

§ 164.82

33 CFR Ch. I (7-1-05 Edition)

List, and Coast Guard Local Notice to Mariners for the port of departure, all ports of call, and the destination;

(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);

(iii) Data on tides and currents for the port of departure, all ports of call, and the destination, and the river stages and forecast, if appropriate;

(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;

(v) Pre-departure checklists;

(vi) Calculated speed and estimated time of arrival at proposed waypoints;

(vii) Communication contacts at any Vessel Traffic Services, bridges, and facilities, and any port-specific requirements for VHF radio;

(viii) Any master's or operator's standing orders detailing closest points of approach, special conditions, and critical maneuvers; and

(ix) Whether the towing vessel has sufficient power to control the tow under all foreseeable circumstances.

[CGD 94-020, 61 FR 35075, July 3, 1996, as amended by USCG-2000-6931, 68 FR 22610, Apr. 29, 2003; 69 FR 34068, June 18, 2004]

§ 164.82 Maintenance, failure, and reporting.

(a) *Maintenance.* The owner, master, or operator of each towing vessel shall maintain operative the navigational-safety equipment required by § 164.72.

(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.

(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:

(1) Any absence or malfunction of vessel-operating equipment for navigational safety, such as propulsion machinery, steering gear, radar, gyro-compass, echo depth-sounding or other sounding device, automatic dependent surveillance equipment, or navigational lighting;

(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

(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.)

(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.

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

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

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navigation of the vessel under anticipated conditions.

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

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Subpart F—Specific Regulated Navigation Areas and Limited Access Areas

FIRST COAST GUARD DISTRICT

- 165.T01-155 Safety Zone: Wantagh Parkway Number 3 Bridge over the Sloop Channel, Town of Hempstead, NY.
- 165.100 Regulated Navigation Area: Navigable waters within the First Coast Guard District.
- 165.101 Kittery, Maine—regulated navigation area.
- 165.102 Security Zone: Walkers Point, Kennebunkport, ME.
- 165.103 Safety and Security Zones; LPG Vessel Transits in Portland, Maine, Captain of the Port Zone, Portsmouth Harbor, Portsmouth, New Hampshire.
- 165.104 Safety Zone: Vessel Launches, Bath Iron Works, Kennebec River, Bath, Maine.
- 165.105 Security Zones; Passenger Vessels, Portland, Maine, Captain of the Port Zone.
- 165.106 Security Zone: Seabrook Nuclear Power Plant, Seabrook, New Hampshire.

- 165.110 Safety and Security Zone; Liquefied Natural Gas Carrier Transits and Anchorage Operations, Boston, Massachusetts.
- 165.111 Safety Zone: Boston Harbor, Boston, Massachusetts.
- 165.112 Safety Zone: USS CASSIN YOUNG, Boston, Massachusetts.
- 165.113 Security Zone: Dignitary arrival/departure Logan International Airport, Boston, MA.
- 165.114 Safety and Security Zones: Escorted Vessels—Boston Harbor, Massachusetts.
- 165.115 Safety and Security Zones; Pilgrim Nuclear Power Plant, Plymouth, Massachusetts.
- 165.116 Safety and Security Zones; Salem and Boston Harbors, Massachusetts.
- 165.120 Safety Zone: Chelsea River, Boston Inner Harbor, Boston, MA.
- 165.121 Safety and Security Zones: High Interest Vessels, Narragansett Bay, Rhode Island.
- 165.122 Providence River, Providence, R.I. regulated navigation area.
- 165.130 Sandy Hook Bay, New Jersey—security zone.
- 165.140 New London Harbor, Connecticut—security zone.
- 165.141 Safety Zone: Sunken vessel EMPIRE KNIGHT, Boon Island, ME.
- 165.150 New Haven Harbor, Quinnipiac River, Mill River.
- 165.151 Safety Zones; Long Island Sound annual fireworks displays.
- 165.152 Coast Guard Station Fire Island, Long Island, New York—safety zone.
- 165.153 Regulated Navigation Area: Long Island Sound Marine Inspection and Captain of the Port Zone.
- 165.154 Safety and Security Zones: Long Island Sound Marine Inspection Zone and Captain of the Port Zone.
- 165.155 Northville Industries Offshore Platform, Riverhead, Long Island, New York—safety zone.
- 165.160 Safety and Security Zones: Liquefied Hazardous Gas Vessel, Liquefied Hazardous Gas Facility and Designated Vessel Transits, New York Marine Inspection Zone and Captain of the Port Zone.
- 165.161 Safety Zones: Coast Guard Activities New York Annual Fireworks Displays.
- 165.162 Safety Zone: New York Super Boat Race, Hudson River, New York.
- 165.163 Safety Zones; Port of New York/New Jersey Fleet Week.
- 165.164 Security Zones: Dignitary Arrival/Departure and United Nations Meetings, New York, NY.
- 165.165 Regulated Navigation Area; Kill Van Kull Channel, Newark Bay Channel, South Elizabeth Channel, Elizabeth Channel, Port Newark Channel and New Jersey Pierhead Channel, New York and New Jersey.