Navigation Regulations

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

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

Title 33 (33 CFR): Navigation and Navigable Waters)

(3) Part 26, Vessel Bridge-to-Bridge Radiotelephone Regulations

(4) Part 67, Aids to Navigation on Artificial Islands and Fixed Structures (in part)

(5) Part 70, Interference with or Damage to Aids to Navigation

(6) Part 80, COLREGS Demarcation Lines

(7) Part 110, Anchorage Regulations

(8) Part 157, Rules for the Protection of the Marine Environment relating to Tank Vessels Carrying Oil in Bulk

(9) Part 160, Ports and Waterways Safety-General

(10) Part 161, Vessel Traffic Management

(11) Part 162, Inland Waterways Navigation Regulations

(12) Part 164, Navigation Safety Regulations (in part)

(13) Part 165, Regulated Navigation Areas and Limited Access Areas

(14) Part 166, Shipping Safety Fairways

(15) Part 167, Offshore Traffic Separation Schemes

(16) Part 168, Escort Requirements for Certain Tankers

(17) Part 169, Ship Reporting Systems

(18) Part 334, Danger Zones and Restricted Area Regulations

Title 40 (40 CFR): Protection of Environment

(19) Part 140, Marine Sanitation Device Standard

Title 50 (50 CFR): Wildlife and Fisheries

(20) Part 216, Regulations Governing the Taking and Importing of Marine Mammals

(21) Part 223, Threatened Marine and Anadromous Species

(22) Part 224, Endangered Marine and Anadromous Species (in part)

(23) Part 226, Designated Critical Habitat

Note

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

(25) **U.S. Coast Guard:** (33 CFR 26, 67, 80, 110, 157, 160, 161, 162, 164, 165, 166, 167, and 168);

(26) **U.S. Army Corps of Engineers:** (33 CFR 334);

(27) **National Marine Fisheries Service, National Oceanic and Atmospheric Administration:** (50 CFR 223 and 224).

TITLE 33–NAVIGATION AND NAVIGABLE WATERS

Part 26–Vessel Bridge-to-Bridge Radiotelephone Regulations

§26.01 Purpose.

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

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

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

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

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

§26.02 Definitions.

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

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

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

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

(37) Secretary means the Secretary of the Department in which the Coast Guard is operating;

(38) Territorial sea means all waters as defined in §2.22(a)(1) of this chapter.

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

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

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

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

§26.03 Radiotelephone required.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§26.04 Use of the designated frequency.

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

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

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

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

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

§26.05 Use of radiotelephone.

(62) Section 5 of the Act states that the radiotelephone required by this Act is for the exclusive use of the master or person in charge of the vessel, or the person designated by the master or person in charge to pilot or direct the movement of the vessel, who shall maintain

a listening watch on the designated frequency. Nothing herein shall be interpreted as precluding the use of portable radiotelephone equipment to satisfy the requirements of this act.

§26.06 Maintenance of radiotelephone; failure of radiotelephone. Section 6 of the Act states–

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

§26.07 Communications.

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

§26.08 Exemption procedures.

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

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

(67) (c) Each petition must be submitted in writing to U.S. Coast Guard, Marine Safety, Security and Environmental Protection, (CG-5), 2100 2nd St. SW, Stop 7355, Washington, DC 20593-7355, and must state:

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

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

§26.09 List of exemptions.

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

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

Part 67–Aids to Navigation on Artificial Islands and Fixed Structures (in part)

Subpart 67.01–General Requirements

§67.01–1 Scope.

(72) (a) The regulations in this part prescribe the obstruction lights and fog signals to be operated as privately maintained maritime aids to navigation on the artificial islands and structures which are erected on or over the seabed and subsoil of the Outer Continental Shelf and in the waters under the jurisdiction of the United States, for the purpose of exploring for, developing, removing and transporting resource therefrom.

(73) (b) Subpart 66.01 in Part 66 of this subchapter shall be applicable to all private aids to navigation erected on or over the Outer Continental Shelf in the same manner and to the same extent as they are applicable to private aids to navigation established, erected, or maintained in the waters under the jurisdiction of the United States.

§67.01–5 Definitions.

(74) (a) Structures. The term "structures" as used in this part shall include all fixed structures, temporary or permanent, for which a Corps of Engineers' permit is issued. It shall include, but is not necessarily limited to, all drilling platforms, production platforms, quarters platforms, pipe line riser platforms, manifold platforms, loading platforms, boat landings, caissons, well protective structures, tank battery barges submerged on station, drilling barges submerged on location, breakwater barges submerged on location, artificial islands and all other piles, pile clusters, pipes, or structures erected in the waters.

(75) (b) Class "A", "B", or "C" structures. The term "Class A, B, or C structures" refers to the classification assigned to structures erected in areas in which corresponding requirements for marking are prescribed.

(76) (c) Line of demarcation. The term "line of demarcation" means the dividing line used administratively to distinguish between the areas in which structures shall conform to Class "A" and Class "B" or "C" requirements.

(77) (d) Outer Continental Shelf. The term "Outer Continental Shelf" means all submerged lands lying

seaward and outside the area of lands beneath navigable waters as defined in the Submerged Lands Act (sec. 2, 67 Stat. 29, 43 U. S. C. 1301), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

(78) (e) Reliable operation. The term "reliable" as used in this part shall mean that dependability which will insure to the highest degree reasonably possible the uninterrupted operation of lights and fog signals as private aids to navigation for safety of marine commerce.

(79) (f) Sound signal. The term "sound signal" as used in this shall mean the audible sound signal, authorized as a private aid to navigation, to mark a structure for the safety of marine commerce whenever the visibility has been reduced by fog, mist, rain, falling snow, smoke, dust, or other phenomena.

§67.01–10 Delegation of functions.

(80) The Coast Guard District Commander may delegate the authority for performing inspections, enforcement, and administration of regulations to any civilian or military position in the Coast Guard.

§67.01–15 Classification of structures.

(81) (a) When will structures be assigned to a Class? The District Commander will assign structures to Class A, B, or C as part of processing an application for a permit to establish and operate lights and sound signals.

(82) (b) In general, where will the different classes of structures be located? Specific criteria in paragraph (c) of this section may create exceptions, but, in general, structures the farthest from shore are likely to be assigned to Class A and required to have obstruction lights and sound signals that can be detected from the farthest distance. Structures closest to shore are likely to be assigned to Class C and, while subject to requirements to ensure that they are also detectable from a safe distance away, will be required to have the least powerful obstruction lights or sound signals. The location and standards for Class B structures will generally be in between Class A and C structures.

(83) (c) What criteria will be used to classify structures? When assigning a structure to a class, the District Commander will take into consideration whether a line of demarcation has been prescribed, and matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located, the proximity of the structure to vessel routes, the nature and amount of vessel traffic, and the effect of background lighting.

(84) (1) If a line of demarcation has been prescribed, the District Commander will assign those structures seaward of the line of demarcation to Class A. He or she will assign all structures shoreward of the line of demarcation to either Class B or Class C, unless the District Commander determines under §67.05-25 that the structure should be assigned to Class A because of the structure's proximity to a navigable channel, fairway or line of demarcation.

(85) (2) If a line of demarcation has not been prescribed, the District Commander will assign a structure to Class A, B, or C as he or she deems appropriate.

§67.01–20 Prescribing lines of demarcation.

(86) The District Commander sends recommendations for establishing or changing lines of demarcation to the Commandant. For the purposes of this part, when the Commandant approves of additions to or changes in prescribed lines of demarcation, such additions or changes will be published in the FEDERAL REGISTER and will become effective on the date specified in that publication.

§67.01–30 Equivalents.

(87) The use of alternate equipment, apparatus, or installation arrangements specified in this part may be permitted by the District Commander to such extent and under such conditions as will result in achieving a degree of safety or compliance with these regulations equivalent to or above the minimum requirements set forth in this part.

Subpart 67.05–General Requirements for Lights

§67.05–1 Arrangement of obstruction lights.

(88) (a) Structures having a maximum horizontal dimension of 30 feet or less on any one side, or in diameter, shall be required to have one obstruction light visible for 360°.

(89) (b) Structures having a maximum horizontal dimension of over 30 feet, but not in excess of 50 feet, on any one side, or in diameter, shall be required to have two obstruction lights installed on diagonally opposite corners, 180° apart, or as prescribed by the District Commander, each light to have a 360° lens.

(90) (c) Structures having a horizontal dimension of over 50 feet on any one side, or in diameter, shall be required to have an obstruction light on each corner, or 90° apart in the case of circular structures, or as prescribed by the District Commander, each light to have a 360° lens.

(91) (d) Where the overall dimensions of a structure require the installation of two or more obstruction lights, the lights shall all be mounted on the same horizontal plane within the limitations of height specified in §67.20–5, §67.25–5, or §67.30–5, as applicable.

(92) (e) Lesser structures and piles, pile clusters or flare templates, etc., will not normally be required to be marked by obstruction lights, when they are located within 100 yards of a Class "A", "B" or "C" structure marked by established obstruction lights, but they shall

be marked with red or white retro-reflective material, installed as prescribed by the District Commander.

(93) (f) All obstruction lights shall be installed in a manner which will permit at least one of them to be carried in sight of the mariner, regardless of the angle of approach, until he is within 50 feet of the structure visibility permitting.

§67.05–5 Multiple obstruction lights.

(94) When more than one obstruction light is required by this part to mark a structure, all such lights shall be operated to flash in unison.

§67.05–10 Characteristics of obstruction lights.

(95) All obstruction lights required by this part shall be powered from a reliable power source, including auxiliary power sources as necessary. They shall display a quick-flash characteristic of approximately 60 flashes per minute, unless prescribed otherwise in the permit issued by the District Commander. Their color shall be white when marking Class "A" and "B" structures, and either white or red, as prescribed by the District Commander, when marking Class "C" structures. In determining whether white or red lights shall be authorized, the District Commander shall take into consideration matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located; the proximity of the structure to vessel routes; the nature and amount of vessel traffic; and the effect of background lighting.

§67.05–15 Operating periods of obstruction lights.

(96) Obstruction lights shall be displayed at all times between the hours of sunset and sunrise, local time, commencing at the time the construction of a structure is begun. During construction and until such time as a platform capable of supporting the obstruction lights is completed, the fixed lights on an attending vessel shall be used. In addition, when lights are in use for general illumination to facilitate the construction or operation of a structure, and can be seen from any angle of approach at a distance equal to that prescribed for the obstruction lights for the class of structure, the actual operation of obstruction lights also will not be required.

§67.05–20 Minimum lighting requirements.

(97) The obstruction lighting requirements prescribed in this part are the minimum requirements only and shall not preclude the maintainer from making application for authorization to establish more lights, or lights of greater intensity than required to be visible at the distances prescribed: provided, that the prescribed characteristics of color and flash duration are adhered to.

§67.05–25 Special lighting requirements.

(98) Whenever a structure is erected in a position on or adjacent to the edges of navigable channels and fairways, or lines of demarcation, the District Commander is authorized to require the structure to be marked by the lights which in his judgment are necessary for the safety of marine commerce, and without regard to the fact that the structure may be located in an area in which either Class "B" or Class "C" requirements are otherwise applicable. The requirements for the lights in any of these cases, shall not exceed those established for structures in the Class "A" areas.

Subpart 67.10–General Requirements for Sound Signals

§67.10–1 Apparatus requirements.

(99) The sound signal required by §§67.20–10, 67.25–10, and 67.30–10 must:

(100) (a) Have its maximum intensity at a frequency between 100 and 1,100 Hertz;

(101) (b) Sound a 2-second blast every 20 seconds (2 seconds sound, 18 seconds silence) unless otherwise authorized by the District Commander;

(102) (c) Have the rated range required by §67.20–10, §67.25–10, or §67.30–10;

(103) (d) Have a height not exceeding 25 feet;

(104) (e) Have not more than eight sound sources;

(105) (f) Be approved by the Coast Guard under §67.10–15; and

(106) (g) Be permanently marked with:

(107) (l) The date of Coast Guard approval;

(108) (2) The manufacturer and date of manufacture;

(109) (3) A model designation;

(110) (4) The approved range; and

(111) (5) The power necessary to comply with the provisions of paragraph (c) of this section.

§67.10–5 Location requirements.

(112) The sound signal required by §§67.20–10, 67.25–10, and 67.30–10 must:

(113) (a) Be located on the structure so that the sound signal produced is audible over 360° in a horizontal plane at all ranges up to and including the required range; and

(114) (b) Be located at least 10 feet but not more than 150 feet above mean high water.

§67.10–10 Operating requirements.

(115) (a) Sound signals required by §§67.20–10, 67.25–10 and 67.30–10 must be operated continuously, regardless of visibility, unless the sound signal is controlled:

(116) (1) By an attendant on the structure;

(117) (2) Remotely by an attendant on a nearby structure; or

(118) (3) By a fog detection device capable of activating the sound signal when the visibility in any direction is reduced to the rated range at which sound signal operation is required by this part.

(119) (b) During construction and until such time as a sound signal is installed and operating on a platform, the whistle of an attending vessel moored alongside the platform may be used to sound the signal required for the structure by this part.

§67.10–15 Approval of sound signals.

(120) (a) The Coast Guard approves a sound signal if:

(121) (1) It meets the requirements for sound signals in §67.10–1(a), (b), (c), (d), and (e) when tested under §67.10–20; or

(122) (2) It is similar to a sound signal which was tested and approved under the provisions of this section and the Coast Guard has approved all variations in design, construction, production, and manufacture from the sound signal tested.

(123) (b) A sound signal that is an identical production model of a sound signal which has been approved under paragraph (a) of this section is a Coast Guard approved sound signal.

Part 70–Interference with or Damage to Aids to Navigation

§70.05–10 Revocation of merchant mariner credential officer endorsement or license.

(124) Every master, pilot, and engineer, or person or persons acting in such capacity, respectively, on board any vessel who shall willfully injure or destroy an aid to navigation established or maintained by the United States shall be deemed guilty of violating the provisions of §70.05-1 and shall upon conviction be punished as provided in §70.05-5 and shall also have his merchant mariner credential officer endorsement or license revoked or suspended for a term to be fixed by the judge before whom tried and convicted.

§70.05–20 Report Required

(125) Whenever any vessel collides with an aid to navigation established and maintained by the United States or any private aid to navigation established or maintained in accordance with Part 64, 66, 67 or 68 of this subchapter, or is connected with any such collision, it shall be the duty of the person in charge of such vessel to report the accident to the nearest Officer in Charge, Marine Inspection, in accordance with 46 CFR 4.

Part 80–COLREGS Demarcation Lines

§80.01 General basis and purpose of demarcation lines.

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

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

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

§80.1705 Alaska

(129) The 72 COLREGS shall apply on all the sounds, bays, harbors, and inlets of Alaska.

Part 110.–Anchorage Regulations

§110.1 General.

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

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

(132) (c) All bearings in this part are referred to true meridian.

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

appropriate corrections that are published on the particular map or chart being used.

Subpart A–Special Anchorage Areas

(134) (None applicable to this Coast Pilot.)

Subpart B–Anchorage Grounds

§110.233 Prince William Sound, Alaska.

(135) (a) The anchorage grounds. In Prince William Sound, Alaska, beginning at a point at

(136) 60°40'00"N., 146°40'00"W.; thence south to

(137) 60°38'00"N., 146°40'00"W.; thence east to

(138) 60°38'00"N., 146°30'00"W.; thence north to

(139) 60°39'00"N., 146°30'00"W.; thence northwesterly to the beginning point.

(140) (b) The regulations. (1) This anchorage area is for the temporary use of vessels during:

(141) (i) Adverse weather or tidal conditions;

(142) (ii) Vessel equipment failure; or

(143) (iii) Delays at Port Valdez;

(144) (2) No vessel may anchor in this anchorage without notifying the vessel traffic center in Valdez; and

(145) (3) Each vessel anchored shall notify the vessel traffic center in Valdez when it weighs anchor.

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

Subpart A–General

§157.01 Applicability.

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

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

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

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

§157.02 Incorporation by reference.

(150) (a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in Paragraph (b) of this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER; and the material must be available to the public. All approved material is available for inspection at the U.S. Coast Guard, Office of Operating and Environmental Standards, (CG-522), 2100 2nd St. SW, Stop 7126, Washington, DC 20593-7126, and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. All approved material is available from the sources indicated in paragraph (b) of this section.

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

(152) International Maritime Organization (IMO), 4 Albert Embankment, London SE1 7SR, England. IMO Assembly Resolution A.601(15), Provision and Display of Manoeuvering Information on Board Ships, Annex Sections 1.1, 2.3, 3.1 and 3.2 with appendices, adopted on 19 November 1987 — **157.450**

(153) IMO Assembly Resolution A.744(18), Guidelines on the Enhanced Programme of Inspections During Surveys of Bulk Carriers and Oil Tankers, Annex B sections 1.1.3-1.1.4, 1.2-1.3, 2.1, 2.3-2.6, 3-8 and Annexes 1-10 with appendices, adopted 4 November 1993 — **157.430**

(154) IMO Assembly Resolution A.751(18), Interim Standards for Ship Manoeuvrability, Annex sections 1.2, 2.3-2.4, 3-4.2 and 5, adopted 4 November 1993 with Explanatory Notes in MSC/Circ. 644 dated 6 June 1994 — **157.445**

(155) Oil Companies International Marine Forum (OCIMF), 15th floor, 96 Victoria Street, London SW1E 5JW, England. International Safety Guide for Oil Tankers and Terminals, Fourth Edition, Chapters 6, 7 and 10, 1996 — **157.435**

§157.03 Definitions.

(156) Except as otherwise stated in a subpart:

(157) Amidships means the middle of the length.

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

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

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

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

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

(163) Clean ballast means ballast which:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(178) Foreign trade means any trade that is not domestic trade.

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

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

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

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

(183) Integrated tug barge means a tug and a tank barge with a mechanical system that allows the connection of the propulsion unit (the tug) to the stern of the cargo carrying unit (the tank barge) so that the two vessels function as a single self-propelled vessel.

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

(185) (1) Web frames.

(186) (2) Girders.

(187) (3) Webs.

(188) (4) Main brackets.

(189) (5) Transverses.

(190) (6) Stringers.

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

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

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

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

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

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

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

(198) (4) Otherwise so changes the vessel that it is essentially a new vessel, as determined by the Commandant (CG-543).

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

(200) New vessel means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(223) (1) Slops from bilges;

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

(225) (3) Oil residue; and

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

(227) Oil residue means–

(228) (1) Oil cargo residue; and

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

(230) Oil spill response vessel means a vessel that is exclusively dedicated to operations to prevent or mitigate environmental damage due to an actual or impending accidental oil spill. This includes a vessel that performs routine service as an escort for a tank vessel, but excludes a vessel that engages in any other commercial activity, such as the carriage of any type of cargo.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§157.04 Authorization of classification societies.

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

(249) (b) If a CS desires authorization to perform the plan reviews, certifications, and inspections required under this part, it must submit to the Commandant (CG-543), U.S. Coast Guard, 2100 2nd St. SW, Stop 7581, Washington, DC 20593-7581, evidence from the governments concerned showing that they have authorized the CS to inspect and certify vessels on their behalf under the MARPOL 73/78.

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

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

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

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

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

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

(256) (5) A copy of the final documentation that is issued to each vessel that is certified under this part must be referred to the Commandant (CG-543), U.S. Coast Guard, 2100 2nd St. SW, Stop 7581, Washington, DC 20593-7581.

Subpart B–Design, Equipment, and Installation

§157.08 Applicability of Subpart B.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(274) (4) Has undergone a major conversion for which:
(275) (i) The contract is awarded after June 1, 1979;
(276) (ii) In the absence of a contract, conversion is begun after January 1, 1980; or
(277) (iii) Conversion is completed after June 1, 1982.
(278) (k) Sections 157.09(b)(3), 157.10(c)(3), 157.10a(d)(3), and 157.10b(b)(3) do not apply to tank barges.
(279) (1) Section 157.10b does not apply to tank barges if they do not carry ballast while they are engaged in trade involving the transfer of crude oil from an offshore oil exploitation or production facility on the Outer Continental Shelf of the United States.
(280) (m) Section 157.12 does not apply to a U.S. vessel that:
(281) (1) Is granted an exemption under Subpart F of this part; or
(282) (2) Is engaged solely in voyages that are:
(283) (i) Between ports or places within the United States, its territories or possessions;
(284) (ii) Of less than 72 hours in length; and
(285) (iii) At all times within 50 nautical miles of the nearest land.
(286) (n) Section 157.10d does not apply to:
(287) (1) A vessel that operates exclusively beyond the navigable waters of the United States and the United States Exclusive Economic Zone, as defined in 33 U.S.C. 2701(8);
(288) (2) An oil spill response vessel;
(289) (3) Before January 1, 2015–
(290) (i) A vessel unloading oil in bulk as cargo at a deepwater port licensed under the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.); or
(291) (ii) A delivering vessel that is offloading oil in bulk as cargo in lightering activities–
(292) (A) Within a lightering zone established under 46 U.S.C. 3715(b)(5); and
(293) (B) More than 60 miles from the territorial sea base line, as defined in 33 CFR 2.20.
(294) (4) A vessel documented under 46 U.S.C., Chapter 121, that was equipped with a double hull before August 12, 1992;
(295) (5) A barge of less than 1,500 gross tons as measured under 46 U.S.C., Chapter 145, carrying refined petroleum in bulk as cargo in or adjacent to waters of the Bering Sea, Chukchi Sea, and Arctic Ocean and waters tributary thereto and in the waters of the Aleutian Islands and the Alaskan Peninsula west of 155 degrees west longitude; or
(296) (6) A vessel in the National Defense Reserve Fleet pursuant to 50 App. U.S.C. 1744.

§157.10d Double hulls on tank vessels.

(297) (a) With the exceptions stated in §157.08(n), this section applies to a tank vessel–
(298) (1) For which the building contract is awarded after June 30, 1990; or
(299) (2) That is delivered after December 31, 1993;
(300) (3) That undergoes a major conversion for which;
(301) (i) The contract is awarded after June 30, 1990; or
(302) (ii) Conversion is completed after December 31, 1993; or
(303) (4) That is otherwise required to have a double hull by 46 U.S.C. 3703a(c).
(304) **NOTE:** 46 U.S.C. 3703a(c) is shown in appendix G to this part.
(305) (b) Each vessel to which this section applies must be fitted with:
(306) (1) A double hull in accordance with this section; and
(307) (2) If §157.10 applies, segregated ballast tanks and a crude oil washing system in accordance with that section.
(308) (c) Except on a vessel to which §157.10d(d) applies, tanks within the cargo tank length that carry any oil must be protected by double sides and a double bottom as follows:
(309) (1) Double sides must extend for the full depth of the vessel's side or from the uppermost deck, disregarding a rounded gunwale where fitted, to the top of the double bottom. At any cross section, the molded width of the double side, measured at right angles to the side shell plating, from the side of tanks containing oil to the side shell plating, must not be less than the distance w, as shown in Figure 157.10d(c) and specified as follows:
(310) (i) For a vessel of 5,000 DWT and above: w=[0.5+(DWT/20,000)] meters; or, w=2.0 meters (79 in.), whichever is less, but in no case less than 1.0 meter (39 in.).
(311) (ii) For a vessel of less than 5,000 DWT: w=[0.4+(2.4)(DWT/20,000)] meters, but in no case less than 0.76 meter (30 in.).
(312) (iii) For a vessel to which Paragraph (a)(4) of this section applies: w=0.76 meter (30 in.), provided that the double side was fitted under a construction or conversion contract awarded prior to June 30, 1990.
(313) (2) At any cross section, the molded depth of the double bottom, measured at right angles to the bottom shell plating, from the bottom of tanks containing oil to the bottom shell plating, must not be less than the distance h, as shown in Figure 157.10d(c) and specified as follows:
(314) (i) For a vessel of 5,000 DWT and above: h=B/15; or, h=2.0 meters (79 in.), whichever is less, but in no case less than 1.0 meter (39 in.).
(315) (ii) For a vessel of less than 5,000 DWT: h=B/15, but in no case less than 0.76 meter (30 in.).
(316) (iii) For a vessel to which Paragraph (a)(4) of this section applies: h=B/15; or, h=2.0 meters (79 in.), whichever is the lesser, but in no case less than 0.76 meter (30 in.), provided that the double bottom was fitted under a construction or conversion contract awarded prior to June 30, 1990.
(317) (3) For a vessel built under a contract awarded after September 11, 1992, within the turn of the bilge or at cross sections where the turn of the bilge is not clearly

defined, tanks containing oil must be located inboard of the outer shell–

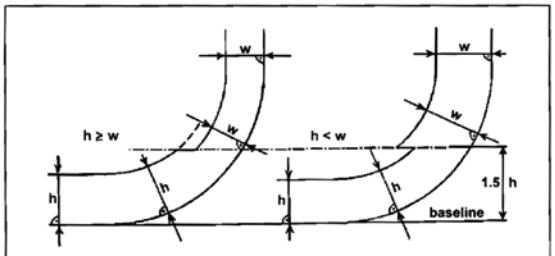


Figure 157.10d(c) Minimum Double Hull Dimensions

(318) (i) For a vessel of 5,000 DWT and above: At levels up to 1.5h above the base line, not less than the distance has shown in Figure 157.10d(c) and specified in Paragraph (c)(2) of this section. At levels greater than 1.5h above the base line, not less than the distance w, as shown in Figure 157.10d(c) and specified in Paragraph (c)(1) of this section.

(319) (ii) For a vessel of less than 5,000 DWT: Not less than the distance h above the line of the mid-ship flat bottom, as shown in Figure 157.10d(c)(3)(ii) and specified in Paragraph (c)(2) of this section. At levels greater than h above the line of the mid-ship flat bottom, not less than the distance was shown in Figure 157.10d(c)(3)(ii) and specified in Paragraph (c)(1) of this section.

