

for written authorization shall be granted or denied. Upon notification by the aforementioned officials that the application has been denied, the applicant has three (3) business days in which to request a written denial notification. If such a request is made within three (3) business days after the Coast Guard's notice of denial, the aforementioned officials have fifteen (15) calendar days to provide specific, written reasons stating the basis for denial. The aforementioned officials may issue orders to control the movement of vessels to which this section applies.

(ii) Applications for permission to depart the security zone with the intent of entering Cuban territorial waters may be obtained by writing or calling Commander (oi), Seventh Coast Guard District, 909 SE First Avenue, Miami, FL 33131, phone (305) 415-6920. The completed application may be returned via mail, or facsimile to (305) 415-6925. Further, applications may be obtained from the following U.S. Coast Guard units: Marine Safety Office Miami, 100 MacArthur Causeway, Miami, FL 33139, ph. (305) 536-5693; Marine Safety Office Tampa, 155 Columbia Drive, Tampa, FL 33606, ph. (813) 228-2195; Marine Safety Office Jacksonville, 7820 Arlington Expy., Suite 400, Jacksonville, FL 32211, ph. (904) 232-2640; Coast Guard Group Key West, Florida, ph. (305) 292-7500.

(3) Where there is a reasonable, articulable basis to believe a vessel to which this section applies intends to enter Cuban territorial waters, an official referenced in paragraph (c)(2) of this section may require the master, owner, or person in charge of a vessel within the security zone, including all auxiliary vessels, to provide verbal assurance that the vessel will not enter Cuban territorial waters as a condition for a vessel to get underway from a berth, pier, mooring, or anchorage in the security zone, or depart from the security zone. The failure of a vessel master, owner, or person in charge of a vessel within the Security Zone, including all auxiliary vessels, to provide requested verbal assurances shall not be used as the sole basis for seizing the vessel for forfeiture under the Security Zone. In addition, an official referenced

in paragraph (c)(2) may require the master, owner, or person in charge of the vessel to identify all persons on board the vessel and provide verbal assurances that all persons on board have received actual notice of the regulations in this section.

(4) The owner or person in charge of the vessel shall maintain the express written authorization for the vessel on board the vessel.

(d) *Enforcement.* (1) Vessels or persons violating this section may be subject to:

(i) Seizure and forfeiture of the vessel;

(ii) A monetary penalty of not more than \$10,000; and

(iii) Imprisonment for not more than 10 years.

(2) Violation of 18 U.S.C. 1001 may result in imprisonment for not more than five years or a fine, or both.

(e) This section implements Presidential Proclamation No. 6867. This section is issued under the authority delegated in Department of Transportation Order No. 96-3-7.

[CGD07-96-013, 62 FR 25391, May 14, 1997, CGD07-98-006, 63 FR 38477, July 17, 1998, as amended by CGD07-00-091, 65 FR 65785, Nov. 2, 2000]

EFFECTIVE DATE NOTE: By CGD07-98-006, 63 FR 38477, July 17, 1998, §165.T07-013 was amended by revising the heading and paragraph (a). By CGD07-00-091, 65 FR 65785, Nov. 2, 2000, §165.T07-013 was further amended by revising paragraphs (c)(2) and (c)(3). This is an emergency temporary rule and will terminate when the National Emergency as declared by the President in Presidential Proclamation No. 6867 terminates.

**§ 165.T07-101 Security Zone;  
HOVENSA Refinery, St. Croix, U.S.  
Virgin Islands.**

(a) *Location.* The following area is a security zone: All waters from surface to bottom encompassed by a line connecting the following coordinates based on the NAD 83: The point at 17°41'32" North, 64°45'09" West; thence to 17°41'44" North, 64°44'39" West; thence to 17°38'30" North, 64°43'12" West; thence returning to the beginning point at 17°41'32" North, 64°45'09" West.

