(4) *Los Angeles Deep Water Pilot Area.* When a vessel of 50 foot draft or greater is embarking or disembarking a pilot in the Los Angeles Deep Water Pilot Area no other vessel shall enter the Deep Water Pilot Area.

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(5) Vessels described in paragraph (d) of this section may not enter the waters between Commercial Anchorage G and the Middle Breakwater as defined by an area enclosed by the line beginning at Los Angeles Main Channel Entrance Light 2 (33°42.70' N, 118°14.70' W), thence east along the Middle Breakwater to Long Beach Light (33°43.40' N, 118°11.20' W), thence south to (33°43.08' N, 118°11.26' W), thence westerly to (33°43.08' N, 118°12.26' W), thence southwesterly parallel to the breakwater to (33°42.43' N, 118°14.30' W), thence to the point of origin, unless such vessel is:

- (i) In an emergency;
- (ii) Proceeding to anchor in or departing Commercial Anchorage G;
- (iii) Standing by with confirmed pilot boarding arrangements; or,
- (iv) Engaged in towing vessels to or from Commercial Anchorage G, or to or from the waters between Commercial Anchorage G and the Middle Breakwater.

[CGD11-00-007, 65 FR 62294, Oct. 18, 2000. Redesignated by USCG-2001-9286, 66 FR 33642, June 25, 2001]

§ 165.1153 Safety zone: Middle Harbor-San Pedro Channel, CA.

(a) *Location.* The safety zone is located northwest of the old Navy Mole in the vicinity of Long Beach Pier "T" as defined by the lines connecting the following coordinates: latitude 33°45'21.6" N, longitude 118°13'38.5" W, thence to latitude, 33°45'04.1" N, longitude 118°13'31.2" W, thence to latitude 33°44'46" N, longitude 118°14'10.7" W, thence to latitude 33°44'34.1" N, longitude 118°14'13" W, following north-easterly along the shoreline to 33°45'02.4" N, longitude 118°14'44.7" W, thence returning to the point of origin.

(b) *Effective date.* This section is effective from 12:01 a.m. (PST) on August 1, 2000 until 11:59 on December 31, 2002.

(c) *Regulations.* In accordance with the general regulations in §165.23 of this Part, entry into, transit through, or anchoring within this safety zone by persons or vessels, other than those engaged in the construction of Pier T, is prohibited unless authorized by the

Captain of the Port Los Angeles-Long Beach, CA.

[COTP Los Angeles-Long Beach, CA 00-003, 65 FR 54154, Sept. 7, 2000. Redesignated by USCG-2001-9286, 66 FR 33642, June 25, 2001]

EFFECTIVE DATE NOTE: By COTP Los Angeles-Long Beach, CA 00-003, 65 FR 54154, Sept. 7, 2000, §165.1113 was added to part 165, effective 12:01 a.m. (PST), Aug. 1, 2000 through 11:59 p.m., Dec. 31, 2002.

§ 165.1155 Security Zone; Diablo Canyon Nuclear Power Plant, Avila Beach, California.

(a) *Location.* The following area is a security zone: All waters of the Pacific Ocean, from surface to bottom, within a 2,000 yard radius of Diablo Canyon Nuclear Power Plant centered at position 35°12'23" N, 120°51'23" W. [Datum: NAD 83].

(b) *Regulations.* (1) In accordance with the general regulations in §165.33 of this part, entry into or remaining in this zone is prohibited unless authorized by the Coast Guard Captain of the Port, Los Angeles-Long Beach, or his or her designated representative.

(2) Persons desiring to transit the area of the security zone may contact the Captain of the Port at telephone number 1-800-221-8724 or on VHF-FM channel 16 (156.8 MHz). If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his or her designated representative.

(c) *Authority.* In addition to 33 U.S.C. 1231, the authority for this section includes 33 U.S.C. 1226.

[COTP Los Angeles-Long Beach 02-006, 67 FR 15120, Mar. 29, 2002]

§ 165.1171 Copper Canyon, Lake Havasu, Colorado River—Regulated Navigation Area.

(a) *Location.* The following is a regulated navigation area:

(1) In the water area of Copper Canyon, Lake Havasu, Colorado River, beginning at the approximate center of the mouth of Copper Canyon and drawing a line down the approximate center of the canyon extending shoreward to the end of the navigable waters of the canyon, and comprising a semi-rectangular area extending 30 feet on each side of the line, for a total semi-rectangular width of 60 feet.

(2) This line is more precisely described as: beginning at latitude 34°25'67.6"N, longitude 114°18'38.5"W, thence southwesterly to latitude 34°25'64"N, longitude 114°18'45.7"W, thence northwesterly to latitude 34°25'65.6"N, longitude 114°18'46.7"W, thence southeasterly to latitude 34°25'60.7"N, longitude 114°18'42.7"W, thence southwesterly to longitude 34°25'51.4"N, latitude 114°18'46.2"W, thence southeasterly to latitude 34°25'47.1"N, longitude 114°18'49.4"W, thence to the end of the navigable waters of the canyon.

(b) *Definitions.* For the purposes of this section:

(1) *Vessel.* Every description of watercraft, used or capable of being used as a means of transportation on the water, and regardless of mode of power.

(2) *Patrol Vessel.* Vessels designated by the Captain of the Port, San Diego, to enforce or assist in enforcing these regulations, including Coast Guard, Coast Guard Auxiliary, and San Bernardino County Sheriff's Department Vessels.

(c) *Regulations.* (1) Vessels, with the exception of patrol vessels, shall not anchor, moor, loiter in, or otherwise impede the transit of any other vessel within the regulated navigation area. Furthermore, all vessels, with the exception of patrol vessels, shall expeditiously and continuously transit the regulated navigation area via the most direct route consistent with navigational safety.

(2) During periods of vessels congestion within the Copper Canyon area, as determined by the Captain of the Port or his or her designated on-scene representative, the regulated navigation area will be closed to all vessels, with the exception of patrol vessels. During designated closure periods, no vessel may enter, remain in, or transit through the regulated navigation area, with the exception of patrol vessels. Designation of periods of vessel congestion and announcement of the closure of the regulated navigation area will be conducted by broadcast notices to mariners on VHF-FM Channel 16 no less frequently than every hour for the duration of the closure period.

(3) Each person in the regulated navigation area shall comply with the directions of the Captain of the Port or his or her designated on-scene representative regarding vessel operation.

[CGD11-97-010, 63 FR 38308, July 16, 1998. Redesignated by USCG-2001-9286, 66 FR 33642, June 25, 2001]

**§ 165.1181 San Francisco Bay Region, California—regulated navigation area.**

(a) *Applicability.* This section applies to all vessels unless otherwise specified.

(b) *Deviations.* The Captain of the Port, San Francisco Bay, or the Commanding Officer, Vessel Traffic Service San Francisco, as a representative of the Captain of the Port, may authorize a deviation from the requirements of this regulation when it is deemed necessary in the interests of safety.

(c) *Regulated Navigation Areas—(1) San Francisco Bay RNA.* (i) The following is a regulated navigation area—The waters bounded by a line connecting the following coordinates, beginning at:

37°47'18"N, 122°30'22"W; thence to 37°48'55"N, 122°31'41"W; thence along the shoreline to 37°50'38"N, 122°28'37"W; thence to 37°50'59"N, 122°28'00"W; thence to 37°51'45"N, 122°27'28"W; thence to 37°52'58"N, 122°26'06"W; thence to 37°51'53"N, 122°24'58"W; thence to 37°51'53"N, 122°24'00"W; thence to 37°51'40"N, 122°23'48"W; thence to 37°49'22"N, 122°23'48"W; thence to 37°48'20"N, 122°22'12"W; thence to 37°47'02"N, 122°21'33"W; thence to 37°47'02"N, 122°23'04"W; thence along the shoreline to the point of beginning.

Datum: NAD 83

(ii) The San Francisco Bay RNA consists of the following defined sub-areas:

(A) *Golden Gate Traffic Lanes—(1) Westbound traffic lane.* Bounded by the Golden Gate precautionary area and the COLREGS Demarcation Line (33 CFR 80.1142), between the separation zone and a line connecting the following coordinates:

37°48'30"N, 122°31'22"W; thence to 37°49'03"N, 122°29'52"W.

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(2) *Eastbound traffic lane*. Bounded by the COLREGS Demarcation Line (33 CFR 80.1142) and the Golden Gate precautionary area, between the separation zone and a line connecting the following coordinates:  
37°47'50" N, 122°30'48" W; thence to 37°48'30" N, 122°29'29" W.

Datum: NAD 83

(3) *Golden Gate Separation Zone*: The area 75 yards each side of a line connecting the following coordinates:  
37°48'08" N, 122°31'05" W; thence to 37°48'46" N, 122°29'40" W.

Datum: NAD 83

(B) *Golden Gate Precautionary Area*: An area bounded by a line connecting the following coordinates beginning at:  
37°48'30" N, 122°29'29" W; thence to 37°48'52" N, 122°28'41" W; thence to 37°48'52" N, 122°27'49" W; thence to 37°49'36" N, 122°27'46" W; thence to 37°49'55" N, 122°28'09" W; thence to 37°49'28" N, 122°28'45" W; thence to 37°49'03" N, 122°29'52" W; thence returning to the point of beginning.

Datum: NAD 83

(C) *Central Bay Traffic Lanes*—(1) *Westbound traffic lane*: Bounded by the Central Bay precautionary area and the Golden Gate precautionary area, between the Central Bay and the Deep Water Traffic Lane separation zones.

(2) *Eastbound traffic lane*: Bounded by the Golden Gate precautionary area and the Central Bay precautionary area, between the Central Bay Separation Zone and a line connecting the following coordinates, beginning at:

37°48'41" N, 122°25'17" W; thence to 37°48'50" N, 122°26'14" W; thence to 37°48'52" N, 122°27'49" W.

Datum: NAD 83

(3) *Deep Water (two-way) Traffic Lane*: Bounded by the Central Bay precautionary area and the Golden Gate precautionary area, between the Deep Water Traffic Lane and a line connecting the following coordinates, beginning at:  
37°49'55" N, 122°28'09" W; thence to

37°50'36" N, 122°27'12" W; thence to 37°50'47" N, 122°26'26" W.

Datum: NAD 83

(D) *Central Bay Separation Zone*: The area 75 yards each side of a line connecting the following coordinates, beginning at:  
37°49'17" N, 122°27'47" W; thence to 37°49'35" N, 122°25'25" W.

Datum: NAD 83

(E) *Deep Water Traffic Lane Separation Zone*: The area 75 yards each side of a line connecting the following coordinates, beginning at:  
37°49'36" N, 122°27'46" W; thence to 37°50'22" N, 122°26'49" W; thence to 37°50'25" N, 122°26'22" W.