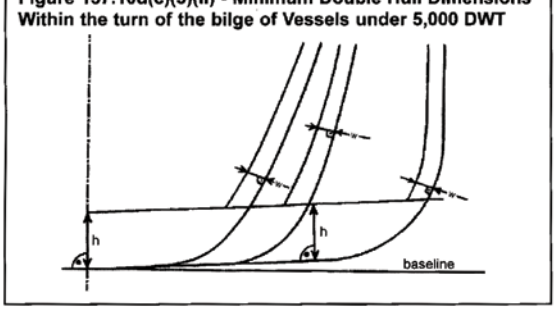
(320) (4) For a vessel to which §157.10(b) applies that is built under a contract awarded after September 11, 1992.

(321) (i) The aggregate volume of the double sides, double bottom, forepeak tanks, and afterpeak tanks must not be less than the capacity of segregated ballast tanks required under §157.10(b). Segregated ballast tanks that may be provided in addition to those required under §157.10(b) may be located anywhere within the vessel.

(322) (ii) Double side and double bottom tanks used to meet the requirements of §157.10(b) must be located as uniformly as practicable along the cargo tank length. Large inboard extensions of individual double side and double bottom tanks, which result in a reduction of overall side or bottom protection, must be avoided.

(323) (d) A vessel of less than 10,000 DWT that is constructed and certificated for service exclusively on inland or limited short protected coastwise routes must be fitted with double sides and a double bottom as follows:

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



(324) (1) A minimum of 61 cm. (2 ft.) from the inboard side of the side shell plate, extending the full depth of the side or from the main deck to the top of the double bottom, measured at right angles to the side shell; and

(325) (2) A minimum of 61 cm. (2 ft.) from the top of the bottom shell plating, along the full breadth of the vessel's bottom, measured at right angles to the bottom shell.

(326) (3) For a vessel to which Paragraph (a)(4) of this section applies, the width of the double sides and the depth of the double bottom may be 38 cm. (15 in.), in lieu of the dimensions specified in paragraphs (d)(1) and (d)(2) of this section, provided that the double side and double bottom tanks were fitted under a construction or conversion contract awarded prior to June 30, 1990.

(327) (4) For a vessel built under a contract awarded after September 11, 1992, a minimum 46 cm. (18 in.) clearance for passage between framing must be maintained throughout the double sides and double bottom.

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

(329) (1) The collision bulkhead; or

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

(331) (i) The lesser of 10 meters (32.8 ft.) or 5 percent of the vessel length, but in no case less than 1 meter (39 in.), aft of the forwarded perpendicular;

(332) (ii) On a vessel of less than 10,000 DWT tons that is constructed and certificated for service exclusively on inland or limited short protected coastwise routes, the lesser of 7.62 meters (25 ft.) or 5 percent of the vessel length, but in no case less than 61 cm. (2 ft.), aft of the headlog or stem at the freeboard deck; or

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

(334) (3) This Paragraph does not apply to independent fuel oil tanks that must be located on or above the main deck within the areas described in paragraphs (e)(1) and (e)(2) of this section to serve adjacent deck equipment that cannot be located further aft. Such tanks must be as small and as far aft as is practicable.

(335) (f) On each vessel, the cargo tank length must not extend aft to any point closer to the stern than the distance equal to the required width of the double side, as prescribed in §157.10d(c)(1) or §157.10d(d)(1).

Subpart G–Interim Measures for Certain Tank Vessels Without Double Hulls Carrying Petroleum Oils

§157.400 Purpose and applicability.

(336) (a) The purpose of this subpart is to establish mandatory safety and operational requirements to reduce

environmental damage resulting from petroleum oil spills.

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

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

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

(340) (3) Is not equipped with a double hull meeting §157.10d of this part, or an equivalent to the requirements of §157.10d, but required to be equipped with a double hull at a date set forth in 46 U.S.C. 3703a (b)(3) and (c)(3).

§157.445 Maneuvering performance capability.

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

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

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

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

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

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

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

Part 160–Ports and Waterways Safety-General

Subpart A–General

§160.1 Purpose.

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

§160.3 Definitions.

(349) For the purposes of this subchapter:

(350) Bulk means material in any quantity that is shipped, stored, or handled without the benefit of package, label, mark or count and carried in integral or fixed independent tanks.

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

(352) Commandant means the Commandant of the United States Coast Guard.

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

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

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

(356) ETA means estimated time of arrival.

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

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

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

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

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

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

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

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

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

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

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

§160.5 Delegations.

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

(369) (b) Under the provisions of 33 CFR 6.04-1 and 6.04-6, District Commanders and Captains of the Ports have been delegated authority to establish security zones.

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

(371) (d) Subject to the supervision of the cognizant Captain of the Port and District Commander, Directors, Vessel Traffic Services are delegated authority under 33 CFR 1.01-30 to discharge the duties of the Captain of the Port that involve directing the operation, movement, and anchorage of vessels within a Vessel Traffic Service area including management of vessel traffic within anchorages, regulated navigation areas and safety zones, and to enforce Vessel Traffic Service and ports and waterways safety regulations. This authority may be exercised by Vessel Traffic Center personnel. The Vessel Traffic Center may, within the Vessel Traffic Service Area, provide information, make recommendations, or, to a vessel required under Part 161 of this chapter to participate in a Vessel Traffic Service, issue an order, including an order to operate or anchor as directed; required the vessel to comply with orders issued; specify times of entry, movement or departing; restrict operations as necessary for safe operation under the circumstances; or take other action necessary for control of the vessel and the safety of the port or of the marine environment.

§160.7 Appeals.

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

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

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

(375) (d) Any person who receives an unfavorable ruling on an appeal taken under paragraph (c) of this section, may appeal through the Area Commander to the Assistant Commandant for Marine Safety, Security and Stewardship, U.S. Coast Guard, (CG-5), 2100 2nd St. SW., Stop 7363, Washington, DC 20593-7363. The appeal must be in writing, except as allowed under paragraph (e) of this section. The Area Commander forwards the appeal, all the documents and evidence which formed the record upon which the order or direction was issued or the ruling under paragraph (c) of this section was made, and any comments which might be relevant, to the Assistant Commandant for Marine Safety, Security and Stewardship. A copy of this documentation

and evidence is made available to the appellant. The appellant is afforded five working days from the date of receipt to submit rebuttal materials to the Assistant commandant for Marine Safety, Security and Stewardship. The decision of the Assistant Commandant for Marine Safety, Security and Stewardship is based upon the materials submitted, without oral argument or presentation. The decision of the Assistant Commandant for Marine Safety, Security and Stewardship is issued in writing and constitutes final agency action.

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

Subpart B–Control of Vessel and Facility Operations

§160.101 Purpose.

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

§160.103 Applicability.

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

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

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

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

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

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

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

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

§160.105 Compliance with orders.

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

§160.107 Denial of entry.

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

§160.109 Waterfront facility safety.

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

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

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

§160.111 Special orders applying to vessel operations.

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

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

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

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

§160.113 Prohibition of vessel operation and cargo transfers.

(395) (a) Each District Commander or Captain of the Port may prohibit any vessel, subject to the provisions of

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

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

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

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

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

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

(401) (c) When a vessel has been prohibited from operating in the navigable waters of the United States under paragraphs (a) or (b) of this section, the District Commander or Captain of the Port may allow provisional entry into the navigable waters of the United States, or into any port or place under the jurisdiction of the United States and within the district or zone of that District Commander or Captain of the Port, if the owner or operator of such vessel proves to the satisfaction of the District Commander or Captain of the Port, that the vessel is not unsafe or does not pose a threat to the marine environment, and that such entry is necessary for the safety of the vessel or the persons on board.

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

§160.115 Withholding of clearance.

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

Subpart C–Notifications of Arrivals, Hazardous Conditions, and Certain Dangerous Cargos

§160.201 General.

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

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

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

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

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

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

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

§160.202 Applicability.

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

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

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

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

§160.203 Exemptions.

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

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

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

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

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

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

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

(422) (iv) The Tennessee River from its confluence with the Ohio River to mile zero on the Mobile River and all other tributaries between those two points.

(423) (b) If not carrying certain dangerous cargo or controlling another vessel carrying certain dangerous cargo, the following vessels are exempt from NOA requirements in this subpart:

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

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

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

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

(428) (5) Public vessels.

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

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

(431) (d) [Suspended]

(432) (e) [Suspended]

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

§160.204 Definitions.

(434) As used in this subpart:

(435) Agent means any person, partnership, firm, company or corporation engaged by the owner or charterer of a vessel to act in their behalf in matters concerning the vessel.

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

(437) Carried in bulk means a commodity that is loaded or carried on board a vessel without containers or labels and received and handled without mark or count.

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

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

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

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

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

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

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

(445) (7) All bulk liquefied gas cargo carried under 46 CFR 151.50-31 or listed in 46 CFR 154.7 that is flammable and/or toxic and that is not carried as certain dangerous cargo residue (CDC residue).

(446) (8) The following bulk liquids except when carried as CDC residue:

(447) (i) Acetone cyanohydrin;

(448) (ii) Allyl alcohol;

(449) (iii) Chlorosulfonic acid;

(450) (iv) Crotonaldehyde;

(451) (v) Ethylene chlorohydrin;

(452) (vi) Ethylene dibromide;

(453) (vii) Methacrylonitrile;

(454) (viii) Oleum (fuming sulfuric acid); and

(455) (ix) Propylene oxide, alone or mixed with ethylene oxide.

(456) (9) The following bulk solids:

(457) (i) Ammonium nitrate listed as Division 5.1 (oxidizing) material in 49 CFR 172.101 except when carried as CDC residue; and

(458) (ii) Ammonium nitrate based fertilizer listed as a Division 5.1 (oxidizing) material in 49 CFR 172.101 except when carried as CDC residue.

(459) Certain dangerous cargo residue (CDC residue) includes any of the following:

(460) (1) Ammonium nitrate in bulk or ammonium nitrate based fertilizer in bulk remaining after all saleable cargo is discharged, not exceeding 1,000 pounds in total and not individually accumulated in quantities exceeding two cubic feet.

(461) (2) For bulk liquids and liquefied gases, the cargo that remains onboard in a cargo system after discharge that is not accessible through normal transfer procedures, with the exception of the following bulk liquefied gas cargoes carried under 46 CFR 151.50-31 or listed in 46 CFR 154.7:

(462) (i) Ammonia, anhydrous;

(463) (ii) Chlorine;

(464) (iii) Ethane;

(465) (iv) Ethylene oxide;

(466) (v) Methane (LNG);

(467) (vi) Methyl bromide;

(468) (vii) Sulfur dioxide; and

(469) (viii) Vinyl chloride.

(470) Charterer means the person or organization that contracts for the majority of the carrying capacity of a ship for the transportation of cargo to a stated port for a specified period. This includes "time charterers" and "voyage charterers."

(471) Crewmember means all persons carried on board the vessel to provide navigation and maintenance of the vessel, its machinery, systems, and arrangements

Table 160.206 – NOA Information Items

Required Information	Vessels Not Carrying CDC	Vessels Carrying CDC	
		Vessels	Towing Vessels Controlling Vessels Carrying CDC
(1) Vessel Information			
(i) Name	X	X	X
(ii) Name of the registered owner	X	X	X
(iii) Country of registry	X	X	X
(iv) Call sign	X	X	X
(v) International Maritime Organization (IMO) international number or, if vessel does not have an assigned IMO international number, substitute with official number	X	X	X
(vi) Name of the operator	X	X	X
(vii) Name of the charterer	X	X	X
(viii) Name of classification society	X	X	X
(2) Voyage Information			
(i) Names of last five ports or places visited	X	X	X
(ii) Dates of arrival and departure for last five ports or places visited	X	X	X
(iii) For each port or place in the United States to be visited list the names of the receiving facility, the port or place, the city, and the state	X	X	X
(iv) For each port or place in the United States to be visited, the estimated date and time of arrival	X	X	X
(v) For each port or place in the United States to be visited, the estimated date and time of departure	X	X	X
(vi) The location (port or place and country) or position (latitude and longitude or waterway and mile marker) of the vessel at the time of reporting	X	X	X
(vii) The name and telephone number of a 24-hour point of contact	X	X	X
(3) Cargo Information			
(i) A general description of cargo, other than CDC, onboard the vessel (e.g. grain, container, oil, etc.)	X	X	X
(ii) Name of each certain dangerous cargo carried, including cargo UN number, if applicable		X	X
(iii) Amount of each certain dangerous cargo carried		X	X
(4) Information for each crewmember onboard			
(i) Full name	X	X	X
(ii) Date of birth	X	X	X
(iii) Nationalitiy	X	X	X
(iv) Passport or mariners document number (type of identification and number)	X	X	X
(v) Position or duties on the vessel	X	X	X
(vi) Where the crewmembers embarked (list port or place and country)	X	X	X
(5) Information for each person onboard in addition to crew			
(i) Full name	X	X	X
(ii) Date of birth	X	X	X
(iii) Nationality	X	X	X
(iv) Passport number	X	X	X
(v) Where the person embarked (list port or place and country)	X	X	X
(6) Operational condition of equipment required by §164.35 of this chapter	X	X	X
(7) International Safety Management (ISM) Code Notice			
(i) The date of issuance for the company's Document of Compliance certificate that covers the vessel	X	X	X
(ii) The date of issuance for the vessel's Safety Management Certificate	X	X	X
(iii) The name of the Flag Administration, or the recognized organization(s) representing the vessel flag administration, that issued those certificates	X	X	X
(8) Cargo Declaration (Customs Form 1302) as described in 19 CFR 4.7	X	X	X
(9) International Ship and Port Facility Code (ISPS) Notice*			
(i) The date of issuance for the vessel's International Ship Security Certificate (ISSC), if any	X	X	X
(ii) Whether the ISSC, if any, is an initial Interim ISSC, subsequent and consecutive Interim ISSC, or final ISSC	X	X	X
(iii) Declaration that the approved ship security plan, if any, is being implemented	X	X	X
(iv) If a subsequent and consecutive Interim ISSC, the reasons therefor	X	X	X
(v) The name and 24-hour contact information for the Company Security Officer	X	X	X
(vi) The name of the Flag Administration, or the recognized security organization(s) representing the vessel flag Administration that issued the ISSC	X	X	X

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

essential for propulsion and safe navigation or to provide services for other persons on board.

(472) Great Lakes means Lakes Superior, Michigan, Huron, Erie, and Ontario, their connecting and tributary waters, the Saint Lawrence River as far as Saint Regis, and adjacent port areas.

(473) Gross tons means the tonnage determined by the tonnage authorities of a vessel's flag state in accordance with the national tonnage rules in force before the entry into force of the International Convention on Tonnage Measurement of Ships, 1969 ("Convention"). For a vessel measured only under Annex I of the Convention, gross tons means that tonnage. For a vessel measured under both systems, the higher gross tonnage is the tonnage used for the purposes of the 300-gross-ton threshold.

(474) Hazardous condition means any condition that may adversely affect the safety of any vessel, bridge, structure, or shore area or the environmental quality of any port, harbor, or navigable waterway of the United States. It may, but need not, involve collision, allision, fire, explosion, grounding, leaking, damage, injury or illness of a person aboard, or manning-shortage.

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

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

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

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

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

(480) Public vessel means a vessel that is owned or demise-(bareboat) chartered by the government of the United States, by a State or local government, or by the government of a foreign country and that is not engaged in commercial service.

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

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

§160.206 Information required in an NOA.

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

(484) (b) Vessels operating solely between ports or places in the continental United States need submit only the name of and date of arrival and departure for the last port or places visited to meet the requirements in entries (2)(i) and (ii) to Table 160.206 of this section.

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

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

§160.208 Changes to a submitted NOA.

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

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

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

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

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

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

§160.210 Methods for submitting an NOA.

(493) (a) [Suspended]

(494) (b) Saint Lawrence Seaway transits. Those vessels transiting the Saint Lawrence Seaway inbound, bound for a port or place in the United States, may meet the submission requirements of paragraph (a) of this section by submitting the required information to the Saint Lawrence Seaway Development Corporation and the Saint Lawrence Seaway Management Corporation of Canada by fax at 315-764-3235 or at 315-764-3200.

(495) (c) Seventh Coast Guard District. Those foreign vessels 300 or less gross tons operating in the Seventh Coast Guard District must submit an NOA to the cognizant Captain of the Port (COTP).

(496) (d) [Suspended]

(497) (e) Submission to the National Vessel Movement Center (NVMC). Except as provided in paragraphs (b) and (c) of this section, vessels must submit NOA information required by §160.206 (entries 1-9 to Table 160.206) to the NVMC, United States Coast Guard, 408 Coast Guard Drive, Kearneysville, WV 25430, By:

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

(499) (2) Electronic submission via web service of formatted XML (eXtensible Markup Language) documents. E-mail sans@nvmc.uscg.gov to ask for the XML schema details;

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

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

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

§160.212 When to submit an NOA.

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

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

(505) (3) Times for submitting NOAs areas follows:

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

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

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

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

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

(509) (c) [Suspended]

§160.214 Waivers.

(510) The Captain of the Port may waive, within that Captain of the Port's designated zone, any of the requirements of this subpart for any vessel or class of vessels upon finding that the vessel, route area of operations, conditions of the voyage, or other circumstances are such that application of this subpart is unnecessary or impractical for purposes of safety, environmental protection, or national security.

§160.215 Notice of hazardous conditions.

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

Part 161–Vessel Traffic Management

Subpart A–Vessel Traffic Services General Rules

§161.1 Purpose and Intent.

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

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

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

(515) (d) Nothing in this part is intended to relieve any vessel, owner, operator, charterer, master, or person directing the movement of a vessel from the consequences of any neglect to comply with this part or any other applicable law or regulations (e.g., the International Regulations for Prevention of Collisions at Sea, 1972

(72 COLREGS) or the Inland Navigation Rules) or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

§161.2 Definitions.

(516) For the purposes of this part:

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

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

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

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

(521) (3) Vessel characteristics that affect or restrict maneuverability, such as cargo or tow arrangement, trim, loaded condition, underkeel or overhead clearance, speed capabilities, power availability, or similar characteristics, which may affect the positive control or safe handling of the vessel or the tow.

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

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

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

(525) Vessel Movement Center (VMC) means the shore-based facility that operates the vessel tracking system for a Vessel Movement Reporting System (VMRS) area or sector within such an area. The VMC does not necessarily have the capability or qualified personnel to interact with marine traffic, nor does it necessarily respond to traffic situations developing in the area, as does a Vessel Traffic Service (VTS).

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

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

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

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

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

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

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

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

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

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

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

§161.3 Applicability.

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

§161.4 Requirement to carry the rules.

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

(539) **Note:** These rules are contained in the applicable U.S. Coast Pilot, the VTS User's Manual which may be

TABLE 161.12(c)-VTS and VMRS Centers, Call Signs/MMSI, Designated Frequencies, and Monitoring Areas

Center MMSI[1] Call Sign	Designated frequency (Channel designation)-purpose[2]	Monitoring Area [3, 4]
Berwick Bay 003669950 *Berwick Traffic*	156.550 MHz (Ch. 11)	The waters south of 29°45'N, west of 91°10'W, north of 29°37'N, and east of 91°18'W.
Buzzards Bay *Buzzards Bay Control[5]*	156.600 MHz (Ch. 12)	The waters east and north of a line drawn from the southern tangent of Sakonnet Point, Rhode Island, in approximate position 41°27.2'N, 70°11.7'W to Buzzards Bay Entrance Light in approximate position 41°23.5'N, 71°02.0'W, and then to the southwestern tangent of Cuttyhunk Island, Massachusetts, at approximate position 41°24.6'N, 70°57.0'W, and including all of the Cape Cod Canal to its eastern entrance, except that the area of New Bedford harbor within the confines (north of) the hurricane barrier, and the passages through the Elizabeth Islands, is not considered to be "Buzzards Bay".
Houston-Galveston 003669954		The navigable waters north of 29°N, west of 94°20'W, south of 29°49'N, and east of 95°20'W.
Houston Traffic	156.550 MHz (Ch. 11) 156.250 MHz (Ch. 5A) - for sailing plans only	The navigable waters north of a line extending due west from the southern most end of Exxon Dock #1 (20°43.37'N, 95°01.27'W)
Houston Traffic	156.600 MHz (Ch. 12) 156.250 MHz (Ch. 5A) - for sailing plans only	The navigable waters south of a line extending due west from the southern most end of Exxon Dock #1 (29°43.37'N, 95°01.27'W)
Los Angeles/Long Beach: MMSI to be determined *San Pedro Traffic*	156.700 MHz (Ch. 14)	*Vessel Movement Reporting System Area*: The navigable waters within a 25 nautical mile radius of Point Fermin Light (33°42.3'N, 118°17.6'W)
Louisville: not applicable *Louisville Traffic*	156.650 MHz (Ch. 13)	The waters of the Ohio River between McAlpine Locks (Mile 606) and Twelve Mile Island (Mile 593), only when the McAlpine upper pool gauge is at approximately 13.0 feet or above.
Lower Mississippi River[6] 0036699952 *New Orleans Traffic*	156.550 MHz (Ch. 11)	The navigable waters of the Lower Mississippi River below 29°55.3'N, 89°55.6'W (Saxonholm Light) at 86.0 miles Above Head of Passes (AHP), extending down river to Southwest Pass, and, within a 12 nautical mile radius around 28°54.3'N, 89°25.7'W (Southwest Pass Entrance Light) at 20.1 miles Below Head of Passes.
New Orleans Traffic	156.600 MHz (Ch. 12)	The navigable waters of the Lower Mississippi River bounded on the north by a line drawn perpendicular on the river at 29°55'30″N, 90°12'46″W (Upper Twelve Mile Point) at 109.0 miles AHP and on the south by a line drawn perpendicularly at 29°55.3'N, 89°55.6'W (Saxonholm Light) at 86.0 miles AHP.
New Orleans Traffic	156.250 MHz (Ch. 05A)	The navigable waters of the Lower Mississippi River below 30°38.7′N, 91°17.5′W (Port Hudson Light) at 254.5 miles AHP bounded on the south by a line drawn perpendicular on the river at 29°55′30″N, 90°12′46″W (Upper Twelve Mile Point) at 109.0 miles AHP.
New York 003669951 *New York Traffic*	156.550 MHz (Ch. 11) - for sailing plans only 156.600 MHz (Ch. 12) - for vessels at anchor	The area consists of the navigable waters of the Lower New York Bay bounded on the east by a line drawn from Norton Point to Breezy Point; on the south by a line connecting the entrance buoys at the Ambrose Channel, Swash Channel, and Sandy Hook Channel to Sandy Hook Point; and on the southeast including the waters of Sandy Hook Bay south to a line drawn at 40°25'N; then west in the Raritan Bay to the Raritan River Railroad Bridge, then north into waters of the Arthur Kill and Newark Bay to the Lehigh Valley Draw Bridge at 40°41.9'N; and then east including the waters of the Kill Van Kull and the Upper New York Bay north to a line drawn east-west from the Holland Tunnel ventilator shaft at 40°43.7'N, 74°01.6'W, in the Hudson River; and then continuing east including the waters of the East River to the Throgs Neck Bridge, excluding the Harlem River.
New York Traffic	156.700 MHz (Ch. 14)	The navigable waters of the Lower New York Bay west of a line drawn from Norton Point to Breezy Point; and north of a line connecting the entrance buoys of Ambrose Channel, Swash Channel, and Sandy Hook Channel, to Sandy Hook Point; on the southeast including the waters of the Sandy Hook Bay south to a line drawn at latitude 40°25'N; then west into the waters of Raritan Bay East Reach to a line drawn from Great Kills Light south through Raritan Bay East Reach LGB #14 to Comfort PT, NJ; then north including the waters of the Upper New York Bay south of 40°42.40'N (Brooklyn Bridge) and 40°43.70'N (Holland Tunnel Ventilator Shaft); west through the KVK into the Arthur Kill north of 40°38.25'N (Arthur Kill Railroad Bridge); then north into the waters of the Newark Bay, south of 40°41.95'N (Lehigh Valley Draw Bridge).

