Guard by siren, radio, flashing light or other means, the operator of a vessel shall proceed as directed.

(3) When a safety zone established by this section is being enforced, all vessels must obtain permission from the Captain of the Port Sault Sainte Marie or a designated representative to enter, move within, or exit that safety zone. Vessels and persons granted permission to enter the safety zone shall obey all lawful orders or directions of the Captain of the Port Sault Sainte Marie or a designated representative. While within a safety zone, all vessels shall operate at the minimum speed necessary to maintain a safe course.

(d) Suspension of enforcement. If the event concludes earlier than scheduled, the Captain of the Port Sault Sainte Marie or a designated representative will issue a Broadcast Notice to Mariners notifying the public that enforcement of the respective safety zone is suspended.

(e) Exemption. Public vessels, as defined in paragraph (b) of this section, are exempt from the requirements in this section.

(f) Waiver. For any vessel, the Captain of the Port Sault Sainte Marie or a designated representative may, at his or her discretion, waive any of the requirements of this section, upon finding that circumstances are such that application of this section is unnecessary or impractical for the purposes of safety or environmental safety.

§ 165.921 Regulated Navigation Area; Reporting Requirements for Barges Loaded with Certain Dangerous Cargoes, Illinois Waterway System located within the Ninth Coast Guard District.

(a) Regulated Navigation Area. The following waters are a regulated navigation area (RNA): the Illinois Waterway System above mile 187.2 to the Chicago Lock on the Chicago River at mile 326.7 and to the confluence of the Calumet River and Lake Michigan at mile 333.5 of the Calumet River.

(b) Applicability. This section applies to towing vessel operators and fleeting area managers responsible for CDC barges in the RNA. This section does not apply to towing vessel operators responsible for barges not carrying CDC barges, or fleet tow boats moving one or more CDC barges within a fleeting area.

(c) Definitions. As used in this section—

Barge means a non-self propelled vessel engaged in commerce, as set out in 33 CFR 160.204.

Certain Dangerous Cargo or (CDC) includes any of the following:

(1) Division 1.1 or 1.2 explosives as defined in 49 CFR 173.50.

(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.

(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 barge.

(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.

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Coast Guard, DHS § 165.921

(5) A liquid material that has a primary or subsidiary classification of Division 6.1 “poisonous material” 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 bulk packaging, or that is in a quantity in excess of 20 metric tons per barge when not in a bulk packaging.

(6) Class 7, “highway route controlled quantity” radioactive material or “fissile material, controlled shipment”, as defined in 49 CFR 173.403.

(7) Bulk liquefied chlorine gas and bulk liquefied gas cargo that is flammable and/or toxic and carried under 46 CFR 154.7.

(8) The following bulk liquids—

(i) Acetone cyanohydrin,
(ii) Allyl alcohol,
(iii) Chlorosulfonic acid,
(iv) Crotonaldehyde,
(v) Ethylene chlorohydrin,
(vi) Ethylene dibromide,
(vii) Methacrylonitrile,
(viii) Oleum (fuming sulfuric acid), and
(ix) Propylene Oxide.

CDC barge means a barge containing CDCs or CDC residue.

Downbound means the tow is traveling with the current.

Fleet tow boat means any size vessel that is used to move, transport, or deliver a CDC barge within a fleeting area.

Fleeting area means any fleet, including any facility, located within the area covered by one single port.

Inland River Vessel Movement Center or (IRVMC) means the Coast Guard office that is responsible for collecting the information required by this section.

Ninth Coast Guard District means the Coast Guard District as set out in 33 CFR 3.45–1.

Towing vessel means any size vessel that is used to move, transport, or deliver a CDC barge to a fleet or facility that is located in a different port than where the voyage originated.

Towing vessel operator means the Captain or pilot who is on watch on board a towing vessel.

Upbound means the tow is traveling against the current.