Datum: NAD 83

(F) *Central Bay Precautionary Area*: An area bounded by a line connecting the following coordinates, beginning at:

37°48'41" N, 122°25'17" W; thence to 37°49'32" N, 122°25'13" W; thence to 37°50'25" N, 122°26'22" W; thence to 37°50'47" N, 122°26'26" W; thence to 37°51'04" N, 122°24'58" W; thence to 37°51'53" N, 122°24'58" W; thence to 37°51'53" N, 122°24'00" W; thence to 37°51'40" N, 122°23'48" W; thence to 37°49'22" N, 122°23'48" W; thence to 37°48'20" N, 122°22'12" W; thence to 37°47'02" N, 122°21'33" W; thence to 37°47'02" N, 122°23'04" W; thence to 37°47'02" N, 122°23'04" W; thence returning along the shoreline to the point of beginning.

Datum: NAD 83

(2) *North Ship Channel RNA*. The following is a regulated navigation area—The waters bounded by a line connecting the following coordinates, beginning at:

37°51'53" N, 122°24'58" W; thence to 37°54'15" N, 122°27'27" W; thence to 37°56'06" N, 122°26'49" W; thence to 37°56'06" N, 122°26'34" W; thence to 37°54'48" N, 122°26'42" W; thence to 37°54'02" N, 122°26'10" W; thence to 37°51'53" N, 122°24'00" W; thence to returning to the point of beginning.

Datum: NAD 83

(3) *San Pablo Strait Channel RNA*. The following is a regulated navigation area—The waters bounded by a line connecting the following coordinates, beginning at:

37°56'06" N, 122°26'49" W; thence to 37°57'26" N, 122°27'21" W; thence to 38°00'48" N, 122°24'45" W; thence to 38°01'54" N, 122°22'24" W; thence to 38°01'44" N, 122°22'18" W; thence to 37°57'37" N, 122°26'23" W; thence to 37°56'06" N, 122°26'34" W; thence returning to the point of beginning.

Datum: NAD 83

(4) *Pinole Shoal Channel RNA*. The following is a regulated navigation area—The waters bounded by a line connecting the following coordinates, beginning at:

38°01'54" N, 122°22'25" W; thence to 38°03'13" N, 122°19'50" W; thence to 38°03'23" N, 122°18'31" W; thence to 38°03'13" N, 122°18'29" W; thence to 38°03'05" N, 122°19'28" W; thence to 38°01'44" N, 122°22'18" W; thence returning to the point of beginning.

Datum: NAD 83

(5) *Southern Pacific Railroad Bridge RNA*. The following is a regulated navigation area—The water area contained within a circle with a radius of 200 yards, centered on 38°02'18" N, 122°07'17" W.

Datum: NAD 83

(6) *Southampton Shoal Channel/Richmond Harbor RNA*: The following, consisting of two distinct areas, is a regulated navigation area—

(i) The waters bounded by a line connecting the following coordinates, beginning at:

37°54'17" N, 122°22'00" W; thence to 37°54'08" N, 122°22'00" W; thence to 37°54'15" N, 122°23'12" W; thence to 37°54'30" N, 122°23'09" W; thence along the shoreline to the point of beginning.

Datum: NAD 83

(ii) The waters bounded by a line connecting the following coordinates, beginning at:

37°54'28" N, 122°23'36" W; thence to

37°54'20" N, 122°23'38" W; thence to 37°54'23" N, 122°24'02" W; thence to 37°54'57" N, 122°24'51" W; thence to 37°55'05" N, 122°25'02" W; thence to 37°54'57" N, 122°25'22" W; thence to 37°54'00" N, 122°25'13" W; thence to 37°53'59" N, 122°25'22" W; thence to 37°55'30" N, 122°25'35" W; thence to 37°55'40" N, 122°25'10" W; thence to 37°54'54" N, 122°24'30" W; thence to 37°54'30" N, 122°24'00" W; thence returning to the point of beginning.

Datum: NAD 83

(7) *Oakland Harbor RNA*. The following is a regulated navigation area—The waters bounded by a line connecting the following coordinates, beginning at:

37°48'40" N, 122°19'58" W; thence to 37°48'50" N, 122°20'02" W; thence to 37°48'20" N, 122°21'00" W; thence to 37°48'15" N, 122°21'30" W; thence to 37°48'20" N, 122°22'12" W; thence to 37°47'26" N, 122°21'45" W; thence to 37°47'55" N, 122°21'26" W; thence to 37°48'03" N, 122°21'00" W; thence to 37°47'48" N, 122°19'46" W; thence to 37°47'55" N, 122°19'43" W; thence returning along the shoreline to the point of the beginning.

Datum: NAD 83

(d) *General regulations*. (1) A power-driven vessel of 1600 or more gross tons, or a tug with a tow of 1600 or more gross tons, navigating within the RNAs defined in paragraph (c) of this section, shall not exceed a speed of 15 knots through the water.

(2) A power-driven vessel of 1600 or more gross tons, or a tug with a tow of 1600 or more gross tons, navigating within the RNAs defined in paragraph (c) of this section, shall have its engine(s) ready for immediate maneuver and shall operate its engine(s) in a control mode and on fuel that will allow for an immediate response to any engine order, ahead or astern, including stopping its engine(s) for an extended period of time.

(3) The master, pilot or person directing the movement of a vessel within the RNAs defined in paragraph (c) of this regulation shall comply with Rule 9 of the Inland Navigation Rules (INRs) (33 U.S.C. 2009) in conjunction with the provisions of the associated INRs.

(e) *Specific Regulations*—(1) *San Francisco Bay RNA*: (i) A vessel shall navigate with particular caution in a precautionary area, or in areas near the terminations of traffic lanes or channels, as described in this regulation.

(ii) A power-driven vessel of 1600 or more gross tons, or a tug with a tow of 1600 or more gross tons, shall:

(A) use the appropriate traffic lane and proceed in the general direction of traffic flow for that lane;

(B) use the Central Bay Deep Water Traffic Lane if eastbound with a draft of 45 feet or greater or westbound with a draft of 28 feet or greater;

(C) not enter the Central Bay Deep Water Traffic Lane when another power-driven vessel of 1600 or more gross tons or tug with a tow of 1600 or more gross tons is navigating therein when either vessel is:

(1) carrying certain dangerous cargoes (as denoted in section 160.203 of this subchapter);

(2) carrying bulk petroleum products; or

(3) a tank vessel in ballast if such entry would result in meeting, crossing, or overtaking the other vessel.

(D) normally join or leave a traffic lane at the termination of the lane, but when joining or leaving from either side, shall do so at as small an angle to the general direction of traffic flow as practicable;

(E) so far as practicable keep clear of the Central Bay Separation Zone and the Deep Water Lane Separation Zone;

(F) not cross a traffic lane separation zone unless crossing, joining, or leaving a traffic lane.

(2) *Pinole Shoal Channel RNA*: (i) The use of Pinole Shoal Channel RNA is reserved for navigation of vessels with a draft greater than 20 feet or tugs with tows drawing more than 20 feet. Vessels drawing less than 20 feet are not permitted within this RNA and are prohibited from crossing it at any point.

(ii) A power-driven vessel of 1600 or more gross tons or a tug with a tow of 1600 or more gross tons shall not enter Pinole Shoal Channel RNA when another power-driven vessel of 1600 or more gross tons or tug with a tow of 1600 or more gross tons is navigating therein when either vessel is:

(A) carrying certain dangerous cargoes (as denoted in section 160.203 of this subchapter);

(B) carrying bulk petroleum products; or

(C) a tank vessel in ballast if such entry would result in meeting, crossing, or overtaking the other vessel.

(iii) Vessels permitted to use this channel shall proceed at a reasonable speed so as not to endanger other vessels or interfere with any work which may become necessary in maintaining, surveying, or buoying the channel, and they shall not anchor in the channel except in case of a deviation authorized under paragraph (b) of this section.

(iv) This paragraph shall not be construed as prohibiting any necessary use of the channel by any public vessels while engaged in official duties, or in emergencies by pilot boats.

(3) *Southern Pacific Railroad Bridge (RNA)*: (i) When visibility is less than 1000 yards within the Southern Pacific Railroad Bridge RNA, a power-driven vessel of 1600 or more gross tons, or a tug with a tow of 1600 or more gross tons:

(A) When eastbound, shall not transit through the RNA.

(B) When westbound:

(1) During periods of reduced visibility and immediately prior to passing New York Point, the master, pilot, or person directing the movement of a vessel shall obtain a report of visibility conditions within the RNA.

(2) If visibility within the RNA is less than 1000 yards, the vessel shall not transit the RNA. Vessels prevented from transiting due to low visibility shall not proceed past Mallard Island until visibility improves to greater than 1000 yards within the RNA.

(3) If a transit between New York Point and the Southern Pacific Railroad Bridge has commenced, and the visibility subsequently should become less than 1000 yards, the master, pilot, or person directing the movement of a vessel shall comply with paragraph (b) of this section and may proceed, taking all further appropriate actions in the interest of safety.

(ii) Visibility is considered to be 1000 yards or greater when both the following geographical points can be seen

from the Southern Pacific Railroad Bridge:

- (A) The Port of Benecia Pier, and
- (B) The Shell Martinez Pier.

(4) *Southampton Shoal/Richmond Harbor RNA*: A power-driven vessel of 1600 or more gross tons, or a tug with a tow of 1600 or more gross tons, shall not enter Southampton Shoal/Richmond Harbor RNA when another power-driven vessel of 1600 or more gross tons, or a tug with a tow of 1600 or more gross tons, is navigating therein, if such entry would result in meeting, crossing, or overtaking the other vessel.

(5) *Oakland Harbor RNA*: A power-driven vessel of 1600 or more gross tons or a tug with a tow of 1600 or more gross tons shall not enter the Oakland Harbor RNA when another power-driven vessel of 1600 or more gross tons, or a tug with a tow of 1600 or more gross tons, is navigating therein, if such entry would result in meeting, crossing, or overtaking the other vessel.

[CGD11-94-007, 60 FR 16796, Apr. 3, 1995; 60 FR 30157, June 7, 1995. Redesignated by USCG-2001-9286, 66 FR 33642, June 25, 2001]

EDITORIAL NOTE: At 67 FR 38374, July 24, 2001, paragraph (c)(7) was revised. Because of inaccurate amendatory language, this amendment could not be made.