TABLE 161.12(c)-VTS and VMRS Centers, Call Signs/MMSI, Designated Frequencies, and Monitoring Areas *(continued)*

Center MMSI[1] Call Sign	Designated frequency (Channel designation)-purpose[2]	Monitoring Area [3, 4]
New York Traffic	156.600 MHz (Ch. 12)	The navigable waters of the Raritan Bay south to a line drawn at 40°26'N; then west of a line drawn from Great Kills Light south through the Raritan Bay East Reach LGB #14 to Point Comfort, NJ; then west to the Raritan River Railroad Bridge; and north including the waters of the Arthur Kill to 40°28.25'N (Arthur Kill Railroad Bridge); including the waters of the East River north of 40°42.40'N (Brooklyn Bridge) to the Throgs Neck Bridge, excluding the Harlem River.
Port Arthur[6] 003669955 *Sabine Traffic*	(to be determined)	The navigable waters south of 30°10'N, east of 94°20'W, west of 93°22'W, and, north of 29°10'N.
Prince William Sound 003669958 *Valdez Traffic*	156.650 MHz (Ch. 13)	The navigable waters south of 61°05'N, east of 147°20'W, north of 60°N, and west of 146°30'W; and, all navigable waters in Port Valdez.
Puget Sound[7] *Seattle Traffic* 003669957	156.700 MHz (Ch. 14)	The waters of Puget Sound, Hood Canal and adjacent waters south of a line connecting Nodule Point and Bush Point in Admiralty Inlet and south of a line drawn due east from the southernmost tip of Possession Point on Whidbey Island to the shoreline.
Seattle Traffic 003669957	156.250 MHz (Ch. 5A)	The waters of the Strait of Juan de Fuca east of 124°40'W excluding the waters in the central portion of the Strait of Juan de Fuca north and east of Race Rocks; the navigable waters of the Strait of Georgia east of 122°52'W; the San Juan Island Archipelago, Rosario Strait, Bellingham Bay; Admiralty Inlet north of a line connecting Nodule Point and Bush Point and all waters east of Whidbey Island North of a line drawn due east from the southernmost tip of Possession Point on Whidbey Island to the shoreline.
Tofino Traffic 003160012	156.725 MHz (Ch. 74)	The waters west of 124°40'W within 50 nautical miles of the coast of Vancouver Island including the waters north of 48°N, and east of 127°W.
Victoria Traffic 003160010	156.550 MHz (Ch. 11)	The waters of the Strait of Georgia west of 122°52'W, the navigable waters of the central Strait of Juan de Fuca north and east of Race Rocks, including the Gulf Island Archipelago, Boundary Pass and Haro Strait.
San Francisco 003669956 *San Francisco Traffic*	156.700 MHz (Ch. 14)	The navigable waters of the San Francisco Offshore Precautionary Area, the navigable waters shoreward of the San Francisco Offshore Precautionary Area east of 122°42.0'W and north of 37°40.0'N extending eastward through the Golden Gate, and the navigable waters of San Francisco Bay and as far east as the port of Stockton on the San Joaquin River, as far north as the port of Sacramento on the Sacramento River.
San Francisco Traffic	156.600 MHz (Ch. 12)	The navigable waters within a 38 nautical mile radius of Mount Tamalpais (37°55.8'N, 122°34.6'W) west of 122°42.0'W and south of 37°40.0'N and excluding the San Francisco Offshore Precautionary Area.
St. Marys River 003669953 *Soo Traffic*	156.600 MHz (Ch. 12)	The waters of the St. Marys River between 45°57'N (De Tour Reef Light) and 46°38.7'N (Ile Parisienne Light), except the St. Marys Falls Canal and those navigable waters east of a line from 46°04.16'N and 46°01.57'N (La Pointe to Sims Point in Potagannissing Bay and Worsley Bay.)

Notes:
[1] Maritime Mobile Service Identifier (MMSI) is a unique nine-digit number assigned by the Federal Communications Commission (FCC) that identifies ship stations, ship earth stations, coast stations, coast earth stations, and group calls for use by a digital selective calling (DSC) radio, an INMARSAT ship earth station or AIS. AIS requirements are set forth in §§161.21 and 164.46 of this subchapter. The requirements set forth in §§161.21 and 164.46 of this subchapter apply in those areas denoted with a MMSI number.
[2] In the event of a communication failure, difficulties or other safety factors, the Center may direct or permit a user to monitor and report on any other designated monitoring frequency or the bridge-to-bridge navigational frequency, 156.650 MHz (Channel 13) or 156.375 MHz (Ch. 67), to the extent that doing so provides a level of safety beyond that provided by other means. The bridge-to-bridge navigational frequency, 156.650 MHz (Ch. 13), is used in certain monitoring areas where the level of reporting does not warrant a designated frequency.
[3] All geographic coordinates (latitude and longitude) are expressed in North American Datum of 1983 (NAD 83).
[4] Some monitoring areas extend beyond navigable waters. Although not required, users are strongly encouraged to maintain a listening watch on the designated monitoring frequency in these areas. Otherwise, they are required to maintain watch as stated in 47 CFR 80.148.
[5] In addition to the vessels denoted in Section 161.16 of this chapter, requirements set forth in subpart B of 33 CFR part 161 also apply to any vessel transiting VMRS Buzzards Bay required to carry a bridge-to-bridge radiotelephone by part 26 of this chapter.
[6] Until rules regarding VTS Port Arthur are published, vessels are exempted of all VTS and VMRS requirements set forth in 33 CFR part 161, except those set forth in §§161.21 and 164.46 of this subchapter.
[7] A Cooperative Vessel Traffic Service was established by the United States and Canada within adjoining waters. The appropriate Center administers the rules issued by both nations; however, enforces only its own set of rules within its jurisdiction. Note, the bridge-to-bridge navigational frequency, 156.650 MHz (Ch. 13), is not so designated in Canadian waters, therefore users are encouraged and permitted to make passing arrangements on the designated monitoring frequencies.

obtained by contacting the appropriate VTS, and periodically published in the Local Notice to Mariners. The VTS User's Manual and the World VTS Guide, an International Maritime Organization (IMO) recognized publication, contain additional information which may assist the prudent mariner while in the appropriate VTS area.

§161.5 Deviations from the rules.

(540) (a) Requests to deviate from any provision in this part, either for an extended period of time or if anticipated before the start of a transit, must be submitted in writing to the appropriate District Commander. Upon receipt of the written request, the District Commander may authorize a deviation if it is determined that such a deviation provides a level of safety equivalent to that provided by the required measure or is a maneuver considered necessary for safe navigation under the circumstances. An application for an authorized deviation must state the need and fully describe the proposed alternative to the required measure.

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

§161.6 Preemption.

(542) The regulations in this part have preemptive impact over State laws or regulations on the same subject matter. The Coast Guard has determined, after considering the factors developed by the Supreme Court in U.S. v. Locke, 529 U.S. 89 (2000), that by enacting Chapter 25 of the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.), Congress intended that Coast Guard regulations preempt State laws or regulations regarding vessel traffic services in United States ports and waterways.

§161.10 Services.

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

(544) (a) Hazardous conditions or circumstances;

(545) (b) Vessel congestion;

(546) (c) Traffic density;

(547) (d) Environmental conditions;

(548) (e) Aids to navigation status;

(549) (f) Anticipated vessel encounters;

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

(551) (h) Temporary measures in effect;

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

(553) (j) Anchorage availability; or

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

§161.11 VTS measures.

(555) (a) A VTS may issue measures or directions to enhance navigation and vessel safety and to protect the marine environment, such as, but not limited to:

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

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

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

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

§161.12 Vessel operating requirements.

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

(561) (b) If, in a specific circumstance, a VTS User is unable to safely comply with a measure or direction issued by the VTS, the VTS User may deviate only to the extent necessary to avoid endangering persons, property or the environment. The deviation shall be reported to the VTS as soon as is practicable.

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

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

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

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

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

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

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

TABLE 161.18(a) – The IMO Standard Ship Reporting System

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

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

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

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

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

§161.13 VTS Special Area Operating Requirements.

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

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

(575) (b) A VMRS User shall:

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

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

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

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

Subpart B–Vessel Movement Reporting System

§161.15 Purpose and Intent.

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

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

TABLE 161.60(d) – VTS Prince William Sound Reporting Points

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

§161.16 Applicability.

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

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

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

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

§161.17 Definitions.

(586) As used in the subpart:

(587) Center means a Vessel Traffic Center or Vessel Movement Center.

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

§161.18 Reporting requirements.

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

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

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

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

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

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

(595) (d) A vessel must report:

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

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

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

§161.19 Sailing Plan (SP).

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

(600) (a) Vessel name and type;

(601) (b) Position;

(602) (c) Destination and ETA;

(603) (d) Intended route;

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

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

§161.20 Position Report (PR).

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

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

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

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

§161.21 Automated reporting.

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

(611) (b) Should an AIS become non-operational, while or prior to navigating a VMRS area, it should be restored

to operating condition as soon as possible, and, until restored a vessel must:

(612) (1) Notify the Center;

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

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

§161.22 Final Report (FR).

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

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

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

§161.23 Reporting exemptions.

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

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

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

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

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

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

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

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

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

§161.60 Vessel Traffic Service Prince William Sound.

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

(627) (b) The Valdez Arm VTS Special Area consists of the waters of the Valdez Arm Traffic Separation Scheme (described in §167.1703 of this chapter); the waters northeast of a line drawn from shoreline to shoreline through the points 60°58.04'N., 146°46.52'W and 60°58.93'N., 146°48.86'W.; and southwest of a line bearing **307°**(T) from Tongue Point at 61°02.10'N., 146°40.00'W.

(628) (c) The Valdez Narrows VTS Special Area consists of those waters of Valdez Arm, Valdez Narrows, and Port Valdez northeast of a line bearing **307°** True from Tongue Point at 61°02'06"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.

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

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

(631) (2) For a vessel listed in paragraph (d)(3) of this section–

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

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

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

(635) (3) Paragraph (d)(2) of this section applies to–

(636) (i) A vessel of 1,600 gross tons or more; and

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

(638) (e) Reporting Points. (Table 161.60(d))

Part 162–Inland Waterways Navigation Regulations

§162.1 General.

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

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

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

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

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

Part 164–Navigation Safety Regulations (in part).

§164.01 Applicability.

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

(644) (b) Sections 164.70 through 164.82 of this part apply to each towing vessel of 12 meters (39.4 feet) or more in length operating in the navigable waters of the United States other than the St. Lawrence Seaway; except that a towing vessel is exempt from the requirements of §164.72 if it is–

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

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

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

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

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

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

§164.02 Applicability exception for foreign vessels.

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

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

(653) (2) Are in:

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

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

§164.03 Incorporation by reference.

(656) (a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the Federal Register and the material must be available to the public. All approved material is available for inspection at the Navigation Systems Division (CG-553), Coast Guard Headquarters, 2100 2nd St. SW., Stop 7580, Washington, DC 20593-7580 and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to:

(657) http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. All approved material is available from the sources indicated in paragraph (b) of this section.

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

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

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

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

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

(663) Cordage Institute, 350 Lincoln Street, Hingham, MA 02043

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

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

(666) IEC 61993–2, Maritime navigation and radiocommunication equipment and systems–

(667) Automatic identification systems (AIS)–part 2: Class A shipborne equipment of the universal automatic identification system (AIS)–Operational and performance requirements, methods of test and required test results First edition, 2001–12 — **164.46**

(668) International Maritime Organization (IMO), 4 Albert Embankment, London SE1 7SR, U.K. IMO Resolution A342(IX), Recommendation on Performance Standards for Automatic Pilots, adopted November 12, 1975 — **164.13**

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

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

(671) SOLAS, International Convention for Safety of Life at Sea, 1974, and 1988 Protocol relating thereto, 2000 Amendments, effective January and July 2002, (SOLAS 2000 Amendments) — **164.46**

(672) Conference resolution 1, Adoption of amendments to the Annex to the International Convention for the

Safety of Life at Sea, 1974, and amendments to Chapter V of SOLAS 1974, adopted December 12, 2002 — **164.46**

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

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

(675) (2) ITU-R Recommendation M.825, Characteristics of a Transponder System Using Digital Selective-Calling Techniques for Use with Vessel Traffic Services and Ship-to-Ship Identification, 1992 — **164.43**

(676) ITU–R Recommendation M.1371–1, Technical characteristics for a universal shipborne automatic identification system using time division multiple access in the VHF maritime mobile band, 1998-2001 — **164.46**

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

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

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

(680) (3) RTCM Paper 71-95/SC112-STD, RTCM Recommended Standards for Marine Radar Equipment Installed on Ships of Less Than 300 Tons Gross Tonnage, Version 1.1, October 10, 1995 — **164.72**

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

§164.11 Navigation under way: General.

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

(683) (a) The wheelhouse is constantly manned by persons who–

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

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

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

(687) (c) The position of the vessel at each fix is plotted on a chart of the area and the person directing the movement of the vessel is informed of the vessel's position;

(688) (d) Electronic and other navigational equipment, external fixed aids to navigation, geographic reference points, and hydrographic contours are used when fixing the vessel's position;

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

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

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

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

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

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

(695) (j) A person whom he has determined is competent to steer the vessel is in the wheelhouse at all times (See also 46 U.S.C. 8702(d), which requires an able seaman at the wheel on U.S. vessels of 100 gross tons or more in narrow or crowded waters during low visibility);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(712) (s) Upon entering U.S. waters, the steering wheel or lever on the navigating bridge is operated to determine if the steering equipment is operating properly under

manual control, unless the vessel has been steered under manual control from the navigating bridge within the preceding 2 hours, except when operating on the Great Lakes and their connecting and tributary waters.

(713) (t) At least two of the steering-gear power units on the vessel are in operation when such units are capable of simultaneous operation, except when the vessel is sailing on the Great Lakes and their connecting and tributary waters, and except as required by paragraph (u) of this section.

(714) (u) On each passenger vessel meeting the requirements of the International Convention for the Safety of Life at Sea, 1960 (SOLAS 60) and on each cargo vessel meeting the requirements of SOLAS 74 as amended in 1981, the number of steering-gear power units necessary to move the rudder from 35° on either side to 30° on the other in not more than 28 seconds must be in simultaneous operation.

§164.13 Navigation underway: tankers.

(715) (a) As used in this section, "tanker" means a self-propelled tank vessel, including integrated tug barge combinations, constructed or adapted primarily to carry oil or hazardous material in bulk in the cargo spaces and inspected and certificated as a tanker.

(716) (b) Each tanker must have an engineering watch capable of monitoring the propulsion system, communicating with the bridge, and implementing manual control measures immediately when necessary. The watch must be physically present in the machinery spaces or in the main control space and must consist of at least an engineer with an appropriately endorsed license or merchant mariner credential.

(717) (c) Each tanker must navigate with at least two deck officers with an appropriately endorsed license or merchant mariner credential on watch on the bridge, one of whom may be a pilot. In waters where a pilot is required, the second officer, must be an individual holding an appropriately endorsed license or merchant mariner credential and assigned to the vessel as master, mate, or officer in charge of navigational watch, who is separate and distinct from the pilot.

(718) (d) Except as specified in paragraph (e) of this section, a tanker may operate with an auto pilot engaged only if all of the following conditions exist:

(719) (1) The operation and performance of the automatic pilot conforms with the standards recommended by the International Maritime Organization in IMO Resolution A.342(IX).

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

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

(722) (i) The areas of the traffic separation schemes specified in subchapter P of this chapter.

(723) (ii) The portions of a shipping safety fairway specified in part 166 of this chapter.

(724) (iii) An anchorage ground specified in part 110 of this chapter.

(725) (iv) An area within one-half nautical mile of any U.S. shore.

(726) (e) A tanker equipped with an integrated navigation system, and complying with paragraph (d)(2) of this section, may use the system with the auto pilot engaged while in the areas described in paragraphs (d)(3) (i) and (ii) of this section. The master shall provide, upon request, documentation showing that the integrated navigation system-

(727) (1) Can maintain a predetermined trackline with a cross track error of less than 10 meters 95 percent of the time;

(728) (2) Provides continuous position data accurate to within 20 meters 95 percent of the time; and

(729) (3) Has an immediate override control.

§164.15 Navigation bridge visibility.

(730) (a) The arrangement of cargo, cargo gear, and trim of all vessels entering or departing from U.S. ports must be such that the field of vision from the navigation bridge conforms as closely as possible to the following requirements:

(731) (1) From the conning position, the view of the sea surface must not be obscured by more than the lesser of two ship lengths or 500 meters (1640 feet) from dead ahead to 10 degrees on either side of the vessel. Within this arc of visibility and blind sector caused by cargo, cargo gear, or other permanent obstruction must not exceed 5 degrees.

(732) (2) From the conning position, the horizontal field of vision must extend over an arc from at least 22.5 degrees abaft the beam on one side of the vessel, through dead ahead, to at least 22.5 degrees abaft the beam on the other side of the vessel. Blind sectors forward of the beam caused by cargo, cargo gear, or other permanent obstruction must not exceed 10 degrees each, nor total more than 20 degrees, including any blind sector within the arc of visibility described in paragraph (a)(1) of this section.

(733) (3) From each bridge wing, the field of vision must extend over an arc from at least 45 degree on the opposite bow, through dead ahead, to at least dead astern.

(734) (4) From the main steering position, the field of vision must extend over an arc from dead ahead to at least 60 degrees on either side of the vessel.

(735) (b) A clear view must be provided through at least two front windows at all times regardless of weather conditions.

§164.19 Requirements for vessels at anchor.

(736) The master or person in charge of each vessel that is anchored shall ensure that–

(737) (a) A proper anchor watch is maintained;

(738) (b) Procedures are followed to detect a dragging anchor; and

(739) (c) Whenever weather, tide, or current conditions are likely to cause the vessel's anchor to drag, action is taken to ensure the safety of the vessel, structures, and other vessels, such as being ready to veer chain, let go a second anchor, or get underway using the vessel's own propulsion or tug assistance.

§164.25 Tests before entering or getting underway.

(740) (a) Except as provided in paragraphs (b) and (c) of this section no person may cause a vessel to enter into or get underway on the navigable waters of the United States unless no more than 12 hours before entering or getting underway, the following equipment has been tested:

(741) (1) Primary and secondary steering gear. The test procedure includes a visual inspection of the steering gear and its connecting linkage, and, where applicable, the operation of the following:

(742) (i) Each remote steering gear control system.

(743) (ii) Each steering position located on the navigating bridge.

(744) (iii) The main steering gear from the alternative power supply, if installed.

(745) (iv) Each rudder angle indicator in relation to the actual position of the rudder.

(746) (v) Each remote steering gear control system power failure alarm.

(747) (vi) Each remote steering gear power unit failure alarm.

(748) (vii) The full movement of the rudder to the required capabilities of the steering gear.

(749) (2) All internal vessel control communications and vessel control alarms.

(750) (3) Standby or emergency generator, for as long as necessary to show proper functioning, including steady state temperature and pressure readings.

(751) (4) Storage batteries for emergency lighting and power systems in vessel control and propulsion machinery spaces.

(752) (5) Main propulsion machinery, ahead and astern.

(753) (b) Vessels navigating on the Great Lakes and their connecting and tributary waters, having once completed the test requirements of this sub-part, are considered to remain in compliance until arriving at the next port of call on the Great Lakes.

(754) (c) Vessels entering the Great Lakes from the St. Lawrence Seaway are considered to be in compliance with this sub-part if the required tests are conducted preparatory to or during the passage of the St. Lawrence Seaway or within one hour of passing Wolfe Island.

(755) (d) No vessel may enter, or be operated on the navigable waters of the United States unless the emergency steering drill described below has been conducted within 48 hours prior to entry and logged in the vessel logbook, unless the drill is conducted and logged on a regular basis at least once every three months. This drill must include at a minimum the following:

(756) (1) Operation of the main steering gear from within the steering gear compartment.

(757) (2) Operation of the means of communications between the navigating bridge and the steering compartment.

(758) (3) Operation of the alternative power supply for the steering gear if the vessel is so equipped.

§164.30 Charts, publications, and equipment: General.

(759) No person may operate or cause the operation of a vessel unless the vessel has the marine charts, publications, and equipment as required by §§164.33 through 164.41 of this part.

§164.33 Charts and publications.

(760) (a) Each vessel must have the following:

(761) (1) Marine charts of the area to be transited, published by the National Ocean Service, U.S. Army Corps of Engineers, or a river authority that–

(762) (i) Are of a large enough scale and have enough detail to make safe navigation of the area possible; and

(763) (ii) Are currently corrected.

(764) (2) For the area to be transited, a currently corrected copy of, or applicable currently corrected extract from, each of the following publications:

(765) (i) U.S. Coast Pilot.

(766) (ii) Coast Guard Light List.

(767) (3) For the area to be transited, the current edition of, or applicable current extract from:

(768) (i) Tide Tables published by private entities using data provided by the National Ocean Service.

(769) (ii) Tidal current tables published by the National Ocean Service, or river current publication issued by the U.S. Army Corps of Engineers, or a river authority.

(770) (b) As an alternative to the requirements for paragraph (a) of this section, a marine chart or publication, or applicable extract, published by a foreign government may be substituted for a U.S. chart and publication required by this section. The chart must be of large enough scale and have enough detail to make safe navigation of the area possible, and must be currently corrected. The publication, or applicable extract, must singly or in combination contain similar information to the U.S. Government publication to make safe navigation of the area possible. The publication, or applicable extract must be currently corrected, with the exceptions of tide and tidal current tables, which must be the current editions.

(771) (c) As used in this section, "currently corrected" means corrected with changes contained in all Notices to Mariners published by the National Geospatial-Intelligence Agency, or an equivalent foreign government publication, reasonably available to the vessel, and that is applicable to the vessel's transit.

§164.35 Equipment: All vessels.

(772) Each vessel must have the following:

(773) (a) A marine radar system for surface navigation.

(774) (b) An illuminated magnetic steering compass, mounted in a binnacle, that can be read at the vessel's main steering stand.

(775) (c) A current magnetic compass deviation table or graph or compass comparison record for the steering compass, in the wheelhouse.

(776) (d) A gyrocompass.

(777) (e) An illuminated repeater for the gyrocompass required by paragraph (d) of this section that is at the main steering stand, unless that gyrocompass is illuminated and is at the main steering stand.

(778) (f) An illuminated rudder angle indicator in the wheelhouse.

(779) (g) The following maneuvering information prominently displayed on a fact sheet in the wheelhouse:

(780) (1) A turning circle diagram to port and starboard that shows the time and distance and advance and transfer required to alter course **90 degrees** with maximum rudder angle and constant power settings, for either full and half speeds, or for full and slow speeds. For vessels whose turning circles are essentially the same for both directions, a diagram showing a turning circle in one direction, with a note on the diagram stating that turns to port and starboard are essentially the same, may be substituted.

(781) (2) The time and distance to stop the vessel from either full and half speeds, or from full and slow speeds, while maintaining approximately the initial heading with minimum application of rudder.

(782) (3) For each vessel with a fixed propeller, a table of shaft revolutions per minute for a representative range of speeds.

(783) (4) For each vessel with a controllable pitch propeller, a table of control settings for a representative range of speeds.

(784) (5) For each vessel that is fitted with an auxiliary device to assist in maneuvering, such as a bow thruster, a table of vessel speeds at which the auxiliary device is effective in maneuvering the vessel.

(785) (6) The maneuvering information for the normal load and normal ballast condition for–

(786) (i) Calm weather-wind 10 knots or less, calm sea;

(787) (ii) No current;

(788) (iii) Deep water conditions-water depth twice the vessel's draft or greater; and

(789) (iv) Clean hull.

(790) (7) At the bottom of the fact sheet, the following statement:

Warning

(791) The response of the (name of the vessel) may be different from that listed above if any of the following conditions, upon which the maneuvering information is based, are varied:

(792) (1) Calm weather-wind 10 knots or less, calm sea;

(793) (2) No current;

(794) (3) Water depth twice the vessel's draft or greater;

(795) (4) Clean hull; and

(796) (5) Intermediate drafts or unusual trim.

(797) (h) An echo depth sounding device.

(798) (i) A device that can continuously record the depth readings of the vessel's echo depth sounding device, except when operating on the Great Lakes and their connecting and tributary waters.

(799) (j) Equipment on the bridge for plotting relative motion.

(800) (k) Simple operating instructions with a block diagram, showing the changeover procedures for remote steering gear control systems and steering gear power units, permanently displayed on the navigating bridge and in the steering gear compartment.

(801) (l) An indicator readable from the centerline conning position showing the rate of revolution of each propeller, except when operating on the Great Lakes and their connecting and tributary waters.

(802) (m) If fitted with controllable pitch propellers, an indicator readable from the centerline conning position showing the pitch and operational mode of such propellers, except when operating on the Great Lakes and their connecting and tributary waters.

(803) (n) If fitted with lateral thrust propellers, an indicator readable from the centerline conning position showing the direction and amount of thrust of such propellers, except when operating on the Great Lakes and their connecting and tributary waters.

(804) (o) A telephone or other means of communication for relaying headings to the emergency steering station. Also, each vessel of 500 gross tons and over and constructed on or after June 9, 1991 must be provided with arrangements for supplying visual compass-readings to the emergency steering station.

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

(805) (a) Each vessel of 10,000 gross tons or more must have, in addition to the radar system under §164.35(a), a second marine radar system that operates independently of the first.

(806) **Note:** Independent operation means two completely separate systems, from separate branch power supply circuits or distribution panels to antennas, so that failure of any component of one system will not render the other system inoperative.

(807) (b) On each tanker of 10,000 gross tons or more that is subject to 46 U.S.C. 3708, the dual radar system required by this part must have a short range capability and a long range capability and each radar must have true north features consisting of a display that is stabilized in azimuth.

§164.38 Automatic radar plotting aids (ARPA). (See 33 CFR 164.)

§164.39 Steering gear: Foreign tankers.

(808) (a) This section applies to each foreign tanker of 10,000 gross tons or more, except a public vessel, that–

(809) (1) Transfers oil at a port or place subject to the jurisdiction of the United States; or

(810) (2) Otherwise enters or operates in the navigable waters of the United States, except a vessel described by §164.02 of this part.

(811) (b) Definitions. The terms used in this section are as follows:

(812) Constructed means the same as in Chapter II-1, Regulations 1.1.2 and 1.1.3.1, of SOLAS 74.

(813) Existing tanker means a tanker–

(814) (1) For which the building contract is placed on or after June 1, 1979;

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

(816) (3) The delivery of which occurs on or after June 1, 1982; or

(817) (4) That has undergone a major conversion contracted for on or after June 1, 1979; or construction of which was begun on or after January 1, 1980, or completed on or after June 1, 1982.

(818) Public vessel, oil hazardous materials, and foreign vessel mean the same as in 46 U.S.C. 2101.

(819) SOLAS 74 means the International Convention for the Safety of Life at Sea, 1974, as amended.

(820) Tanker means a self-propelled vessel defined as a tanker by 46 U.S.C. 2101(38) or as a tank vessel by 46 U.S.C. 2101(39).

(821) (c) Each tanker constructed on or after September 1, 1984, must meet the applicable requirements of Chapter II-1, Regulations 29 and 30, of SOLAS 74.

(822) (d) Each tanker constructed before September 1, 1984, must meet the requirements of Chapter II-1, Regulation 29.19, of SOLAS 74.

(823) (e) Each tanker of 40,000 gross tons or more, constructed before September 1, 1984, that does not meet the single-failure criterion of Chapter II-1, Regulation 29.16, of SOLAS 74, must meet the requirements of Chapter II-1, Regulation 29.20, of SOLAS 74.

