Navigation Regulations

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

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

Title 15 (15 CFR): Commerce and Foreign Trade	
Part 922	National Marine Sanctuary Program Regulations
Title 21 (21 CFR): Food and Drugs	
Part 1250	Interstate Conveyance Sanitation
Title 33 (33 CFR): Navigation and Navigable Waters	
Part 26	Vessel Bridge-to-Bridge Radiotelephone Regulations
Part 110	Anchorage Regulations
Part 117	Drawbridge Operation Regulations
Part 151	Vessels Carrying Oil, Noxious Liquid Substances, Garbage, Municipal or Commercial Waste, and Ballast Water
Part 160	Ports and Waterways Safety
Part 161	Vessel Traffic Management
Part 162	Inland Waterways Navigation Regulations
Part 164	Navigation Safety Regulations
Part 165	Regulated Navigation Areas and Limited Access Areas
Part 207	Navigation Regulations
Part 334	Danger Zone and Restricted Area
Part 401	Seaway Regulations and Rules (actually the source is identified, only)
Title 36 (36 CFR): Parks, Forests, and Public Property	
Part 7	Special Regulations, Areas of the National Park System
Title 40 (40 CFR): Protection of Environment	
Part 140	Marine Sanitation Device Standard
Title 46 (46 CFR): Shipping	
Part 401	Great Lakes Pilotage Regulations
Title 47 (47 CFR): Telecommunication	
Part 80	Stations in the Maritime Services

Note

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

(4) **National Oceanic and Atmospheric Administration** (15 CFR 922)

(5) **Food and Drug Administration** (21 CFR 1250)

(6) **U.S. Coast Guard** (33 CFR 26, 110, 117, 151, 160, 161, 162, 164, and 165) (46 CFR 401)

(7) **U.S. Army Corps of Engineers** (33 CFR 207 and 334)

(8) **Saint Lawrence Seaway Development Corporation** (33 CFR 401)

(9) **National Park Service** (36 CFR 1, 2, and 7)

(10) **Environmental Protection Agency** (40 CFR 140)

(11) **Federal Communications Commission** (47 CFR 80)

TITLE 15–COMMERCE AND FOREIGN TRADE

Part 922–National Marine Sanctuary Program Regulations

Subpart A–General

§922.1 Applicability of regulations.

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

§922.2 Mission, goals, and special policies.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§922.3 Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(50) *Sanctuary resource* means any living or non-living resource of a National Marine Sanctuary that contributes to the conservation, recreational, ecological, historical, research, educational, or aesthetic value of the Sanctuary, including, but not limited to, the substratum of the area of the Sanctuary, other submerged features and the surrounding seabed, carbonate rock, corals and other bottom formations, coralline algae and other marine plants and algae, marine invertebrates, brine-seep biota, phytoplankton, zooplankton, fish, seabirds, sea turtles and other marine reptiles, marine mammals and historical resources. For Thunder Bay National Marine Sanctuary and Underwater Preserve, Sanctuary resource means an underwater cultural resource as defined at §922.191.

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

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

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

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

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

(56) *Take or taking* means:

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

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

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

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

§922.4 Effect of National Marine Sanctuary designation.

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

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

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

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

Subpart D–Management Plan Development and implementation

§922.30 General.

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

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

§922.31 Promotion and coordination of Sanctuary use.

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

Subpart E–Regulations of General Applicability

§922.40 Purpose.

(68) The purpose of the regulations in this Subpart and in Subparts F through R is to implement the designations of the thirteen National Marine Sanctuaries for which site specific regulations appear in Subparts F through R, respectively, by regulating activities affecting them, consistent with their respective terms of designation in order to protect, preserve and manage and thereby ensure the health, integrity and continued availability of the conservation, ecological, recreational, research, educational, historical and aesthetic resources and qualities of these areas. Additional purposes of the regulations implementing the designation of the Florida Keys and Hawaiian Islands Humpback Whale National Marine Sanctuaries are found at §§922.160, and 922.180, respectively.

§922.41 Boundaries.

(69) The boundary for each of the thirteen National Marine Sanctuaries covered by this part is described in Subparts F through R, respectively.

§922.42 Allowed Activities.

(70) All activities (e.g., fishing, boating, diving, research, education) may be conducted unless prohibited or otherwise regulated in Subparts F through R, subject to any emergency regulations promulgated pursuant to §§922.44, 922.111(c), 922.165, 922.186, or 922.196, subject to all prohibitions, regulations, restrictions, and conditions validly imposed by any Federal, State, or local authority of competent jurisdiction, including Federal and State fishery management authorities, and subject to the provisions of section 312 of the National Marine Sanctuaries Act (NMSA), (16 U.S.C. 1431 et seq.). The Assistant Administrator may only directly regulate fishing activities pursuant to the procedure set forth in section 304(a)(5) of the NMSA.

§922.43 Prohibited or otherwise regulated activities.

(71) Subparts F through R set forth site-specific regulations applicable to the activities specified therein.

§922.44 Emergency Regulations.

(72) Where necessary to prevent or minimize the destruction of, loss of, or injury to a Sanctuary resource or quality, or minimize the imminent risk of such destruction, loss, or injury, any and all such activities are subject to immediate temporary regulation, including prohibition. The provisions of this section do not apply to the Cordell Bank, Florida Keys, Hawaiian Islands Humpback Whale, and Thunder Bay National Marine Sanctuaries. See §§922.111(c), 922.165, 922.186, and 922.196, respectively, for the authority to issue emergency regulations with respect to those sanctuaries.

§922.45 Penalties.

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

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

§922.46 Response costs and damages.

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

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

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

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

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

(78) (a) A person may conduct an activity prohibited by Subparts F through O, if conducted in accordance with the scope, purpose, terms and conditions of a permit issued under this section and Subparts F through O, as appropriate. For the Florida Keys National Marine Sanctuary, a person may conduct an activity prohibited by Subpart P if conducted in accordance with the scope, purpose, terms and conditions of a permit issued under §922.166. For the Thunder Bay National Marine Sanctuary and Underwater Preserve, a person may conduct an activity prohibited by Subpart R in accordance with the scope, purpose, terms and conditions of a permit issued under §922.195.

(79) (b) Applications for permits to conduct activities otherwise prohibited by Subparts F through O should be addressed to the Director and sent to the address

specified in Subparts F through O, or Subpart R, as appropriate. An application must include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(94) (b) Any potential applicant for an authorization described in Paragraph (a) of this section may request the Director to issue a finding as to whether the activity for which an application is intended to be made is prohibited by Subparts L through P, or Subpart R, as appropriate.

(95) (c) Notification of filings of applications should be sent to the Director, Office of Ocean and Coastal Resource Management at the address specified in Subparts L through P, or Subpart R as appropriate. A copy of the application must accompany the notification.

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

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

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

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

(100) (h) The applicant may appeal any objection by or terms or conditions imposed by the Director, to the Assistant Administrator in accordance with the procedures set forth in §922.50.

§922.50 Appeals of administrative action.

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

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

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

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

(105) (2) For those National Marine Sanctuaries described in subparts F through K, any interested person may also appeal the same actions described in §922.50(a)(1)(i) and (ii). For appeals arising from actions taken with respect to these National Marine Sanctuaries, the term "appellant" includes any such interested persons.

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

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

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

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

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

Subpart R–Thunder Bay National Marine Sanctuary and Underwater Preserve

§922.190 Boundary.

(111) The Thunder Bay National Marine Sanctuary and Underwater Preserve (Sanctuary) consists of an area of approximately 448 square miles (1169 square kilometers) of waters of Lake Huron and the submerged lands thereunder, over, around, and under the underwater cultural resources in Thunder Bay. The boundary forms an approximately rectangular area by extending along the ordinary high water mark between the northern and southern boundaries of Alpena County, cutting across the mouths of rivers and streams, and lakeward from those points along latitude lines to longitude 83 degrees west. The coordinates of the boundary are set forth in Appendix A to this Subpart.

§922.191 Definitions.

(112) (a) The following terms are defined for purposes of Subpart R:

(113) *Minor project* means any project listed in Appendix B to this Subpart.

(114) *Programmatic Agreement* means the agreement among NOAA, the Federal Advisory Council on Historic Preservation, and the State of Michigan, developed pursuant to the National Marine Sanctuaries Act (NMSA), 16 U.S.C. 1431 *et seq.* and section 106 of the National Historic Preservation Act of 1966 as amended, 16 U.S.C. 470 *et seq.*, which, in part, sets forth the procedures for review and approval of State Permits that authorize activities prohibited by the Sanctuary regulations.

(115) *State Archaeologist* means the State Archaeologist, Michigan Historical Center, Michigan Department of State.

(116) *State Permit* means any lease, permit, license, approval, or other authorization issued by the State of Michigan for the conduct of activities or projects within the Thunder Bay National Marine Sanctuary and Underwater Preserve that are prohibited by the regulations at §922.193.

(117) *Traditional fishing* means those commercial, recreational, and subsistence fishing activities that were customarily conducted within the Sanctuary prior to its designation, as identified in the Final Environmental Impact Statement and Management Plan for this Sanctuary. Copies of the Final Environmental Impact Statement/Management Plan (FEIS/MP) are available upon request to the Marine Sanctuaries Division, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, 305 East-West Highway, 11th Floor, Silver Spring, MD 20910, (301) 713-3125. Traditional fishing includes tribal fishing rights as provided for in the 1836 Treaty of Washington and subsequent court decisions related to the Treaty.

(118) *Underwater cultural resource* means:

(119) (1) Any sunken watercraft, including a ship, boat, canoe, skiff, raft, or barge; the rigging, gear, fittings, trappings, and equipment of any sunken watercraft; the personal property of the officers, crew, and passengers of any sunken watercraft; and the cargo of any sunken watercraft, that sank prior to the effective date of Sanctuary designation; and

(120) (2) Any of the above that sinks on or after the date of Sanctuary designation determined to be an underwater cultural resource by the Director pursuant to §922.198. Underwater cultural resource also means any historical remnant of docks or piers or associated material, or materials resulting from activities of historic and prehistoric Native Americans.

(121) (b) Other terms appearing in the regulations are defined at 15 CFR part 922 subpart A, and/or in the National Marine Sanctuaries Act, as amended, 16 U.S.C. 1431 *et seq*.

§922.192 Joint Management Committee.

(122) (a) A state/federal Joint Management Committee shall be established to oversee and engage in decision-making authority for the Thunder Bay National Marine Sanctuary and Underwater Preserve.

(123) (b) The Joint Management Committee shall be comprised of one Federal employee named by the NOAA Administrator and one state employee named by the Governor of Michigan. The Federal employee cannot be the sanctuary manager (the individual who exercises day-to-day management over the Sanctuary) and must have a civil service grade higher than that of the sanctuary manager.

(124) (c) The Joint Management Committee shall:

(125) (1) Develop a position description for, recruit prospective candidates for the position of, interview candidates for the position of, and take part in the annual performance evaluation of, the sanctuary manager;

(126) (2) Approve revisions to the Management Plan;

(127) (3) Approve annual work plans;

(128) (4) Approve, on an annual basis, the expenditure of allocated state and federal funds and other sources of revenue for the Thunder Bay National Marine Sanctuary and Underwater Preserve, in accordance with the Management Plan and the annual work plans; and

(129) (5) Make decisions on other key issues related to management of the Thunder Bay National Marine Sanctuary and Underwater Preserve.

(130) (d) The Joint Management Committee shall meet as agreed to by the members but not less than once annually.

(131) (e) If the Joint Management Committee is unable to reach agreement on an issue, the members shall follow the "Consultation and Conflict Resolution" procedures set forth in the Interlocal Agreement between NOAA and the State of Michigan.

(132) (f) The Joint Management Committee may invite affected public parties to participate in selected aspects of Sanctuary management as:

(133) (1) Parties to the Interlocal Agreement pursuant to the Michigan Urban Cooperation Act of 1967, MCL 124.501 *et seq.*; and/or

(134) (2) Pursuant to the NMSA.

§922.193 Prohibited or otherwise regulated activities.

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

(136) (1) Recovering, altering, destroying, possessing, or attempting to recover, alter, destroy, or possess an underwater cultural resource.

(137) (2) Drilling into, dredging or otherwise altering the lake bottom associated with underwater cultural resources, including contextual information; or constructing, placing or abandoning any structure, material or other matter on the lakebottom associated with underwater cultural resources, except as an incidental result of:

(138) (i) Anchoring vessels;

(139) (ii) Traditional fishing operations; or

(140) (iii) Minor projects (as defined in Appendix B of this subpart) that do not adversely affect underwater cultural resources.

(141) (3) Using grappling hooks or other anchoring devices on underwater cultural resource sites that are marked with a mooring buoy.

(142) (4) Interfering with, obstructing, delaying or preventing an investigation, search, seizure or disposition of seized property in connection with enforcement of the Act or any regulations issued under the Act.

(143) (b) Members of a federally-recognized Indian tribe may exercise treaty-secured rights, subject to the requirements of other applicable law, without regard to the requirements of this subpart. The Director may consult with the governing body of a tribe regarding ways the tribe may exercise such rights consistent with the purposes of the Sanctuary, provided that the rights are authorized by the tribe by regulation, license, or permit.

(144) (c) The prohibitions in paragraphs (a)(1) through (3) of this section do not apply to valid law enforcement activities, or any activity necessary to respond to an emergency threatening life or the environment.

(145) (d) The prohibitions in paragraphs (a) (1) through (3) of this section do not apply to any activity:

(146) (1) Specifically authorized by, and conducted in accordance with the scope, purpose, terms and conditions of, a permit issued pursuant to §922.195 or a Special Use Permit issued pursuant to section 310 of the NMSA.

(147) (2) Specifically authorized by any valid Federal, State, or local lease, permit, license, approval, or other authorization in existence on the effective date of these regulations, or by any valid right of subsistence use or access in existence on the effective date of these regulations, provided that the holder of such authorization or right complies with §922.194 and §922.47 and with any terms and conditions for the exercise of such authorization or right imposed by the Director as a condition of certification as he or she deems reasonably necessary to achieve the purposes for which the Sanctuary was designated.

§922.194 Certification of preexisting leases, licenses, permits, approvals, other authorizations, or rights to conduct a prohibited activity.

(148) (a) A person may conduct an activity prohibited by §922.193 (a)(1) through (3) if such activity is specifically authorized by a valid Federal, State, or local lease, permit, license, approval, or other authorization in existence on the effective date of Sanctuary designation, or by any valid right of subsistence use or access in existence on the effective date of Sanctuary designation, *provided that*:

(149) (1) For any State or local lease, permit, license, approval, or other authorization, or any right of subsistence use, the State Archaeologist certifies to the Director, within 90 days of the effective date of designation, that the activity authorized under the State or local lease, permit, license, approval, or other authorization, or any right of subsistence use, is being conducted consistent with the Programmatic Agreement, in which case such activity shall be deemed to have met the requirements of this section and §922.47; or

(150) (2) In the case where either:

(151) (i) The State Archaeologist does not certify that the activity authorized under a State or local lease, permit, license, approval, or other authorization, or right of subsistence use is being conducted consistent with the Programmatic Agreement; or

(152) (ii) The activity is conducted pursuant only to a Federal permit, the holder of the authorization or right complies with paragraphs (b) through (k) of this section.

(153) (b) For an activity described in paragraph (a)(2) of this section, the holder of the authorization or right may conduct the activity prohibited by §922.193 (a)(1) through (3) *provided that*:

(154) (1) The holder of such authorization or right notifies the Director, in writing, within 90 days of the effective date of Sanctuary designation, of the existence of such authorization or right and requests certification of such authorization or right;

(155) (2) The holder complies with the other provisions of §922.194; and

(156) (3) The holder complies with any terms and conditions on the exercise of such authorization or right imposed as a condition of certification, by the Director, to achieve the purposes for which the Sanctuary was designated.

(157) (c) The holder of an authorization or right described in paragraph (a)(2) of this section authorizing an activity prohibited by §922.193 may conduct the activity without being in violation of applicable provisions of §922.193, pending final agency action on his or her certification request, provided the holder is in compliance with this §922.194.

(158) (d) Any holder of an authorization or right described in paragraph (a)(2) of this section may request the Director to issue a finding as to whether the activity for which the authorization has been issued, or the right given, is prohibited by §922.193, thus requiring certification under this section.

(159) (e) Requests for findings or certifications should be addressed to the Director, Office of Ocean and Coastal Resource Management; ATTN: Sanctuary Manager, Thunder Bay National Marine Sanctuary and Underwater Preserve, 1305 East-West Highway, N/ORM, Silver Spring, Maryland, 20910. A copy of the lease, permit, license, approval, or other authorization must accompany the request.

(160) (f) The Director may request additional information from the certification requester as he or she deems reasonably necessary to condition appropriately the exercise of the certified authorization or right to achieve the purposes for which the Sanctuary was designated. The Director must receive the information requested within 45 days of the postmark date of the request. The Director may seek the views of any persons on the certification request.

(161) (g) The Director may amend any certification made under this §922.194 whenever additional information becomes available justifying such an amendment.

(162) (h) Upon completion of review of the authorization or right and information received with respect thereto, the Director shall communicate, in writing, any decision on a certification request or any action taken with respect to any certification made under this §922.194, in writing, to both the holder of the certified lease, permit, license, approval, other authorization, or right, and the issuing agency, and shall set forth the reason(s) for the decision or action taken.

(163) (i) Any time limit prescribed in or established under this §922.194 may be extended by the Director for good cause.

(164) (j) The holder may appeal any action conditioning, amending, suspending, or revoking any certification in accordance with the procedures set forth in §922.50.

(165) (k) Any amendment, renewal, or extension made after the effective date of Sanctuary designation, to a lease, permit, license, approval, other authorization or right is subject to the provisions of §922.195 and §922.49.

(166) (l) For any activity authorized pursuant to §922.193 (b), the holder of such license or permit shall notify the Director, in writing, within 90 days of the effective date of Sanctuary designation, of the existence of such authorization or right.

§922.195 Permit procedures and criteria.

(167) (a) A person may conduct an activity prohibited by §922.193 (a)(1) through (3), if conducted in accordance with the scope, purpose, terms and conditions of a State Permit provided that:

(168) (1) The State Archaeologist certifies to NOAA that the activity authorized under the State Permit will be conducted consistent with the Programmatic Agreement, in which case such State Permit shall be deemed to have met the requirements of §922.49; or

(169) (2) In the case where the State Archaeologist does not certify that the activity to be authorized under a State Permit will be conducted consistent with the Programmatic Agreement, the person complies with the requirements of §922.49 of this part.

(170) (b) If no State Permit is required to conduct an activity prohibited by §922.193 (a)(1) through (3) of this subpart, a person may conduct such activity if it is conducted in accordance with the scope, purpose, terms and conditions of a Federal permit, provided that the person complies with the provisions of §922.49 of this part.

(171) (c) In instances where the conduct of an activity is prohibited by §922.193 (a)(1) through (3) of this subpart is not addressed under a State or other Federal lease, license, permit or other authorization, a person must obtain a Sanctuary permit from NOAA pursuant to §922.48 (c) through (f) of this part and the Programmatic Agreement in order to conduct the activity.

(172) (d) A permit for recovery of an underwater cultural resource may be issued if:

(173) (1) The proposed activity satisfies the requirements for permits described under paragraphs (a) through (c) of this section;

(174) (2) The recovery of the underwater cultural resource is in the public interest;

(175) (3) Recovery of the underwater cultural resource is part of research to preserve historic information for public use; and

(176) (4) Recovery of the underwater cultural resource is necessary or appropriate to protect the resource, preserve historical information, or further the policies of the Sanctuary.

(177) (e) A person shall file an application for a permit with the Michigan Department of Environmental Quality, Land and Water Management Division, P.O. Box 30458, Lansing, MI, 48909-7958. The application shall contain all of the following information:

(178) (1) The name and address of the applicant;

(179) (2) Research plan that describes in detail the specific research objectives and previous work done at the site. An archaeological survey must be conducted on a site before an archaeological permit allowing excavation can be issued;

(180) (3) Description of significant previous work in the area of interest, how the proposed effort would enhance or contribute to improving the state of knowledge, why the proposed effort should be performed in the Sanctuary, and its potential benefits to the Sanctuary;

(181) (4) An operational plan that describes the tasks required to accomplish the project's objectives and the professional qualifications of those conducting and supervising those tasks (see §922.195(e)(9) of this section. The plan must provide adequate description of methods to be used for excavation, recovery and the storage of artifacts and related materials on site, and describe the rationale for selecting the proposed methods over any alternative methods;

(182) (5) Archaeological recording, including site maps, feature maps, scaled photographs, and field notes;

(183) (6) An excavation plan describing the excavation, recovery and handling of artifacts;

(184) (7)(i) A conservation plan documenting:

(185) (A) The conservation facility's equipment;

(186) (B) Ventilation temperature and humidity control; and

(187) (C) storage space.

(188) (ii) Documentation of intended conservation methods and processes must also be included;

(189) (8) A curation and display plan for the curation of the conserved artifacts to ensure the maintenance and safety of the artifacts in keeping with the Sanctuary's federal stewardship responsibilities under the Federal Archaeology Program (36 CFR Part 79, Curation of Federally-Owned and Administered Archaeological Collections); and

(190) (9) Documentation of the professional standards of an archaeologist supervising the archaeological recovery of historical artifacts. The minimum professional qualifications in archaeology are a graduate degree in archaeology, anthropology, or closely related field plus:

(191) (i) At least one year of full-time professional experience or equivalent specialized training in archeological research, administration or management;

(192) (ii) At least four months of supervised field and analytic experience in general North American archaeology;

(193) (iii) Demonstrated ability to carry research to completion; and

(194) (iv) At least one year of full-time professional experience at a supervisory level in the study of archeological resources in the underwater environment.

§922.196 Emergency regulations.

(195) (a) Where necessary to prevent or minimize the destruction of, loss of, or injury to an underwater cultural resource, or to minimize the imminent risk of such destruction, loss, or injury, any and all activities are subject to immediate temporary regulation, including prohibition. An emergency regulation shall not take effect without the approval of the Governor of Michigan.

(196) (b) Emergency regulations remain in effect until a date fixed in the rule or six months after the effective date, whichever is earlier. The rule may be extended once for not more than six months.

§922.197 Consultation with affected federally-recognized Indian tribes.

(197) The Director shall regularly consult with the governing bodies of affected federally-recognized Indian tribes regarding areas of mutual concern.

§922.198 Procedures for determining watercraft and related items which sink on or after the date of Sanctuary designation to be an underwater cultural resource.

(198) The Director, in consultation with the State of Michigan, appropriate federal agencies, and the governing body of any affected federally-recognized tribe, may determine, after providing 45 days for public comment, that any sunken watercraft, including a ship, boat, canoe, skiff, raft, or barge; the rigging, gear, fittings, trappings, and equipment of any sunken watercraft; the personal property of the officers, crew, and passengers of any sunken watercraft; and the cargo of any sunken watercraft, that sinks on or after the date of Sanctuary designation, to be an underwater cultural resource if such is determined by the Director to be 50 years or older and of special national significance due to architectural significance or association with individuals or events that are significant to local or national history.

Appendix A to Subpart R of Part 922–Thunder Bay National Marine Sanctuary and Underwater Preserve Boundary Coordinates

[Based on North American Datum of 1983]

Point	Latitude	Longitude
1	45°12'25.5"	83°23'18.6"
2	45°12'25.5"	83°00'00"
3	44°51'30.5"	83°00'00"
4	44°51'30.5"	83°19'17.3"

Appendix B to Subpart R of Part 922–Minor Projects for Purposes of §922.193(a)(2)(iii)

(199) Pursuant to Michigan State Administrative Rule R 322.1013 of Part 325, Great Lakes Submerged Lands of

Public Act 451 (Michigan State Statute), the Michigan Department of Environmental Quality (Department) issues permits for projects that are of a minor nature which are not controversial, which have minimal adverse environmental impact, which will be constructed of clean, non-polluting materials, which do not impair the use of the adjacent bottomlands by the public, and which do not adversely affect riparian interests of adjacent owners. The following projects are minor projects:

(200) (a) Noncommercial single piers, docks, and boat hoists which meet the following design criteria:

(201) (i) are of a length or size not greater than the length or size of similar structures in the vicinity and on the watercourse involved; and

(202) (ii) provide for the free littoral flow of water and drift material.

(203) (b) Spring piles and pile clusters when their design and purpose is usual for such projects in the vicinity and on the watercourse involved.

(204) (c) Seawalls, bulkheads, and other permanent revetment structures which meet all of the following purpose and design criteria:

(205) (i) the proposed structure fulfills an identifiable need for erosion protection, bank stabilization, protection of uplands, or improvements on uplands;

(206) (ii) the structure will be constructed of suitable materials free from pollutants, waste metal products, debris, or organic materials;

(207) (iii) the structure is not more than 300 feet in length and is located in an area on the body of water where other similar structures already exist;

(208) (iv) the placement of backfill or other fill associated with the construction does not exceed an average of 3 cubic yards per running foot along the shoreline and a maximum of 300 cubic yards; and

(209) (v) the structure or any associated fill will not be placed in a wetland area or placed in any manner that impairs surface water flow into or out of any wetland area.

(210) (d) Groins 50 feet or less in length, as measures from the toe to bluff, which meet all of the following criteria:

(211) (i) the groin is low profile, with the lakeward end not more than 1 foot above the existing water level; and

(212) (ii) the groin is placed at least \1/2\ of the groin length from the adjacent property line or closer with written approval of the adjacent riparian.

(213) (e) Filling for restoration of existing permitted fill, fills placed incidental to construction of other structures, and fills that do not exceed 300 cubic yards as a single and complete project, where the fill is of suitable material free from pollutants, waste metal products, debris, or organic materials.

(214) (f) Dredging for the maintenance of previously dredged areas or dredging of not more than 300 cubic yards as a single and complete project when both of the following criteria are met:

(215) (i) No reasonable expectation exists that the materials to be dredged are polluted; and

(216) (ii) All dredging materials will be removed to an upland site exclusive of wetland areas.

(217) (g) Structural repair of man-made structures, except as exempted by Michigan State Administrative Rule R 322.1008(3), when their design and purpose meet both of the following criteria:

(218) (i) The repair does not alter the original use of a recently serviceable structure; and

(219) (ii) The repair will not adversely affect public trust values or interests, including navigation and water quality.

(220) (h) Fish or wildlife habitat structures which meet both of the following criteria:

(221) (i) Are placed so the structures do not impede or create a navigational hazard; and

(222) (ii) Are anchored to the bottomlands.

(223) (i) Scientific structures such as staff gauges, water monitoring devices, water quality testing devices, survey devices, and core sampling devices, if the structures do not impede or create a navigational hazard.

(224) (j) Navigational aids which meet both of the following criteria:

(225) (i) Are approved by the United States Coast Guard; and

(226) (ii) Are approved under Michigan State Act No. 303 of the Public Acts of 1967, as amended, being Section 281.1001 *et seq.* of the Michigan Compiled Laws, and known as the Marine Safety Act.

(227) (k) Extension of a project where work is being performed under a current permit and which will result in no damage to natural resources.

(228) (l) A sand trap wall which meets all of the following criteria:

(229) (i) The wall is 300 feet or less in length along the shoreline;

(230) (ii) The wall does not extend more than 30 feet lakeward of the toe of bluff;

(231) (iii) The wall is low profile, that is, it is not more than 1 foot above the existing water level; and

(232) (iv) The wall is constructed of wood or steel or other non-polluting material.

(233) (m) Physical removal of man-made structures or natural obstructions which meet all of the following criteria:

(234) (i) The debris and spoils shall be removed to an upland site, not in a wetland, in a manner which will not allow erosion into pubic waters;

(235) (ii) The shoreline and bottom contours shall be restored to an acceptable condition; and

(236) (iii) Upon completion of structure removal, the site does not constitute a safety or navigational hazard. Department staff shall consider fisheries and wildlife resource values when evaluating applications for natural obstruction removal.

TITLE 21–FOOD AND DRUGS

Part 1250–Interstate Conveyance Sanitation

§1250.93 Discharge of Wastes.

(237) Vessels operating on freshwater lakes or rivers shall not discharge sewage, or ballast or bilge water, within such areas adjacent to domestic water intakes as are designated by the Commissioner of Food and Drugs.

TITLE 33–NAVIGATION AND NAVIGABLE WATERS

Part 26–Vessel Bridge-to-Bridge Radiotelephone Regulations

§26.01 Purpose.

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

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

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

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

(242) (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.

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

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

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

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

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

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

(249) "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.

(250) "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.

(251) **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.

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

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

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

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

(256) (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.

(257) (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.

(258) (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.

(259) (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).

(260) (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):

(261) (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;

(262) (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

(263) (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.

(264) (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).

(265) **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.

(266) (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.

(267) (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.

(268) (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.

(269) (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.

(270) (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.

(271) 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.

(272) Section 6 of the Act states –

(273) (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.

(274) 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.

(275) (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.

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

(277) (c) Each petition must be submitted in writing to U.S. Coast Guard, Marine Safety, Security and

Environmental Protection, 2100 Second Street SW., Washington, DC 20593–0001, and must state:

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

(279) (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.

(280) (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.

(281) (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 110–Anchorage Regulations

§110.1 General.

(282) (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).

(283) (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).

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

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

Subpart A–Special Anchorage Areas

§110.8 Lake Champlain, N.Y. and Vt.

(286) (a) *Ticonderoga, N.Y.* An area shoreward of a line bearing 312° from Ticonderoga Light to the southeast corner of the New York State Boat Launching Ramp.

(287) (b) *Essex, N.Y.* A small cove at the westerly side of Lake Champlain, shoreward of a line connecting the offshore ends of two promontories located at Essex.

(288) (c) *Shelburne, Vt.* An area shoreward of a line bearing 142° from the eastern point of Collymer Pt. to Allen Hill.

(289) (c-1) *Shelburne Bay.* Beginning at a point on the shoreline at

(290) 44°25'53.0"N., 73°14'47.3"W.; thence north to a point at

(291) 44°26'04.8"N., 73°14'46.6"W.; thence northwesterly to a point on the shoreline at

(292) 44°26'06.9"N., 73°14'50.2"W.; thence along the shoreline to the point of beginning.

(293) (c-2) *Shelburne Bay Allen Hill to La Platte River.* That portion of the waters of Shelburne Bay west of the line from a point at Allen Hill at

(294) 44°24'35"N., 73°14'14"W.; to a point near the mouth of the La Platte River at

(295) 44°24'03"N., 73°14'05"W.

(296) **Note:** The anchoring of vessels and placement of temporary moorings in the anchorage area described in paragraph (c-2) of this section are administered by the Harbormaster appointed by the Town of Shelburne, Vermont.

(297) (d) *Mallets Bay, Vt.* The southwesterly portion of Mallets Bay, south of Coates Island and west of a line bearing 170° from the most easterly point of Coates Island to the mainland.

(298) (e) *Mallets Bay, Vt.* An area in the northwesterly portion of Mallets Bay, south of a line extending from the northeasterly end of Mallets Head to the northeasterly end of Marble Island, and west of a line extending from the northeasterly end of Marble Island to the northeasterly side of Cave Island, and southerly to the point on the lower east side of Mallets Head.

(299) (f) *St. Albans Bay, Vt.* An area in the northerly portion of St. Albans Bay westward of the State Pier at St.

Albans Bay State Park, northeasterly of a line bearing 296°30' from the southwesterly corner of the State Pier, and southeasterly of a line parallel to and 500 feet west of the west side of the State Pier.

(300) (g) *Charlotte, Vt.* An area shoreward of a line bearing 080 T from 44°16'12"N., 73°17'18"W., on Thompson's Point to 44°16'16"N., 73°16'40"W., on William's Point.

(301) (h) *Burlington Harbor, VT.* The waters bounded by a line connecting the following points.

(302) 44°28'14.4"N., 73°13'16.5"W.

(303) 44°28'14.4"N., 73°13'19.5"W.

(304) 44°28'24.4"N., 73°13'18.4"W. and thence along the shoreline to the point of the beginning. These positions have been converted to North American Datum 83.

(305) (i) *Point Au Roche, New York.* The waters of Deep Bay north of a line drawn shore to shore along the 44°46'14"N line of Latitude.

(306) **Note:** Anyone wishing to occupy a mooring in this area shall obtain a permit from the New York State Office of Parks, Recreation & Preservation.

§110.77a Duluth-Superior Harbor, Duluth, Minn.

(307) The area adjacent to Park Point in Duluth-Superior Harbor within the following boundaries: beginning at

(308) 46°45'19.3"N., 92°04'43.0"W.; thence to

(309) 46°45'11.7"N., 92°05'01.0"W.; thence to

(310) 46°44'21.2"N., 92°04'15.7"W.; thence to

(311) 46°44'29.4"N., 92°03'57.5"W.; thence to the point of beginning.

§110.77b Madeline Island, Wisconsin

(312) The waters off of La Pointe Harbor, Madeline Island, Wisconsin, encompassed by the following: starting at

(313) 46°46'44.8N., 090°47'14.0"W.; then south southwesterly to

(314) 46°46'35.5"N., 090°47'17.0"W.; then south southeasterly to

(315) 46°46'27"N., 090°47'12.8"W.; then east southeasterly to

(316) 46°46'22.6"N., 090°46'58.8"W.; then following the shoreline back to the starting point (NAD 83).

§110.78 Sturgeon Bay, Sturgeon Bay, Wis.

(317) (a) *Area 1.* Beginning at a point bearing 126°, 3,000 feet from the fixed green Sturgeon Bay Canal Leading Light mounted on the highway bridge; thence 120°, 1,200 feet, this line being parallel to and 150 feet from the channel edge; thence 222°, 500 feet; thence 300°, 1,200 feet; thence 042°, 500 feet to the point of beginning.

(318) (b) *Area 2.* Beginning at a point 160 feet from the shoreline and on the east line of 15th Avenue extended; thence south 530 feet to a point 100 feet from the northern edge of the channel; thence southeasterly 2,350 feet along a line parallel to the northern edge of the channel to a point on the east line of 18th Avenue extended, using that portion of 18th Avenue that runs in a true north-south direction perpendicular to Utah Street; thence north 530 feet along this line of 18th Avenue extended to a point approximately 400 feet from the shoreline; thence northwesterly 2,350 feet along a line parallel to the northern edge of the channel to the point of beginning.

(319) **Note:** An ordinance of the City of Sturgeon Bay, Wisconsin, requires moorings to be approved by the Harbor Master of the City of Sturgeon Bay and provides for other regulation of the use of vessels and moorings in this area.

§110.79a Neenah Harbor, Neenah, Wis.

(320) (a) *Area 1.* The area of Neenah Harbor south of the main shipping channel within the following boundary: A line beginning at a point bearing 117.5°, 1,050 feet from the point where the southeasterly side of the First Street/Oak Street Bridge crosses the south shoreline of the river; thence 254°, 162 feet; thence 146°, 462 feet; 164°, 138 feet; 123°, 367 feet; 068°, 400 feet; 044°, 400 feet; thence 320°, 107 feet; thence 283°, 1,054 feet to the point of beginning.

(321) (b) *Area 2.* Commencing at a point where the west line of Second Street extended meets the north edge of the harbor, thence south to intersect the north edge of the channel at latitude

(322) 44°11'04.2"N., 88°27'13.2"W., thence northwesterly to a point at

(323) 44°11'06.3"N., 88°27'16.4"W., thence north to the easterly end of the Neenah Dam Spillway.

(324) **Note:** An ordinance of the city of Neenah, Wis., requires approval of the Neenah Police Department for the location and type of individual moorings placed in this special anchorage area.

§110.79b Millers Bay, Lake Winnebago, Oshkosh, Wis.

(325) The area adjacent to Menominee Park in Millers Bay within the following boundaries: beginning at

(326) 44°01'47"N., 88°31'05"W.; thence to

(327) 44°01'46"N., 88°31'00"W.; thence to

(328) 44°01'34"N., 88°31'04"W.; thence to

(329) 44°01'36"N., 88°31'08"W.; thence to point of beginning.

§110.79c Fish Creek Harbor, Fish Creek, Wis.

(330) The area within the following boundaries: Beginning at

(331) 45°07'58"N., 87°14'41"W.; thence to

(332) 45°07'58"N., 87°14'35"W.; thence to

(333) 45°07'50"N., 87°14'30"W.; thence to
(334) 45°07'47"N., 87°14'38"W.; thence to the point of beginning.

§110.80 Milwaukee Harbor, Milwaukee, Wis.

(335) (a) *McKinley Park*. The water area east of McKinley Park enclosed by a line beginning at McKinley Park Jetty Light; thence 090° 500 feet to a point on the breakwater; thence northerly and northwesterly following the breakwater, piers, jetty and natural shoreline to the point of beginning.
(336) (b) *South Shore Park*. The water area northeast of South Shore Park enclosed by a line beginning at the northeast corner of the jetty at
(337) 43°00'07.5"N., 87°53'08"W.; thence to
(338) 43°00'05"N., 87°53'01"W.; thence to
(339) 42°59'55"N., 87°52'53"W.; thence to
(340) 42°59'40"N., 87°52'33.5"W.; thence to a point of the shoreline at
(341) 42°59'34"N., 87°52'43.5"W.; thence following the shoreline to the point of beginning.
(342) (c) *Bay View Park*. The water area east of Bay View Park enclosed by a line beginning on the shoreline at latitude
(343) 42°59'28.5"N., 87°52'35"W.; thence to
(344) 42°59'35.5"N., 87°52'27"W.; thence to
(345) 42°59'08"N., 87°51'37"W.; thence to a point on the shoreline at
(346) 42°58'59"N., 87°51'46"W.; thence following the shoreline to the point of beginning.
(347) **Note:** An ordinance of the City of Milwaukee, Wisconsin requires the approval of the Milwaukee Harbor Master for the location and type of moorings placed in these special anchorage areas.

§110.80a Lake Macatawa, Mich.

(348) An area located on the south side of Lake Macatawa near the entrance to Lake Michigan, shoreward (south) of a line commencing offshore of Macatawa Park at a point 960 feet S 156° E from the light on the south pier at the entrance to the Lake, and extending 1,550 feet N 82° E toward the northwest corner of the Macatawa Bay Yacht Club pier.

§110.80b Marquette Harbor, Marquette, Mich.

(349) The area within Marquette Harbor beginning at
(350) 46°32'38"N., 87°22'46"W.; thence to
(351) 46°32'37"N., 87°22'54"W.; thence to
(352) 46°32'33"N., 87°22'54"W.; thence to
(353) 46°32'33"N., 87°22'46"W.; thence to point of origin.
(354) **Note:** An ordinance of the City of Marquette authorizes the Harbormaster to direct the location and length of time any watercraft may anchor in this area.

§110.81 Muskegon Lake, Michigan.

(355) (a) *Muskegon Lake West*. The waters of the southwest side of Muskegon Lake enclosed by a line beginning at
(356) 43°13'24"N., 86°19'18.5"W.; thence 145°T to
(357) 43°13'07.5"N., 86°19'02.5"W.; thence 230°T to
(358) 43°13'04"N., 86°19'08.5"W.; thence along the shoreline to the point of origin.
(359) (b) *Muskegon Lake East*. The waters of the southeast side of Muskegon Lake enclosed by a line beginning at latitude
(360) 43°14'04"N., 86°15'47"W.; thence 277°T to
(361) 43°14'06.5"N., 86°16'27"W.; thence 205°T to the shore; thence along the shoreline to the point of origin.
(362) **Note:** Administration of the Special Anchorage Area is exercised by the City of Muskegon pursuant to local ordinances.

§110.81a Lake Betsie, Frankfort, Mich.

(363) The area within the following boundaries:
(364) Beginning at
(365) 44°37'47"North, 86°13'52.5"West; thence to
(366) 44°37'51.4"North, 86°13'49"West; thence to
(367) 44°37'46.4"North, 86°13'37.8"West; thence to
(368) 44°37'44.8"North, 86°13'44.2"West; thence to point of beginning.

§110.82 Charlevoix Harbor, Mich.

(369) The waters on the north side of Round Lake northward of a line beginning at a point approximately 200 feet south of the north shore bearing 60°, 280 feet, from the northeast east corner of the Charlevoix Municipal Wharf, and bearing thence 92°, 400 feet, thence 129°, 1,160 feet, and thence 110° to the westerly end of the southwest side of Park Island.

§110.82a Little Traverse Bay, Lake Michigan, Harbor Springs, Mich.

(370) (a) *Area 1*. Beginning at
(371) 45°25'42.2"N., 84°59'07.5"W.; thence to
(372) 45°25'39.5"N., 84°59'09.0"W.; thence to
(373) 45°25'35.0"N., 84°59'07.0"W.; thence to
(374) 45°25'35.0"N., 84°58'55.2"W.; thence to
(375) 45°25'42.2"N., 84°58'56.5"W.; thence to point of beginning.
(376) (b) *Area 2*. Beginning at
(377) 45°25'42.2"N., 84°58'54.0"W.; thence to
(378) 45°25'35.0"N., 84°58'53.0"W.; thence to
(379) 45°25'35.0"N., 84°58'24.8"W.; thence to
(380) 45°25'36.1"N., 84°58'23.0"W.; thence to
(381) 45°25'42.2"N., 84°58'39.0"W., thence to point of beginning.

§110.83 Chicago Harbor, Ill.

(382) (a) *Grant Park North-A.* Beginning at a point 2,120 feet South of the Intersection of the North line of the Chicago Yacht Club bulkhead, as constructed in 1927, and the harbor line approved by the Department of the Army on August 3, 1940, along the West side of the harbor, said harbor line runs parallel to the overall alignment of said Grant Park bulkhead between its North and South ends, said intersection is approximately 800 feet South of the South face of the former Naval Armory Dock, and 100 feet East of said bulkhead, that point being approximately on the harbor line; thence North along a straight line parallel to said harbor line and bulkhead, 1,705 feet to a point that is 100 feet East of said harbor line and 150 feet East of the Grant Park bulkhead; thence East at a right angle, 150 feet; thence North at a right angle, parallel to the first described line, passing 100 feet East of the Chicago Yacht Club bulkhead, 440 feet; thence Northeasterly 850 feet to a point 1,070 feet East of the aforesaid Grant Park bulkhead; thence Southeasterly 740 feet to a point 1,600 East of said harbor line; thence Southerly 1,960 feet to a point approximately 1,555 feet East of said harbor line and about 1,560 feet East of said Grant Park bulkhead; thence Southwesterly 295 feet to a point 1,180 feet due East, in a direction perpendicular to the West line hereof, from the point of beginning; and thence West to the point of beginning.

(383) (b) *Grant Part North-B.* Beginning at a point 145 feet North of the North line of the Chicago Yacht Club bulkhead, as constructed in 1927, and 320 feet East of the harbor line approved by the Department of the Army on August 3, 1940, along the West side of the harbor, said Chicago Yacht Club bulkhead extends due East, perpendicular to the Grant Park bulkhead's overall alignment between its North and South ends, said bulkhead runs parallel to the aforesaid harbor line and is approximately 800 feet South of the South face of the former Naval Armory Dock, said point is 20 feet East of the East face of the Chicago Park District jetty; thence North parallel to said jetty, 230 feet to a point 20 feet South of the South face of the Lake Shore Drive bulkhead, said bulkhead runs Easterly and Westerly in a curved direction; thence Easterly along a line parallel to said curved bulkhead to a point 20 feet Southwest and perpendicular to a line extended along the Southwest side of the Columbia Yacht Club pier to said curved bulkhead; thence Southeasterly parallel to said extended line, 160 feet; thence Southwesterly to the point of beginning.

(384) (c) *Grant Park North-C.* Beginning at a point 970 feet North of the North line of the Chicago Yacht Club bulkhead, as constructed in 1927, which extends due East and perpendicular from the harbor line approved by the Department of the Army on August 3, 1940, said Chicago Yacht Club bulkhead line is approximately 800 feet South of the South face of the former Naval Armory Dock, and 1,170 feet East of said harbor line, said point of beginning is 20 feet East of the East face of the Columbia Yacht Club pier and 20 feet South of the South face of a breakwater, which runs in an East and West direction; thence East along a line parallel to the South face of said East-West breakwater, 540 feet to a point 20 feet West of the West face of a breakwater, which runs in a North and South direction; thence South along a line parallel to the West face of said North-South breakwater, approximately 965 feet; thence Northwesterly to a point 20 feet Southeast and perpendicular to the Southeast side of the aforesaid Columbia Yacht Club pier; thence Northerly along a line parallel to the East face of said pier to the point of beginning.