**§ 165.1182 Safety/Security Zone: San Francisco Bay, San Pablo Bay, Carquinez Strait, and Suisun Bay, CA.**

(a) *Regulated area*. The following area is established as a moving safety/security zone:

(1) All waters 200 yards ahead and astern and 100 yards to each side of every vessel transporting nuclear materials on behalf of the United States Department of Energy while such vessels transit from a line drawn between San Francisco Main Ship Channel buoys 7 and 8 (LLNR 4190 & 4195, positions 37°46.9'N, 122°35.4'W & 37°46.5'N, 122°35.2'W, respectively) until safely moored at the Weapons Support Facility Seal Beach Detachment Concord on Suisun Bay (position 38°03.3'N, 122°02.5'W). All coordinates referenced use datum: NAD 1983.

(2) All waters within 100 yards of such vessels described in paragraph (a)(1) of this section while such vessels are conducting cargo operations at the Weapons Support Facility Seal Beach Detachment Concord.

(b) *Notification*. Commander, Eleventh Coast Guard District, will cause notice of the activation of this safety/security zone to be made by all appropriate means to effect the widest publicity among the affected segments of the public, including publication in the FEDERAL REGISTER as practicable, in accordance with the provisions of 33 CFR 165.7(a); such means of announcement may include, but are not limited to, Broadcast Notice to Mariners. The Coast Guard will issue a Broadcast Notice to Mariners notifying the public when nuclear materials cargo handling has been completed.

(c) *Effective Period*. The safety/security zone will be effective commencing at the time any vessel described in paragraph (a)(1) of this section enters the zone described in paragraph (a)(1) of this section and will remain in effect until all spent nuclear materials cargo handling operations have been completed at Weapons Support Facility Seal Beach Detachment Concord.

(d) *Regulations*. The general regulations governing safety and security zones contained in both 33 CFR 165.23 in 33 CFR 165.33 apply. Entry into, transit through, or anchoring within this moving safety/security zone is prohibited unless authorized by Commander, Eleventh Coast Guard District, or his designated representative.

[CGD11-98-005, 63 FR 38754, July 20, 1998. Redesignated by USCG-2001-9286, 66 FR 33642, June 25, 2001]

**§ 165.1191 Safety zones: Northern California annual fireworks events.**

(a) *General*. Safety zones are established for the events listed in Table 1 of this section. Further information on exact dates, times, and other details concerning the exact geographical description of the areas are published by the Eleventh Coast Guard District in the Local Notice to Mariners prior to each event.

(b) *Regulations*. "Official Patrol Vessels" consist of any Coast Guard, other Federal, state or local law enforcement, and any public or sponsor-provided vessels assigned or approved by Commander, Coast Guard Group San Francisco, to patrol each event.

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(1) In accordance with the general regulations in §165.23 of this part, entering into, transiting through, or anchoring within these zones is prohibited, unless authorized by the Patrol Commander.

(2) Each person in a safety zone who receives notice of a lawful order or direction issued by an official patrol vessel shall obey the order or direction.

(3) The Patrol Commander (PATCOM) is empowered to forbid and control the movement of all vessels in

the regulated area. The Patrol Commander shall be designated by the Commander, Coast Guard Group San Francisco; will be a U.S. Coast Guard commissioned officer, warrant officer or petty officer to act as the Group Commander's official representative; and will be located aboard the lead official patrol vessel.

(4) The Patrol Commander may, upon request, allow the transit of commercial vessels through regulated areas when it is safe to do so.

TABLE 1 TO § 165.1191

[All coordinates referenced use datum NAD 83]

<b>KFOG KaBoom</b>	
Sponsor .....	KFOG Radio, San Francisco.
Event Description .....	Fireworks display.
Date .....	Last Saturday in May.
Location .....	1,000 feet off Pier 30/32.
Regulated Area .....	That area of navigable waters within a 1,000 foot radius of the launch platform.
<b>Fourth of July Fireworks, City of Monterey</b>	
Sponsor .....	City of Monterey, Recreation & Community Services Department.
Event Description .....	Fireworks Display.
Date .....	July 4th.
Location .....	Monterey Bay, East of Municipal Wharf #2.
Regulated Area .....	That area of navigable waters within a 1,000 foot radius of the launch platform.
<b>Fourth of July Fireworks, City of Sausalito</b>	
Sponsor .....	City of Sausalito.
Event Description .....	Fireworks Display.
Date .....	July 4th.
Location .....	1,000 feet off-shore from Sausalito waterfront, North of Spinnaker Rest.
Regulated Area .....	That area of navigable waters within a 1,000 foot radius of the launch platform.
<b>Fourth of July Fireworks, Lake Tahoe</b>	
Sponsor .....	Anchor Trust.
Event Description .....	Fireworks Display.
Date .....	July 4th.
Location .....	1,000 feet off Incline Village, Nevada in Crystal Bay.
Regulated Area .....	That area of navigable waters within a 1,000 foot radius of the launch platform.
<b>Fourth of July Fireworks, South Lake Tahoe Gaming Alliance</b>	
Sponsor .....	Harrah's Lake Tahoe.
Event Description .....	Fireworks Display.
Date .....	July 4th.
Location .....	Off South Lake Tahoe, California near Nevada border.
Regulated Area .....	That area of navigable waters within a 1,000 foot radius of the launch platform.
<b>Independence Day Fireworks</b>	
Sponsor .....	North Tahoe Fire Protection District.
Event Description .....	Fireworks Display.
Date .....	July 4th.

TABLE 1 TO § 165.1191—Continued

[All coordinates referenced use datum NAD 83]

Location .....	Offshore from Kings Beach State Beach.
Regulated Area .....	That area of navigable waters within a 1,000 foot radius of the launch platform.
<b>July 4th Fireworks Display</b>	
Sponsor .....	North Tahoe Fire Protection District.
Event Description .....	Fireworks Display.
Date .....	July 4th.
Location .....	Offshore of Common Beach, Tahoe City, CA.
Regulated Area .....	That area of navigable waters within a 1,000 foot radius of the launch platform.
<b>San Francisco Chronicle Fireworks Display</b>	
Sponsor .....	San Francisco Chronicle.
Event Description .....	Fireworks Display.
Date .....	July 4th.
Location 1 .....	A barge located approximately 1,000 feet off of San Francisco Pier 39 at approximately: 37°48'49.0" N, 122°24'46.5" W.
Regulated Area .....	The area of navigable waters within a 1,000 foot radius of the launch platform.
Location 2 .....	The end of the San Francisco Municipal Pier at Aquatic Park at approximately: 37°48'38.5" N, 122°25'30.0" W.
Regulated Area .....	The area of navigable waters within a 1,000 foot radius of the launch platform.
<b>Vallejo Fourth of July Fireworks</b>	
Sponsor .....	Vallejo Marina.
Event Description .....	Fireworks Display.
Date .....	July 4th.
Location .....	Mare Island Strait.
Regulated Area .....	That area of navigable waters within a 1,000 foot radius of the launch platform.

[CGD 11-99-007, 64 FR 39030, July 21, 1999. Redesignated by USCG-2001-9286, 66 FR 33642, June 25, 2001]

THIRTEENTH COAST GUARD DISTRICT

**§ 165.1301 Puget Sound and Adjacent Waters in Northwestern Washington—Regulated Navigation Area.**

The following is a regulated navigation area—All of the following northwestern Washington waters under the jurisdiction of the Captain of the Port, Puget Sound: Puget Sound, Hood Canal, Possession Sound, Elliott Bay, Commencement Bay, the San Juan Archipelago, Rosario Strait, Guemes Channel, Bellingham Bay, U.S. waters of the Strait of the Strait of Juan de Fuca, Haro Strait, Boundary Pass, and Georgia Strait, and all lesser bays and harbors adjacent to the above.

(a) Definitions as used in this section:

(1) *Vessels engaged in fishing* are as identified in the definition found in Rule 3 of the International Regulations for Prevention of Collisions at Sea, 1972, (72 COLREGS), found in Appendix A, Part 81 of this chapter.

(2) *Hazardous levels of vessel traffic congestion* are as defined at the time by Puget Sound Vessel Traffic Service.

(b) Nothing in this section shall be construed as relieving any party from their responsibility to comply with applicable rules set forth in the 72 COLREGS.

(c) General Regulations: The provisions of this paragraph apply at all times.

(1) *Vessels engaged in fishing or other operations*—that are distinct

from vessels following a TSS or a connecting precautionary area east of New Dungeness and which are not required by the Bridge to Bridge Radiotelephone Regulations to maintain a listening watch, are highly encouraged to maintain a listening watch on the Puget Sound Vessel Traffic Service (PSVTS) VHF-FM radio frequency for the area in which the vessel is operating. A safe alternative to the radio listening watch is to stay clear of the TSS and connecting precautionary area.

(2) Vessels engaged in gill net fishing at any time between sunset and sunrise in any of the waters defining the regulated navigation area of this section shall, in addition to the navigation lights and shapes required by Part 81 of this title (72 COLREGS), display at the end of the net most distant from the vessel on all-round (32-point) white light visible for a minimum of two nautical miles and displayed from at least three feet above the surface of the water.

(3) Vessels engaged in fishing, including gillnet and purse seine fishing, are prohibited in the following Prohibited Fishing Area: The Hood Canal Bridge, to include the waters within a one-half nautical mile radius of the center of the main ship channel draw span during the immediate approach and transit of the draw by public vessels of the United States.

(4) East of New Dungeness, vessels engaged in fishing in a traffic lane or connecting precautionary area shall tend nets or other gear placed in the water so as to facilitate the movement of the vessel or gear from the traffic lane or precautionary area upon the approach of a vessel following the TSS.

(d) Congested Regulations: The provisions under this paragraph apply only when imposed in specific locations by Puget Sound Vessel Traffic Service. They are intended to enhance vessel traffic safety during periods and in locations where hazardous levels of vessel traffic congestion are deemed to exist by Puget Sound Vessel Traffic Service. Operations potentially creating vessel traffic congestion include, but are not limited to, vessels engaged in fishing, including gillnet or purse seine, recreational fishing derbies, regattas, or permitted marine events.

(1) Vessels engaged in fishing or other operations—that are distinct from vessels following a Traffic Separation Scheme (TSS) or a connecting precautionary area east of New Dungeness, may not remain in, nor their gear remain in, a traffic lane or a connecting precautionary area east of New Dungeness when a vessel following a TSS approaches. Such vessels not following a TSS or a connecting precautionary area shall draw in their gear, maneuver, or otherwise clear these areas so that their action is complete at least fifteen minutes before the arrival of a vessel following the TSS. Vessels which are required by this paragraph to remain clear of a connecting precautionary area east of New Dungeness or a traffic lane must also remain clear of the adjacent separation zone when in a TSS east of New Dungeness.