(824) (f) Each tanker constructed before September 1, 1984, must meet the applicable requirements of Chapter II-1, Regulations 29.14 and 29.15, of SOLAS 74.

§164.40 Devices to indicate speed and distance.

(825) (a) Each vessel required to be fitted with an Automatic Radar Plotting Aid (ARPA) under §164.38 of this part must be fitted with a device to indicate speed and distance of the vessel either through the water or over the ground.

(826) (b) The device must meet the following specifications:

(827) (1) The display must be easily readable on the bridge by day or night.

(828) (2) Errors in the indicated speed, when the vessel is operating free from shallow water effect, and from the effects of wind, current, and tide, should not exceed 5 percent of the speed of the vessel, or 0.5 knot, whichever is greater.

(829) (3) Errors in the indicated distance run, when the vessel is operating free from shallow water effect, and from the effects of wind, current, and tide, should not exceed 5 percent of the distance run of the vessel in one hour or 0.5 nautical mile in each hour, whichever is greater.

§164.41 Electronic position fixing devices.

(830) (a) Each vessel calling at a port in the continental United States, including Alaska south of Cape Prince of Wales, except each vessel owned or bareboat chartered and operated by the United States, or by a state or its political subdivision, or by a foreign nation, and not engaged in commerce, must have a satellite navigation receiver with-

(831) (1) Automatic acquisition of satellite signals after initial operator settings have been entered; and

(832) (2) Position updates derived from satellite information during each usable satellite pass.

(833) (b) A system that is found by the Commandant to meet the intent of the statements of availability, coverage, and accuracy for the U.S. Coastal Confluence Zone (CCZ) contained in the U.S. "Federal Radionavigation Plan" (Report No. DOD-NO 46450.4-P, 1 or No. DOT-TSC-RSPA-80-16, 1). A person desiring a finding by the Commandant under this subparagraph must submit a written application describing the device to the Coast Guard Deputy Commander for Operations (CG-DCO), 2100 2nd St, SW., Stop 7471, Washington, DC 20593-7471. After reviewing the application, the Commandant may request additional information to establish whether or not the device meets the intent of the Federal Radionavigation Plan.

(834) **Note:** The Federal Radionavigation Plan is available from the National Technical Information Service, Springfield, Va. 22161, with the following Government Accession Numbers:

(835) Vol 1, ADA 116468

(836) Vol 2, ADA 116469

(837) Vol 3, ADA 116470

(838) Vol 4, ADA 116471

§164.42 Rate of turn indicator.

(839) Each vessel of 100,000 gross tons or more constructed on or after September 1, 1984, shall be fitted with a rate of turn indicator.

§164.43 Automatic Identification System Shipborne Equipment–Prince William Sound.

(840) (a) Until December 31, 2004, each vessel required to provide automated position reports to a Vessel Traffic

Service (VTS) under §165.1704 of this subchapter must do so by an installed Automatic Identification System Shipborne Equipment (AISSE) system consisting of a:

(841) (1) Twelve-channel all-in-view Differential Global Positioning System (dGPS) receiver;

(842) (2) Marine band Non-Directional Beacon receiver capable of receiving dGPS error correction messages;

(843) (3) VHF-FM transceiver capable of Digital Selective Calling (DSC) on the designated DSC frequency; and

(844) (4) Control unit.

(845) (b) An AISSE must have the following capabilities:

(846) (1) Use dGPS to sense the position of the vessel and determine the time of the position using Universal Coordinated Time (UTC);

(847) (2) Fully use the broadcast type 1, 2, 3, 5, 6, 7, 9, and 16 messages, as specified in RTCM Recommended Standards for Differential NAVSTAR GPS Service in determining the required information;

(848) (3) Achieve a position error which is less than ten meters (32.8 feet) 2 distance root mean square (2 drms) from the true North American Datum of 1983 (NAD 83) in the position information transmitted to a VTS;

(849) (4) Achieve a course error of less than **0.5 degrees** from true course over ground in the course information transmitted to a VTS;

(850) (5) Achieve a speed error of less than 0.05 knots from true speed over ground in the speed information transmitted to a VTS;

(851) (6) Receive and comply with commands broadcast from a VTS as DSC messages on the designated DSC frequency;

(852) (7) Receive and comply with RTCM messages broadcast as minimum shift keying modulated medium frequency signals in the marine radiobeacon band, and supply the messages to the dGPS receiver;

(853) (8) Transmit the vessel's position, tagged with the UTC at position solution, course over ground, speed over ground, and Lloyd's identification number to a VTS;

(854) (9) Display a visual alarm to indicate to shipboard personnel when a failure to receive or utilize the RTCM messages occurs;

(855) (10) Display a separate visual alarm which is triggered by a VTS utilizing a DSC message to indicate to shipboard personnel that the U.S. Coast Guard dGPS system cannot provide the required error correction messages; and

(856) (11) Display two RTCM type 16 messages, one of which must display the position error in the position error broadcast.

(857) (c) An AISSE is considered non-operational if it fails to meet the requirements of paragraph (b) of this section.

(858) **Note:** Vessel Traffic Service (VTS) areas and operating procedures are set forth in Part 161 of this chapter.

§164.46 Automatic Identification System (AIS).

(859) (a) The following vessels must have a properly installed, operational, type approved AIS as of the date specified:

(860) (1) Self-propelled vessels of 65 feet or more in length, other than passenger and fishing vessels, in commercial service and on an international voyage, not later than December 31, 2004.

(861) (2) Notwithstanding paragraph (a)(1) of this section, the following, self-propelled vessels, that are on an international voyage must also comply with SOLAS, as amended, Chapter V, regulation 19.2.1.6, 19.2.4, and 19.2.3.5 or 19.2.5.1 as appropriate (Incorporated by reference, see §164.03):

(862) (i) Passenger vessels, of 150 gross tonnage or more, not later than July 1, 2003;

(863) (ii) Tankers, regardless of tonnage, not later than the first safety survey for safety equipment on or after July 1, 2003;

(864) (iii) Vessels, other than passenger vessels or tankers, of 50,000 gross tonnage or more, not later than July 1, 2004; and

(865) (iv) Vessels, other than passenger vessels or tankers, of 300 gross tonnage or more than 50,000 gross tonnage, not later than the first safety survey for safety equipment on or after July 1, 2004, but no later than December 31, 2004.

(866) (3) Notwithstanding paragraphs (a)(1) and (a)(2) of this section, the following vessels, when navigating an area denoted in table 161.12(c) of §161.12 of this chapter, not later than December 31, 2004:

(867) (i) Self-propelled vessels of 65 feet or more in length, other than fishing vessels and passenger vessels certificated to carry less than 151 passengers-for-hire, in commercial service;

(868) (ii) Towing vessels of 26 feet or more in length and more than 600 horsepower, in commercial service;

(869) (iii) Passenger vessels certificated to carry more than 150 passengers-for-hire.

(870) **Note to §164.46(a):** "Properly installed" refers to an installation using the guidelines set forth in IMO SN/Circ. 227 (incorporated by reference, see §164.03). Not all AIS units are able to broadcast position, course, and speed without the input of an external positioning device (e.g. dGPS); the use of other external devices (e.g. transmitting heading device, gyro, rate of turn indicator) is highly recommended, however, not required except as stated in §164.46(a)(2). "Type approved" refers to an approval by an IMO recognized Administration as to comply with IMO Resolution MSC.74(69), ITU–R Recommendation M.1371–1, and IEC 61993-2 (Incorporated by reference, see §164.03). "Length" refers to "registered length" as defined in 46 CFR part 69. "Gross tonnage" refers to tonnage as defined under the International Convention on Tonnage Measurement of Ships, 1969.

(871) (b) The requirements for Vessel Bridge-to-Bridge radiotelephones in §§26.04(a) and (c), 26.05, 26.06 and

TABLE 164.72 – Equipment, Charts or Maps, and Publications of Towing Vessels for 12 Meters or More in Length

	Western Rivers	U.S. Navigable Waters (other than Western Rivers)	Waters seaward of Navigable Waters and 3 NM or more from shore on the Great Lakes
Marine Radar: Towing Vessels of less than 300 GT	RTCM Paper 71-95/SC112-STD Version 1.1 Display Category II[1] Stabilization Category BRAVO	RTCM Paper 71-95/SC112-STD Version 1.1 Display Category II[1] Stabilization Category BRAVO	RTCM Paper 71-95/SC112-STD Version 1.1 Display Category I[2] Stabilization Category ALPHA
Towing Vessels of 300 GT or more	RTCM Paper 191-93/SC112-X Version 1.2 (except the Azimuth stabilization requirement in paragraph 3.10)[1]	RTCM Paper 191-93/SC112-X Version 1.2 (except the Azimuth stabilization requirement in paragraph 3.10)[1]	RTCM Paper 191-93/SC112-X Version 1.2[1]
Searchlight	X	X	X
VHF-FM Radio	X	X	X
Magnetic Compass	X[3]	X	X
Swing Meter	X[3]		
Echo Depth-sounding Device		X	X
Electronic Position Fixing Device			X
Charts or Maps	(1) Large enough scale (2) Current edition or currently corrected edition	(1) Large enough scale (2) Current edition or currently corrected edition	(1) Large enough scale (2) Currently corrected edition
General Publications	(1) U.S. Coast Guard Light List (2) Notices to Navigation or Local Notices to Mariners (3) River-current Tables	(1) U.S. Coast Guard Light List (2) Local Notices to Mariners (3) Tidal-current Tables (4) Tide Tables (5) U.S. Coast Pilot	(1) U.S. Coast Guard Light List (2) Local Notices to Mariners (3) Tidal-current Tables (4) Tide Tables (5) U.S. Coast Pilot

Notes:
[1] Towing vessels with existing radar must meet this requirement by August 2, 1998.
[2] Towing vessels with existing radar must meet this requirement by August 2, 1998 but do not need to meet the display and stabilization requirements until August 2, 2001.
[3] A towing vessel may carry either a swing-meter or a magnetic compass.

26.07 of this chapter, also apply to AIS. The term "effective operating condition" used in §26.06 of this chapter includes accurate input and upkeep of AIS data fields.

(872) (c) The use of a portable AIS is permissible only to the extent that electromagnetic interference does not affect the proper function of existing navigation and communication equipment on board and such that only one AIS unit may be in operation at any one time.

(873) (d) The AIS Pilot Plug, on each vessel over 1,600 gross tons, on an international voyage, must be available for pilot use, easily accessible from the primary conning position of the vessel, and near a 120 Volt, AC power, 3-prong receptacle.

§164.51 Deviations from rules: Emergency.

(874) Except for the requirements of §164.53(b), in an emergency, any person may deviate from any rule in this part to the extent necessary to avoid endangering persons, property, or the environment.

§164.53 Deviations from rules and reporting: Non-operating equipment.

(875) (a) If during a voyage any equipment required by this part stops operating properly, the person directing the movement of the vessel may continue to the next port of call, subject to the directions of the District Commander or the Captain of the Port, as provided by 33 CFR 160.

(876) (b) If the vessel's radar, radio navigation receivers, gyrocompass, echo depth sounding device, or primary steering gear stops operating properly, the person directing the movement of the vessel must report or cause to be reported that it is not operating properly to the nearest Captain of the Port, District Commander, or, if participating in a Vessel Traffic Service, to the Vessel Traffic Center, as soon as possible.

§164.55 Deviations from rules: Continuing operation or period of time.

(877) The Captain of the Port, upon written application, may authorize a deviation from any rule in this part if he determines that the deviation does not impair the safe navigation of the vessel under anticipated conditions and will not result in a violation of the rules for preventing collisions at sea. The authorization may be issued for vessels operating in the waters under the jurisdiction of the Captain of the Port for any continuing operation or period of time the Captain of the Port specifies.

§164.61 Marine casualty reporting and record retention.

(878) When a vessel is involved in a marine casualty as defined in 46 CFR 4.03–1, the master or person in charge of the vessel shall–

(879) (a) Ensure compliance with 46 CFR 4.05, "Notice of Marine Casualty and Voyage Records," and

(880) (b) Ensure that the voyage records required by 46 CFR 4.05–15 are retained for–

(881) (1) 30 days after the casualty if the vessel remains in the navigable waters of the United States; or

(882) (2) 30 days after the return of the vessel to a United States port if the vessel departs the navigable waters of the United States within 30 days after the marine casualty.

§164.70 Definitions.

(883) For purposes of §§164.72 through 164.82, the term–

(884) Current edition means the most recent published version of a publication, chart, or map required by §164.72.

(885) Currently corrected edition means a current or previous edition of a publication required by §164.72, corrected with changes that come from Notice to Mariners (NTMs) or Notices to Navigation reasonably available and that apply to the vessel's transit. Hand-annotated river maps from U.S. Army Corps of Engineers (ACOE) are currently corrected editions if issued within the previous 5 years.

(886) Great Lakes means the Great Lakes and their connecting and tributary waters including the Calumet River as far as the Thomas J. O'Brien Lock and Controlling Works (between miles 326 and 327), the Chicago River as far as the east side of the Ashland Avenue Bridge (between miles 321 and 322), and the Saint Lawrence River as far east as the lower exit of Saint Lambert Lock.

(887) Merchant mariner credential or MMC means the credential issued by the Coast Guard under 46 CFR part 10. It combines the individual merchant mariner's document, license, and certificate of registry enumerated in 46 U.S.C. subtitle II part E as well as the STCW endorsement into a single credential that serves as the mariner's qualification document, certificate of identification, and certificate of service.

(888) Swing-meter means an electronic or electric device that indicates that rate of turn of the vessel on board which it is installed.

(889) Towing vessel means a commercial vessel engaged in or intending to engage in pulling, pushing or hauling alongside, or any combination of pulling, pushing, or hauling alongside.

(890) Western Rivers means the Mississippi River, its tributaries, South Pass, and Southwest Pass, to the navigational-demarcation lines dividing the high seas from harbors, rivers, and other inland waters of the United States, and the Port Allen-Morgan City Alternative Route, and that part of the Atchafalaya River above its junction with the Port Allen-Morgan City Alternative Route including the Old River and the Red River and those waters specified by §§89.25 and 89.27 of this chapter, and such other, similar waters as are designated by the COTP.

§164.72 Navigational-safety equipment, charts or maps, and publications required on towing vessels.

(891) (a) Except as provided by §164.01(b), each towing vessel must be equipped with the following navigational-safety equipment:

(892) (1) Marine Radar. By August 2, 1997, a marine radar that meets the following applicable requirements:

(893) (i) For a vessel of less than 300 tons gross tonnage that engages in towing on navigable waters of the U.S., including Western Rivers, the radar must meet–

(894) (A) The requirements of the Federal Communications Commission (FCC) specified by 47 CFR part 80; and

(895) (B) RTCM Standard for Marine Radar Equipment Installed on Ships of Less Than 300 Tons Gross Tonnage, RTCM Paper-71-95/SC112-STD, Version 1.1, display Category II and stabilization Category Bravo.

(896) (ii) For a vessel of less than 300 tons gross tonnage that engages in towing seaward of navigable waters of the U.S. or more than three nautical miles from shore on the Great Lakes, the radar must meet–

(897) (A) The requirements of the FCC specified by 47 CFR part 80; and

(898) (B) RTCM Standard for Marine Radar Equipment Installed on Ships of Less Than 300 Tons Gross Tonnage, RTCM Paper 71-95/SC112-STD, Version 1.1, display Category I and stabilization Category Alpha.

(899) (iii) For a vessel of 300 tons gross tonnage or more that engages in towing on navigable waters of the U.S., including Western rivers, the radar must meet–

(900) (A) The requirements of the Federal Communications Commission (FCC) specified by 47 CFR part 80; and

(901) (B) RTCM Recommended Standards for Marine Radar Equipment Installed on Ships of 300 Tons Gross Tonnage and Upwards, RTCM Paper 191-93/SC112-X, Version 1.2 except the requirements for azimuth stabilization in paragraph 3.10.

(902) (iv) For a vessel of 300 tons gross tonnage or more that engages in towing seaward of navigable waters of the U.S. or more than three nautical miles from shore on the Great Lakes, the radar must meet–

(903) (A) The requirements of the FCC specified by 47 CFR Part 80; and

(904) (B) RTCM Recommended Standards for Marine Radar Equipment Installed on Ships of 300 Tons Gross Tonnage and Upwards, RTCM Paper 191-93/SC112-X, Version 1.2.

(905) (v) A towing vessel with an existing radar must meet the applicable requirements of paragraphs (a)(1)(i) through (iv) of this section by August 2, 1998; except that a towing vessel with an existing radar must meet the display and stabilization requirements of paragraph (a)(1)(ii)(B) of this section by August 2, 2001.

(906) (2) Searchlight. A searchlight, directable from the vessel's main steering station and capable of illuminating objects at a distance of at least two times the length of the tow.

(907) (3) VHF-FM Radio. An installation or multiple installations of VHF-FM radios as prescribed by part 26 of this chapter and 47 CFR part 80, to maintain a continuous listening watch on the designated calling channel, VHF-FM Channel 13 (except on portions of the Lower

Mississippi River, where VHF-FM Channel 67 is the designated calling channel), and to separately monitor the International Distress and Calling Channel, VHF-FM Channel 16, except when transmitting or receiving traffic on other VHF-FM channels or when participating in a Vessel Traffic Service (VTS) or monitoring a channel of a VTS. (Each U.S. towing vessel of 26 feet (about 8 meters) or more in length, except a public vessel, must hold a ship-radio-station license for radio transmitters (including radar and EPIRBs), and each operator must hold a restricted operator's license or higher. To get an application for either license, call (800) 418-FORM or (202) 418-FORM, or write to the FCC; Wireless Bureau, Licensing Division; 1270 Fairfield Road; Gettysburg, PA 17325-7245.)

(908) (4) Magnetic Compass. Either–

(909) (i) An illuminated swing-meter or an illuminated card-type magnetic steering compass readable from the vessel's main steering station, if the vessel engages in towing exclusively on Western Rivers; or

(910) (ii) An illuminated card-type magnetic steering compass readable from the vessel's main steering station.

(911) (5) Echo Depth-Sounding Device. By August 2, 2001, an echo depth-sounding device readable from the vessel's main steering station, unless the vessel engages in towing exclusively on Western Rivers.

(912) (6) Electronic Position-Fixing Device. An electronic position-fixing device, a satellite navigational system such as the Global Positioning System (GPS) as required by §164.41, if the vessel engages in towing seaward of navigable waters of the U.S. or more than three nautical miles from shore on the Great Lakes.

(913) (b) Each towing vessel must carry on board and maintain the following:

(914) (1) Charts or maps. Marine charts or maps of the areas to be transited, published by the National Ocean Service (NOS), the ACOE, or a river authority that satisfy the following requirements.

(915) (i) The charts or maps must be of a large enough scale and have enough detail to make safe navigation of the areas possible.

(916) (ii) The charts or maps must be either–

(917) (A) Current editions or currently corrected editions, if the vessel engages in towing exclusively on navigable waters of the U.S., including Western Rivers; or

(918) (B) Currently corrected editions, if the vessel engages in towing seaward of navigable waters of the U.S. or more than three nautical miles from shore on the Great Lakes.

(919) (iii) The charts or maps may be, instead of charts or maps required by paragraphs (b)(1) (i) and (ii) of this section, currently corrected marine charts or maps, or applicable extracts, published by a foreign government. These charts or maps, or applicable extracts, must contain information similar to that on the charts or maps required by paragraphs (b)(1) (i) and (ii) of the section, be of large enough scale, and have enough detail to make safe navigation of the areas possible, and must be currently corrected.

(920) (2) General publications. A currently corrected edition of, or an applicable currently corrected extract from, each of the following publications for the area to be transited:

(921) (i) If the vessel is engaged in towing exclusively on Western Rivers–

(922) (A) U.S. Coast Guard Light List;

(923) (B) Applicable Notices to Navigation published by the ACOE, or Local Notices to Marines (LNMs) published by the Coast Guard, for the area to be transited, when available; and

(924) (C) River-current tables published by the ACOE or a river authority, if available.

(925) (ii) if the vessel is engaged other than in towing exclusively on Western Rivers–

(926) (A) Coast Guard Light List;

(927) (B) Notices to Mariners published by the National Geospatial-Intelligence Agency, or LNMs published by the Coast Guard;

(928) (C) Tidal-current tables published by private entities using data provided by the NOS, or river-current tables published by ACOE or a river authority:

(929) (D) Tide tables published by private entities using data provided by the NOS; and

(930) (E) U.S. Coast Pilot.

(931) (c) Table 164.72, following, summarizes the navigational-safety equipment, charts or maps, and publications required for towing vessels of 12 meters or more in length:

§164.74 Towline and terminal gear for towing astern.

(932) (a) Towline. The owner, master, or operator of each vessel towing astern shall ensure that the strength of each towline is adequate for its intended service, considering at least the following factors:

(933) (1) The size and material of each towline must be–

(934) (i) Appropriate for the horsepower or bollard pull of the vessel;

(935) (ii) Appropriate for the static loads and dynamic loads expected during the intended service;

(936) (iii) Appropriate for the sea conditions expected during the intended service;

(937) (iv) Appropriate for exposure to the marine environment and to any chemicals used or carried on board the vessel;

(938) (v) Appropriate for the temperatures of normal stowage and service on board the vessel;

(939) (vi) Compatible with associated navigational-safety equipment; and

(940) (vii) Appropriate for the likelihood of mechanical damage.

(941) (2) Each towline as rigged must be–

(942) (i) Free of knots;

(943) (ii) Spliced with a thimble, or have a poured socket at its end; and

(944) (iii) Free of wire clips except for temporary repair, for which the towline must have a thimble and either five wire clips or as many wire clips as the manufacturer specifies for the nominal diameter and construction of the towline, whichever is more.

(945) (3) The condition of each towline must be monitored through the–

(946) (i) Keeping on board the towing vessel or in company files of a record of the towline's initial minimum breaking strength as determined by the manufacturer, by a classification ("class") society authorized in §157.04 of this chapter, or by a tensile test that meets API Specifications 9A, Specification for Wire Rope, Section 3; ASTM D 4268 (incorporated by reference, see §164.03), Standard Test Method for Testing Fiber Ropes; or Cordage Institute CIA 3, Standard Test Methods for Fiber Rope Including Standard Terminations;

(947) (ii) If the towline is purchased from another owner, master, or operator of a vessel with the intent to use it as a towline or if it is retested for any reason, keeping on board the towing vessel or in company files of a record of each retest of the towline's minimum breaking strength as determined by a class society authorized in §157.04 of this chapter or by a tensile test that meets API Specification 9A, Section 3; ASTM D 4268 (incorporated by reference, see §164.03); or Cordage Institute CIA 3, Standard Test Methods;

(948) (iii) Conducting visual inspections of the towline in accordance with the manufacturer's recommendations, or at least monthly, and whenever the serviceability of the towline is in doubt (the inspections being conducted by the owner, master, or operator, or by a person on whom the owner, master, or operator confers the responsibility to take corrective measures appropriate for the use of the towline);

(949) (iv) Evaluating the serviceability of the whole towline or any part of the towline, and removing the whole or part from service either as recommended by the manufacturer or a class society authorized in §157.04 of this chapter or in accordance with a replacement schedule developed by the owner, master, or operator that accounts for at least the–

(950) (A) Nautical miles on, or time in service of, the towline;

(951) (B) Operating conditions experienced by the towline;

(952) (C) History of loading of the towline;

(953) (D) Surface condition, including corrosion and discoloration, of the towline;

(954) (E) Amount of visible damage to the towline;

(955) (F) Amount of material deterioration indicated by measurements of diameter and, if applicable, measurements of lay extension of the towline; and

(956) (G) Point at which a tensile test proves the minimum breaking strength of the towline inadequate by the standards of paragraph (a)(1) of this section, if necessary; and

(957) (v) Keeping on board the towing vessel or in company files of a record of the material condition of the towline when inspected under paragraphs (a)(3)(iii) and (iv) of this section. Once this record lapses for three months or more, except when a vessel is laid up or out of service or has not deployed its towline, the owner, master, or operator shall retest the towline or remove it from service.

(958) (b) Terminal gear. The owner, master, or operator of each vessel towing astern shall ensure that the gear used to control, protect, and connect each towline meets the following criteria:

(959) (1) The material and size of the terminal gear are appropriate for the strength and anticipated loading of the towline and for the environment;

(960) (2) Each connection is secured by at least one nut with at least one cotter pin or other means of preventing its failure;

(961) (3) The lead of the towline is appropriate to prevent sharp bends in the towline from fairlead blocks, chocks, or tackle;

(962) (4) There is provided a method, whether mechanical or non-mechanical, that does not endanger operating personnel but that easily releases the towline;

(963) (5) The towline is protected from abrasion or chafing by chafing gear, lagging, or other means;

(964) (6) Except on board a vessel towing in ice on Western Rivers or one using a towline of synthetic or natural fiber, there is fitted a winch that evenly spools and tightly winds the towline; and

(965) (7) If a winch is fitted, there is attached to the main drum a brake that has holding power appropriate for the horsepower or bollard pull of the vessel and can be operated without power to the winch.

§164.76 Towline and terminal gear for towing alongside and pushing ahead.

(966) The owner, master, or operator of each vessel towing alongside or pushing ahead shall ensure the face wires, spring lines, and push gear used–

(967) (a) Are appropriate for the vessel's horsepower;

(968) (b) Are appropriate for the arrangement of the tow;

(969) (c) Are frequently inspected; and

(970) (d) Remain serviceable.

§164.78 Navigation under way: Towing vessels.