(385) (d) *Grant Park South.* Beginning at a point 2,220 feet South of the intersection of the North line of the Chicago Yacht Club bulkhead, as constructed in 1927, and the harbor line approved by the Department of the Army on August 3, 1940, along the West side of the harbor, said harbor line runs parallel to the overall alignment of the Grant Park bulkhead between its North and South ends, said intersection is approximately 800 feet South of the South face of the former Naval Armory Dock, and 100 feet East of said Grant Park bulkhead, that point being approximately on the harbor line; thence East, perpendicular to the overall alignment of the Grant Park bulkhead, and perpendicular to said harbor line, 1,180 feet; thence Southeasterly 330 feet to a point 1,510 feet East of said Grant Park bulkhead and 225 feet South of an extension of the first described line; thence South perpendicular to the first described line, 220 feet; thence Southwesterly 2,375 feet along a line generally 100 feet Northwesterly from and parallel to the Northwesterly face of the narrow section of the U.S. Inner Breakwater; thence Northwesterly 100 feet to a point 150 feet East of said Grant Park bulkhead (or 100 feet East of the aforesaid harbor line), and 4,570 feet South of the North line of the aforesaid Chicago Yacht Club bulkhead; and thence North 2,350 feet of the point of beginning.

(386) **Note:** The Chicago Park District controls the location and type of any moorings placed in the special anchorage areas in this section.

§110.83a Cedar Point, Sandusky, Ohio.

(387) The water area enclosed by the break wall beginning at

(388) 41°28'13"N., 82°40'39"W.; thence along the break wall to

(389) 41°28'21"N., 82°40'53"W.; thence along a straight line southwesterly to

(390) 41°28'20"N., 82°40'55"W.; thence along the break wall to

(391) 41°28'33"N., 82°40'58"W.; thence along the shoreline to the point of beginning.

§110.84 Black Rock Channel opposite foot of Porter Avenue, Buffalo, New York.

(392) An area extending northwesterly between Black Rock Channel and Bird Island Pier opposite the foot of Porter Avenue, bounded as follows: Beginning at Triangulation Marker "N-5" on Bird Island Pier; thence southeasterly along the pier a distance of approximately 745 feet; thence 60°52' true, approximately 300 feet to a point 50 feet westerly of the westerly limit of Black Rock Channel; thence northwesterly along an arc of a circle parallel to and 50 feet westerly of the westerly limit of the channel to a point approximately 360 feet southerly of Bird Island Pier Light No. 17; thence 276°20' true, approximately 135 feet to Bird Island Pier; thence southwesterly and southerly along the pier a distance of approximately 1,355 feet to the point of beginning.

§110.84a [Removed].

§110.84b Buffalo, N.Y.

(393) The area within the Port of Buffalo known as Port of Buffalo Small Boat Harbor commencing at a point on shore at latitude 42°51'05"N., longitude 78°51'55"W.; thence 240° to riprap dike thence following the dike to the shoreline; thence along the shoreline to the point of origin.

§110.85 Niagara River, Youngstown, N.Y.

(394) (a) *Area 1.* Beginning at a point at the intersection of the south line of Swain Street extended with the east shoreline of the Niagara River at

(395) 43°14'33"N., 79°03'7.5"W.; thence westerly to a point at

(396) 43°14'33"N., 79°03'9.5"W.; thence southerly to a point at

(397) 43°14'15.5"N., 79°03'10"W.; thence westerly to a point at

(398) 43°14'15.5"N., 79°03'17"W.; thence northerly to a point at

(399) 43°14'54.5"N., 79°03'14"W.; thence southeasterly to a point at

(400) 43°14'52.3"N., 73°03'09"W.; thence southerly to a point at

(401) 43°14'51.4"N., 73°03'09"W.; thence easterly to a point at

(402) 43°14'51.5"N., 79°03'6.5"W.; thence along the shoreline to the point of beginning.

(403) (b) *Area 2.* Beginning at a point at

(404) 43°14'53.2"N., 79°03'08"W.; thence northwesterly to a point at

(405) 43°14'56"N., 79°03'14"W.; thence northerly to a point at

(406) 43°15'07"N., 79°03'13"W.; thence northwesterly to a point at

(407) 43°15'9.5"N., 79°03'13.5"W.; thence southeasterly to a point at

(408) 43°15'7.5"N., 79°03'08"W.; thence southerly to the point of beginning.

(409) (c) *Area 3.* Beginning at a point at

(410) 43°15'7.9"N., 79°03'03"W.; thence westerly to a point at

(411) 43°15'7.9"N., 79°03'04"W.; thence northwesterly to a point at

(412) 43°15'11.8"N., 79°03'14"W.; thence northerly to a point at

(413) 43°15'14"N., 79°03'14"W.; thence northwesterly to a point at

(414) 43°15'22"N., 79°03'21.5"W.; thence northeasterly to a point at

(415) 43°15'25.5"N., 79°03'13"W.; thence along the shoreline to the point of beginning.

(416) **Note:** The Youngstown Harbor Commission controls the location, type, and assignment of moorings placed in the special anchorage areas in this section.

§110.86 Sodus Bay, N.Y.

(417) The water area in Sodus Bay, New York, south of Sand Point, two separate sections, enclosed by:

(418) (a) Eastern Section, beginning at a point on the shoreline at:

(419) 43°15'58.1"N., 076°58'34.0"W.; to

(420) 43°15'51.9"N., 076°58'33.5"W.; to

(421) 43°15'53.5"N., 076°58'47.5"W.; to

(422) 43°16'01.8"N., 076°58'43.0"W.; thence along the natural shoreline and structure to:

(423) 43°15'58.1"N., 076°58'34.0"W.

(424) (b) Western Section, beginning at a point on the shoreline at:

(425) 43°16'02.5"N., 076°58'45.0"W.; to

(426) 43°15'54.0"N., 076°58'50.0"W.; to

(427) 43°15'54.8"N., 076°59'00.1"W.; to

(428) 43°16'07.0"N., 076°58'47.0"W.; thence along the natural shoreline and structure to:

(429) 43°16'02.5"N., 076°58'45.0"W.

§110.87 Henderson Harbor, New York.

(430) (a) *Area A.* The area in the southern portion of Henderson Harbor west of the Henderson Harbor Yacht Club bounded by a line beginning at

(431) 43°51'08.8"N., 76°12'08.9"W.; thence to

(432) 43°51'09.0"N., 76°12'19.0"W.; thence to

(433) 43°51'33.4"N., 76°12'19.0"W.; thence to

(434) 43°51'33.4"N., 76°12'09.6"W.; thence to the point of beginning. All nautical positions are based on North American Datum of 1983.

(435) (b) *Area B.* The area in the southern portion of Henderson Harbor north of Graham Creek Entrance Light bounded by a line beginning at

(436) 43°51'21.8"N., 76°11'58.2"W.; thence to

(437) 43°51'21.7"N., 76°12'05.5"W.; thence to

(438) 43°51'33.4"N., 76°12'06.2"W.; thence to

(439) 43°51'33.6"N., 76°12'00.8"W.; thence to the point of beginning. All nautical positions are based on North American Datum of 1983.

(440) **Note:** Permission must be obtained from the Town of Henderson Harbormaster before any vessel is moored or anchored in this special anchorage area.

Subpart B–Anchorage Grounds

§110.205 Chicago Harbor, Ill.

(441) (a) *The anchorage grounds–(1) Anchorage A, exterior breakwater.* Southwest of a line parallel with and 150 feet southwestward of the exterior breakwater; west of a line parallel with and 150 feet west of the south extension of the exterior breakwater; northeast of a line parallel with and 1,500 feet southwestward of the exterior breakwater; and east of a line parallel with the south extension of the exterior breakwater and 500 feet eastward of the east face of the filtration plant.

(442) (2) *Anchorage B, south arm.* West of a line parallel with and 150 feet west of the south arm of the exterior breakwater; north of a line perpendicular to the south arm at its south end; east of a line parallel with the south arm, about 2,200 feet therefrom and on line with the east face of the Municipal Pier; and south of a line perpendicular to the south arm 700 feet from its north end.

(443) (3) *Anchorage C, shore arm.* South of a line parallel with and 150 feet southward of the shore arm of the exterior breakwater; west of a line parallel with the south extension of the exterior breakwater, 100 feet westward of the east end of the shore arm; northwest of a line perpendicular to the Lake Shore Drive revetment and 300 feet northwest of the northwest corner of the filtration plant; and east of a line parallel with and 600 feet lakeward of the Lake Shore Drive revetment.

(444) *(4) Anchorage D, Chicago Harbor Lock South.* Beginning at a point 35.5 feet South (16 feet South of the South face of the Southeast guidewall) and 28.0 feet West of the SE Guide Wall Light; thence Westerly and parallel to the guidewall 800 feet to a point that is 16 feet South of the South face of the Southeast guidewall; thence Southerly 80 feet to a point that is 96 feet South of the South face of the Southeast guidewall; thence Easterly 800 feet to a point that is 96 feet South of the south face of the southeast guidewall; thence Northerly 80 feet to the point of beginning.

(445) (5) *Anchorage E, Chicago Harbor Lock North.* Beginning at a point 156.75 feet North (16 feet North of the North face of the Northeast guidewall) and 590 feet West of the SE Guidewall Light; thence Westerly and parallel to the guidewall 600 feet to a point that is 16 feet North of the North face of the Northeast guidewall; thence Northerly 80 feet to a point that is 96 feet North of the North face of the Northeast guidewall; thence Easterly 600 feet to a point that is North of the North face of the Northeast guidewall; thence Southerly 80 feet to the point of beginning.

(446) (b) *The rules and regulations.* (1) Except in cases of emergency, no vessel may be anchored in Chicago Harbor outside of the anchorage grounds in paragraph (a) of this section or the special anchorage areas prescribed in §110.83.

(447) (2) Anchors must not be placed outside the anchorage areas, nor shall any vessel be so anchored that any portion of the hull or rigging shall at any time extend outside the boundaries of the anchorage area.

(448) (3) Any vessel anchoring under circumstances of great emergency outside of the anchorage areas must be placed near the edge of the channel and in such position as not to interfere with the free navigation of the channel nor obstruct the approach to any pier nor impede the movement of any boat, and shall move away immediately after the emergency ceases, or upon notification by the Captain of the Port.

(449) (4) The maneuvering of a vessel by means of a dragged anchor, except within an established anchorage ground or in stress of weather or to avoid collision, is prohibited. Unnecessary maneuvering in any of the anchorage grounds is prohibited.

(450) (5) The directions of the Captain of the Port assigning vessels to parts of the anchorage grounds suitable to their draft, requiring vessels to anchor bow and stern, requiring shifting the anchorage of any vessel within any anchorage ground for the common convenience, or for otherwise enforcing this section, shall be promptly executed by owners, masters, and persons in charge of vessels.

(451) (6) Nothing in this section shall be construed as relieving the owner or person in charge of any vessel from the penalties of the law for obstructing navigation or for obstructing or interfering with range lights, or for not complying with the navigation laws in regard to lights, fog signals, or for otherwise violating law.

(452) (7) No vessel may use anchorages A, B, D, and E except commercial vessels operated for profit. No person may place floats or buoys for marking moorings or anchors in place in anchorages A and B. No person may

place fixed mooring piles or stakes in anchorages A and B. (Mooring facilities are available adjacent to the lakeside guidewalls of the Chicago Harbor Lock in anchorages D and E.) All vessels using anchorages D and E shall moor against pile clusters adjacent to the respective anchorage.

(453) Any time barges are moored in anchorage D or E, a manned towing vessel shall be present in one of these anchorages. Exceptions to this surveillance requirement are allowable for periods not to exceed one hour.

(454) (8) No commercial vessels operated for profit that measure 50 gross tons or more may anchor in anchorage C. Temporary floats or buoys for marking moorings or anchors in place may be used in anchorage C. No person may place a fixed mooring pile or stake in anchorage C.

§110.206 Detroit River, Michigan.

(455) (a) *The Anchorage grounds.* Belle Isle Anchorage. The area is in the Detroit River immediately downstream from Belle Isle on U.S. side of the International Boundary line within the following boundaries: beginning at a point bearing 250 T, 5400 feet from the James Scott Memorial Fountain (42°20'06"N., 82°59'57"W.) at the West end of Belle Isle; then 251 T, 3000 feet; thence 341 T, 800 feet; thence 071 T, 3000 feet; thence 161 T, 800 feet to the point of beginning.

(456) (b) *The regulations.* (1) Vessels shall be anchored so as not to swing into the channel or across steering courses.

(457) (2) The Belle Isle Anchorage area is for the temporary use of vessels of all types, but especially for naval and merchant vessels awaiting berths, weather, or other conditions favorable to the resumptions of their voyage.

(458) (3) No vessel may be anchored unless it maintains a continuous bridge watch, guards and answers channel 16 FM and channel 12 FM (VTC SARNIA sector frequency), maintains an accurate position plot and can take appropriate action to ensure the safety of the vessel, structures and other vessels.

(459) (4) Vessels may not anchor in the Belle Isle Anchorage for more than 72 hours without permission of the Captain of the Port of Detroit.

§110.207 Cleveland Harbor, Ohio.

(460) (a) *The anchorage grounds*–(1) West anchorage. The northwesterly portion of the West Basin between the northwest limits of the West Basin and a line parallel to and 1,050 feet distant from the West Breakwater; and from the southwest limits of the West Basin to a line perpendicular to the West Breakwater, 2,050 feet southwesterly along the West Breakwater from Cleveland West Breakwater Light.

(461) (2) *East anchorage*. The southeasterly portion of the East Basin between the mainland and a line parallel to and 1,250 feet distant from the East Breakwater; from opposite Cleveland East Entrance Light to a due north line passing through the flashing white light on the Allied Oil Company dock.

(462) (3) *Explosives anchorage.* In Lake Erie, northwest of Cleveland Harbor East Breakwater, and including a rectangular area marked by four white spar buoys at the following true bearings and distances from Cleveland East Pierhead Light: 38°30', 2,050 feet; 68°, 2,050 feet; 57°, 7,050 feet; and 49°, 7,050 feet.

(463) (b) *The regulations.* (1) The west and east anchorages are general anchorages.

(464) (2) Use of the explosives anchorage shall be subject to the supervision of the Captain of the Port.

§110.208 Buffalo Harbor, N.Y.

(465) (a) *The anchorage grounds*–(1) Explosives Anchorage A. Inside the south section of the main breakwater 700 feet wide starting at a point 500 feet southerly from the south end of the north section and extending approximately 153° true 3,000 feet parallel to the line of the south section of the main breakwater.

Part 117–Drawbridge Operation Regulations

Subpart A–General Requirements

§117.1 Purpose.

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

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

§117.3 Applicability.

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

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

§117.4 Definitions.

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

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

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

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

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

§117.5 When the draw shall open.

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

§117.7 General duties of drawbridge owners and tenders.

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

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

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

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

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

§117.9 Delaying opening of a draw.

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

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

§117.11 Unnecessary opening of the draw.

(483) No vessel owner or operator shall -

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

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

§117.15 Signals.

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

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

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

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

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

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

signal to request the opening of the draw during that period is five short blasts sounded in rapid succession.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(506) **Note:** Call signs and radio channels for drawbridges with radiotelephones are included with the bridge descriptions in chapters 4 through 14.

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

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

§117.17 Signaling for contiguous drawbridges.

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

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

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

§117.21 Signaling for an opened drawbridge.

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

§117.23 Installation of radiotelephones.

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

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

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

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

§117.24 Radiotelephone installation identification.

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

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

(518) (1) In plain language; or

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

§117.31 Operation of draw for emergency situations.

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

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

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

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

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

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

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

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

§117.35 Operations during repair or maintenance.

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

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

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

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

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

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

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

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

§117.39 Closure of draw due to infrequent use.

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

§117.41 Maintenance of draw in fully open position.

(535) The draw may be maintained in the fully open position to permit the passage of vessels and drawtender

service discontinued if the District Commander is notified in advance. The draw shall remain in the fully open position until drawtender service is restored or authorization under §117.39 is given for the draw to remain closed and untended.

§117.43 Changes in draw operation requirements for regulatory purposes.

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

§117.45 Operation during winter in the Great Lakes area.

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

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

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

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

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

§117.47 Clearance gauges.

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

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

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

§117.49 Process of violations.

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

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

Subpart B–Specific Requirements

§117.51 Purpose.

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

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

§117.53 Applicability.

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

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

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

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

§117.55 Posting of requirements.

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

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

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

§117.57 Advance notice.

(556) Owners and tenders of drawbridges requiring advance notice to open shall use all reasonable means to

open the draw at the requested time and give due regard to the possibility that a brief delay may be experienced by the vessel giving the advance notice.

§117.59 Special requirements due to hazards.

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

ILLINOIS

§117.389 Calumet River.

(558) The draws of the Norfolk Southern railroad bridges, miles 1.32 and 1.36 at Chicago, operate as follows:

(559) (a) The draws shall open on signal; except that, if either one of the bridges is inoperable because of equipment breakdown, the other bridge need not be opened.

(560) (b) In addition to the signals prescribed in §117.15, the following special visual signals shall be used on the bridges:

(561) (1) When the draw cannot be opened immediately, or is open and must be closed promptly, two red lights are flashed alternately.

(562) (2) When the draw can be opened immediately, two amber lights are flashed alternately.

(563) (3) When the draw is open for passage, two green lights are flashed alternately.

§117.391 Chicago River.

(564) The draws of the bridges operated by the City of Chicago over the Main Branch of Chicago River, the bridges on the North Branch of Chicago River from the Main Branch to North Halsted Street, Mile 2.65, and bridges on the South Branch of Chicago River from the Main Branch to South Ashland Avenue, Mile 4.47, shall operate as follows:

(565) (a) For commercial vessels, all bridges shall open on signal if at least 12-hours advance notice is provided to the Chicago City Bridge Desk prior to the intended time of passage; except that, from Monday through Friday between the hours of 7 a.m. and 9:30 a.m., and between the hours of 4 p.m. and 6:30 p.m., except for Federal holidays, the draws need not open for the passage of vessels.

(566) (b) For recreational vessels:

(567) (1) From April 1 through November 30–

(568) (i) The draws shall be scheduled to open, before 1 p.m., twice on Saturdays and twice on Sundays if requests for passage have been received at least 20 hours in advance. If the bridges have been authorized to remain closed for portions of a Saturday or Sunday to accommodate special events, openings shall be scheduled after 1 p.m. as necessary to provide two openings per day.

(569) (ii) The draws shall open on Monday and Friday, after 6:30 p.m. Each opening requires notice that has been given at least 6 hours in advance of a vessel's requested time of passage.

(570) (iii) The draws shall open on Wednesdays at 10 a.m., or as soon thereafter as practical, if a request for passage has been given at least 20 hours in advance.

(571) (iv) The draws shall open at times in addition to those listed in paragraphs (b)(1)(i) through (b)(1)(iii) of this section, after notice has been given at least 20 hours in advance requesting passage for a flotilla of at least five vessels. However, the bridges need not open Monday through Friday from 7 a.m. to 9:30 a.m., and 4 p.m. to 6:30 p.m., except for Federal holidays.

(572) (2) From December 1 through March 31, the draws shall open on signal if at least 48 hours notice is given. However, the bridges need not open Monday through Friday from 7 a.m. to 9:30 a.m., and 4 p.m. to 6:30 p.m., except for Federal holidays.

(573) (c) The following bridges need not be opened for the passage of vessels: The draws of South Damen Avenue, Mile 6.14, over South Branch of Chicago River; all highway drawbridges between South Western Avenue, Mile 6.7, and Willow Springs Road, Mile 19.4, over Chicago Sanitary and Ship Canal; North Halsted Street, Mile 2.85, and Division Street, Mile 2.99, over North Branch Canal of Chicago River; and Division Street, Mile 3.30, North Avenue, Mile 3.81, Cortland Avenue, Mile 4.48, Webster Avenue, Mile 4.85, North Ashland Avenue, Mile 4.90, and Union Pacific Railroad, Mile 5.01, over North Branch of Chicago River.

§117.393 Illinois Waterway.

(574) (a) The draw of the automated Burlington Northern Santa Fe railroad bridge, Mile 88.8 at Beardstown, Illinois, operates as follows:

(575) (1) The draw is normally maintained in the fully open position, displaying a green light to indicate that vessels may pass.

(576) (2) When a vessel is approaching and the draw is in the open position, contact shall be established by radiotelephone with the remote operator to assure that the draw remains open until passage is complete.

(577) (3) When a vessel is approaching and the draw is in the closed position, contact shall be established by radiotelephone with the remote operator. If the draw cannot be opened immediately, alternate flashing red lights are displayed. If the draw can be opened immediately, flashing amber lights are displayed.

(578) (4) When a train approaches the bridge and the draw is in the open position, the operator shall activate alternate flashing red lights on top of the draw, sound four short blasts, and scan the river on radar to determine whether any vessel is approaching the bridge. The remote operator shall also broadcast that the draw is closing. If a vessel or vessels are approaching the bridge within one mile, as determined by radar scanning, response to radio broadcast, or electronic detector, the flashing red lights shall be changed to flashing amber and the operator shall keep the draw in the fully open position until the vessel or vessels have cleared the bridge. If no vessel is approaching the bridge or is beneath the draw, the draw may be lowered and locked in place.

(579) (5) After the train has cleared the bridge, the draw shall be raised to its full height and locked in place, the red flashing lights stopped, and the draw lights changed from red to green.

(580) (b) The draw of the Union Pacific railroad bridge, Mile 151.2, at Pekin, Illinois, is operated by a remote operator located at the Union Pacific offices in Chicago, Illinois, as follows:

(581) (1) The draw is normally maintained in the fully open position, displaying green midchannel lights to indicate that the span is fully open.

(582) (2) The draw is equipped with the following:

(583) (i) A radiotelephone link direct to the remote operator;

(584) (ii) A horn for sound signals;

(585) (iii) Eight high intensity amber warning lights, oriented upstream and downstream, with two secured to the uppermost chord and two secured to the lowermost chord of the drawspan;

(586) (iv) A radar antenna on the lower portion of the drawspan capable of scanning one mile upstream and one mile downstream; and

(587) (v) Infrared scanners located on the upstream and downstream ends of the channel span piers, to detect vessels or other obstructions under the bridge.

(588) (3) The remote operator shall maintain a radiotelephone watch for mariners to establish contact as they approach the bridge to ensure that the draw is open or that it remains open until passage is complete.

(589) (4) When a train approaches the bridge and the draw is in the open position, the remote operator initiates a ten minute warning period before closing the bridge. During this warning period, the amber lights begin flashing and a signal of four short blasts sounds on a horn. The four-blast signal will repeat after a five second interval . A synthesized-voice message is broadcast over the radiotelephone as follows:

(590) "The Union Pacific railroad bridge at Mile 151.2, Illinois River, will close to navigation in ten minutes." The announcement is repeated every two minutes, counting down the time remaining until closure.

(591) (5) At the end of the ten minute warning period, the remote bridge operator scans under the bridge using infrared detectors and the upstream and downstream approaches to the bridge using radar to determine whether any vessels are under or are approaching the bridge. If any vessels are under or are approaching the bridge within one mile as determine by infrared or radar scanning or by a radiotelephone response, the remote operator shall not close the bridge until the vessel or vessels have cleared the bridge.

(592) (6) If no vessels are under or approaching the bridge, the midchannel navigation lights will change from green to red, the horn signal of four short blasts will sound, twice, and the radiotelephone message will change to: Union Pacific Railroad Bridge at Mile 151.2, Illinois River, is closed to navigation. The message will repeat every two minutes and the amber lights will continue to flash until the bridge is fully reopened.

(593) (7) If the infrared scanners detect a vessel or other obstruction under the bridge before the drawspan is fully lowered and locked, the closing sequence is stopped, automatically, and the drawspan is raised to its fully open position until the channel is clear. When obstruction has cleared the navigation span, the remote operator confirms that the channel is clear, and reinitiates the ten-minute warning cycle.

(594) (8) After the train has cleared the bridge, the remote operator initiates the lift span raising cycle. When the draw is raised to its full height and locked in place, the flashing lights stop and the midchannel navigation lights change from red to green. The synthesized voice announcement broadcasts at two minute intervals for ten minutes that the bridge is reopened to navigation.

(595) (c) The draws of the McDonough Street Bridge, Mile 287.3; Jefferson Street bridge, Mile 287.9; Cass Street bridge, Mile 288.1; Jackson Street bridge, Mile 288.4; and Ruby Street bridge, Mile 288.7; all at Joliet, shall open on signal, except that they need not open from 7:30 a.m. to 8:30 a.m. and from 4:15 p.m. to 5:15 p.m. Monday through Saturday.

(596) (d) The drawspan of the Elgin, Joliet and Eastern Railway bridge, Mile 290.1 at Lockport, Illinois, is operated by remote operator located at the Elgin, Joliet & Eastern offices in East Joliet, Illinois as follows:

(597) (1) The drawspan is normally maintained in the fully open to navigation position displaying green center span navigation lights to indicate that the drawspan is fully open.

(598) (2) The bridge is equipped with the following:

(599) (i) A radiotelephone link direct to the remote operator;

(600) (ii) A radar antenna on top of the drawspan capable of scanning the river, one mile upstream and one mile downstream;

(601) (iii) Infrared boat detectors under the drawspan, to allow the remote bridge operator to detect vessels under the drawspan;

(602) (iv) Electronic motion detectors under the drawspan to allow the remote bridge operator to detect vessel movement under the drawspan;

(603) (v) A siren for sound signals; and

(604) (iv) Red and green center span navigation lights.

(605) (3) The remote bridge operator shall maintain a 24 hour VHF marine radio channel 16 watch for mariners to establish contact as they approach the bridge to ensure that the drawspan is open or that it remains open until passage of river traffic is complete.

(606) (4) When rail traffic approaches the bridge, and the drawspan is in the open position, the remote bridge operator initiates a one minute warning period before closing the drawspan. During this warning period, the remote operator shall broadcast at least twice, via marine radio, that: "The drawspan of the EJ&E; Railroad bridge will be lowered in one minute." A siren on the bridge sounds for 20 seconds, to warn anyone on or under bridge that the drawspan will be lowered.

(607) (5) If a vessel is approaching the bridge upbound or, departing the Lockport Lock and Dam at Mile 291.1, downbound, with intentions of passing through the drawspan, they shall respond to the remote bridge operators marine radio broadcast, or initiate radio contact, indicating their proximity to the bridge and requesting an opening of the drawspan or that the drawspan remain open until the vessel passes. If any approaching vessel is detected or if a radiotelephone response is received, the remote operator shall not close the drawspan until the vessel or vessels have cleared the bridge.

(608) (6) At the end of the one minute warning period, if no river traffic is approaching or under the drawspan, the remote bridge operator may begin lowering the drawspan. Navigation lights located at the center of the drawspan change from green to red when the drawspan is not in the fully open to navigation position. The drawspan takes approximately 90 seconds to lower.

(609) (7) If the presence of a vessel or other obstruction is discovered approaching or under the drawspan, during the lowering sequence, before the drawspan is fully lowered and locked, the drawspan shall be stopped and raised to the fully open position. When the vessel or obstruction has cleared the drawspan, the remote operator shall confirm that the channel is clear and reinitiate the one minute warning cycle before lowering the drawspan.

(610) (8) If no marine traffic is present the drawspan may be lowered and seated. When the drawspan is lowered and locked in the closed to navigation position, the remote bridge operator periodically broadcasts, via marine radio, that: "The drawspan of the EJ&E Railroad bridge is closed to navigation."

(611) (9) Failure of the radar system, radio telephone system, infrared boat detectors or electronic motion sensors shall prevent lowering the drawspan from the remote location.

(612) (10) When rail traffic has cleared the bridge, the remote bridge operator shall raise the drawspan to the fully open to navigation position. When the drawspan is raised and in the fully open to navigation position, the remote bridge operator broadcast, at least twice, via marine radio, that: "The drawspan of the EJ&E Railroad bridge is open to navigation." The center drawspan navigation lights change from red to green when the drawspan is fully open to navigation.

INDIANA

§117.401 Trail Creek.

(613) (a) The draw of the Franklin Street bridge, Mile 0.5 at Michigan City, shall be operated as follows:

(614) (1) From March 16 through November 30, the draw shall open on signal; except from 6:15 a.m. to 11:15 p.m., Monday through Sunday, the draw need open only from three minutes before to three minutes after the quarter-hour and three-quarter hour.

(615) (2) From December 1 through March 15, the draw shall open on signal if at least 12-hours advance notice is provided prior to intended time of passage.

(616) (b) The draw of the Amtrak bridge, Mile 0.9 at Michigan City, shall open on signal; except, from December 1 through March 15, the bridge shall open on signal if at least 12-hours advance notice is provided prior to intended time of passage.

(617) (c) Public vessels of the United States, state or local vessels used for public safety, vessels in distress, and vessels seeking shelter from severe weather shall be passed through the draws of each bridge as soon as possible.

MICHIGAN

§117.624 Black River (South Haven)

(618) The draw of the Dyckman Avenue bridge, Mile 1.9 at South Haven, shall open as follows:

(619) (a) From May 1 through October 14–

(620) (1) From 7 a.m. to 11 p.m., seven days a week the draw need open only on the hour and half-hour;

however, Mondays through Fridays the draw need not open at 12 noon and 1 p.m. Commercial vessels shall be passed through the draw of this bridge as soon as possible even though this regulated period is in effect.

(621) (2) From 11 p.m. to 7 a.m., no bridgetender is required to be in continuous attendance at the bridge and the draw shall open on signal for the commercial vessels and pleasure craft if at least a three hour advance notice is given.

(622) (b) From October 15 through April 30, the draw shall open on signal for the passage of commercial vessels and pleasure craft if at least a twelve hour advance notice is given.

(623) (c) At all times, the draw shall open as soon as possible for public vessels of the United States, state or local government vessels used for public safety and vessels in distress.

§117.625 Black River.

(624) (a) For all drawbridges across the Black River, notice requesting the opening of a draw may be given to the dispatcher of the Port Huron Police Department. Public vessels of the United States, state or local vessels used for public safety, and vessels in distress shall be passed through each drawbridge on the river as soon as possible.

(625) (b) The draws of the Military Street bridge, Mile 0.3, and Seventh Street bridge, Mile 0.5, both at Port Huron, shall open on signal; except that, from May 1 through October 31 from 9 a.m. to 5:30 p.m. Monday through Saturday except Federal holidays, the draw need be opened only on the hour and half hour and, from November 1 through November 30 and April 1 through April 30 from 4 p.m. to 8 a.m., the draw shall open if at least three hours notice is given. From December 1 through March 31, the draw shall open if at least 24 hours notice is given.

(626) (c) The draw of the Tenth Street bridge, Mile 0.9 at Port Huron, shall open on signal–

(627) (1) From May 1 through October 31 from 8 a.m. to 11 p.m. and from 11 p.m. to 8 a.m., if at least one hours notice is given:

(628) (2) From April 1 through April 30 and November 1 through November 30, if at least three hours notice is given; and

(629) (3) From December 1 through March 31, if at least 24 hours notice is given.

§117.627 Cheboygan River.

(630) The draw of the US 23 highway bridge, Mile 0.9 at Cheboygan shall operate as follows:

(631) (a) From April 1 through May 15 and from September 16 through December 14, the draw shall open on signal.

(632) (b) From May 16 through September 15—

(633) (1) Between the hours of 6 p.m. and 6 a.m., seven days a week, the draw shall open on signal.

(634) (2) Between the hours of 6 a.m. and 6 p.m., seven days a week, the draw need open only from three minutes before to three minutes after the quarter-hour and three-quarter hour.

(635) (c) From December 15 through March 31, no bridgetender is required to be at the bridge and the draw need not open unless a request to open the draw is given at least 12-hours in advance of a vessel's intended time of passage through the draw.

(636) (d) At all times, the draw shall open as soon as possible for the passage of public vessels of the United States, State or local vessels used for public safety, commercial vessels, and vessels in distress.

§117.631 Detroit River (Trenton Channel).

(637) (a) The draw of the Grosse Ile Toll bridge (Grosse Ile Parkway), Mile 8.8, at Grosse Ile, shall operate as follows:

(638) (1) Between the hours of 7 a.m. and 11 p.m., seven days a week and holidays, the draw need open only from three minutes before to three minutes after the hour and half-hour for pleasure craft; for commercial vessels, during this period of time, the draw shall open on signal as soon as possible.

(639) (2) Between the hours of 11 p.m. and 7 a.m., the draw shall open on signal for pleasure craft and commercial vessels.

(640) (b) The draw of the Wayne County highway bridge (Bridge Road), Mile 5.6, at Grosse Ile, shall operate as follows:

(641) (1) From March 16 through December 14-

(642) (i) Between the hours of 7 a.m. and 11 p.m., seven days a week and holidays, the draw need open only from three minutes before to three minutes after the quarter and three-quarter hour for pleasure craft, with no opening required at 7:45 a.m., 8:45 a.m., 4:15 p.m. and 5:15 p.m., Monday through Friday, except holidays; for commercial vessels, during these periods of time, the draw shall open on signal as soon as possible.

(643) (ii) Between the hours of 11 p.m. and 7 a.m., the draw shall open on signal for pleasure craft and commercial vessels.

(644) (2) From December 15 through March 15, no bridgetenders are required to be on duty at the bridge and the bridge shall open on signal if at least a twelve-hour advance notice is given.

(645) (c) At all times, the bridges listed in this section shall open as soon as possible for public vessels of the United States, State or local government vessels used for public safety and vessels in distress.

§117.633 Grand River.

(646) (a) Public vessels of the United States, state or local vessels used for public safety, commercial vessels, and vessels in distress shall be passed through the draw of each bridge as soon as possible.

(647) (b) The draw of the CSX Transportation Corp. railroad bridge, Mile 2.8 at Grand Haven, shall open on signal; except that, from December 15 through March 15, the draw shall open on signal if at least 12 hours notice is given.

(648) (c) The draw of the U.S. Route 31 bridge, Mile 2.9 at Grand Haven, shall open on signal for pleasure craft -

(649) (1) From March 16 through December 14, from 6:30 a.m. to 8:30 p.m., seven days a week, once an hour, on the half-hour; except the draw need not open for pleasure craft at 7:30 a.m., 12:30 p.m., and 5:30 p.m. on Monday, Tuesday, Thursday, and Friday, and at 7:30 a.m., 12:30 p.m., and 4:30 p.m. on Wednesday.

(650) (2) From December 15 through March 15, if at least 12 hours notice is given.

(651) (d) The draw of the Grand Trunk Western railroad bridge, Mile 0.2 across the mouth of Spring Lake, shall open on signal; except that, from December 15 through March 15, the draw shall open on signal if at least 24 hours notice is given.

§117.635 Keweenaw Waterway.

(652) The draw of the US41 bridge, Mile 16.0 between Houghton and Hancock, shall open on signal; except that, from January 1 through March 15, the draws shall open on signal if at least 24 hours notice is given.

§117.637 Manistee River.

(653) (a) The draws of the Maple Street bridge, Mile 1.1, and US-31 highway bridge, Mile 1.4, both at Manistee, shall operate as follows:

(654) (1) From May 1 through October 31, between 7 a.m. to 11 p.m., the bridges shall open on signal. From 11 p.m. to 7 a.m., the bridges need not open unless notice is given at least two hours in advance of a vessel's time of intended passage through the draws.

(655) (2) From November 1 through April 30, the bridges need not open unless notice is given at least 24 hours in advance of a vessel's time of intended passage through the draws.

(656) (b) The CSX Transportation railroad bridge, Mile 1.5, at Manistee, shall open on signal from May 1 to October 31. From November 1 to April 30, the bridge need not open unless notice is given at least 24 hours in advance of a vessel's time of intended passage through the draw.

§117.639 Ontonagon River.

(657) The draw of the S64 bridge, Mile 0.2 at Ontonagon, shall open on signal from April 1 through November 15 from 7 a.m. to 11 p.m. and from 11 p.m. to 7 a.m., if at least one hour notice is given. From November 16 through March 31, the draw shall open on signal if at least 24 hours notice is given.

§117.641 Pine River (Charlevoix).

(658) (a) The draw of the U.S. 31 bridge, Mile 0.3 at Charlevoix, shall be operated as follows:

(659) (1) From April 1 through December 31, the draw shall open on signal; except from 6 a.m. to 10 p.m., April 1 to October 31, the draw need open only from three minutes before to three minutes after the hour and half-hour for recreational vessels. Public vessels of the United States, state or local vessels used for public safety, commercial vessels, vessels in distress, and vessels seeking shelter from severe weather shall be passed through the draw as soon as possible.

(660) (2) From January 1, through March 31, the draw shall open on signal if at least 12 hours advance notice is provided prior to a vessel's intended time of passage.

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

§117.643 Pine River (St. Clair).

(662) The draw of the S29 bridge, Mile 0.1 at St. Clair, shall open on signal from April 1 through November 30 from 2 a.m. to 8 a.m. and from 8 a.m. to 2 a.m. on the hour and one-half hour. From December 1 through March 31, the draw shall open on signal if at least 24 hours notice is given. Public vessels of the United States, state or local vessels used for public safety, and vessels in distress shall be passed through the draw as soon as possible.

§117.647 Saginaw River.

(663) (a) The draws of the Lake State Railways railroad bridge, Mile 3.10 at Bay City, and the Central Michigan railroad bridge, Mile 4.94 at Bay City, shall open on signal; except that, from December 16 through March 15, the draws shall open on signal if at least 12 hours advance notice is provided.

(664) (b) The draws of the Independence bridge, Mile 3.88, Liberty Street bridge, Mile 4.99, Veterans Memorial bridge, Mile 5.60, and Lafayette Street bridge, Mile 6.78, all in Bay City, shall open on signal from March 16 through December 15, except as follows:

(665) (1) From 6:30 a.m. to 8:30 a.m. and 3:30 p.m. to 5:30 p.m., except Saturdays, Sundays, and holidays observed in the locality, the draws need not be opened for the passage of vessels of less than 50 gross tons.

(666) (2) From 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m. except on Sundays and Federal holidays, the draws need not be opened for the passage of downbound vessels of over 50 gross tons.

(667) (3) From 8 a.m. to 8 p.m. on Saturdays, Sundays, and Federal holidays, the draws of the Independence and Veterans Memorial bridges need not be opened for the passage of pleasure craft except from three minutes before to three minutes after the hour and half-hour.

(668) (4) From 8 a.m. to 8 p.m. on Saturdays, Sundays, and Federal holidays, the draws of the Liberty Street and Lafayette Street bridges need not be opened for the passage of pleasure craft, except from three minutes before to three minutes after the quarter hour and three-quarter hour.

(669) (5) From December 16 through March 15, the draws of these bridges shall open on signal if at least 12 hours notice is given.

(670) (c) The draw of the CSX railroad bridge, Mile 18.0, need not be opened for the passage of vessels. The owner shall return the draw to an operable condition within a reasonable time when directed by the District Commander to do so.

(671) (d) The draw of the Grand Trunk Western railroad bridge, Mile 19.2, need not be opened for the passage of vessels.

§117.651 St. Joseph River.

(672) The draws of the US33 (Blossomland) bridge, Mile 0.9, and the BL-94 (Bicentennial) bridge, Mile 1.3, both at St. Joseph, shall be operated as follows:

(673) (a) From March 1 through May 14, from October 1 through December 15, and from 8 p.m. to 7 a.m. from May 15 through September 30, the draws shall open on signal.

(674) (b) From 7 a.m. to 8 p.m. from May 15 through September 30, the draw of the Blossomland bridge need be opened only from three minutes before to three minutes after the hour and half hour, and the draw of the Bicentennial bridge need be opened only from three minutes before to three minutes after the quarter and three-quarter hour.

(675) (c) From December 16 through the last day of February, the draw of both bridges shall open on signal if at least 12 hours notice is given.

(676) (d) Public vessels of the United States, state and local government vessels used for public safety, commercial vessels, and vessels in distress shall be passed through the draw of both bridges as soon as possible.

§117.653 St. Marys Falls Canal.

(677) The draw of the International Railway bridge, Mile 1.0 at Sault Ste. Marie, shall be maintained in the fully open position during the navigation season, except for the crossings of trains or for maintenance. Bridge operators shall not give precedence to railway traffic and shall not close the bridge against an upbound vessel after lock gates are open and the vessel is proceeding toward the bridge, nor against a downbound vessel, 1,200 feet or less west of the bridge, unless the vessel is moored at either canal pier awaiting its turn to take position at lock approaches.

§117.655 Thunder Bay River.

(678) The draw of the Second Avenue bridge, Mile 0.3 at Alpena, shall open on signal if at least three hours notice is given to the Dispatcher, Police Department, City of Alpena, Michigan.

MINNESOTA

§117.661 Duluth Ship Canal (Duluth-Superior Harbor).

(679) The draw of the Duluth Ship Canal bridge, Mile 0.1 at Duluth, shall open on signal; except that, from January 1 through March 15, the draw shall open on signal if at least 24 hours notice is given. The opening signal is one prolonged blast, one short blast, one prolonged blast, one short blast. If the Duluth Ship Canal Bridge is disabled, the bridge authorities shall give incoming and outgoing vessels timely and dependable notice, by tug service if necessary, so that the vessels do not attempt to enter the canal. Vessels shall be given precedence over highway or railway traffic at all times.

§117.669 St. Louis River (Duluth Superior Harbor).

(680) (a) The draws of the Burlington Northern railroad bridge, Mile 5.7, shall open on signal; except that, from January 1 through March 15, the draws shall open on signal if at least 24 hours notice is given. The opening signal for the Minnesota draw is one prolonged blast followed by two short blasts and for the Wisconsin draw is two prolonged blasts followed by two short blasts.

(681) (b) The draws of the Grassy Point bridge, Mile 8.0, and the Arrow Head bridge, Mile 8.7, shall open on signal; except that, from January 1 through March 15, the draw shall open on signal if at least 24 hours notice is given. The opening signal for the Grassy Point bridge is two prolonged blasts followed by one short blast and for the Arrowhead bridge is three prolonged blasts.

(682) (c) The draw of the Duluth Missabe and Iron Range Railway bridge, Mile 16.3, need not be opened for the passage of vessels. The owner shall return the draw to

operable condition within a reasonable time when notified by the District Commander to do so.

NEW YORK

§117.769 Black Rock Canal.

(683) The draws of the Ferry Street bridge, Mile 2.6, and Canadian National Railway bridge, Mile 3.8, both at Buffalo, shall operate as follows:

(684) (a) From April 15 through November 30, the draws shall open on signal. However, between the hours of 12 midnight and 8 a.m., seven days a week, no bridgetender is required to be in attendance at the bridges and the draws shall open on signal if notice is given to the owners at least two hours in advance of a vessel's intended time of passage through the draws.

(685) (b) From December 1 through April 14, no bridgetender is required to be in attendance at the bridges and the draws shall open on signal if notice is given to the owners at least four hours in advance of a vessel's time of intended passage through the draws.

§117.773 Buffalo River.

(686) (a) The draw of the Michigan Avenue bridge, Mile 1.3, at Buffalo, shall operate as follows:

(687) (1) From March 22 through December 15, the draw shall open within 20 minutes of signal. However, the draw need not open from 7:30 a.m. to 9 a.m., and from 4 p.m. to 5:45 p.m., Monday through Saturday.

(688) (2) From December 16 through March 21, the draw shall open on signal if notice is given at least 4 hours in advance of a vessel's time of intended passage through the draw.

(689) (b) The draw of the Ohio Street bridge, Mile 2.1, at Buffalo, shall operate as follows:

(690) (1) From March 22 through December 15, the draw shall open on signal within 20 minutes after a request is made to the Michigan Avenue drawtender. However, the draw need not open from 7:30 a.m. to 9 a.m., and from 4 p.m. to 5:45 p.m., Monday through Saturday.

(691) (2) From December 16 through March 21, the draw shall open on signal if notice is given at least 4 hours in advance of a vessel's time of intended passage through the draw.

(692) (3) In addition to the standard signals required for requesting the bridge to open, the owners of this bridge shall maintain and monitor a marine radiotelephone for use by the Michigan Avenue drawtender for receiving requests for opening the Ohio Street bridge. The drawtender shall maintain communications with any transiting vessel until the vessel has cleared both the Ohio Street and Michigan Avenue draws.

(693) (c) The draws of the CSX Transportation railroad bridges, Miles 4.02 and 4.39, both at Buffalo, shall open on signal if notice is given at least 4 hours in advance of a vessel's time of intended passage through the draws.

(694) (d) The South Park Avenue bridge, Mile 5.3 at Buffalo, shall open on signal if notice is given at least 4 hours in advance of a vessel's time of intended passage through the draw. However, the draw need not open from 7 a.m. to 8:30 a.m., and from 4:30 p.m. to 6 p.m., Monday through Saturday.

(695) (e) The periods when the bridges need not open on signal prescribed in paragraphs (a)(1), (b)(1), and (d) in this section shall not be effective on Sundays, and on New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day, or days observed in lieu of any of these under State law.