(2) A vessel following the TSS may not exceed a speed of 11 knots through the water.

(3) Vessels engaged in fishing, including gillnet and purse seine fishing, are prohibited in the following Prohibited Fishing Area: Edmonds/Kingston ferry crossing lanes, to include the waters within one-quarter nautical mile on either side of a straight line connecting the Edmonds and Kingston ferry landings during the hours that the ferry is operating.

(e) Authorization to deviate from this section.

(1) Commander, Thirteenth Coast Guard District may, upon written request, issue an authorization to deviate from this section if the proposed deviation provides a level of safety equivalent to or beyond that provided by the required procedure. An application for authorization must state the need for the deviation and describe the proposed alternative operation.

(2) PSVTS may, upon verbal request, authorize a deviation from this section for a voyage, or part of a voyage, if the proposed deviation provides a level of safety equivalent to or beyond that provided by the required procedure. The deviation request must be made well in advance to allow the requesting vessel and the Vessel Traffic Center (VTC) sufficient time to assess the

safety of the proposed deviation. Discussions between the requesting vessel and the VTC should include, but are not limited to, information on vessel handling characteristics, traffic density, radar contracts, and environmental conditions.

(3) In an emergency, the master, pilot, or person directing the movement of the vessel following the TSS may deviate from this section to the extent necessary to avoid endangering persons, property, or the environment, and shall report the deviation to the VTC as soon as possible.

[CGD 13-98-002, 63 FR 7708, Feb. 17, 1998]

**§ 165.1302 Bangor Naval Submarine Base, Bangor, WA.**

(a) *Location.* The following is a security zone: The waters of the Hood Canal encompassed by a line commencing on the east shore of Hood Canal at latitude 47°43'17" N., longitude 122°44'44" W., thence to latitude 47°43'32" N., longitude 122°44'40" W.; thence to latitude 47°43'50" N., longitude 122°44'40" W.; thence to latitude 47°44'24" N., longitude 122°44'22" W.; thence to latitude 47°45'47" N., longitude 122°43'22" W.; thence to latitude 47°46'23" N., longitude 122°42'42" W.; thence to latitude 47°46'23" N., longitude 122°42'20" W.; thence to latitude 47°46'20" N., longitude 122°42'12" W.; thence southerly along the shoreline to the point of beginning.

(b) *Security zone anchorage.* The following is a security zone anchorage: Area No. 2. Waters of Hood Canal within a circle of 1,000 yards diameter centered on a point located at latitude 47°46'26" N., longitude 122°42'49" W.

(c) *Special Regulations.* (1) Section 165.33 paragraphs, (a), (e), and (f) do not apply to the following vessels or individuals on board those vessels:

(i) Public vessels of the United States, other than United States Naval vessels.

(ii) Vessels that are performing work at Naval Submarine Base Bangor pursuant to a contract with the United States Navy which requires their presence in the security zone.

(iii) Any other vessels or class of vessels mutually agreed upon in advance by the Captain of the Port and Commanding Officer, Naval Submarine

Base Bangor. Vessels operating in the security zone under this exemption must have previously obtained a copy of a certificate of exemption permitting their operation in the security zone from the Security Office, Naval Submarine Base Bangor. This written exemption shall state the date(s) on which it is effective and may contain any further restrictions on vessel operations within the security zone as have been previously agreed upon by the Captain of the Port and Commanding Officer, Naval Submarine Base Bangor. The certificate of exemption shall be maintained on board the exempted vessel so long as such vessel is operating in the security zone.

(2) Any vessel authorized to enter or remain in the security zone may anchor in the security zone anchorage.

(3) Other vessels desiring access to this zone shall secure permission from the Captain of the Port through the Security Office of the Naval Submarine Base Bangor. The request shall be forwarded in a timely manner to the Captain of the Port by the appropriate Navy official.

(d) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and monitoring of this security zone by the U.S. Navy.

[CDG13 87-06, 52 FR 47924, Dec. 17, 1987]

**§ 165.1303 Puget Sound and adjacent waters, WA-regulated navigation area.**

(a) The following is a regulated navigation area: the waters of the United States east of a line extending from Discovery Island Light to New Dungeness Light and all points in the Puget Sound area north and south of these lights.

(b) *Regulations.* (1) Tank vessel navigation restrictions: Tank vessels larger than 125,000 deadweight tons bound for a port or place in the United States may not operate in the regulated navigation area.

(2) Commander, Thirteenth Coast Guard District may, upon written request, issue an authorization to deviate from paragraph (b)(1) of this section if it is determined that such deviation provides an adequate level of safety. Any application for authorization must

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state the need and fully describe the proposed procedure.

(c) *Precautionary Area Regulations.* (1) A vessel in a precautionary area which is depicted on National Oceanic and Atmospheric Administration (NOAA) nautical charts, except precautionary "RB" (a circular area of 2,500 yards radius centered at 48-26'24" N., 122-45'12" W.), must keep the center of the precautionary area to port.

NOTE: The center of precautionary area "RB" is not marked by a buoy.

(2) The Puget Sound Vessel Traffic Service (PSVTS) may, upon verbal request, authorize a onetime deviation from paragraph (c)(1) of this section for a voyage, or part of a voyage, if the proposed deviation provides a level of safety equivalent to or beyond that provided by the required procedure. The deviation request must be made well in advance to allow the requesting vessel and the Vessel Traffic Center (VTC) sufficient time to assess the safety of the proposed deviation. Discussions between the requesting vessel and the VTC should include, but are not limited to, information on the vessel handling characteristics, traffic density, radar contacts, and environmental conditions.

(3) In an emergency, the master, pilot, or person directing the movement of the vessel may deviate from paragraph (c)(1) of this section to the extent necessary to avoid endangering persons, property, or the environment, and shall report the deviation to the VTC as soon as possible.

[CGD 90-020, 59 FR 36335, July 15, 1994, as amended by CGD 13-97-003, 62 FR 23660, May 1, 1997]

**§ 165.1304 Bellingham Bay, Bellingham, WA.**

(a) *Location.* The following area is a safety zone: All waters of Bellingham Bay, Washington, bounded by a circle with a radius of 1000 yards centered on the fireworks launching site located on the Georgia Pacific Lagoon Seawall at position latitude 48°44'56" N, longitude 122°29'40" W, including the entrances to the I & J Street Waterway and the Whatcom Creek Waterway. [Datum: NAD 83]

(b) *Effective dates.* This section is effective annually on July fourth from

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9:30 p.m. to 11 p.m. unless otherwise specified by FEDERAL REGISTER notice.

(c) *Regulation.* In accordance with the general regulations in §165.23 of this part, entry into this safety zone is prohibited unless authorized by the Captain of the Port, Puget Sound, Seattle, WA.

[CGD13-95-008, 60 FR 61480, Nov. 30, 1995, as amended by CGD 13-96-028, 61 FR 47824, Sept. 11, 1996]

**§ 165.1305 Commencement Bay, Tacoma, WA.**

(a) *Location.* The following area is a safety zone: All portions of Commencement Bay bounded by the following coordinates: Latitude 47°17'34" N, Longitude 122°28'36" W; thence to Latitude 47°17'06" N, Longitude 122°27'40" W; thence to Latitude 47°16'42" N, Longitude 122°28'06" W; thence to Latitude 47°17'10" W, Longitude 122°29'02" W; thence returning to the origin. This safety zone resembles a rectangle lying adjacent to the shoreline along Ruston Way. Floating markers will be placed by the sponsor of the event to delineate the boundaries of the safety zone. [Datum: NAD 1983].

(b) *Effective dates.* This section is effective annually on July the fourth from 2 p.m. to 12:30 a.m. July the fifth unless otherwise specified by FEDERAL REGISTER notice.

(c) *Regulation.* In accordance with the general regulations in §165.23 of this part, entry into this safety zone is prohibited unless authorized by the Captain of the Port, Puget Sound, Seattle, WA.

[CGD13-95-009, 60 FR 61481, Nov. 30, 1995]

**§ 165.1306 Lake Union, Seattle, WA.**

(a) *Location.* The following area is a safety zone: All portions of the waters of Lake Union bounded by the following coordinates: Latitude 47°38'32" N, Longitude 122°20'34" W; thence to Latitude 47°38'32" N, Longitude 122°19'48" W; thence to Latitude 47°38'10" N, Longitude 122°19'45" W; thence to Latitude 47°38'10" N, Longitude 122°20'24" W; thence returning to the origin. This safety zone begins 1,000 feet south of Gas Works Park and encompasses all waters from east to west for 2,500 feet. Floating markers will be

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placed by the sponsor of the fireworks demonstration to delineate the boundaries of the safety zone. [Datum: NAD 1983]

(b) *Effective dates.* This section is effective annually on July fourth from 9:30 p.m. to 11 p.m. unless otherwise specified by FEDERAL REGISTER notice.

(c) *Regulation.* In accordance with the general regulations in §165.23 of this part, entry into the safety zone is prohibited unless authorized by the Captain of the Port, Puget Sound, Seattle, WA. The Captain of the Port may establish transit lanes along the east and west shorelines of Lake Union and may allow boaters to transit north and south through the safety zone in these lanes. If established, these transit lanes will remain open until 10 p.m. and then be closed until the end of the fireworks display (approximately 30 minutes).

[CGD13-95-010, 60 FR 61483, Nov. 30, 1995]

**§ 165.1307 Elliott Bay, Seattle, WA.**

(a) *Location.* The following area is a safety zone: All portions of Elliott Bay bounded by the following coordinates: Latitude 47°37'22" N, Longitude 122°22'06" W; thence to Latitude 47°37'06" N, Longitude 122°21'45" W; thence to Latitude 47°36'54" N, Longitude 122°22'05" W; thence to Latitude 47°37'08" N, Longitude 122°22'27" W; thence returning to the origin. This safety zone resembles a square centered around the barge from which the fireworks will be launched and begins 100 yards from the shoreline of Myrtle Edwards Park. Floating markers will be placed by the sponsor of the fireworks display to delineate the boundaries of the safety zone [Datum NAD 1983].

(b) *Effective dates.* This section is effective annually on July fourth from 9:30 p.m. to 11 p.m. unless otherwise specified by FEDERAL REGISTER notice.

(c) *Regulation.* In accordance with the general regulations in §165.23 of this part, entry into this safety zone is prohibited unless authorized by the Cap-

tain of the Port, puget sound, Seattle, WA.

