

§ 165.550

33 CFR Ch. I (7–1–22 Edition)

(2) You can gain access to the safety by calling Sector Field Office Atlantic City command center at telephone number (609) 677–2222 and on VHF channel 13 or 16.

(3) The COTP Delaware Bay may authorize and designate any Coast Guard commissioned, warrant, or petty officer to act on his behalf in enforcing this safety zone.

[CGD05–98–043, 69 FR 28827, May 19, 2004]

§ 165.550 Safety Zones: Ice covered waterways within the Fifth Coast Guard District.

(a) *Regulated areas.* The following areas are established as safety zones:

(1) *Coast Guard Sector Delaware Bay—COTP Zone—(i) Delaware Bay:* All navigable waters of Delaware Bay and Delaware River in an area bound to the south by a line drawn across the entrance to Delaware Bay, commencing at Cape May Light (LLNR 155) latitude 38°55'59" N., longitude 074°57'37" W.; thence southwest to Cape Henlopen, latitude 38°48'20.3" N., longitude 075°05'44.5" W. The regulated area is bound to the north by a line drawn across the Delaware River, commencing at Liston Point, DE, latitude 39°25'03.07" N., longitude 075°32'25.5" W.; thence northeast to the extent of navigable waters at Hope Creek Jetty, latitude 39°27'05.04" N., longitude 075°30'12.55" W. (Datum NAD 83)

(ii) *Delaware River:* All navigable waters of Delaware River and its tributaries, in an area bound to the south by a line drawn across the Delaware River, commencing at Liston Point, DE, latitude 39°25'03.07" N., longitude 075°32'25.5" W.; thence northeast to the extent of navigable waters at Hope Creek Jetty, latitude 39°27'05.04" N., longitude 075°30'12.55" W., including the navigable waters of the Salem River, Christina River, and Schuylkill River. The regulated area is bound to the north by a line drawn across the Delaware River at the Betsy Ross (state route 90) fixed highway bridge from latitude 39°59'10.43" N., longitude 075°04'11.03" W. to latitude 39°58'58.65" N., longitude 075°03'43.23" W. (Datum NAD 83)

(iii) *Upper Delaware River:* All navigable waters of Delaware River and its tributaries in an area bound to the

south by a line drawn across the Delaware River at the Betsy Ross (state route 90) fixed highway bridge from latitude 39°59'10.43" N., longitude 075°04'11.03" W. to latitude 39°58'58.65" N., longitude 075°03'43.23" W. The regulated area is bound to the north by a line drawn across the Delaware River at the Trenton—Morrisville (state route 1) highway bridge from latitude 40°12'29.86" N., longitude 074°46'11.00" W. to latitude 40°12'34.93" N., longitude 74°46'00.63" W. (Datum NAD 83)

(iv) *New Jersey Intracoastal Waterway:* All navigable waters of New Jersey Intracoastal Waterway (NJICW), bounded by the area defined by 33 CFR 80.501(b)–(c) and §80.502, commencing at the entrance to Manasquan Inlet at latitude 40°06'03" N., longitude 74°01'55" W., continuing the entire length of NJICW to include the navigable waters Manasquan River at its tributaries, Metedeconk River and its tributaries, Toms River and Barnegat Bay and its tributaries, Mahahawkin Bay, Little Egg Harbor, Great Bay to Absecon Bay, Lakes Bay, Great Egg Harbor Bay, Peck Bay, Ludlam Bay, Townsend Sound, Stites Sound, Great Sound, Grassy Sound, Taylor Sound, Sunset Lake, Jarvis Sound and Cape May Harbor. This regulated area terminates in the east at line drawn across the seaward extremity of Cape May Inlet, Cape May, NJ and in the west at line drawn across the entrance to the Cape May Canal from latitude 38°58'03.72" N., longitude 074°58'00.00" W. to latitude 38°57'57.00" N., longitude 074°58'00.80" W. (Datum NAD 83)

(2) *Coast Guard Sector Maryland-National Capital Region- COTP Zone.* (i) *Head of Chesapeake Bay to C&D Canal:* All navigable waters of the Upper Chesapeake Bay and its tributaries, bound to the north by a line drawn from Hylands Point, MD, latitude 39°30'18" N., longitude 075°55'37" W.; thence east across Elk River to the shoreline at Old Town Point Wharf, MD, latitude 39°30'11.3" N., longitude 075°54'57.1" W. The regulated area is bound to the south by a line drawn across the Chesapeake Bay, commencing at North Point, MD, latitude 39°11'43.7" N., longitude 076°26'32.8" W.; thence east to the extent of navigable waters at Swan Point, latitude