(d) Regulations. The following must report to the Inland River Vessel Movement Center (IRVMC):

(1) The towing vessel operator responsible for one or more CDC barges in the RNA must report all the information items specified in table 165.921(f), in paragraph (f) of this section, to the IRVMC:

(i) Upon point of entry into the RNA with one or more CDC barges;

(ii) Four hours before originating a voyage within the RNA with one or more CDC barges, except if the evolution of making up a tow with a CDC barge will take less than 4 hours before originating a voyage, and the towing vessel operator did not receive the order to make up a tow with a CDC barge in advance of 4 hours before originating the voyage with one or more CDC barges, in which case the towing vessel operator shall submit the required report to the IRVMC as soon as possible after receiving orders to make up a tow with one or more CDC barges;

(iii) Upon dropping off one or more CDC barges at a fleeting area or facility;

(iv) Upon picking up one or more additional CDC barges from a fleeting area or facility;

(v) At designated reporting points, set forth in paragraph of this section;

(vi) When the estimated time of arrival (ETA) to a reporting point varies by 6 hours from the previously reported ETA;

(vii) Any significant deviation from previously reported information;

(viii) Upon departing the RNA with one or more CDC barges; and

(ix) When directed by the IRVMC.

(2) The fleeting area manager responsible for one or more CDC barges in the RNA must report all the information items specified in table 165.921(g), in paragraph (g) of this section, to the IRVMC:

(i) Once daily, report all CDC barges within the fleeting area;

(ii) Upon moving one or more CDC barges within a fleeting area by a fleet tow boat;

(iii) Any significant deviation from previously reported information; and

(iv) When directed by the IRVMC.
§ 165.921 33 CFR Ch. I (7–1–13 Edition)

(3) Reports required by this section may be made by a company representative or dispatcher on behalf of the fleeting area manager.

(4) Reports required by this section must be made to the IRVMC either by telephone to (866) 442–6089, by fax to (866) 442–6107, or by e-mail to irvmc@cgstl.uscg.mil. A reporting form and e-mail link are available at http://www.uscg.mil/d8/Divs/M/IRVMC.htm.

(5) The general regulations contained in 33 CFR 165.13 apply to this section.

(e) Ninth Coast Guard District Illinois Waterway System RNA Reporting points. Towing vessel operators responsible for one or more CDC barges in the RNA must make reports to the Inland River Vessel Movement Center at each point listed in this paragraph (e).

(1) Illinois River (ILR) Upbound, at Mile Markers (M) and when Departing Lock & Dam (L&D)—

(i) M 187.2 (Southern Boundary MSU Chicago AOR),

(ii) M 303.5 Junction of Chicago Sanitary Ship Canal and Calumet-Sag Channel,

(iii) M 326.4 Thomas S. O’Brien L&D, Calumet River,

(iv) M 333.5 Confluence of Calumet River and Lake Michigan, and

(v) M 326.7 Chicago L&D, Chicago River.

(2) Illinois River (ILR) Downbound Reporting Points, at Mile Markers (M) and when Departing Lock & Dam (L&D)—

(i) M 326.7 Chicago L&D, Chicago River,

(ii) M 333.5 Confluence of Calumet River and Lake Michigan,

(iii) M 326.4 Thomas S. O’Brien L&D, Calumet River,

(iv) M 303.5 Junction of Chicago Sanitary Ship Canal and Calumet-Sag Channel, and

(v) M 187.2 (Southern Boundary MSU Chicago AOR).

(f) Information to be reported to the IRVMC by towing vessel operators. With the exception noted in paragraph (d)(1)(ii) of this section, towing vessel operators responsible for one or more CDC barges in the RNA must report all the information required by this section as set out in table 165.921(f) of this paragraph.
### Table 165.921(f)—Information To Be Reported to the IRVMC by Towing Vessel Operators