[CGD13-95-007, 60 FR 61482, Nov. 30, 1995, as amended by CGD13-97-015, 62 FR 39445, July 23, 1997]

**§ 165.1308 Columbia River, Vancouver, WA.**

(a) *Location.* The following area is a safety zone: All waters of the Columbia River at Vancouver, Washington, bounded by a line commencing at the northern base of the Interstate 5 highway bridge at latitude 45°37'17" N, longitude 122°40'22" W; thence south along the Interstate 5 highway bridge to latitude 45°37'03" N, longitude 122°40'32" W; thence to latitude 45°36'28" N, longitude 122°38'35" W; thence to Ryan's Point at latitude 45°36'42" N, longitude 122°38'35" W; thence along the Washington shoreline to the point of origin. [Datum: NAD 83].

(b) *Effective dates.* This section is effective annually on July fourth from 9 p.m. to 11 p.m. (PDT) unless otherwise specified by FEDERAL REGISTER notice.

(c) *Regulation.* In accordance with the general regulations in §165.23 of this part, entry into this safety zone is prohibited unless authorized by the Captain of the Port, Portland, Oregon.

[CGD13-95-055, 61 FR 18949, Apr. 30, 1996]

**§ 165.1309 Eagle Harbor, Bainbridge Island, WA.**

(a) *Regulated area.* A regulated navigation area is established on that portion of Eagle Harbor bounded by a line beginning at: 47°36'56" N, 122°30'36" W; thence to 47°37'11" N, 122°30'36" W; thence to 47°37'25" N, 122°30'17" W; thence to 47°37'24" N, 122°30'02" W; thence to 47°37'16" N, 122°29'55" W; thence to 47°37'03" N, 122°30'027sec; W; thence returning along the shoreline to point of origin. [Datum NAD 1983].

(b) *Regulations.* All vessels and persons are prohibited from anchoring, dredging, laying cable, dragging, seining, bottom fishing, conducting salvage operations, or any other activity which could potentially disturb the seabed in the designated area. Vessels

may otherwise transit or navigate within this area without reservation.

(c) *Waiver.* The Captain of the Port, Puget Sound, upon advice from the U.S. EPA Project Manager and the Washington State Department of Natural Resources, may, upon written request, authorize a waiver from this section if it is determined that the proposed operation supports USEPA remedial objectives, or can be performed in a manner that ensures the integrity of the sediment cap. A written request must describe the intended operation, state the need, and describe the proposed precautionary measures. Requests should be submitted in triplicate, to facilitate review by U.S. EPA, Coast Guard, and Washington State Agencies. USEPA managed remedial design, remedial action, habitat mitigation, or monitoring activities associated with the Wyckoff/Eagle Harbor Superfund Site are excluded from the waiver requirement. USEPA is required, however, to alert the Coast Guard in advance concerning any of the above-mentioned activities that may, or will, take place in the Regulated Area.

[CGD 13-98-004, 64 FR 72561, Dec. 28, 1999]

**§ 165.1310 Strait of Juan de Fuca and adjacent coastal waters of Northwest Washington; Makah Whale Hunting—Regulated Navigation Area.**

(a) The following area is a Regulated Navigation Area (RNA): From 48°02.25'N, 124°42.1'W northward along the mainland shoreline of Washington State to Cape Flattery and thence eastward along the mainland shoreline of Washington State to 48°22'N, 124°34'W; thence due north to 48°24.55'N, 124°34'W; thence northwesterly to 48°27.1'N, 124°41.7'W; thence due west to 48°27.1'N, 124°45.5'W; thence southwesterly to 48°20.55'N, 124°51.05'W, thence west south west to 48°18.0'N 124°59.0'W, thence due south to 48°02.25'N, 124°59.0'W thence due east back to the shoreline of Washington at 48°02.25'N, 124°42.1'W. Datum: NAD 1983.

(b) During a whale hunt, while the international numeral pennant five (5) is flown by a Makah whale hunt vessel, the following area within the RNA is a Moving Exclusion Zone: The column of

water from the surface to the seabed with a radius of 500 yards centered on the Makah whale hunt vessel displaying international numeral pennant five (5). This Moving Exclusionary Zone is activated only when surface visibility exceeds one nautical mile, between sunrise and sunset, and the Makah whale hunt vessel displays the international numeral pennant five (5). The Moving Exclusionary Zone is deactivated upon sunset, visibility is reduced to less than one nautical mile, or when the Makah hunt vessel strikes international numeral pennant five (5).

(c) Unless otherwise authorized by the Commander, Thirteenth Coast Guard District or his or her representative, no person or vessel may enter the active Moving Exclusionary Zone except for:

(1) Authorized Makah whale hunt vessel actively engaged in hunting operations under direction of the master of the Makah vessel flying international numeral pennant five (5), and

(2) A single authorized media pool vessel operating in accordance with paragraph (f) of this section.

(d) The international numeral pennant five (5) is only authorized to be displayed from one Makah whale hunt vessel during actual whale hunt operations. No other vessels may display this pennant within the RNA at any time. Whale hunt operations commence when a whale hunt vessel is underway and its master intends to have a whale killed during the voyage. Whale hunt operations cease once this intent is abandoned, a whale is landed, or when the international numeral pennant five (5) is struck.

(e) The Makah Tribe shall make SECURITE broadcasts beginning one half hour before the commencement of a hunt and every half hour thereafter until hunting activities are concluded. This broadcast shall be made on channel 16 VHF-FM and state:

A whale hunt is proceeding today within the Regulated Navigation Area established for Makah whaling activities. The (name of vessel) is a (color and description of vessel) and will be flying international numeral pennant five (5) while engaged in whaling operations. This pennant is yellow and blue in color. Mariners are required by federal regulation to stay 500 yards away from (name of vessel), and are strongly urged to remain

even further away from whale hunt activities as an additional safety measure.

(f)(1) Credentialed members of the media interested in entering the Moving Exclusionary Zone may request permission to operate a single media vessel in the Moving Exclusionary Zone by telephoning Coast Guard Public Affairs, as soon as practicable at (206) 220-7237 during normal working hours, and (206) 220-7001 after hours. Coast Guard preauthorization is required prior to entry into the Moving Exclusionary Zone by a single media pool vessel.

(2) The media pool vessel must be a U.S. documented vessel. The media pool vessel must be under command at all times within the Moving Exclusionary zone by a master licensed in the U.S. to carry passenger for hire. All expenses, liabilities and risks associated with operation of the media pool vessel lie with members of the pool and the pool vessel owners and operators.

(3) The master of the media pool vessel shall maneuver to avoid positioning the pool vessel between whales and hunt vessel(s), out of the line of fire, at a prudent distance and location relative to whale hunt operations, and in a manner that avoids hindering the hunt or path of the whale in any way.

(4) Although permitted to maneuver within the Moving Exclusionary Zone, personnel aboard the media pool vessel are still required to follow safety and law enforcement related instructions of Coast Guard personnel.

[CGD 13-98-023, 63 FR 52609, Oct. 1, 1998, as amended by CGD 13-98-023, 64 FR 61212, Nov. 10, 1999]

#### FOURTEENTH COAST GUARD DISTRICT

#### § 165.T14-069 Security Zones; Oahu, Maui, Hawaii, and Kauai, HI.

(a) *Location.* The following areas are security zones:

(1) All waters of Honolulu Harbor and entrance channel, Keehi Lagoon, and General Anchorages A, B, C, and D as defined in 33 CFR 110.235 that are shoreward of the following coordinates: The shoreline at 21°17.68' N, 157°52.0' W; thence due south to 21°16.0' N, 157°52.0' W, thence due west to 21°16.0' N, 157°55.58' W, thence due north to Hono-

lulu International Airport Reef Runway at 21°18.25' N, 157°55.58' W.

(2) The waters around the Tesoro Single Point Mooring extending 1,000 yards in all directions from position 21°16.2' N, 158°05.3' W.

(3) The waters extending 1,000 yards in all directions around vessels moored at the Chevron Conventional Buoy Mooring at approximate position 21°16.7' N, 158°04.2' W.

(4) The Kahului Harbor and Entrance Channel, Maui, HI consisting of all waters shoreward of the COLREGS DEMARCATION line. (See 33 CFR 80.1460).

(5) All waters within the Nawiliwili Harbor, Kauai, HI shoreward of the COLREGS DEMARCATION line (See 33 CFR 80.1450).

(6) All waters of Port Allen Harbor, Kauai, HI shoreward of the COLREGS DEMARCATION line (See 33 CFR 80.1440).

(7) Hilo Harbor and Entrance Channel, Hawaii, HI consisting of all waters shoreward of the COLREGS DEMARCATION line (See 33 CFR 80.1480).

(8) The waters extending out 500 yards in all directions from cruise ship vessels anchored within 3 miles of:

(i) Lahaina Small Boat Harbor, Maui, between Makila Point and Puunoa Point.

(ii) Kailua-Kona Small Boat Harbor, Hawaii, between Keahululu Point and Puapuaa Point.

(9) All waters contained within the Barbers Point Harbor, Oahu, enclosed by a line drawn between Harbor Entrance Channel Light 6 and the jetty point day beacon at 21°19.5' N, 158°07.3' W.

(b) *Designated representative:* A designated representative of the Captain of the Port is any Coast Guard commissioned officer, warrant or petty officer that has been authorized by the Captain of the Port Honolulu to act on his behalf. The following officers have or will be designated by the Captain of the Port Honolulu: The senior Coast Guard boarding officer on each vessel enforcing the security zone.

(c) *Regulations.* (1) In accordance with §165.33, entry into these zones is prohibited unless authorized by the Coast Guard Captain of the Port, Honolulu or his designated representatives. Section

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165.33 also contains other general requirements.

(2) The existence or status of the temporary security zones in this section will be announced periodically by Broadcast Notice to Mariners.

(3) Persons desiring to transit the areas of the security zones may contact the Captain of the Port at command center telephone number (808) 541-2477 or on VHF channel 16 (156.8 Mhz) to seek permission to transit the area. If permission is granted, all persons and vessels shall comply with the instructions of the Captain of the Port or his designated representatives.

(d) *Authority.* In addition to 33 U.S.C. 1231, the authority for this section is 33 U.S.C. 1226; 49 CFR 1.46.

(e) *Effective dates.* This section is effective from 6 a.m. HST April 19, 2002, until 4 p.m. HST October 19, 2002.

[COTP Honolulu 02-001, 67 FR 20909, Apr. 29, 2002]

EFFECTIVE DATE NOTE: By COTP Honolulu 02-001, 67 FR 20909, Apr. 29, 2002, § 165.14-069 was added, effective from 6 a.m. HST Apr. 19, 2002, until 4 p.m. HST Oct. 19, 2002.