(971) (a) The owner, master, or operator of each vessel towing shall ensure that each person directing and controlling the movement of the vessel–

(972) (1) Understands the arrangement of the tow and the effects of maneuvering on the vessel towing and on the vessel, barge, or object being towed;

(973) (2) Can fix the position of the vessel using installed navigational equipment, aids to navigation, geographic reference-points, and hydrographic contours;

(974) (3) Does not fix the position of the vessel using buoys alone (Buoys are aids to navigation placed in approximate positions either to alert mariners to hazards to navigation or to indicate the orientation of a channel. They may not maintain exact charted positions, because strong or varying currents, heavy seas, ice and collisions with vessels can move or sink them or set them adrift. Although they may corroborate a position fixed by other means, they cannot fix a position; however, if no other aids are available, buoys alone may establish an estimated position.);

(975) (4) Evaluates the danger of each closing visual or radar contact;

(976) (5) Knows and applies the variation and deviation, where a magnetic compass is fitted and where charts or maps have enough detail to enable this type of correction;

(977) (6) Knows the speed and direction of the current, and the set, drift, and tidal state for the area to be transited;

(978) (7) Proceeds at a safe speed taking into account the weather, visibility, density of traffic, draft of tow, possibility of wake damage, speed and direction of the current, and local speed-limits; and

(979) (8) Monitors the voyage plan required by §164.80.

(980) (b) The owner, master, or operator of each vessel towing shall ensure that the tests and inspections required by §164.80 are conducted and that the results are entered in the log or other record carried on board.

§164.80 Tests, inspections, and voyage planning.

(981) (a) The owner, master, or operator of each towing vessel of less than 1,600 GT shall ensure that the following tests and inspections of gear occur before the vessel embarks on a voyage of more than 24 hours or when each new master or operator assumes command:

(982) (1) Steering-systems. A test of the steering-gear-control system; a test of the main steering gear from the alternative power supply, if installed; a verification of the rudder-angle indicator relative to the actual position of the rudder; and a visual inspection of the steering gear and its linkage.

(983) (2) Navigational equipment. A test of all installed navigational equipment.

(984) (3) Communications. Operation of all internal vessel control communications and vessel-control alarms, if installed.

(985) (4) Lights. Operation of all navigational lights and all searchlights.

(986) (5) Terminal gear. Visual inspection of tackle; of connections of bridle and towing pendant, if applicable; of chafing gear; and the winch brake, if installed.

(987) (6) Propulsion systems. Visual inspection of the spaces for main propulsion machinery, of machinery, and of devices for monitoring machinery.

(988) (b) The owner, master, or operator of each towing vessel of 1,600 GT or more shall ensure that the following tests of equipment occur at the frequency required by §164.25 and that the following inspections of gear occur before the vessel embarks on a voyage of more than 24 hours or when each new master or operator assumes command:

(989) (1) Navigational equipment. Tests of onboard equipment as required by §164.25.

(990) (2) Terminal gear. Visual inspection of tackle; of connections of bridle and towing pendant, if applicable; of chafing gear; and of the winch brake, if installed.

(991) (c)(1) The voyage-planning requirements outlined in this section do not apply to you if your towing vessel is–

(992) (i) Used solely for any of the following services or any combination of these services–

(993) (A) Within a limited geographic area, such as fleeting-area for barges or a commercial facility, and used for restricted service, such as making up or breaking up larger tows:

(994) (B) For harbor assist;

(995) (C) For assistance towing as defined by 46 CFR 10.103;

(996) (D) For response to emergency or pollution;

(997) (ii) A public vessel that is both owned, or demise chartered, and operated by the United States Government or by a government of a foreign country; and that is not engaged in commercial service;

(998) (iii) A foreign vessel engaged in innocent passage; or

(999) (iv) Exempted by the Captain of the Port (COTP).

(1000) (2) If you think your towing vessel should be exempt from these voyage planning requirements for a specified route, you should submit a written request to the appropriate COTP. The COTP will provide you with a written response granting or denying your request.

(1001) (3) If any part of a towing vessel's intended voyage is seaward of the baseline (i.e. the shoreward boundary) of the territorial sea of the U.S., then the owner, master, or operator of the vessel, employed to tow a barge or barges, must ensure that the voyage with the barge or barges is planned, taking into account all pertinent information before the vessel embarks on the voyage. The master must check the planned route for proximity to hazards before the voyage begins. During a voyage, if a decision is made to deviate substantially from the planned route, then the master or mate must plan the new route before deviating from the planned route. The voyage plan must follow company policy and consider the following (related requirements noted in parentheses):

(1002) (i) Applicable information from nautical charts and publication (also see paragraph (b) of section 164.72), including Coast Pilot, Coast Guard Light List, and Coast Guard Local Notice to Mariners for the port of departures, all ports of call, and the destination;

(1003) (ii) Current and forecast weather, including visibility, wind, and sea state for the port of departure, all ports of call, and the destination (also see paragraphs (a)(7) of section 164.78 and (b) of section 164.82);

(1004) (iii) Data on tides and currents for the port of departure, all ports of call, and the destination, and the river staged and forecast, if appropriate;

(1005) (iv) Forward and after drafts of the barge or barges and under-keel and vertical clearances (air-gaps) for all bridges, ports, and berthing areas;

(1006) (v) Pre-departure checklists;

(1007) (vi) Calculated speed and estimated time of arrival at proposed waypoints;

(1008) (vii) Communication contacts at any Vessel Traffic Services, bridges, and facilities, and any port specific requirements for VHF radio;

(1009) (viii) Any master's or operator's standings orders detailing closest points of approach, special conditions, and critical maneuvers; and

(1010) (ix) Whether the towing vessel has sufficient power to control the tow under all foreseeable circumstances.

§164.82 Maintenance, failure, and reporting.

(1011) (a) Maintenance. The owner, master, or operator of each towing vessel shall maintain operative the navigational-safety equipment required by §164.72.

(1012) (b) Failure. If any of the navigational-safety equipment required by §164.72 fails during a voyage, the owner, master, or operator of the towing vessel shall exercise due diligence to repair it at the earliest practicable time. He or she shall enter its failure in the log or other record carried on board. The failure of equipment, in itself, does not constitute a violation of this rule; nor does it constitute unseaworthiness; nor does it obligate an owner, master, or operator to moor or anchor the vessel. However, the owner, master, or operator shall consider the state of the equipment-along with such factors as weather, visibility, traffic, and the dictates of good seamanship-in deciding whether it is safe for the vessel to proceed.

(1013) (c) Reporting. The owner, master, or operator of each towing vessel whose equipment is inoperative or otherwise impaired while the vessel is operating within a Vessel Traffic Service (VTS) Area shall report the fact as required by 33 CFR 161.124. (33 CFR 161.124 requires that each user of a VTS report to the Vessel Traffic Center as soon as practicable:

(1014) (1) Any absence or malfunction of vessel-operating equipment for navigational safety, such as propulsion machinery, steering gear, radar, gyrocompass, echo depth-sounding or other sounding device, automatic dependent surveillance equipment, or navigational lighting;

(1015) (2) Any condition on board the vessel likely to impair navigation, such as shortage of personnel or lack of current nautical charts or maps, or publications; and

(1016) (3) Any characteristics of the vessel that affect or restrict the maneuverability of the vessel, such as arrangement of cargo, trim, loaded condition, under-keel clearance, and speed.)

(1017) (d) Deviation and authorization. The owner, master, or operator of each towing vessel unable to repair within 96 hours an inoperative marine radar required by §164.72(a) shall so notify the Captain of the Port (COTP) and shall seek from the COTP both a deviation from the requirements of this section and an authorization for continued operation in the area to be transited. Failure of redundant navigational-safety equipment, including but not limited to failure of one of two installed radars, where each satisfies §164.72(a), does not necessitate either a deviation or an authorization.

(1018) (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.

(1019) (2) The COTP, upon receiving even a spoken request, may grant a deviation and an authorization from any of the provisions of §§164.70 through 164.82 for a specified time if he or she decides that they would not impair the safe navigation of the vessel under anticipated conditions.

Part 165–Regulated Navigation Areas and Limited Access Areas

Subpart A–General

§165.1 Purpose of part.

(1020) The purpose of this part is to–

(1021) (a) Prescribe procedures for establishing different types of limited or controlled access areas and regulated navigation areas;

(1022) (b) Prescribe general regulations for different types of limited or controlled access areas and regulated navigation areas;

(1023) (c) Prescribe specific requirements for established areas; and

(1024) (d) List specific areas and their boundaries.

§165.5 Establishment procedures.

(1025) (a) A safety zone, security zone, or regulated navigation area may be established on the initiative of any authorized Coast Guard official.

(1026) (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 in33 CFR 3, and include the following:

(1027) (1) The name of the person submitting the request;

(1028) (2) The location and boundaries of the safety zone, security zone, or regulated navigation area;

(1029) (3) The date, time, and duration that the safety zone, security zone, or regulated navigation area should be established;

(1030) (4) A description of the activities planned for the safety zone, security zone, or regulated navigation area;

(1031) (5) The nature of the restrictions or conditions desired; and

(1032) (6) The reason why the safety zone, security zone, or regulated navigation area is necessary.

(1033) (Requests for safety zones, security zones, and regulated navigation areas are approved by the Office of Management and Budget under control number 1625-0020.)

(1034) (c) Safety Zones and Security Zones. If, for good cause, the request for a safety zone or security zone is made less than 5 working days before the zone is to be established, the request may be made orally, but it must be followed by a written request within 24 hours.

§165.7 Notification.

(1035) (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.**

(1036) (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.

(1037) (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.

(1038) Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose referenced horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

§165.9 Geographic application of limited and controlled access areas and regulated navigation areas.

(1039) (a) General. The geographic application of the limited and controlled access areas and regulated navigation areas in this part are determined based on the statutory authority under which each is created.

(1040) (b) Safety zones and regulated navigation areas. These zones and areas are created under the authority of the Ports and Waterways Safety Act, 33 U.S.C. 1221–1232. Safety zones established under 33 U.S.C. 1226 and regulated navigation areas may be established in waters subject to the jurisdiction of the United States as defined in §2.38 of this chapter, including the territorial sea to a seaward limit of 12 nautical miles from the baseline.

(1041) (c) Security zones. These zones have two sources of authority–the Ports and Waterways Safety Act, 33 U.S.C. 1221–1232, and the Act of June 15, 1917, as emended by both the Magnuson Act of August 9, 1950 ("Magnuson Act"), 50 U.S.C. 191–195, and sec. 104 the Maritime Transportation Security Act of 2002 (Pub. L. 107-295, 116 Stat. 2064). Security zones established under either 33 U.S.C. 1226 or 50 U.S.C. 191 may be established in waters subject to the jurisdiction of the United States as defined in §2.38 of this chapter, including the territorial sea to a seaward limit of 12 nautical miles from the baseline.

(1042) (d) Naval vessel protection zones. These zones are issued under the authority of 14 U.S.C. 91 and 633 and may be established in waters subject to the jurisdiction of the United States as defined in §2.38 of this chapter, including the territorial sea to a seaward limit of 12 nautical miles from the baseline.

Subpart B–Regulated Navigation Areas

§165.10 Regulated navigation area.

(1043) 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).

(1044) Each District Commander may control vessel traffic in an area which is determined to have hazardous conditions, by issuing regulations–

(1045) (a) Specifying times of vessel entry, movement, or departure to, from, within, or through ports, harbors, or other waters;

(1046) (b) Establishing vessel size, speed, draft limitations, and operating conditions; and

(1047) (c) Restricting vessel operation, in a hazardous area or under hazardous conditions, to vessels which have particular operating characteristics or capabilities which are considered necessary for safe operation under the circumstances.

§165.13 General regulations.

(1048) (a) The master of a vessel in a regulated navigation area shall operate the vessel in accordance with the regulations contained in Subpart F.

(1049) (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.

(1050) A Safety Zone is a water area, shore area, or water and shore area to which, for safety or environmental purposes, access is limited to authorized persons, vehicles, or vessels. It may be stationary and described by fixed limits or it may be described as a zone around a vessel in motion.

§165.23 General regulations.

(1051) Unless otherwise provided in this part–

(1052) (a) No person may enter a safety zone unless authorized by the COTP or the District Commander.

(1053) (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.

(1054) (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

(1055) (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.

(1056) (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.

(1057) (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–

(1058) (1) Vessels,

(1059) (2) Harbors,

(1060) (3) Ports and

(1061) (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.

(1062) Unless otherwise provided in the special regulations in Subpart F of this part–

(1063) (a) No person or vessel may enter or remain in a security zone without the permission of the Captain of the Port;

(1064) (b) Each person and vessel in a security zone shall obey any direction or order of the Captain of the Port;

(1065) (c) The Captain of the Port may take possession and control of any vessel in the security zone;

(1066) (d) The Captain of the Port may remove any person, vessel, article, or thing from a security zone;

(1067) (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

(1068) (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.

(1069) The Commandant, may direct the COTP to prevent access to waterfront facilities, and port and harbor areas, including vessels and harbor craft therein. This section may apply to persons who do not possess the credentials outlined in 33 CFR 125.09 when certain shipping activities are conducted that are outlined in 33 CFR 125.15.

Subpart F–Specific Regulated Navigation Areas and Limited Access Areas

§165.1303 Puget Sound and adjacent waters, WA-regulated navigation areas.

(1070) (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.

(1071) (b) Regulations.

(1072) (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.

(1073) (2) A vessel in a precautionary area which is depicted on National Oceanic and Atmospheric Administration (NOAA) nautical charts, except precautionary area “BB” (a circular area of 2,500 yards radius centered at 48°26'24"N., 122°15'12"W.), must keep the center of the precautionary area to port.

(1074) **Note:** The center of precautionary area “RB” is not marked by a buoy.

§165.1701 Port Valdez, Valdez, Alaska-safety zone.

(1075) 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.

§165.1703 Ammunition Island, Port Valdez, Alaska.

(1076) (a) Location. The waters within the following boundaries is a safety zone–the area within a radius of 1330 yards of Ammunition Island, centered on latitude 61°07'28"N., longitude 146°18'29"W., (NAD 83) and the vessel moored or anchored at Ammunition Island.

(1077) (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.

(1078) (c) Special regulation. (1) §165.23 does not apply to paragraph (a) of this section, except when the vessel is moored to Ammunition Island.

(1079) (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.

165.1704 Prince William Sound, Alaska-regulated navigation area.

(1080) (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.

(1081) (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°05'06N., 146°36'42W.

(1082) (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:

(1083) (1) Report compliance with Part 164 of this chapter, to the Vessel Traffic Center (VTC);

(1084) (2) Have at least two radiotelephones capable of operating on the designated VTS frequency, one of which is capable of battery operation;

(1085) (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);

(1086) (4) When transiting the VTS Special Area, limit speed to 12 knots;

(1087) (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

(1088) (6) Not later than December 31, 2004 have an operating Automatic Identification System Shipborne Equipment (AISSE) system installed.

(1089) (i) The designated digital selective calling frequency (DSC) in Prince William Sound is 156.525 MHz (VHF Channel 70).

(1090) (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.

(1091) (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:

(1092) (A) Notify the VTC;

(1093) (B) Make the required voice radio position reports as set forth in §161.60 and required by §161.20 (b) of this chapter;

(1094) (C) Make other voice radio reports as required by the VTS; and

(1095) (D) Restore the AISSE to operating condition as soon as possible.

(1096) (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:

(1097) (A) Make the required voice radio position reports as set forth in §161.60 and required by §160.20(b) of this chapter; and

(1098) (B) Make other voice radio reports as required by the VTS.

(1099) (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.

(1100) **Note:** Regulations pertaining to Automatic Identification System Shipborne Equipment (AISSE) required capabilities are set forth in Part 164 of this chapter.

§165.1709 Security Zones: Liquefied Natural Gas Tanker Transits and Operations at Phillips Petroleum LNG Pier, Cook Inlet, AK.

(1101) (a) Location. The following areas are established as security zones during the specified conditions:

(1102) (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°34'52"N. and 151°25'44"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.

(1103) (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°24'10W.

(1104) (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):

(1105) (i) Vessels scheduled to moor and offload or load cargo at other Nikiski marine terminals that have provided the Coast Guard with an Advance Notice of Arrival.

(1106) (ii) Commercial fishing vessels, including drift net and set net vessels, fishing from the waters within the zone, if

(1107) (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

(1108) (B) Has provided the Captain of the Port representative, Marine Safety Detachment Kenai, Alaska current information about the vessel, including:

(1109) (1) The name and/or the official number, if documented, or state number, if numbered by a state issuing authority;

(1110) (2) A brief description of the vessel, including length, color, and type of vessel;

(1111) (3) The name, Social Security number, current address, and telephone number of the vessel's master, operator or person in charge; and

(1112) (4) Upon request, information on the vessel's crew.

(1113) (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.

(1114) (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.

(1115) (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.

(1116) (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.

(1117) (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.

§165.1710 Port Valdez and Valdez Narrows, Valdez, Alaska–security zones.

(1118) (a) Location. The following areas are security zones:

(1119) (1) Trans-Alaska Pipeline (TAPS) Valdez Terminal complex (Terminal), Valdez, Alaska and TAPS tank vessels. All waters enclosed within a line beginning on the southern shoreline of Port Valdez at 61°05'03.6"N., 146°25'42W.; thence northerly to the yellow buoy at 61°06'00"N., 146°25'42"W.; thence east to the yellow buoy at 61°06'00"N., 146°21'30"W.; thence south to 61°05'06"N., 146°21'30"W.; thence west along the shoreline and including the area 2000 yards inland along the shoreline to the beginning point.

(1120) (2) Tank vessel moving security zone. All waters within 200 yards of any TAPS tank vessel maneuvering to approach, moor, unmoor or depart the TAPS terminal or transiting, maneuvering, laying to or anchored within the boundaries of the Captain of the Port, Prince William Sound Zone described in 33 CFR 3.85–20 (b).

(1121) (3) Valdez Narrows, Port Valdez, Valdez, Alaska. All waters 200 yards either side of the Valdez Narrows Tanker Optimum Track line bounded by a line beginning at

(1122) 61°05'15"N., 146°37'18"W.; thence southwest to

(1123) 61°04'00"N., 146°39'52"W.; thence southerly to

(1124) 61°02'32.5"N., 146°41'25"W.; thence northwest to

(1125) 61°02'40.5"N., 146°41'47"W.; thence northeast to

(1126) 61°04'07.5"N., 146°40'15"W.; thence northeast to

(1127) 61°05'22"N., 146°37'38"W.; thence southeast back to the starting point at 61°05'15"N., 146°37'18"W.

(1128) (b) Regulations. (1) The general regulations in 33 CFR 165.33 apply to the security zones described in paragraph (a) of this section.

(1129) (2) Tank vessels transiting directly to the TAPS terminal complex, engaged 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, as required under 33 CFR part 161 and §165.1704, may operate as necessary to ensure safe passage of tank vessels to and from the terminal.

(1130) (3) All persons and vessels must 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 must 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.

§165.1711 Security Zones; Waters of the Seventeenth Coast Guard District

(1131) (a) Definitions. As used in this section–

(1132) Alaska Marine Highway System vessel ("AMHS vessel") means any vessel owned or operated by the Alaska Marine Highway System, including, but not limited to: M/V AURORA, M/V CHENEGA, M/V COLUMBIA, M/V FAIRWEATHER, M/V KENNICOTT, M/V LECONTE, M/V LITUYA, M/V MALASPINA, M/V MATANUSKA, M/V TAKU, and the M/V TUSTUMENA.

(1133) Designated on Scene Representative means any U.S. Coast Guard commissioned, warrant or petty officer who has been authorized by the District Commander or local Captain of the Port (COTP), as defined in 33 CFR part 3, subpart 3.85, to act on his or her behalf, or

other Federal, State or local law enforcement Officers designated by the COTP.

(1134) Escorted HCPV or AMHS vessel means a HCPV or AMHS vessel that is accompanied by one or more Coast Guard assets or Federal, State or local law enforcement agency assets as listed below:

(1135) (1) Coast Guard surface or air asset displaying the Coast Guard insignia.

(1136) (2) State, Federal or local law enforcement assets displaying the applicable agency markings and or equipment associated with the agency.

(1137) Federal Law Enforcement Officer means any Federal government law enforcement officer who has authority to enforce federal criminal laws.

(1138) High Capacity Passenger Vessel ("HCPV") means a passenger vessel greater than 100 feet in length that is authorized to carry more than 500 passengers for hire.

(1139) State law enforcement Officer means any State or local government law enforcement officer who has authority to enforce State or local criminal laws.

(1140) (b) Location. The following areas are security zones: all waters within 100 yards around escorted High Capacity Passenger Vessels or escorted Alaska Marine Highway System vessels in the navigable waters of the Seventeenth Coast Guard District as defined in 33 CFR 3.85-1, from surface to bottom.

(1141) (c) Regulations. (1) No vessel may approach within 100 yards of an escorted HCPV or escorted AMHS vessel during their transits within the navigable waters of the Seventeenth Coast Guard District.

(1142) (2) Moored or anchored vessels that are overtaken by this moving zone must remain stationary at their location until the escorted vessel maneuvers at least 100 yards away.

(1143) (3) The local Captain of the Port may notify the maritime and general public by marine information broadcast of the periods during which individual security zones have been activated by providing notice in accordance with 33 CFR 165.7.

(1144) (4) Persons desiring to transit within 100 yards of a moving, escorted HCPV or AMHS vessel in the Seventeenth Coast Guard District must contact the designated on scene representative on VHF channel 16 (156.800 MHz) or VHF channel 13 (156.650 MHz) to receive permission.

(1145) (5) If permission is granted to transit within 100 yards of an escorted HCPV or AMHS vessel, all persons and vessels must comply with the instructions of the designated on scene representative.

(1146) (6) All commercial fishing vessels as defined by 46 U.S.C. 2101(11a) while actively engaged in fishing are exempted from the provisions of this section.

Subpart G–Protection of Naval Vessels

§165.2010 Purpose.

(1147) This subpart establishes the geographic parameters of naval vessel protection zones surrounding U.S. naval vessels in the navigable waters of the United States. This subpart also establishes when the U.S. Navy will take enforcement action in accordance with the statutory guideline of 14 U.S.C. 91. Nothing in the rules and regulations contained in this subpart shall relieve any vessel, including U.S. naval vessels, from the observance of the Navigation Rules. The rules and regulations contained in this subpart supplement, but do not replace or supercede, any other regulation pertaining to the safety or security of U.S. naval vessels.

§165.2015 Definitions.

(1148) The following definitions apply to this subpart:

(1149) Atlantic Area means that area described in 33 CFR 3.04–1 Atlantic Area.

(1150) Large U.S. naval vessel means any U.S. naval vessel greater than 100 feet in length overall.

(1151) Naval defensive sea area means those areas described in 32 CFR part 761.

(1152) 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.

(1153) Navigable waters of the United States means those waters defined as such in 33 CFR part 2.

(1154) Navigation rules means the Navigation Rules, International-Inland.

(1155) 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.

(1156) Pacific Area means that area described in 33 CFR 3.04–3 Pacific Area.

(1157) Restricted area means those areas established by the Army Corps of Engineers and set out in 33 CFR part 334.

(1158) 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.

(1159) 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.

(1160) 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.

(1161) (a) Coast Guard. Any Coast Guard commissioned, warrant or petty officer may enforce the rules and regulations contained in this subpart.

(1162) (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.

§165.2030 Pacific Area.

(1163) (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.

(1164) **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.

(1165) (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.

(1166) (c) The Navigation Rules shall apply at all times within a naval vessel protection zone.

(1167) (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.

(1168) (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.

(1169) (f) When conditions permit, the Coast Guard, senior naval officer present in command, or the official patrol should:

(1170) (1) Give advance notice on VHF-FM channel 16 of all large U.S. naval vessel movements;

(1171) (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

(1172) (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

(1173) (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.

(1174) **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.

Part 166–Shipping Safety Fairways

Subpart A–General

§166.100 Purpose.

(1175) 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.

§166.103 Geographic Coordinates.

(1176) Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose referenced horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

§166.105 Definitions.

(1177) (a) Shippings 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.

(1178) (b) Fairway anchorage means an anchorage area contiguous to and associated with a fairway, in which fixed structures may be permitted within certain spacing limitations, as described for specific areas in Subpart B.

§166.110 Modification of areas.

(1179) Fairways and fairway anchorages are subject to modification in accordance with 33 U.S.C. 1223(c); 92 Stat. 1473.

§166.400 Areas along the coast of Alaska.

(1180) (a) Purpose. Fairways, as described in this section, are established to control the erection of structures therein to provide safe vessel routes along the coast of Alaska.

(1181) (b) Designated Areas. (1) Prince William Sound Safety Fairway. (i) Hinchinbrook Entrance Safety Fairway. The area enclosed by rhumb lines joining points at:

(1182) 59°59'00"N., 145°27'24"W.

(1183) 60°13'18"N., 146°38'06"W.

(1184) 60°11'24"N., 146°47'00"W.

(1185) 59°55'00"N., 145°42'00"W.

(1186) (ii) Gulf to Hinchinbrook Safety Fairway (recommended for inbound vessel traffic). The area enclosed by rhumb lines joining points at:

(1187) 59°15'42"N., 144°02'07"W.

(1188) 59°59'00"N., 145°27'24"W.

(1189) 59°58'00"N., 145°32'12"W.

(1190) 59°14'18"N., 144°04'53"W.

(1191) (iii) Hinchinbrook to Gulf Safety Fairway (recommended for outbound vessel traffic). The area enclosed by rhumb lines joining points at:

(1192) 59°15'41"N., 144°23'35"W.

(1193) 59°56'00"N., 145°37'39"W.

(1194) 59°55'00"N., 145°42'00"W.

(1195) 59°14'19"N., 144°26'25"W.

(1196) (2) Unimak Pass Safety Fairway. (i) East/West Safety Fairway. The area enclosed by rhumb lines joining points at:

(1197) 54°25'58"N., 165°42'24"W.

(1198) 54°22'50"N., 165°06'54"W.