(b) *Regulations.* Under §165.33, with the exception of vessels with scheduled arrivals to the HOVENSA Facility, no

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vessel may enter the regulated area unless specifically authorized by the Captain of the Port San Juan (COTP) or a Coast Guard commissioned, warrant, or petty officer designated by the Captain of the Port. The Captain of the Port will notify the public of any changes in the status of this zone by Marine Safety Radio Broadcast on VHF Marine Band Radio, Channel 16 (156.8 Mhz). The Captain of the Port San Juan can be reached on VHF Marine Band Radio, Channel 16 (156.8 Mhz) or by calling (787) 289-2040, 24 hours a day, 7 days a week. The HOVENSA Facility Port Captain can be reached on VHF Marine Band Radio channel 11 (156.6 Mhz) or by calling (340) 692-3488, 24 hours a day, 7 days a week.

[COTP San Juan-04-044, 69 FR 29234, May 21, 2004]

EFFECTIVE DATE NOTE: By COTP San Juan-04-044, 69 FR 29234, May 21, 2004, § 165.T07-101 was added, effective from Apr. 16, 2004, until Oct. 16, 2004.

§ 165.T07-200 San Carlos Bay, Florida—Regulated Navigation Area.

(a) Location. The following area is a regulated navigation area (RNA): the waters bounded by the following points:

- NW Corner: 26° 28.992N, 082° 00.895 W;
- NE Corner: 26° 28.998N, 082° 00.874 W;
- SW Corner: 26° 28.942N, 082° 00.875 W;
- SE Corner: 26° 28.948N, 082° 00.854 W.

(b) Regulations. (1) A vessel in the RNA established under paragraph (a) of this section will operate at no wake speed. Nothing in this rule is to be construed as to negate the requirement to at all times operate at a safe speed as provided in the Navigation Rules and Regulations.

(2) A one-way traffic scheme is established. Vessel traffic may proceed in one direction at a time through the RNA. Overtaking is prohibited.

(3) Stern tows are not authorized. Side tows may be used. However, tugs with barges must be arranged in a push-ahead configuration with the barges made up in tandem. Tugs must be of adequate horsepower to maneuver the barges. Tug and barge traffic may transit the RNA at slack water only.

(c) Definition. The following definitions apply to this section:

*Vessel.* Every description of watercraft, including non-displacement craft and seaplanes, used or capable of being used as a means of transportation on the water.

*Overtaking.* A vessel shall be deemed to be overtaking when coming up with another vessel from a direction more than 22.5 degrees abaft her beam, that is, in such a position with reference to the vessel she is overtaking, that at night she would be able to see only the stern light of the vessel but neither of her sidelights.

*Slack water.* The state of a tidal current when its speed is near zero, especially the moment when a reversing current changes direction and its speed is zero. The term also is applied to the entire period of low speed near the time of turning of the current when it is too weak to be of any practical importance in navigation.

(d) Enforcement. Persons in violation of these regulations will be subject to civil penalty under 33 U.S.C. 1232 of this part, to include a maximum civil penalty of \$27,500 per violation.

(e) Effective period. This section is effective from 12:01 a.m. on November 29, 2003, until 11:59 p.m. on November 28, 2004.

[CGD07-03-200, 68 FR 68520, Dec. 9, 2003]

EFFECTIVE DATE NOTE: By CGD07-03-200, 68 FR 68520, Dec. 9, 2003, § 165.T07-200 was added, effective Nov. 29, 2003 to Nov. 28, 2004.

§ 165.701 Vicinity, Kennedy Space Center, Merritt Island, Florida—security zone.

(a) The water, land, and land and water within the following boundaries are a security zone—The perimeter of the Cape Canaveral Barge Canal and the Banana River at 28°24'33" N., 80°39'48" W.; then due west along the northern shoreline of the barge canal for 1,300 yards; then due north to 28°28'42" N., 80°40'30" W., on Merritt Island. From this position, the line proceeds irregularly to the eastern shoreline of the Indian River to a position 1,300 yards south of the NASA Causeway at 28°30'54" N., 80°43'42" W. (the line from the barge canal to the eastern shoreline of the Indian River is marked by a three-strand barbed-wire fence), then north along the shoreline of the Indian River to the NASA Causeway at