**§ 165.1401 Apra Harbor, Guam—safety zones.**

(a) The following is designated as Safety Zone A—The waters of the Pacific Ocean and Apra Outer Harbor encompassed within an arc of 725 yards radius centered at the center of Wharf H. (Located at 13°27'47"N and 144°39'01.9"E. Based on World Geodetic System 1984 Datum)

(b) The following is designated Safety Zone B—The waters of Apra Outer Harbor encompassed within an arc of 680 yards radius centered at the center of Naval Wharf Kilo. (Located at 13°26'43"N, 144°37'46.7"E. Based on World Geodetic system 1984 Datum)

(c) Special regulations. (1) Section 165.23 does not apply to Safety Zone A and/or Safety Zone B, except when Wharf H and/or Naval Wharf Kilo, or a vessel berthed at Wharf H and/or Naval Wharf Kilo, is displaying a red (BRAVO) flag by day or a red light by night.

(2) In accordance with the general regulations in 165.23 of this part, entry into these zones is prohibited unless

authorized by the Captain of the Port, Guam.

[COTP Guam Reg. 89-001, 55 FR 18725, May 4, 1990]

**§ 165.1402 Apra Outer Harbor, Guam—regulated navigation area.**

(a) The following is a regulated navigation area—The waters of the Pacific Ocean and Apra Outer Harbor enclosed by a line beginning at latitude 13°26'47"N, longitude 144°35'07"E; thence to Spanish Rocks at latitude 13°27'09.5"N, longitude 144°37'20.6"E; thence along the shoreline of Apra Outer Harbor to latitude 13°26'28.1"N, longitude 144°39'52.5"E (the northwest corner of Polaris Point); thence to latitude 13°26'40.2"N, longitude 144°39'28.1"E; thence to latitude 13°26'32.1"N, longitude 144°39'02.8"E; thence along the shoreline of Apra Outer Harbor to Orote Point at latitude 13°26'42"N, longitude 144°36'58.5"E; thence to the beginning. (Based on WGS 84 Datum)

(b) Regulations:

(1) Except for public vessels of the United States, vessels may not enter Apra Outer Harbor without permission of the Captain of the Port if they have on board more than 25 tons of high explosives.

(2) Except for vessels not more than 65 feet in length, towboats or tugs without tows, no vessel may pass another vessel in the vicinity of the Outer Harbor entrance.

(3) Vessels over 100 gross tons shall:

(i) Steady on the entrance range at least 2 miles west of the entrance when approaching Apra Outer Harbor and;

(ii) [Reserved]

(iii) Steady on the range when departing Apra Outer Harbor.

(4) Vessels may not anchor in the fairway. The fairway is the area within 375 feet on either side of a line beginning at latitude 13°26'47"N, longitude 144°35'07"E; thence to latitude 13°27'14.1"N, longitude 144°39'14.4"E; thence to latitude 13°26'35.2"N, longitude 144°39'46.4"E; thence to latitude 13°26'30.8"N, longitude 144°39'44.4"E. (Based on WGS 84 Datum)

(5) Vessels over 100 gross tons may not proceed at a speed exceeding 12 knots within the harbor.

(6) No vessel may leave Apra Outer Harbor until any inbound vessel over 65

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feet in length has cleared the Outer Harbor Entrance.

[CGD 79-034, 47 FR 29660, July 8, 1982, as amended by CGD 96-026, 61 FR 33669, June 28, 1996; USCG-1998-3799, 63 FR 35533, June 30, 1998]

**§ 165.1403 Security Zone: Tinian, Commonwealth Northern Marianas Islands.**

(a) *Location.* The following is designated as a security zone: The waters of the Pacific Ocean off Tinian between 14°59'04.9" N, 145°34'58.6" E to 14°59'20.1" N, 145°35'41.5" E to 14°59'09.8" N, 145°36'02.1" E to 14°57'49.3" N, 145°36'28.7" E to 14°57'29.1" N, 145°35'31.1" E and back to 14°59'04.9" N, 145°34'58.6" E. This zone is in effect when one, or more, of the Maritime Preposition Ships is in the zone or moored at Mooring A located at 14°58'57.0" N and 145°35'40.8" E or Mooring B located at 14°58'15.9" N, 145°35'54.8" E. Additionally, a 50-yard security zone will remain in effect in all directions around Moorings A and B when no vessels are moored thereto.

NOTE: All positions of latitude and longitude are from International Spheroid, Astro Pier 1944 (Saipan) Datum (NOAA Chart 81071).

(b) *Regulations.* (1) In accordance with general regulations in §165.33 of this part, entry into this security zone is prohibited unless authorized by the Captain of the Port.

[COTP Honolulu Reg. 86-08, 51 FR 42220, Nov. 24, 1986, as amended by USCG-2001-9286, 66 FR 33642, June 25, 2001]

**§ 165.1404 Apra Harbor, Guam—security zone.**

(a) The following is designated as Security Zone C—The waters of Apra Outer Harbor, Guam surrounding Naval Mooring Buoy No. 702 (Located at 13°27'30.1"N and 144°38'12.9"E. Based on World Geodetic System 1984 Datum) and the Maritime Prepositioning ships moored thereto. The security zone will extend 100 yards in all directions around the vessel and its mooring. Additionally, a 50 yard security zone will remain in effect in all directions around buoy No. 702 when no vessel is moored thereto.

(b) In accordance with the general regulations in §165.33 of this part, entry into Security Zone C is prohib-

ited unless authorized by the Captain of the Port, Guam.

[COTP Guam Reg. 89-001, 55 FR 18725, May 4, 1990]

**§ 165.1406 Safety Zone: Pacific Missile Range Facility (PMRF), Barking Sands, Island of Kauai, Hawaii.**

(a) *Location.* The following area is established as a safety zone during launch operations at PMRF, Kauai, Hawaii: The waters bounded by the following coordinates: (22°01.2'N, 159°47.3'W), (22°01.2'N, 159°50.7'W), (22°06.3'N, 159°50.7'W), (22°06.3'N, 159°44.8'W). (Datum: OHD)

(b) *Activation.* The above safety zone will be activated during launch operations at PMRF, Kauai, Hawaii. The Coast Guard will provide notice that the safety zone will be activated through published and broadcast local notice to mariners prior to scheduled launch dates.

(c) *Regulation.* The area described in paragraph (a) of this section will be closed to all vessels and persons, except those vessels and persons authorized by the Commander, Fourteenth Coast Guard District, or the Captain of the Port (COTP) Honolulu, Hawaii, whenever Strategic Target System (STARS) vehicles are to be launched by the United States Government from the PMRF, Barking Sands, Kauai, Hawaii.

(d) The general regulations governing safety zones contained in 33 CFR 165.23 apply.

[CGD14 92-05, 57 FR 54508, Nov. 19, 1992, as amended by CGD 96-026, 61 FR 33669, June 28, 1996]

**SEVENTEENTH COAST GUARD DISTRICT**

**§ 165.117-009 Port Valdez and Valdez Narrows, Valdez, Alaska—security zone.**

(a) *Trans-Alaska Pipeline System (TAPS) Valdez Terminal complex (Terminal), Valdez, Alaska and TAPS Tank Vessels.* (1) The following is a security zone: the enclosed waters within a line beginning on the southern shoreline of Port Valdez at 61°04'57" N, 146°26'20" W; thence northerly to 61°06'24" N, 146°26'20" W; thence east to 61°06'24" N, 146°21'15" W; thence south to 61°05'07" N, 146°21'15" W; thence west along the shoreline and including the area 2000 yards inland

along the shoreline to the starting point at 61°04'57" N, 146°26'20" W. This security zone encompasses all waters approximately one mile north, east and west of the TAPS Terminal between Allison Creek (61°05'07" N, 146°21'15" W) and Sawmill Spit (61°04'57" N, 146°26'20" W).

(2) The following is a security zone: all waters within 200 yards of the shore and offshore facilities of the TAPS Terminal between Allison Creek (61°05'07" N, 146°21'15" W) and Sawmill Spit (61°04'57" N, 146°26'20" W).

(3) The following is a security zone: the waters within 200 yards of any TAPS tank vessel maneuvering to approach, moor, unmoor or depart the TAPS Terminal or is transiting, maneuvering, laying to or anchored within the boundaries of the Captain of the Port Zone, Prince William Sound described in 33 CFR 3.85-20(b).

(b) *Valdez Narrows, Port Valdez, Valdez, Alaska.* (1) The following is a security zone: all waters within 200 yards of the Valdez Narrows Tanker Optimum Track line bounded by a line beginning at 61°05'16.0" N, 146°37'20.0" W; thence south west to 61°04'00.0" N, 146°39'52.0" W; thence southerly to 61°02'33.5" N, 146°41'28.0" W; thence north west to 61°02'40.5" N, 146°41'47.5" W; thence north east to 61°04'06.0" N, 146°40'14.5" W; thence north east to 61°05'23.0" N, 146°37'40.0" W; thence south east back to the starting point at 61°05'16.0" N, 146°37'20.0" W.

(2) Valdez Narrows Tanker Optimum Track line is a line commencing at 61°05'23.0" N, 146°37'22.5" W; thence south westerly to 61°04'03.2" N, 146°40'03.2" W thence southerly to 61°03'00" N, 146°41'12" W.

(3) This security zone encompasses all waters approximately 200 yards either side of the Valdez Narrows Optimum Track line.

(c) *Effective dates.* This section is effective from 8 a.m. April 1, 2002 until July 30, 2002.

(d) *Authority.* In addition to 33 U.S.C. 1231 and 49 CFR 1.46, the authority for this section includes 33 U.S.C. 1226.

(e) *Regulations.* (1) The general regulations governing security zones contained in 33 CFR 165.33 apply.

(2) Tank vessels transiting directly to the TAPS terminal complex, en-

gaged in the movement of oil from the terminal or fuel to the terminal, and vessels used to provide assistance or support to the tank vessels directly transiting to the terminal, or to the terminal itself, and that have reported their movements to the Vessel Traffic Service may operate as necessary to ensure safe passage of tank vessels to and from the terminal. All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port and the designated on-scene patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a vessel displaying a U.S. Coast Guard ensign by siren, radio, flashing light, or other means, the operator of the vessel shall proceed as directed. Coast Guard Auxiliary and local or state agencies may be present to inform vessel operators of the requirements of this section and other applicable laws.

[COTP Prince William Sound 02-009, 67 FR 38390, June 4, 2002]

EFFECTIVE DATE NOTE: By COTP Prince William Sound 02-009, 67 FR 38390, June 4, 2002, §165.T17-009 was added effective from 8 a.m. April 1, 2002 until July 30, 2002.

