

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

[CDG01-00-004, 65 FR 43239, July 13, 2000, as amended by CGDO1-00-221, 66 FR 16000, Mar. 22, 2001; CGD01-03-102, 69 FR 41199, July 8, 2004]

**§ 165.169 Safety and Security Zones:
New York Marine Inspection Zone
and Captain of the Port Zone.**

(a) *Safety and security zones.* The following waters within the New York Marine Inspection Zone and Captain of the Port Zone are safety and security zones:

(1) *Indian Point Nuclear Power Station (IPNPS).* All waters of the Hudson River within a 300-yard radius of the IPNPS pier in approximate position 41°16'12.4" N, 073°57'16.2" W (NAD 83).

(2) *U.S. Coast Guard Cutters and Shore Facilities.* All waters within 100 yards of: Each moored, or anchored, Coast Guard Cutter; Coast Guard Station New York, Staten Island, NY; Coast Guard Station Sandy Hook, NJ; Coast Guard Station Kings Point, NY; and Coast Guard Aids to Navigation Team New York, Bayonne, NJ.

(3) *Part 105 Facilities—(i) Definition.* For the purposes of this section, *Part 105 Facility* means any facility subject to the regulations contained in 33 CFR part 105, including those designated as “Public Access Facilities” as defined in 33 CFR 101.105. For public identification purposes, all of these facilities are required to have signs posted along the shoreline, facing the water, indicating that there is a 25 yard waterfront security zone surrounding the facilities.

(ii) *Location.* All waters within 25 yards of each Part 105 Facility. When a barge, ferry, or other commercial vessel is conducting transfer operations at a Part 105 Facility, the 25-yard zone is measured from the outboard side of the commercial vessel.

(iii) *Regulations.* (A) Vessels not actively engaged in passenger, cargo, pro-

vision, facility maintenance or inspection, bunker transfer operations, or docking or undocking operations, authorized in advance by the Facility Security Plan, Facility Security Officer or designated representative, must not enter within any part of a zone described in paragraph (a)(3) of this section without the express permission of the Coast Guard Captain of the Port, a designated representative or designated on-scene patrol personnel.

(B) Persons seeking Captain of the Port permission to enter within a particular zone for official business other than authorized passenger, cargo, provision, facility maintenance or inspection, bunker transfer operations or authorized docking or undocking operations may request such authorization by contacting: Commander Coast Guard Sector New York, via the Sector Command Center (SCC), at: 212 Coast Guard Drive, Staten Island, NY 10305, or via fax to (718) 354-4125 or by contacting the Sector Command Center Duty Officer by phone at: (718) 354-4353.

(C) Vessels may transit through any portion of the zone that extends into the navigable channel for the sole purpose of direct and expeditious transit so long as they remain within the navigable channel, maintain the maximum safe distance from the Part 105 facility, and do not stop or loiter within the zone.

(4) *Liberty and Ellis Islands.* All waters within 150 yards of Liberty Island, Ellis Island, and the bridge between Liberty State Park and Ellis Island.

(5) *Bridge Piers and Abutments, Overhead Power Cable Towers, Piers and Tunnel Ventilators.* All waters within 25 yards of any bridge pier or abutment, overhead power cable tower, pier or tunnel ventilators south of the Troy, NY Locks. Vessels may transit through any portion of the zone that extends into the navigable channel for the sole purpose of direct and expeditious transit through the zone so long as they remain within the navigable channel, maintain the maximum safe distance from the waterfront facility and do not stop or loiter within the zone.

(6) *New York City Passenger Ship Terminal, Hudson River, NY—(i) Location.* All navigable waters of the Hudson River bound by the following points:

From the point 40°46'09" N, 073°59'48.7" W on the seawall midway between Pier 92 and 94, thence northwest to approximate position 40°46'14" N, 074°00'00.9" W, approximately 125 yards northwest of Pier 92, thence southwest to approximate position 40°45'56.7" N, 074°00'15.3" W, approximately 150 yards west of Pier 86, thence east to the seawall between Pier 84 and Pier 86 at approximate position 40°45'49.6" N, 073°59'58.1" W (NAD 1983), thence northeast along the shoreline to the point of origin.