§117.785 Genessee River.

(696) (a) The following applies to all bridges listed in this section:

(697) (1) At all times, public vessels of the United States, vessels in distress, and vessels seeking shelter from rough weather shall be passed through the bridges as soon as possible.

(698) (2) Clearance gages of a type approved by the Commander, Ninth Coast Guard District, shall be installed on the upstream and downstream sides of each drawbridge by and at the expense of the owner of or agency controlling the bridge and the gages shall be kept in good repair and legible condition.

(699) (b) The draw of the CSX Transportation bridge, Mile 0.9 at Rochester, shall open on signal; except that, from December 15 through March 31, the draw shall open on signal if at least 12 hours notice is given.

(700) (c) The draw of the Stutson Street bridge, Mile 1.2 at Rochester, shall open on signal from April 1 through December 15; however, from 7 a.m. to 9 a.m. and from 4 p.m. to 6 p.m. Monday through Friday except Federal holidays, the draw need be opened only for the passage of commercial vessels. From 9 a.m. to 4 p.m. and 6 p.m. to 11 p.m. Monday through Friday except Federal holidays, and from 7 a.m. to 11 p.m. on Saturdays, Sundays, and Federal holidays, the draw need be opened only on the hour and half hour, except that commercial vessels shall be passed at any time. From December 16 through March 31, the draw shall open on signal if at least 12 hours notice is given.

§117.791 Hudson River.

(701) (a) The draws of the bridges listed in this section shall open as soon as possible at any time for the passage of the following vessels:

(702) (1) Downbound vessels during a freshet of a height exceeding an elevation determined by the District Commander.

(703) (2) Public vessels of the United States.

(704) (3) State or local vessels used for public safety.

(705) (4) Vessels of 500 tons or more.

(706) (5) Tugs with a tow on a hawser.

(707) (b) The draws of the bridges listed in this section shall not remain open for more than 15 minutes and may remain closed for up to 10 minutes to allow accumulated land traffic to pass.

(708) (c) The draw of the CSX Transportation bridge, Mile 146.2 between Albany and Rensselaer, shall open on signal; except that, from December 16 through March 31, the draw shall open on signal if at least 24 hours notice is given.

(709) (d) The draw of the state highway bridge, Mile 150.2 between Troy and Menands, need not be opened for the passage of vessels.

(710) (e) The draw of the highway bridge, Mile 152.7 between Troy and Green Island, operates as follows:

(711) (1) From April 1 through December 15, the draw shall open on signal from 9 a.m. to 4 p.m.; except that, the draw need not be opened from 6 p.m. to 7 a.m., unless notice is given before 4:30 p.m. to the time the vessel is expected to pass, and need not open from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.

(712) (2) From December 16 through March 31, the draw need not be opened.

(713) (f) The draws of the 112th Street bridge, Mile 155.4 between Troy and Cohoes operate as follows:

(714) (1) The draws shall open on signal from 9 a.m. to 4 p.m.

(715) (2) The draws shall open on signal from 6 p.m. to 7 a.m., if notice is given, before 4:30 p.m., of the time the vessel is expected to pass.

(716) (3) The draws need not be opened from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.

(717) (4) During the period that the Federal lock at Troy is inoperative, the draws need not be opened for the passage of vessels, provided that emergency opening be made as soon as possible.

§117.797 Lake Champlain.

(718) (a) The draw of each bridge listed in this section shall open as soon as possible for public vessels of the United States and vessels of the Vermont Fish and Game Department.

(719) (b) The draw of the US2 Bridge, Mile 91.8, over Lake Champlain, between South Hero Island and North Hero Island, shall operate as follows:

(720) (1) The draw shall open on signal on the hour and the half hour from May 15th through October 15th from 8 a.m. to 8 p.m. daily.

(721) (2) The draw shall open on signal from May 15th through October 15th from 8 p.m. to 8 a.m. if at least four hours notice is given by calling the number posted at the bridge.

(722) (3) The draw shall open on signal from October 16th through May 14th if at least four hours notice is given by calling the number posted at the bridge.

(723) (c) The draw of the Central Vermont Railway bridge across Missisquoi Bay, Mile 105.6 shall open on signal:

(724) (1) From June 15 through September 15;

(725) (i) Monday through Friday from 9 a.m. to 5 p.m.;

(726) (ii) Saturdays, Sundays, Independence Day and Labor Day from 7 a.m. to 11 p.m.;

(727) (iii) At all other times, if at least two hours notice is given.

(728) (2) From September 16 through June 14, if at least 24 hours notice is given.

(729) (d) The draw of the SR78 bridge, Mile 105.9 across the entrance to Missisquoi Bay between Alburg Tongue and Hog Island at East Alburg, shall open on signal if at least 24 hours notice is given.

§117.803 Niagara River.

(730) The draw of the Canadian National Railway bridge, Mile 33.0 at Buffalo, need not be opened for the passage of vessels.

§117.809 Tonawanda Creek.

(731) The draw of the Penn Central Corporation railroad bridge, Mile 0.1 at Tonawanda, is permanently maintained in the open position.

§117.811 Tonawanda Harbor.

(732) The draw of the Tonawanda Island Railroad bridge, Mile 0.2 between North Tonawanda and Tonawanda Island, shall open on signal if at least 24 hours notice is given.

OHIO

§117.847 Ashtabula River.

(733) (a) The draw of the Fifth Street bridge, Mile 1.4 at Ashtabula, shall open on signal for the passage of commercial and emergency vessels and on the hour and half hour for all other vessels.

(734) (b) The draw of the Norfolk Southern bridge, Mile 1.5 at Ashtabula, shall open on signal from April 1 through November 30 from 7 a.m. to 11 p.m. At all other times the draw shall open on signal if at least 24 hours notice is given.

§117.850 Black River.

(735) The draw of the Erie Avenue bridge, Mile 0.6, at Lorain shall open on signal except as follows:

(736) (a) From April 1 through December 31–

(737) (1) From 7 a.m. to 6 p.m., Monday through Friday, except legal holidays, the draw need open only on the hour and half-hour for pleasure craft; however, the draw need not open for pleasure craft at 8 a.m., 3 p.m., 4 p.m. and 5 p.m. For commercial vessels the draw shall open on signal as soon as possible.

(738) (2) From 11 a.m. to 6 p.m., Saturdays, Sundays and legal holidays, the draw need open only on the hour and half-hour for pleasure craft. For commercial vessels the draw shall open on signal as soon as possible.

(739) (3) From 11 p.m. to 7 a.m., seven days a week and legal holidays, no bridgetender is required to be in constant attendance and the bridge shall open on signal for pleasure craft and commercial vessels if at least a one hour advance notice is given.

(740) (b) From January 1 through March 31, the draw shall open on signal for pleasure craft and commercial vessels if at least a twelve hour advance notice is given.

(741) (c) At all times, the draw shall open as soon as possible for public vessels of the United States, state or local government vessels used for public safety and vessels in distress.

§117.851 Portage River.

(742) (a) Public vessels of the United States, State or local government vessels used for public safety, vessels in distress and vessels seeking shelter from rough weather shall be passed through the draws listed in this section as soon as possible. Except as provided in paragraph (c)(1)(ii) with respect to the Monroe Street bridge, commercial vessels shall be passed through the draws of this section as soon as possible.

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

(744) (c) The draw of the Monroe Street bridge, Mile 0.4 at Port Clinton, shall open as follows:

(745) (1) From May 1 through November 30–

(746) (i) Between the hours of 12 midnight and 6 a.m., the draw shall open on signal.

(747) (ii) Between the hours of 6 a.m. and 12 midnight, the draw shall open on signal. However, the draw need not open on signal during this time for recreational craft and commercial vessels licensed to carry fifteen or less passengers, or less than ten gross tons, unless in distress or seeking shelter from rough weather. For these vessels, the draw need open only from three minutes before to three minutes after the hour and half-hour.

(748) (2) From December 1 through April 30, the draw shall open on signal if at least 24 hours' notice is given.

(749) (d) The draw of the Norfolk Southern bridge, Mile 1.5 at Port Clinton, shall open on signal. However, from December 1 through April 30, the draw shall open on signal if at least 24 hours notice is given.

§117.853 Sandusky Bay.

(750) (a) The draw of the Norfolk Southern bridge, Mile 3.5 at Sandusky, shall open on signal from April 1 through October 31 and from November 1 through November 30 from 8 a.m. to 4 p.m. At all other times, the draw shall open on signal if at least 24 hours notice is given to the Chief Dispatcher, Central Union Terminal, Toledo.

§117.855 Maumee River.

(751) (a) The draw of the Craig Memorial highway bridge, Mile 3.30, at Toledo, shall operate as follows:

(752) (1) From April through December 20–

(753) (i) Between the hours of 7 a.m. and 11 p.m., the draw need open only from three minutes before to three minutes after the hour and half-hour with no opening required at 7:30 a.m. and 4:30 p.m. for pleasure craft; for commercial vessels, during this period of time, the draw shall open on signal as soon as possible.

(754) (ii) Between the hours of 11 p.m. and 7 a.m., the draw shall open on signal for commercial vessels and pleasure craft.

(755) (2) From December 21 through March 31, no bridgetenders are required to be on duty at the bridge and the draw shall open on signal from December 21 through December 31, if at least a four hour advance notice is given and from January 1 through March 31, if at least a twelve hour advance notice is given.

(756) (b) The draw of the Martin Luther King, Jr. Memorial Highway Bridge (Cherry Street), Mile 4.30 at Toledo, shall operate as follows:

(757) (1) From April 1 through December 20–

(758) (j) Between the hours of 7 a.m. and 11 p.m., the draw need open only from three minutes before to three minutes after the quarter and three-quarter hour with no opening required at 7:45 a.m. and 4:45 p.m. for pleasure craft; for commercial vessels, during this period of time, the draw shall open on signal as soon as possible.

(759) (ii) Between the hours of 11 p.m. and 7 a.m., the draw shall open on signal for commercial vessels and pleasure craft.

(760) (2) From December 21 through March 31, no bridgetenders are required to be at the bridge and the

draw shall open on signal from December 21 through December 31, if at least a four hour advance notice is given and from January 1 through March 31, if at least a twelve hour advance notice is given.

(761) (c) The draws of the CSX Transportation railroad bridge, Mile 1.07, Norfolk Southern railroad bridge, Mile 1.80 and Norfolk Southern railroad bridge, Mile 5.76, all at Toledo, shall operate as follows:

(762) (1) From April 1 through December 20, the draws shall open on signal for all vessels.

(763) (2) From December 21 through March 31, no bridgetenders are required to be at the bridges and the draws shall open on signal for commercial vessels and pleasure craft from December 21 through December 31, if at least a four hour advance notice is given and from January 1 through March 31, if at least a twelve hour advance notice is given.

(764) (d) At all times, the bridges listed in this section shall open as soon as possible for public vessels of the United States, state or local government vessels used for public safety and vessels in distress.

VERMONT

§117.993 Lake Champlain.

(765) (a) The draws of the bridges listed in this section shall open as soon as possible for the passage of public vessels of the United States and Vermont Fish and Game Department vessels.

(766) (b) The draw of the US2 Bridge, Mile 91.8, over Lake Champlain, between South Hero Island and North Hero Island, shall operate as follows:

(767) (1) The draw shall open on signal on the hour and the half hour from May 15th through October 15th from 8 a.m. to 8 p.m. daily.

(768) (2) The draw shall open on signal from May 15th through October 15th from 8 p.m. to 8 a.m. if at least four hours notice is given by calling the number posted at the bridge.

(769) (3) The draw shall open on signal from October 16th through May 14th if at least four hours notice is given by calling the number posted at the bridge.

(770) (c) The draw of the Central Vermont Railway bridge across Missisquoi Bay, Mile 105.6 shall open on signal:

(771) (1) From June 15 through September 15;

(772) (i) Monday through Friday from 9 a.m. to 5 p.m.;

(773) (ii) Saturdays, Sundays, Independence Day and Labor Day from 7 a.m. to 11 p.m.;

(774) (iii) At all other times, if at least two hours notice is given.

(775) (2) From September 16 through June 14, if at least 24 hours notice is given.

(776) (d) The draw of the SR78 bridge, Mile 105.9 between Alburg Tongue and East Alburg, shall open on signal if at least 24 hours notice is given.

WISCONSIN

§117.1083 Duluth-Superior Harbor (St. Louis River).

(777) (a) The draws of the Burlington Northern railroad bridge, Mile 5.7 at Duluth, shall open on signal; except that, from January 1 through March 15, the draws shall open on signal if at least 24 hours notice is given. The opening signal for the Minnesota draw is one prolonged blast followed by two short blasts and for the Wisconsin draw is two prolonged blasts followed by two short blasts.

(778) (b) The draws of the Grassy Point bridge, Mile 8.0 at Duluth, and the Arrowhead bridge, Mile 8.7 at Duluth, shall open on signal; except that, from January 1 through March 15, the draws shall open on signal if at least 24 hours notice is given. The opening signal for the Grassy Point bridge is two short blasts followed by one prolonged blast and for the Arrowhead bridge is three prolonged blasts.

(779) (c) The draw of the Duluth, Missabe and Iron Range Railway bridge, Mile 16.3 at Duluth, need not be opened for the passage of vessels. The owner shall return the draw to operable condition within a reasonable time when notified by the District Commander to do so.

§117.1085 East River.

(780) The draw of the Monroe Avenue bridge, Mile 0.3 at Green Bay, need not be opened for the passage of vessels.

§117.1087 Fox River.

(781) (a) The draws of the Canadian National Bridge, mile 1.03, Main Street Bridge, mile 1.58, Walnut Street Bridge, mile 1.81, Mason Street (Tilleman Memorial) Bridge, mile 2.27, and Canadian National Bridge, mile 3.31, all at Green Bay, shall open as follows:

(782) (1) From April 1 through November 30, the draws shall open on signal for recreational vessels; except the draws need not open from 7 a.m. to 8 a.m., 12 noon to 1 p.m., and 4 p.m. to 5 p.m., Monday through Saturday except Federal holidays. Public vessels, tugs, and commercial vessels with a cargo capacity of 300 short tons or greater shall be passed at all times.

(783) (2) From December 1 through March 31, the draws shall open on signal if notice is given at least 12 hours in advance of a vessels time of intended passage.

(784) (3) The opening signal for the Main Street Bridge is two short blasts followed by one prolonged blast, for

the Walnut Street Bridge one prolonged blast followed by two short blasts, and for the Mason Street Bridge one prolonged blast, followed by one short blast, followed by one prolonged blast.

(785) (b) The draw of the George Street Bridge, mile 7.27 at DePere, shall open on signal from April 1 to November 30; except that, from 6 p.m. to 8 a.m., the draw shall open on signal if notice is given at least 2 hours in advance of a vessels time of intended passage. From December 1 to March 31, the draw shall open on signal if notice is given at least 12 hours in advance of a vessels time of intended passage.

(786) (c) The draws of the Main Street bridge, Mile 56.3, Jackson Street bridge, Mile 56.5, Wisconsin Street bridge, Mile 57.0, and the Congress Avenue bridge, Mile 58.3 all at Oshkosh, shall open on signal from 8 a.m. to 12 midnight; except that, from Monday through Friday from 11:45 a.m. to 12:15 p.m., 12:45 p.m. to 1:15 p.m., and 3 p.m. to 5 p.m., the draws need not be opened for other than public vessels of the United States except on Memorial Day, Independence Day, and Labor Day. From 12 midnight to 8 a.m., the draws shall open on signal if at least two hours notice is given by radiotelephone to the Main Street bridge drawtender or the Winnebago County Sheriff's Department.

(787) (d) The draw of each bridge at or between Berlin and Portage need not open for the passage of vessels.

§117.1089 Manitowoc River.

(788) (a) The draws of the Eighth Street bridge, Mile 0.29, and Tenth Street bridge, Mile 0.43, both at Manitowoc, shall open on signal except that:

(789) (1) From April 1 through October 31, Monday through Friday, the bridges need not open from 6:50 a.m. to 7 a.m., 7:50 a.m. to 8 a.m., 11:55 a.m. to 12:10 p.m., and 12:45 p.m. to 1 p.m., except federal holidays. From 10:30 p.m. to 4:30 a.m. the draws shall open on signal if at least 6 hour advance notice is given.

(790) (2) From November 1 through March 31 the draws shall open on signal if at least a 12 hour advance notice is given.

(791) (3) The opening signals for these bridges are:

(792) (i) Eighth Street—one prolonged blast followed by one short blast.

(793) (ii) Tenth Street—two short blasts followed by one prolonged blast.

(794) (4) When signal is given by car ferry or other large vessel to pass either of the two bridges, the remaining bridge shall open promptly so that such vessels shall not be held between the two bridges.

(795) (b) The draw of the Wisconsin Central railroad bridge, Mile 0.91 at Manitowoc, shall open on signal except that:

(796) (1) From April 1 through October 31 between the hours of 10:30 p.m. and 4:30 a.m., the draws shall open on signal if at least a 6 hour advance notice is given.

(797) (2) From November 1 through March 31 the draw shall open on signal if at least 12 hour advance notice is given.

(798) (3) Opening signal for this bridge is two short blasts followed by one prolonged blast.

§117.1091 Menominee River.

(799) The draw of the Ogden-First Street bridge, Mile 0.4 at Marinette, shall open on signal from 7 a.m. to 11 p.m. from May 1 through October 31. From 11 p.m. to 7 a.m. from May 1 through October 31, the draw shall open on signal if at least two hours notice is given. From November 1 through April 30, the draw shall open on signal if at least 12 hours notice is given.

§117.1093 Milwaukee, Menomonee, and Kinnickinnic Rivers and South Menomonee and Burnham Canals.

(800) (a) The draws of each bridge listed in this section shall open as soon as possible for the passage of public vessels of the United States, vessels carrying United States mail, vessels licensed to carry 50 or more passengers when on their regular routes, and fireboats of the City of Milwaukee.

(801) (b) For all bridges, the drawtender's acknowledging signal when the draw will open is the same as the opening signal. The acknowledging signal when the draw will not open, or is open and must be closed promptly is four short blasts.

(802) (c) The draws of bridges across the Milwaukee River operate as follows:

(803) (1) The draws of the North Broadway Street bridge, Mile 0.5, North Water Street bridge, Mile 0.6, and Michigan Street bridge, Mile 1.1, all at Milwaukee, shall open on signal; except that, from 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m. Monday through Saturday except Federal holidays, the draws need not be opened.

(804) (2) The draws of all other bridges across the Milwaukee River shall open on signal if at least two hours notice is given; except that, from 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m., the draws need not be opened.

(805) (3) The opening signals are as follows:

(806) (i) The The Union Pacific railroad bridge, mile 0.59, two prolonged blasts.

(807) (ii) The North Broadway Street bridge, Mile 0.5, three prolonged blasts followed by one short blast.

(808) (iii) The North Water Street bridge, Mile 0.6, three prolonged blasts followed by two short blasts.

(809) (d) The draws of bridges across the Menomonee River and South Menomonee Canal operate as follows:

(810) (1) The draw of the North Plankinton Avenue bridge across the Menomonee River, Mile 1.08, shall open on signal; except that, from 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m. Monday through Saturday except Federal holidays, the draws need not be opened.

(811) (2) The draws of all other bridges across the Menomonee River and South Menomonee Canal shall open on signal; except that, from 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m. Monday through Saturday except Federal holidays, the draws need not be opened and, from 11 p.m. to 7 a.m., the draws shall open on signal if at least two hours notice is given.

(812) (3) The opening signal for the Canadian Pacific railroad bridge across the Menomonee River, Mile 1.05, is two prolonged blasts followed by two short blasts.

(813) (e) The draws of bridges across the Kinnickinnic River operate as follows:

(814) (1) The draw of the Kinnickinnic Avenue bridge, Mile 1.5, shall open on signal; except that, from 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m. Monday through Saturday except Federal holidays, the draw need not be opened.

(815) (2) The draws of the Canadian Pacific railroad bridge, Mile 1.67, and the Union Pacific railroad bridge, Mile 1.71, shall open on signal if at least two hours notice is given.

(816) (3) The draws of all other bridges across the Kinnickinnic River shall open on signal; except that, from 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m. Monday through Saturday except Federal holidays, the draws need not be opened and, from 11 p.m. to 7 a.m., the draws shall open on signal if at least two hours notice is given.

(817) (4) The opening signal for the Union Pacific railroad bridge, Mile 1.19, is two prolonged blasts.

(818) (f) The draw of the Canadian Pacific Railway bridge, Mile 1.74 over Burnham Canal, need not be opened for the passage of vessels.

§117.1095 Root River.

(819) (a) The draw of the Main Street bridge, Mile 0.3 shall open on signal; except that, from April 1 through December 1 from 6 a.m. to 6 p.m., the draw need be opened only on the hour, 20 minutes after the hour, and 40 minutes after the hour to pass all accumulated vessels; and, from December 2 through March 31, the draw shall open on signal if at least two hours notice is given. At all times, public vessels of the United States, state or local vessels used for public safety, commercial vessels, and vessels in distress shall be passed as soon as possible.

(820) (b) The draw of the State Street bridge, Mile 0.5, shall open on signal; except that, from October 16 through April 30, the draw shall open on signal if at least two hours notice is given. At all times, public vessels of the United States, state or local vessels used for public safety, commercial vessels, and vessels in distress shall be passed as soon as possible.

§117.1097 Sheboygan River.

(821) The draw of the Eighth Street bridge, Mile 0.69 at Sheboygan, shall open as follows:

(822) (a) From May 1 through October 31 -

(823) (1) Between the hours of 6 a.m. and 10 p.m., the bridge shall open on signal, except that:

(824) (i) From 6:10 a.m. to 7:10 p.m., Monday through Saturday, the draw need open only at 10 minutes after the hour, on the half-hour, and 10 minutes before the hour; and

(825) (ii) From Monday through Friday, except Federal holidays, the draw need not open between 7:30 a.m. and 8:30 a.m., between 12 p.m. and 1 p.m., and between 4:30 p.m. and 5:30 p.m.

(826) (2) Between the hours of 10 p.m. and 6 a.m., the draw shall open on signal if at least 2 hours advance notice is provided.

(827) (b) From November 1 through April 30, the draw shall open on signal if at least 12 hours advance notice is provided.

(828) (c) At all times, the draw shall open as soon as possible for pubic vessels of the United States, state or local government vessels used for public safety, vessels in distress, vessels seeking shelter from rough weather, or any other emergency.

§117.1101 Sturgeon Bay.

(829) (a) The draw of the Michigan Street Bridge, mile 4.3 at Sturgeon Bay, shall open as follows:

(830) (1) From March 15 through December 31, the draw need open on signal for recreational vessels only on the hour, 24 hours a day. However, if more than 20 vessels have accumulated at the bridge, or vessels are seeking shelter from severe weather, the bridge shall open on signal.

(831) (2) From January 1 through March 14, the draw shall open on signal if notice is given at least 12 hours in advance of a vessel's time of intended passage.

(832) (b) The draw of the Bayview (SR 42/57) Bridge, mile 3.0 at Sturgeon Bay, shall open as follows:

(833) (1) From March 15 through November 30, the draw shall open on signal.

(834) (2) From December 1 through March 14, the draw shall open on signal if notice is given at least 12 hours in advance of a vessel's time of intended passage.

§117.1107 Wolf River.

(835) The draw of the Winneconne highway bridge, Mile 2.4 at Winneconne, shall open on signal; except that,

from 11 p.m. to 7 a.m. from May 1 through October 31, at least two hours notice is required and, from November 1 through April 30, at least 12 hours notice is required. At all times, public vessels of the United States, state and local vessels used for public safety, and vessels in distress shall be passed as soon as possible.

(836) **Note:** Call signs and radio channels for drawbridges equipped with radiotelephones are included with the bridge descriptions in chapters 4 through 14.

Part 151–Vessels Carrying Oil, Noxious Liquid Substances, Garbage, Municipal or Commercial Waste, and Ballast Water

Subpart C–Ballast Water Management for Control of Nonindigenous Species

§151.1500 Purpose.

(837) The purpose of this subpart is to implement the provisions of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.).

§151.1502 Applicability.

(838) This subpart applies to each vessel that carries ballast water and that after operating on the waters beyond the Exclusive Economic Zone during any part of its voyage enters Snell Lock, at Massena, New York, or navigates north of the George Washington Bridge on the Hudson River, regardless of other port calls in the United States or Canada during that voyage.

§151.1504 Definitions.

(839) The following terms are defined as used in this subpart.

(840) *Ballast water* means any water and suspended matter taken on board a vessel to control or maintain, trim, draught, stability, or stresses of the vessel, regardless of how it is carried.

(841) *Ballast tank* means any tank or hold on a vessel used for carrying ballast water, whether or not the tank or hold was designed for that purpose.

(842) *Captain of the Port (COTP)* means the Coast Guard officer designated as COTP of either the Buffalo, NY, Marine Inspection Zone and Captain of the Port Zone or the New York, NY, Captain of the Port Zone described in part 3 of this chapter or an official designated by the COTP.

(843) *Commandan*t means the Commandant of the Coast Guard or an authorized representative.

(844) *Exclusive Economic Zone (EEZ)* means the area established by Presidential Proclamation Number 5030, dated March 10, 1983, (48 FR 10605, 3 CFR, 1983 Comp., p. 22), which extends from the base line of the territorial sea of the United States seaward 200 miles, and the equivalent zone of Canada.

(845) *Environmentally sound method* means methods, efforts, actions, or programs, either to prevent introductions or to control infestations of aquatic nuisance species, that minimize adverse effects on non-target organisms and ecosystems, and that emphasize integrated pest management techniques and non-chemical measures.

(846) *Great Lakes* means Lake Ontario, Lake Erie, Lake Huron (including Lake Saint Clair), Lake Michigan, Lake Superior, and the connecting channels (Saint Mary's River, Saint Clair River, Detroit River, Niagara River, and Saint Lawrence River to the Canadian border), and includes all other bodies of water within the drainage basin of such lakes and connecting channels.

(847) *Port* means a terminal or group of terminals or any place or facility that has been designated as a port by the COTP.

(848) *Sediments* means any matter settled out of ballast water within a vessel..

(849) *Voyage* means any transit by a vessel destined for the Great Lakes or the Hudson River, north of the George Washington Bridge, from a port or place outside of the EEZ, including intermediate stops at a port or place within the EEZ.

§151.1506 Restriction on operation.

(850) No vessel subject to the requirements of this subpart may be operated in the Great Lakes or the Hudson River, north of the George Washington Bridge, unless the master of the vessel has certified, in accordance with §151.1516, that the requirements of this subpart have been met.

§151.1508 Revocation of clearance.

(851) A COTP may request the District Director of Customs to withhold or revoke the clearance required by 46 U.S.C. app. 91 for a vessel subject to this subpart, the owner or operator of which is not in compliance with the requirements of this subpart.

§151.1510 Ballast water management.

(852) (a) The master of each vessel subject to this subpart shall employ one of the following ballast water management practices:

(853) (1) Carry out an exchange of ballast water on the waters beyond the EEZ, from an area more than 200 nautical miles from any shore, and in waters more than 2,000 meters (6,560 feet, 1,093 fathoms) deep, prior to entry into the Snell Lock, at Massena, New York, or prior to navigating on the Hudson River, north of the

George Washington Bridge, such that, at the conclusion of the exchange, any tank from which ballast water will be discharged contains water with a minimum salinity level of 30 parts per thousand.

(854) (2) Retain the vessel's ballast water on board the vessel. If this method of ballast water management is employed, the COTP may seal any tank or hold containing ballast water on board the vessel for the duration of the voyage within the waters of the Great Lakes or the Hudson River, north of the George Washington Bridge.

(855) (3) Use an alternative environmentally sound method of ballast water management that has been submitted to, and approved by, the Commandant prior to the vessel's voyage, Requests for approval of alternative ballast water management methods must be submitted to the Commandant (G-M), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001.

(856) (b) No master of a vessel subject to this subpart shall separately discharge sediment from tanks or holds containing ballast water unless it is disposed of ashore in accordance with local requirements.

(857) (c) Nothing in this subpart authorizes the discharge of oil or noxious liquid substances (NLSs) in a manner prohibited by United States or international laws or regulations. Ballast water carried in any tank containing a residue of oil, NLSs, or any other pollutant must be discharged in accordance with the applicable regulations. Nothing in this subpart affects or supersedes any requirement or prohibitions pertaining to the discharge of ballast water into the waters of the United States under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

§151.1512 Vessel safety.

(858) Nothing in this subpart relieves the master of the responsibility for ensuring the safety and stability of the vessel or the safety of the crew and passengers, or any other responsibility.

§151.1514 Ballast water management alternatives under extraordinary conditions.

(859) The master of any vessel subject to this subpart who, due to weather, equipment failure, or other extraordinary conditions, is unable to effect a ballast water exchange before entering the EEZ, must employ another method of ballast water management listed in §151.1510, or request from the COTP permission to exchange the vessel's ballast water within an area agreed to by the COTP at the time of the request and must discharge the vessel's ballast water within that designated area.

§151.1516 Compliance monitoring.

(860) (a) The master of each vessel subject to this subpart shall provide, as detailed in §151.2040, the following information, in written form, to the COTP:

(861) (1) The vessel's name, port of registry, and official number or call sign.

(862) (2) The name of the vessel's owner(s).

(863) (3) Whether ballast water is being carried.

(864) (4) The original location and salinity, if known, of ballast water taken on, before an exchange.

(865) (5) The location, date, and time of any ballast water exchange.

(866) (6) The salinity of any ballast water to be discharged into the territorial waters of the United States.

(867) (7) The intended discharge port for ballast water and location for disposal of sediment carried upon entry into the territorial water of the United States, if ballast water or sediment are to be discharged.

(868) (8) The signature of the master attesting to the accuracy of the information provided and certifying compliance with the requirements of this subpart.

(869) (b) The COTP may take samples of ballast water to assess the compliance with, and the effectiveness of, this subpart.

Part 160–Ports and Waterways Safety-General

Subpart A–General

§160.1 Purpose.

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

§160.3 Definitions.

(871) For the purposes of this subchapter:

(872) "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.

(873) "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.

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

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

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

(877) "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.

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

(879) "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.

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

(881) "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.

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

(883) "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.

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

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

(886) "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.

(887) "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.

(888) **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.

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

§160.5 Delegations.

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

(891) (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.

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

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

§160.7 Appeals.

(894) (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.

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

appellant. The appellant is afforded five working days from the date of receipt to submit rebuttal materials. Following submission of all materials, the District Commander issues a ruling, in writing, on the appeal. Prior to issuing the ruling, the District Commander may, as a matter of discretion, allow oral presentation on the issues.

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

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

Subpart B–Control of Vessel and Facility Operations

§160.101 Purpose.

(898) 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.

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

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

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

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

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

(904) (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 -

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

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

§160.105 Compliance with orders.

(907) 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.

(908) 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.

(909) (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–

(910) (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

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

§160.111 Special orders applying to vessel operations.

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

(913) (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;

(914) (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

(915) (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.

(916) (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.

(917) (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:

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

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

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

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

(922) (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.

(923) (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.

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

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

§160.201 General.

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

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

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

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

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

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

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

§160.202 Applicability.

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

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

(934) (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.

(935) (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.

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

(937) (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.

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

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

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

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

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

(943) (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.

(944) (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:

(945) (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).

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

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

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

(949) (5) Public vessels.

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

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

(952) (d) [**Suspended**]

(953) (e) [**Suspended**]

(954) (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.

(955) As used in this subpart:

(956) *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.

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

(958) *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.

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

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

(961) (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.

(962) (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.

(963) (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.

(964) (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.

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

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

(967) (8) The following bulk liquids:

(968) (i) Acetone cyanohydrin,

(969) (ii) Allyl alcohol,

(970) (iii) Chlorosulfonic acid,

(971) (iv) Crotonaldehyde,

(972) (v) Ethylene chlorohydrin,

(973) (vi) Ethylene dibromide,

(974) (vii) Methacrylonitrile, and

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

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

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

(978) *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."

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

(980) *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.

(981) *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.

(982) *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.

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

(984) *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.

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

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

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

(988) *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.

(989) *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.

(990) *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.

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

(992) (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.

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

(994) (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.

(995) (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.

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

TABLE 160.206—NOA INFORMATION

Required information	Vessels not carrying CDC	Vessels carrying CDC	
		Vessels	Towing vessels controlling vessels carrying CDC
(1) *Vessel Information:*			
(i) Name;	x	x	x
(ii) Name of the registered owner;	x	x	x
(iii) Country of registry;	x	x	x
(iv) Call sign;	x	x	x
(v) International Maritime Organization (IMO) international number or, if vessel does not have an assigned IMO international number, substitute with official number;	x	x	x
(vi) Name of the operator;	x	x	x
(vii) Name of the charterer; and	x	x	x
(viii) Name of classification society	x	x	x
(2) *Voyage Information:*	x	x	x
(i) Names of last five ports or places visited;	x	x	x
(ii) Dates of arrival and departure for last five ports or places visited;	x	x	x
(iii) For each port or place in the United States to be visited, list the names of the receiving facility, the port or place, the city, and the state;	x	x	x
(iv) For each port or place in the United States to be visited, the estimated date and time of arrival;	x	x	x
(v) For each port or place in the United States to be visited, the estimated date and time of departure;	x	x	x
(vi) The location (port or place and country) or position (latitude and longitude or waterway and mile marker) of the vessel at the time of reporting; and	x	x	x
(vii) The name and telephone number of a 24-hour point of contact	x	x	x
(3) *Cargo Information:*			
(i) A general description of cargo, other than CDC, onboard the vessel (e.g.: grain, container, oil, etc);	x	x	x
(ii) Name of each certain dangerous cargo carried, including cargo UN number, if applicable; and	.....	x	x
(iii) Amount of each certain dangerous cargo carried	.....	x	x
(4) *Information for each Crewmember Onboard*:			
(i) Full name;	x	x	x
(ii) Date of birth;	x	x	x
(iii) Nationality;	x	x	x
(iv) Passport or mariners document number (type of identification and number);	x	x	x
(v) Position or duties on the vessel; and	x	x	x
(vi) Where the crewmember embarked (list port or place and country	x	x	x
(5) *Information for each Person Onboard in Addition to Crew:*			
(i) Full name;	x	x	x
(ii) Date of birth;	x	x	x
(iii) Nationality;	x	x	x
(iv) Passport number; and	x	x	x

TABLE 160.206—NOA INFORMATION

Required information	Vessels not carrying CDC	Vessels carrying CDC	
		Vessels	Towing vessels controlling vessels carrying CDC
(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; and . . .	x	x	x
(iii) The name of the Flag Administration, or the recognized organization(s) representing the vessel flag administration, that issued those certificates	x	x	x
(8) [Suspended]			
(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; and	x	x	x
(vi) The name of the Flag Administration, or the recognized security organization(s) representing the vessel flag Administration that issued the ISSC.	x	x	x

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

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

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

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

(1000) (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.

(1001) (a) [Suspended]

(1002) (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.

(1003) (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).

(1004) (d) [Suspended]

(1005) (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:

(1006) (1) Electronic submission via the electronic NOA (e-NOA) available on the NVMC web site at http://www.nvmc.uscg.gov.

(1007) (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;

(1008) (3) E-mail at sans@nvmc.uscg.gov. Workbook available at http://www.nvmc.uscg.gov;

(1009) (4) Fax at 1-800-547-8724 or 304-264-2684. Workbook available at http://www.nvmc.uscg.gov; or,

(1010) (5) Telephone at 1-800-708-9823 or 304-264-2502.

§160.212 When to submit an NOA.

(1011) (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.

(1012) (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.

(1013) (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.

(1014) (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.

(1015) (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.

(1016) (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; or	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.

(1017) (c) [**Suspended**]

§160.214 Waivers.

(1018) 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.

(1019) Whenever there is a hazardous condition either aboard a vessel or caused by a vessel or its operation, the owner, agent, master, operator, or person in charge shall immediately notify the nearest Coast Guard Marine Safety Office or Group Office. (Compliance with this section does not relieve responsibility for the written report required by 46 CFR 4.05–10.)

Part 161–Vessel Traffic Management

Subpart A–Vessel Traffic Services

GENERAL RULES

§161.1 Purpose and Intent.

(1020) (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.

(1021) (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.

(1022) (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.

(1023) (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.

(1024) For the purposes of this part:

(1025) "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.

(1026) "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:

(1027) (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 Shipborne equipment, navigational lighting, sound signaling devices or similar equipment.

(1028) (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.

(1029) (3) Vessel characteristics that affect or restrict maneuverability, such as cargo arrangement, trim, loaded condition, underkeel clearance, speed, or similar characteristics.

(1030) "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.

(1031) *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.

(1032) "Towing Vessel" means any commercial vessel engaged in towing another vessel astern, alongside, or by pushing ahead.

(1033) *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).

(1034) *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).

(1035) *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.

(1036) "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.

(1037) "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.

(1038) "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.

(1039) **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.

(1040) "VTS Special Area" means a waterway within a VTS area in which special operating requirements apply.

(1041) "VTS User" means a vessel, or an owner, operator, charterer, master, or person directing the movement of a vessel, that is:

(1042) (a) Subject to the Vessel Bridge-to-Bridge Radiotelephone Act; or

(1043) (b) Required to participate in a VMRS within a VTS area (VMRS User).

(1044) "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.

(1045) 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.

(1046) Each VTS User shall carry on board and maintain for ready reference a copy of these rules.

(1047) **Note:** These rules are contained in the applicable U.S. Coast Pilot, the VTS User's Manual which may be obtained by contacting the appropriate VTS, and periodically published in the Local Notice to Mariners. The VTS User's Manual and the World VTS Guide, an International Maritime Organization (IMO) recognized publication, contain additional information which may assist the prudent mariner while in the appropriate VTS area.

§161.5 Deviations from the rules.

(1048) (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.

(1049) (b) Requests to deviate from any provision in this part due to circumstances that develop during a transit or immediately preceding a transit, may be made verbally to the appropriate VTS Director. Requests to deviate shall be made as far in advance as practicable. Upon receipt of the request, the VTS Director may authorize a deviation if it is determined that, based on vessel handling characteristics, traffic density, radar contacts, environmental conditions and other relevant information, such a deviation provides a level of safety equivalent to that provided by the required measure or is a maneuver considered necessary for safe navigation under the circumstances.

Services, VTS Measures, and Operating Requirements

§161.10 Services.

(1050) 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:

(1051) (a) Hazardous conditions or circumstances;

(1052) (b) Vessel congestion;

(1053) (c) Traffic density;

(1054) (d) Environmental conditions;

(1055) (e) Aids to navigation status;

(1056) (f) Anticipated vessel encounters;

(1057) (g) Another vessel's name, type, position, hazardous vessel operating conditions, if applicable, and intended navigation movements, as reported;

(1058) (h) Temporary measures in effect;

(1059) (i) A description of local harbor operations and conditions, such as ferry routes, dredging, and so forth;

(1060) (j) Anchorage availability; or

(1061) (k) Other information or special circumstances.

§161.11 VTS measures.

(1062) (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:

(1063) (1) Designating temporary reporting points and procedures;

(1064) (2) Imposing vessel operating requirements; or

(1065) (3) Establishing vessel traffic routing schemes.

(1066) (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.

(1067) (a) Subject to the exigencies of safe navigation, a VTS User shall comply with all measures established or directions issued by a VTS.

(1068) (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.

(1069) (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

TABLE 161.12(C).—VTS and VMRS Centers, Call Signs/MMSI, Designated Frequencies, and Monitoring Areas		
Center MMSI[1] Call Sign	**Designated frequency (Channel designation)—purpose[2]**	**Monitoring area[3] [4]**
Berwick Bay—003669950 Berwick Traffic	156.550 MHz (Ch. 11)	The waters south of 29°45'N., west of 91°10'W., north of 29°37'N., and east of 91°18'W.
Houston-Galveston— 003669954	. . . . .	The navigable waters north of 29°N., west of 94°20'W., south of 29°49'N., and east of 95°20'W.
Houston Traffic	156.550 MHz (Ch. 11) . . . . . . 156.250 MHz (Ch. 5A) —For Sailing Plans only	The navigable waters north of a line extending due west from the southern most end of Exxon Dock #1 (20°43.37'N., 95°01.27'W.
Houston Traffic	156.600 MHz (Ch. 12) 156.250 MHz (Ch. 5A) —For Sailing Plans only	The navigable waters south of a line extending due west from the southern most end of Exxon Dock #1 (20°43.37'N., 95°01.27'W.)
Los Angeles/Long Beach: MMSI/To be determined *San Pedro Traffic*	156.700 MHz (Ch. 14)	*Vessel Movement Reporting System Area*: The navigable waters within a 25 nautical mile radius of Point Fermin Light (33°42.3'N., 118°17.6'W.)
Louisville: Not applicable Louisville Traffic	156.650 MHz (Ch. 13)	The waters of the Ohio River between McAlpine Locks (Mile 606) and Twelve Mile Island (Mile 593), only when the McAlpine upper pool gauge is at approximately 13.0 feet or above.
Lower Mississippi River[5]— 0036699952 *New Orleans Traffic*	156.700 MHz (Ch. 14)	The navigable waters of the Lower Mississippi River below 30°38.7'N., 91°17.5'W. (Port Hudson Light at 255 miles Above Head of Passes (AHP)), the Southwest Pass, and, within a 12 nautical miles radius around 28°54.3'N., 89°25.7'W. (Southwest Pass Entrance Light at 19.9 miles Below Head of Passes)
New Orleans Traffic	156.600 MHz (Ch. 12)	.*New Orleans Sector*. The navigable waters of the Lower Mississippi River bounded on the north by a line drawn perpendicular at 29°56.4'N., 90°08.36'W. and on the south by a line drawn perpendicularly at 29°56.24'N., 89°59.86'W. (88 and 106 miles AHP).
New York —003669951 *New York Traffic*	156.550 MHz (Ch.11) —For Sailing Plans Only 156.600 MHz (Ch. 12) —For vessels at anchor	The area consists of the navigable waters of the Lower New York Bay bounded on the east by a line drawn from Norton Point to Breezy Point; on the south by a line connecting the entrance buoys at the Ambrose Channel, Swash Channel, and Sandy Hook Channel to Sandy Hook Point; and on the southeast including the waters of Sandy Hook Bay south to a line drawn at latitude 40°25'N.; then west in the Raritan Bay to the Raritan River Railroad Bridge, then north into waters of the Arthur Kill and Newark Bay to the Lehigh Valley Draw Bridge at latitude 40°41.9'N.; and then east including the waters of the Kill Van Kull and the Upper New York Bay north to a line drawn east-west from the Holland Tunnel ventilator shaft at latitude 40°43.7'N., longitude 74°01.6'W., in the Hudson River; and then continuing east including the waters of the East River to the Throgs Neck Bridge, excluding the Harlem River.
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. (Holand Tunnel Ventilator Shaft); west through the KVK into the Arthur Kill north of 40°38.25'N. (Arthur Kill Railroad Bridge); then north into the waters of the Newark Bay, south of 40°41.95'N. (Lehigh Valley Draw Bridge).
New York Traffic	156.600 MHz (Ch. 12)	The navigable waters of the Raritan Bay south to a line drawn at latitude 40°26'N.; then west of a line drawn from Great Kills Light south through the Raritan Bay East Reach LGB #14 to Point Comfort, NJ; then west to the Raritan River Railroad Bridge; and north including the waters of the Arthur Kill to 40°28.25'N. (Arthur Kill Railroad Bridge); including the waters of the East River north of 40°42.40'N. (Brooklyn Bridge) to the Throgs Neck Bridge, excluding the Harlem River.