(1199) 54°22'10"N., 164°59'29"W.

(1200) 54°07'58"N., 162°19'25"W.

(1201) 54°04'02"N., 162°20'35"W.

(1202) 54°22'02"N., 165°43'36"W.

(1203) (ii) North/South Safety Fairway. The area enclosed by rhumb lines joining points at:

(1204) 54°42'28"N., 165°16'19"W.

(1205) 54°43'32"N., 165°09'41"W;

(1206) 54°22'50"N., 165°06'54"W.

(1207) 54°22'10"N., 164°59'29"W.

Part 167–Offshore Traffic Separation Schemes

§167.1700 In Prince William Sound: General

(1208) The Prince William Sound Traffic Separation Scheme consists of four parts: Prince William Sound Traffic Separation Scheme, Valdez Arm Traffic Separation Scheme, and two precautionary areas. These parts are described in §§167.1701 through 167.1703. The geographic coordinates in §§167.1701 through 167.1703 are defined using North American Datum 1983 (NAD 83).

§167.1701 In Prince William Sound: Precautionary areas.

(1209) (a) Cape Hinchinbrook. A precautionary area is established and is bounded by a line connecting the following geographical positions:

(1210) 60°20.59'N., 146°48.18'W.

(1211) 60°12.67'N., 146°40.43'W.

(1212) 60°11.01'N., 146°28.65'W.

(1213) 60°05.47'N., 146°00.01'W.

(1214) 60°00.81'N., 146°03.53'W.

(1215) 60°05.44'N., 146°27.58'W.

(1216) 59°51.80'N., 146°37.51'W.

(1217) 59°53.52'N., 146°46.84'W.

(1218) 60°07.76'N., 146°36.24'W.

(1219) 60°11.51'N., 146°46.64'W.

(1220) 60°20.60'N., 146°54.31'W.

(1221) (b) Bligh Reef. A precautionary area is established of radius 1.5 miles centered at geographical position 60°49.63'N., 147°01.33'W.

(1222) (c) Pilot boarding area. A pilot boarding area located near the center of the Bligh Reef precautionary area is established. Regulations for vessels operating in these areas are in §165.1109(d) of this chapter.

§167.1702 In Prince William Sound: Prince William Sound Traffic Separation Scheme.

(1223) The Prince William Sound Traffic Separation Scheme consists of the following:

(1224) (a) A separation zone bounded by a line connecting the following geographic positions:

(1225) 60°20.77'N., 146°52.31'W.

(1226) 60°48.12'N., 147°01.78'W.

(1227) 60°48.29'N., 146°59.77'W.

(1228) 60°20.93'N., 146°50.32'W.

(1229) (b) A traffic lane for northbound traffic between the separation zone and a line connecting the following geographical positions:

(1230) 60°20.59'N., 146°48.18'W.

(1231) 60°49.49'N., 146°58.19'W.

(1232) (c) A traffic lane for southbound traffic between the separation zone and a line connecting the following geographical positions:

(1233) 60°49.10'N., 147°04.19'W.

(1234) 60°20.60'N., 146°54.31'W.

§167.1703 In Prince William Sound: Valdez Arm Traffic Separation Scheme.

(1235) The Valdez Arm Traffic Separation Scheme consists of the following:

(1236) (a) A separation zone bounded by a line connecting the following geographical positions:

(1237) 60°51.08'N., 147°00.33'W.

(1238) 60°58.60'N., 146°48.10'W.

(1239) 60°58.30'N., 146°47.10'W.

(1240) 60°50.45'N., 146°58.75'W.

(1241) (b) A traffic lane for northbound traffic between the separation zone and a line connecting the following geographical positions:

(1242) 60°49.39'N., 146°58.19'W.

(1243) 60°58.04'N., 146°46.52'W.

(1244) (c) A traffic lane for southbound traffic between the separation zone and a line connecting the following geographical positions:

(1245) 60°58.93'N., 146°48.86'W.

(1246) 60°50.61'N., 147°03.60'W.

Part 168–Escort Requirements for Certain Tankers.

§168.01 Purpose.

(1247) (a) This part prescribes regulations in accordance with section 4116(c) of the Oil Pollution Act of 1990 (OPA 90) (Pub. L. 101-380). The regulations will reduce the risk of oil spills from laden, single hull tankers over 5,000 GT by requiring that these tankers be escorted by at least two suitable escort vessels. The escort vessels will be immediately available to influence the tankers' speed and course in the event of a steering or propulsion equipment failure, thereby reducing the possibility of groundings or collisions.

(1248) (b) The regulations in this part establish minimum escort vessel requirements. Nothing in these regulations should be construed as relieving the master of a tanker from the duty to operate the vessel in a safe and prudent manner, taking into account the navigational constraints of the waterways to be traversed, other vessel traffic, and anticipated weather, tide, and sea conditions, which may require reduced speeds, greater assistance from escort vessels, or other operational precautions.

§168.05 Definitions.

(1249) As used in this part–

(1250) Disabled tanker means a tanker experiencing a loss of propulsion or steering control.

(1251) Escort transit means that portion of the tanker's voyage through waters where escort vessels are required.

(1252) Escort vessel means any vessel that is assigned and dedicated to a tanker during the escort transit, and that is fendered and outfitted with towing gear as appropriate for its role in an emergency response to a disabled tanker.

(1253) Laden means transporting in bulk any quantity of applicable cargo, except for clingage and residue in otherwise empty cargo tanks.

(1254) Single hull tanker means any self-propelled tank vessel that is not constructed with both double bottom and double sides in accordance with the provision of 33 CFR 157.10d.

(1255) Tanker master means the licensed onboard person in charge of the tanker.

(1256) Tanker owner or operator means the owner or shoreside organization (individual, corporation, partnership, or association), including a demise charterer, responsible for the overall management and operation of the tanker.

§168.10 Responsibilities.

(1257) (a) The tanker owner or operator shall:

(1258) (1) select escort vessels that can meet the performance requirements of this part; and

(1259) (2) inform the tanker master of the performance capabilities of the selected escort vessels. This information must be provided to the master before beginning the escort transit.

(1260) (b) The tanker master shall operate the tanker within the performance capabilities of the escort vessels, taking into account speed, sea and weather conditions, navigational considerations, and other factors that may change or arise during the escort transit.

(1261) (c) In an emergency, the tanker master may deviate from the requirements of this part to the extent necessary to avoid endangering persons, property, or the environment, but shall immediately report the deviation to the cognizant Coast Guard Captain of the Port (COTP).

§168.20 Applicable vessels.

(1262) The requirements of this part apply to laden, single hull tankers of 5,000 gross tons or more.

§168.30 Applicable cargoes.

(1263) The requirements of this part apply to any petroleum oil listed in 46 CFR Table 30.25-1 as a pollution category I cargo.

§168.40 Applicable waters and number of escort vessels.

(1264) The requirements of this part apply to the following waters:

(1265) (a) Prince William Sound: Each tanker to which this part applies must be escorted by at least two escort vessels in those navigable waters of the United States within Prince William Sound, Alaska, and the adjoining tributaries, bays, harbors, and ports, including the navigable waters of the United States within a line drawn from Cape Hinchinbrook Light, to Seal Rocks Light, to a point on Montague Island at 60°14.6'N., 146°59'W., and the waters of Montague Strait east of a line between Cape Puget and Cape Cleare.

(1266) (b) Puget Sound and certain associated waters: Each tanker to which this part applies must be escorted by at least two escort vessels in those navigable waters of the United States and Washington State east of a line connecting New Dungeness Light with Discovery Island Light and all points in the Puget Sound area north and south of these lights. This area includes all the navigable waters of the United States within Haro Strait, Rosario Strait, the Strait of Georgia, Puget Sound, and Hood

Canal, as well as those portions of the Strait of Juan de Fuca east of the New Dungeness-Discovery Island line.

§168.50 Performance and operational requirements.

(1267) (a) Except as provided in paragraph (c) of §168.10, at all times during the escort transit each tanker to which this part applies:

(1268) (1) Must be accompanied by escort vessels that meet the performance requirements of paragraph (b) of this section (but not less than the number of escorts required by §168.40).

(1269) (2) Must have the escort vessels positioned relative to the tanker such that timely response to a propulsion or steering failure can be effected.

(1270) (3) Must not exceed a speed beyond which the escort vessels can reasonably be expected to safely bring the tanker under control within the navigational limits of the waterway, taking into consideration ambient sea and weather conditions, surrounding vessel traffic, hazards, and other factors that may reduce the available sea room.

(1271) (b) The escort vessels, acting singly or jointly in any combination as needed, and considering their applied force vectors on the tanker's hull, must be capable of–

(1272) (1) Towing the tanker at 4 knots in calm conditions, and holding it in steady position against a 45-knot headwind.

(1273) (2) [Reserved]

(1274) (3) Holding the tanker on a steady course against a **35-degree** locked rudder at a speed of 6 knots; and

(1275) (4) Turning the tanker **90 degrees**, assuming a free-swinging rudder and a speed of 6 knots, within the same distance (advance and transfer) that it could turn itself with a hard-over rudder.

§168.60 Pre-escort conference.

(1276) (a) Before commencing an escort transit, the tanker master shall confer, by radio or in person, with the tanker pilot and the masters of the escort vessels regarding the escort operation.

(1277) (b) The purpose of the pre-escort conference is for all parties to plan and discuss particulars of the escort transit.

(1278) (c) At a minimum, the following topics must be addressed during the pre-escort conference:

(1279) (1) The destination, route, planned speed, other vessel traffic, anticipated weather, tide, and sea conditions, and other navigational considerations;

(1280) (2) The type and operational status of communication, towing, steering, and propulsion equipment on the tanker and escort vessels;

(1281) (3) The relative positioning and reaction time for the escort vessels to move into assist positions, including, if appropriate, pre-tethering the escort vessels at crucial points along the route;

(1282) (4) The preparations required on the tanker and escort vessels, and the methods employed in making an emergency towline connection, including stationing of deck crews, preparation of messenger lines, bridles, and other towing gear, and energizing appropriate deck equipment;

(1283) (5) The manner in which an emergency towline connection would be made (which escort vessel will respond, how messengers and towlines will be passed, etc.);

(1284) (6) Other relevant information provided by the tanker master, pilot or escort vessel masters.

Part 169–Ship Reporting Systems

Subpart A–General

§169.1 What is the purpose of this part?

(1285) This subpart prescribes the requirements for mandatory ship reporting systems. Ship reporting systems are used to provide, gather, or exchange information through radio reports. The information is used to provide data for many purposes including, but not limited to: navigation safety, maritime security and domain awareness, environmental protection, vessel traffic services, search and rescue, weather forecasting and prevention of marine pollution.

§169.5 How are terms used in this part defined?

(1286) As used in this part–

(1287) Administration means the Government of the State whose flag the ship is entitled to fly.

(1288) Cargo ship means any ship which is not a passenger ship.

(1289) Flag Administration means the Government of a State whose flag the ship is entitled to fly.

(1290) Gross tonnage means tonnage as defined under the International Convention on Tonnage Measurement of Ships, 1969 (Incorporated by reference, see §169.15).

(1291) Gross tons means vessel tonnage measured in accordance with the method utilized by the flag state administration of that vessel.

(1292) High speed craft means a craft that is operable on or above the water and is capable of a maximum speed equal to or exceeding V=3.7xdispl1667, where "V" is the maximum speed and "displ" is the vessel displacement corresponding to the design waterline in cubic meters.

(1293) High speed passenger craft means a high speed craft carrying more than 12 passengers.

(1294) International voyage means a voyage from a country to which the present International Convention for the Safety of Life at Sea (SOLAS), 1974 applies to a port outside such country, or conversely. For U.S. ships, such voyages will be considered to originate at a port in the United States, regardless of when the voyage actually began. Such voyages for U.S. ships will continue until

the ship returns to the United States from its last foreign port.

(1295) Long range identification and tracking (LRIT) information or position report means report containing the following information:

(1296) (1) The identity of the ship;

(1297) (2) The position of the ship (latitude and longitude); and

(1298) (3) The date and time of the position provided.

(1299) LRIT Data Center means a center established by a SOLAS Contracting Government or a group of Contracting Governments, or in the case of International Data Center, by IMO, to request, receive, process, and archive LRIT information. An LRIT Data Center may be National, Regional, Co-operative or International.

(1300) Mandatory ship reporting system means a ship reporting system that requires the participation of specified vessels or classes of vessels, and that is established by a government or governments after adoption of a proposed system by the International Maritime Organization (IMO) as complying with all requirements of regulation V/8-1 of the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS), except paragraph (e) thereof.

(1301) Mobile offshore drilling unit means a self-propelled vessel capable of engaging in drilling operations for the exploration or exploitation of subsea resources.

(1302) Passenger ship means a ship that carries more than 12 passengers.

(1303) Self-propelled ships means ships propelled by mechanical means.

(1304) Shore-based authority means the government appointed office or offices that will receive the reports made by ships entering each of the mandatary ship reporting systems. The office or offices will be responsible for the management and coordination of the system, interaction with participating ships, and the safe and effective operation of the system. Such an authority may or may not be an authority in charge of a vessel traffic service.

(1305) United States means the States of the United States, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

§169.10 What geographic coordinates are used?

(1306) Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts where the referenced horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

§169.15 Incorporation by reference: Where can I get a copy of the publications mentioned in this part?

(1307) (a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the Federal Register and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. Also, it is available for inspection at the Coast Guard, Office of Navigation Systems (CG-5532), 2100 2nd St. SW., Stop 7580, Washington, DC 20593-7580, and is available from the sources indicated in this section.

(1308) (b) International Electrotechnical Commission (IEC) Bureau Central de la Commission Electrotechnique Internationale, 3 rue de Varembé, P.O. Box 131, 1211 Geneva 20, Switzerland.

(1309) (1) IEC 60945, Fourth edition 2002-08, Maritime navigation and radiocommunication equipment and systems–General requirements–Methods of testing and required test results, incorporation by reference approved for §169.215.

(1310) (2) [Reserved]

(1311) (c) International Maritime Organization (IMO), 4 Albert Embankment, London SE1 7SR, U.K.

(1312) (1) IMO Resolution MSC.202(81), adopted on May 19, 2006, Adoption of Amendments to the International Convention for the Safety of Life at Sea, 1974, as Amended, incorporation by reference approved for §160.240.

(1313) (2) IMO Resolution MSC. 210(81), adopted on May 19, 2006, Performance Standards and Functional Requirements for the Long-Range Identification and Tracking of Ships, incorporation by reference approved for §§169.215 and 169.240.

(1314) (3) IMO Resolution MSC.254(83), adopted on October 12, 2007, Adoption of Amendments to the Performance Standards and Functional Requirements for the Long-Range Identification and Tracking of Ships, incorporation by reference approved for §§169.215 and 169.240.

(1315) (4) IMO Resolution A.694(17), adopted on November 6, 1991, General Requirements for Shipborne Radio Equipment Forming Part of the Global Maritime Distress and Safety System (GMDSS) and for Electronic Navigational Aids, incorporation by reference approved for §165.215.

(1316) (5) International Convention on Tonnage Measurement of Ships, 1969, incorporation by reference approved for §169.5.

Subpart C–Transmission of Long Range Identification and Tracking Information

§169.200 What is the purpose of this subpart?

(1317) This subpart implements Regulation 19-1 of SOLAS Chapter V (SOLAS V/19-1) and requires certain ships engaged on an international voyage to transmit vessel identification and position information electronically. This requirement enables the Coast Guard to obtain long range identification and tracking (LRIT) information and thus heightens our overall maritime domain awareness, enhances our search and rescue operations, and increases our ability to detect anomalies and deter transportation security incidents.

§169.205 What types of ships are required to transmit LRIT information (position reports)?

(1318) The following ships, while engaged on an international voyage, are required to transmit position reports:

(1319) (a) A passenger ship, including high speed passenger craft.

(1320) (b) A cargo ship, including high speed craft, of 300 gross tonnage or more.

(1321) (c) A mobile offshore drilling unit while underway and not engaged in drilling operations.

§169.210 Where during its international voyage must a ship transmit position reports?

(1322) The requirements for the transmission of position reports, imposed by the United States, vary depending on the relationship of the United States to a ship identified in §169.205.

(1323) (a) Flag State relationship. A U.S. flag ship engaged on an international voyage must transmit position reports wherever they are located.

(1324) (b) Port State relationship. A foreign flag ship engaged on an international voyage must transmit position reports after the ship has announced its intention to enter a U.S. port or place under requirements in 33 CFR part 160, subpart C.

(1325) (c) Coastal State relationship. A foreign flag ship engaged on an international voyage must transmit position reports when the ship is within 1,000 nautical miles of the baseline of the United States, unless their Flag Administration, under authority of SOLAS V/19-1.9.1, has directed them not to do so.

§169.215 How must a ship transmit position reports?

(1326) A ship must transmit position reports using Long Range Identification and Tracking (LRIT) equipment that has been type-approved by their Administration. To be type-approved by the Coast Guard, LRIT equipment must meet the requirements of IMO Resolutions A.694(17), MSC.210(81), and MSC.254(83), and IEC standard IEC 60945 (Incorporated by reference, see §169.15).

§169.220 When must a ship be fitted with LRIT equipment?

(1327) A ship identified in §169.205 must be equipped with LRIT equipment–

(1328) (a) Before getting underway, if the ship is constructed on or after December 31, 2008.

(1329) (b) By the first survey of the radio installation after December 31, 2008, if the ship is–

(1330) (1) Constructed before December 31, 2008, and

(1331) (2) Operates within–

(1332) (i) One hundred (100) nautical miles of the United States baseline, or

(1333) (ii) Range of an Inmarsat geostationary satellite, or other Application Service Provider recognized by the Administration, with continuous alerting is available.

(1334) (c) By the first survey of the radio installation after July 1, 2009, if the ship is–

(1335) (1) Constructed before December 31, 2008, and

(1336) (2) Operates within the area or range specified in paragraph (b)(2) of this section as well as outside the range of an Inmarsat geostationary satellite with which continuous alerting is available. While operating in the area or range specified in paragraph (b)(2) of this section, however, a ship must install LRIT equipment by the first survey of the radio installation after December 31, 2008.

§169.225 Which Application Service Providers may a ship use?

(1337) A ship may use an application Service Provider (ASP) recognized by its administration. Some Communication Service Providers may also serve as an ASP.

§169.230 How often must a ship transmit position reports?

(1338) A ship's LRIT equipment must transmit position reports at 6-hour intervals unless a more frequent interval is requested remotely by an LRIT Data Center.

§169.235 What exemptions are there from reporting?

(1339) A ship is exempt from this subpart if it is–

(1340) (a) Fitted with an operating automatic identification system (AIS), under 33 CFR 164.46, and operates only within 20 nautical miles of the United States baseline,

(1341) (b) A warship, naval auxiliaries or other ship owned or operated by a SOLAS Contracting Government and used only on Government non-commercial service, or

(1342) (c) A ship solely navigating the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of the St. Lambert Lock at Montreal in the Province of Quebec, Canada.

§169.240 When may LRIT equipment be switched off?

(1343) A ship engaged on an international voyage may switch off its LRIT equipment only when it is permitted by its Flag Administration, in circumstances detailed in SOLAS V/19-1.7, or in paragraph 4.4.1, of resolution MSC.210(81), as amended by resolution MSC.254(83) (Incorporated by reference, see §169.15).

§169.245 What must a ship master do if LRIT equipment is switched off or fails to operate?

(1344) (a) If a ship's LRIT equipment is switched off or fails to operate, the ship's master must inform his or her Flag Administration without undue delay.

(1345) (b) The master must also make an entry in the ship's logbook that states–

(1346) (1) His or her reason for switching the LRIT equipment off, or an entry that the equipment has failed to operate, and

(1347) (2) The period during which the LRIT equipment was switched off or non-operational.

(1348) Note to §169.245: for U.S. vessels, the U.S. Coast Guard serves as the Flag Administration for purposes of this section. All LRIT notifications for the U.S. Flag administration, in addition to requests or questions about LRIT, should be communicated to the U.S. Coast Guard by e-mail addressed to LRIT@uscg.mil.

Part 334–Danger Zones and Restricted Area Regulations

§334.1 Purpose.

(1349) The purpose of this part is to:

(1350) (a) Prescribe procedures for establishing, amending and disestablishing danger zones and restricted area;

(1351) (b) List the specific danger zones and restricted areas and their boundaries; and

(1352) (c) Prescribe specific requirements, access limitations and controlled activities within the danger zones and restricted areas.

§334.2 Definitions

(1353) (a) Danger zone. A defined water area (or areas) used for target practice, bombing, rocket firing or other especially hazardous operations, normally for the armed forces. The danger zones may be closed to the public on a full-time or intermittent basis, as stated in the regulations.

(1354) (b) Restricted area. A defined water area for the purpose of prohibiting or limiting public access to the area. Restricted areas generally provide security for Government property and/or protection to the public from the risks of damage or injury arising from the Government's use of that area.

§334.3 Special policies.

(1355) (a) General. The general regulatory policies stated in 33 CFR part 320 will be followed as appropriate. In addition, danger zone and restricted area regulations shall provide for public access to the area to the maximum extent practicable.

(1356) (b) Food fishing industry. The authority to prescribe danger zone and restricted area regulations must be exercised so as not to unreasonably interfere with or restrict the food fishing industry. Whenever the proposed establishment of a danger zone or restricted area may affect fishing operations, the District Engineer will consult with the Regional Director, U.S. Fish and Wildlife Service, Department of the Interior and the Regional Director, National Marine Fisheries Service, National Oceanic & Atmospheric Administration (NOAA),

(1357) (c) Temporary, occasional or intermittent use. If the use of the water area is desired for a short period of time, not exceed thirty days in duration, and that planned operations can be conducted safely without imposing unreasonable restrictions on navigation, and without promulgating restricted area regulations in accordance with the regulations in this section, applicants may be informed that formal regulations are not required. Activities of this type shall not reoccur more often than biennially (every other year), unless danger zone/restricted area rules are promulgated under this Part. Proper notices for mariners requesting that vessels avoid the area will be issued by the Agency requesting such use of the water area, or if appropriate, by the District Engineer, to all known interested persons. Copies will also be sent to appropriate State agencies, the Commandant, U.S. Coast Guard, Washington, DC 20590, and Director, Defense Mapping Agency, Hydrographic Center, Washington, DC 20390, ATTN: Code NS 12. Notification to all parties and Agencies shall be made at least two weeks prior to the planned event, or earlier, if required for distribution of Local Notice to Mariners by the Coast Guard.

§334.4 Establishment and amendment procedures.

(1358) (a) Application. Any request for the establishment, amendment or revocation of a danger zone or restricted area must contain sufficient information for the District Engineer to issue a public notice, and as a minimum must contain the following:

(1359) (1) Name, address and telephone number of requestor including the identity of the command and DoD facility and the identity of a point of contact with phone number.

(1360) (2) Name of waterway and if a small tributary, the name of a larger connecting waterbody.

(1361) (3) Name of closest city or town, county/parish and state.

(1362) (4) Location of proposed or existing danger zone or restricted area with a map showing the location, if possible.

(1363) (5) A brief statement of the need for the area, its intended use and detailed description of the times, dates and extent of restriction.

(1364) (b) Public notice. (1) The Corps will normally publish public notices and **Federal Register** documents concurrently. Upon receipt of a request for the establishment, amendment or revocation of a danger zone or restricted area, the District Engineer should forward a copy of the request with his/her recommendation, a copy of the draft public notice and a draft **Federal Register** document to the Office of the Chief of Engineers, ATTN: CECW-OR. The Chief of Engineers will publish the proposal in the **Federal Register** concurrent with the public notice issued by the District Engineer.

(1365) (2) Content. The public notice and **Federal Register** documents must include sufficient information to give a clear understanding of the proposed action and should include the following items of information:

(1366) (i) Applicable statutory authority or authorities; (40 Stat. 266; 33 U.S.C. 1) and (40 Stat. 892; 33 U.S.C. 3)

(1367) (ii) A reasonable comment period. The public notice should fix a limiting date within which comments will be received, normally a period not less than 30 days after publication of the notice.

(1368) (iii) The address of the District Engineer as the recipient of any comments received.

(1369) (iv) The identity of the applicant/proponent;

(1370) (v) The name or title, address and telephone number of the Corps employee from whom additional information concerning the proposal may be obtained;

(1371) (vi) The location of the proposed activity accompanied by a map of sufficient detail to show the boundaries of the area(s) and its relationship to the surrounding area.

(1372) (3) Distribution. Public notice will be distributed in accordance with 33 CFR 325.3(d)(1). In addition to this general distribution, public notices will be sent to the following Agencies:

(1373) (i) The Federal Aviation Administration (FAA) where the use of airspace is involved.

(1374) (ii) The Commander, Service Force, U.S. Atlantic Fleet, if a proposed action involves a danger zone off the U.S. Atlantic coast.

(1375) (iii) Proposed danger zones on the U.S. Pacific coast must be coordinated with the applicable commands as follows:

(1376) Alaska, Oregon and Washington:

(1377) Commander, Naval Base, Seattle

(1378) California:

(1379) Commander, Naval Base, San Diego

(1380) Hawaii and Trust Territories:

(1381) Commander, Naval Base, Pearl Harbor

(1382) (c) Public hearing. The District Engineer may conduct a public hearing in accordance with 33 CFR part 327.

(1383) (d) Environmental documentation. The District Engineer shall prepare environmental documentation in accordance with Appendix B to 33 CFR part 325.