**§ 165.T17-010 Security Zone: Liquefied Natural Gas (LNG) Tanker Transits and Operations at Phillips Petroleum LNG Pier, Cook Inlet, Alaska.**

(a) *Location.* The following areas are security zones: All navigable waters within a 1000-yard radius of liquefied natural gas (LNG) tankers while moored at Phillips Petroleum LNG Pier, 60°40'43" N and 151°24'10" W and all navigable waters within a 1000-yard radius of the tankers during their outbound and inbound transits through Cook Inlet, Alaska between Homer Pilot Station at 59°34'86" N and 15°25'74" W and Phillips Petroleum LNG Pier.

(b) *Effective period.* This section is effective from 12:01 a.m. April 30, 2002, until 12:01 a.m. July 6, 2002.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.33 apply.

(2) All persons and vessels shall comply with the instructions of the Captain of the Port representative or the designated on-scene patrol personnel.

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These personnel are comprised of commissioned, warrant, and petty officers of the U.S. Coast Guard. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

[COTP Western Alaska-02-007, 67 FR 20445, Apr. 25, 2002]

EFFECTIVE DATE NOTE: By COTP Western Alaska-02-007, 67 FR 20445, Apr. 25, 2002, §165.1704-010 was added, effective from 12:01 a.m. Apr. 30, 2002, until 12:01 a.m. July 6, 2002.

### § 165.1701 Port Valdez, Valdez, Alaska—safety zone.

The waters within the following boundaries are a safety zone—The area within 200 yards of any waterfront facility at the Trans-Alaska Pipeline Valdez Terminal complex or vessels moored or anchored at the Trans-Alaska Pipeline Valdez Terminal complex and the area within 200 yards of any tank vessel maneuvering to approach, moor, unmoor, or depart the Trans-Alaska Pipeline Valdez Terminal complex.

### § 165.1702 Gastineau Channel, Juneau, Alaska—safety zone.

(a) The waters within the following boundaries are a safety zone: A line beginning at the Standard Oil Company Pier West Light (LLNR 3217), located at position 58°17.9'N, 134°24.8'W, in the direction of 140° True to Rock Dump Lighted Buoy 2A (LLNR 3213) at position 58°17.2'N, 134°23.8'W; thence in the direction of 003° True to a point at position 58°17.4'N, 134°23.7'W, on the north shore of Gastineau Channel; thence northwesterly along the north shore of Gastineau Channel to the point of origin.

(b) Special Regulations:

(1) All vessels may transit or navigate within the safety zone.

(2) No vessels, other than a large passenger vessel (including cruise ships and ferries) may anchor within the Safety zone without the express consent from the Captain of the Port, Southeast Alaska.

[CGD 79-034, 47 FR 29660, July 8, 1982, as amended by CGD 79-026, 48 FR 35408, Aug. 4, 1983]

### § 165.1703 Ammunition Island, Port Valdez, Alaska.

(a) The waters within the following boundaries is a safety zone—the area within 1330 yards of Ammunition Island, latitude 61°07'5"N, longitude 146°18'W, and the vessel moored or anchored at Ammunition Island.

(b) The area 200 yards off the vessel navigating the Vessel Traffic system from abeam of Naked Island, maneuvering to approach, moor, unmoor at Ammunition Island, or the departure of the vessel from Ammunition Island.

(c) *Special regulation.* (1) Section 165.23 does not apply to paragraph (a) of this section, except when the vessel is moored to Ammunition Island.

(d) Effective August 25, 1987 Notice of vessels arrival will be made in the Notice to Mariners, Local Notice to Mariners and in the Local Valdez newspaper, prior to the vessel arrival.

[52 FR 30671, Aug. 17, 1987, as amended by USCG-1998-3799, 63 FR 35533, June 30, 1998]

### § 165.1704 Prince William Sound, Alaska-regulated navigation area.

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

(b) Within the regulated navigation area described in paragraph (a) of this section, §161.60 of this chapter establishes a VTS Special Area for the waters of Valdez Arm, Valdez Narrows, and Port Valdez northeast of a line bearing 307° True from Tongue Point at 61°02'06" N., 146°40' W.; and southwest of a line bearing 307° True from Entrance Island Light at 61°05'06" N., 146°36'42" W.

(c) *Regulations.* In addition to the requirements set forth in §161.13 and §161.60(c) of this chapter, a tank vessel of 20,000 deadweight tons or more that intends to navigate within the regulated navigation area must:

(1) Report compliance with part 164 of this chapter, to the Vessel Traffic Center (VTC);

(2) Have at least two radiotelephones capable of operating on the designated

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VTS frequency, one of which is capable of battery operation;

(3) When steady wind conditions in the VTS Special Area or Port Valdez exceed, or are anticipated to exceed 40 knots, proceed as directed by the VTC (entry into the VTS Special Area and Port Valdez is prohibited);

(4) When transiting the VTS Special Area, limit speed to 12 knots;

(5) If laden and intending to navigate the VTS Special Area, limit speed to 12 knots except between Middle Rock and Potato Point where the speed limit shall be 6 knots; and

(6) Not later than July 1, 1994, have an operating Automatic Identification System Shipborne Equipment (AISSE) system installed.

(i) The designated digital selective calling frequency (DSC) in Prince William Sound is 156.525MHz (VHF Channel 70).

(ii) AISSE equipped vessels will not be required to make voice radio position reports at designated reporting points required by §161.20(b), unless otherwise directed by the VTC.

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

(A) Notify the VTC;

(B) Make the required voice radio position reports as set forth in §161.60 and required by §161.20(b) of this chapter;

(C) Make other voice radio reports as required by the VTS; and

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

(iv) Whenever a vessel's AISSE becomes non-operational due to a loss of position correction information (i.e., the U.S. Coast Guard dGPS system cannot provide the required error correction messages) a vessel must:

(A) Make the required voice radio position reports as set forth in §161.60 and required by §161.20(b) of this chapter; and

(B) Make other voice radio reports as required by the VTS.

(v) Whenever a vessel's AISSE becomes non-operational before getting underway in the VTS area, permission to get underway must be obtained from the VTC.

NOTE: Regulations pertaining to Automatic Identification System Shipborne Equipment (AISSE) required capabilities are set forth in Part 164 of this chapter.

[CGD 90-020, 59 FR 36335, July 15, 1994, as amended by CGD 95-033, 60 FR 28333, May 31, 1995; CGD 97-023, 62 FR 33365, June 19, 1997; USCG-1998-3799, 63 FR 35533, June 30, 1998]

**§ 165.1706 Gastineau Channel, Juneau, Alaska—Safety Zone.**

(a) *Location.* The following area is a safety zone: the waters in Juneau Harbor within a 300 yard radius of the vessel or waterfront facility located at 58°17'41" N, 134°24'22" W used to conduct fireworks displays.

(b) *Effective date.* The safety zone becomes effective on July 3 each year at 10 p.m. ADT. It terminates at the conclusion of the fireworks display at approximately 2:30 a.m. ADT on July 5 each year, unless sooner terminated by the Captain of the Port. If the fireworks display is postponed because of inclement weather, the date and duration of the safety zone will be announced in the Local Notices to Mariners.

(c) *Regulation.* In accordance with the general regulations in §165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port, Southeast Alaska.

[59 FR 31934, June 21, 1994, as amended by COTP Southeast Alaska 00-018, 65 FR 81363, Dec. 26, 2000]

**§ 165.1708 Tongass Narrows, Ketchikan, Alaska—Safety Zone.**

(a) *Location.* The following area is a safety zone: the waters in Tongass Narrows within a 300 yard radius of the barge located at 55°20'32" N, 131°39'40" W used to conduct fireworks displays.

(b) *Effective date.* The safety zone becomes effective on July 3 each year at 10 p.m. ADT. It terminates at the conclusion of the fireworks display at approximately 2:30 a.m. ADT on July 5 each year, unless sooner terminated by the Captain of the Port. If the fireworks display is postponed because of inclement weather, the date and duration of the safety zone will be announced in the Local Notices to Mariners.

(c) *Regulation.* In accordance with the general regulations in §165.23 of this

part, entry into this zone is prohibited unless authorized by the Captain of the Port, Southeast Alaska.

[59 FR 31933, June 21, 1994, as amended at 65 FR 81362, Dec. 26, 2000]

**§ 165.1709 Security Zones: Liquefied Natural Gas Tanker Transits and Operations at Phillips Petroleum LNG Pier, Cook Inlet, AK.**

(a) *Location.* The following areas are established as security zones during the specified conditions:

(1) All navigable waters within a 1000-yard radius of the Liquefied Natural Gas (LNG) tankers during their inbound and outbound transits through Cook Inlet, Alaska between the Phillips Petroleum LNG Pier, 60°40'43"N and 151°24'10"W, and the Homer Pilot Station at 59°34'86"N and 151°25'74"W. On the inbound transit, this security zone remains in effect until the tanker is alongside the Phillips Petroleum LNG Pier, 60°40'43"N and 151°24'10"W.

(2) All navigable waters within a 1000-yard radius of the Liquefied Natural Gas tankers while they are moored at Phillips Petroleum LNG Pier, 60°40'43"N and 151°24'10"W.

(b) *Special Regulations.* (1) For the purpose of this section, the general regulations contained in 33 CFR 165.33 apply to all but the following vessels in the areas described in paragraph (a):

(i) Vessels scheduled to moor and off-load or load cargo at other Nikiski marine terminals that have provided the Coast Guard with an Advance Notice of Arrival.

(ii) Commercial fishing vessels, including drift net and set net vessels, fishing from the waters within the zone, if

(A) The owner of the vessel has previously requested approval from the Captain of the Port representative, Marine Safety Detachment Kenai, Alaska, to fish in the security zone and

(B) Has provided the Captain of the Port representative, Marine Safety Detachment Kenai, Alaska current information about the vessel, including:

(1) The name and/or the official number, if documented, or state number, if numbered by a state issuing authority;

(2) A brief description of the vessel, including length, color, and type of vessel;

(3) The name, Social Security number, current address, and telephone number of the vessel's master, operator or person in charge; and

(4) Upon request, information on the vessel's crew.

(C) A vessel owner or operator is required to submit the information one time, but shall provide the Captain of the Port representative updated information when any part of it changes.

(D) The Captain of the Port must approve a vessel's request prior to being allowed into the security zone at the Phillips Petroleum LNG Pier.

(E) The vessel is operated in compliance with any specific orders issued to the vessel by the Captain of the Port or other regulations controlling the operation of vessels within the security zone that may be in effect.

(2) All persons and vessels shall comply with the instructions of the Captain of the Port representative or the designated on-scene patrol personnel. These personnel are comprised of commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U. S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(3) The Marine Safety Detachment Kenai, Alaska will notify the maritime community of these security zones by publishing a Local Notice to Mariners and via a bimonthly marine Broadcast Notice to Mariners.