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]
Port Arthur[5]—003669955 *Sabine Traffic*	To be determined	The navigable waters south of 30°10'N., east of 94°20'W., west of 93°22'W. and, north of 29°10'N.
Prince William Sound—003669958 *Valdez Traffic*	156.650 MHz (Ch. 13)	The navigable waters south of 61°05'N., east of 147°20'W., north of 60°N., and west of 146°30'W.; and, all navigable waters in Port Valdez.
Puget Sound[6] *Seattle Traffic*—003669957	156.700 MHz (Ch. 14)	The waters of Puget Sound, Hood Canal and adjacent waters south of a line connecting Marrowstone Point and Lagoon Point in Admiralty Inlet and south of a line drawn due east from the southernmost tip of Possession Point on Whidbey Island to the shoreline.
Seattle Traffic—003669957	156.250 MHz (Ch. 5A)	The waters of the Strait of Juan de Fuca east of 124°40'W. excluding the waters in the central portion of the Strait of Juan de Fuca north and east of Race Rocks; the navigable waters of the Strait of Georgia east of 122°52'W.; the San Juan Island Archipelago, Rosario Strait, Bellingham Bay; Admiralty Inlet north of a line connecting Marrowstone Point and Lagoon Point and all waters east of Whidbey Island North of a line drawn due east from the southernmost tip of Possession Point on Whidbey Island to the shoreline
Tofino Traffic—003160012	156.725 MHz (Ch. 74)	The waters west of 124°40'W. within 50 nautical miles of the coast of Vancouver Island including the waters north of 48°N., and east of 127°W.
Victoria Traffic—003160010	156.550 MHz (Ch. 11)	The waters of the Strait of Georgia west of 122°52'W., the navigable waters of the central Strait of Juan de Fuca north and east of Race Rocks, including the Gulf Island Archipelago, Boundary Pass and Haro Strait.
San Francisco—003669956 *San Francisco Traffic*	156.700 MHz (Ch. 14)	The navigable waters of the San Francisco Offshore Precautionary Area, the navigable waters shoreward of the San Francisco Offshore Precautionary Area east of 122°42.0'W. and north of 37°40.0'N. extending eastward through the Golden Gate, and the navigable waters of San Francisco Bay and as far east as the port of Stockton on the San Joaquin River, as far north as the port of Sacramento on the Sacramento River.
San Francisco Traffic	156.600 MHz (Ch. 12)	The navigable waters within a 38 nautical mile radius of Mount Tamalpais (37°55.8'N., 122°34.6'W.) west of 122°42.0'W. and south of 37°40.0'N. and excluding the San Francisco Offshore Precautionary Area.
St. Marys River —003669953 *Soo Traffic*	156.600 MHz (Ch. 12)	The waters of the St. Marys River between 45°57'N. (De Tour Reef Light) and 46°38.7'N. (Ile Parisienne Light), except the St. Marys Falls Canal and those navigable waters east of a line from 46°04.16'N. and 46°01.57'N. (La Pointe to Sims Point in Potagannissing Bay and Worsley Bay).

Notes:

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

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

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

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

[5]Until rules regarding VTS Lower Mississippi River and VTS Port Arthur are published, vessels are exempted of all VTS and VMRS requirements set forth in 33 CFR part 161, except those set forth in §§161.21 and 161.46 of this subchapter.

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

promptly when hailed and communicated in the English language.

(1070) **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.

(1071) (d) As soon is practicable, a VTS User shall notify the VTS of any of the following:

(1072) (1) A marine casualty as defined in 46 CFR 4.05-1;

(1073) (2) Involvement in the ramming of a fixed or floating object;

(1074) (3) A pollution incident as defined in §151.15 of this chapter:

(1075) (4) A defect or discrepancy in an aid to navigation;

(1076) (5) A hazardous condition as defined in §160.203 of this chapter;

(1077) (6) Improper operation of vessel equipment required by Part 164 of this chapter;

(1078) (7) A situation involving hazardous materials for which a report is required by 49 CFR 176.48; and

(1079) (8) A hazardous vessel operating condition as defined in §161.2.

§161.13 VTS Special Area Operating Requirements.

(1080) The following operating requirements apply within a VTS Special Area:

(1081) (a) A VTS User shall, if towing astern, do so with as short a hawser as safety and good seamanship permits.

(1082) (b) A VMRS User shall:

(1083) (1) Not enter or get underway in the area without prior approval of the VTS;

(1084) (2) Not enter a VTS Special Area if a hazardous vessel operating condition or circumstance exists;

(1085) (3) Not meet, cross, or overtake any other VMRS User in the area without prior approval of the VTS; and

(1086) (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.

(1087) (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.

(1088) (b) To avoid imposing an undue reporting burden or unduly congesting radiotelephone frequencies, reports shall be limited to information which is essential to achieve the objectives of the VMRS. These reports are consolidated into three reports (sailing plan, position, and final).

§161.16 Applicability.

(1089) Unless otherwise stated, the provisions of this subpart apply to the following vessels and VMRS Users:

(1090) (a) Every power-driven vessel of 40 meters (approximately 131 feet) or more in length, while navigating;

(1091) (b) Every towing vessel of 8 meters (approximately 26 feet) or more in length, while navigating; or

(1092) (c) Every vessel certificated to carry 50 or more passengers for hire, when engaged in trade.

§161.17 Definitions.

(1093) As used in the subpart:

(1094) *Center* means a Vessel Traffic Center or Vessel Movement Center.

(1095) *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.

(1096) (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);

(1097) (2) Establish other means of reporting for those vessels unable to report on the designated frequency; or

(1098) (3) Require reports from a vessel in sufficient time to allow advance vessel traffic planning.

(1099) (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).

(1100) (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,

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.].

Call Signs/MMSI, Designated Frequencies, and Monitoring Areas). In addition, the VMRS User must respond promptly when hailed and communicate in the English language.

(1101) **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.

(1102) (d) A vessel must report:

(1103) (1) Any significant deviation from its Sailing Plan, as defined in §161.19, or from previously reported information; or

(1104) (2) Any intention to deviate from a VTS issued measure or vessel traffic routing system.

(1105) (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).

(1106) Unless otherwise stated, at least 15 minutes before navigating a VTS area, a vessel must report the:

(1107) (a) Vessel name and type;

(1108) (b) Position;

(1109) (c) Destination and ETA;

(1110) (d) Intended route;

(1111) (e) Time and point of entry; and

(1112) (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).

(1113) A vessel must report its name and position:

(1114) (a) Upon point of entry into a VMRS area;

(1115) (b) At designated reporting points as set forth in subpart C; or

(1116) (c) When directed by the Center.

§161.21 Sailing Plan Deviation Report (DR).

(1117) (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.

(1118) (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:

(1119) (1) Notify the Center;

(1120) (2) Make voice radio Position Reports at designated reporting points as required by §161.20(b) of this part; and

(1121) (3) Make any other reports as directed by the Center.

§161.22 Final Report (FR).

(1122) A vessel must report its name and position:

(1123) (a) On arrival at its destination; or

(1124) (b) When leaving a VTS area.

§161.23 Reporting exemptions.

(1125) (a) Unless otherwise directed, the following vessels are exempted from providing Position and Final Reports due to the nature of their operation:

(1126) (1) Vessels on a published schedule and route;

(1127) (2) Vessels operating within an area of a radius of three nautical miles or less; or

(1128) (3) Vessels escorting another vessel or assisting another vessel in maneuvering procedures.

(1129) (b) A vessel described in paragraph (a) of this section must:

(1130) (1) Provide a Sailing Plan at least 5 minutes but not more than 15 minutes before navigating within the VMRS area; and

(1131) (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

(1132) **Note:** All geographic coordinates contained in part 161 (latitude and longitude) are expressed in North American Datum of 1983 (NAD).

§161.25 Vessel Traffic Service New York Area.

(1133) The area consists of the navigable waters of the Lower New York Harbor bounded on the east by a line drawn from Norton Point to Breezy Point; on the south by a line connecting the entrance buoys at the Ambrose Channel, Swash Channel, and Sandy Hook Channel to Sandy Hook Point; and on the southeast including the waters of Sandy Hook Bay south to a line drawn at 40°25'N.; then west into waters of the Raritan Bay to the Raritan River Rail Road Bridge; and then north including the waters of the Arthur Kill and Newark Bay to the Lehigh Valley Draw Bridge at 40°41.9'N.; and then east including the waters of the Kill Van Kull and Upper New York Bay north to a line drawn east-west from the Holland Tunnel Ventilator Shaft at 40°43.7'N., 74°01.6'W. in the Hudson River; and then continuing

east including the waters of the East River to the Throgs Neck Bridge, excluding the Harlem River.

(1134) **Note:** Although mandatory participation in VTSNY is limited to the area within the navigable waters of the United States, VTSNY will provide services beyond those waters. Prospective users are encouraged to report beyond the area of required participation in order to facilitate advance vessel traffic management in the VTS area and to receive VTSNY advisories and/or assistance.

§161.45 Vessel Traffic Service St. Marys River.

(1135) (a) The VTS area consists of the navigable waters of the St. Marys River and lower Whitefish Bay from 45°57'N. (De Tour Reef Light) to the south, to 46°38.7'N. (Ile Parisienne Light) to the north, except the waters of the St. Marys Falls Canal, and to the east along a line from La Pointe to Sims Point, within Potagannissing Bay and Worsley Bay.

(1136) (b) Reporting Points. (Table 161.45(b))

Part 162–Inland Waterways Navigation Regulations

§162.1 General.

(1137) 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.

§162.110 Duluth-Superior Harbor, Minnesota and Wisconsin.

(1138) (a) No vessel greater than 100 feet in length may exceed 8 miles per hour in Duluth-Superior Harbor.

(1139) (b) In the Duluth Ship Canal:

(1140) (1) No vessel may meet or overtake another vessel if each vessel is greater than 150 feet in length (including tug and tow combinations).

(1141) (2) An inbound vessel has the right of way over an outbound vessel.

§162.115 Keweenaw Waterway, Michigan.

(1142) No vessel greater than 40 feet in length may exceed 8 miles per hour between Lily Pond and Pilgrim Point.

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

(1143) (a) *The area*. The waters of the St. Marys River and lower Whitefish Bay from 45°57'N. (De Tour Reef Light) to the south, to 46°38.7'N. (Ile Parisienne Light) to the north, except the waters of the St. Marys Falls Canal, and to the east along a line from La Pointe to Sims Point, within Potagannissing Bay and Worsley Bay.

(1144) (b) *Definitions*. As used in this section.

(1145) "Two-way route" means a directional route within defined limits inside which two-way traffic is established, and which is intended to improve safety in waters where navigation is difficult.

(1146) "Two-way traffic" means that traffic flow is permitted in opposing directions, but a vessel may not meet, cross, nor overtake any other vessel in such a manner that it would be abreast of more than one other vessel within the defined limits of a waterway.

(1147) (c) *Anchoring Rules*

(1148) (1) A vessel must not anchor:

(1149) (i) within the waters between Brush Point and the waterworks intake crib off Big Point southward of the Point Aux Pins range; or

(1150) (ii) within 0.2 nautical mile of the intake crib off Big Point.

(1151) (2) In an emergency; vessels may anchor in a dredged channel. Vessels shall anchor as near to the edge of the channel as possible and shall get underway as soon as the emergency ceases, unless otherwise directed. Vessel Traffic Services St. Marys River must be advised of any emergency anchoring as soon as is practicable.

(1152) (3) Vessels collected in any part of the VTS Area by reason of temporary closure of a channel or an impediment to navigation shall get underway and depart in the order in which they arrived, unless otherwise directed by Vessel Traffic Service St. Marys River. Vessel Traffic St. Marys River may advance any vessel in the order of departure to expedite the movement of mails, passengers, cargo of a perishable nature, to facilitate passage of vessels through any channel by reason of special circumstance, or to facilitate passage through the St. Marys Falls Canal.

(1153) (d) *Traffic Rules*. (1) A vessel must proceed only in the established direction of traffic flow in the following waters:

(1154) (i) West Neebish Channel from Buoy "53" to Buoy "1"–downbound traffic only:

(1155) (ii) Pipe Island Course from Sweets Point to Watson Reefs Light-downbound traffic only.

(1156) (iii) Middle Neebish Channel from Buoy "2" to Buoy "76"–upbound traffic only; and

TABLE 161.45(b)–VTS ST. MARYS RIVER REPORTING POINTS

Designator	Geographic name	Geographic description	Latitude/ Longitude	Notes
1	Ile Parisienne	Ile Parisienne Light	45°37.3'N 84°45.9'W	Downbound Only.
2	Gros Cap Reef	Gros Cap Reefs Light	46°30.6'N 84°37.1'W	Upbound
3	Round Island	Round Island Light 32	46°26.9N 84°31.7'W	
4	Pointe Louise	Pointe Louise Light	46°27.8'N 84°28.2'W	
5	West End of Locks	West Center Pierhead Light	46°30.2'N 84°22.2'W	Upbound Only.
6	East End of Locks	East Center Pierhead Light	46°30.1'N 84°20.3'W	Downbound Only.
7	Mission Point	Light 99	46°29.2'N 84°18.1'W	
8	Six Mile Point	Six Mile Point	46°26.1'N 84°15.4'W	
9	Ninemile Point	Light 80	46°23.5'N 84°14.1'W	
10	West Neebish Channel	Light 29	46°16.9'N 84°12.5'W	Downbound Only.
11	Munuscong Lake Junction	Lighted Junction Buoy	46°10.8'N 84°05.6'W	
12	De Tour Reef	De Tour Reef Light	46°56.9'N 83°53.7'W	

(1157) (iv) Pipe Island Passage to the east of Pipe Island Shoal and north of Pipe Island Twins form Watson Reefs Light to Sweets Point-upbound traffic only.

(1158) (2) A vessel 350 feet or more in length must not overtake or approach within .2 nautical miles of another vessel proceeding in the same direction in the following waterways;

(1159) (i) West Neebish Channel between Nine Point and Munuscong Lake Junction Lighted Bell Buoy;

(1160) (ii) Middle Neebish Channel between Munuscong Lake Junction Lighted Bell Buoy and Nine Mile Point; and

(1161) (iii) Little Rapids Cut from Six Mile Point to Buoy "102".

(1162) (3) When two-way traffic is authorized in Middle Neebish Channel, a vessel 350 feet or more in length must not meet, cross, or overtake another vessel at:

(1163) (i) Johnson Point from Buoy "18" to Buoy "22";

(1164) (ii) Mirre Point from Buoy "26" to Buoy "28"; or

(1165) (iii) Stribling Point from Buoy "39" to Buoy "43".

(1166) (4) Paragraph (d)(2) of this section does not apply to a vessel navigating through an ice field.

(1167) (e) *Winter Navigation.* During the winter navigation season, the following waterways are normally closed:

(1168) (1) West Neebish Channel, from Buoy "53" to Buoy "1";

(1169) (2) Pipe Island Passage to the east of Pipe Island Shoal; and

(1170) (3) North of Pipe Island Twins, from Watson Reef Light to Sweets Point.

(1171) (f) *Alternate Winter Navigation Routes.* (1) When West Neebish Channel is closed, Middle Neebish Channel (from Buoy "2" to Buoy "76") will be open either as a two-way route or an alternating one way traffic lane.

(1172) (i) When Middle Neebish Channel is a two-way route;

(1173) (A) An upbound vessel must use the easterly 197 feet of the channel. However, a vessel of draft 20 feet or more must not proceed prior to Vessel Traffic Center approval; and

(1174) (B) A downbound vessel must use the westerly 295 feet of the channel.

(1175) (ii) When Middle Neebish Channel is an alternating one-way traffic lane. A vessel must use the westerly 295

feet of the channel in the established direction of traffic flow.

(1176) (2) When Pipe Island Passage is closed, Pipe Island Course is a two-way route.

(1177) **Note:** The Vessel Traffic Service closes or opens these channels as ice conditions require after giving due considerations to the protection of the marine environment, waterway improvements, aids to navigation, the need for cross channel traffic (e.g., ferries), the availability of icebreakers, and the safety of the island residents who, in the course of their daily business, must use naturally formed ice bridges for transportation to and from the mainland. Under normal seasonal conditions, only one closing each winter and one opening each spring are anticipated. Prior to closing or opening these channels, interested parties including both shipping entities and island residents, will be given at least 72 hours notice by the Coast Guard.

(1178) (g) *Speed Rules.* (1) The following speed limits indicate speed over the ground. Vessels must adhere to the following speed limits:

Table 162.117(g)–St. Marys River Speed Rules

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

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

(1179) (2) Temporary speed limit regulations may be established by Commanding Officer Vessel Traffic Service St. Marys River. Notice of the temporary speed limits and their effective dates and terminations are published in the **Federal Register** and Local Notice to Mariners. These Temporary speed limits, if imposed, will normally be placed in effect and terminated during the winter navigation season.

(1180) (h) *Towing Requirement*. A Towing vessel must: (1) Maintain positive control of its tow south of Gros Cap Reef Light;

(1181) (2) Not impede the passage of any other vessel;

(1182) (3) Not tow a vessel of 200 feet or less in length with a tow line longer than 250 feet; and

(1183) (4) Not tow a vessel of 200 feet or more in length with a tow line longer than the length of the towed vessel plus 50 feet.

§162.120 Harbors on Lake Michigan.

(1184) (a) No vessel greater than 40 feet in length may exceed 8 miles per hour in the harbors of Michigan City, Indiana; St. Joseph, South Haven, Saugatuck, Holland (Lake Macatawa), Grand Haven, Muskegon, White Lake, Pentwater, Ludington, Manistee, Portage Lake (Manistee County), Frankfort, Charlevoix, and Petoskey, Michigan.

(1185) (b) No vessel greater than 40 feet in length may exceed 4 miles per hour in the harbors of Menominee, Michigan and Wisconsin; Algoma, Kewaunee, Two Rivers, Manitowoc, Sheboygan, Port Washington, Milwaukee, Racine, Kenosha and Green Bay, Wisconsin; and Waukegan, Illinois.

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

(1186) (a) In the Sturgeon Bay Ship Canal:

(1187) (1) No vessel may exceed 5 miles per hour.

(1188) (2) No vessel greater than 150 feet in length (including tug and tow combinations) may come about.

(1189) (3) No vessel 65 feet or greater in length (including tug and tow combinations) may either:

(1190) (i) Enter or pass through the canal two or more abreast; or

(1191) (ii) Overtake another vessel.

(1192) (4) No vessel may anchor or moor unless given permission to do so by the Captain of the Port.

(1193) (5) Each vessel must keep to the center, except when meeting or overtaking another vessel.

(1194) (b) In Sturgeon Bay and the Sturgeon Bay Ship Canal:

(1195) (1) Each laden vessel under tow must be towed with at least two towlines. Each towline must be shortened to the extent necessary to provide maximum control of the tow.

(1196) (2) Each unladen vessel may be towed with one towline.

(1197) (3) No towline may exceed 100 feet in length.

(1198) (4) No vessel may tow another vessel alongside.

(1199) (5) No vessel may tow a raft greater than 50 feet in width.

(1200) **Note:** The Corps of Engineers also has regulations dealing with these areas in 33 CFR 207.

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

(1201) (a) *Purpose*. The regulations in sections 162.130 through 162.140 prescribe rules for vessel operation in U.S. waters connecting Lake Huron to Lake Erie (including the River Rouge) to prevent collisions and groundings, to protect waterway improvements, and to protect these waters from environmental harm resulting from collisions and groundings.

(1202) **Note:** The Canadian Government has issued similar regulations which apply in the Canadian portion of the waterway. Provisions which apply only in Canadian waters are noted throughout the text.

(1203) (b) *Applicability*. (1) Unless otherwise specified, the rules in sections 162.130 through 162.140 apply to all U.S. vessels and all other vessels in U.S. waters.

(1204) (2) The speed rules in §162.138 apply to vessels 20 meters or more in length.

(1205) (3) The communications rules in §162.132, the traffic rules in §162.134, except for §162.134(c)(2), and the anchorage rules in §162.136 apply to the following vessels:

(1206) (i) Vessels of 20 meters or more in length;

(1207) (ii) Commercial vessels more than 8 meters in length engaged in towing another vessel astern, alongside, or by pushing ahead; and

(1208) (iii) Each dredge and floating plant.

(1209) (4) The traffic rules contained in §162.134(c)(2) apply to the following vessels:

(1210) (i) Sailing vessels of 20 meters or more in length;

(1211) (ii) Power driven vessels of 55 meters or more in length;

(1212) (iii) Vessels engaged in towing another vessel astern, alongside or by pushing ahead; and

(1213) (iv) Each dredge and floating plant.

(1214) (c) *Definitions*. As used in §§162.130 through 162.140 -

(1215) "Captain of the Port" means the United States Coast Guard Captain of the Port of Detroit, Michigan.

(1216) "Detroit River" means the connecting waters from Windmill Point Light to the lakeward limits of the improved navigation channels at the head of Lake Erie.

(1217) "District Commander" means, Commander, Ninth Coast Guard District, Cleveland, Ohio.

(1218) "Master" means the licensed master or operator, the person designated by the master or operator to navigate the vessel, or, on a vessel not requiring licensed personnel, the person in command of the vessel.

(1219) "River Rouge" means the waters of the Short Cut Canal and the River Rouge from Detroit Edison Cell Light 1 to the head of navigation.

(1220) "St. Clair River" means the connecting waters from the lakeward limit of the improved navigation channel at the lower end of Lake Huron to St. Clair Flats Canal Light 2.

(1221) "SARNIA TRAFFIC" means the Canadian Coast Guard Traffic center at Sarnia, Ontario.

(1222) (d) *Laws and regulations not affected*. The regulations in §§162.130 through 162.140 do not relieve the owners or operators of vessels from complying with any other laws or regulations relating to navigation on the Great Lakes and their connecting or tributary waters.

(1223) (e) *Delegations*. The District Commander, in coordination with appropriate Canadian officials, may make local arrangements that do not conflict with these regulations in the interest of safety of operations, to facilitate traffic movement and anchorage, to avoid disputes as to jurisdiction and to take necessary action to render assistance in emergencies. This authority may be redelegated.

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

(1224) (a) *Radio Listening watch*. The master of each vessel required to comply with this section shall continuously monitor -

(1225) (1) Channel 11 (156.55 MHz) between Lake Huron Cut Lighted Buoy 11 and Lake St. Clair Light; and

(1226) (2) Channel 12 (156.60 MHz) between Lake St. Clair Light and Detroit River Light.

(1227) (b) *Radiotelephone equipment*. Reports required by this section shall be made by the master using a radiotelephone capable of operation on a vessel's navigation bridge, or in the case of a dredge, from its main control station.

(1228) (c) *English language*. Reports required by this section shall be made in the English language.

(1229) (d) *Traffic reports*. (1) Reports required by this section shall be made to SARNIA TRAFFIC on the frequency designated for the radio listening watch in paragraph (a) of this section.

(1230) (2) Reports shall include the name of the vessel, location, intended course of action, and ETA at next reporting point.

(1231) (e) *Permanent Reporting Points*. The master of each vessel to which this section applies shall report as

required by paragraph (d) of this section at the locations indicated in Table I.

Table I

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

(1232) (f) *Additional Traffic Reports.*

(1233) (1) A report shall be made upon leaving any dock, mooring, or anchorage, in the Detroit River, Lake St. Clair, and the St. Clair River except for–

(1234) (i) Ferries on regular runs; and

(1235) (ii) Vessels in the River Rouge.

(1236) (2) A report shall be made before maneuvering to come about.

(1237) (3) A report shall be made -

(1238) (i) 20 minutes before entering or departing the River Rouge; and

(1239) (ii) Immediately before entering or departing the River Rouge.

(1240) (g) Report of impairment or other hazard. The master of a vessel shall report to SARNIA TRAFFIC as soon as possible:

(1241) (1) Any condition on the vessel that may impair its navigation, including but not limited to: fire, defective steering equipment, or defective propulsion machinery.

(1242) (2) Any tow that the towing vessel is unable to control, or can control only with difficulty.

(1243) (h) *Exemptions.* Compliance with this section is not required when a vessel's radiotelephone equipment has failed.

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

(1244) (a) *Detroit River.* The following traffic rules apply in the Detroit River:

(1245) (1) The West Outer Channel is restricted to downbound vessels.

(1246) (2) The Livingstone Channel, west of Bois Blanc Island, is restricted to downtown vessels.

(1247) **Note:** The Amherstburg Channel, in Canadian waters east of Bois Blanc Island, is normally restricted to upbound vessels. No vessel may proceed downbound in the Amherstburg Channel without authorization from the Regional Director General.

(1248) (3) Between Fighting Island Channel South Light and Bar Point Pier Light 29D, no vessels shall meet or overtake in such a manner that more than two vessels would be abreast at any time.

(1249) (4) Between the west end of Belle Isle and Peche Island Light, vessels may overtake vessels engaged in towing.

(1250) (b) *River Rouge*. In the River Rouge, no vessel shall overtake another vessel.

(1251) (c) *St. Clair River*. The following traffic rules apply in the St. Clair River:

(1252) (1) Between St. Clair Flats Canal Light 2 and Russell Island Light 33, vessels may only overtake vessels engaged in towing.

(1253) (2) Between Lake Huron Cut Lighted Buoy 1 and Port Huron Traffic Lighted Buoy there is a zone of alternating one way traffic. Masters shall coordinate their movements in accordance with the following rules;

(1254) (i) Vessels shall not overtake.

(1255) (ii) Vessels shall not come about.

(1256) (iii) Vessels shall not meet.

(1257) (iv) Downbound vessels which have passed Lake Huron Cut Lighted Buoy 7 have the right of way over upbound vessels which have not reached the Port Huron Traffic Lighted Buoy. Upbound vessels awaiting transit of downbound vessels will maintain position south of the Port Huron Traffic Lighted Buoy.

(1258) (v) Vessels transiting the zone shall coordinate passage by using communication procedures in §162.132.

(1259) (vi) Transiting vessels shall have the right of way over moored vessels getting underway within the zone.

(1260) (d) In the waters described in §162.130(a), the District Commander or Captain of the Port may establish temporary traffic rules for reasons which include but are not limited to: channel obstructions, winter navigation, unusual weather conditions, or unusual water levels.

(1261) (e) The requirements of this section do not apply to public vessels of the U.S. or Canada engaged in icebreaking or servicing aids to navigation or to vessels engaged in river and harbor improvement work.

(1262) (f) The prohibitions in this section on overtaking in certain areas do not apply to vessels operating in the nondisplacement mode. In this section, "nondisplacement mode" means a mode of operation in which the vessel is supported by hydrodynamic forces, rather

than displacement of its weight in the water, to an extent such that the wake which would otherwise be generated by the vessel is significantly reduced.

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

(1263) (a) In the Detroit River, vessels shall be anchored so as not to swing into the channel or across steering courses.

(1264) **Note:** There is an authorized anchorage in Canadian waters just above Fighting Island and an authorized anchorage in U.S. waters south of Belle Isle (33 CFR 110.206).

(1265) (b) In the St. Clair River, vessels shall be anchored so as not to swing into the channel or across steering courses.

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

(1266) (a) *Maximum speed limit for vessels in normal displacement mode.* (1) Except when required for the safety of the vessel or any other vessel, vessels of 20 meters or more in length operating in normal displacement mode shall proceed at a speed not greater than–

(1267) (i) 12 statute miles per hour (10.4 knots) between Fort Gratiot Light and St. Clair Flats Canal Light 2;

(1268) (ii) 12 statute miles per hour (10.4 knots) between Peche Island Light and Detroit River Light; and

(1269) (iii) 4 statute miles per hour (3.5 knots) in the River Rouge.

(1270) (2) The maximum speed limit is 5.8 statute miles per hour (5 knots) in the navigable channel south of Peche Island (under Canadian jurisdiction).

(1271) (b) *Maximum speed limit for vessels operating in nondisplacement mode.* (1) Except when required for the safety of the vessel or any other vessel, vessels 20 meters or more in length but under 100 gross tons operating in the nondisplacement mode and meeting the requirements set out in paragraph (c) of this section, may operate at a speed not exceeding 40 miles per hour (34.8 knots) -

(1272) (i) During daylight hours (sunrise to sunset);

(1273) (ii) When conditions otherwise safely allow; and

(1274) (iii) When approval has been granted by the Coast Guard Captain of the Port, Detroit or Commander of the Ninth Coast Guard District prior to each transit of the area.

(1275) (2) In this section, "nondisplacement mode" means a mode of operation in which the vessel is supported by hydrodynamic forces, rather than displacement of its weight in the water; to an extent such that the wake which would otherwise be generated by the vessel is significantly reduced.

(1276) (c) *Unsafe vessels.* The Captain of the Port or the District Commander may deny approval for operations under paragraph (b) of this section if it appears that the design and operating characteristics of the vessels in question are not safe for the designated waterways, or if it appears that operations under this section have become unsafe for any reason.

(1277) (d) *Temporary speed limits.* The District Commander may temporarily establish speed limits or temporarily amend existing speed limit regulations on the waters described in §162.130(a).

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

(1278) (a) *Rules for towing vessels*. (1) A towing vessel may drop or anchor its tows only in accordance with the provisions of 162.136.

(1279) (2) A towing vessel engaged in arranging its tow shall not obstruct the navigation of other vessels.

(1280) (b) *Pilots*. In the St. Clair River between Lake Huron Cut Lighted Buoy 1 and Port Huron Traffic Lighted Buoy, vessels shall not take on, discharge, or exchange pilots unless weather conditions would make the maneuver unsafe in the customary pilot area.

§162.145 Monroe Harbor, Michigan.

(1281) (a) In the lake channel, no vessel greater than 40 feet in length may exceed 10 miles per hour.

(1282) (b) In the river channel:

(1283) (1) No vessel greater than 40 feet in length may exceed 6 miles per hour.

(1284) (2) No vessel may use a towline exceeding 200 feet in length.

§162.150 Maumee Bay and River, Ohio.

(1285) (a) In Maumee Bay (lakeward of Maumee River Lighted Buoy 49), no vessel greater than 100 feet in length may exceed 12 miles per hour.

(1286) (b) In Maumee River (inward of Maumee River Lighted Buoy 49):

(1287) (1) No vessel greater than 40 feet in length may exceed 6 miles per hour.

(1288) (2) No vessel greater than 100 feet in length (including tug and tow combinations) may overtake another vessel.

§162.155 Sandusky and Huron Harbors, Ohio.

(1289) (a) In Sandusky Harbor, no vessel greater than 40 feet in length may exceed 10 miles per hour.

(1290) (b) In Huron Harbor, no vessel greater than 40 feet in length may exceed 6 miles per hour, except in the outer harbor where no vessel greater than 40 feet in length may exceed 10 miles per hour.

(1291) **Note:** The Corps of Engineers also has regulations dealing with these areas in 33 CFR 207.

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

(1292) (a) In Vermilion Harbor, no vessel may exceed 6 miles per hour.

(1293) (b) In Lorain, Cleveland, Fairport, Ashtabula, and Conneaut Harbors, no vessel may exceed 6 miles per hour, except in the outer harbors, where no vessel may exceed 10 miles per hour.

(1294) **Note:** The Corps of Engineers also has regulations dealing with these areas in 33 CFR 207.

§162.165 Buffalo and Rochester Harbors, New York.

(1295) In Buffalo and Rochester Harbors, no vessel may exceed 6 miles per hour, except in the outer harbors where no vessel may exceed 10 miles per hour.

(1296) **Note:** The Corps of Engineers also has regulations dealing with these areas in 33 CFR 207.

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

(1297) In the Black Rock Canal and Lock, no vessel may exceed 6 miles per hour.

(1298) **Note:** The Corps of Engineers also has regulations dealing with these areas in 33 CFR 207.

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

§164.01 Applicability.

(1299) (a) This part (except as specifically limited by this section) applies to each self-propelled vessel of 1600 or more gross tons (except as provided in paragraphs (c) and (d) of this section, or for foreign vessels described in §164.02) when it is operating in the navigable waters of the United States except the St. Lawrence Seaway.

(1300) (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 -

(1301) (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;

(1302) (2) Used solely for assistance towing as defined by 46 CFR 10.103;

(1303) (3) Used solely for pollution response; or

(1304) (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.

(1305) (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 non-commercial service when these vessels are equipped with electronic navigation systems that have met the applicable agency safety.

(1306) (d) Provisions of §164.46 apply to some self-propelled vessels of less 1600 gross tonnage.

§164.02 Applicability exception for foreign vessels.

(1307) (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:

(1308) (1) Are not destined for, or departing from, a port or place subject to the jurisdiction of the United States; and

(1309) (2) Are in:

(1310) (i) Innocent passage through the territorial sea of the United States; or

(1311) (ii) Transit through navigable waters of the United States which form a part of an international strait.

§164.03 Incorporation by reference.

(1312) (a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the Federal Register and the material must be available to the public. All approved material is available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC, and at the Office of Vessel Traffic Management (G-MWV), Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001 and is available from the sources indicated in paragraph (b) of this section.

(1313) (b) The materials approved for incorporation by reference in this part and the sections affected are as follows:

(1314) *American Petroleum Institute (API)*, 1220 L Street NW., Washington, DC 20005

(1315) API Specifications 9A, Specification for Wire Rope, Section 3, Properties and Tests for Wire and Wire Rope, May 28, 1984. . . . . **164.74**

(1316) *American Society for Testing and Materials (ASTM)*, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959

(1317) ASTM D4268-93, Standard Test Method for Testing Fiber Rope **164.74**

(1318) *Cordage Institute*, 350 Lincoln Street, Hingham, MA 02043

(1319) CIA-3, Standard Test Methods for Fiber Rope Including Standard Terminations, Revised, June 1980 . . . . . **164.74**

(1320) **International Electrotechnical Commission (IEC)**

(1321) 3, rue de Varemb, Geneva, Switzerland.

(1322) IEC 61993–2, Maritime navigation and radiocommunication equipment and systems—Automatic identification systems (AIS)—part 2: Class A shipborne equipment of the universal automatic identification system (AIS)—Operational and performance requirements, methods of test and required test results First edition, 2001–12. . . . . **164.46**

(1323) *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**

(1324) Resolution MSC.74(69), Annex 3, Recommendation on Performance Standards for a Universal Shipborne Automatic Identification System (AIS), adopted May 12, 1998. . . . . **164.46**

(1325) SN/Circ.227, Guidelines for the Installation of a Shipborne Automatic Identification System (AIS), dated January 6, 2003 . . . . . **164.46**

(1326) 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**

(1327) 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**

(1328) *International Telecommunication Union Radiocommunication Bureau (ITU-R)*, Place de Nations CH-1211 Geneva 20 Switzerland

(1329) (1) ITU-R Recommendation M.821, Optional Expansion of the Digital Selective-Calling System for Use in the Maritime Mobile Service, 1992 . . . . . **164.43**

(1330) (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**

(1331) 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**

(1332) *Radio Technical Commission for Maritime Services*, 655 Fifteenth Street, NW., Suite 300, Washington, DC 20005

(1333) (1) RTCM Paper 12-78/DO-100, Minimum Performance Standards, Loran C Receiving Equipment, 1977 . . . . . **164.41**

(1334) (2) RTCM Paper 194-93/SC104-STD, RTCM Recommended Standards for Differential NAVSTAR GPS Service, Version 2.1, 1994 . . . . . **164.43**

(1335) (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**

(1336) (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.

(1337) The owner, master, or person in charge of each vessel underway shall ensure that:

(1338) (a) The wheelhouse is constantly manned by persons who–

(1339) (1) Direct and control the movement of the vessel; and

(1340) (2) Fix the vessel's position;

(1341) (b) Each person performing a duty described in paragraph (a) of this section is competent to perform that duty;

(1342) (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;

(1343) (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;

(1344) (e) Buoys alone are not used to fix the vessel's position;

(1345) **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.

(1346) (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;

(1347) (g) Rudder orders are executed as given;

(1348) (h) Engine speed and direction orders are executed as given;

(1349) (i) Magnetic variation and deviation and gyrocompass errors are known and correctly applied by the person directing the movement of the vessel;

(1350) (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.);

(1351) (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.

(1352) (1) Current velocity and direction for the area to be transited are known by the person directing the movement of the vessel;

(1353) (m) Predicted set and drift are known by the person directing movement of the vessel;

(1354) (n) Tidal state for the area to be transited is known by the person directing movement of the vessel;

(1355) (o) The vessel's anchors are ready for letting go;

(1356) (p) The person directing the movement of the vessel sets the vessel's speed with consideration for–

(1357) (1) The prevailing visibility and weather conditions;

(1358) (2) The proximity of the vessel to fixed shore and marine structures;

(1359) (3) The tendency of the vessel underway to squat and suffer impairment of maneuverability when there is small underkeel clearance;

(1360) (4) The comparative proportions of the vessel and the channel;

(1361) (5) The density of marine traffic;

(1362) (6) The damage that might be caused by the vessel's wake;

(1363) (7) The strength and direction of the current; and

(1364) (8) Any local vessel speed limit;

(1365) (q) The tests required by §164.25 are made and recorded in the vessel's log; and

(1366) (r) The equipment required by this part is maintained in operable condition.

(1367) (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.

(1368) (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.

(1369) (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.

(1370) (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.

(1371) (b) Each tanker must have an engineering watch capable of monitoring the propulsion system, communicating with the bridge, and implementing manual control measures immediately when necessary. The watch must be physically present in the machinery spaces or in the main control space and must consist of at least a licensed engineer.

(1372) (c) Each tanker must navigate with at least two licensed deck officers on watch on the bridge, one of whom may be a pilot. In waters where a pilot is required, the second officer, must be an individual licensed and assigned to the vessel as master, mate, or officer in charge of a navigational watch, who is separate and distinct from the pilot.

(1373) (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:

(1374) (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).

(1375) (2) A qualified helmsman is present at the helm and prepared at all times to assume manual control.

(1376) (3) The tanker is not operating in any of the following areas:

(1377) (i) The areas of the traffic separation schemes specified in subchapter P of this chapter.

(1378) (ii) The portions of a shipping safety fairway specified in part 166 of this chapter.

(1379) (iii) An anchorage ground specified in part 110 of this chapter.

(1380) (iv) An area within one-half nautical mile of any U.S. shore.

(1381) (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–

(1382) (1) Can maintain a predetermined trackline with a cross track error of less than 10 meters 95 percent of the time;

(1383) (2) Provides continuous position data accurate within 20 meters 95 percent of the time, and

(1384) (3) Has immediate override control.

§164.15 Navigation bridge visibility.

(1385) (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:

(1386) (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 (1,640 feet) from dead ahead to 10 degrees on either side of the vessel. Within this arc of visibility any blind sector caused by cargo, cargo gear, or other permanent obstruction must not exceed 5 degrees.

(1387) (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.

(1388) (3) From each bridge wing, the field of vision must extend over an arc from at least 45 degrees on the opposite bow, through dead ahead, to at least dead astern.

(1389) (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.

(1390) (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.

(1391) The master or person in charge of each vessel that is anchored shall ensure that–

(1392) (a) A proper anchor watch is maintained;

(1393) (b) Procedures are followed to detect a dragging anchor; and

(1394) (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.

(1395) (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:

(1396) (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:

(1397) (i) Each remote steering gear control system.

(1398) (ii) Each steering position located on the navigating bridge.

(1399) (iii) The main steering gear from the alternative power supply, if installed.

(1400) (iv) Each rudder angle indicator in relation to the actual position of the rudder.

(1401) (v) Each remote steering gear control system power failure alarm.

(1402) (vi) Each remote steering gear power unit failure alarm.

(1403) (vii) The full movement of the rudder to the required capabilities of the steering gear.

(1404) (2) All internal vessel control communications and vessel control alarms.

(1405) (3) Standby or emergency generator, for as long as necessary to show proper functioning, including steady state temperature and pressure readings.

(1406) (4) Storage batteries for emergency lighting and power systems in vessel control and propulsion machinery spaces.

(1407) (5) Main propulsion machinery, ahead and astern.

(1408) (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.

(1409) (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.

(1410) (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:

(1411) (1) Operation of the main steering gear from within the steering gear compartment.

(1412) (2) Operation of the means of communications between the navigating bridge and the steering compartment.

(1413) (3) Operation of the alternative power supply for the steering gear if the vessel is so equipped.

§164.30 Charts, publications, and equipment: General.

(1414) 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.

(1415) (a) Each vessel must have the following:

(1416) (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–

(1417) (i) Are of a large enough scale and have enough detail to make safe navigation of the area possible; and

(1418) (ii) Are currently corrected.

(1419) (2) For the area to be transited, a currently corrected copy of, or applicable currently corrected extract from, each of the following publications:

(1420) (i) U.S. Coast Pilot.

(1421) (ii) Coast Guard Light List.

(1422) (3) For the area to be transited, the current edition of, or applicable current extract from:

(1423) (i) Tide tables published by private entities using data provided by the National Ocean Service.

(1424) (ii) Tidal current tables published by private entities using data provided by the National Ocean Service, or river current publication issued by the U.S. Army Corps of Engineers, or a river authority.

(1425) (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.

(1426) (c) As used in this section, "currently corrected" means corrected with changes contained in all Notices to Mariners published by National Geospatial-Intelligence Agency, or an equivalent foreign government publication, reasonably available to the vessel, and that is applicable to the vessel's transit.

§164.35 Equipment: All vessels.

(1427) Each vessel must have the following:

(1428) (a) A marine radar system for surface navigation.

(1429) (b) An illuminated magnetic steering compass, mounted in a binnacle, that can be read at the vessel's main steering stand.

(1430) (c) A current magnetic compass deviation table or graph or compass comparison record for the steering compass, in the wheelhouse.

(1431) (d) A gyrocompass.

(1432) (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.

(1433) (f) An illuminated rudder angle indicator in the wheelhouse.

(1434) (g) The following maneuvering information prominently displayed on a fact sheet in the wheelhouse:

(1435) (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.

(1436) (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.

(1437) (3) For each vessel with a fixed propeller, a table of shaft revolutions per minute for a representative range of speeds.

(1438) (4) For each vessel with a controllable pitch propeller, a table of control settings for a representative range of speeds.

(1439) (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.

(1440) (6) The maneuvering information for the normal load and normal ballast condition for–

(1441) (i) Calm weather-wind 10 knots or less, calm sea;

(1442) (ii) No current;

(1443) (iii) Deep water conditions-water depth twice the vessel's draft or greater; and

(1444) (iv) Clean hull.

(1445) (7) At the bottom of the fact sheet, the following statement:

Warning

(1446) 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:

(1447) (1) Calm weather-wind 10 knots or less, calm sea;

(1448) (2) No current;

(1449) (3) Water depth twice the vessel's draft or greater;

(1450) (4) Clean hull; and

(1451) (5) Intermediate drafts or unusual trim.

(1452) (h) An echo depth sounding device.

(1453) (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.

(1454) (j) Equipment on the bridge for plotting relative motion.

(1455) (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.

(1456) (1) 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.

(1457) (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.

(1458) (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.

(1459) (o) A telephone or other means of communication for relaying headings to the emergency steering station. Also, each vessel of 500 gross tons and over and constructed on or after June 9, 1995 must be provided with arrangements for supplying visual compass-readings to the emergency steering station.

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

(1460) (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.

(1461) **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.

(1462) (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).

(1463) (See 33 CFR 164.)

§164.39 Steering gear: Foreign tankers.

(1464) (a) This section applies to each foreign tanker of 10,000 gross tons or more, except a public vessel, that -

(1465) (1) Transfers oil at a port or place subject to the jurisdiction of the United States; or

(1466) (2) Otherwise enters or operates in the navigable waters of the United States, except a vessel described by §164.02 of this part.

(1467) (b) *Definitions*. The terms used in this section are as follows:

(1468) *Constructed* means the same as in Chapter II-1, Regulations 1.1.2 and 1.1.3.1, of SOLAS 74.

(1469) *Existing tanker* means a tanker–

(1470) (1) For which the building contract is placed on or after June 1, 1979;

(1471) (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;

(1472) (3) The delivery of which occurs on or after June 1, 1982; or

(1473) (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.

(1474) *Public vessel, oil, hazardous materials, and foreign vessel* mean the same as in 46 U.S.C. 2101.

(1475) *SOLAS 74* means the International Convention for the Safety of Life at Sea, 1974, as amended.

(1476) *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).

(1477) (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.

(1478) (d) Each tanker constructed before September 1, 1984, must meet the requirements of Chapter II-1, Regulation 29.19, of SOLAS 74.

(1479) (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.

(1480) (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.

(1481) (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.

(1482) (b) The device must meet the following specifications:

(1483) (1) The display must be easily readable on the bridge by day or night.

(1484) (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.

(1485) (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.

(1486) (a) Each vessel calling at a port in the continental United States, including Alaska south of Cape Prince of Wales, except each vessel owned or bareboat chartered and operated by the United States, or by a state or its political subdivision, or by a foreign nation, and not engaged in commerce, must have one of the following:

(1487) (1) A Type I or II LORAN C receiver as defined in Section 1.2(e), meeting Part 2 (Minimum Performance Standards) of the Radio Technical Commission for Marine Services (RTCM) Paper 12-78/D0-100 dated December 20, 1977, entitled "Minimum Performance Standards) (MPS) Marine Loran-C Receiving Equipment." Each receiver installed must be labeled with the information required under paragraph (b) of this section.

(1488) (2) A satellite navigation receiver with:

(1489) (i) Automatic acquisition of satellite signals after initial operator settings have been entered; and

(1490) (ii) Position updates derived from satellite information during each usable satellite pass.

(1491) (3) A system that is found by the Commandant to meet the intent of the statements of availability, coverage, and accuracy for the U.S. Coastal Confluence Zone (CCZ) contained in the U.S. "Federal Radionavigation Plan" (Report No. DOD-NO 4650.4–P, I or No. DOT-TSC-RSPA-80-16, I). A person desiring a finding by the Commandant under this subparagraph must submit a written application describing the device to the Assistant Commandant for Operations, 2100 Second Street, SW, Washington, DC 20593-0001. After reviewing the application, the Commandant may request additional information to establish whether or not the device meets the intent of the Federal Radionavigation Plan.