(1384) (e) District Engineer's recommendation. After closure of the comment period, and upon completion of the District Engineer's review he/she shall forward the case through channels to the Office of the Chief of Engineers, ATTN: CECW-OR with a recommendation of whether or not the danger zone or restricted area regulation should be promulgated. The District Engineer shall include a copy of environmental documentation prepared in accordance with Appendix B to 33 CFR part 325, the record of any public hearings, if held, a summary of any comments received and a response thereto, and a draft of the regulation as it is to appear in the **Federal Register.**

(1385) (f) Final decision. The Chief of Engineers will notify the District Engineer of the final decision to either approve or disapprove the regulations. The District Engineer will notify the applicant/proponent and publish a public notice of the final decision. Concurrent with issuance of the public notice the Office of the Chief of Engineers will publish the final decision in the **Federal Register** and either withdraw the proposed regulation or issue the final regulation as appropriate. The final rule shall become effective no sooner than 30 days after publication in the **Federal Register** unless the Chief of Engineers finds that sufficient cause exists and publishes that rationale with the regulations.

§334.5 Disestablishment of a danger zone.

(1386) (a) Upon receipt of a request from any agency for the disestablishment of a danger zone, the District Engineer shall notify that agency of its responsibility for returning the area to a condition suitable for use by the public. The agency must either certify that it has not used the area for a purpose that requires cleanup or that it has removed all hazardous materials and munitions, before the Corps will disestablish the area. The agency will remain responsible for the enforcement of the danger zone regulations to prevent unauthorized entry into the area until the area is deemed safe for use by the public and the area is disestablished by the Corps.

(1387) (b) Upon receipt of the certification required in paragraph (a) of this section, the District shall forward the request for disestablishment of the danger zone through channels to CECW-OR, with its recommendations. Notice of proposed rulemaking and public procedures as outlined in §334.4 are not normally required before publication of the final rule revoking a restricted area or danger zone regulation. The disestablishment/revocation of the danger zone or restricted area regulation removes a restriction on a waterway.

§334.6 Datum.

(1388) (a) Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose reference horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the

NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

(1389) (b) For further information on NAD 83 and National Service nautical charts please contact:

(1390) Director, Coast Survey (N/CG2)

(1391) National Ocean Service, NOAA

(1392) 1315 East-West Highway, Station 6147

(1393) Silver Spring, MD 20910-3282.

§334.1280 Bristol Bay, Alaska; air-to-air weapon range, Alaskan Air Command, U.S. Air Force.

(1394) (a) The danger zone. An area in Bristol Bay beginning at latitude 58°24'N., longitude 159°10'W.; thence to latitude 57°58'N., longitude 158°30'W.; thence to latitude 57°07'N., longitude 160°20'W.; thence to latitude 58°02'N., longitude 161°40'W.; and thence to the point of beginning.

(1395) (b) The regulations. (1) Intermittent firing will be conducted over two to three day periods about 2 hours a day between the hours of 10:00 a.m. and 4:00 p.m. during the months of May through August.

(1396) (2) The fact that practice firing is to take place over the designated area shall be advertised to the public 72 hours in advance through the usual media for the dissemination of such information. Notice to the U.S. Coast Guard and NOTAM shall be issued at least 48 hours before firing is to be conducted on the range. Information as to the dates, time, and characteristics of the firing shall be advertised in advance of each session of firing.

(1397) (3) Prior to conducting each practice firing, the danger zone shall be patrolled by aircraft to note the location of all vessels within the area. The practice firing exercise shall be conducted in the portion of the danger zone not occupied by surface craft.

(1398) (4) This section shall be enforced by the Commander, Alaskan Air Command, U.S. Air Force, Seattle, Washington, or such agencies as he may designate.

§334.1290 In Bering Sea, Shemya Island Area, Alaska; meteorological rocket launching facility, Alaskan Air Command, U.S. Air Force.

(1399) (a) The danger zone. An arc of a circle with a 45-nautical-mile radius of the launch point centered at latitude 52°43'30"N., longitude 174°06'05"E. extending clockwise from **110°** true bearing to **200°** true bearing.

(1400) (b) The regulation. (1) Rockets will normally be launched one each day Monday through Friday between 9 a.m. and 3 p.m. Rocket hardware will discharge into the sea 22.5 to 37.5 nautical miles off the launchsite. The instrument package with parachute will impact about 1½ hours later at an undetermined area, depending on weather conditions.

(1401) (2) All mariners entering the area will do so at their own risk and are cautioned to take evasive action as necessary.

(1402) (3) The regulation in this section shall be enforced by the Department of the Air Force, Headquarters 6th Weather Wing (MAC), Andrews Air Force Base, Washington, D.C. 20331.

§334.1300 Blying Sound area, Gulf of Alaska, Alaska; air-to-air gunnery practice area, Alaskan Air Command, U.S. Air Force.

(1403) (a) The danger zone. A rhomboidal area beginning at

(1404) 59°51'30"N., 148°42'00"W.; thence to

(1405) 59°22'30"N., 147°00'00"W.; thence to

(1406) 58°52'00"N., 148°03'00"W.; thence to

(1407) 59°20'00"N., 149°45'00"W., and thence to point of beginning.

(1408) (b) The regulations. (1) 20-mm cannon will be fired at towed targets in the air. One firing mission will be conducted every 2 weeks during daylight hours only and weather permitting.

(1409) (2) The fact that practice firing is to take place over the designated area shall be advertised to the public 7 days in advance through the usual media for the dissemination of such information. Notice to the U.S. Coast Guard and NOTAM shall be issued at least 48 hours before firing is to be conducted on the range. Information as to the dates, time, and characteristics of the firing shall be advertised in advance of each session of firing.

(1410) (3) Prior to conducting each practice firing, the danger zone shall be patrolled by aircraft to note the location of all vessels within the area. The practice firing exercise shall be conducted in the portion of the danger zone not occupied by surface craft.

(1411) (4) The regulations in this section shall be enforced by the Commander, Alaskan Air Command, U.S. Air Force, Anchorage, Alaska, or such agencies as he may designate.

§334.1320 Kuluk Bay, Adak, Alaska; naval restricted area.

(1412) (a) The area. The northwest portion of Kuluk Bay bounded as follows: Beginning on shore at

(1413) 51°55'00"N., 176°33'09"W.; thence due east to

(1414) 51°55'00"N., 176°33'09"W.; thence due south to

(1415) 51°51'55"N., 176°31'09"W.; thence due west to the shore at

(1416) 51°51'00"N., 176°37'43"W.; thence along the shoreline to the point of beginning.

(1417) (b) The regulations. (1) Except in great emergency, no vessel shall anchor in the restricted area described above.

(1418) (2) The dragging of anchors in or across the restricted area is prohibited and no object attached to a vessel shall be placed on or near the bottom.

(1419) (3) Fishing and trawling activities in the restricted area are prohibited.

(1420) (4) The regulation of this restricted area shall be enforced by the Commander, Patrol Wing, U.S. Pacific

Fleet, Naval Air Station Moffett Field, California, and such agencies and he/she may designate.

§334.1325 United States Army Restricted Area, Kuluk Bay, Adak, Alaska.

(1421) (a) The area. The area within a radius 1,000 yards around the Sea Base Radar mooring site in all directions from 51°53'05.4"N., 176°33'47.4"W. (NAD 83).

(1422) (b) The regulation. (1) No vessel, person, or other craft shall enter or remain in the restricted area except as may be authorized by the enforcing agency.

(1423) (2) A ring of eight lighted and marked navigation buoys marking the perimeter of the mooring anchor system will provide a visible distance reference at a radius of approximately 800 yards from 51°53'05.4"N., 176°33'47.4"W. (NAD 83). Each buoy has a white light, flashing at 3 second intervals with a 2 nautical mile range. Vessels, persons or other craft must stay at least 200 yards outside the buoys.

(1424) (3) The regulation in this section shall be enforced by personnel attached to the Missile Defense Agency and/or by such other agencies as the Director, MDA–AK, Fort Richardson, Alaska, may designate.

§334.1330 Bering Strait, Alaska; naval restricted area off Cape Prince of Wales.

(1425) (a) The area. An area 2,000 feet wide extending from a point on Cape Prince of Wales marked by a triangular cable marker located approximately midway between the village of Wales and Cape Prince of Wales Light to a point four statute miles due west of the cable marker with the axis of the area passing through the two points.

(1426) (b) The regulations. (1) No vessel shall anchor in the restricted area described in paragraph (a) of this section.

(1427) (2) Dragging of anchors in or across the restricted area is prohibited and no object attached to a vessel shall be placed on or near the bottom.

(1428) (3) The regulations in this section shall be enforced by the Commander, Third Fleet, Pearl Harbor, Hawaii, and such agencies as he may designate.

TITLE 40–PROTECTION OF ENVIRONMENT

Part 140–Marine Sanitation Device Standard

§140.1 Definitions

(1429) For the purpose of these standards the following definitions shall apply:

(1430) (a) *Sewage* means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

(1431) (b) *Discharge* includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

(1432) (c) *Marine sanitation device* includes any equipment for installation onboard a vessel and which is designed to receive, retain, treat, or discharge sewage and any process to treat such sewage;

(1433) (d) *Vessel* includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on waters of the United States;

(1434) (e) *New vessel* refers to any vessel on which construction was initiated on or after January 30, 1975;

(1435) (f) *Existing vessel* refers to any vessel on which construction was initiated before January 30, 1975;

(1436) (g) *Fecal coliform bacteria* are those organisms associated with the intestines of warm-blooded animals that are commonly used to indicate the presence of fecal material and the potential presence of organisms capable of causing human disease.

§140.2 Scope of standard.

(1437) The standard adopted herein applies only to vessels on which a marine sanitation device has been installed. The standard does not require the installation of a marine sanitation device on any vessel that is not so equipped. The standard applies to vessels owned and operated by the United States unless the Secretary of Defense finds that compliance would not be in the interest of national security.

§140.3 Standard.

(1438) (a) (1) In freshwater lakes, freshwater reservoirs or other freshwater impoundments whose inlets or outlets are such as to prevent the ingress or egress by vessel traffic subject to this regulation, or in rivers not capable of navigation by interstate vessel traffic subject to this regulation, marine sanitation devices certified by the U.S. Coast Guard (see 33 CFR part 159, published in 40 FR 4622, January 30, 1975), installed on all vessels shall be designed and operated to prevent the overboard discharge of sewage, treated or untreated, or of any waste derived from sewage. This shall not be construed to prohibit the carriage of Coast Guard-certified flow-through treatment devices which have been secured so as to prevent such discharges.

(1439) (2) In all other waters, Coast Guard-certified marine sanitation devices installed on all vessels shall be designed and operated to either retain, dispose of, or discharge sewage. If the device has a discharge, subject to paragraph (d) of this section, the effluent shall not have a fecal coliform bacterial count of greater than 1,000 per 100 milliliters nor visible floating solids. Waters where a Coast Guard-certified marine sanitation device permitting discharge is allowed include coastal waters and estuaries, the Great Lakes and inter-connected waterways, fresh-water lakes and impoundments accessible through locks, and other flowing waters that are navigable interstate by vessels subject to this regulation.

(1440) (b) This standard shall become effective on January 30, 1977 for new vessels and on January 30, 1980

for existing vessels (or, in the case of vessels owned and operated by the Department of Defense, two years and five years, for new and existing vessels, respectively, after promulgation of implementing regulations by the Secretary of Defense under section 312(d) of the Act).

(1441) (c) Any vessel which is equipped as of the date of promulgation of this regulation with a Coast Guard-certified flow-through marine sanitation device meeting the requirements of paragraph (a)(2) of this section, shall not be required to comply with the provisions designed to prevent the overboard discharge of sewage, treated or untreated, in paragraph (a)(1) of this section, for the operable life of that device.

(1442) (d) After January 30, 1980, subject to paragraphs (e) and (f) of this section, marine sanitation devices on all vessels on waters that are not subject to a prohibition of the overboard discharge of sewage, treated or untreated, as specified in paragraph (a)(1) of this section, shall be designed and operated to either retain, dispose of, or discharge sewage, and shall be certified by the U.S. Coast Guard. If the device has a discharge, the effluent shall not have a fecal coliform bacterial count of greater than 200 per 100 milliliters, nor suspended solids greater than 150 mg/1.

(1443) (e) Any existing vessel on waters not subject to a prohibition of the overboard discharge of sewage in paragraph (a)(1) of this section, and which is equipped with a certified device on or before January 30, 1978, shall not be required to comply with paragraph (d) of this section, for the operable life of that device.

(1444) (f) Any new vessel on waters not subject to the prohibition of the overboard discharge of sewage in paragraph (a)(1) of this section, and on which construction is initiated before January 31, 1980, which is equipped with a marine sanitation device before January 31, 1980, certified under paragraph (a)(2) of this section, shall not be required to comply with paragraph (d) of this section, for the operable life of that device.

(1445) (g) The degrees of treatment described in paragraphs (a) and (d) of this section are "appropriate standards" for purposes of Coast Guard and Department of Defense certification pursuant to section 312(g)(2) of the Act.

§140.4 Complete prohibition.

(1446) (a) Prohibition pursuant to CWA section 312(f)(3): a State may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into some or all of the waters within such State by making a written application to the Administrator, Environmental Protection Agency, and by receiving the Administrator's affirmative determination pursuant to section 312(f)(3) of the Act. Upon receipt of an application under section 312(f)(3) of the Act, the Administrator will determine within 90 days whether adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels using such waters are reasonably available. Applications made by States pursuant to section 312(f)(3) of the Act shall include:

(1447) (1) A certification that the protection and enhancement of the waters described in the petition require greater environmental protection than the applicable Federal standard;

(1448) (2) A map showing the location of commercial and recreational pump-out facilities;

(1449) (3) A description of the location of pump-out facilities within waters designated for no discharge;

(1450) (4) The general schedule of operating hours of the pump-out facilities;

(1451) (5) The draught requirements on vessels that may be excluded because of insufficient water depth adjacent to the facility;

(1452) (6) Information indicating that treatment of wastes from such pump-out facilities is in conformance with Federal law; and

(1453) (7) Information on vessel population and vessel usage of the subject waters.

(1454) (b) Prohibition pursuant to CWA section 312(f)(4)(A): a State may make a written application to the Administrator, Environmental Protection Agency, under section 312(f)(4)(A) of the Act, for the issuance of a regulation completely prohibiting discharge from a vessel of any sewage, whether treated or not, into particular waters of the United States or specified portions thereof, which waters are located within the boundaries of such State. Such application shall specify with particularly the waters, or portions thereof, for which a complete prohibition is desired. The application shall include identification of water recreational areas, drinking water intakes, aquatic sanctuaries, identifiable fish-spawning and nursery areas, and areas of intensive boating activities. If, on the basis of the State's application and any other information available to him, the Administrator is unable to make a finding that the waters listed in the application require a complete prohibition of any discharge in the waters or portions thereof covered by the application, he shall state the reasons why he cannot make such a finding, and shall deny the application. If the Administrator makes a finding that the waters listed in the application require a complete prohibition of any discharge in all or any part of the waters or portions thereof covered by the State's application, he shall publish notice of such findings together with a notice of proposed rule making, and then shall proceed in accordance with 5 U.S.C. 553. If the Administrator's finding is that applicable water quality standards require a complete prohibition covering a more restricted or more expanded area than that applied for by the State, he shall state the reasons why his finding differs in scope from that requested in the State's application.

(1455) (1) For the following waters the discharge from a vessel of any sewage (whether treated or not) is completely prohibited pursuant to CWA section 312(f)(4)(A):

(1456) (i) Boundary Waters Canoe Area, formerly designated as the Superior, Little Indian Sioux, and Caribou

Roadless Areas, in the Superior National Forest, Minnesota, as described in 16 U.S.C. 577–577d1.

(1457) (ii) Waters of the State of Florida within the boundaries of the Florida Keys National Marine Sanctuary as delineated on a map of the Sanctuary at http://www.fknms.nos.noaa.gov /.

(1458) (2)(i) For the marine waters of the State of California, the following vessels are completely prohibited from discharging any sewage (whether treated or not):

(1459) (A) A large passenger vessel;

(1460) (B) A large oceangoing vessel equipped with a holding tank which has not fully used the holding tank's capacity, or which contains more than de minimis amounts of sewage generated while the vessel was outside of the marine waters of the State of California.

(1461) (ii) For purposes of paragraph (b)(2) of this section:

(1462) (A) "Marine waters of the State of California" means the territorial sea measured from the baseline as determined in accordance with the Convention on the Territorial Sea and the Contiguous Zone and extending seaward a distance of three miles, and all enclosed bays and estuaries subject to tidal influences from the Oregon border (41.999325 North Latitude, 124.212110 West Longitude, decimal degrees, NAD 1983) to the Mexican border (32.471231 North Latitude, 117.137814 West Longitude, decimal degrees, NAD 1983). A map illustrating these waters can be obtained from EPA or viewed at http://www.epa.gov/region9/water/no-discharge/overview.html.

(1463) (B) A "large passenger vessel" means a passenger vessel, as defined in section 2101(22) of title 46, United States Code, of 300 gross tons or more, as measured under the International Convention on Tonnage Measurement of Ships, 1969, measurement system in 46 U.S.C. 14302, or the regulatory measurement system of 46 U.S.C. 14502 for vessels not measured under 46 U.S.C. 14302, that has berths or overnight accommodations for passengers.

(1464) (C) A "large oceangoing vessel" means a private, commercial, government, or military vessel of 300 gross tons or more, as measured under the International Convention on Tonnage Measurement of Ships, 1969, measurement system in 46 U.S.C. 14302, or the regulatory measurement system of 46 U.S.C. 14502 for vessels not measured under 46 U.S.C.14302, that is not a large passenger vessel.

(1465) (D) A "holding tank" means a tank specifically designed, constructed, and fitted for the retention of treated or untreated sewage, that has been designated and approved by the ship's flag Administration on the ship's stability plan; a designated ballast tank is not a holding tank for this purpose.

(1466) (c)(1) Prohibition pursuant to CWA section 312(f)(4)(B): A State may make written application to the Administrator of the Environmental Protection Agency under section 312(f)(4)(B) of the Act for the issuance of a regulation establishing a drinking water intake no discharge zone which completely prohibits discharge from a vessel of any sewage, whether treated or untreated, into that zone in particular waters, or portions thereof, within such State. Such application shall:

(1467) (i) Identify and describe exactly and in detail the location of the drinking water supply intake(s) and the community served by the intake(s), including average and maximum expected amounts of inflow;

(1468) (ii) Specify and describe exactly and in detail, the waters, or portions thereof, for which a complete prohibition is desired, and where appropriate, average, maximum and low flows in million gallons per day (MGD) or the metric equivalent;

(1469) (iii) Include a map, either a USGS topographic quadrant map or a NOAA nautical chart, as applicable, clearly marking by latitude and longitude the waters or portions thereof to be designated a drinking water intake zone; and

(1470) (iv) Include a statement of basis justifying the size of the requested drinking water intake zone, for example, identifying areas of intensive boating activities.

(1471) (2) If the Administrator finds that a complete prohibition is appropriate under this paragraph, he or she shall publish notice of such finding together with a notice of proposed rulemaking, and then shall proceed in accordance with 5 U.S.C. 553. If the Administrator's finding is that a complete prohibition covering a more restricted or more expanded area than that applied for by the State is appropriate, he or she shall also include a statement of the reasons why the finding differs in scope from that requested in the State's application.

(1472) (3) If the Administrator finds that a complete prohibition is inappropriate under this paragraph, he or she shall deny the application and state the reasons for such denial.

(1473) (4) For the following waters the discharge from a vessel of any sewage, whether treated or not, is completely prohibited pursuant to CWA section 312(f)(4)(B):

(1474) (i) Two portions of the Hudson River in New York State, the first is bounded by an east-west line through the most northern confluence of the Mohawk River which will be designated by the Troy-Waterford Bridge (126th Street Bridge) on the south and Lock 2 on the north, and the second of which is bounded on the north by the southern end of Houghtaling Island and on the south by a line between the Village of Roseton on the western shore and Low Point on the eastern shore in the vicinity of Chelsea, as described in Items 2 and 3 of 6 NYCRR Part 858.4.

(1475) (ii) [Reserved]

§140.5 Analytical procedures.

(1476) In determining the composition and quality of effluent discharge from marine sanitation devices, the procedures contained in 40 CFR part 136, "Guidelines Establishing Test Procedures for the Analysis of Pollutants," or subsequent revisions or amendments thereto, shall be employed.

TABLE 1 TO §223.202—LISTED STELLER SEA LION ROOKERY SITES[1]

	Island	From		To		NOAA Chart	Notes
		Latitude	Longitude	Latitude	Longitude		
1	Outer I.	59°20.5'N	150°23.0'W	59°21.0'N	150°24.5'W	16681	S quadrant
2	Sugarloaf I.	58°53.0'N	152°02.0'W			16580	Whole island
3	Marmot I.	58°14.5'N	151°47.5'W	58°10.0'N	151°51.0'W	16580	SE quadrant
4	Chirikof I.	55°46.5'N	155°39.5'W	55°46.5'N	155°43.0'W	16580	S quadrant
5	Chowiet I.	56°00.5'N	156°41.5'W	56°00.5'N	156°42.0'W	16013	S quadrant
6	Atkins I.	55°03.5'N	159°18.5'W			16540	Whole island
7	Chernabura I.	54°47.5'N	159°31.0'W	54°45.5'N	159°33.5'W	16540	SE corner
8	Pinnacle Rock	54°46.0'N	161°46.0'W			16540	Whole island
9	Clubbing Rks (N)	54°43.0'N	162°26.5'W			16540	Whole island
	Clubbing Rks (S)	54°42.0'N	162°26.5'W			16540	Whole Island
10	Sea Lion Rks	55°28.0'N	163°12.0'W			16520	Whole island
11	Ugamak I.	54°14.0'N	164°48.0'W	54°13.0'N	164°48.0'W	16520	E end of island
12	Akun I.	54°18.0'N	165°32.5'W	54°18.0'N	165°31.5'W	16547	Billings Head Bight
13	Akutan I.	54°03.5'N	166°00.0'W	54°05.5'N	166°05.0'W	16520	SW corner, Cape Morgan
14	Bogoslof I.	53°56.0'N	168°02.0'W			16500	Whole island
15	Ogchul I.	53°00.0'N	168°24.0'W			16500	Whole island
16	Adugak I.	52°55.0'N	169°10.5'W			16500	Whole island
17	Yunaska I.	52°42.0'N	170°38.5'W	52°41.0'N	170°34.5'W	16500	NE end
18	Seguam I.	52°21.0'N	172°35.0'W	52°21.0'N	172°33.0'W	16480	N coast, Saddleridge Point
19	Agligadak I.	52°06.5'N	172°54.0'W			16480	Whole island
20	Kasatochi I.	52°10.0'N	175°31.5'W	52°10.5'N	175°29.0'W	16480	N half of island
21	Adak I.	51°36.5'N	176°59.0'W	51°38.0'N	176°59.5'W	16460	SW Point, Lake Point
22	Gramp rock	51°29.0'N	178°20.5'W			16460	Whole island
23	Tag I.	51°33.5'N	178°34.5'W			16460	Whole island
24	Ulak I.	51°20.0'N	178°57.0'W	51°18.5'N	178°59.5'W	16460	SE corner, Hasgox Point
25	Semisopochnoi	51°58.5'N	179°45.5'E	51°57.0'N	179°46.0'E	16440	E quadrant, Pochnoi Point
	Semisopochnoi	52°01.5'N	179°37.5'E	52°01.5'N	179°39.0'E	16440	N quadrant, Petrel Point
26	Amchitka I.	51°22.5'N	179°28.0'E	51°21.5'N	179°25.0'E	16440	East Cape
27	Amchitka I.	51°32.5'N	178°49.5'E			16440	Column Rocks
28	Ayugadak Point	51°45.5'N	178°24.5'E			16440	SE coast of Rat Island
29	Kiska I.	51°57.5'N	177°21.0'E	51°56.5'N	177°20.0'E	16440	W central, Lief Cove
30	Kiska I.	51°52.5'N	177°13.0'E	51°53.5'N	177°12.0'E	16440	Cape St. Stephen
31	Walrus I.	57°11.0'N	169°56.0'W			16380	Whole island
32	Buldir I.	52°20.5'N	175°57.0'E	52°23.5'N	175°51.0'E	16420	Se point to NW point
33	Agattu I.	52°24.0'N	173°21.5'E			16420	Gillion Point
34	Agattu I.	52°23.5'N	173°43.5'E	52°22.0'N	173°41.0'E	16420	Cape Sabak
35	Attu I.	52°54.5'N	172°28.5'E	52°57.5'N	172°31.5'E	16681	S Quadrant

[1]Each site extends in a clockwise direction from the first set of geographic coordinates along the shoreline at mean lower low water to the second set of coordinates; or, if only one set of geographic coordinates is listed, the site extends around the entire shoreline of the island at mean lower low water.

TITLE 50–WILDLIFE AND FISHERIES

Part 216–Regulations Governing the Taking and Importing of Marine Mammals

Subpart G–Pribilof Islands Administration

§216.81 Visits to fur seal rookeries.

(1477) From June 1 to October 15 of each year, no person, except those authorized by a representative of the National Marine Fisheries Service, or accompanied by an authorized employee of the National Marine Fisheries Service, shall approach any fur seal rookery or hauling grounds nor pass beyond any posted sign forbidding passage.

§216.82 Dogs prohibited.

(1478) In order to prevent molestation of fur seal herds, the landing of any dogs at Pribilof Islands is prohibited.

§216.83 Importation of birds or mammals.

(1479) No mammals or birds, except household cats, canaries, and parakeets, shall be imported to the Pribilof Islands without permission of an authorized representative of the National Marine Fisheries Service.

§216.84 [Reserved]

§216.85 Walrus and Otter Islands.

(1480) By Executive Order 1044, dated February 27, 1909, Walrus and Otter Islands were set aside as bird reservations. All persons are prohibited to land on these islands except those authorized by the appropriate representative of the National Marine Fisheries Service.

§216.86 Local regulations.