(ii) *Regulations.* Vessels not actively engaged in passenger, cargo, provision, facility maintenance or inspection, bunker transfer operations, or docking or undocking operations, authorized in advance by the Facility Security Plan, Facility Security Officer or designated representative, must not enter within any part of a zone described in paragraph (a)(6) of this section without the express permission of the Coast Guard Captain of the Port, a designated representative or designated on-scene patrol personnel. Persons seeking Captain of the Port permission to enter within the zone described in paragraph (a)(6) of this section for official business other than authorized passenger, cargo, provision, facility maintenance or inspection, bunker transfer operations or authorized docking or undocking operations may request such authorization by contacting: Commander Coast Guard Sector New York, via the Sector Command Center (SCC), at: 212 Coast Guard Drive, Staten Island, NY 10305, or via fax to (718) 354-4125 or by contacting the Sector Command Center Duty Officer by phone at: (718) 354-4353.

(7) *La Guardia Airport, Bowery and Flushing Bays, Queens, NY.* (i) *Location: 200-Yard Zone.* All waters of Bowery and Flushing Bays within approximately 200 yards of La Guardia Airport bound by the following points: Onshore at Steinway, Queens, in approximate position 40°46'32.1" N, 073°53'22.4" W, thence to 40°46'52.8" N, 073°53'09.3" W, thence to 40°46'54.8" N, 073°52'54.2" W, thence to 40°46'59.3" N, 073°52'51.3" W, thence to 40°47'11.8" N, 073°53'17.3" W, thence to 40°47'13.0" N, 073°53'16.1" W on Rikers Island, thence easterly along the Rikers Island shoreline to approximate position 40°47'12.9" N, 073°52'17.9" W,

thence to 40°47'16.7" N, 073°52'09.2" W, thence to 40°47'36.1" N, 073°51'52.5" W, thence to 40°47'35.1" N, 073°51'50.5" W, thence to 40°47'15.9" N, 073°52'06.4" W, thence to 40°47'14.5" N, 073°52'03.1" W, thence to 40°47'10.6" N, 073°52'06.7" W, thence to 40°47'01.9" N, 073°52'02.4" W, thence to 40°46'50.4" N, 073°52'08.1" W, thence to 40°46'26.8" N, 073°51'18.5" W, thence to 40°45'57.2" N, 073°51'01.8" W, thence to 40°45'51.2" N, 073°50'59.6" W, thence to 40°45'49.5" N, 073°51'07.2" W, thence to 40°45'58.8" N, 073°51'13.2" W, thence to 40°46'02.3" N, 073°51'20.1" W, thence to 40°45'48.4" N, 073°51'37.0" W, (NAD 1983) thence along the shoreline to the point of origin.

(ii) *Location: 100-Yard Zone.* All waters of Bowery and Flushing Bays within approximately 100 yards of La Guardia Airport bound by the following points: Onshore at Steinway, Queens, in approximate position 40°46'32.1" N, 073°53'22.4" W, thence to 40°46'50.6" N, 073°53'07.3" W, thence to 40°46'53.0" N, 073°52'50.9" W, thence to 40°46'57.6" N, 073°52'47.9" W, thence to 40°47'11.8" N, 073°53'17.3" W, thence to 40°47'13.0" N, 073°53'16.1" W on Rikers Island, thence easterly along the Rikers Island shoreline to approximate position 40°47'12.9" N, 073°52'17.9" W, thence to 40°47'16.7" N, 073°52'09.2" W, thence to 40°47'36.1" N, 073°51'52.5" W, thence to 40°47'35.1" N, 073°51'50.5" W, thence to 40°47'15.9" N, 073°52'06.4" W, thence to 40°47'14.5" N, 073°52'03.1" W, thence to 40°47'07.9" N, 073°52'09.2" W, thence to 40°47'01.4" N, 073°52'06.1" W, thence to 40°46'50.0" N, 073°52'14.6" W, thence to 40°46'22.2" N, 073°51'16.0" W, thence to 40°45'57.2" N, 073°51'01.8" W, thence to 40°45'52.4" N, 073°51'00.2" W, thence to 40°45'50.6" N, 073°51'07.9" W, thence to 40°45'58.8" N, 073°51'13.2" W, thence to 40°46'04.0" N, 073°51'23.3" W, thence to 40°45'51.2" N, 073°51'38.8" W, (NAD 1983) thence along the shoreline to the point of origin.