(1492) **Note:** The Federal Radionavigation Plan is available from the National Technical Information Service, Springfield, Va. 22161, with the following Government Accession Numbers:

(1493) Vol 1, ADA 116468

(1494) Vol 2, ADA 116469

(1495) Vol 3, ADA 116470

(1496) Vol 4, ADA 116471

(1497) (b) Each label required under paragraph (a)(1) of this section must show the following:

(1498) (1) The name and address of the manufacturer.

(1499) (2) The following statement by the manufacturer:

(1500) This receiver was designed and manufactured to meet Part 2 (Minimum Performance Standards) of the RTCM MPS for Marine Loran-C Receiving Equipment.

§164.42 Rate of turn indicator.

(1501) 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.

(1502) (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:

(1503) (1) Twelve-channel all-in-view Differential Global Positioning System (dGPS) receiver;

(1504) (2) Marine band Non-Directional Beacon receiver capable of receiving dGPS error correction messages;

(1505) (3) VHF-FM transceiver capable of Digital Selective Calling (DSC) on the designated DSC frequency; and

(1506) (4) Control unit.

(1507) (b) An AISSE must have the following capabilities:

(1508) (1) Use dGPS to sense the position of the vessel and determine the time of the position using Universal Coordinated Time (UTC);

(1509) (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;

(1510) (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;

(1511) (4) Achieve a course error of less than 0.5 degrees from true course over ground in the course information transmitted to a VTS;

(1512) (5) Achieve a speed error of less than 0.05 knots from true speed over ground in the speed information transmitted to a VTS;

(1513) (6) Receive and comply with commands broadcast from a VTS as DSC messages on the designated DSC frequency;

(1514) (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;

(1515) (8) Transmit the vessel's position, tagged with the UTC position solution, course over ground, speed over ground, and Lloyd's identification number to a VTS;

(1516) (9) Display a visual alarm to indicate to shipboard personnel when a failure to receive or utilize the RTCM messages occurs;

(1517) (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

(1518) (11) Display two RTCM type 16 messages, one of which must display the position error in the position error broadcast.

(1519) (c) An AISSE is considered non-operational if it fails to meet the requirements of paragraph (b) of this section.

(1520) **Note:** Vessel Traffic Service (VTS) areas and operating procedures are set forth in Part 161 of this chapter.

§164.46 Automatic Identification System (AIS).

(1521) (a) The following vessels must have a properly installed, operational, type approved AIS as of the date specified:

(1522) (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.

(1523) (2) Nothwithstanding paragraph (a)(1) of this section, the following, self-propelled vessels, that are on an international voyage must also comply with SOLAS, as amended, Chapter V, regulation 19.2.1.6, 19.2.4, and 19.2.3.5 or 19.2.5.1 as appropriate (Incorporated by reference, see §164.03):

(1524) (i) Passenger vessels, of 150 gross tonnage or more, not later than July 1, 2003;

(1525) (ii) Tankers, regardless of tonnage, not later than the first safety survey for safety equipment on or after July 1, 2003;

(1526) (iii) Vessels, other than passenger vessels or tankers, of 50,000 gross tonnage or more, not later than July 1, 2004; and

(1527) (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.

(1528) (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:

(1529) (i) Self-propelled vessels of 65 feet or more in length, other than fishing vessel and passenger vessels certificated to carry less than 151 passengers-for-hire, in commercial service;

(1530) (ii) Towing vessels of 26 feet or more in length and more than 600 horsepower, in commercial service;

(1531) (iii) Passenger vessels certificated to carry more than 150 passengers-for-hire.

(1532) **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.

(1533) (b) The requirements for Vessel Bridge-to-Bridge radiotelephones in §§26.04(a) and (c), 26.05, 26.06 and 26.07 of this chapter, also apply to AIS. The term "effective operating condition" used in §26.06 of this chapter includes accurate input and upkeep of AIS data fields.

(1534) (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.

(1535) (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.

(1536) 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.

(1537) (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.

(1538) (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.

(1539) 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.

(1540) 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–

(1541) (a) Ensure compliance with 46 CFR 4.05, "Notice of Marine Casualty and Voyage Records," and

(1542) (b) Ensure that the voyage records required by 46 CFR 4.05-15 are retained for–

(1543) (1) 30 days after the casualty if the vessel remains in the navigable waters of the United States; or

(1544) (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.

(1545) For purposes of §§164.72 through 164.82, the term–

(1546) *Current edition* means the most recent published version of a publication, chart, or map required by §164.72.

(1547) *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.

(1548) *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.

(1549) *Swing-meter* means an electronic or electric device that indicates that rate of turn of the vessel on board which it is installed.

(1550) *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.

(1551) *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.

(1552) (a) Except as provided by §164.01(b), each towing vessel must be equipped with the following navigational-safety equipment:

(1553) (1) *Marine Radar*. By August 2, 1997, a marine radar that meets the following applicable requirements:

(1554) (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 -

(1555) (A) The requirements of the Federal Communications Commission (FCC) specified by 47 CFR part 80; and

TABLE 164.72—EQUIPMENT, CHARTS OR MAPS, AND PUBLICATIONS OF TOWING VESSELS OF 12 METERS OR MORE IN LENGTH

	Western rivers	U.S. navigable waters other than western rivers	Waters seaward of navigable waters and 3 NM or more from shore on the Great Lakes
Marine Radar: Towing vessels of less than 300 GT.	RTCM Paper 71-95/SC112-STD Version 1.1, Display Category 11[1] Stabilization Category BRAVO.	RTCM Paper 71-95/SC112-STD Version 1.1, Display Category 11[1] Stabilization Category BRAVO.	RTCM Paper71-95/SC112-STD Version 1.1, Display Category 1[2] Stabilization Category ALPHA.
Towing vessels of 300 GT or more.	RTCM Paper 191-93/SC112-X Version 1.2 (except the Azmuth stabilization requirement in paragraph 3.10). 1	RTCM Paper 191-93/SC112-X Version 1.2 (except the Azmuth stabilization requirement in paragraph 3.10).[1]	RTCM Paper 191-93/SC112-X Version 1.2.[1]
Searchlight	X	X	X.
VHF-FM radio	X	X	X.
Magnetic compass	X[3]	X	X
Swing-meter	X[3]		
Echo depth-sounding device.		X	X
Electronic position-fixing device.			X
Charts or maps	(1) Large enough scale	(1) Large enough scale	(1) Large enough scale.
	(2) Current edition or currently corrected edition.	(2) Current edition or currently corrected edition.	(2) Currently corrected edition.
General publications.	(1) U.S. Coast Guard Light List	(1) U.S. Coast Guard Light List	(1) U.S. Coast Guard Light List.
	(2) Notices to Navigation or Local Notice to Mariners.	(2) Local Notices to Mariners	(2) Local Notice to Mariners.
	(3) River-current Tables	(3) Tidal-current Tables	(3) Tidal-current Tables.
		(4) Tide Tables	(4) Tide Tables.
		(5) U.S. Coast Pilot	(5) U.S. Coast Pilot.

Notes:

[1]Towing vessels with existing radar must meet this requirement by August 2, 1998.

[2]Towing vessels with existing radar must meet this requirement by August 2, 1998, but do not need to meet the display and stabilization requirement until August 2, 2001.

[3]A towing vessel may carry either a swing-meter or a magnetic compass.

(1556) (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.

(1557) (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–

(1558) (A) The requirements of the FCC specified by 47 CFR part 80; and

(1559) (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.

(1560) (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–

(1561) (A) The requirements of the Federal Communications Commission (FCC) specified by 47 CFR part 80; and

(1562) (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.

(1563) (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–

(1564) (A) The requirements of the FCC specified by 47 CFR Part 80; and

(1565) (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.

(1566) (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.

(1567) (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.

(1568) (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.)

(1569) (4) *Magnetic Compass*. Either–

(1570) (i) An illuminated swing-meter or an illuminated car-type magnetic steering compass readable from the vessel's main steering station, if the vessel engages in towing exclusively on Western Rivers; or

(1571) (ii) An illuminated card-type magnetic steering compass readable from the vessel's main steering station.

(1572) (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.

(1573) (6) *Electronic Position-Fixing Device*. An electronic position-fixing device, either a LORAN-C receiver or a satellite navigational system such as the Global Positioning System (GPS) as required by §164.41, if the vessel engages in towing seaward of navigable waters of the U.S. or more than three nautical miles from shore on the Great Lakes.

(1574) (b) Each towing vessel must carry on board and maintain the following:

(1575) (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.

(1576) (i) The charts or maps must be of a large enough scale and have enough detail to make safe navigation of the areas possible.

(1577) (ii) The charts or maps must be either–

(1578) (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

(1579) (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.

(1580) (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.

(1581) (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:

(1582) (i) If the vessel is engaged in towing exclusively on Western Rivers–

(1583) (A) U.S. Coast Guard Light List;

(1584) (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

(1585) (C) River-current tables published by the ACOE or a river authority, if available.

(1586) (ii) If the vessel is engaged other than in towing exclusively on Western Rivers–

(1587) (A) Coast Guard Light List;

(1588) (B) Notices to Mariners published by the National Geospatial-Intelligence Agency, or LNMs published by the Coast Guard;

(1589) (C) Tidal-Current tables published by private entities using data provided by the NOS, or river-current tables published by the ACOE or a river authority:

(1590) (D) Tide tables published by private entities using data provided by the NOS; and

(1591) (E) U.S. Coast Pilot.

(1592) (c) Table 164.72, following, summarizes the navigational-safety equipment, charts or maps, and publications required for towing vessels of 12 meters or more in length engaged in towing:

§164.74 Towline and terminal gear for towing astern.

(1593) (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:

(1594) (1) The size and material of each towline must be -

(1595) (i) Appropriate for the horsepower or bollard pull of the vessel;

(1596) (ii) Appropriate for the static loads and dynamic loads expected during the intended service;

(1597) (iii) Appropriate for the sea conditions expected during the intended service;

(1598) (iv) Appropriate for exposure to the marine environment and to any chemicals used or carried on board the vessel;

(1599) (v) Appropriate for the temperatures of normal stowage and service on board the vessel;

(1600) (vi) Compatible with associated navigational-safety equipment; and

(1601) (vii) Appropriate for the likelihood of mechanical damage.

(1602) (2) Each towline as rigged must be–

(1603) (i) Free of knots;

(1604) (ii) Spliced with a thimble, or have a poured socket at its end; and

(1605) (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.

(1606) (3) The condition of each towline must be monitored through the -

(1607) (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;

(1608) (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;

(1609) (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);

(1610) (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–

(1611) (A) Nautical miles on, or time in service of, the towline;

(1612) (B) Operating conditions experienced by the towline;

(1613) (C) History of loading of the towline;

(1614) (D) Surface condition, including corrosion and discoloration, of the towline;

(1615) (E) Amount of visible damage to the towline;

(1616) (F) Amount of material deterioration indicated by measurements of diameter and, if applicable, measurements of lay extension of the towline; and

(1617) (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

(1618) (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.

(1619) (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:

(1620) (1) The material and size of the terminal gear are appropriate for the strength and anticipated loading of the towline and for the environment;

(1621) (2) Each connection is secured by at least one nut with at least one cotter pin or other means of preventing its failure;

(1622) (3) The lead of the towline is appropriate to prevent sharp bends in the towline from fairlead blocks, chocks, or tackle;

(1623) (4) There is provided a method, whether mechanical or non-mechanical, that does not endanger operating personnel but that easily releases the towline;

(1624) (5) The towline is protected from abrasion or chafing by chafing gear, lagging, or other means;

(1625) (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

(1626) (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.

(1627) The owner, master, or operator of each vessel towing alongside or pushing ahead shall ensure the face wires, spring lines, and push gear used–

(1628) (a) Are appropriate for the vessel's horsepower;

(1629) (b) Are appropriate for the arrangement of the tow;

(1630) (c) Are frequently inspected; and

(1631) (d) Remain serviceable.

§164.78 Navigation under way: Towing vessels.

(1632) (a) The owner, master, or operator of each vessel towing shall ensure that each person directing and controlling the movement of the vessel–

(1633) (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;

(1634) (2) Can fix the position of the vessel using installed navigational equipment, aids to navigation, geographic reference-points, and hydrographic contours;

(1635) (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.);

(1636) (4) Evaluates the danger of each closing visual or radar contact;

(1637) (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;

(1638) (6) Knows the speed and direction of the current, and the set, drift, and tidal state for the area to be transited;

(1639) (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

(1640) (8) Monitors the voyage plan required by §164.80.

§164.80 Tests, inspections, and voyage planning.

(1641) (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:

(1642) (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.

(1643) (2) *Navigational equipment*. A test of all installed navigational equipment.

(1644) (3) *Communications*. Operation of all internal vessel control communications and vessel-control alarms, if installed.

(1645) (4) *Lights*. Operation of all navigational lights and all searchlights.

(1646) (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.

(1647) (6) *Propulsion systems*. Visual inspection of the spaces for main propulsion machinery, of machinery, and of devices for monitoring machinery.

(1648) (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:

(1649) (1) *Navigational equipment*. Tests of onboard equipment as required by §164.25.

(1650) (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.

(1651) (c)(1) The voyage-planning requirements outlined in this section do not apply to you if your towing vessel is–

(1652) (i) Used solely for any of the following services or any combination of these services–

(1653) (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:

(1654) (B) For harbor assist;

(1655) (C) For assistance towing as defined by 46 CFR 10.103;

(1656) (D) For response to emergency or pollution;

(1657) (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;

(1658) (iii) A foreign vessel engaged in innocent passage; or

(1659) (iv) Exempted by the Captain of the Port (COTP).

(1660) (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.

(1661) (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):

(1662) (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;

(1663) (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);

(1664) (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;

(1665) (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;

(1666) (v) Pre-departure checklists;

(1667) (vi) Calculated speed and estimated time of arrival at proposed waypoints;

(1668) (vii) Communication contacts at any Vessel Traffic Services, bridges, and facilities, and any port specific requirements for VHF radio;

(1669) (viii) Any master's or operator's standings orders detailing closest points of approach, special conditions, and critical maneuvers; and

(1670) (ix) Whether the towing vessel has sufficient power to control the tow under all foreseeable circumstances.

§164.82 Maintenance, failure, and reporting.

(1671) (a) *Maintenance*. The owner, master, or operator or each towing vessel shall maintain operative the navigational-safety equipment required by §164.72.

(1672) (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.

(1673) (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:

(1674) (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;

(1675) (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

(1676) (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.)

(1677) (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.

(1678) (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.

(1679) (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.

(1680) The purpose of this part is to–

(1681) (a) Prescribe procedures for establishing different types of limited or controlled access areas and regulated navigation areas;

(1682) (b) Prescribe general regulations for different types of limited or controlled access areas and regulated navigation areas;

(1683) (c) Prescribe specific requirements for established areas; and

(1684) (d) List specific areas and their boundaries.

§165.5 Establishment procedures.

(1685) (a) A safety zone, security zone, or regulated navigation area may be established on the initiative of any authorized Coast Guard official.

(1686) (b) Any person may request that a safety zone, security zone, or regulated navigation area be established. Except as provided in paragraph (c) of this section, each request must be submitted in writing to either the Captain of the Port or District Commander having jurisdiction over the location as described in 33 CFR 3, and include the following:

(1687) (1) The name of the person submitting the request;

(1688) (2) The location and boundaries of the safety zone, security zone, or regulated navigation area;

(1689) (3) The date, time, and duration that the safety zone, security zone, or regulated navigation area should be established;

(1690) (4) A description of the activities planned for the safety zone, security zone, or regulated navigation area;

(1691) (5) The nature of the restrictions or conditions desired; and

(1692) (6) The reason why the safety zone, security zone, or regulated navigation area is necessary.

(1693) (Requests for safety zones, security zones, and regulated navigation areas are approved by the Office of Management and Budget under control numbers 2115-0076, 2115-0219, and 2115-0087.)

(1694) (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.

(1695) (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.

(1696) (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.

(1697) (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.

(1698) 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.

(1699) (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.

(1700) (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.

(1701) (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.

(1702) (d) *Naval vessel protection zones*. These zones are issued under the authority of 14 U.S.C. 91 and 633 and may be established in waters subject to the jurisdiction of the United States as defined in §2.38 of this chapter, including the territorial sea to a seaward limit of 3 nautical miles from the baseline.

Subpart B–Regulated Navigation Areas

§165.10 Regulated navigation area.

(1703) 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).

(1704) Each District Commander may control vessel traffic in an area which is determined to have hazardous conditions, by issuing regulations -

(1705) (a) Specifying times of vessel entry, movement, or departure to, from, within, or through ports, harbors, or other waters;

(1706) (b) Establishing vessel size, speed, draft limitations, and operating conditions; and

(1707) (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.

(1708) (a) The master of a vessel in a regulated navigation area shall operate the vessel in accordance with the regulations contained in Subpart F.

(1709) (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.

(1710) 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.

(1711) Unless otherwise provided in this part -

(1712) (a) No person may enter a safety zone unless authorized by the COTP or the District Commander;

(1713) (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;

(1714) (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

(1715) (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.

(1716) (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.

(1717) (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–

(1718) (1) Vessels,

(1719) (2) Harbors,

(1720) (3) Ports and

(1721) (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.

(1722) Unless otherwise provided in the special regulations in Subpart F of this part–

(1723) (a) No person or vessel may enter or remain in a security zone without the permission of the Captain of the Port;

(1724) (b) Each person and vessel in a security zone shall obey any direction or order of the Captain of the Port;

(1725) (c) The Captain of the Port may take possession and control of any vessel in the security zone;

(1726) (d) The Captain of the Port may remove any person, vessel, article, or thing from a security zone;

(1727) (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

(1728) (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.

(1729) 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.T09–012 Security and Safety Zone; M/V Spirit of Ontario, Lake Ontario and adjacent waters, New York.

(1730) (a) *Location*. (1) *Genesee River*. The following area is designated as a security and safety zone: all navigable waters 25 yards in all directions of the M/V Spirit of Ontario once the vessel is in the Genesee River upstream of line drawn between the Rochester Harbor Light and the East Pier Light.

(1731) (2) *Lake Ontario*. The following area is designated as a security and safety zone: all U.S. navigable waters of Lake Ontario 100 yards in all directions of the M/V Spirit of Ontario once the vessel is lake-side (in Lake Ontario) of line drawn between the Rochester Harbor Light and the East Pier Light.

(1732) (b) *Definition*. As used in this section, Captain of the Port means the Captain of the Port Buffalo. The Captain of the Port may authorize or designate any Coast Guard commissioned officer, warrant, or petty officer to act on his behalf as his representative.

(1733) (c) *Regulations*. In accordance with the general regulations in §165.33 of this part:

(1734) (1) No person or vessel may enter or remain in this zone without the permission of the District Commander or Captain of the Port.

(1735) (2) All persons within this zone must obey any direction or order of the District Commander or the Captain of the Port, or the Captain of the Port's designated representative, which will be the on-scene patrol commander.

(1736) (3) Vessels constrained by their draft such that they are required to enter the security and safety zone should only operate at the minimum speed necessary to maintain a safe course and must proceed as directed by the on-scene patrol commander or the master of the M/V Spirit of Ontario.

(1737) (4) When the M/V Spirit of Ontario approaches within 25 yards of any vessel, on the Genesse River, that is moored or anchored, the stationary vessel must stay

moored or anchored while it remains within the security and safety zone unless it is either ordered by, or given permission by the Captain of the Port Buffalo or the on-scene patrol commander to do otherwise.

§165.901 Great Lakes-regulated navigation areas.

(1738) (a) *Lake Huron*. The following are regulated navigation areas

(1739) (1) The waters of Lake Huron known as South Channel between Bois Blanc Island and Cheboygan, Michigan; bounded by a line north from Cheboygan Crib Light (LL-1340) at

(1740) 45°39'48"N., 84°27'36"W.; to Bois Blanc Island at

(1741) 45°43'42"N., 84°27'36"W.; and a line north from the mainland at

(1742) 45°43'00"N., 84°35'30"W.; to the western tangent of Bois Blanc Island at

(1743) 45°48'42"N., 84°35'30"W.

(1744) (2) The waters of Lake Huron between Mackinac Island and St. Ignace, Michigan, bounded by a line east from position

(1745) 45°52'12"N., 84°43'00"W.; to Mackinac Island at

(1746) 45°52'12"N., 84°39'00"W.; and a line east from the mainland at

(1747) 45°53'12"N., 84°43'30"W.; to the northern tangent of Mackinac Island at

(1748) 45°53'12"N., 84°38'48"W.

(1749) (b) *Lake Michigan*. The following is a regulated navigation area–The waters of Lake Michigan known as Gray's Reef Passage bounded by a line from Gray's Reef Light (LL-2006) at

(1750) 45°46'00"N., 85°09'12"W.; to White Shoals Light (LL-2003) at

(1751) 45°50'30"N., 85°08'06"W.; to a point at

(1752) 45°49'12"N., 85°04'48"W.; then to a point at

(1753) 45°45'42"N., 85°08'42"W.; then to the point of beginning.

(1754) (c) *Regulations*. The COTP, Sault Ste. Marie, will close and open these regulated navigation areas as ice conditions dictate. Under normal seasonal conditions, only one closing each winter and one opening each spring are anticipated. Prior to the closing or opening of the regulated navigation areas, the COTP will give interested parties, including both shipping interests and island residents, not less than 72 hours notice of the action. No vessel may navigate in a regulated navigation area which has been closed by the COTP. Under emergency conditions, the COTP may authorize specific vessels to navigate in a closed regulated navigation area.

§165.902 Niagara River at Niagara Falls, New York-safety zone.

(1755) (a) The following is a Safety Zone–The United States waters of the Niagara River from the crest of the American and Horseshoe Falls, Niagara Falls, New York to a line drawn across the Niagara River from the downstream side of the mouth of Gill Creek to the upstream end of the breakwater at the mouth of the Welland River.

§165.903 Safety zones: Cuyahoga River and Old River, Cleveland Ohio.

(1756) (a) *Location*. The waters of the Cuyahoga River and the Old River extending ten feet into the river at the following eleven locations, including the adjacent shorelines, are safety zones, coordinates for which are based on NAD 83.

(1757) (1) From the point where the shoreline intersects longitude 81°42'24.5"W., which is the southern side of the Norfolk and Southern railroad bridge, southeasterly along the shore for six hundred (600) feet to the point where the shoreline intersects longitude 81°42'24.5"W., which is the end of the lot adjacent to Fagan's Restaurant.

(1758) (2) One hundred (100) feet downriver to one hundred (100) feet upriver from 41°29'53.5"N., 81°42'33.5"W., which is the knuckle on the north side of the Old River entrance at Ontario Stone.

(1759) (3) Fifty (50) feet downriver to fifty (50) feet upriver from 41°29'48.4"N., 81°42'44"W., which is the knuckle adjacent to the Ontario Stone warehouse on the south side of the Old River.

(1760) (4) From 41°29'51.1"N., 81°42'32.0"W., which is the corner of Tiffany's pier at Sycamore Slip on the Old River, to fifty (50) feet east of 41°29'55.1"N., 81°42'27.6"W., which is the north point of the pier at Shooter's Restaurant on the Cuyahoga River.

(1761) (5) Twenty-five (25) feet downriver to twenty-five (25) feet upriver of 41°29'48.9"N., 81°42'10.7"W., which is the knuckle toward the downriver corner of the Nautica Stage.

(1762) (6) Ten (10) feet downriver to ten (10) feet upriver of 41°29'45.5"N., 81°42'9.7"W., which is the knuckle toward the upriver corner of the Nautica Stage.

(1763) (7) The fender on the west bank of the river at 41°29'45.2"N., 81°42'10"W., which is the knuckle at Bascule Bridge (railroad).

(1764) (8) The two hundred seventy (270) foot section on the east bank of the river between the Columbus Road bridge (41°29'18.8"N., 81°42'02.3"W.) downriver to the chain link fence at the upriver end of the Commodores Club Marina.

(1765) (9) Fifty (50) feet downriver of twenty-five (25) feet upriver from 41°29'24.5"N., 81°41'57.2"W., which is the knuckle at the Upriver Marine fuel pump.

(1766) (10) Seventy-five (75) feet downriver to seventy-five (75) feet upriver from 41°29'33.7"N., 81°41'57.5"W., which is the knuckle adjacent to the warehouse at Alpha Precast Products (United Ready Mix).

(1767) (11) Fifteen (15) feet downriver to fifteen (15) feet upriver from 41°29'41"N., 81°41'38.6"W., which is the end of the chain link fence between The Club Aqua and Shippers C& D.

(1768) (b) *Regulations*–(1) *General Rule*. Except as provided below, entry of any kind or for any purpose into the foregoing zones is strictly prohibited in accordance with the general regulations in §165.23 of this part.

(1769) (2) *Exceptions*. Any vessel may transit, but not moor, stand or anchor in, the foregoing zones as necessary to comply with the Inland Navigation Rules or to otherwise facilitate safe navigation. Cargo vessels of 1600 gross tons (GT) or greater may moor in these zones when conducting cargo transfer operations.

(1770) (3) *Waivers*. Owners or operators of docks wishing a partial waiver of these regulations may apply to the Captain of the Port, Cleveland, Ohio. Partial waivers will only be considered to allow for the mooring of vessels in a safety zone when vessels of 1600 GT on greater are not navigating in the proximate area. Any requests for a waiver must include a plan to ensure immediate removal of any vessels moored in a safety zone upon the approach of a vessel(s) 1600 GTs or greater.

§165.904 Lake Michigan at Chicago Harbor & Burnham Park Harbor-Safety and Security Zone.

(1771) (a) *Location*. All waters, waterfront facilities, and shoreline areas within 1000 yards of the shoreline surrounding Merrill C. Meigs Airfield constitute a safety and security zone. This includes all waters including Burnham Park Harbor and the southern part of Chicago Harbor, Lake Michigan, bounded by the following coordinates:

(1772) (1) Northwest point: 41°52'33"N., 87°36'58"W.

(1773) (2) Northeast point: 41°52'33"N., 87°35'41"W.

(1774) (3) Southeast point: 41°50'42"N., 87°35'41"W.

(1775) (4) Southwest point: 41°50'42"N., 87°36'33"W.

(1776) (5) From the southwest point, north along the Lake Michigan shoreline, including Burnha Park Harbor, to the northwest point.

(1777) (b) *Effective times and dates*. This safety and security zone will be in effect at various times to be published in the Coast Guard Local Notice to Mariners or broadcasted via Marine Radio VHF-FM Channels 16 and 22. These times will include the actual effective time and date and the termination time and date.

(1778) (c) *Restrictions*. (1) In accordance with the general regulations in section,165.23 and 165.33 of this part, entry into this zone is prohibited, unless authorized by the U.S. Coast Guard Captain of the Port, Chicago, or the U.S. Secret Service. Other general requirements in **§§165.23 and 165.33** also apply. Further, no person may enter or remain in the shoreline areas of the established safety and security zone, unless cleared by a Coast Guard or U.S. Secret Service official.

(1779) (2) Vessels in Burnham Park Harbor at the commencement of the safety and security zone must be moored and remain moored while the safety and security zone is established, unless authorized to get underway by a Coast Guard or U.S. Secret Service official.

(1780) (3) No person may engage in swimming, snorkeling, or diving within the established safety and security zone, except with the permission of the Captain of the Port or U.S. Secret Service.

§165.905 USX Superfund Site Safety Zones: St. Louis River.

(1781) (a) The following areas of the St. Louis River, within the designated boxes of latitude and longitude, are safety zones:

(1782) (1) *Safety Zone #1 (North Spirit Lake):*

(1783) North Boundary: 46°41'33"N.

(1784) South Boundary: 46°41'18"N.

(1785) East Boundary: 92°11'53"W.

(1786) West Boundary: 92°12'11"W.

(1787) (2) *Safety Zone #2 (South Spirit Lake):*

(1788) North Boundary: 46°40'45"N.

(1789) South Boundary: 46°40'33"N.

(1790) East Boundary: 92°11'40"W.

(1791) West Boundary: 92°12'05"W.

(1792) (b) Transit of vessels through the waters covered by these zones is prohibited. Swimming (including water skiing or other recreational use of the water which involves a substantial risk of immersion in the water) or taking of fish (including all forms of aquatic animals) from the waters covered by these safety zones is prohibited at all times.

§165.910 Security Zones; Captain of the Port Chicago Zone, Lake Michigan.

(1793) (a) *Security Zones*. The following areas, defined by coordinates based upon North American Datum 1983, are security zones:

(1794) (1) *Navy Pier Northside.*

(1795) (i) *Location.* All waters between the Navy Pier and the Jardine Water Filtration Plant shoreward of a line drawn from the southeast corner of the Jardine Water Filtration Plant at 41°53'36"N., 87°36'10"W., to the northeast corner of the Navy Pier at 41°53'32"N.,

87°35'55"W., then following the Navy Pier, seawall, and Jardine Water Filtration Plant back to the beginning.

(1796) (ii) *Regulations*. The Captain of the Port Chicago will normally permit those U.S. Coast Guard certificated passenger vessels that normally load and unload passengers at Navy Pier to operate in the zone. However, should the Captain of the Port Chicago determine it is appropriate, he will require even those U.S. Coast Guard certificated passenger vessels which normally load and unload passengers at Navy Pier to request permission before leaving or entering the security zones. The Captain of the Port Chicago will notify these vessels via Broadcast Notice to Mariners if they must notify the Coast Guard before entering or transiting the security zone. As such, vessels that regularly operate within this zone are responsible for monitoring Broadcasts Notice to Mariners for the Chicago area. These broadcasts will be made by U.S. Coast Guard Group Milwaukee.

(1797) (2) *Dresden Nuclear Power Plant*. All waters of the Illinois River in the vicinity of Dresden Nuclear Power Plant encompassed by a line starting on the shoreline at 41°23'45"N., 88°16'18"W.; then east to the shoreline at 41°23'39"N., 88°16'09"W.; then following along the shoreline back to the beginning.

(1798) (3) *Donald C. Cook Nuclear Power Plant*. All waters of Lake Michigan around the Donald C. Cook Nuclear Power Plant encompassed by a line starting on the shoreline at

(1799) 41°58.656'N., 86°33.972'W.; then northwest to

(1800) 41°58.769'N., 86°34.525'W.; then southwest to

(1801) 41°58.589'N., 86°34.591'W.; then southeast to the shoreline at

(1802) 41°58.476'N., 86°34.038'W.; and following along the shoreline back to the beginning.

(1803) (4) *Palisades Nuclear Power Plant*. All waters of Lake Michigan around the Palisades Nuclear Power Plant within a line starting on the shoreline at

(1804) 42°19'07"N., 86°19'05"W.; then northwest to

(1805) 42°19'22"N., 86°19'54"W.; then north to

(1806) 42°19'44"N., 86°19'43"W.; then southeast back to the shoreline at

(1807) 42°19'31"N., 86°18'50"W.; then following along the shoreline back to the beginning.

(1808) (5) *Hammond Intake Crib*. All navigable waters bounded by the arc of a circle with a 100-yard radius with its center in approximate position 41°42'15"N., 87°29'49"W.

(1809) (6) *Zion Nuclear Power Plant*. All waters of Lake Michigan encompassed by a line starting on the shoreline at

(1810) 42°26'36"N., 87°48'03"W.; then southeast to

(1811) 42°26'20"N., 87°47'35"W.; then northeast to

(1812) 42°26'53"N., 87°47'22"W.; then northwest to the shoreline at

(1813) 42°27'06"N., 87°48'00"W.; then following along the shoreline back to the beginning.

(1814) (7) *68th Street Water Intake Crib*. All waters of Lake Michigan within the arc of a circle with a 100-yard radius of the 68th Street Crib with its center in approximate position 41°47'10"N., 87°31'51"W.

(1815) (8) *Dever Water Intake Crib*. All waters of Lake Michigan within the arc of a circle with a 100-yard radius of the Dever Crib with its center in approximate position 41°54'55"N., 87°34'20"W.

(1816) (9) *79th Street Water Intake Crib*. All waters of Lake Michigan within the arc of a circle with a 100-yard radius of the 79th Street Water Filtration Plant with its center in the approximate position 41°45'30"N., 87°32'32"W.

(1817) (b) *Regulations*. (1) Under §165.33, entry into these zones is prohibited unless authorized by the Coast Guard Captain of the Port Chicago. Section 165.33 also contains other general requirements.

(1818) (2) All persons and vessels shall comply with the instruction of the Captain of the Port Chicago or the designated on-scene U.S. Coast Guard patrol personnel. On-scene patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels. Emergency response vessels are authorized to move within the zone but must abide by the restrictions imposed by the Captain of the Port.

(1819) (3) Persons who would like to transit through a security zone in this section must contact the Captain of the Port at telephone number 630-986-2175 or on VHF channel 16 (121.5 MHz) to seek permission to transit the area. If permission is granted, all persons and vessels shall comply with the instructions of the Captain of Port or his or her designated representative.

(1820) (c) *Authority*. In addition to 33 U.S.C. 1231 and 50 U.S.C. 191, the authority for this section includes 33 U.S.C. 1226.

§165.915 Security zones; Captain of the Port Toledo Zone, Lake Erie.

(1821) (a) *Security zones*. The following areas are security zones:

(1822) (1) *Enrico Fermi 2 Nuclear Power Station*. All waters and adjacent shoreline encompassed by a line commencing at

(1823) 41°58.4'N., 083°15.4'W.; then northeast to

(1824) 41°58.5'N., 083°15.0'W.; then southeast to

(1825) 41°58.2'N., 083°13.7'W.; then south to

(1826) 41°56.9'N., 083°13.8'W.; then west to

(1827) 41°56.9'N., 083°15.2'W.; then back to the starting point at

(1828) 41°58.4'N., 083°15.4'W. (NAD 83).

(1829) (2) *Davis Besse Nuclear Power Station.* All waters and adjacent shoreline encompassed by a line commencing at

(1830) 41°36.1'N., 083°04.7'W.; north to

(1831) 41°37.0'N., 083°03.9'W.; east to

(1832) 41°35.9'N., 083°02.5'W.; southwest to

(1833) 41°35.4'N., 083°03.7'W.; then back to the starting point

(1834) 41°36.1'N., 083°04.7'W (NAD 83).

(1835) (b) *Regulations.* (1) In accordance with §165.33, entry into this zone is prohibited unless authorized by the Coast Guard Captain of the Port Toledo Section 165.33 also contains other general requirements.

(1836) (2) Persons desiring to transit through either of these security zones, prior to transiting, must contact the Captain of the Port Toledo at telephone number (419) 418-6050, or on VHF/FM channel 16 and request permission. If permission is granted, all persons and vessels shall comply with the instructions of the Captain of the Port or his or her designated representative.

(1837) (c) *Authority.* In addition to 33 U.S.C. 1231 and 50 U.S.C. 191, the authority for this section includes 33 U.S.C. 1226.

§165.916 Security Zones; Captain of the Port Milwaukee Zone, Lake Michigan.

(1838) (a) *Location.* The following are security zones:

(1839) (1) Kewaunee Nuclear Power Plant. All navigable waters of Western Lake Michigan encompassed by a line commencing from a point on the shoreline at

(1840) 44°20.715'N., 087°32.080'W., then easterly to

(1841) 44°20.720'N., 087°31.630'W., then southerly to

(1842) 44°20.480'N., 087°31.630'W., then westerly to

(1843) 44°20.480'N., 087°31.970'W., then northerly following the shoreline back to the point of origin (NAD 83).

(1844) (2) Point Beach. All navigable waters of Western Lake Michigan encompassed by a line commencing from a point on the shoreline at

(1845) 44°17.06'N., 087°32.15'W., then northeasterly to

(1846) 44°17.12'N., 087°31.59'W., then southeasterly to

(1847) 44°16.48'N., 087°31.42'W., then southwesterly to

(1848) 44°16.42'N., 087°32.02'W., then northwesterly along the shoreline back to the point of origin. All coordinates are based upon North American Datum 1983.

(1849) (b) Regulations. (1) In accordance with §165.33, entry into this zone is prohibited unless authorized by the Coast Guard Captain of the Port Milwaukee. Section 165.33 also contains other general requirements.

(1850) (2) Persons desiring to transit the area of the security zone may contact the Captain of the Port at telephone number 414-747-7155 or on VHF-FM Channel 16 to seek permission to transit the area. If permission is granted, all persons and vessels shall comply with the instructions of the Captain of the Port or his or her designated representative.

(1851) (c) Authority. In addition to 33 U.S.C. 1231 and 50 U.S.C. 191, the authority for this section includes 33 U.S.C. 1226.

§165.920 Regulated Navigation Area: USCG Station Port Huron, MI, Lake Huron.

(1852) (a) *Location*. All waters of Lake Huron encompassed by the following: starting at the northwest corner at

(1853) 43°00.4'N., 082°25.327'W.; then east to

(1854) 43°00.4'N., 082°25.228'W.; then south to

(1855) 43°00.3'N., 082°25.238'W.; then west to

(1856) 43°00.3'N., 082°25.327'W.; then following the shoreline north back to the point of origin (NAD 83).

(1857) (b) *Special regulations*. No vessel may fish, anchor, or moor within the RNA without obtaining the approval of the Captain of the Port (COTP) Detroit. Vessels need not request permission from COTP Detroit if only transiting through the RNA. COTP Detroit can be reached by telephone at (313) 568-9580, or by writing to: MSO Detroit, 110 Mt. Elliot Ave., Detroit, MI 48207-4380.

Subpart G-Protection of Naval Vessels

§165.2010 Purpose.

(1858) 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.

(1859) The following definitions apply to this subpart:

(1860) *Atlantic Area* means that area described in 33 CFR 3.04–1 Atlantic Area.

(1861) *Large U.S. naval vessel* means any U.S. naval vessel greater than 100 feet in length overall.

(1862) *Naval defensive sea area* means those areas described in 32 CFR part 761.

(1863) *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.

(1864) *Navigable waters of the United States* means those waters defined as such in 33 CFR part 2.

(1865) *Navigation rules* means the Navigation Rules, International-Inland.

(1866) *Official patrol* means those personnel designated and supervised by a senior naval officer present in command and tasked to a monitor a naval vessel protection zone, permit entry into zone, give legally enforceable orders to persons or vessels within the zone, and take other actions authorized by the U.S. Navy.

(1867) *Pacific Area* means that area described in 33 CFR 3.04–3 Pacific Area.

(1868) *Restricted area* means those areas established by the Army Corps of Engineers and set out in 33 CFR part 334.

(1869) *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.

(1870) *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.

(1871) *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.

(1872) (a) *Coast Guard.* Any Coast Guard commissioned, warrant or petty officer may enforce the rules and regulations contained in this subpart.

(1873) *(b) Senior naval officer present in command*. In the navigable waters of the United States, when immediate action is required and representatives of the Coast Guard are not present or not present in sufficient force to exercise effective control in the vicinity of large U.S. naval vessels, the senior naval officer present in command is responsible for the enforcement of the rules and regulations contained in this subpart to ensure the safety and security of all large naval vessels present. In meeting this responsibility, the senior naval officer present in command may directly assist any Coast Guard enforcement personnel who are present.

§165.2025 Atlantic Area.

(1874) (a) This section applies to any vessel or person in the navigable waters of the United States within the boundaries of the U.S. Coast Guard Atlantic Area, which includes the First, Fifth, Seventh, Eighth and Ninth U.S. Coast Guard Districts.

(1875) Note to §165.2025 paragraph (a): The boundaries of the U.S. Coast Guard Atlantic Area and the First, Fifth, Seventh, Eighth and Ninth U.S. Coast Guard Districts are set out in 33 CFR part 3.

(1876) (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 largest naval vessel is moored or anchored within a restricted area or within a naval defensive area.

(1877) (c) The Navigation Rules shall apply at all times within a naval vessel protection zone.

(1878) (d) When within a naval 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.

(1879) (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.

(1880) (f) When conditions permit, the Coast Guard, senior naval officer present in command, or the official patrol should:

(1881) (1) Give advance notice on VHF-FM channel 16 of all large U.S. naval movements;

(1882) (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 Navigation Rules; and

(1883) (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

(1884) (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.

(1885) **Note to §165.2025 paragraph (f):** The listed actions are discretionary and do not create any additional right to appeal or otherwise dispute a decision of the

Coast Guard, the senior naval officer present in command, or the official patrol.

Part 207–Navigation Regulations

§207.50 Hudson River Lock at Troy, N.Y.; navigation.

(1886) (a) *Authority of lockmaster.* The lockmaster shall be charged with the immediate control and management of the lock, and of the area set aside as the lock area, including the lock approach channels. He shall see that all laws, rules and regulations for the use of the lock and lock area are duly complied with, to which end he is authorized to give all necessary orders and directions in accordance therewith, both to employees of the Government and to any and every person within the limits of the lock or lock area, whether navigating the lock or not. No one shall cause any movement of any vessel, boat, or other floating thing in the lock or approaches except by or under the direction of the lockmaster or his assistants.

(1887) (b) *Signals*.–Steamboats or tows desiring lockage in either direction shall give notice to the locktenders, when not more than three-fourths mile from the lock, by one long blast (of 10 seconds' duration), followed by one short blast (of three seconds' duration), of a whistle or horn. When the lock is ready for entrance a green light will be shown from the river wall. An amber light will indicate that the lock is being made ready for entrance. A red light will indicate that the approaching vessel must wait. Whenever local conditions make it advisable, the visual signals will be supplemented by sound signals as follows:

(1888) (1) One long blast of a horn to indicate that the vessel must wait.

(1889) (2) One short blast of a horn to indicate that the lock is being made ready for entrance.

(1890) (3) Two short blasts of a horn to indicate permission to enter the lock.

(1891) (4) Four short and rapid blasts to attract attention, indicate caution, and signal danger.

(1892) (c) *Draft of boats*. Deep-draft boats must clear the miter sills by at least 3 inches. Boats drawing too much water will not be allowed to lighter cargo in the entrances.

(1893) (d) *Precedence at the lock*. The vessel arriving first at the lock shall be first to lock through; but precedence shall be given to vessels belonging to the United States and to commercial vessels in the order named. Arrival posts or markers may be established ashore above or below the lock. Vessels arriving at or opposite such posts or markers will be considered as having arrived at the lock within the meaning of this paragraph. If the traffic is crowded in both directions, up and down lockages will usually be made alternately, but the locktender may permit two or more lockages to be made at one time in the same direction when this will not cause unreasonable delay. In case two or more boats or tows are to enter for the same lockage, they shall enter as directed by the locktender. No boat shall run ahead of another while in the lock. The boat that enters first shall leave first.

(1894) (e) *Lockage of pleasure boats*. The lockage of pleasure boats, house boats or like craft shall be expedited by locking them through with commercial craft (other than barges carrying gasoline or highly hazardous materials) in order to utilize the capacity of the lock to its maximum. Lockage of pleasure craft may be made with commercial craft carrying petroleum products other than gasoline, provided a clear distance of at least 100 feet between such vessels can be maintained in the lock. If, after the arrival of such craft, no separate or combined lockage can be accomplished within a reasonable time, not to exceed the time required for three other lockages, then separate lockage shall be made.

(1895) (f) *Stations while waiting*. Boats waiting their turn to enter the lock must lie at a sufficient distance from the lock and in such a position as to leave sufficient room for the passage of boats leaving the lock.

(1896) (g) *Unnecessary delay*. (1) Boats must not cause delay in entering or leaving the lock. Masters and pilots will be held to a strict accountability in this matter, and those with tows must provide enough men to move barges promptly. Boats failing to enter the lock with reasonable promptness after being signaled will lose their turn.

(1897) (2) Tugboats arriving with their tows in a condition which will delay locking shall lose their turn if so ordered by the lock tender. Leaking boats may be excluded until put in shape to be passed through safely.

(1898) (h) *Mooring*. Boats in the lock or waiting in the entrance shall be moored where directed by the lock tender, by bow, stern, and spring lines, to the snubbing posts or line hooks. Tying boats to the lock ladders is strictly prohibited.

(1899) (i) *Protection of lock gates*. Boats will not be permitted to enter or leave the lock until the lock gates are at rest in the gate recesses and the lock tender has directed the boat to start.

(1900) (j) *Damage to walls, etc.* All craft passing through the lock must be free from projections or sharp corners which might scar the walls or injure other parts. Steamboats must be provided with suitable fenders, etc. One man shall be kept at the head of every tow till it has cleared the lock and guide walls, and shall use the fender to prevent scarring the walls.

(1901) (k) *Handling machinery*. None but employees of the United States will be allowed to move any valve, gate, or other machinery belonging to the lock.