<table>
<thead>
<tr>
<th>24-hour contact number</th>
<th>Name of vessel moving barge(s)</th>
<th>Barge(s) name and official number</th>
<th>Type, name and amount of CDC onboard</th>
<th>Estimated time of departure from fleeting area or facility</th>
<th>Name and location of destination of CDC barge (fleeting area or facility), including estimated time of arrival</th>
<th>Reporting point</th>
<th>Estimated time of arrival (ETA) to next reporting point (if applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Upon point of entry into the RNA with a CDC barge</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>(2) 4 hours before originating a voyage within the RNA with one or more CDC barges; but see exception in paragraph (d)(1)(ii) of this section.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>(3) Upon dropping off one or more CDC barges at a fleeting area or facility</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>(4) Upon picking up one or more additional CDC barges from a fleeting area or facility</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>(5) At designated reporting points in 165.921(e)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>(6) When ETA to a reporting point varies by 6 hours from previously reported ETA</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>(7) Any significant deviation from previously reported information (all that apply)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>(8) Upon departing the RNA with a CDC barge(s)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>(9) When directed by the IRVMC</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

1 If changed.
§ 165.923 Safety Zone and Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, IL.

(a) Safety Zone. (1) The following area is a safety zone: All waters of the Chicago Sanitary and Ship Canal located between mile marker 296.1 and mile marker 296.7.

(2) Regulations. (i) All vessels are prohibited from transiting the safety zone with any non-potable water on board if they intend to release that water in any form within, or on the other side of the safety zone. Non-potable water includes, but is not limited to, any water taken on board to control or maintain trim, draft, stability, or stresses of the vessel. Likewise, it includes any water taken on board due to free communication between the hull of the vessel and exterior water. Potable water is water treated and stored aboard the vessel that is suitable for human consumption.

(ii) Vessels with non-potable water onboard are permitted to transit the safety zone if they have taken steps to prevent the release, in any form, of that water in or on the other side of the safety zone. Alternatively, vessels with non-potable water onboard are permitted to transit the safety zone if they have plans to dispose of the water in a biologically sound manner.

(iii) Vessels with non-potable water aboard that intend to discharge on the other side of the zone must contact the Coast Guard’s Ninth District Commander or his or her designated representatives prior to transit and obtain permission to transit and discharge. Examples of discharges that may be approved include plans to dispose of the water in a biologically sound manner or demonstrate through testing that the non-potable water does not contain potential live Silver or Asian carp, viable eggs, or gametes.

(iv) In accordance with the general regulations in §165.23 of this part, entry into, transiting, or anchoring within this safety zone by vessels with non-potable water on board is prohibited unless authorized by the Coast Guard’s Ninth District Commander, his or her designated representatives, or an on-scene representative.

(b) Alternative reporting. The Ninth Coast Guard District Commander may consider and approve alternative methods to be used by a reporting party to meet any reporting requirements if—

(1) The request is submitted in writing to Commander, Ninth Coast Guard District (m), 1240 E. Ninth Street, Cleveland, Ohio, 44199–2060; and

(2) The alternative provides an equivalent level of the reporting that which would be achieved by the Coast Guard with the required check-in points.

(i) Deviation from this section is prohibited unless specifically authorized by the Commander, Ninth Coast Guard District or the IRVMC.

(ii) Examples of discharges that may be approved include plans to dispose of the water in a biologically sound manner.

(3) When directed by the IRVMC.

(h) Alternative reporting. The Ninth Coast Guard District Commander may consider and approve alternative methods to be used by a reporting party to meet any reporting requirements if—

(1) Once daily, all CDC barges in a fleeting area [X]

(2) Upon moving one or more CDC barges within a fleeting area by a fleet tow boat [X]

(3) Any significant deviation from previously reported information (all that apply) [X]

(4) When directed by the IRVMC [X]

TABLE 165.921(g)—INFORMATION TO BE REPORTED TO THE IRVMC BY FLEETING AREA MANAGERS

<table>
<thead>
<tr>
<th>Location of CDC barge (fleeting area or facility)</th>
<th>Type, name and amount of CDC onboard</th>
<th>24-hour contact number</th>
<th>Barge(s) name and official number</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

(Approved by the Office of Management and Budget under OMB control number 1625–1505)


EFFECTIVE DATE NOTE: By USCG–2013–0019, 78 FR 4790, Jan. 23, 2013, in §165.921, paragraphs (d), (e), (f), (g), and (h) were stayed from Jan. 23, 2013 until 11:39 p.m. on Sept. 30, 2013.