(iii) *Enforcement period.* The zones described in paragraph (a)(7) of this section will be effective at all times. When port security conditions permit, the Captain of the Port will allow vessels to operate within that portion of the waters described in paragraph (a)(7)(i) that lies outside of the waters described in paragraph (a)(7)(ii). Authorization to enter the waters that lie between the outer boundaries of the

zones described in paragraphs (a)(7)(i) and (a)(7)(ii) will be communicated by the Captain of the Port to the public by marine broadcast, or local notice to mariners, or notice posted at <http://homeport.uscg.mil/newyork>.

(8) *John F. Kennedy Airport, Jamaica Bay, Queens, NY.* (i) *Location: Bergen Basin.* All waters of Bergen Basin north of 40°39'26.4" N.

(ii) *Location: Thurston Basin.* All waters of Thurston Basin north of 40°38'21.2" N.

(iii) *Location: 200-Yard Zone.* All waters of Jamaica Bay within approximately 200 yards of John F. Kennedy Airport bound by the following points: Onshore east of Bergen Basin, Queens, in approximate position 40°38'49.0" N, 073°49'09.1" W, thence to 40°38'42.5" N, 073°49'13.2" W, thence to 40°38'00.6" N, 073°47'35.1" W, thence to 40°37'52.3" N, 073°47'55.0" W, thence to 40°37'50.3" N, 073°47'53.5" W, thence to 40°37'59.4" N, 073°47'32.6" W, thence to 40°37'46.1" N, 073°47'07.2" W, thence to 40°37'19.5" N, 073°47'30.4" W, thence to 40°37'05.5" N, 073°47'03.0" W, thence to 40°37'34.7" N, 073°46'40.6" W, thence to 40°37'20.5" N, 073°46'23.5" W, thence to 40°37'05.7" N, 073°46'34.9" W, thence to 40°36'54.8" N, 073°46'26.7" W, thence to 40°37'14.1" N, 073°46'10.8" W, thence to 40°37'36.9" N, 073°45'52.8" W, thence to 40°38'00.8" N, 073°44'54.9" W, thence to 40°38'05.1" N, 073°45'00.3" W, (NAD 1983) thence along the shoreline to the point of origin.

(iv) *Location: 100-Yard Zone.* All waters of Jamaica Bay within approximately 100 yards of John F. Kennedy Airport bound by the following points: Onshore east of Bergen Basin, Queens, in approximate position 40°38'49.0" N, 073°49'09.1" W, thence to 40°38'45.1" N, 073°49'11.6" W, thence to 40°38'02.0" N, 073°47'31.8" W, thence to 40°37'52.3" N, 073°47'55.0" W, thence to 40°37'50.3" N, 073°47'53.5" W, thence to 40°38'00.8" N, 073°47'29.4" W, thence to 40°37'47.4" N, 073°47'02.4" W, thence to 40°37'19.9" N, 073°47'25.0" W, thence to 40°37'10.0" N, 073°47'03.7" W, thence to 40°37'37.7" N, 073°46'41.2" W, thence to 40°37'22.6" N, 073°46'21.9" W, thence to 40°37'05.7" N, 073°46'34.9" W, thence to 40°36'54.8" N, 073°46'26.7" W, thence to 40°37'14.1" N, 073°46'10.8" W, thence to 40°37'40.0" N, 073°45'55.6" W, thence to 40°38'02.8" N, 073°44'57.5" W, thence to 40°38'05.1" N,

073°45'00.3" W, (NAD 1983) thence along the shoreline to the point of origin.

(v) *Enforcement period.* The zones described in paragraphs (a)(8) of this section will be effective at all times. When port security conditions permit, the Captain of the Port will allow vessels to operate within that portion of the waters described in paragraph (a)(8)(iii) that lies outside of the waters described in paragraph (a)(8)(iv). Authorization to enter the waters that lie between the outer boundaries of the zones described in paragraphs (a)(8)(iii) and (a)(8)(iv) will be communicated by the Captain of the Port to the public by marine broadcast, local notice to mariners, or notice posted at <http://homeport.uscg.mil/newyork>.