(1902) (l) *Refuse in lock*. Throwing ashes, refuse, or other obstruction in the entrances or in the lock, or on the walls thereof, and passing coal from flats or barges to a steam boat while in the lock is prohibited.

(1903) (m) (Reserved)

(1904) (n) *Trespass on United States property*. Trespass on United States property, or willful injury to the banks, masonry, fences, trees, houses, machinery, or other property of the United States at or near the lock is strictly prohibited.

(1905) (o) *Penalties*.–In addition to the penalties prescribed by law, boats which fail to comply with the regulations in this section will thereafter be refused lockage until assurances have been received, satisfactory to the District Engineer, Corps of Engineers, New York, N.Y., that the regulations will be complied with.

§207.300 Ohio River, Mississippi River above Cairo, Ill.; and their tributaries; use, administration, and navigation.

(1906) (a) *Authority of Lockmasters.–(1) Locks Staffed with Government Personnel*. The provisions of this paragraph apply to all waterways in this section except for Cordell Hull Lock located at Mile 313.5 on the Cumberland River in Tennessee. The lockmaster shall be charged with the immediate control and management of the lock, and of the area set aside as the lock area, including the lock approach channels. He/she shall see that all laws, rules, and regulations for the use of the lock and lock area are duly complied with, to which end he/she is authorized to give all necessary orders and directions in accordance therewith, both to employees of the Government and to any and every person within the limits of the lock or lock area, whether navigating the lock or not. No one shall cause any movement of any vessel, boat, or other floating thing in the lock or approaches except by or under the direction of the lockmaster or his/her assistants. In the event of an emergency, the lockmaster may depart from these regulations as he deems necessary. The lockmasters shall also be charged with the control and management of federally constructed mooring facilities.

(1907) (2) *Locks Staffed with Contract Personnel*. The provisions of this paragraph apply to Cordell Hull Lock located at Mile 313.5 on the Cumberland River in Tennessee. Contract personnel shall give all necessary orders and directions for operations of the lock. No one shall cause any movement of any vessel, boat or other floating thing in the locks or approaches except by or under the direction of the contract lock operator. All duties and responsibilities of the lockmaster set forth in this section shall be performed by the contract lock operator except that responsibility for enforcing all laws, rules, and regulations shall be vested in a government employee designated by the Nashville District Engineer. The district engineer will notify waterway users and the general public through appropriate notices and media concerning the location and identity of the designated government employee.

(1908) (b) *Safety rules for vessels using navigation locks*. The following safety rules are hereby prescribed for vessels in the locking process, including the act of approaching or departing a lock:

(1909) (1) *Tows with flammable or hazardous cargo barges, loaded or empty*. (i) Stripping barges or transferring cargo is prohibited.

(1910) (ii) All hatches on barges used to transport flammable or hazardous materials shall be closed and latched, except those barges carrying a gas-free certificate.

(1911) (iii) Spark-proof protective rubbing fenders ("possums") shall be used.

(1912) (2) *All vessels*. (i) Leaking vessels may be excluded from locks until they have been repaired to the satisfaction of the lockmaster.

(1913) (ii) Smoking, open flames, and chipping or other spark-producing activities are prohibited on deck during the locking cycle.

(1914) (iii) Painting will not be permitted in the lock chamber during the locking cycle.

(1915) (iv) Tow speeds shall be reduced to a rate of travel such that the tow can be stopped by checking should mechanical difficulties develop. Pilots should check with the individual lockmasters concerning prevailing conditions. It is also recommended that pilots check their ability to reverse their engines prior to beginning an approach. Engines shall not be turned off in the lock until the tow has stopped and been made fast.

(1916) (v) U.S. Coast Guard regulations require all vessels to have on board life saving devices for prevention of drowning. All crew members of vessels required to carry work vests (life jackets) shall wear them during a lockage, except those persons in an area enclosed with a handrail or other device which would reasonably preclude the possibility of falling overboard. All deckhands handling lines during locking procedure shall wear a life jacket. Vessels not required by Coast Guard regulations to have work vests aboard shall have at least the prescribed life saving devices, located for ready access and use if needed. The lockmaster may refuse lockage to any vessel which fails to conform to the above.

(1917) (c) *Reporting of navigation incidents*. In furtherance of increased safety on waterways the following safety rules are hereby prescribed for all navigation interests:

(1918) (1) Any incident resulting in uncontrolled barges shall immediately be reported to the nearest lock. The report shall include information as to the number of loose barges, their cargo, and the time and location where they broke loose. The lockmaster or locks shall be kept informed of the progress being made in bringing the barges under control so that he can initiate whatever actions may be warranted.

(1919) (2) Whenever barges are temporarily moored at other than commercial terminals or established fleeting areas, and their breaking away could endanger a lock, the nearest lock shall be so notified, preferably the downstream lock.

(1920) (3) Sunken or sinking barges shall be reported to the nearest lock both downstream and upstream of the location in order that other traffic passing those points may be advised of the hazards.

(1921) (4) In the event of an oil spill, notify the nearest lock downstream, specifying the time and location of the incident, type of oil, amount of spill, and what recovery or controlling measures are being employed.

(1922) (5) Any other activity on the waterways that could conceivably endanger navigation or a navigation structure shall be reported to the nearest lock.

(1923) (6) Whenever it is necessary to report an incident involving uncontrolled, sunken or sinking barges, the cargo in the barges shall be accurately identified.

(1924) (d) *Precedence at locks.* (1) The vessel arriving first at a lock shall normally be first to lock through, but precedence shall be given to vessels belonging to the United States. Licensed commercial passenger vessels operating on a published schedule or regularly operating in the "for hire" trade shall have precedence over cargo tows and like craft. Commercial cargo tows shall have precedence over recreational craft, except as described in paragraph (f) of this section.

(1925) (2) Arrival posts or markers may be established ashore above and/or below the locks. Vessels arriving at or opposite such posts or markers will be considered as having arrived at the locks within the meaning of this paragraph. Precedence may be established visually or by radio communication. The lockmaster may prescribe such departure from the normal order of precedence as in his judgment is warranted to achieve best lock utilization.

(1926) (e) *Unnecessary delay at locks.* Masters and pilots must use every precaution to prevent unnecessary delay in entering or leaving locks. Vessels failing to enter locks with reasonable promptness when signaled to do so shall lose their turn. Rearranging or switching of barges in the locks or in approaches is prohibited unless approved or directed by the lockmaster. This is not meant to curtail "jackknifing" or set-overs where normally practiced.

(1927) (f) *Lockage of recreational craft.* In order to fully utilize the capacity of the lock, the lockage of recreational craft shall be expedited by locking them through with commercial craft, provided that both parties agree to joint use of the chamber. When recreational craft are locked simultaneously with commercial tows, the lockmaster will direct, whenever practicable, that the recreational craft enter the lock and depart while the tow is secured in the lock. Recreational craft will not be locked through with vessels carrying volatile cargoes or other substances likely to emit toxic or explosive vapors. If the lockage of recreation craft cannot be accomplished within the time required for three other lockages, a separate lockage of recreational craft shall be made. Recreational craft operators are advised that many locks have a pull chain located at each end of the lock which signals the lockmaster that lockage is desired. Furthermore, many Mississippi River locks utilize a strobe light at the lock to signal recreational type vessels that the lock is ready for entry. Such lights are used exclusively to signal recreational craft.

(1928) (g) *Simultaneous lockage of tows with dangerous cargoes.* Simultaneous lockage of other tows with tows carrying dangerous cargoes or containing flammable vapors normally will only be permitted when there is agreement between the lockmaster and both vessel masters that the simultaneous lockage can be executed safely. He shall make a separate decision each time such action seems safe and appropriate, provided:

(1929) (1) The first vessel or tow in and the last vessel or tow out are secured before the other enters or leaves.

(1930) (2) Any vessel or tow carrying dangerous cargoes is not leaking.

(1931) (3) All masters involved have agreed to the joint use of the lock chamber.

(1932) (h) *Stations while awaiting a lockage.* Vessels awaiting their turn to lock shall remain sufficiently clear of the structure to allow unobstructed departure for the vessel leaving the lock. However, to the extent practicable under the prevailing conditions, vessels and tows shall position themselves so as to minimize approach time when signaled to do so.

(1933) (i) *Stations while awaiting access through navigable pass*. When navigable dams are up or are in the process of being raised or lowered, vessels desiring to use the pass shall wait outside the limits of the approach points unless authorized otherwise by the lockmaster.

(1934) (j) *Signals.* Signals from vessels shall ordinarily be by whistle; signals from locks to vessels shall be by whistle, another sound device, or visual means. When a whistle is used, long blasts of the whistle shall not exceed 10 seconds and short blasts of the whistle shall not exceed 3 seconds. Where a lock is not provided with a

sound or visual signal installation, the lockmaster will indicate by voice or by the wave of a hand when the vessel may enter or leave the lock. Vessels must approach the locks with caution and shall not enter nor leave the lock until signaled to do so by the lockmaster. The following lockage signals are prescribed:

(1935) (1) *Sound signals by means of a whistle*. These signals apply at either a single lock or twin locks.

(1936) (i) Vessels desiring lockage shall on approaching a lock give the following signals at a distance of not more than one mile from the lock;

(1937) (a) If a single lockage only is required: One long blast of the whistle followed by one short blast.

(1938) (b) If a double lockage is required: One long blast of the whistle followed by two short blasts.

(1939) (ii) When the lock is ready for entrance, the lock will give the following signals:

(1940) (a) One long blast of the whistle indicates permission to enter the lock chamber in the case of a single lock or to enter the landward chamber in the case of twin locks.

(1941) (b) Two long blasts of the whistle indicates permission to enter the riverward chamber in the case of twin locks.

(1942) (iii) Permission to leave the locks will be indicated by the following signals given by the lock:

(1943) (a) One short blast of the whistle indicates permission to leave the lock chamber in the case of a single lock or to leave the landward chamber in the case of twin locks.

(1944) (b) Two short blasts of the whistle indicates permission to leave the riverward chamber in the case of twin locks.

(1945) (iv) Four or more short blasts of the lock whistle delivered in rapid succession will be used as a means of attracting attention, to indicate caution, and to signal danger. This signal will be used to attract the attention of the captain and crews of vessels using or approaching the lock or navigating in its vicinity and to indicate that something unusual involving danger or requiring special caution is happening or is about to take place. When this signal is given by the lock, the captains and crews of vessels in the vicinity shall immediately become on the alert to determine the reason for the signal and shall take the necessary steps to cope with the situation.

(1946) (2) *Lock signal lights*. At locks where density of traffic or other local conditions make it advisable, the sound signals from the lock will be supplemented by signal lights. Flashing lights (showing a one-second flash followed by a two-second eclipse) will be located on or near each end of the land wall to control use of a single lock or of the landward lock of double locks. In addition, at double locks, interrupted flashing lights (showing a one-second flash, a one-second eclipse and a one-second flash, followed by a three-second eclipse) will be located on or near each end of the intermediate wall to control use of the riverward lock. Navigation will be governed as follows:

(1947) (i) *Red light*. Lock cannot be made ready immediately. Vessel shall stand clear.

(1948) (ii) *Amber light*. Lock is being made ready. Vessel may approach but under full control.

(1949) (iii) *Green light*. Lock is ready for entrance.

(1950) (iv) *Green and Amber*. Lock is ready for entrance but gates cannot be recessed completely. Vessel may enter under full control and with extreme caution.

(1951) (3) *Radio Communications*. VHF-FM radios, operating in the FCC authorized Maritime Band, have been installed at all operational locks (except those on the Kentucky River and Lock 3, Green River). Radio contact may be made by any vessel desiring passage. Commercial tows are especially requested to make contact at least one half hour before arrival in order that the pilot may be informed of current river and traffic conditions that may affect the safe passage of his tow.

(1952) (4) All locks monitor 156.8 MHz (Ch. 16) and 156.65 MHz (Ch. 13) and can work 156.65 MHz (Ch. 13) and 156.7 MHz (Ch. 14) Ch. 16 is the authorized call, reply and distress frequency, and locks are not permitted to work on this frequency except in an emergency involving the risk of immediate loss of life or property. Vessels may call and work Ch. 13, without switching but are cautioned that vessel to lock traffic must not interrupt or delay Bridge to Bridge traffic which has priority at all times.

(1953) (k) *Rafts*. Rafts to be locked through shall be moored in such manner as not to obstruct the entrance of the lock, and if to be locked in sections, shall be brought to the lock as directed by the lockmaster. After passing the lock the sections shall be reassembled at such distance beyond the lock as not to interfere with other vessels.

(1954) (1) *Entrance to and Exit from Locks*. In case two or more boats or tows are to enter for the same lockage, their order of entry shall be determined by the lockmaster. Except as directed by the lockmaster, no boat shall pass another in the lock. In no case will boats be permitted to enter or leave the locks until directed to do so by the lockmaster. The sides of all craft passing through any lock shall be free from projections of any kind which might injure the lock walls. All vessels shall be provided with suitable fenders, and shall be used to protect the lock and guide walls until it has cleared the lock and guide walls.

(1955) (m) *Mooring*. (1) At locks. (i) All vessels when in the locks shall be moored as directed by the lockmaster. Vessels shall be moored with bow and stern lines

leading in opposite directions to prevent the vessel from "running" in the lock. All vessels will have one additional line available on the head of the tow for emergency use. The pilothouse shall be attended by qualified personnel during the entire locking procedure. When the vessel is securely moored, the pilot shall not cause movement of the propellers except in emergency or unless directed by the lockmaster. Tying to lock ladders is strictly prohibited.

(1956) (ii) Mooring of unattended or nonpropelled vessels or small craft at the upper or lower channel approaches will not be permitted within 1200 feet of the lock.

(1957) (2) *Outside of locks*. (i) No vessel or other craft shall regularly or permanently moor in any reach of a navigation channel. The approximate centerline of such channels are marked as the sailing line on Corps of Engineers' navigation charts. Nor shall any floating craft, except in an emergency, moor in any narrow or hazardous section of the waterway. Furthermore, all vessels or other craft are prohibited from regularly or permanently mooring in any section of navigable waterways which are congested with commercial facilities or traffic unless it is moored at facilities approved by the Secretary of the Army or his authorized representative. The limits of the congested areas shall be marked on Corps of Engineers' navigation charts. However, the District Engineer may authorize in writing exceptions to any of the above if, in his judgment, such mooring would not adversely affect navigation and anchorage.

(1958) (ii) No vessel or other craft shall be moored to railroad tracks, to riverbanks in the vicinity of railroad tracks when such mooring threatens the safety of equipment using such tracks, to telephone poles or power poles, or to bridges or similar structures used by the public.

(1959) (iii) Except in case of great emergency, no vessel or craft shall anchor over revetted banks of the river, and no floating plant other than launches and similar small craft shall land against banks protected by revetment except at regular commercial landings. In all cases, every precaution to avoid damage to the revetment works shall be exercised. The construction of log rafts along mattressed or paved banks or the tying up and landing of log rafts against such banks shall be performed in such a manner as to cause no damage to the mattress work or bank paving. Generally, mattress work extends out into the river 600 feet from the low water line.

(1960) (iv) Any vessel utilizing a federally constructed mooring facility (e.g., cells, buoys, anchor rings) at the points designated on the current issue of the Corps' navigation charts shall advise the lockmaster at the nearest lock from that point by the most expeditious means.

(1961) (n) *Draft of vessels*. No vessel shall attempt to enter a lock unless its draft is at least three inches less than the least depth of water over the guard sills, or over the gate sills if there be no guard sills. Information concerning controlling depth over sills can be obtained from the lockmaster at each lock or by inquiry at the office of the district engineer of the district in which the lock is located.

(1962) (o) *Handling machinery*. No one but employees of the United States shall move any lock machinery except as directed by the lockmaster. Tampering or meddling with the machinery or other parts of the lock is strictly forbidden.

(1963) (p) *Refuse in locks*. Placing or discharging refuse of any description into the lock, on lock walls or esplanade, canal or canal bank is prohibited.

(1964) (q) *Damage to locks or other work*. To avoid damage to plant and structures connected with the construction or repair of locks and dams, vessels passing structures in the process of construction or repair shall reduce their speed and navigate with special caution while in the vicinity of such work. The restrictions and admonitions contained in these regulations shall not affect the liability of the owners and operators of floating craft for any damage to locks or other structures caused by the operation of such craft.

(1965) (r) *Trespass of lock property*. Trespass on locks or dams or other United States property pertaining to the locks or dams is strictly prohibited except in those areas specifically permitted. Parties committing any injury to the locks or dams or to any part thereof will be responsible therefor. Any person committing a willful injury to any United States property will be prosecuted. No fishing will be permitted from lock walls, guide walls, or guard walls of any lock or from any dam, except in areas designated and posted by the responsible District Engineer as fishing areas. Personnel from commercial and recreational craft will be allowed on the lock structure for legitimate business reasons; e.g., crew changes, emergency phone calls, etc.

(1966) (s) *Restricted areas at locks and dams*. All waters immediately above and below each dam, as posted by the respective District Engineers, are hereby designated as restricted areas. No vessel or other floating craft shall enter any such restricted area at any time. The limits of the restricted areas at each dam will be determined by the responsible District Engineer and marked by signs and/or flashing red lights installed in conspicuous and appropriate places.

(1967) (t) (Reserved)

(1968) (u) *Operations during high water and floods in designated vulnerable areas*. Vessels operating on these waters during periods when river stages exceed the level of "ordinary high water," as designated on

Corps of Engineers' navigation charts, shall exercise reasonable care to minimize the effects of their bow waves and propeller washes on river banks; submerged or partially submerged structures or habitations; terrestrial growth such as trees and bushes; and man-made amenities that may be present. Vessels shall operate carefully when passing close to levees and other flood protection works, and shall observe minimum distances from banks which may be prescribed from time to time in Notices to Navigation Interests. Pilots should exercise particular care not to direct propeller wash at river banks, levees, revetments, structures or other appurtenances subject to damage from wave action.

(1969) (v) *Navigation lights for use at all locks and dams except on the Kentucky River and Lock 3, Green River.* (1) At locks at all fixed dams and at locks at all movable dams when the dams are up so that there is no navigable pass through the dam, the following navigation lights will be displayed during hours of darkness:

(1970) (i) Three green lights visible through an arc of 360° arranged in a vertical line on the upstream end of the river (guard) wall unless the intermediate wall extends farther upstream. In the latter case, the lights will be placed on the upstream end of the intermediate wall.

(1971) (ii) Two green lights visible through an arc of 360° arranged in a vertical line on the downstream end of the river (guard) wall unless the intermediate wall extends farther downstream. In the latter case, the lights will be placed on the downstream end of the intermediate wall.

(1972) (iii) A single red light, visible through an arc of 360° on each end (upstream and downstream) of the land (guide) wall.

(1973) (2) At movable dams when the dam has been lowered or partly lowered so that there is an unobstructed navigable pass through the dam, the navigation lights indicated in the following paragraphs will be displayed during hours of darkness until lock walls and weir piers are awash.

(1974) (i) Three red lights visible through an arc of 360° arranged in a vertical line on the upstream end of the river (guard) wall.

(1975) (ii) Two red lights visible through an arc of 360° arranged in a vertical line on the downstream end of the river (guard) wall.

(1976) (iii) A single red light visible through an arc of 360° on each end (upstream and downstream) of the land (guide) wall.

(1977) (3) After lock walls and weir piers are awash they will be marked as prescribed in paragraph (x) of this section.

(1978) (4) If one or more bear traps or weirs are open or partially open, and may cause a set in current conditions at the upper approach to the locks, this fact will be indicated by displaying a white circular disk 5 feet in diameter, on or near the light support on the upstream end of the land (guide) wall during the hours of daylight, and will be indicated during hours of darkness by displaying a white (amber) light vertically under and 5 feet below the red light on the upstream end of the land (guide) wall.

(1979) (5) At Locks No. 1 and 2, Green River, when the locks are not in operation because of high river stages, a single red light visible through an arc of 360° will be displayed on each end (upstream and downstream) of the lock river (guard) will at which time the lights referred to above will not be visible.

(1980) (w) *Navigation lights for use at locks and dams on the Kentucky River and Lock 3, Green River.* A single red light visible through an arc of 360° shall be displayed during hours of darkness at each end of the river wall or extending guard structures until these structures are awash.

(1981) (x) *Buoys at movable dams.* (1) Whenever the river (guard) wall of the lock and any portion of the dam are awash, and until covered by a depth of water equal to the project depth, the limits of the navigable pass through the dam will be marked by buoys located at the upstream and downstream ends of the river (guard) wall, and by a single buoy over the end or ends of the portion or portions of the dam adjacent to the navigable pass over which project depth is not available. A red nun-type buoy will be used for such structures located on the left-hand side (facing downstream) of the river and a black can-type buoy for such structures located on the right-hand side. Buoys will be lighted, if practicable.

(1982) (2) Where powerhouses or other substantial structures projecting considerably above the level of the lock wall are located on the river (guard) wall, a single red light located on top of one of these structures may be used instead of river wall buoys prescribed above until these structures are awash, after which they will be marked by a buoy of appropriate type and color (red nun or black can buoy) until covered by a depth of water equal to the project depth. Buoys will be lighted, if practicable.

(1983) (y) *Vessels to carry regulations.* A copy of these regulations shall be kept at all times on board each vessel regularly engaged in navigating the rivers to which these regulations apply. Copies may be obtained from any lock office or District Engineer's office on request. Masters of such vessels are encouraged to have on board copies of the current edition of appropriate navigation charts.

(1984) **Notes:**

(1985) 1. Muskingum River Lock & Dam 1 has been removed. Ohio River slackwater provides navigable channel for recreational craft to Lock 2 near Devola, Ohio. Muskingum River Locks 2 thru 11 inclusive have been transferred to the State of Ohio and are operated during the recreational boating season by the Ohio Department of Natural Resources. Inquiries regarding Muskingum River channel conditions and lock availability should be directed to the aforementioned Department.

(1986) 2. Little Kanawha River Lock and Dam 1 has been removed, thus permitting recreational craft to navigate up to Lock 2 near Slate, W. Va. Operation of Locks 2 thru 5 on the Little Kanawha River has been discontinued.

(1987) 3. Big Sandy River: Lock 1 has been removed, thus permitting recreational craft to navigate to Lock 2, near Buchanan, Ky. Operation of Lock 2 and Lock 3 near Fort Gay, W. Va. has been discontinued. Operation of Lock and Dam 1 on Levisa Fork near Gallup, Ky., and Lock and Dam 1 on Tug Fork near Chapman, Ky. has been discontinued.

(1988) 4. Operation of the following Green River Locks has been discontinued: Lock 4 near Woodbury, Ky., Lock 5 near Glenmore, Ky., and Lock 6 near Brownsville, Ky.

(1989) 5. Operation of Barren River Lock and Dam No. 1 near Richardsville, Ky. has been discontinued.

(1990) 6. Operation of Rough River Lock and Dam No. 1 near Hartford, Ky. has been discontinued.

(1991) 7. Operation of Osage River Lock and Dam 1 near Osage City, Mo., has been discontinued.

(1992) 8. Operation of the 34 locks in the Illinois and Mississippi (Hennepin) Canal, including the feeder section, has been discontinued.

(1993) 9. Operation of the Illinois and Michigan Canal has been discontinued.

§207.390 (Reserved)

§207.420 Chicago River, Ill.; Sanitary District controlling works, and the use, administration, and navigation of the lock at the mouth of river, Chicago Harbor.

(1994) (a) *Controlling works.* The controlling works shall be so operated that the water level in the Chicago River will be maintained at a level lower than that of the lake, except in times of excessive storm run-off into the river or when the level of the lake is below minus 2 feet, Chicago City Datum.

(1995) (1) The elevation to be maintained in the Chicago River at the west end of the lock will be determined from time to time by the U.S. District Engineer, Chicago, Illinois. It shall at no time be higher than minus 0.5 foot, Chicago City Datum, and at no time lower than minus 2.0 feet, Chicago City Datum, except as noted in the preceding paragraph.

(1996) (b) *Lock–(1) Operation.* The lock shall be operated by the Metropolitan Sanitary District of Chicago under the general supervision of the U.S. District Engineer, Chicago, Illinois. The lock gates shall be kept in the closed position at all times except for the passage of navigation.

(1997) (2) *Description of lock*.

(1998) Clear length-600 feet.

(1999) Clear width-80 feet.

(2000) Depth over sills-24.4 feet (Note 1).

(2001) **Note 1.** This depth is below Chicago City Datum which is the zero of the gages mounted on the lock. The clear depth below Low Water Datum for Lake Michigan, which is the plane of reference for National Ocean Survey charts, is 23.0 feet.

(2002) The east end of the northeast guide wall shall be marked by an intermittent red light, and by a traffic light showing a fixed red or fixed green light. The west end of the northwest gate block shall be marked by a traffic light showing a fixed red or fixed green light. The east end of the southeast guide wall and the west end of the southwest guide wall shall be marked by an intermittent white light.

(2003) (3) *Authority of lockmasters.* The lockmaster shall be charged with the immediate control and management of the lock, and of the area set aside as the lock area, including the lock approach channels. He shall see that all laws, rules and regulations for the use of the lock and lock area are duly complied with, to which end he is authorized to give all necessary orders and directions in accordance therewith, both to employees of the Government and to any and every person within the limits of the lock or lock area, whether navigating the lock or not. No one shall cause any movement of any vessel, boat, or other floating thing in the lock or approaches except by or under the direction of the lockmaster or his assistants.

(2004) (4) *Signals.* (i) Signals from vessels for lockage shall be by whistle, horn or by idling or standing near the ends of the lock guide walls. Signals from the lockmaster shall be by the traffic light and horn and/or by voice with or without electrical amplification. In case of emergency, the lockmaster may signal the vessel by wave of hand or lantern, and the signals thus given shall have the same weight as though given by visual or sound devices at the lock. Vessels must approach the lock with caution and shall not enter or leave the lock until signaled to do so by the lockmaster. The following lockage signals and duration of sound signals are prescribed. A long blast shall be of 4 second duration; a short blast shall be of 1 second duration.

(2005) (a) *Vessel signals*. Inbound vessels at a distance of not more than 4,000 feet from the lock and outbound vessels immediately after crossing under the Lake Shore Drive bridge shall signal for lockage by 2 long and 2 short blasts of a whistle or horn.

(2006) (b) *Lock signals.* (1) When the lock is ready for entrance, the traffic light will show green, and vessels under 500 gross tons shall come ahead under caution and enter the lock; vessels of 500 gross tons or more shall come to a stop along the guide wall, as prescribed in paragraph 5. Should the traffic light be out of order or be invisible due to thick weather, vessels shall upon 1 long blast of the lock horn approach and moor to the south guide wall or continue into the lock if so directed by the lockmaster.

(2007) (2) When the lock is not ready for entrance, the traffic light will show red, and vessels shall not pass beyond the end of the south guide wall: *Provided, however*, that vessels may approach and moor to said wall if authorized by 1 long blast of the lock horn.

(2008) (3) Permission to leave the lock shall be indicated by 1 short blast of the lock horn.

(2009) (4) Caution or danger will be indicated by 4 or more flashes of the red traffic light or 4 or more short blasts of the lock horn delivered in rapid succession.

(2010) (ii) When in the lock, vessels shall not blow whistle signals for tugs, bridges, landings, etc., without the lockmaster's permission.

(2011) (iii) The master and chief engineer of each vessel of 500 gross tons or more shall be on duty at their respective stations when passing through the lock.

(2012) (5) *Stop before entering*. All vessels or tows of 500 gross tons or more shall come to a full stop at the point indicated by the sign reading "Stop" on the south guide wall and shall not proceed into the lock until so directed by the lockmaster.

(2013) (6) *Maximum draft. Vessels* drawing within 6 inches of the depth over the sills shall not be permitted lockage except under special permission from the lockmaster.

(2014) (7) *Precedence at locks.* The vessel arriving first at a lock shall be first to lock through; but precedence shall be given to vessels belonging to the United States and to commercial vessels in the order named. Arrival posts or markers may be established ashore above or below the locks. Vessels arriving at or opposite such posts or markers will be considered as having arrived at the locks within the meaning of this paragraph.

(2015) (8) *Lockage of pleasure boats.* The lockage of pleasure boats, house boats or like craft shall be expedited by locking them through with commercial craft (other than barges carrying petroleum products or highly hazardous materials) in order to utilize the capacity of the lock to its maximum. If, after the arrival of such craft, no separate or combined lockage can be accomplished within a reasonable time, not to exceed the time required for three other lockages, then separate lockage shall be made.

(2016) (9) *Speed of approach and departure*. Vessels of 500 gross tons or more when approaching the lock shall navigate at a speed not exceeding 2 miles per hour, and when leaving the lock shall navigate at a speed not exceeding 6 miles per hour. While entering or leaving the lock, the propellers of vessels of 500 gross tons or more shall be operated at slow speed so as not to undermine or injure the concrete paving on the bottom of the lock chamber. Tugs assisting vessels in lockage, and Coast Guard and fire vessels, may navigate at a higher speed when authorized by the lockmaster. Vessels of less than 500 gross tons shall operate at reasonable speed.

(2017) (10) *Mooring.* (i) Vessels shall be moored in the lock or along its approach walls in such a manner as may be directed by the lockmaster. Tying to lock ladders, lamp standards, or railings is strictly prohibited. Commercial vessels and tows of 500 gross tons or more shall, in general, have at least one line out when entering the lock and shall be moored in the lock with two bow and two stern lines, which shall lead forward and aft at each end of the vessel or tow. When the gates are closed, commercial vessels shall not be permitted to work their wheels. Said vessels shall have at least two seamen ashore to handle the mooring lines while they are in the lock.

(2018) (ii) Mooring lines shall not be cast off until after the lock gates have been opened fully into their recesses, and the signal given to leave the lock. The lines leading aft shall be released first. The lines leading forward shall not be released until the vessel has started to move forward, so as to prevent the vessel from drifting back into the lock gates.

(2019) (11) (Reserved)

(2020) (12) *Unnecessary delay at lock.* Masters and pilots must use every precaution to prevent unnecessary delay in entering or leaving the lock. Vessels failing to enter lock with reasonable promptness, when signaled to do so, shall lose their turn. Vessels arriving at the lock with their tows in such shape so as to impede lockage, shall lose their turn.

(2021) (13) *Depositing refuse prohibited*. The depositing of ashes or refuse matter of any kind in the lock; the passing of coal from barges or flats while in the lock; and the emission of dense smoke from any vessel while passing through the lock, is forbidden.

(2022) (14) *Vessels denied lockage.* The lockmaster may deny the privilege of passage through the lock to any vessel with sharp or rough projecting surfaces of any kind, or overhanging rigging, or any vessel which is badly leaking or in a sinking condition.

(2023) (15) *Fenders.* All barges and oil tankers must be provided with suitable nonmetallic fenders so as to eliminate damage to the lock or approach walls and reduce fire hazard. Said fenders shall be used as may be directed by the lockmaster.

(2024) (16) *Operating machinery.* Lock employees only shall be permitted to operate the lock gates, valves, signals or other appliances. Tampering or meddling with machinery or other parts of the lock is strictly forbidden.

(2025) (17) (Reserved)

(2026) (18) *Vessels to carry regulations.* A copy of the regulations in this section shall be kept at all times on board each vessel regularly engaged in navigating this lock. Copies may be obtained without charge from the lockmaster.

(2027) (19) *Failure to comply with regulations.* Any vessel failing to comply with this section or any orders given in pursuance thereof, may in the discretion of the lockmaster be denied the privilege of passage through or other use of the lock or appurtenant structures.

§207.425 Calumet River, Ill.; Thomas J. O'Brien Lock and Controlling Works and the use, administration, and navigation of the lock.

(2028) (a) *Controlling Works.* (1) The controlling works shall be so operated that the water level at the downstream end of the lock will be maintained at a level lower than that of Lake Michigan, except in times of excessive storm runoff into the Illinois Waterway, or when the lake level is below minus 2 feet, Chicago City Datum.

(2029) (2) The elevation to be maintained at the downstream end of the lock shall at no time be higher than minus 0.5 feet, Chicago City Datum, and at no time lower than minus 2.0 feet, Chicago City Datum, except as noted in paragraph (a)(1) of this section.

(2030) (b) *Lock–(1) Operation.* The Thomas J. O'Brien Lock and Dam is part of the Illinois Waterway which is a tributary of the Mississippi River. All rules and regulations defined in 207.300, Ohio River, Mississippi River above Cairo, Ill., and their tributaries; use, administration, and navigation shall apply.

§207.440 St. Marys Falls Canal and Locks, Mich.; use, administration, and navigation.

(2031) (a) The use, administration, and navigation of the canal and canal grounds shall be under the direction of the District Engineer, Engineer Department at Large, in charge of the locality, and his authorized agents. The term "canal" shall include all of the natural waters of the St. Marys River on the United States side of the International Boundary and all of the canalized waterway and the locks therein between the western or upstream limit, which is a north and south line tangent to the west end of the Northwest Pier, and the eastern or downstream limit, which is a north and south line tangent to the northeast corner of the old Fort Brady Reservation, the distance between limits being 1.9 miles. The term "canal grounds" shall include all of the United States part and other lands, piers, buildings, water level regulation works, hydroelectric power plant, and other appurtenances acquired or constructed for the channel improvement and use of the waterway.

(2032) **Note:** Rules and regulations governing the movements of vessels and rafts in St. Marys River from Point Iroquois, on Lake Superior, to Point Detour, on Lake Huron, prescribed by the United States Coast Guard pursuant to 33 U.S.C. 475, are contained in 33 CFR 92.

(2033) (b) Masters of all registered vessels approaching and desiring to use the locks shall, upon arriving at Sailors Encampment, Little Rapids Cut, and Brush Point, report the name of the vessel and its draft to the Coast Guard Lookout Stations at those points.

(2034) (c) *Approach requirements*. Upon approaching the canal, vessel masters shall request lock dispatch by radiotelephone to the Corps of Engineers Chief Lockmaster at St. Marys Falls Canal dispatch tower (Radio Call WUE-21). Every up bound vessel requiring lock transit shall request lock dispatch immediately before initiating the turn at Mission Point at the intersection of Course 1, Bayfield Channel, and Course 2, Little Rapids Cut. Every down bound vessel shall call when approximately one-half mile downstream from Big Point.

(2035) (d) When in the locks, vessels shall not blow whistle signals for tugs, supply vessels, or persons unless authorized to do so by the District Engineer or his authorized agents.

(2036) (e) (1) *Manning requirements*. On all vessels of 400 gross tons or over navigating the canal under their own power, the following ship's personnel shall be on duty. In the pilot house, on the bridge, the master. One mate and one able seaman shall be on watch and available to assist; in the engine room, the engineering watch officer. The chief engineer shall be available to assist. During transit of the locks, all vessels of 400 gross tons or over equipped with power operated mooring deck winches shall have, in addition to the winch operators, mates or signalman at the forward and after ends of the vessel to direct operations from points providing maximum vision of both the winch operators and canal linesmen.

(2037) (2) *Linehandlers*.—(i) *Cargo vessels equipped with bow thrusters and friction winches*. Two line handlers from the vessel are required on the piers under normal weather conditions. Lockmasters can ask for three persons under severe weather conditions. If a vessel is

experiencing mechanical problems or in extreme severe weather situations, the lockmaster may require four vessel-supplied line handlers on the pier.

(2038) (ii) *Vessels with non-friction winches or lack of both bow and stern thrusters*. Four vessel-supplied line handlers are required on the pier at all times.

(2039) (f) *Vessel restrictions*.—(1) Speed limits. Within the limits of the canal, vessels approaching the locks shall not navigate at a speed greater than 2½ miles per hour, and vessels leaving the locks shall not navigate at a speed greater than 6 miles per hour. Tugs assisting vessels in passing through the locks may be authorized by the District Engineer or his authorized agents to navigate at a higher speed when considered necessary to expedite canal operations.

(2040) (2) *Use of bow/stern thrusters*. Bow and/or, stern thruster use shall be kept to a minimum while transiting the Soo Locks. Thrusters shall not be used while the thrusters are opposite lock gates. They may be used sparingly for short durations within the lock to maintain the ship position near the mooring wall or in an emergency. Thrusters shall be at zero thrust during the period the ship is stopped and moored to the wall with all lines out, and during raising and lowering of pool levels within the chamber.

(2041) (g) For passage through the canal, vessels or boats owned or operated by the United States Government may be given precedence over all others.

(2042) (h) *Vessel lockage order*.—(1) *Arrival*. All registered vessels will be passed through the locks in the order of their arrival at the dispatch point unless otherwise directed by the District Engineer or his authorized agents. When a vessel that has stopped on its own business is ready to proceed, it is not entitled to precedence over other vessels already dispatched.

(2043) (2) *Departure*. The following order of departure procedure will apply to vessels leaving the MacArthur Lock and Poe Lock simultaneously or at approximately the same time:

(2044) (i) The first vessel to leave will be the vessel in the lock which is ready for vessel release first. The vessel in the other lock will be restrained by the gates remaining closed and the wire rope fender remaining in the down position.

(2045) (A) On down bound passages, the vessel retained shall not leave the lock until such time as the bow of the vessel leaving first reaches the end of the East Center pier.

(2046) (B) On up bound passages, the vessel retained shall not leave the lock until such time as the bow of the vessel leaving first reaches the railroad bridge.

(2047) (ii) When a 1,000 foot vessel is ready to depart the Poe Lock and a vessel has left the MacArthur Lock already, the 1,000 foot vessel may start to leave once the bow of the other vessel reaches the end of the respective nose pier.

(2048) (iii) Vessels will remain in radio contact with each other and with the Chief Lockmaster at all times until clear of the lock area.

(2049) (iv) The need for a deviation from the procedures set forth in Paragraph (h)(2)(i) of this section will be determined on a case by case basis by the Chief Lockmaster. If two vessels masters agree to a different departure scheme, they both shall notify the Chief Lockmaster and request a change.

(2050) (i) Unless otherwise directed, all vessels or boats approaching the locks shall stop at the points indicated by signs placed on the canal piers until ordered by the District Engineer or his authorized agents to proceed into the lock.

(2051) (j) Vessels and boats shall not proceed to enter or leave a lock until the lock gates are fully in their recesses and the lockmaster has given directions for starting.

(2052) (k) Upon each passage through the canal, the master or clerk of the vessel or craft shall report to the canal office, upon the prescribed form, a statement of passengers, freight, and registered tonnage, and such other statistical information as may be required by the blank forms provided for the purpose.

(2053) (1) No business, trading, or loading or landing of freight, baggage, or passengers will be allowed on or over the canal piers or lock walls, or over the other piers within the limits of the canal grounds, except by prior authority of the District Engineer or his authorized agents.

(2054) (m) No person shall throw material of any kind into the canal, or litter the grounds with any refuse.

(2055) (n) The releasing of vessel steam, water, or waste from side discharge openings upon the piers or lock walls, the cleaning of boiler flues in the locks or canal, or the emission of dense smoke from the stack of any vessel while passing through the locks, is forbidden.

(2056) (o) No person shall enter or navigate the canal with a boat or other craft which, when entering or while navigating the canal, shall have an iron or irons projecting from it or a rough surface or surfaces on it which would be liable to damage the lock walls or canal piers.

(2057) (p) No person shall cause or permit any vessel or boat of which he is in charge or on which he is employed to in any way obstruct the canal or delay in passing through it, except upon prior authority of the District Engineer or his authorized agents.

(2058) (q) No person shall enter upon any part of the canal grounds except as permitted, either generally or in specific instances, by the District Engineer or his authorized agents. No person shall willfully or carelessly

injure, tamper with, or damage the canal or any of the Government buildings, works or structures, trees or shrubbery, or other public property pertaining to the canal or canal grounds.

(2059) (r) *Tug assist procedure.–(1) Self-powered vessels*. Mariners are advised that often times adverse local weather conditions, i.e., high winds, current conditions and/or inclement weather, exists as vessels approach, enter and /or depart the Soo Locks. These conditions combined with close quarters slow speed maneuvering, particularly with large vessels not equipped with bow or stern thrusters, may cause control difficulties for certain classes of vessels. Therefore, any vessel requesting lockage which in the opinion of the vessel master in consultation with the pilot on board, where applicable may experience severe control problems due to the above conditions, must request assistance by one or more tugs to ensure full control over the vessel at all times. Vessels masters and pilots must consult with the lockmaster concerning local conditions well in advance of arrival at the lock to allow tug assistance to be arranged if necessary. These guidelines apply to all vessels.

(2060) (2) *Non self-powered vessels*. All barges or other vessels navigating within the canal and not operating under their own power, whether approaching or leaving the locks, are required to be assisted by one or more tugs of sufficient power to ensure full control at all times.

(2061) (s) Smoking and open flames are prohibited on the canal grounds within 50 feet of any tanker transiting the canal and locks, and on board the tanker transiting the locks except in such places as may be designated in the ship's regulations.

(2062) (t) All oil tankers, barges, and other vessels which are used for transporting inflammable liquids, either with or without cargo, shall, if not equipped with fixed timber fenders, be prevented from contacting any unfendered pier, lock wall, or other structure by an adequate number of suitable fenders of timber, rubber, or rope placed between the vessel and such unfendered structure.

(2063) (u) The locks will be opened and closed to navigation each year as provided in paragraphs (u)(1) and (2) of this section except as may be authorized by the Division Engineer. Consideration will be given to change in these dates in an emergency involving disaster to a vessel or other extraordinary circumstances.

(2064) (1) Opening date. At least one lock will be placed in operation for the passage of vessels on March 25. Thereafter, additional locks will be placed in operation as traffic density demands.

(2065) (2) Closing date. The locks will be maintained in operation only for the passage of downbound vessels departing from a Lake Superior port before midnight (2400 hours) of January 14, and of upbound vessels passing Detour before midnight (2400 hours) of January 15. Vessel owners are requested to report in advance to the Engineer in charge at Sault Ste. Marie, the name of vessel and time of departure from a Lake Superior port on January 14 before midnight, and of vessels passing Detour on January 15 before midnight, which may necessitate the continued operation of a lock to permit passage of vessel.

(2066) (v) The maximum overall dimensions of vessels that will be permitted to transit MacArthur Lock are 730 feet in length and 75 feet in width, except as provided in paragraph (v)(1) of this section. Further, any vessel of greater length than 600 feet must be equipped with deck winches adequate to safely control the vessel in the lock under all conditions including that of power failure.

(2067) (1) Whenever the Poe Lock is out of service for a period exceeding 24 hours the District Engineer may allow vessels greater than 730 feet in length, but not exceeding 767 feet in length to navigate the MacArthur Lock. Masters of vessels exceeding 730 feet in length shall be required to adhere to special handling procedures as prescribed by the District Engineer.

(2068) (w) The maximum overall dimensions of vessels that will be permitted to transit the New Poe Lock without special restrictions are 100 feet in width, including fendering, and 1,000 feet in length, including steering poles or other projections. Vessels having overall widths of over 100 feet and not over 105 feet including fendering, and overall lengths of not more than 1,100 feet, including projections, will be permitted to transit the New Poe Lock at such times as determined by the District Engineer or his authorized representative that they will not unduly delay the transit of vessels of lesser dimensions or endanger the lock structure because of wind, ice, or other adverse conditions. These vessels also will be subject to such special handling requirements as may be found necessary by the Area Engineer at time of transit. Vessels over 1,000 feet in length will be required to be equipped with six mooring cables and winches ready for use to assist in safe transit of the lock.

(2069) (x) Masters or other persons refusing to comply with the regulations in this section or any orders given in pursuance thereof, or using profane, indecent, or abusive language, may, in the discretion of the District Engineer or his authorized agents, be denied the privileges of the locks and canal grounds.

§207.441 St. Marys Falls Canal and Locks, Mich.; security.

(2070) (a) *Purpose and scope of the regulations*. The regulations in this section are prescribed as protective measures. They supplement the general regulations contained in §207.440 the provisions of which shall remain in full force and effect except as modified by this section.

(2071) (b) *Restrictions on transit of vessels*. The following classes of vessels will not be permitted to transit the United States locks or enter any of the United States approach canals:

(2072) (1) (Reserved)

(2073) (2) (Reserved)

(2074) (3) (Reserved)

(2075) (4) *Tanker vessels–(i) Hazardous material*. Cleaning and gas freeing of tanks on all hazardous material cargo vessels (as defined in 49 CFR part 171) shall not take place in a lock or any part of the Soo Locks approach canals from the outer end of the east center pier to the outer end of the southwest pier.