39°08'41.7" N., longitude 076°16'42.4" W. (Datum NAD 83)

(ii) *Baltimore Harbor and approaches*: All navigable waters of the Chesapeake Bay and its tributaries, bound to the north by a line drawn across the Chesapeake Bay, commencing at North Point, MD, latitude 39°11'43.7" N., longitude 076°26'32.8" W.; thence east to the shoreline at Swan Point, latitude 39°08'41.7" N., longitude 076°16'42.4" W. The regulated area is bound to the south by the southernmost edge of the east-bound span of the William P. Lane, Jr (US-50/301) Memorial Bridge. (Datum NAD 83)

(iii) *Chesapeake Channel to Cove Point*: All navigable waters of the Chesapeake Bay and its tributaries, bound to the north by the southernmost edge of the east-bound span of the William P. Lane, Jr (US-50/301) Memorial Bridge. The regulated area is bound to the south by a line drawn across the Chesapeake Bay commencing in Cove Point in Calvert County, MD at latitude 38°23'10.5" N., longitude 076°22'52.9" W. and ending at a point in Meekins Neck at latitude 38°23'14.9" N., longitude 076°16'48.3" W. (Datum NAD 83)

(iv) *Chesapeake Channel between Cove Point and Smith Point, and Lower Potomac River*: All navigable waters of Chesapeake Bay and its tributaries, bound to the north by a line drawn across the Chesapeake Bay commencing in Cove Point in Calvert County, MD at latitude 38°23'10.5" N., longitude 076°22'52.9" W. and ending at a point in Meekins Neck at latitude 38°23'10.5" N., longitude 076°16'48.3" W.; and all navigable waters of the Potomac River bound to the north by a line drawn across the Potomac River at the Governor Harry W. Nice (US-301) Memorial Bridge from latitude 38°21'33.30" N., longitude 077°00'51.41" W. to latitude 38°21'48.22" N., longitude 76°58'59.83" W., connecting King George County, VA and Charles County, MD. (Datum NAD 83)

(v) *Potomac River*: All navigable waters of the Potomac River, bound to the north by a line drawn across the Potomac River at the Woodrow Wilson Memorial (I-95/I-495) Bridge from latitude 38°47'32.38" N., longitude 077°02'22.15" W. to latitude 38°47'33.83" N., longitude 077°01'30.58" W., con-

necting Alexandria, VA and Prince George's County, MD. The regulated area is bound to the south by a line drawn across the Potomac River at the Governor Harry W. Nice (US-301) Memorial Bridge from latitude 38°21'33.30" N., longitude 077°00'51.41" W. to latitude 38°21'48.22" N., longitude 76°58'59.83" W., connecting King George County, VA and Charles County, MD. (Datum NAD 83)

(vi) *Upper Potomac River and Anacostia River*: All navigable waters of the Potomac River, bound to the north by a line drawn across the Potomac River at the Francis Scott Key (US-29) Bridge from latitude 38°54'03.51" N., longitude 077°04'13.18" W. to latitude 38°54'13.68" N., longitude 077°04'08.46" W., connecting Rosslyn, VA and Georgetown, Washington, DC, and bound to the south by a line drawn across the Potomac River at the Woodrow Wilson Memorial (I-95/I-495) Bridge from latitude 38°47'32.38" N., longitude 077°02'22.15" W. to latitude 38°47'33.83" N., longitude 077°01'30.58" W., connecting Alexandria, VA and Prince George's County, MD. All navigable waters of Anacostia River and Washington Channel bound to the north by a line drawn across the Anacostia River at the John Philip Sousa (Pennsylvania Avenue SE) Bridge, latitude 38°52'38.97" N., longitude 076°58'46.48" W. to latitude 38°52'34.08" N., longitude 076°58'36.61" W. and bound to the south by a line drawn across the mouth of the Anacostia River, from Hains Point at latitude 38° 51' 24.34" N., longitude 077° 1' 20.14" W., south across Anacostia River Channel to Giesboro Point at latitude 38°50'51" N., longitude 077°01'14" W. at Joint Base Anacostia-Bolling military installation. (Datum NAD 83)