(9) *NYPD Ammunition Depot, Rodman Neck, Eastchester Bay, NY.* (i) *Location: 150-Yard Zone.* All waters of Eastchester Bay within approximately 150 yards of Rodman Neck bound by the following points: Onshore in approximate position 40°51'30.4" N, 073°48'14.9" W, thence to 40°51'29.9" N, 073°48'20.7" W, thence to 40°51'16.9" N, 073°48'22.5" W, thence to 40°51'07.5" N, 073°48'18.7" W, thence to 40°50'54.2" N, 073°48'11.1" W, thence to 40°50'48.5" N, 073°48'04.6" W, thence to 40°50'49.2" N, 073°47'56.5" W, thence to 40°51'03.6" N, 073°47'47.3" W, thence to 40°51'15.7" N, 073°47'46.8" W, thence to 40°51'23.5" N, 073°47'41.9" W, (NAD 1983) thence southwesterly along the shoreline to the point of origin.

(ii) *Location: 100-Yard Zone.* All waters of Eastchester Bay within approximately 100 yards of Rodman Neck bound by the following points: Onshore in approximate position 40°51'30.4" N, 073°48'14.9" W, thence to 40°51'30.1" N, 073°48'19.0" W, thence to 40°51'16.8" N, 073°48'20.5" W, thence to 40°51'07.9" N, 073°48'16.8" W, thence to 40°50'54.9" N, 073°48'09.0" W, thence to 40°50'49.7" N, 073°48'03.6" W, thence to 40°50'50.1" N, 073°47'57.9" W, thence to 40°51'04.6" N, 073°47'48.9" W, thence to 40°51'15.9" N, 073°47'48.4" W, thence to 40°51'23.5" N, 073°47'41.9" W, (NAD 1983) thence southwesterly along the shoreline to the point of origin.

(iii) *Enforcement period.* The zones described in paragraph (a)(9) of this section will be effective at all times. When port security conditions permit, the Captain of the Port will allow vessels

to operate within that portion of the waters described in paragraph (a)(9)(i) that lies outside of the waters described in paragraph (a)(9)(ii). Authorization to enter the waters that lie between the outer boundaries of the zones described in paragraphs (a)(9)(i) and (a)(9)(ii) will be communicated by the Captain of the Port to the public by marine broadcast, local notice to mariners, or notice posted at <http://homeport.uscg.mil/newyork>.

(10) *Port Newark/Port Elizabeth, Newark Bay, NJ.* All waters of Newark Bay bound by the following points: 40°41'49.9" N, 074°07'32.2" W, thence to 40°41'46.5" N, 074°07'20.4" W, thence to 40°41'10.7" N, 074°07'45.9" W, thence to 40°40'54.3" N, 074°07'55.7" W, thence to 40°40'36.2" N, 074°08'03.8" W, thence to 40°40'29.1" N, 074°08'06.3" W, thence to 40°40'21.9" N, 074°08'10.0" W, thence to 40°39'27.9" N, 074°08'43.6" W, thence to 40°39'21.5" N, 074°08'50.1" W, thence to 40°39'21.5" N, 074°09'54.3" W, (NAD 1983) thence northerly along the shoreline to the point of origin.

(11) *Global Marine Terminal, Upper New York Bay.* All waters of Upper New York Bay between the Global Marine and Military Ocean Terminals, west of the New Jersey Pierhead Channel.

(12) *Approaches to New York, Atlantic Ocean—(i) Location.* All waters of the Atlantic Ocean between the Ambrose to Hudson Canyon Traffic Lane and the Barnegat to Ambrose Traffic Lane bound by the following points: 40°21'29.9" N, 073°44'41.0" W, thence to 40°21'04.5" N, 073°45'31.4" W, thence to 40°15'28.3" N, 073°44'13.8" W, thence to 40°15'35.4" N, 073°43'29.8" W, thence to 40°19'21.2" N, 073°42'53.0" W, (NAD 1983) thence to the point of origin.

(ii) *Enforcement period.* Enforcement periods for the zone in paragraph (a)(12) of this section will be announced through marine information broadcast or other appropriate method of communication and the zone is activated whenever a vessel is anchored in the area described in paragraph (a)(12)(i) or a Coast Guard patrol vessel is on-scene.