(2076) (ii) *Approaching*. Whenever a tank vessel is approaching the Soo Locks and within the limits of the lock piers (outer ends of the southwest and east center piers) either above or below the locks, no other vessel will be released from the locks in the direction of the approaching tank vessel, unless the tank vessel is certificated gas free or is carrying non-combustible products, until the tank vessel is within the lock chamber or securely moored to the approach pier. Whenever a tank vessel is within a Soo Lock Chamber, the tank vessel, unless certified gas free or is carrying non-combustible products, will not be released from the lock until the channel within the limits of the lock piers either above or below the lock, in the direction of the tank vessel, is clear of vessels or vessels therein are securely moored to the approach pier. This limits movement to a single vessel whenever a tank vessel is within the limits of the lock piers either above or below the locks, unless the tank vessel is certified gas free or is carrying non-combustible products. Tank vessels to which this paragraph (b)(4)(ii) applies include those vessels carrying fuel oil, gasoline, crude oil or other flammable liquids in bulk, including vessels that are not certified gas free where the previous cargo was one of these liquids.

(2077) (iii) *Locks park*. Except as provided in paragraph (b)(5) of this section, tankers with any type cargo will be permitted to transit the MacArthur Lock when the locks park is closed. The exact dates and times that the park is closed varies, but generally these periods are from midnight to 6 a.m. June through September with one or two hour closure extensions in the early and late seasons. Tankers carrying non-combustible products that will not react hazardously with water or tankers that have been purged of gas or hazardous fumes and certified gas free will be allowed to transit the MacArthur Lock when the park is open.

(2078) (5) *Carrying explosives*. All vessels, except U.S. vessels of war and public vessels as defined in 46 U.S.C. 2101, carrying explosives are prohibited from transiting the U.S. Locks.

(2079) (c) *Personnel restrictions*. Masters of vessels are responsible for the conduct of crew and passengers while transiting St. Marys Falls Canal and Locks and for strict compliance with the regulations. The following procedures are established for the control of persons embarking or debarking from vessels while transiting the locks:

(2080) (1) The master or mate and not more than three deckhands will be permitted to go ashore from transiting vessels and then only for normal operations and business incident to the transit. A maximum of four men will be permitted ashore at any one time from any one ship.

(2081) (2) *Personnel–(i) Embarking*. Personnel, including technicians, repairmen, and company officials will be permitted to embark at the locks if they are in possession of a letter addressed to the Area Engineer, St. Marys Falls Canal, Sault Ste. Marie, Michigan, from the vessel's master, the operators of the vessel, or the Lake Carriers' Association, requesting that the individual named therein be permitted to embark on a particular vessel. United States vessel personnel must also be in possession of a specially validated seaman's document issued by the United States Coast Guard. Their papers will be presented to the civilian guard on duty at the main gate on Portage Avenue who will arrange escort from the gate to the vessel. Luggage will be subject to inspection.

(2082) (ii) *Debarking*. The vessel master will furnish prior notification to the Chief Lockmaster at St. Marys Falls Canal Tower (Radio Call WUD-31) that he has vessel personnel, technicians, repairmen or company officials aboard for whom he requests authority to debark. If authority to debark is granted such personnel will be furnished a letter by the vessel master, addressed to the Area Engineer, St. Marys Falls Canal, Sault Ste. Marie, Michigan, giving the name and position of the individual concerned. Personnel will not debark until they have been properly identified by a licensed officer of the vessel and the letter furnished to the escort provided from the civilian guard detail who will escort personnel to the gate. In the event a person debarking for medical attention is a litter case, notification will be given sufficiently in advance to permit the Chief Lockmaster to route the vessel to the MacArthur Lock in order that the long carry over the lock gates may be avoided. The Area Engineer will make the necessary arrangements

for clearance of ambulances and medical personnel into the lock area.

(2083) (3) No passengers or guest passengers will be permitted to embark or debark at St. Marys Falls Canal except in emergency when medical attention is required.

(2084) (4) Letters cited in paragraph (c)(2) of this section are valid only for a single passage through the lock area. In the event frequent access to the area is required a request for extended access with reasons therefor will be submitted to the Area Engineer, St. Marys Falls Canal, Sault Ste. Marie, Michigan, who may arrange for the necessary clearance.

(2085) (5) Emergency needs to embark or debark which develop with insufficient time to follow the procedure outlined in this paragraph will be approved or disapproved by the Area Engineer, St. Marys Falls Canal, Sault Ste. Marie, Michigan, according to the circumstances of the individual case, and requests therefor should be promptly directed to him.

§207.460 Fox River, Wis.

(2086) (a) *Use, Administration, and Navigation of the Locks and Canals.* (1) *Navigation*. The Fox River and Wolf River navigation seasons will commence and close as determined by the district engineer, Corps of Engineers, in charge of the locality, depending on conditions and need for lock service. Days and hours of lock operation will also be determined by the district engineer. Public notices will be issued announcing or revising the opening and closing dates and operating schedules at least 10 days in advance of such dates.

(2087) (2) *Authority of lockmaster.* The movement of all boats, vessels, tows, rafts and floating things, both powered and nonpowered, in the canals and locks, approaches to the canals, and at or near the dams, shall be subject to the direction of the lockmaster or his duly authorized representatives in charge at the locks.

(2088) (3) *Signals.* All boats approaching the locks shall signal for lockage by four distinct whistles of short duration. Locks will not be opened on such audible signal during the period when advance notice is required if the services of the lock tender are required elsewhere to meet prior requests for lockages.

(2089) (4) *Mooring in locks.* All craft being locked shall be secured to the mooring posts on the lock walls. Large craft shall use one head line and at least one spring line. Lines shall remain fastened until the signal is given by the lock tender for the craft to leave the lock.

(2090) (5) *Delays in canals.* No boat, barge, raft or other floating craft shall tie up or in any way obstruct the canals or approaches, or delay entering or leaving the locks, except by permission from proper authority. Boats wishing to tie up for some hours or days in the canals must notify the Project Engineer directly or through a lock tender, and proper orders on the case will be given. Boats so using the canals must be securely moored in the places assigned, and if not removed promptly on due notice, will be removed, as directed by the Project Engineer at the owner's expense. Boats desiring to tie up in the canals for the purpose of unloading cargoes over the canal banks must, in each case, obtain permission in advance from the District Engineer. Request for such permission shall be submitted through the Project Engineer.

(2091) (6) *Provisions for lockage service.* (i) Commercial vessels, barges, rafts and tows engaged in commerce will be provided lockages during the same period as provided for pleasure boats (see paragraph (a)(6)(iv) of this section).

(2092) (ii) Pleasure boats, powered and nonpowered, houseboats and similar craft will be provided with not more than one lockage each way through the same lock in a 24-hour period.

(2093) (iii) All small vessels or craft, such as skiffs, sculls, sailing boats, etc., shall be passed through locks in groups of not less than six at one lockage, or may be granted separate lockage if the traffic load at the time permits.

(2094) (iv) Lockage may be provided during certain hours other than announced at the intermediate locks provided prior requests are made to the Corps of Engineers, Fox River Project Office. Requests may be made either in writing, by telephone or in person to U.S. Army Corps of Engineers, Fox River Project Office, 1008 Augustine Street, Kaukauna, Wisconsin 54130, telephone: 414-766-3531.

(2095) (7) *Injury to locks or fixtures.* Vessel operators shall use great care not to strike any part of the locks or sluice walls, or any gate or appurtenance thereto, or machinery for operating the gates, or the walls protecting the banks of the canals. All boats using the canals shall be free from projecting irons or rough surfaces that would be liable to damage the locks or any part of the canals, and they must be provided with fenders to be used in guarding the lock walls, etc., from injury. Boats will not be permitted to enter or leave the locks until the lock gates are fully in the gate recesses, and the lock tender has directed the boat to proceed. No vessel shall be raced or crowded alongside another vessel, or be moved at such speed as will cause excessive swells or wash. Speed shall be kept at a minimum consistent with safe navigation.

(2096) (8) *Handling gates.* No one, unless authorized by the lock tender, shall open or close any gate, or valve, or in any way interfere with the employees in the discharge of their duties. The lock tender may call for assistance from the master of any boat using the lock should such aid be needed.

(2097) (9) *Draft of boats*. No boat shall enter a canal or lock whose actual draft exceeds the least depth of water in the channel of the canal as given by the Project Engineer.

(2098) (10) *Right-of-way.* Boats going downstream shall have the right-of-way over boats going upstream. Ordinarily, the boats or tows arriving first at any of the locks shall have precedence in passage except that those vessels which have given advance notice, when such notice is required, shall have precedence over other vessels when such notifying vessel is ready for passage. In all cases boats and barges belonging to the United States, or employed upon public works, shall have precedence over all others, and commercial passenger boats shall have precedence over tows. All boats not taking advantage of the first lawful opportunity to pass shall lose their turn. When lockage has started on tows requiring multiple lockages, all units of the tow will be locked ahead of other vessels traveling in the same direction. In the case of tows requiring two lockages, any craft awaiting lockage in the opposite direction will have priority over the second lockage of the tow.

(2099) (11) *Boats and rafts without power.* No boat or raft without power except small boats controlled by sails or oars shall be brought through the canal unless accompanied by a power operated boat.

(2100) (12) *Dumping of refuse in waterway.* No refuse or other material shall be thrown or dumped from vessels into the natural river, improved channels, canals and locks or placed on any bank of the river or berm of the canals so that it is liable to be thrown or washed into the waterway. (Section 13 of the River and Harbor Act of March 3, 1899 (30 Stat. 1152; 33 U.S.C. 407) prohibits the depositing of any refuse matter in any navigable water or along the banks thereof where the same shall be liable to be washed into such navigable water.)

(2101) (13) *Drawing off water.* No water shall be drawn by any party or parties from any portion of the Fox River canals, or of the Fox River, including its lakes, improved channels, and unimproved channels, to such extent as to lower the water surface below the crest of that dam next below the place where such draft of water is affected.

(2102) (14) *Obstructing navigation.* Anyone who shall willfully or through carelessness in any way obstruct the free navigation of the waterway, or by violation of any of the laws or regulations governing the waterway and those using it, delay or inconvenience any boat having the right to use the waterway, shall be responsible for all damages and delays, and for all expenses for removing the obstructions. (Section 20 of the River and Harbor Act of March 3, 1899 (30 Stat. 1154; 33 U.S.C. 415), authorizes the immediate removal or destruction of any sunken vessel, craft, or similar obstruction, which impedes or endangers navigation.)

(2103) (15) (Reserved)

(2104) *(16) Trespass on United States property.* Trespass on waterway property or injury to the banks, locks, dams, canals, piers, fences, trees, buildings, or any other property of the United States pertaining to the waterway is strictly prohibited. No business, trading or landing of freight or baggage will be allowed on or over Government property, unless a permit or lease approved by the Secretary of the Army has been secured.

(2105) (17) *Neenah dam outlet works.* (i) During periods of high water, when determined to be necessary by the District Engineer, U.S. Army Engineer District, Chicago, to reduce the threat of flooding, it shall be the duty of the person owning, operating, or controlling the dam across the Neenah Channel of the Fox River at Neenah, Wis., acting as agent of the United States, to open or close, or cause to be opened or closed, pursuant to paragraph (a) (17)(ii) of this section, the outlet works of said dam to regulate the passage of water through said outlet works.

(2106) (ii) The outlet works of said dam shall be opened when and to the extent directed by the District Engineer or his authorized field representatives, and said outlet works shall thereafter be closed when and to the extent directed by the said District Engineer or his authorized field representative.

(2107) (b) *Use of the United States drydock on Fox River at Kaukauna, Wis.* (1) The drydock being a part of the Fox River improvement, its use will be governed by the general regulations for the use, administration, and navigation of that river, so far as they may be applicable.

(2108) (2) The drydock at Kaukauna, when not required for repairs or construction by the United States, may be used by private parties or corporations under certain restrictions and under the supervision and direction of the United States District Engineer in charge of the locality or his authorized agent.

(2109) (3) The drydock will be loaned to private parties only when no private drydock is available at the time and for the purpose desired. Applicants will be required to establish over their signature the fact that due effort has been made to secure the use of a private drydock and none can be had.

(2110) (4) Private parties desiring to use the Kaukauna drydock will give notice to the United States Assistant Engineer in local charge at Appleton, Wis., as long in advance as practicable, stating when use of the dock is wanted, nature of repairs required, and the dimensions and character of boat. No boat will enter the dock until the permission of the United States District Engineer

or the Assistant Engineer above referred to has been obtained.

(2111) (5) All private parties or corporations using the Kaukauna drydock will furnish all material and labor, including blocking, when necessary, required for prompt execution of their work, and will also furnish all labor for properly operating, under the immediate personal supervision of an authorized canal employee, gates, and sluices of the drydock. No gate or sluice of the drydock will be operated, or in any way meddled with, except by permission of and under the personal supervision of such authorized canal employee.

(2112) (6) No boat will be allowed to occupy the Kaukauna drydock for a longer period than 2 days when other boats are waiting to use the dock, except in cases when, in the opinion of the United States District Engineer or his authorized agent, circumstances necessitate and justify a longer use than 2 days. The United States District Engineer or his authorized agent is authorized to remove from the drydock any boat using or occupying such dock without his authority, and the expense of such removal will be paid by the party or parties owning such boat.

(2113) (7) The wages of all mechanics and laborers, due from private parties for repairs carried on in the Kaukauna drydock, must be paid before the boat leaves the dock.

(2114) (8) Repair shop, timber shed, tools, etc., owned by the Government at and near the drydock shall not be used by parties allowed to occupy the drydock.

(2115) (9) Lumber and all material needed by parties allowed to use the drydock may be deposited in the drydock yards at such places as may be directed, but only for such time as repairs are being made, and residue must be entirely removed when the boat leaves the dock; general storage will not be permitted.

(2116) (10) All refuse and old material taken from boats under repairs must be removed or disposed of, as may be directed, by the owner of the boat or his employees without expense to the Government, and before the boat leaves the dock, and to the satisfaction of the agent in charge of the dock.

(2117) (11) The Government charges for the authorized and necessary use and occupancy of the Kaukauna drydock by private boats shall be, until further orders, as follows:

(2118) (i) Docking charges (including lay time for the calendar day on which vessel is docked): Tugs, motor boats, and dredges, 75 cents per linear foot; $25 minimum charge. Barges, dump scows, and derrick boats, 65 cents per linear foot; $20 minimum charge.

(2119) (ii) Lay-day charges (excluding Sundays and national holidays, unless repairs are made on such Sundays and holidays): For all vessels, 20 cents per linear foot per calendar day or part thereof; $7 per calendar day or part thereof, minimum charge.

(2120) (12) The charges for all use or occupancy of the Kaukauna drydock by a boat or private parties, after repairs on such boat have, in the opinion of the United States District Engineer or authorized agent, been so far completed as to permit safe removal from the dock, or after such removal has been ordered by the United States District Engineer or his authorized agent, shall be $50 per day or part of a day, in addition to any penalties incurred for violation of any of the regulations prescribed by law for the government of the dock and those using it.

(2121) (13) The dock will be considered in use by a boat from the time the dock is placed at its disposal until the boat is out of the dock.

(2122) (14) The length of all vessels shall be the over-all length measured on the main deck from stem to stern.

(2123) (15) The charges for the use of the drydock shall be paid within 10 days from date of bill, which will be submitted to the owner by the District Engineer as promptly as possible after the vessel leaves the dock. If charges are not so paid, the vessel shall be liable to the amount of the charges and the cost of collection in the manner prescribed by law, and the owner of the vessel shall be denied the use of the drydock until all charges and the cost of collection have been paid to the United States.

(2124) (16) This section supersedes the regulations for the use of this drydock approved April 10, 1906, which regulations are hereby revoked.

§207.470 Sturgeon Bay and Lake Michigan Ship Canal, Wis., use and navigation.

(2125) (a) *Authority of canal officers.* The movement of all boats and floating things in the canal and in the approaches thereto shall be under the direction of the superintendent or his authorized assistants, and their orders and instructions must be obeyed.

(2126) (b) *Signals.* On entering the canal at either entrance, steamers or tugs must blow their whistles for 1 minute in order to warn craft approaching from opposite direction and give them time to guard against collisions, by tying up if necessary. All steamers approaching others going in the opposite direction shall slacken speed so as to pass in safety. Compliance is required with rule V of the rules and regulations for government of pilots, adopted by the United States Coast Guard.

(2127) Rule V. Whenever a steamer is nearing a short bend or curve in the channel where, from the height of the banks or other cause, a steamer approaching from the opposite direction cannot be seen for a distance of half a mile, the pilot of such steamer, when he shall have

arrived within half a mile of such curve or bend, shall give a signal by one long blast of the steam whistle, which signal shall be answered by a similar blast by the pilot of any approaching steamer that may be within hearing. Should such signal be so answered by a steamer upon the farther side of such bend, then the usual signals for the meeting and passing shall immediately be given and answered; but if the first alarm signal of such pilot be not answered, he is to consider the channel clear and govern himself accordingly.

(2128) (c) *Speed.* The rate of speed while passing through the canal shall not exceed 5 miles per hour.

(2129) (d) *Keeping in the center.* The center must be kept all the way through, except in passing other craft. In case of grounding, the rapid or strong working of boat's engines is strictly forbidden.

(2130) (e)-(g) (Reserved)

(2131) (h) *Rafts.* (1) The passage of bag or sack rafts, or of loose logs, into or through the canal is prohibited.

(2132) (2) Rafts shall be made up with logs parallel to each other, in the direction of raft lengths, secured and held closely together by frequent cross-sticks, chains, or cables.

(2133) (3) Rafts shall not be of greater dimensions, either way, than 50 feet wide by 600 feet long, and if longer than 300 feet shall be handled by two tugs.

(2134) (4) No raft shall pass through the canal, unless by special permission of the superintendent or his authorized assistants, who will direct a time for passing that will least interfere with other navigation.

(2135) (5) Masters of tugs and other persons in charge of rafts are required to avoid damaging the canal revetments, and displacing buoys, spars, or the pedestal of any range light aiding navigation through the canal. They shall keep careful watch when passing aids to navigation, and should any be accidentally displaced, shall report the fact at the earliest possible moment to the superintendent or his authorized assistants.

(2136) (i) through (1) (Reserved)

(2137) (m) *Refuse in canal.* No person shall roll or throw any stones, ashes, cinders, or other material into the canal or the approaches thereto, or place any such material on any bank or berm of the canal so that it is liable to be thrown or roll in.

(2138) (n) (Reserved)

(2139) (o) (Reserved)

§207.476 The Inland Route-lock in Crooked River, Alanson, Mich., use, administration, and navigation.

(2140) (a) *General.* The use, administration, and navigation of the lock shall be under the direction and supervision of the District Engineer, U.S. Army Engineer District, Detroit, Mich., and his authorized agents.

(2141) (b) *Authority of lockmaster.* The lockmaster shall be charged with the immediate control and management of the lock, and of the area set aside as the lock area, including the lock approach channels. He shall see that all laws, rules, and regulations for the use of the lock and lock area are duly complied with, to which end he is authorized to give all necessary orders and directions in accordance therewith, both to the employees of the Government and to any and every person within the limits of the lock area, whether navigating the lock or not. No one shall cause any movement of any boat, craft or other floating object in the lock or approaches except by or under the direction of the lockmaster or his assistants.

(2142) (c) *Operation.* The lock operating season will commence and close as determined by the district engineers, Corps of Engineers in charge of the locality, depending on conditions and the need for lockage services. Public notices will be issued announcing the opening and closing dates at least 15 days in advance of such dates.

(2143) (d) *Maximum allowable dimensions of craft.* (1) Overall length-60 feet.

(2144) (2) Overall width-16 feet.

(2145) (3) Height above water-15 feet when upper pool is at low water datum.

(2146) (4) Draft-6 feet when lower pool is at low water datum.

(2147) (e) *Signals.* (1) Craft desiring lockage in either direction shall give notice to the lock tenders, when not farther than 200 yards from the lock, by one long blast (of 10 seconds duration) followed by one short blast (of 3 seconds duration) of whistle, horn, or siren.

(2148) (2) Craft not equipped with whistle, horn, or siren may signal for lockage by use of the signal provided for this purpose located near the extreme end of the guide wall to the starboard side of the craft, both upbound and downbound.

(2149) (f) *The procedures for transit of lock.* (1) Stand clear of the lock while the red signal light shows.

(2150) (2) When the green signal light shows and the lock horn sounds three blasts, approach and enter the lock.

(2151) (3) Full control of the craft must be maintained while entering the lock.

(2152) (4) After entrance to the lock is complete, the craft shall be securely moored to the cleats and bitts situated on the lock wall.

(2153) (5) While moored in the lock, the operator of the craft shall maintain constant attention to the mooring lines, to provide slack or retain tautness as needed.

(2154) (6) The craft shall remain securely moored until the exit lock gate is fully open and the lock horn sounds one blast.

(2155) (7) When the exit lock gate is fully open and the lock horn has sounded one blast, the craft shall immediately leave the lock under full control of its operator.

(2156) (g) *Precedence at lock*. The craft arriving first at the lock shall be first to lock through; but precedence will be given to craft belonging to the United States or to other local government entities, such as State, county, or municipality. Arrival posts may be established above and below the lock. Craft arriving at or opposite such posts or markers will be considered as having arrived at the locks within the meaning of this paragraph.

§207.480 Lake Huron, Mich.; Harbor of refuge, Harbor Beach, use and navigation.

(2157) (a) All boats, barges, and vessels entering the harbor will be required to take such positions as may be assigned them by the officer in charge, who will direct their movements, either from the breakwater or from the Government tug on the harbor.

(2158) (b) In the absence of any directions as to position, boats, barges, and vessels entering the harbor will observe the following rule: The first steam vessel, or the first steam vessel with consort in tow, on entering the harbor for shelter, will proceed to the upper end of the breakwater. All steam vessels, and all steam vessels with consorts in tow, entering later, will place themselves in a compact position close to those preceding them. Sailing craft will so locate themselves that they will not lie in the way of other vessels entering the harbor. All vessels of every description will in no way place themselves so as to interfere with the work of reconstruction of piers, or repairs, that may be in progress at the time.

(2159) (c) The use of chains in making fast to the breakwater will not be permitted. Lines must be attached to the snubbing posts only, and outboard anchors taken in.

(2160) (d) Steam craft with barges or vessels in tow will, if practicable, at once place them compactly alongside the breakwater, either taking in the towlines entirely or passing them on the breakwater so as not to interfere in any way with the landing or departure of boats or vessels between them. If impracticable to place them alongside the breakwater, they will each drop anchor and at once take in all towlines extending from one to the other.

(2161) (e) Passenger boats will, in general, have the preference as to location and attention by the officer in charge. Rafts will give way to all documented craft.

(2162) (f) All classes of boats, barges, vessels, or other floating property making fast to the breakwater must at once place such fenders between themselves and the breakwater as may be thought necessary by the officer in charge to prevent chafing or other damage.

(2163) (g) The unloading of wood, coal, ballast, stone, or freight of any class upon the breakwater is expressly prohibited, except in certain cases allowed by special permission from the officer in charge.

(2164) (h) Each and every piece of floating property made fast to the breakwater, or anchored in the harbor, must keep outboard from sunset to sunrise a conspicuous white light, and must have upon it and in immediate charge of it a watchman during the entire time such floating property is in the harbor. All colored lights must be at once taken in, or covered, on dropping anchor or making fast to the breakwater.

§207.560 Sandusky Harbor, Ohio; use, administration, and navigation.

(2165) (a) through (c) (Reserved)

(2166) (d) No vessel shall moor or anchor to any structure of the United States without the consent of the District Engineer, U.S. Army, in charge of the locality, or his authorized agent.

(2167) (e) No vessel shall moor or anchor in or along any improved channel or basin in such manner as to interfere with improvement or maintenance operations therein. Whenever in the opinion of the District Engineer any vessel is so moored or anchored, the owner thereof shall cause said vessel to be moved upon notification from and within the time specified by said District Engineer.

§207.565 Vermilion Harbor, Ohio; use, administration, and navigation.

(2168) (a) and (b) (Reserved)

(2169) (c) No vessel or other craft shall moor or anchor to any structure of the United States without the consent of the District Engineer, Corps of Engineers.

(2170) (d) No vessel or other craft shall moor or anchor in or along any improved channel or basin in such a manner as to interfere with the improvement or maintenance operations therein. Whenever in the opinion of the District Engineer any vessel or craft is so moored or anchored, the owner thereof shall cause such vessel or craft to be moved upon notification from, and within the time specified by, the District Engineer.

§207.570 Harbors of Huron, Lorain, Cleveland, Fairport, Ashtabula, Conneaut, Ohio; use, administration, and navigation.

(2171) (a) and (b) (Reserved)

(2172) (c) No vessel shall moor or anchor to any structure of the United States without the consent of the District Engineer, U.S. Army, in charge of the locality, or his authorized agent.

(2173) (d) No vessel shall moor or anchor in or along any improved channel or basin in such manner as to

interfere with improvement or maintenance operations therein. Whenever in the opinion of the District Engineer any vessel is so moored or anchored, the owner thereof shall cause said vessel to be moved upon notification from and within the time specified by said District Engineer.

§207.580 Buffalo Harbor, N.Y.; use, administration, and navigation.

(2174) (a) and (b) (Reserved)

(2175) (c) No vessel shall moor or anchor to any structure of the United States without the consent of the District Engineer, U.S. Army, in charge of the locality, or his authorized agent.

(2176) (d) No vessel shall moor or anchor in or along any improved channel or basin in such manner as to interfere with improvement or maintenance operations therein. Whenever in the opinion of the District Engineer any vessel is so moored or anchored, the owner thereof shall cause said vessel to be moved upon notification from and within the time specified by said District Engineer.

§207.590 Black Rock Canal and Lock at Buffalo, N.Y.; use, administration and navigation.

(2177) (a) The term "canal" when used in this section will mean all of the Black Rock Waterway, including Black Rock Lock, and all of the lands, piers, buildings, and other appurtenances acquired by letters patent from the State of New York, or constructed for the use of the waterway; the southerly limit thereof being at the southerly end of Bird Island Pier, and the northerly limit being at the downstream end of the guide pier, Black Rock Lock, a length of 3.7 miles.

(2178) (b) The canal and all of its appurtenances and the use, administration and navigation thereof shall be in charge of the District Engineer, U.S. Army Engineer District, in charge of the locality, or his authorized agents.

(2179) (c) The movement of all vessels, boats, or other floating things in the canal shall be under the direction of the authorized agents of the District Engineer in charge, and their orders and instructions must be obeyed.

(2180) (d) For passage through the canal, vessels or boats belonging to the U.S. Government shall have precedence over all others.

(2181) (e) All registered vessels or boats must pass through the canal in order of their arrival at the canal limits, unless otherwise directed in accordance with this section.

(2182) (f) (Reserved)

(2183) (g) No vessel shall pass or approach within ¼-mile of a vessel bound in the same direction in the Black Rock Canal south of the Ferry Street Bridge. Tugs without tows, tugs towing a single barge under 150 feet in length, and single vessels under 150 feet in length are exempt from this paragraph.

(2184) (h) No vessel or boat shall anchor in or moor along the canal except at localities specially designated by the District Engineer or his agent; and no business, trading, or landing of freight or baggage, except such articles as may be readily carried in the hand, will be allowed on or over the canal lands or structures, without the permission of the District Engineer or his agent.

(2185) (i) No person or operator of a vessel in the Black Rock Canal, lock or approaching channels shall throw or discharge or permit to be thrown or discharged any solid material of any kind or any petroleum product of any kind into the canal, lock or appurtenant waters.

(2186) (j) All vessels and tows shall be navigated with care so as not to strike or disturb the channel buoys or channel markers. If a buoy or other channel marker is accidentally struck, damaged or displaced, the fact shall be reported immediately to the Black Rock Lock, foot of Bridge Street, Buffalo, N.Y., telephone 876-5454.

(2187) (k) Ferry Street Bridge: The clear headroom under the bridge at low water datum is 17.3 feet for a width of 86 feet from the pivot pier, thence decreasing to 12.3 feet at the left (westerly) abutment.

(2188) (1) All vessels and boats which cannot pass under the bridge shall, on approaching the bridge, reduce speed sufficiently to enable them to come to a dead stop, without touching the bridge, in case the movable span cannot be lifted. If the wind is dangerously strong, passage of the bridge shall not be attempted by large vessels without the aid of a tug or tugs.

(2189) (2) Vessels and boats bound north shall have the right-of-way and priority for passage through the bridge over those bound south.

(2190) (3) All vessels and boats desiring passage through the bridge shall signal therefor by one long and two short whistle blasts.

(2191) (4) Upon receiving the opening signal, the bridge operator shall answer by giving the same signal on the bridge whistle and he shall then proceed at once to lift the bridge.

(2192) (5) In case the bridge cannot be lifted, for any cause, the bridge operator shall answer a vessel signal by giving five short whistle blasts; and the vessel shall then be stopped until the bridge is ready to be lifted, when the bridge operator shall give the whistle signal for passage and the vessel may proceed.

(2193) (6) In case the bridge is disabled so that it cannot be lifted for one-half hour or more pending repairs, red flags will be displayed on the bridge in daytime and two red lantern lights, one above the other, at night; and

when such signals are displayed no vessel or boat shall signal for or attempt passage through the bridge.

(2194) (1) Radio Control of vessel movement in Black Rock Canal: (1) The movement of vessels in the Black Rock Canal will be controlled by radio communication between the Black Rock Lock and the vessels desiring to use the canal. Vessels will not be permitted to meet or pass in the channel of restricted width between the southerly end of Bird Island (approximately 3,500 feet northerly along the canal from the North Breakwater South End Light) and the International Railway Bridge near the southerly entrance to the Black Rock Lock. Vessels less than 150 feet in length and tugs towing a single barge under 150 feet in length are not to be included in this special condition. In addition to the control of vessel movements in the restricted section of the canal, radio communications will also be utilized to facilitate the passage of vessels through the entire canal and the Black Rock Lock.

(2195) (2) Radio communication will be the only means of control of vessel traffic in the canal in order to prevent a meeting or passing of vessels in the restricted area, and therefore it is mandatory that all vessels over 150 feet in length and tugs towing a barge or barges over 150 feet in combined length of tow be equipped with radio communication equipment operating on designated frequencies. Any vessel lacking such equipment will not be permitted to enter the canal unless arrangements are made with the Black Rock Lock by land telephone to 876-5454 or marine ship-to-shore facilities immediately before entering the canal.

(2196) (3) The Black Rock Lock radio communications equipment operates on VHF(FM) frequencies as follows: VHF–156.8 MHz–Channel 16–Safety and Calling, VHF–156.7 MHz–Channel 14–Working; VHF–156.6 MHz–Channel 12–Working. A listening watch is maintained on VHF Channel 16.

(2197) (4) In order that positive control may be maintained it is mandatory that the following procedures be followed in communicating by radio with the Black Rock Lock:

(2198) (i) Vessels desiring to enter the Black Rock Canal from either the Buffalo Outer Harbor or the Buffalo River shall call the Black Rock Lock on VHF Channel 16 or by land telephone approximately 15 minutes before the estimated time of arrival at Buffalo Harbor Traffic Lighted Bell Buoy 1 located at latitude N. 42°50.1' and longitude W. 78°55.4'. Information to be furnished the Black Rock Lock Operator should include the name of the vessel, position, destination, length, draft (forward and aft), and the type of cargo. A second call shall be made to the lock when the vessel is abreast of the Buffalo Harbor Light on the southerly end of the detached West Breakwater. Information furnished the vessel by the Lock Operator will assure the vessel operator of the proper time to enter the Black Rock Canal with a view to safety and minimum delay.

(2199) (ii) Vessels desiring to enter the Black Rock Canal from either the Buffalo Outer Harbor or the Buffalo River shall call the Black Rock Lock on VHF Channel 16 or by land telephone to 876-5454 immediately before departing a dock and again when abreast of the North Breakwater South End Light on the southerly end of the North Breakwater.

(2200) (iii) In any radio communication from a vessel to the Black Rock Lock, the VHF(FM) frequencies will be utilized.

(2201) (iv) In any radio communication from a vessel to the Black Rock Lock, the VHF(FM) frequencies will be utilized if available in preference to the MF(AM) frequencies.

(2202) (v) When an initial radio contact has been made with the Black Rock Lock the vessel entering the canal shall maintain a standby watch at the radio until the passage through the canal and lock is completed.

(2203) (vi) Failure to comply with the foregoing procedures could result in considerable delay to a vessel and possibly in a collision between vessels in the restricted section of the canal.

(2204) (m) Black Rock Lock: All vessels and boats desiring to use the lock shall signal by two long and two short whistle blasts.

(2205) (1) Northbound vessels and boats shall not be brought to within less than 300 feet of the upper lock gates, nor shall southbound vessels be brought to within less than 200 feet of the lower lock gates, until the lock is made ready and the lockmaster in charge signals the vessel to enter the lock.

(2206) (2) Vessels and boats shall not moor to the approach walls of the lock at either end, for any other purpose than waiting for lockage, except by direction or permission of the lockmaster.

(2207) (3) Commercial vessels will receive preference in passage through the locks. Small vessels such as row, sail, and motor boats, bent on pleasure only, will be passed through the lock in company with commercial vessels when small vessels can be safely accommodated or in the absence of commercial vessels may be passed through the lock individually or together in one lockage on the hour if northbound, and on the half hour if southbound. However, commercial vessels will receive preference which could delay the passage of pleasure craft. Pleasure craft will not be permitted to pass through the lock with vessels carrying inflammable cargo. Vessels and other large boats when in the lock shall fasten one head line and one spring line to the snubbing posts on the lock walls, and the lines shall

not be cast off until the signal is given by the lockmaster for the boats to leave the lock.

(2208) (4) Vessels and boats will be passed through the lock in order of their arrival except that the lockmaster may order a small vessel to lock through in company with another vessel, irrespective of the former's order of arrival.

(2209) (5) All vessels and boats shall be maneuvered with great care so as not to strike any part of the lock walls, or any gate or appurtenance thereto, or machinery for operating the gates, or the walls protecting the lock approaches.

(2210) (6) Vessels and boats shall not enter or leave until the lock gates are fully in their recesses, and the lockmaster has given direction for starting.

(2211) (7) (Reserved)

(2212) (8) Trespass on lock property is strictly prohibited. However, in that portion of the Black Rock Canal lying between the International Railway Bridge and the northerly end of the westerly lower guide pier, the following conditions shall apply to the embarking or disembarking of crew members or passengers of a vessel transiting the lock:

(2213) (i) Only the master or mate and two or three linesmen will be permitted to go ashore from transiting vessels and then only for normal operations and business incident to the transit. A maximum of only four (4) men will be permitted to go ashore from any one ship.

(2214) (ii) No crew members will be permitted to board a ship at the locks unless previously requested in writing by the master or owners, and approved by canal authorities.

(2215) (iii) No crew member may leave a ship while it is in transit in the lock or canal unless certified in advance as an emergency by the vessel master and approved by canal authorities.

(2216) (iv) No guest passengers will be permitted to either board or disembark at the canal or locks.

(2217) (9) Schedule of Seasonal Operation:

(2218) (i) March 23 through June 14–6 a.m. to 11 p.m., daily.

(2219) (ii) June 15 through September 6–24 hours, daily.

(2220) (iii) September 7 through November 30–6 a.m. to 11 p.m., daily.

(2221) (iv) December 1 through March 22–8 a.m. to 4:30 p.m., daily. During the navigation season the hours may be extended by the district engineer, depending on conditions and the need for lockage service. Public notices will be issued announcing the opening and closing dates at least 10 days in advance of such dates.

(2222) (10) Non-Operational Hours Lockings. In addition to the above schedule of operating hours, commercial vessels may be locked through during non-operational hours with prior arrangements made through the U.S. Army Engineer District Buffalo. Requests for non-operational hours lockings shall be made at least 24 hours in advance by calling (716) 876-5454, extension 2284 or by radio as described in paragraph (1) of this section, Monday through Friday, 9 a.m. to 4 p.m., except holidays. Requests shall include the approximate time of arrival and the name and call letters of the vessel or, if the vessel is not equipped to receive radio messages, a telephone number at which messages may be received for the vessel. If a requested lockage must be delayed, prompt notification shall be given by telephone or radio.

§207.600 Rochester (Charlotte) Harbor, N.Y.; use, administration, and navigation.

(2223) (a) and (b) (Reserved)

(2224) (c) No vessel shall moor or anchor to any structure of the United States without the consent of the District Engineer, U.S. Army, in charge of the locality, or his authorized agent.

(2225) (d) No vessel shall moor or anchor in or along any improved channel or basin in such manner as to interfere with improvement or maintenance operations therein. Whenever in the opinion of the District Engineer any vessel is so moored or anchored, the owner thereof shall cause said vessel to be moved upon notification from and within the time specified by said District Engineer.

§207.610 St. Lawrence River, Cape Vincent Harbor, N.Y.; use, administration, and navigation of the harbor and United States breakwater.

(2226) (a) through (c) (Reserved)

(2227) (d) Vessels shall observe the following rule in mooring to the breakwater: The first self-propelled vessel stopping at the harbor for shelter will proceed to the upstream end of the breakwater and moor along either side of it. All similar vessels entering later will place themselves in a compact position close to those preceding them. Passenger vessels will, in general, have preference as to location of moorage. Sailing craft will so locate themselves that they will not lie in the way of other vessels entering the harbor. All vessels of every description will place themselves so as not to interfere with any work of reconstruction or repair that may be in progress at the time.

(2228) (e) The use of chains in making fast to the breakwater is prohibited. Lines must be attached to the snubbing posts only, and outboard anchors taken in.

(2229) (f) Vessels with other craft in tow will, if practicable, at once, moor them compactly along the breakwater, either taking in the towlines or placing the slack in them upon the breakwater in such a manner as not to interfere with other vessels. If necessary to moor

alongside of other vessels moored to the breakwater, the towlines shall be taken in or disposed of in such a manner as not to interfere with the departure of vessels moored between them and the breakwater.

(2230) (g) Vessels of every description mooring to the breakwater, must place suitable fenders between themselves and the breakwater to protect the timber walings on the breakwater from damage.

(2231) (h) The unloading of freight of any class upon the breakwater is expressly prohibited, except in accordance with special permission from the said District Engineer or his representative.

(2232) (i) Each and every vessel made fast to the breakwater, or anchored in the harbor without a line made fast to the shore or shore dock, must have at least one experienced person upon it during the entire time said vessel is thus moored in the harbor.

§207.800 Collection of navigation statistics.

(2233) (a) *Definitions*. For the purpose of this regulation the following terms are defined:

(2234) (1) *Navigable waters of the United States* means those waters of the United States that are subject to the ebb and flow of the tide shoreward to the mean high water mark, and/or are presently used, or have been used in the past, or may be susceptible to use to transport interstate or foreign commerce. (See 33 CFR part 329 for a more complete definition of this term.)

(2235) (2) *Offenses and Violations* mean:

(2236) (i) Failure to submit a required report.

(2237) (ii) Failure to provide a timely, accurate, and complete report.

(2238) (iii) Failure to submit monthly listings of idle vessels or vessels in transit.

(2239) (iv) Failure to submit a report required by the lockmaster or canal operator.

(2240) (3) *Leased or chartered vessel* means a vessel that is leased or chartered when the owner relinquishes control of the vessel through a contractual agreement with a second party for a specified period of time and/or for a specified remuneration from the lessee. Commercial movements on an affreightment basis are not considered a lease or charter of a particular vessel.

(2241) (4) *Person or entity* means an individual, corporation, partnership, or company.

(2242) (5) *Timely* means vessel and commodity movement data must be received by the Waterborne Commerce Statistics Center within 30 days after the close of the month in which the vessel movement or nonmovement takes place.

(2243) (6) *Commercial vessel* means a vessel used in transporting by water, either merchandise or passengers for compensation or hire, or in the course of business of the owner, lessee, or operator of the vessel.

(2244) (7) *Reporting situation* means a vessel movement by an operator that is required to be reported. Typical examples are listed in the instructions on the various ENG Forms. Five typical movements that are required to be reported by vessel operating companies include the following examples: Company A is the barge owner, and the barge transports corn from Minneapolis, MN to New Orleans, LA, with fleeting at Cairo, IL.

(2245) (i) *Lease/Charter:* If Company A leases or charters the barge to Company B, then Company B is responsible for reporting the movements of the barge until the lease/charter expires.

(2246) (ii) *Interline Movement:*

(2247) A barge is towed from Minneapolis to Cairo by Company A, and from Cairo to New Orleans by Company B. Since Company A is the barge owner, and the barge is not leased. Company A reports the entire movement of the barge with an origin of Minneapolis and a destination of New Orleans.

(2248) (iii) Vessel Swap/Trade: Company A swaps barge with Company B to allow Company B to meet a delivery commitment to New Orleans. Since Company A has not leased/chartered the barge, Company A is responsible for filing the report. Company B is responsible for filing the report on the barge which is traded to Company A. The swap or trade will not affect the primary responsibility for reporting the individual vessel movements.

(2249) (iv) *Re-Consignment:* Barge is reconsigned to Mobile, AL. Company A reports the movements as originating in Minneapolis and terminating in Mobile. The point from which barge is reconsigned is not reported, only points of loading and unloading.

(2250) (v) *Fleeting*: Barge is deposited at a New Orleans fleeting area by Company A and towed by Company B from fleeting area to New Orleans area dock for unloading. Company A, as barge owner, reports entire movements from Minneapolis to the unloading dock in New Orleans. Company B does not report any barge movement.

(2251) (b) Implementation of the waterborne commerce statistics provisions of the River and Harbor Act of 1922, as amended by the Water Resources Development Act of 1986 (Pub. L. 99-662), mandates the following.

(2252) (1) Filing Requirements. Except as provided in paragraph (b)(2) of this section, the person or entity receiving remuneration for the movement of vessels or for the transportation of goods or passengers on the navigable waters is responsible for assuring that the activity report of commercial vessels is timely filed.

(2253) (i) For vessels under lease/charter agreements, the lessee or charterer of any commercial vessel engaged in

commercial transportation will be responsible for the filing of said reports until the lease/charter expires.

(2254) (ii) The vessel owner, or his designated agent, is always the responsible party for ensuring that all commercial activity of the vessel is timely reported.

(2255) (2) The following Vessel Information Reports are to be filed with the Army Corps of Engineers, at the address specified on the ENG Form, and are to include:

(2256) (i) Monthly Reports. These reports shall be made on ENG Forms furnished upon written request of the vessel operating companies to the Army Corps of Engineers. The forms are available at the following address: U.S. Army Corps of Engineers, Waterborne Commerce Statistics Center, Post Office Box 62180, New Orleans, Louisiana 70161-1280.

(2257) (A) All movements of domestic waterborne commercial vessels shall be reported, including but not limited to: Dry cargo ship and tanker moves, loaded and empty barge moves, towboat moves, with or without barges in tow, fishing vessels, movements of crew boats and supply boats to offshore locations, tugboat moves and movements of newly constructed vessels from the shipyard to the point of delivery.

(2258) (B) Vessels idle during the month must also be reported.

(2259) (C) Notwithstanding the above requirements, the following waterborne vessel movements need not be reported:

(2260) (1) Movements of recreational vessels.

(2261) (2) Movements of fire, police, and patrol vessels.

(2262) (3) Movements of vessels exclusively engaged in construction (e.g., piledrivers and crane barges). Note: however, that movements of supplies, materials, and crews to or from the construction site must be timely reported.

(2263) (4) Movements of dredges to or from the dredging site. However, vessel movements of dredged material from the dredging site to the disposal site must be reported.

(2264) (5) Specific movements granted exemption in writing by the Waterborne Commerce Statistics Center.

(2265) (D) ENG Forms 3925 and 3925b shall be completed and filed by vessel operating companies each month for all voyages or vessel movements completed during the month. Vessels that did not complete a move during the month shall be reported as idle or in transit.

(2266) (E) The vessel operating company may request a waiver from the Army Corps of Engineers, and upon written approval by the Waterborne Commerce Center, the company may be allowed to provide the requisite information of the above paragraph (D), on computer printouts, magnetic tape, diskettes, or alternate medium approved by the Center.

(2267) (F) Harbor Maintenance Tax information is required on ENG Form 3925 for cargo movements into or out of ports that are subject to the provisions of section 1402 of the Water Resources Development Act of 1986 (Pub. L. 99-662).

(2268) (1) The name of the shipper of the commodity, and the shipper's Internal Revenue Service number or Social Security number, must be reported on the form.

(2269) (2) If a specific exemption applies to the shipper, the shipper should list the appropriate exemption code. The specific exemption codes are listed in the directions for ENG Form 3925.

(2270) (3) Refer to 19 CFR part 24 for detailed information on exemptions and ports subject to the Harbor Maintenance Tax.

(2271) (ii) Annual Reports. Annually an inventory of vessels available for commercial carriage of domestic commerce and vessel characteristics must be filed on ENG Forms 3931 and 3932.

