§ 165.123 Cruise Ships, Sector Southeastern New England Captain of the Port (COTP) Zone.

(a) Location. The following areas are security zones: All navigable waters within the Southeastern New England Captain of the Port (COTP) Zone, extending from the surface to the sea floor:

(1) Within a 200-yard radius of any cruise ship that is underway and is under escort of U.S. Coast Guard law enforcement personnel or designated representative, or

(2) Within a 100-yard radius of any cruise ship that is anchored, at any berth or moored.

(b) Definitions. 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.

**Designated representative** means any Coast Guard commissioned, warrant, or petty officer who has been designated by the COTP to act on the COTP’s behalf. The designated representative may be on a Coast Guard vessel, or on-board Federal, state, or a local agency vessel that is authorized to act in support of the Coast Guard.

**Southeastern New England COTP Zone** is as defined in 33 CFR 3.05–20.

(3) No person may swim upon or enter or move within the security zone unless previously authorized by the COTP or the designated representative.

(2) All persons and vessels granted permission to enter a security zone must comply with the instructions of the COTP or the designated representative. Emergency response vessels are authorized to move within the zone, but must abide by the restrictions imposed by the COTP or the designated representative.

(5) Vessel operators desiring to enter or operate within the security zone shall contact the COTP or the designated representative via VHF channel 16 or 508-457-3211 (Sector Southeastern New England command center) to obtain permission to do so.


§ 165.125 **Regulated Navigation Area; EPA Superfund Site, New Bedford Harbor, Massachusetts.**

(a) **Location.** The regulated navigation area encompasses all waters bounded by a line beginning at $41^\circ37'22.5"$ N, $070^\circ54'34.1"$ W; thence to $41^\circ37'14.4"$ N, $070^\circ54'19.6"$ W; thence to $41^\circ36'58.5"$ N, $070^\circ54'08.1"$ W; thence to $41^\circ36'45.0"$ N, $070^\circ54'26.9"$ W; thence along the shoreline and south side of the hurricane barrier to the beginning point.

(b) **Regulations.** (1) All vessels and persons are prohibited from activities that would disturb the seabed within the regulated navigation area, including but not limited to anchoring, dragging, trawling, and spudding. Vessels may otherwise transit or navigate within this area without reservation.

(2) The prohibition described in paragraph (b)1 of this section shall not apply to vessels or persons engaged in activities associated with remediation efforts in the New Bedford Harbor Superfund Site, provided that the Coast Guard Captain of the Port (COTP) Southeastern New England, is given advance notice of those activities by the U.S. Environmental Protection Agency (EPA).

(c) **Waivers.** The Captain of the Port (COTP) Southeastern New England may, in consultation with the U.S. EPA, authorize a waiver from this section if he or she determines that the proposed activity can be performed without undue risk to environmental remediation efforts. Requests for waivers should be submitted in writing to Commander, U.S. Coast Guard Sector Southeastern New England, 1 Little Harbor Road, Woods Hole, MA 02543, with a copy to the U.S. Environmental Protection Agency, Region I, New Bedford Harbor Remedial Project Manager, 5 Post Office Square, Suite 100 (OSRR07), Boston, MA 02109, to facilitate review by the EPA and U.S. Coast Guard.

[USCG–2010–1119, 76 FR 35744, June 20, 2011]