(iii) *Regulations.* (A) The area described in paragraph (a)(12) of this section is not a Federal Anchorage Ground. Only vessels directed by the Captain of the Port or his or her des-

ignated representative to enter this zone are authorized to anchor here.

(B) Vessels do not need permission from the Captain of the Port to transit the area described in paragraph (a)(12) of this section during periods when that security zone is not being enforced.

(13) *Liquefied Hazardous Gas (LHG) Vessels—(i) Definitions.* For the purposes of this section, *LHG Vessel* means any vessel constructed or converted to carry, in bulk, any of the flammable or toxic products listed in 33 CFR 127.005, Table 127.005.

(ii) *Location.* All waters within a 200-yard radius of any LHG Vessel that is underway and all waters within a 100-yard radius of any LHG Vessel that is moored or at anchor.

(iii) *Enforcement period.* The zone described in paragraph (a)(13) of this section will be activated upon entry of a LHG Vessel into the navigable waters of the United States (see 33 CFR 2.36(a) to include the 12 NM territorial sea) in the New York Captain of the Port Zone (33 CFR 3.05–30). The LHG Vessel will be identifiable by the requirement to fly the Bravo flag (red international signal flag under Pub. 102, International Code of Signals) from the outermost halyard (above the pilot house) where it can most easily be seen. In addition to visual identification of the LHG Vessel, the Captain of the Port will notify the maritime community of periods during which this zone will be enforced by methods in accordance with 33 CFR 165.7.

(14) *Cruise ships—(i) Definition.* For the purposes of this section, *cruise ship* means a passenger vessel as defined in 46 U.S.C. 2101(22), that is authorized to carry more than 400 passengers and is 200 or more feet in length. A cruise ship under this section will also include ferries as defined in 46 CFR 2.10–25 that are authorized to carry more than 400 passengers and are 200 feet or more in length.

(ii) *Location.* All waters within a 100-yard radius of any Cruise ship whether underway, anchored, or at berth.

(iii) *Enforcement period.* The zone described in paragraph (a)(14) of this section will be activated upon entry of any cruise ship into the navigable waters of the United States (see 33 CFR

2.36(a) to include the 12 NM territorial sea) in the New York Captain of the Port Zone (33 CFR 3.05-30). This zone will remain activated at all times while the cruise ship is within the navigable waters of the United States in the New York Captain of the Port Zone.

(15) *Designated Vessels*—(i) *Definition*. For the purposes of this section, *Designated Vessels* are vessels carrying government officials, dignitaries, or other passengers requiring protection by the U.S. Secret Service, or other Federal, State or local law enforcement agency; barges or ships carrying petroleum products, chemicals, or other hazardous cargo; and passenger vessels (as defined in 46 U.S.C. 2101(22)), that are authorized to carry more than 400 passengers and are less than 200 feet in length.

(ii) *Location*. All waters within a 100-yard radius of any Designated Vessel.

(iii) *Enforcement period*. The zone described in paragraph (a)(15) of this section will be activated upon entry of any Designated Vessel into the navigable waters of the United States (see 33 CFR 2.36(a) to include the 12 NM territorial sea) in the New York Captain of the Port Zone (33 CFR 3.05-30). This zone will remain activated at all times while the Designated Vessel is within the navigable waters of the United States in the New York Captain of the Port Zone. The Designated Vessels, including ships and barges carrying petroleum products, chemicals, or other hazardous cargo will be recognized by the requirement to fly the Bravo flag (red international signal flag under Pub 102, International Code of Signals from the outermost halyard (above the pilot house) where it can most easily be seen. Vessels that are constrained by their draft from leaving the channel may transit through the zone for the sole purpose of direct and expeditious transit so long as they remain within the navigable channel, maintain the maximum possible safe distance from the Designated Vessel, and do not stop or loiter within the zone. Designated Vessels carrying government officials, dignitaries, or other passengers requiring protection, and passenger vessels authorized to carry more than 400 passengers and are less than 200 feet in

length will be recognizable by their being escorted by a federal, state or local law enforcement or security vessel. The law enforcement or security vessel will be identifiable by flashing light, siren, flags, markings and/or through other means that clearly identify the vessel as engaged in law enforcement or security operations.