(1481) Local regulations will be published from time to time and will be brought to the attention of local residents and persons assigned to duty on the Islands by posting in public places and brought to the attention of tourists by personal notice.

§216.87 Wildlife research.

(1482) (a) Wildlife research, other than research on North Pacific fur seals, including specimen collection, may be permitted on the Pribilof Islands subject to the following conditions:

(1483) (1) Any person or agency, seeking to conduct such research shall first obtain any Federal or State of Alaska permit required for the type of research involved.

(1484) (2) Any person seeking to conduct such research shall obtain prior approval of the Director, Pribilof Islands Program, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, 1700 Westlake Avenue North, Seattle, Wash. 98109, by filing with the Director an application which shall include:

(1485) (i) Copies of the required Federal and State of Alaska permits; and

(1486) (ii) A resume of the intended research program.

(1487) (3) All approved research shall be subject to all regulations and administrative procedures in effect on the Pribilof Islands, and such research shall not commence until approval from the Director is received.

(1488) (4) Any approved research program shall be subject to such terms and conditions as the Director, Pribilof Islands Program deems appropriate.

(1489) (5) Permission to utilize the Pribilof Islands to conduct an approved research program may be revoked by the Director, Pribilof Islands Program at any time for noncompliance with any terms and conditions, or for violations of any regulation or administrative procedure in effect on the Pribilof Islands.

Part 223–Threatened Marine and Anadromous Species

Subpart B–Restrictions Applicable to Threatened Marine and Anadromous Species

§223.202 Steller sea lion.

(1490) (a) General prohibitions. The prohibitions of section 9 of the Act (16 U.S.C. 1538) and the following regulatory provisions shall apply to the eastern population of Steller sea lions:

(1491) (1) No discharge of firearms. Except as provided in paragraph (b) of this section, no person subject to the jurisdiction of the United States may discharge a firearm at or within 100 yards (91.4 meters) of a Steller sea lion. A firearm is any weapon, such as a pistol or rifle, capable of firing a missile using an explosive charge as a propellant.

(1492) (2) No approach in buffer areas. Except as provided in paragraph (b) of this section:

(1493) (i) No owner or operator of a vessel may allow the vessel to approach within 3 nautical miles (5.5 kilometers) of a Steller sea lion rookery site listed in paragraph (a)(3) of this section;

(1494) (ii) No person may approach on land not privately owned within one-half statutory miles (0.8 kilometers) or within sight of a Steller sea lion rookery site listed in paragraph (a)(3) of this section, whichever is greater, except on Marmot Island; and

(1495) (iii) No person may approach on land not privately owned within one and one-half statutory miles (2.4 kilometers) or within sight of the eastern shore of Marmot Island, including the Steller sea lion rookery site listed in paragraph (a)(3) of this section, whichever is greater.

(1496) (3) Listed sea lion rookery sites. Listed Steller sea lion rookery sites consist of the rookeries in the Aleutian Islands and the Gulf of Alaska listed in Table 1.

(1497) (4) Commercial Fishing Operations. The incidental mortality and serious injury of endangered and threatened Steller sea lions in commercial fisheries can be authorized in compliance with sections 101(a)(5) and 118 of the Marine Mammal Protection Act.

(1498) (b) Exceptions–(1) Permits. The Assistant Administrator may issue permits authorizing activities that would otherwise be prohibited under paragraph (a) of this section in accordance with and subject to the provisions of part 222, subpart C–General Permit Procedures.

(1499) (2) Official activities. The taking of Steller sea lions must be reported within 30 days to the Regional Administrator, Alaska Region. Paragraph (a) of this section does not prohibit or restrict a Federal, state or local government official, or his or her designee, who is acting in the course of official duties from:

(1500) (i) Taking a Steller sea lion in a humane manner, if the taking is for the protection or welfare of the animal, the protection of the public health and welfare, or the nonlethal removal of nuisance animals; or

(1501) (ii) Entering the buffer areas to perform activities that are necessary for national defense, or the performance of other legitimate governmental activities.

(1502) (3) Subsistence takings by Alaska natives. Paragraph (a) of this section does not apply to the taking of Steller sea lions for subsistence purposes under section 10(e) of the Act.

(1503) (4) Emergency situations. Paragraph (a)(2) of this section does not apply to an emergency situation in which compliance with that provision presents a threat to the health, safety, or life of a person or presents a significant threat to the vessel or property.

(1504) (5) Exemptions. Paragraph (a)(2) of this section does not apply to any activity authorized by a prior written exemption from the Director, Alaska Region, National Marine Fisheries Service. Concurrently with the issuance of any exemption, the Assistant Administrator will publish notice of the exemption in the FEDERAL REGISTER. An exemption may be granted only if the activity will not have a significant adverse affect on Steller sea lions, the activity has been conducted historically or traditionally in the buffer zones, and there is not readily available and acceptable alternative to or site for the activity.

(1505) (6) Navigational transit. Paragraph (a)(2) of this section does not prohibit a vessel in transit from passing through a strait, narrows, or passageway listed in this paragraph if the vessel proceeds in continuous transit and maintains a minimum of 1 nautical mile from the rookery site. The listing of a strait, narrows, or passageway does not indicate that the area is safe for navigation. The listed straits, narrows, or passageways include the following:

Rookery	Straits, Narrows or Pass
Akutan Island	Akutan Pass between Cape Morgan and Unalga Island
Clubbing Rocks	Between Clubbing Rocks and Cherni Island
Outer Island	Wildcat Pass between Rabbit and Ragged Islands

(1506) (c) Penalties. (1) Any person who violates this section or the Act is subject to the penalties specified in section 11 of the Act, and any other penalties provided by law.

(1507) (2) Any vessel used in violation of this section or the Endangered Species Act is subject to forfeiture under section 11(e)(4)(B) of the Act.

Part 224–Endangered Marine and Anadromous Species

§224.103 Special prohibitions for endangered marine mammals.

(1508) (b) Approaching humpback whales in Alaska–

(1509) (1) Prohibitions. Except as provided under paragraph (b)(2) of this section, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, within 200 nautical miles (370.4 km) of Alaska, or within inland waters of the state, any of the acts in paragraphs (b)(1)(i) through (b)(1)(iii) of this section with respect to humpback whales (Megaptera novaeangliae):

(1510) (i) Approach, by any means, including by interception (i.e., placing a vessel in the path of an oncoming humpback whale so that the whale surfaces within 100 yards (91.4 m) of the vessel), within 100 yards (91.4 m) of any humpback whale;

(1511) (ii) Cause a vessel or other object to approach within 100 yards (91.4 m) of a humpback whale; or

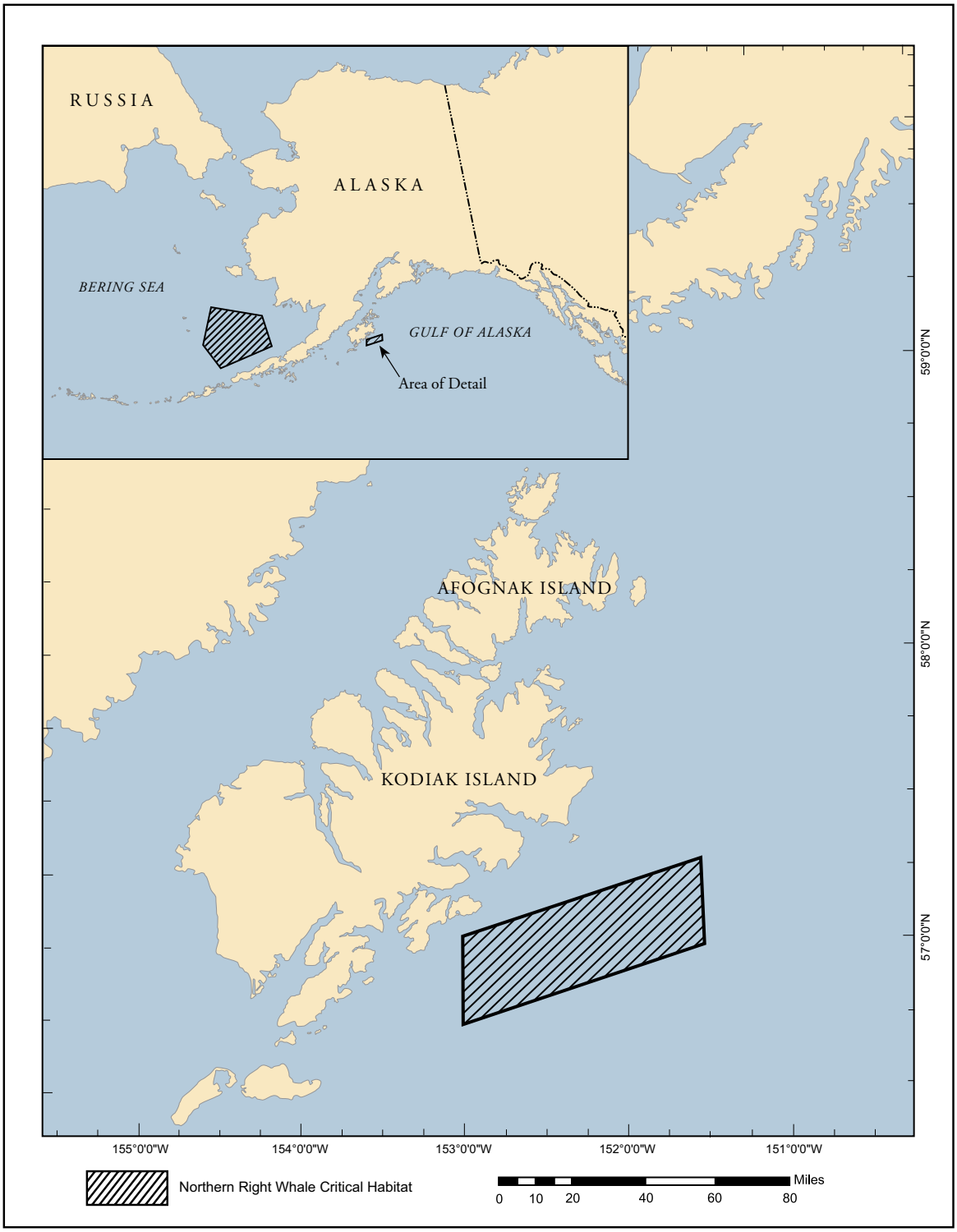
(1512) (iii) Disrupt the normal behavior or prior activity of a whale by any other act or omission, as described in paragraph (a)(4) of this section.

(1513) (2) Exceptions. The following exceptions apply to this paragraph (b), but any person who claims the applicability of an exception has the burden of proving that the exception applies:

(1514) (i) Paragraph (b)(1) of this section does not apply if an approach is authorized by the National Marine Fisheries Service through a permit issued under part 222, subpart C, of this chapter (General Permit Procedures) or through a similar authorization.

(1515) (ii) Paragraph (b)(1) of this section does not apply to the extent that a vessel is restricted in her ability to maneuver and, because of the restriction, cannot comply with paragraph (b)(1) of this section.

(1516) (iii) Paragraph (b)(1) of this section does not apply to commercial fishing vessels lawfully engaged in


RUSSIA
ALASKA
BERING SEA
GULF OF ALASKA
Area of Detail
AFOGNAK ISLAND
KODIAK ISLAND
59°0'0"N
58°0'0"N
57°0'0"N
155°0'0"W
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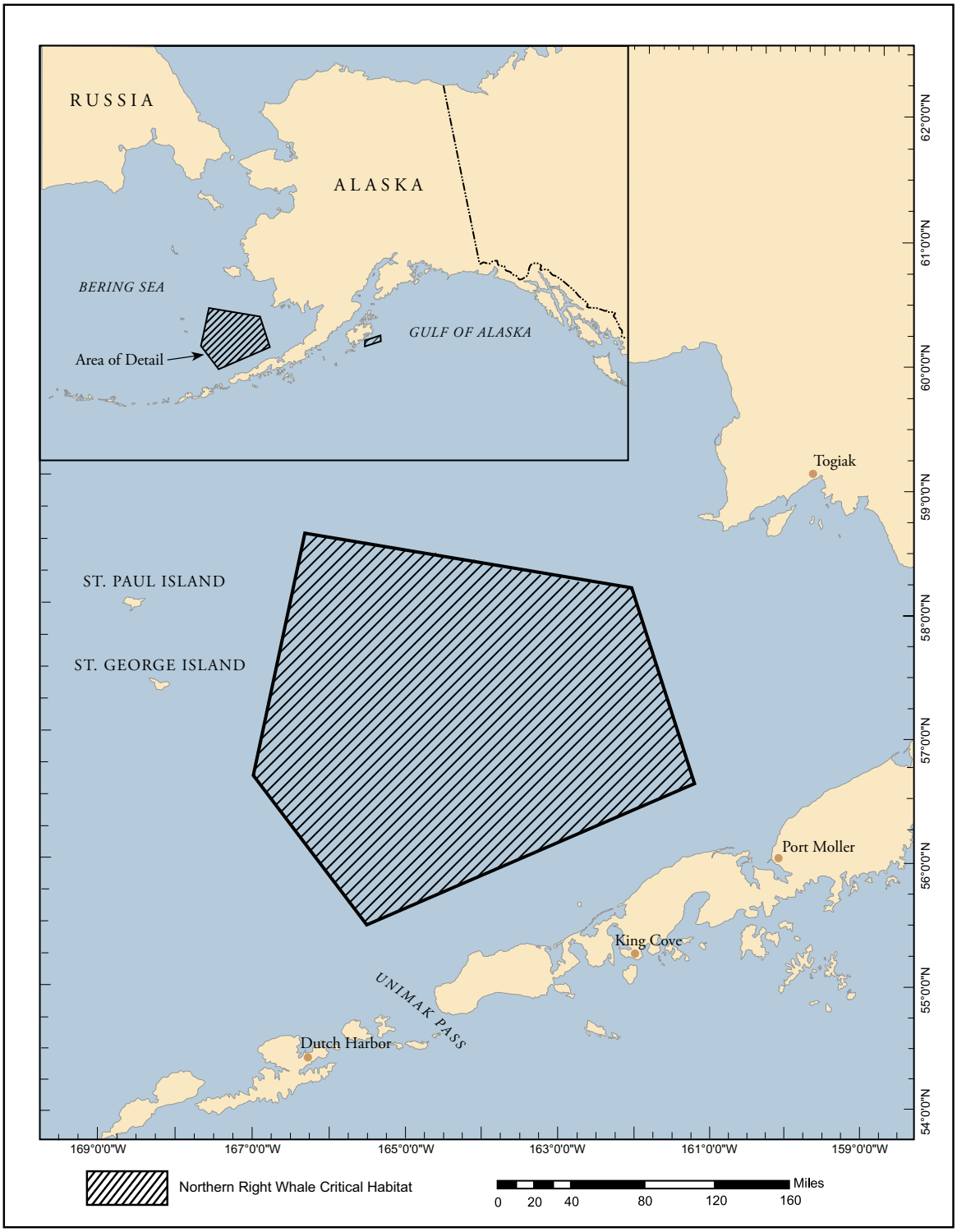
Northern Right Whale Critical Habitat
Miles
0 10 20 40 60 80


RUSSIA
ALASKA
BERING SEA
GULF OF ALASKA
Area of Detail
Togiak
ST. PAUL ISLAND
ST. GEORGE ISLAND
Port Moller
King Cove
UNIMAK PASS
Dutch Harbor
62°0'0"N
61°0'0"N
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59°0'0"N
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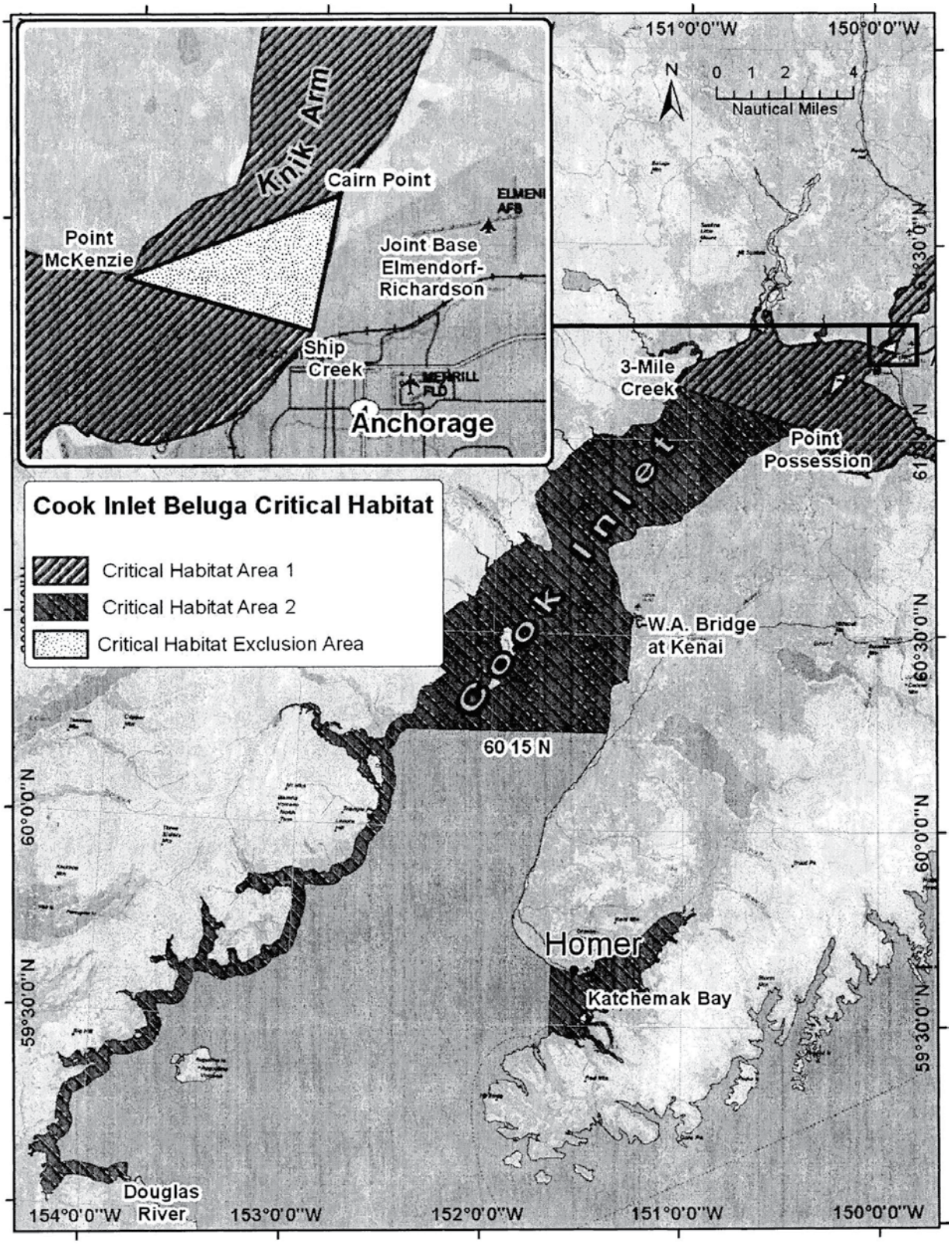

Figure 1. Cook Inlet beluga whale critical habitat.

actively setting, retrieving or closely tending commercial fishing gear. For purposes of this paragraph (b), commercial fishing means taking or harvesting fish or fishery resources to sell, barter, or trade. Commercial fishing does not include commercial passenger fishing operations (i.e. charter operations or sport fishing activities).

(1517) (iv) Paragraph (b)(1) of this section does not apply to state, local, or Federal government vessels operating in the course of official duty.

(1518) (v) Paragraph (b)(1) of this section does not affect the rights of Alaska Natives under 16 U.S.C. 1539(e).

(1519) (vi) These regulations shall not take precedence over any more restrictive conflicting Federal regulation pertaining to humpback whales, including the regulations at 36 CFR 13.65 that pertain specifically to the waters of Glacier Bay National Park and Preserve.

(1520) (3) General measures. Notwithstanding the prohibitions and exceptions in paragraphs (b)(1) and (2) of this section, to avoid collisions with humpback whales, vessels must operate at a slow, safe speed when near a humpback whale. "Safe speed" has the same meaning as the term is defined in 33 U.S.C. 2006 and the International Regulations for Preventing Collisions at Sea 1972 (see 33 U.S.C. 1602), with respect to avoiding collisions with humpback whales.

(1521) (d) Special prohibitions relating to endangered Steller sea lion protection. The regulatory provisions set forth in part 223 of this chapter, which govern threatened Steller sea lions, shall also apply to the western population of Steller sea lions, which consists of all Steller sea lions from breeding colonies located west of 144°W.

Part 226-Designated Critical Habitat

§226.101 Purpose and scope.

(1522) The regulations contained in this part identify those habitats designated by the Secretary of Commerce as critical, under section 4 of the Act, for endangered and threatened species under the jurisdiction of the Secretary of Commerce. Those species are enumerated at §223.102 of this chapter if threatened and at §224.101 of this chapter if endangered. For regulations pertaining to the designation of critical habitat, see part 424 of this title; for regulations pertaining to prohibitions against the adverse modification or destruction of critical habitat, see part 402 of this title. Additional information regarding designated critical habitats that is not provided in this section may be obtained upon request to the Office of Protected Resources (*see* §222.102, definition of "Office of Protected Resources").

§226.215 Critical habitat for the North Pacific Right Whale (Eubalaena japonica).

(1523) (a) Primary Constituent Elements. The primary constituent elements of the North Pacific right whale are the copepods Calanus marshallae, Neocalanus cristatus, and N. plumchris, and the euphausiid Thysanoessa raschii, in areas of the North Pacific Ocean in which North Pacific right whales are known or believed to feed, as described in paragraphs (b) and (c) of this section.

(1524) (b) Bering Sea. An area described by a series of straight lines connecting the following coordinates in the order listed:

(1525) 58°00'N., 168°00'W.

(1526) 58°00'N., 163°00'W.

(1527) 56°30'N., 161°45'W.

(1528) 55°00'N., 166°00'W.,

(1529) 56°00'N., 168°00'W.

(1530) 58°00'N., 168°00'W.

(1531) (c) Gulf of Alaska. An area described by a series of straight lines connecting the following coordinates in the order listed.

(1532) 57°03'N., 153°00'W.

(1533) 57°18'N., 151°30'W.

(1534) 57°00'N., 151°30'W.

(1535) 56°45'N., 153°00'W.

(1536) 57°03'N., 153°00'W.

(1537) (d) Maps of critical habitat for the North Pacific right whale follow:

§ 226.220 Critical habitat for the Cook Inlet beluga whale (Delphinapterus leucas).

(1538) Critical habitat is designated in Cook Inlet, Alaska, for the Cook Inlet beluga whale as described in paragraphs (a) and (b) of this section. The textual description of this critical habitat is the definitive source for determining the critical habitat boundaries. General location maps are provided for general guidance purposes only, and not as a definitive source for determining critical habitat boundaries. Critical habitat does not include manmade structures and the land on which they rest within the designated boundaries described in paragraphs (a)(1) and (2) of this section that were in existence as of May 11, 2011.

(1539) (a) Critical Habitat Boundaries. Critical habitat includes two specific marine areas in Cook Inlet, Alaska. These areas are bounded on the upland by Mean High Water (MHW) datum, except for the lower reaches of four tributary rivers. Critical habitat shall not extend into the tidally-influenced channels of tributary waters of Cook Inlet, with the exceptions noted in the descriptions of each critical habitat area.

(1540) (1) Area 1. All marine waters of Cook Inlet north of a line from the mouth of Threemile Creek (61°08.5'N., 151°04.4'W.) connecting to Point Possession (61°02.1'N., 150°24.3'W.), including waters of the Susitna River south of 61°20.0'N., the Little Susitna

River south of 61°18.0'N., and the Chickaloon River north of 60°53.0'N.

(1541) (2) Area 2. All marine waters of Cook Inlet south of a line from the mouth of Threemile Creek (61°08.5'N., 151°04.4'W.) to Point Possession (61°02.1'N., 150°24.3'W.) and north of 60°15.0'N., including waters within 2 nautical miles seaward of MHW along the western shoreline of Cook Inlet between 60°15.0'N. and the mouth of the Douglas River (59°04.0'N., 153°46.0'W.); all waters of Kachemak Bay east of 151°40.0'W.; and waters of the Kenai River below the Warren Ames bridge at Kenai, Alaska.

(1542) (b) A map of the designated critical habitat for Cook Inlet beluga whale follows (Figure 1).

(1543) (c) Primary constituent elements. The primary constituent elements essential to the conservation of the Cook Inlet beluga whale are:

(1544) (1) Intertidal and subtidal waters of Cook Inlet with depths <30 feet (MLLW) and within 5 miles of high and medium flow anadromous fish streams.

(1545) (2) Primary prey species consisting of four species of Pacific salmon (Chinook, sockeye, chum, and coho), Pacific eulachon, Pacific cod, walleye pollock, saffron cod, and yellowfin sole.

(1546) (3) Waters free of toxins or other agents of a type and amount harmful to Cook Inlet beluga whales.

(1547) (4) Unrestricted passage within or between the critical habitat areas.

(1548) (5) Waters with in-water noise below levels resulting in the abandonment of critical habitat areas by Cook Inlet beluga whales.

(1549) (d) Sites owned or controlled by the Department of Defense, or of interest to national security. Critical habitat does not include the following areas owned by the Department of Defense or for which the Secretary has determined to exclude for reasons of national security:

(1550) (1) All property and overlying waters of Joint Base Elmendorf-Richardson between Mean Higher High Water and Mean High Water; and

(1551) (2) All waters off the Port of Anchorage which are east of a line connecting Cairn Point (61°15.4'N., 149°52.8'W.) and Point MacKenzie (61°14.3'N., 149°59.2'W.) and north of a line connecting Point MacKenzie and the north bank of the mouth of Ship Creek (61°13.6'N., 149°53.8'W.).