(2272) (iii) Transaction Reports. The sale, charter, or lease of vessels to other companies must also be reported to assure that proper decisions are made regarding each company's duty for reporting vessel movements during the year. In the absence of notification of the transaction, the former company of record remains responsible until proper notice is received by the Corps.

(2273) (iv) Reports to Lockmasters and Canal Operators. Masters of self-propelled non-recreational vessels which pass through locks and canals operated by the Army Corps of Engineers will provide the data specified on ENG Forms 3102b, 3102c, and/or 3102d to the lockmaster, canal operator, or his designated representative in the manner and detail dictated.

(2274) (c) *Penalties for Noncompliance*. The following penalties for noncompliance can be assessed for offenses and violations.

(2275) (1) Criminal Penalties. Every person or persons violating the provisions of this regulation shall, for each and every offenses, be liable to a fine of not more than $5,000, or imprisonment not exceeding two months, to be enforced in any district court in the United States within whose territorial jurisdiction such offense may have been committed.

(2276) (2) Civil Penalties. In addition, any person or entity that fails to provide timely, accurate, and complete statements or reports required to be submitted by this regulation may also be assessed a civil penalty of up to $2,500 per violation under 33 U.S.C. 555, as amended.

(2277) (3) Denial of Passage. In addition to these fines, penalties, and imprisonments, the lockmaster or canal operator can refuse to allow vessel passage.

(2278) (d) *Enforcement Policy*. Every means at the disposal of the Army Corps of Engineers will be utilized to monitor and enforce these regulations.

(2279) (1) To identify vessel operating companies that should be reporting waterborne commerce data, The Corps will make use of, but is not limited to, the following sources.

(2280) (i) Data on purchase and sale of vessels.

(2281) (ii) U.S. Coast Guard vessel documentation and reports.

(2282) (iii) Data collected at Locks, Canals, and other facilities operated by the Corps.

(2283) (iv) Data provided by terminals on ENG Form 3926.

(2284) (v) Data provided by the other Federal agencies including the Internal Revenue Service, Customs Service, Maritime Administration, Department of Transportation, and Department of Commerce.

(2285) (vi) Data provided by ports, local facilities, and State or local governments.

(2286) (vii) Data from trade journals and publications.

(2287) (viii) Site visits and inspections.

(2288) (2) Notice of Violation. Once a reporting violation is determined to have occurred, the Chief of the Waterborne Commerce Statistics Center will notify the responsible party and allow 30 days for the reports to be filed after the fact. If the reports are not filed within this 30-day notice period, then appropriate civil or criminal actions will be undertaken by the Army Corps of Engineers, including the proposal of civil or criminal penalties for noncompliance. Typical cases for criminal or civil action include, but are not limited to, those violations which are willful, repeated, or have a substantial impact in the opinion of the Chief of the Waterborne Commerce Statistics Center.

(2289) (3) Administrative Assessment of Civil Penalties. Civil penalties may be assessed in the following manner.

(2290) (i) Authorization. If the Chief of the Waterborne Commerce Statistics Center finds that a person or entity has failed to comply with any of the provisions specified herein, he is authorized to assess a civil penalty in accordance with the Class I penalty provisions of 33 CFR part 326. Provided, however, that the procedures in 33 CFR part 326 specifically implementing the Clean Water Act (33 U.S.C. 1319(g)(4)), public notice, comment period, and state coordination, shall not apply.

(2291) (ii) Initiation. The Chief of the Waterborne Commerce Statistics Center will prepare and process a proposed civil penalty order which shall state the amount of the penalty to be assessed, described by reasonable specificity the nature of the violation, and indicate the applicable provisions of 33 CFR part 326.

(2292) (iii) Hearing Requests. Recipients of a proposed civil penalty order may file a written request for a hearing or other proceeding. This request shall be as specified in 33 CFR part 326 and shall be addressed to the Director of the Water Resources Support Center, Casey Building, Fort Belvoir, Virginia 22060-5586, who will provide the requesting person or entity with a reasonable opportunity to present evidence regarding the issuance, modification, or revocation of the proposed order. Thereafter, the Director of the Water Resources Center shall issue a final order.

(2293) (4) Additional Remedies. Appropriate cases may also be referred to the local U.S. Attorney for prosecution, penalty collection, injunctive, and other relief by the Chief of the Waterborne Commerce Statistics Center.

Part 334–Danger Zones and Restricted Area Regulations

§334.1 Purpose.

(2294) The purpose of this part is to:

(2295) (a) Prescribe procedures for establishing, amending and disestablishing danger zones and restricted area;

(2296) (b) List the specific danger zones and restricted areas and their boundaries; and

(2297) (c) Prescribe specific requirements, access limitations and controlled activities within the danger zones and restricted areas.

§334.2 Definitions.

(2298) (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.

(2299) (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.

(2300) (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.

(2301) (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).

(2302) (c) *Temporary, occasional or intermittent use.* If the use of the water area is desired for a short period of time, not exceed thirty days in duration, and that planned operations can be conducted safely without imposing unreasonable restrictions on navigation, and without promulgating restricted area regulations in accordance with the regulations in this section, applicants may be informed that formal regulations are not required. Activities of this type shall not reoccur more often than biennially (every other year), unless danger zone/restricted area rules are promulgated under this Part. Proper notices for mariners requesting that vessels avoid the area will be issued by the Agency requesting such use of the water area, or if appropriate, by the District Engineer, to all known interested persons. Copies will also be sent to appropriate State agencies, the Commandant, U.S. Coast Guard, Washington, DC 20590, and Director, National Geospatial-Intelligence Agency, Hydrographic Center, Washington, DC 20390, ATTN: Code NS 12. Notification to all parties and Agencies shall be made at least two weeks prior to the planned event, or earlier, if required for distribution of Local Notice to Mariners by the Coast Guard.

§334.4 Establishment and amendment procedures.

(2303) (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:

(2304) (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.

(2305) (2) Name of waterway and if a small tributary, the name of a larger connecting waterbody.

(2306) (3) Name of closest city or town, county/parish and state.

(2307) (4) Location of proposed or existing danger zone or restricted area with a map showing the location, if possible.

(2308) (5) A brief statement of the need for the area, its intended use and detailed description of the times, dates and extent of restriction.

(2309) (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.

(2310) *(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:

(2311) (i) Applicable statutory authority or authorities; (40 Stat. 266; 33 U.S.C. 1) and (40 Stat. 892; 33 U.S.C. 3)

(2312) (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.

(2313) (iii) The address of the District Engineer as the recipient of any comments received.

(2314) (iv) The identity of the applicant/proponent;

(2315) (v) The name or title, address and telephone number of the Corps employee from whom additional information concerning the proposal may be obtained;

(2316) (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.

(2317) (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:

(2318) (i) The Federal Aviation Administration (FAA) where the use of airspace is involved.

(2319) (ii) The Commander, Service Force, U.S. Atlantic Fleet, if a proposed action involves a danger zone off the U.S. Atlantic coast.

(2320) (iii) Proposed danger zones on the U.S. Pacific coast must be coordinated with the applicable commands as follows:

(2321) Alaska, Oregon and Washington:

(2322) Commander, Naval Base, Seattle

(2323) California:

(2324) Commander, Naval Base, San Diego

(2325) Hawaii and Trust Territories:

(2326) Commander, Naval Base, Pearl Harbor

(2327) (c) *Public hearing.* The District Engineer may conduct a public hearing in accordance with 33 CFR part 327.

(2328) (d) *Environmental documentation*. The District Engineer shall prepare environmental documentation in accordance with appendix B to 33 CFR part 325.

(2329) (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.**

(2330) (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.

(2331) (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.

(2332) (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.

(2333) (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.

(2334) (b) For further information on NAD 83 and National Service nautical charts please contact: Director, Coast Survey (N/CS), National Ocean Service, NOAA, 1315 East-West Highway, Station 6417, Silver Spring, MD 20910-3282.

§334.820 Lake Michigan; naval restricted area, United States Naval Training Center, Great Lakes, Ill.

(2335) (a) *The area.* An area extending in a north and south direction from the Great Lakes, Illinois, south breakwater to an east-west line projecting eastward from the shore termination of the north fence of the United States Naval Training Center, Great Lakes, Illinois, and extending into Lake Michigan for a distance of one mile from the shoreline.

(2336) (b) *The regulations*. No person or vessel of any kind, except those engaged in naval operations, shall enter, navigate, anchor, or moor in the restricted area without first obtaining permission to do so from the Commander, U.S. Naval Training Center, Great Lakes, Illinois, or his authorized representative.

§334.830 Lake Michigan; small-arms range adjacent to United States Naval Training Center, Great Lakes, Ill.

(2337) (a) *The danger zone.* An area bounded on the north by latitude 42°20'30"; on the east by longitude 87°47'30"; on the south by latitude 42°18'45"; and on the west by the shoreline.

(2338) (b) *The regulations.* (1) When firing affecting the danger zone is in progress, the enforcing agency will post guards at such locations that the waters in the danger zone may be observed and arrange signals whereby these guards may stop the firing should any person or vessel be seen in the waters of the danger zone. When firing is in progress, the enforcing agency will cause red flags to be displayed on shore near the rifle butts, which may be readily discernible to a person in a vessel within the danger zone.

(2339) (2) The enforcing agency is hereby authorized to use such agencies as shall be necessary to prohibit all persons and vessels from entering the area until such time as shall be convenient.

(2340) (3) If such flags are displayed it will indicate that firing is in progress, and that the waters in the danger zone are subject to impact by rounds missing or ricocheting off the impact berm and should not be entered until the flags are lowered.

(2341) (4) Wherever possible, the enforcing agency will warn the public of the contemplated times of firing and the areas involved two days in advance of the scheduled date, through the public press and the United States Coast Guard. The danger zone may, however, be closed without advance notice.

(2342) (5) (Reserved)

(2343) (6) The regulations in this section shall be enforced by the Commander, United States Naval Training Center, Great Lakes, Illinois, and such agencies as he may designate.

§334.840 Waters of Lake Michigan south of Northerly Island at entrance to Burnham Park Yacht Harbor, Chicago, Illinois; danger zone adjacent to airport on Northerly Island.

(2344) (1) *Danger Zone–(1) Zone A* Beginning at a point 250 feet west of the center line of the runway at the south end of the air strip on Northerly Island; thence 183°, 500 feet; thence 090°, 600 feet; and thence northerly to a point 250 feet east of the center line of the runway at the south end of said air strip. During the navigation season, the southeast and southwest corners of Zone A will be marked with spar buoys colored and lettered as prescribed by the United States Coast Guard.

(2345) (2) *Zone B.* Beginning at the southwest corner of Zone A; thence 183°, 500 feet; thence 090°, 700 feet; thence northerly to the southeast corner of Zone A; and thence 270° to the point of beginning. During the navigation season, the southeast and southwest corners of Zone B will be marked with spar buoys colored and lettered as prescribed by the United State Coast Guard.

(2346) (b) *Regulations.* (1) During daylight hours (from one-half hour before sunrise to one-half hour after sunset), and when the airport on Northerly Island is in operation, no vessel or other watercraft any part of which extends more than 15 feet above the water surface shall enter or remain in Zone A, and no vessel or other watercraft any part of which extends 30 feet or more above the water surface shall enter or remain in Zone B.

(2347) (2) When the airport is in operation a red ball, at least three feet in diameter, shall be continuously displayed at the northeast and northwest corners of Zone A. These balls shall not be displayed when the airport is not in operation.

§334.845 Wisconsin Air National Guard, Volk Field military exercise area located in Lake Michigan offshore from Manitowoc and Sheboygan Counties; Danger Zone.

(2348) (a) *The area*. (1) The waters within an area beginning at a point at

(2349) 43°19'00"N., 87°41'00"W.; to

(2350) 44°05'30"N., 87°29'45"W.; to

(2351) 44°02'00"N., 87°02'30"W.; to

(2352) 43°15'30"N., 87°14'00"W.; thence to the point of beginning, as shown on NOAA Chart 14901 (1999) and existing aeronautical charts.

(2353) (b) *The regulation*. (1) During specific, infrequent periods when Military exercises will be conducted, as promulgated in the Local Notice to mariners published by the United States Coast Guard (USCG), all vessels entering the danger zone are advised to proceed across the area by the most direct route and without unnecessary delay. (2) During specific, infrequent periods when Military exercises will be conducted, as promulgated in the Local Notice to mariners published by the USCG, no vessel or craft of any size shall lie-to or anchor in the danger zone, other than a vessel operated by or for the USCG, or any other authorized agency.

(2354) (c) *Normal use*. At all other times, nothing in this regulation shall prohibit any lawful uses of this area.

(2355) (d) *Enforcement*. The regulation in this section shall be enforced by the Commanding Officer, VOLK Field, WI, and/or persons or agencies as he/she may designate.

§334.850 Lake Erie, west end, north of Erie Ordnance Depot, Lacarne, Ohio.

(2356) (a) The danger zone: Consists of the waters of Lake Erie within:

(2357) (1) *Danger Area I.* The sector of a circle with a radius of 6,500 yards centered at latitude 41°32'30"N., longitude 83°01'00"W., and intersecting the southwest boundary of Area II at latitude 41°35'00"N., longitude 83°03'22"W., and the southeast boundary of Area II at latitude 41°34'20"N., longitude 82°57'10"W.

(2358) (2) *Danger Area II (Includes Area I).* The area bounded as follows: Beginning at

(2359) 41°32'30"N., 83°01'00"W.; thence to

(2360) 41°35'00"N., 83°03'22"W., thence to

(2361) 41°36'00"N., 83°03'24"W.; thence to

(2362) 41°41'30"N., 83°07'30"W.; thence to

(2363) 41°41'30"N., 83°00'00"W.; thence to

(2364) 41°35'40"N., 82°54'50"W.; and thence to the point of beginning.

(2365) (b) *Types of firing:*

(2366) (1) *Danger Area I*. Small arms impact area.

(2367) (2) *Danger Area II*. Ground-based artillery, anti-aircraft artillery and automatic weapons impact area.

(2368) (c) Authorized dates and hours of firing:

(2369) (1) *Danger Area I.* 6 a.m. to 6 p.m., e.s.t./e.d.t., daily; actual firing dates and hours within the authorized period to be announced in advance in special firing notices.

(2370) (2) *Danger Area II*. 8 a.m. to 5 p.m., e.s.t./e.d.t., daily except on Saturdays, Sundays, and holidays; actual firing dates and hours scheduled within authorized period to be announced in advance in special firing notices.

(2371) (d) *Restrictions:*

(2372) (1) No person or vessel shall enter or remain in a danger zone during a scheduled firing period announced in a special firing notice unless specific permission is granted in each instance by a representative of the enforcing officer.

(2373) (2) The danger areas within the danger zone shall be open to the public for navigation, fishing and other public use when firing and/or bombing is not scheduled.

(2374) (e) *Enforcing agencies:* The regulations in this section shall be enforced for the respective danger areas by the following commanders and such agencies as each may designate for his assigned areas. He will be responsible for providing the prescribed control, signals, and special firing notices.

(2375) (1)*Danger Area I*. Adjutant General, State of Ohio.

(2376) (2) *Danger Area II*. Adjutant General, State of Ohio.

(2377) (f) *Control and signals:*

(2378) *(1) Danger Area I*: When firing into Area I, red flags will be flown from the safety tower at Camp Perry, and from flag poles in the butts of the ranges being used.

(2379) (2) *Danger Area II:* During all types of firing into Area II, red flags will be displayed, one from the safety tower at Camp Perry and one from the safety tower at the Proof Facility at the Erie Industrial Park (Erie Proof Front). During firing into Area II, patrol boats will police and maintain surveillance of the area, and will be in constant radio communication with the shore station controlling the firing.

(2380) (3) (Reserved)

(2381) (4) The appropriate enforcing officer has authority to suspend any scheduled firing for reasonable periods during regattas and immediately after fishing nets are destroyed or dislocated by severe storms.

(2382) (5) The special firing notices which will include schedules of use will be published by the enforcing officer indicated in paragraph (e) of this section, in sufficient time to permit circularization to interested parties and posting on the bulletin boards of post offices in surrounding localities. Special notices will also be furnished the District Engineer, Corps of Engineers, Detroit, Mich.; the Commander, Ninth Coast Guard District, Cleveland, Ohio; the Regional Manager, Federal Aviation Administration, Chicago, Ill.; and each of the enforcing agencies listed in paragraph (e) of this section. Users of the waterway shall familiarize themselves with the current special firing notices. If in doubt, inquiry should be made to the enforcing officer indicated in paragraph (e) of this section.

(2383) (6) Agencies desiring to use the areas shall present their requirements to the respective enforcing officer who is responsible for, and is granted authority to, coordinate the firing and established priorities, for the using agencies.

(2384) (g)*Fishing permits:* Fishermen desiring to set fixed nets within the danger zone are required in every instance to have written permits. Permits for placing nets within Areas I and II may be obtained by written application to the Adjutant General, State of Ohio. Applicants for permits must state the location at which they desire to set fixed nets and the period of time which they desire the permit to cover.

(2385) (h) *Injurious chemicals:* No phosphorus or other poisonous chemicals injurious to wild fowl or fish will be discharged into the waters of the areas.

(2386) (i) The regulations in this section shall be revised annually by the Department of the Army to determine whether further limitations of the danger zone shall be considered.

Part 401–Seaway Regulations and Rules

(2387) **Note:** Regulations of this Part (33 CFR 401) are not contained in this Coast Pilot but are contained in the Seaway Handbook, issued jointly by and available from The Saint Lawrence Seaway Development Corporation and The St. Lawrence Seaway Authority. (See St. Lawrence Seaway, chapter 3, and appendix for addresses.)

TITLE 36–PARKS, FORESTS, AND PUBLIC PROPERTY

Part 1–General Provisions

§1.1 Purpose.

(2388) (a) The regulations in this chapter provide for the proper use, management, government, and protection of persons, property, and natural and cultural resources within areas under the jurisdiction of the National Park Service.

(2389) (b) These regulations will be utilized to fulfill the statutory purposes of units of the National Park System: to conserve scenery, natural and historic objects, and wildlife, and to provide for the enjoyment of those resources in a manner that will leave them unimpaired for the enjoyment of future generations.

§1.2 Applicability and scope.

(2390) (a) The regulations contained in this chapter apply to all persons entering, using, visiting or otherwise within:

(2391) (1) The boundaries of federally owned lands and waters administered by or subject to the jurisdiction of the National Park Service; or

(2392) (2) The boundaries of lands and waters administered by the National Park Service for public-use purposes pursuant to the terms of a written instrument;

(2393) (3) Waters subject to the jurisdiction of the United States located within the boundaries of the National Park System, including navigable waters and areas within their ordinary reach (up to the mean high water line in places subject to the ebb and flow of the tide and up to ordinary high water mark in other places) and without regard to the ownership of submerged lands, tidelands, or lowlands;

(2394) (4) Lands and waters in the environs of the District of Columbia, policed with the approval or concurrence of the head of the agency having jurisdiction or control over such reservations, pursuant to the provisions of the Act of March 17, 1948 (62 Stat. 81);

(2395) (5) Other lands and waters over which the United States holds a less-than-fee interest, to the extent necessary to fulfill the purpose of the National Park Service administrated interest and compatible with the nonfederal interest.

(2396) (b) The regulations contained in parts 1 through 5, part 7, and part 13 of this chapter do not apply on non-federally owned lands and waters or on Indian tribal trust lands located within National Park System boundaries, except as provided in paragraph (a) or in regulations specifically written to be applicable on such lands and waters.

(2397) (c) The regulations contained in part 7 and part 13 of this chapter are special regulations prescribed for specific park area. Those regulation may amend, modify, relax or make more stringent the regulations contained in parts 1 through 5 and part 12 of this chapter.

(2398) (d) The regulations contained in parts 2 through 5, part 7, and part 13 of this section shall not be construed to prohibit administrative activities conducted by the National Park Service, or its agents, in accordance with approved general management and resources management plans, or in emergency operations involving threats of life, property, or park resources.

(2399) (e) The regulations in this chapter are intended to treat a mobility-impaired person using a manual or motorized wheelchair as a pedestrian, and are not intended to restrict the activities of such a person beyond the degree that the activities of a pedestrian are restricted by the same regulations.

Part 2–Resource Protection, Public Use and Recreation (in part)

§2.15 Pets.

(2400) (a) The following are prohibited:

(2401) (1) Possessing a pet in a public building, public transportation vehicle, or location designated as a swimming beach, or any structure or area closed to the possession of pets by the superintendent. This subparagraph shall not apply to guide dogs accompanying visually impaired persons or hearing ear dogs accompanying hearing-impaired persons.

(2402) (2) Failing to crate, cage, restrain on a leash which shall not exceed six feet in length, or otherwise physically confine a pet at all times.

(2403) (3) Leaving a pet unattended and tied to an object, except in designated areas or under conditions which may be established by the superintendent.

(2404) (4) Allowing a pet to make noise that is unreasonable considering location, time of day or night, impact on park users, and other relevant factors, or that frightens wildlife by barking, howling, or making other noise.

(2405) (5) Failing to comply with pet excrement disposal conditions which may be established by the superintendent.

(2406) (b) In park areas where hunting is allowed, dogs may be used in support of these activities in accordance with applicable Federal and State laws and in accordance with conditions which may be established by the superintendent.

(2407) (c) Pets or feral animals that are running-at-large and observed by an authorized person in the act of killing, injuring or molesting humans, live-stock, or wildlife may be destroyed if necessary for public safety or protection of wildlife, livestock, or other park resources.

(2408) (d) Pets running-at-large may be impounded, and the owner may be charged reasonable fees for kennel or boarding costs, feed, veterinarian fees, transportation costs, and disposal. An impounded pet may be put up for adoption or otherwise disposed of after being held for 72 hours from the time the owner was notified of capture or 72 hours from the time of capture if the owner is unknown.

(2409) (e) Pets may be kept by residents of park areas consistent with the provisions of this section and in accordance with conditions which may be established by the superintendent. Violation of these conditions is prohibited.

(2410) (f) This section does not apply to dogs used by authorized Federal, State and local law enforcement officers in the performance of their official duties.

Part 7–Special Regulations, Areas of the National Park System

§7.38 Isle Royale National Park.

(2411) (a) *Aircraft, designated landing areas.*

(2412) (1) The portion of Tobin Harbor located in the NE ¼ of sec. 4, T. 66 N., R. 33 W.; the SE ¼ of sec. 33, T. 67 N., R. 33 W., and the SW ¼ of sec. 34, T. 67 N., R. 33 W.

(2413) (2) The portion of Rock Harbor located in the SE ¼ of sec. 13, the N ½ of sec. 24, T. 66 N., R. 34 W., and the W ½ of sec. 18, T. 66 N., R. 33 W.

(2414) (3) The portion of Washington Harbor located in the N ½ of sec. 32, all of sec. 29, SE ¼ of sec. 30, and the E ½ of sec. 31, T. 64 N., R. 38 W.

(2415) *(b) Underwater diving.* No person shall undertake diving in the waters of Isle Royale National Park with the aid of underwater breathing apparatus without first registering with the Superintendent.

(2416) (c) *Mammals.* Dogs, cats, and other mammals may not be brought into or possessed in the park area, except for guide dogs accompanying the blind.

TITLE 40–PROTECTION OF ENVIRONMENT

Part 140–Marine Sanitation Device Standard

§140.1 Definitions.

(2417) For the purpose of these standards the following definitions shall apply:

(2418) (a) "Sewage" means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

(2419) (b) "Discharge" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

(2420) (c) "Marine sanitation device" includes any equipment for installation on board a vessel and which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage;

(2421) (d) "Vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States;

(2422) (e) "New vessels" refers to any vessel on which construction was initiated on or after January 30, 1975;

(2423) (f) "Existing vessel" refers to any vessel on which construction was initiated before January 30, 1975;

(2424) (g) "Fecal coliform bacteria" are those organisms associated with the intestine 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.

(2425) 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.

(2426) (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 regulations, 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.

(2427) (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, freshwater lakes, and impoundments accessible through locks, and other flowing waters that are navigable interstate by vessels subject to this regulation.

(2428) (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).

(2429) (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.

(2430) (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.

(2431) (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.

(2432) (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.

(2433) (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.

(2434) 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:

(2435) (1) A certification that the protection and enhancement of the waters described in the petition require greater environmental protection than the applicable Federal standard;

(2436) (2) a map showing the location of commercial and recreational pump-out facilities;

(2437) (3) a description of the location of pump-out facilities within waters designated for no discharge;

(2438) (4) the general schedule of operating hours of the pump-out facilities;

(2439) (5) the draught requirements on vessels that may be excluded because of insufficient water depth adjacent to the facility;

(2440) (6) information indicating that treatment of wastes from such pump-out facilities is in conformance with Federal law; and

(2441) (7) information on vessel population and vessel usage of the subject waters.

(2442) (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 particularity 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.

(2443) (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):

(2444) (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.

(2445) (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/.

(2446) (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:

(2447) (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;

(2448) (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;

(2449) (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

(2450) (iv) Include a statement of basis justifying the size of the requested drinking water intake zone, for example, identifying areas of intensive boating activities.

(2451) (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 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.

(2452) (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.

(2453) (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):

(2454) (i) Two portions of the Hudson River in New York States, 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 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.

(2455) (ii) (Reserved)

§140.5 Analytical procedures.

(2456) In determining the composition and quality of effluent discharged from marine sanitation devices the procedures contained in 40 CFR Part 136, "Guidelines Establishing Test Procedures for the Analysis of Pollutants," or subsequent revisions or amendments thereto, shall be employed.

TITLE 46–SHIPPING

Part 401–Great Lakes Pilotage Regulations (in part)

Subpart A–General

§401.110 Definitions.

(2457) (a) As used in this chapter:

(2458) (1) "Act" means the Great Lakes Pilotage Act of 1960, as amended (Public Law 86-555, 74 Stat. 259-262; 46 U.S.C. 216-216i).

(2459) (2) "Commandant" means Commandant, U.S. Coast Guard, Department of Transportation, Washington, DC 20593-0001.

(2460) (3) through (4) not carried in this Coast Pilot.

(2461) (5) "Great Lakes" means Lakes Superior, Michigan, Huron, Erie, and Ontario, their connecting and tributary waters, the St. Lawrence River as far east as Saint Regis, and adjacent port areas.

(2462) (6) through (8) not carried in this Coast Pilot.

(2463) (9) "Director" means Director, Great Lakes Pilotage. Communications with the Director may be sent to the following address: Commandant (G-MWP-2), 2100 Second Street SW., Washington, DC 20593-0001, Attn: Director, Great Lakes Pilotage.

(2464) (10) Rate computation definitions:

(2465) (i) "Length" means the distance between the forward and after extremities of the ship.

(2466) (ii) "Breadth" means the maximum breadth to the outside of the shell plating of the ship.

(2467) (iii) "Depth" means the vertical distance at amidships from the top of the keel plate to the uppermost continuous deck, fore and aft, and which extends to the sides of the ship. The continuity of a deck shall not be considered to be affected by the existence of tonnage openings, engine spaces, or a step in the deck.

(2468) (11) "Person" includes an individual, registered pilot, partnership, corporation, association, voluntary association, authorized pool, or public or private organization, other than an agency.

(2469) (12) through (15) not carried in this Coast Pilot.

(2470) (16) "Association" means any organization that holds or held a Certificate of Authorization issued by the Director of Great Lakes Pilotage to operate a pilotage pool on the Great Lakes.

§401.120 Federal Reservation of Pilotage Regulations.

(2471) No state, municipal, or other local authority shall require the use of pilots or regulate any aspect of pilotage in any of the waters specified in the Act. Only those persons registered as United States Registered Pilots or Canadian Registered Pilots as defined in this subpart may render pilotage services on any vessel subject to the Act and the Memorandum of Arrangements, Great Lakes Pilotage.

Subpart E–Penalties; Operations Without Registered Pilots

§401.500 Penalties for Violations.

(2472) Any person, including a pilot, master, owner, or agent, who violates any provision of this part shall be liable to the United States for a civil penalty as set forth in 46 U.S.C. 9308.

§401.510 Operation without Registered Pilots.

(2473) (a) A vessel may be navigated in the U.S. waters of the Great Lakes without a United States or Canadian Registered Pilot when the vessel or its cargo is in distress or jeopardy.

(2474) (b) A vessel may be navigated in the U.S. waters of the Great Lakes without a United States or Canadian Registered Pilot when the Director, with the concurrence of the Commander, 9th Coast Guard District, notifies the master that a United States or Canadian Registered Pilot is not available.

(2475) (1) Notification to the master that a pilot is not available will be made by the Director, either directly to the vessel or through the appropriate pilotage pool, orally or in writing as the circumstances admit, and shall not be deemed given until the notice is actually received by the vessel.

(2476) (2) The determination that a pilot is not available will be made on an individual basis and only when a vessel has given proper notice of its pilotage service requirements to the pilotage pool having dispatching jurisdiction at the time. The vessel has no obligation or responsibility with respect to such notification other than properly informing the pilotage pool of its pilotage requirements. However, the failure or delay by the pool in processing a pilotage service request, or refusal or delay by the Coast Guard in notifying the vessel that a pilot is not available, does not constitute constructive notice that a pilot is not available, and the vessel is not relieved by such failure or delay from compliance with the Great Lakes Pilotage Act of 1960.

(2477) (3) Upon receipt of proper notice of a vessel's pilotage requirements, the pilotage pool shall then determine from the tour de role the availability of a pilot to render the service required. If no pilot is reasonably expected to be available for service within 6 hours of the time the pilotage services are required by the vessel, the pilotage pool shall promptly inform the Director through the U.S. Coast Guard communications system in the manner as may be prescribed from time to time by the Commandant. The Director shall be informed of:

(2478) (i) Name and flag of the vessel:

(2479) (ii) Route of vessel for which a pilot is not available;

(2480) (iii) Time elapsing before a pilot is reasonably expected to become available;

(2481) (iv) Whether vessel has an "other officer" on board;

(2482) (v) Familiarity of master with route to be transited by the vessel;

(2483) (vi) Draft of vessel; and

(2484) (vii) Any circumstance of traffic or weather, or condition of the vessel or its cargo which would adversely affect the safety of the vessel in transiting without a pilot.

(2485) (4) When a pilot is expected to become available within 6 hours of the time pilot services are required, the vessel shall be informed that a pilot is available and the approximate time the pilot will report on duty. However, should any unusual circumstance or condition exist which may justify notification that a pilot is not available in less than 6 hours, the pilotage pool shall inform the Director as in paragraph (b)(3) of this section, along with the circumstances involved. Additionally, the vessel may contact the Director directly to request notification under paragraph (b)(1) of this section if a notice of pilot availability is not received from the appropriate pilotage pool within two hours of providing its pilotage requirements to the pool.

(2486) (5) Any vessel which requires the services of a pilot and is navigated without a pilot or proceeds prior to receipt of a message that a pilot is not available pursuant to paragraph (b)(1) of this section shall be reported as in violation of section 7 of the Great Lakes Pilotage Act of 1960 by the pilotage pool to the local Coast Guard unit having jurisdiction. If the message is received after the vessel proceeds, such message shall not be delivered without concurrence of the Coast Guard officer to whom the violation was reported.

(2487) (6) U.S. pilotage pools informing the Director that a pilot is not available for a vessel shall also obtain notice that pilot is not available from the appropriate Canadian Supervisor of Pilots for those portions of the route which are in Canadian waters in the manner prescribed by them. The notice for Canadian District No. 1 waters shall be obtained from the Supervisor of Pilots, Department of Transport, Cornwall, Ontario, and the notice for Canadian District No. 2 waters shall be obtained from the Supervisor of Pilots, Department of Transport, Port Weller, Ontario. Authority to issue notice for Canadian waters of District No. 3 has been granted to the Director by the Department of Transport, Ottawa, and separate notice from Canada for this District is not required until such time as separate Canadian pilotage dispatch facilities may be established.

(2488) (7) Notice that a pilot is not available shall not be delivered to any vessel unless the message contains the concurrence of the Commander, 9th Coast Guard District, and notice for Canadian waters of Districts No. 1 and No. 2, if required, has been obtained from the appropriate Canadian authority.

(2489) (8) In the event of an emergency or any other compelling circumstance, the Director may issue, without the specific request for service as provided under paragraph (b)(2) of this section, individual or general notification that a pilot or pilots are not available. Pilotage pools shall advise the Director of any condition or circumstance coming to their attention which may warrant such a determination.

TITLE 47–TELECOMMUNICATION

Part 80–Stations in the Maritime Services

Subpart G–Safely Watch Requirements and Procedures (in part)

§80.308 Watch required by the Great Lakes Radio Agreement.

(2490) (a) Each ship of the United States that is equipped with a radiotelephone station for compliance with the Great Lakes Radio Agreement must when underway keep a watch on:

(2491) (1) 156.800 MHz on board a vessel 20 meters (65 feet) and over in length, a vessel engaged in towing (See §80.951(b)), or a vessel carrying more than 6 passengers for hire. This watch must be maintained whenever the station is not being used for authorized traffic. However, a watch on 156.800 MHz need not be maintained by a vessel maintaining a watch on the bridge-to-bridge frequency 156.650 MHz and participating in a Vessel Traffic Services (VTS) system and maintaining a watch on the specified VTS frequency.

(2492) (2)–156.650 MHz on board a vessel 38 meters (124 feet) and over in length, a vessel engaged in towing (See §80.951(b)), or a vessel carrying more than six passengers for hire. This watch must be maintained continuously and effectively. Sequential monitoring is not sufficient. Portable VHF equipment may be used to meet this requirement. Vessels are exempted from this requirement while transiting the St. Lawrence Seaway and complying with the Joint Regulations of the St. Lawrence Seaway Authority and St. Lawrence Seaway Development Corporation between the lower exit of St. Lambert Lock at Montreal and Crossover Island, New York and in the Welland Canal and approaches between Calling in Point No. 15 and No. 16.

(2493) (b) The watch must be maintained by the master, or person designated by the master, who may perform other duties provided they do not interfere with the effectiveness of the watch.

Subpart T–Radiotelephone Installation Required for Vessels on the Great Lakes

§80.951 Applicability.

(2494) The Agreement Between the United States of America and Canada for Promotion of Safety on the Great Lakes by Means of Radio, 1973, applies to vessels of all countries when navigated on the Great Lakes. The Great Lakes Radio Agreement defines the Great Lakes as "all waters of Lakes Ontario, Erie, Huron (including Georgian Bay), Michigan, Superior, their connecting and tributary waters and the River St. Lawrence as far east as the lower exit of the St. Lambert Lock at Montreal in the Province of Quebec, Canada," but shall not include such of the connecting and tributary waters as may be specified in the Technical Regulations." The Technical Regulations do not include any connecting and tributary waters except the St. Mary's River, the St. Clair River, Lake St. Clair, the Detroit River and the Welland Canal. A vessel to which the Great Lakes Agreement applies and which falls into the specific categories by paragraph (a), (b) or (c) of this section and not excepted by paragraph (d) or (e) of this section shall comply with this subpart while navigated on the Great Lakes.

(2495) (a) Every vessel 20 meters (65 feet) or over in length (measured from end to end over the deck, exclusive of sheer).

(2496) (b) Every vessel engaged in towing another vessel or floating object, except:

(2497) (1) Where the maximum length of the towing vessel, measured from end to end over the deck exclusive of sheer, is less than twenty-six (26) feet and the length or breadth of the tow, exclusive of the towing line, is less than 20 meters (65 feet);

(2498) (2) Where the vessel towed complies with this subpart;

(2499) (3) Where the towing vessel and tow are located within a booming ground (an area in which logs are confined); or

(2500) (4) Where the tow has been undertaken in an emergency and neither the towing vessel nor the tow can comply with this part.

(2501) (c) Any vessel carrying more than six passengers for hire.

(2502) (d) The requirements of the Great Lakes Radio Agreement shall not apply to:

(2503) (1) Ships of war and troop ships;

(2504) (2) Vessels owned and operated by any national government and not engaged in trade.

(2505) (e) The Commission may, if it considers that the conditions of the voyage or voyages affecting safety (including but not necessarily limited to the regularity, frequency and nature of the voyages, or other circumstances) are such as to render full application of the Great Lakes Agreement unreasonable or unnecessary, may exempt partially, conditionally or completely any individual vessel for one or more voyages or for any period of time not exceeding one year.

§80.953 Inspection and certification.

(2506) (a) Each U.S. flag vessel subject to the Great Lakes Agreement must have an inspection of the required radiotelephone installation at least once every 13 months. This inspection must be made while the vessel is in active service or within not more than one month before the date on which it is placed in service.

(2507) (b) An inspection and certification of a ship subject to the Great Lakes Agreement must be made by a technician holding one of the following: a General Radiotelephone Operator License, a GMDSS Radio Maintainer's License, a Second Class Radiotelegraph Operator's Certificate, or a First Class Radiotelegraph Operator's Certificate. Additionally, the technician must not be the vessel's owner, operator, master, or an employee of any of them. The results of the inspection must be recorded in the ship's radiotelephone log and include:

(2508) (1) The date the inspection was conducted;

(2509) (2) The date by which the next inspection needs to be completed;

(2510) (3) The inspector's printed name, address, class of FCC license (including the serial number);

(2511) (4) The results of the inspection, including any repairs made; and

(2512) (5) The inspector's signed and dated certification that the vessel meets the requirements of the Great Lakes Agreement and the Bridge-to-Bridge Act contained in subparts T and U of this part and has successfully passed the inspection.

(2513) (c) The vessel owner, operator, or ship's master must certify that the inspection required by paragraph (b) was satisfactory.

(2514) (d) The ship's log must be retained on-board the vessel for at least two years from the date of the inspection.

§80.955 Radiotelephone Installation.

(2515) (a) Each U.S. flag vessel of less than 38 meters (124 feet) in length while subject to the Great Lakes Agreement must have a radiotelephone meeting the provisions of this subpart in addition to the other rules in this part governing ship stations using telephony.

(2516) (b) Each U.S. flag vessel of 38 meters (124 feet) or more in length while subject to the Great Lakes Agreement must have a minimum of two VHF radiotelephone installations in operating condition meeting the provisions of this subpart. The second VHF installation must be electrically separate from the first VHF installation. However, both may be connected to the main power supply provided one installation can be operated from a separate power supply located as high as practicable on the vessel.

(2517) (c) This paragraph does not require or prohibit the use of other frequencies for use by the same "radiotelephone installation" for communication authorized by this part.

§80.956 Required frequencies and uses.

(2518) (a) Each VHF radiotelephone installation must be capable of transmitting and receiving G3E emission as follows:

(2519) (1) Channel 16–156.800 MHz–Distress, Safety and Calling; and

(2520) (2) Channel 6–156.300 MHz–Primary intership.

(2521) (b) The radiotelephone station must have additional frequencies as follows:

(2522) (1) Those ship movement frequencies appropriate to the vessel's area of operation: Channel 11–156.550 MHz, Channel 12–156.600 MHz, or Channel 14-156.700 MHz.

(2523) (2) The navigational bridge-to-bridge frequency, 156.660 MHz (channel 13).

(2524) (3) Such other frequencies as required for the vessel's service.

(2525) (4) One channel for receiving marine navigational warnings.

(2526) (c) Every radiotelephone station must include one or more transmitters, one or more receivers, one or more sources of energy and associated antennas and control equipment. The radiotelephone station, exclusive of the antennas and source of energy, must be located as high as practicable on the vessel, preferably on the bridge, and protected from water, temperature, and electrical and mechanical noise.

§80.957 Principal operating position.

(2527) (a) The principal operating positions of the radiotelephone installation must be on the bridge, convenient to the conning position.

(2528) (b) When the radiotelephone station is not located on the bridge, operational control of the equipment must be provided at the location of the radiotelephone station and at the bridge operating position. Complete control of the equipment at the bridge operating position must be provided.

§80.959 Radiotelephone transmitter.

(2529) (a) The transmitter must be capable of transmission of G3E emission on the required frequencies.

(2530) (b) The transmitter must deliver a carrier power of between 10 watts and 25 watts into 50 ohms nominal resistance when operated with its rated supply voltage. The transmitter must be capable of readily reducing the carrier power to one watt or less.

(2531) (c) To demonstrate the capability of the transmitter, measurements of primary supply voltage and transmitter output power must be made with the equipment operating on the vessel's main power supply, as follows:

(2532) (1) The primary supply voltage measured at the power input terminals to the transmitter terminated in a matching artificial load, must be measured at the end of 10 minutes of continuous operation of the transmitter at its rated power output.

(2533) (2) The primary supply voltage, measured in accordance with the procedures of this paragraph, must be not less than 11.5 volts.

(2534) (3) The transmitter at full output power measured in accordance with the procedure of this paragraph must not be less than 10 watts.

§80.961 Radiotelephone receiver.

(2535) (a) The receiver must be capable of reception of G3E emission on the required frequencies.

(2536) (b) The receiver must have a sensitivity of at least 2 microvolts across 50 ohms for a 20 decibel signal-to-noise ratio.

§80.963 Main power supply.

(2537) (a) A main power supply must be available at all times while the vessel is subject to the requirements of the Great Lakes Radio Agreement.

(2538) (b) Means must be provided for charging any batteries used as a source of energy. A device which during charging of the batteries gives a continuous indication of charging current must be provided.

§80.965 Reserve power supply.

(2539) (a) Each passenger vessel of more than 100 gross tons and each cargo vessel of more than 300 gross tons must be provided with a reserve power supply independent of the vessel's normal electrical system and capable of energizing the radiotelephone installation and illuminating the operating controls at the principal operating position for at least 2 continuous hours under normal operating conditions. When meeting this 2 hour requirement, such reserve power supply must be located on the bridge level or at least one deck above the vessel's main deck.

(2540) (b) Instead of the independent power supply specified in paragraph (a) of this section, the vessel may be provided with an auxiliary radiotelephone installation having a power source independent of the vessel's normal electrical system. Any such installation must comply with §§80.955, 80.956, 80.957, 80.959, 80.961, 80.969 and 80.971, as well as the general technical standards contained in this part. Additionally, the power supply for any such auxiliary radiotelephone must be a "reserve power supply" for the purposes of paragraphs (c), (d) and (e) of this section.

(2541) (c) Means must be provided for adequately charging any batteries used as a reserve power supply for the required radiotelephone installation. A device must be provided which, during charging of the batteries, gives a continuous indication of charging.

(2542) (d) The reserve power supply must be available within one minute.

(2543) (e) The station licensee, when directed by the Commission, must prove by demonstration as prescribed in paragraphs (e)(1), (2), (3) and (4) of this section that the reserve power supply is capable of meeting the requirements of paragraph (a) of this section as follows:

(2544) (1) When the reserve power supply includes a battery, proof of the ability of the battery to operate continuously for the required time must be established by a discharge test over the required time, when supplying power at the voltage required for normal operation to an electric load as prescribed by paragraph (e)(3) of this section.

(2545) (2) When the reserve power supply includes an engine driven generator, proof of the adequacy of the engine fuel supply to operate the unit continuously for

the required time may be established by using as a basis the fuel consumption during a continuous period of one hour when supplying power, at the voltage required for normal operation, to an electrical load as prescribed by paragraph (3)(e) of this section.

(2546) (3) For the purposes of determining the electrical load to be supplied, the following formula must be used:

(2547) (i) One-half of the current of the radiotelephone while transmitting at its rated output, plus one-half the current while not transmitting; plus

(2548) (ii) Current of the required receiver; plus

(2549) (iii) Current of the source of illumination provided for the operating controls prescribed by Section 80.969; plus

(2550) (iv) The sum of the currents of all other loads to which the reserve power supply may provide power in time of emergency or distress.

(2551) (4) At the conclusion of the test specified in paragraphs (e)(1) and (2) of this section, no part of the reserve power supply must have excessive temperature rise, nor must the specific gravity or voltage of any battery be below the 90 percent discharge point.

§80.967 Antenna system.

(2552) The antenna must be omnidirectional, vertically polarized and located as high as practicable on the masts or superstructure of the vessel.

§80.969 Illumination of operating controls.

(2553) (a) The radiotelephone must have dial lights which illuminate the operating controls at the principal operating position.

(2554) (b) Instead of dial lights, a light from an electric lamp may be provided to illuminate the operating controls of the radiotelephone at the principal operating position. If a reserve power supply is required, arrangements must permit the use of that power supply for illumination within one minute.

§80.971 Test of radiotelephone installation.

(2555) At least once during each calendar day a vessel subject to the Great Lakes Radio Agreement must test communications on 156.800 MHz to demonstrate that the radiotelephone installation is in proper operating condition unless the normal daily use of the equipment demonstrates that this installation is in proper operating condition. If equipment is not in operating condition, the master must have it restored to effective operation as soon as possible.