(16) *134th Street Pipeline Metering and Regulating Station*—(i) *Location*. All waters of the Hudson River within 25 yards of the 134th Street Pipeline Metering and Regulating Station.

(ii) *Regulations*. (A) Vessels not actively engaged in facility maintenance or inspection operations authorized in advance by the Pipeline Security Officer or designated representative, or authorized docking or undocking operations, must not enter within any part of a zone described in paragraph (a)(16) of this section without the express permission of the Coast Guard Captain of the Port, a designated representative or designated on-scene patrol personnel.

(B) Persons seeking Captain of the Port permission to enter within a particular zone for official business other than authorized passenger, cargo, provision, facility maintenance or inspection, bunker transfer operations or authorized docking or undocking operations may request such authorization by contacting: Commander Coast Guard Sector New York, via the Sector Command Center (SCC), at: 212 Coast Guard Drive, Staten Island, NY 10305, or via fax to (718) 354-4125 or by contacting the Sector Command Center Duty Officer by phone at: (718) 354-4353.

(17) *Waterfront heliports*—(i) *Location*. All waters of the East River within 25 yards of the East 34th Street and Wall Street Heliports, and all waters of the Hudson River within 25 yards of the West 30th Street Heliport and the Jersey City/Newport Helistop, areas of land or water under and in immediate proximity to them; buildings on such structures or contiguous to them; and equipment and materials on such structures and in such buildings. When a barge, ferry, or other commercial vessel is conducting transfer operations at a waterfront heliport, the 25-yard zone is measured from the outboard side of the commercial vessel.

(ii) *Regulations.* (A) Vessels not actively engaged in passenger, cargo, provision, facility maintenance or inspection, bunker transfer operations, or docking or undocking operations, authorized in advance by the Facility Security Plan, Facility Security Officer or designated representative, must not enter within any part of a zone described in paragraph (a)(17) of this section without the express permission of the Coast Guard Captain of the Port, a designated representative, or designated on-scene patrol personnel.

(B) Persons seeking Captain of the Port permission to enter within a particular zone for official business other than authorized passenger, cargo, provision, facility maintenance or inspection, bunker transfer operations or authorized docking or undocking operations may request such authorization by contacting: Commander Coast Guard Sector New York, via the Sector Command Center (SCC), at: 212 Coast Guard Drive, Staten Island, NY 10305, or via fax to (718) 354-4125 or by contacting the Sector Command Center Duty Officer by phone at: (718) 354-4353.

(C) Vessels entering or departing the marina north of the Newport Helistop are authorized to transit through the safety/security zone around the Newport Helistop during their transit, provided that helicopters are not taking off or landing. No loitering or unnecessary delay is authorized during these transits.

(b) *Regulations.* (1) Entry into or remaining in a safety or security zone is prohibited unless authorized by the Coast Guard Captain of the Port, New York.

(2) Persons desiring to transit the area of a safety or security zone may contact the Captain of the Port at telephone number 718-354-4088 or on VHF channel 14 (156.7 MHz) or VHF channel 16 (156.8 MHz) to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his or her designated representative.

[CGD01-02-132, 68 FR 2890, Jan. 22, 2003, as amended by CGD01-03-036, 69 FR 2670, Jan. 20, 2004; CGD01-03-020, 69 FR 23306, June 15, 2004; USCG-2008-0179, 73 FR 35017, June 19, 2008; USCG-2007-0074, 74 FR 7191, Feb. 13, 2009]

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

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

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

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

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

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

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

§ 165.202 [Reserved]

FIFTH COAST GUARD DISTRICT

§ 165.T05-0091 Safety Zone; Alligator River, NC.

(a) *Definitions.* For the purposes of this section, Captain of the Port means the Commander, Sector North Carolina. *Representative* means any Coast Guard commissioned, warrant, or petty officer who has been authorized to act on the behalf of the Captain of the Port.

(b) *Location.* The following area is a safety zone: The temporary safety zone will encompass a 100 yard radius on the waters of the Alligator River centered at (35°54'3" N/076°00'25" W) a position directly under the U.S. Highway 64 Swing Bridge.

(c) *Regulations.* (1) The general regulations contained in § 165.23 of this part