EFFECTIVE DATE NOTE: At 67 FR 44059, July 1, 2002, § 165.1709 was added, effective July 6, 2002, except for paragraph (b)(1)(ii) which contains information collection requirements and has not been approved by OMB.

**Subpart G—Protection of Naval Vessels**

AUTHORITY: 14 U.S.C. 91 and 633; 49 CFR 1.45.

SOURCE: LANT AREA-02-001, 67 FR 31960, May 13, 2002, unless otherwise noted.

**§ 165.2010 Purpose.**

This subpart establishes the geographic parameters of naval vessel protection zones surrounding U.S. naval vessels in the navigable waters of the

United States. This subpart also establishes when the U.S. Navy will take enforcement action in accordance with the statutory guidelines of 14 U.S.C. 91. Nothing in the rules and regulations contained in this subpart shall relieve any vessel, including U.S. naval vessels, from the observance of the Navigation Rules. The rules and regulations contained in this subpart supplement, but do not replace or supercede, any other regulation pertaining to the safety or security of U.S. naval vessels.

#### § 165.2015 Definitions.

The following definitions apply to this subpart:

*Atlantic Area* means that area described in 33 CFR 3.04-1 Atlantic Area.

*Large U.S. naval vessel* means any U.S. naval vessel greater than 100 feet in length overall.

*Naval defensive sea area* means those areas described in 32 CFR part 761.

*Naval vessel protection zone* is a 500-yard regulated area of water surrounding large U.S. naval vessels that is necessary to provide for the safety or security of these U.S. naval vessels.

*Navigable waters of the United States* means those waters defined as such in 33 CFR part 2.

*Navigation rules* means the Navigation Rules, International-Inland.

*Official patrol* means those personnel designated and supervised by a senior naval officer present in command and tasked to monitor a naval vessel protection zone, permit entry into the zone, give legally enforceable orders to persons or vessels within the zone, and take other actions authorized by the U.S. Navy.

*Pacific Area* means that area described in 33 CFR 3.04-3 Pacific Area.

*Restricted area* means those areas established by the Army Corps of Engineers and set out in 33 CFR part 334.

*Senior naval officer present in command* is, unless otherwise designated by competent authority, the senior line officer of the U.S. Navy on active duty, eligible for command at sea, who is present and in command of any part of the Department of Navy in the area.

*U.S. naval vessel* means any vessel owned, operated, chartered, or leased by the U.S. Navy; any pre-commissioned vessel under construction for

the U.S. Navy, once launched into the water; and any vessel under the operational control of the U.S. Navy or a Combatant Command.

*Vessel* means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, except U.S. Coast Guard or U.S. naval vessels.

#### § 165.2020 Enforcement authority.

(a) *Coast Guard*. Any Coast Guard commissioned, warrant or petty officer may enforce the rules and regulations contained in this subpart.

(b) *Senior naval officer present in command*. In the navigable waters of the United States, when immediate action is required and representatives of the Coast Guard are not present or not present in sufficient force to exercise effective control in the vicinity of large U.S. naval vessels, the senior naval officer present in command is responsible for the enforcement of the rules and regulations contained in this subpart to ensure the safety and security of all large naval vessels present. In meeting this responsibility, the senior naval officer present in command may directly assist any Coast Guard enforcement personnel who are present.

#### § 165.2025 Atlantic Area.

(a) This section applies to any vessel or person in the navigable waters of the United States within the boundaries of the U.S. Coast Guard Atlantic Area, which includes the First, Fifth, Seventh, Eighth and Ninth U.S. Coast Guard Districts.

NOTE TO § 165.2025 PARAGRAPH (a): The boundaries of the U.S. Coast Guard Atlantic Area and the First, Fifth, Seventh, Eighth and Ninth U.S. Coast Guard Districts are set out in 33 CFR part 3.

(b) A naval vessel protection zone exists around U.S. naval vessels greater than 100 feet in length overall at all times in the navigable waters of the United States, whether the large U.S. naval vessel is underway, anchored, moored, or within a floating drydock, except when the large naval vessel is moored or anchored within a restricted area or within a naval defensive sea area.

(c) The Navigation Rules shall apply at all times within a naval vessel protection zone.

(d) When within a naval vessel protection zone, all vessels shall operate at the minimum speed necessary to maintain a safe course, unless required to maintain speed by the Navigation Rules, and shall proceed as directed by the Coast Guard, the senior naval officer present in command, or the official patrol. When within a naval vessel protection zone, no vessel or person is allowed within 100 yards of a large U.S. naval vessel unless authorized by the Coast Guard, the senior naval officer present in command, or official patrol.

(e) To request authorization to operate within 100 yards of a large U.S. naval vessel, contact the Coast Guard, the senior naval officer present in command, or the official patrol on VHF-FM channel 16.

(f) When conditions permit, the Coast Guard, senior naval officer present in command, or the official patrol should:

(1) Give advance notice on VHF-FM channel 16 of all large U.S. naval vessel movements; and

(2) Permit vessels constrained by their navigational draft or restricted in their ability to maneuver to pass within 100 yards of a large U.S. naval vessel in order to ensure a safe passage in accordance with the Navigation Rules; and

(3) Permit commercial vessels anchored in a designated anchorage area to remain at anchor when within 100 yards of passing large U.S. naval vessels; and

(4) Permit vessels that must transit via a navigable channel or waterway to pass within 100 yards of a moored or anchored large U.S. naval vessel with minimal delay consistent with security.

NOTE TO §165.2025 PARAGRAPH (f): The listed actions are discretionary and do not create any additional right to appeal or otherwise dispute a decision of the Coast Guard, the senior naval officer present in command, or the official patrol.

#### § 165.2030 Pacific Area.

(a) This section applies to any vessel or person in the navigable waters of the United States within the boundaries of the U.S. Coast Guard Pacific

Area, which includes the Eleventh, Thirteenth, Fourteenth, and Seventeenth U.S. Coast Guard Districts.

NOTE TO PARAGRAPH (a): The boundaries of the U.S. Coast Guard Pacific Area and the Eleventh, Thirteenth, Fourteenth, and Seventeenth U.S. Coast Guard Districts are set out in 33 CFR part 3.

(b) A naval vessel protection zone exists around U.S. naval vessels greater than 100 feet in length overall at all times in the navigable waters of the United States, whether the large U.S. naval vessel is underway, anchored, moored, or within a floating dry dock, except when the large naval vessel is moored or anchored within a restricted area or within a naval defensive sea area.

(c) The Navigation Rules shall apply at all times within a naval vessel protection zone.

(d) When within a naval vessel protection zone, all vessels shall operate at the minimum speed necessary to maintain a safe course, unless required to maintain speed by the Navigation Rules, and shall proceed as directed by the Coast Guard, the senior naval officer present in command, or the official patrol. When within a naval vessel protection zone, no vessel or person is allowed within 100 yards of a large U.S. naval vessel unless authorized by the Coast Guard, the senior naval officer present in command, or official patrol.

(e) To request authorization to operate within 100 yards of a large U.S. naval vessel, contact the Coast Guard, the senior naval officer present in command, or the official patrol on VHF-FM channel 16.

(f) When conditions permit, the Coast Guard, senior naval officer present in command, or the official patrol should:

(1) Give advance notice on VHF-FM channel 16 of all large U.S. naval vessel movements;

(2) Permit vessels constrained by their navigational draft or restricted in their ability to maneuver to pass within 100 yards of a large U.S. naval vessel in order to ensure a safe passage in accordance with the Navigation Rules; and

(3) Permit commercial vessels anchored in a designated anchorage area to remain at anchor when within 100 yards of passing large U.S. naval vessels; and

(4) Permit vessels that must transit via a navigable channel or waterway to pass within 100 yards of a moored or anchored large U.S. naval vessel with minimal delay consistent with security.

NOTE TO PARAGRAPH (f): The listed actions are discretionary and do not create any additional right to appeal or otherwise dispute a decision of the Coast Guard, the senior naval officer present in command, or the official patrol.

[PAC AREA-02-001, 67 FR 38394, June 4, 2002]

## PART 166—SHIPPING SAFETY FAIRWAYS

### Subpart A—General

Sec.

- 166.100 Purpose.
- 166.103 Geographic coordinates.
- 166.105 Definitions.
- 166.110 Modification of areas.

### Subpart B—Designations of Fairways and Fairway Anchorages

- 166.200 Shipping safety fairways and anchorage areas, Gulf of Mexico.
- 166.300 Areas along the coast of California.
- 166.400 Areas along the coast of Alaska.
- 166.500 Areas along the Atlantic Coast.

AUTHORITY: 33 U.S.C. 1223; 49 CFR 1.46.

### Subpart A—General

#### § 166.100 Purpose.

The purpose of these regulations is to establish and designate shipping safety fairways and fairway anchorages to provide unobstructed approaches for vessels using U.S. ports.

[CGD 81-80a, 48 FR 30110, June 30, 1983]

#### § 166.103 Geographic coordinates.

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

on the particular map or chart being used.

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

#### § 166.105 Definitions.

(a) *Shipping safety fairway* or *fairway* means a lane or corridor in which no artificial island or fixed structure, whether temporary or permanent, will be permitted. Temporary underwater obstacles may be permitted under certain conditions described for specific areas in Subpart B. Aids to navigation approved by the U.S. Coast Guard may be established in a fairway.

(b) *Fairway anchorage* means an anchorage area contiguous to and associated with a fairway, in which fixed structures may be permitted within certain spacing limitations, as described for specific areas in Subpart B.

[CGD 81-80a, 48 FR 30110, June 30, 1983]

#### § 166.110 Modification of areas.

Fairways and fairway anchorages are subject to modification in accordance with 33 U.S.C. 1223(c); 92 Stat. 1473.

[CGD 81-80a, 48 FR 30110, June 30, 1983]

### Subpart B—Designations of Fairways and Fairway Anchorages

#### § 166.200 Shipping safety fairways and anchorage areas, Gulf of Mexico.

(a) *Purpose.* Fairways and anchorage areas as described in this section are established to control the erection of structures therein to provide safe approaches through oil fields in the Gulf of Mexico to entrances to the major ports along the Gulf Coast.

(b) *Special Conditions for Fairways in the Gulf of Mexico.* Temporary anchors and attendant cables or chains attached to floating or semisubmersible drilling rigs outside a fairway may be placed within a fairway described in this section for the Gulf of Mexico, provide the following conditions are met:

(1) Anchors installed within fairways to stabilize semisubmersible drilling rigs shall be allowed to remain 120 days. This period may be extended by the Army Corps of Engineers, as provided by § 209.135(b).