(3) *Coast Guard Sector Virginia—COTP Zone*—(i) *Chesapeake Bay and Tangier Sound*: All navigable waters of Chesapeake Bay, and its tributaries, bound to the north by a line drawn along the Maryland-Virginia boundary, commencing in Virginia at latitude 37°53'11" N., longitude 76°14'15" W., thence east along the Maryland-Virginia boundary as it proceeds across the Chesapeake Bay and Pocomoke River, ending at the point latitude 37°59'39.8" N., longitude 75°37'27.4" W. The regulated area is bound to the

south by a line drawn across the Chesapeake Bay along latitude 37°45'00.0" N., commencing in Northumberland County, VA at latitude 37°45'00.00" N., longitude 76°18'44.32" W. and ending in Chesconessex, in Accomack County, VA at latitude 37°45'00.00" N., longitude 75°48'39.53" W. (Datum NAD 83)

(ii) [Reserved]

(b) *Definitions.* As used in this section:

Convoy means a group of vessels led by U.S. Coast Guard assets or COTP-designated vessels to assist vessels moving through the ice.

COTP means the Coast Guard Captain of the Port with jurisdiction over the geographic area as defined in 33 CFR subpart 3.25.

Designated representative means any Coast Guard commissioned, warrant, or petty officer who has been authorized by the cognizant COTP to assist in enforcing the safety zones described in paragraph (a) of this section.

Horsepower means the total maximum continuous shaft horsepower of a vessel's main propulsion machinery.

Ice Condition One means when the COTP or District Commander has received reports that approximately 30 percent of a safety zone defined in paragraph (a) has been covered with ice whose thickness is approximately 1 to 3 inches.

Ice Condition Two means when the COTP or District Commander has received reports that approximately 30 percent to 90 percent of a safety zone defined in paragraph (a) has been covered with ice whose thickness is approximately 3 to 9 inches.

Ice Condition Three means when the COTP or District Commander has received reports that approximately 90 percent or more of a safety zone defined in paragraph (a) has been covered with ice whose thickness is 9 inches or thicker.

Protected waters means sheltered waters such as harbors or basins that present no special hazards.

Public vessel means vessels owned or bareboat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commercial service.

(c) *Regulations*—(1) *Non-steel hull vessels.* Non-steel hull vessels may not enter or transit within a safety zone described in paragraph (a) of this section without permission from the cognizant COTP or District Commander if, when approaching the zone or after entering the zone, the vessel encounters ice of ½-inch or more in thickness. When ice in a zone is ½-inch thick or more, non-steel hull vessels moored or docked in the zone need not exit the zone. Except for as described in paragraph (d)(4), non-steel hull vessels may not enter or transit the zone without permission of the cognizant COTP or District Commander.

(2) *Steel hull vessels.* Except as provided in paragraph (d)(1) of this section, steel hull vessels may not enter or transit within a safety zone described in paragraph (a) of this section without permission from the cognizant COTP or District Commander in the following circumstances:

(i) The vessel has less than 1,500 minimum shaft horsepower and encounters ice 1 inch or more thick.

(ii) The vessel has a 1,500 minimum shaft horsepower and a main engine cooling system design that prevents blockage from ice and encounters ice 3 inches or more thick.

(iii) The vessel is part of a vessel convoy and has a 1,500 minimum shaft horsepower and a main engine cooling system design that prevents blockage from ice and encounters ice 9 inches or more thick.

(d) *Permission to enter or transit.* (1) The COTP may set ice conditions, as defined in paragraph (b) of this section, for any zone described in paragraph (a) of this section, or a portion thereof, and announce those conditions via Broadcast Notice to Mariners and other methods described in 33 CFR 165.7. Steel hull vessels prohibited from entering or transiting a safety zone under paragraph (c) of this section may nonetheless enter or continue transiting the safety zone without contacting the COTP if the vessel is a public vessel or the COTP has set an ice condition for the safety zone and the vessel meets these restrictions:

(i) *Ice Condition One.* Only steel hull vessels may enter, operate in, or transit through a safety zone when Ice Condition One has been set for that zone.

(ii) *Ice Condition Two.* Only steel hull vessels with a 1,500 minimum shaft horsepower and a main engine cooling system design that prevents blockage from ice, may enter, operate in, or transit through a safety zone when Ice Condition Two has been set for that zone.

(iii) *Ice Condition Three.* Only steel hull vessels with a 1,500 minimum shaft horsepower and a main engine cooling system design that prevents blockage from ice, and that are part of a vessel convoy, may enter, operate in, or transit through a safety zone when Ice Condition Three has been set for that zone. These vessels may only transit an Ice Condition Three zone during daylight hours.

(2) Vessels prohibited from entering or transiting a safety zone under paragraph (c) of this section may request permission to enter or continue transiting by contacting the cognizant COTP on VHF-FM channel 16 (156.8 MHz) or via telephone, as follows:

(i) COTP Delaware Bay: 215-271-4940.

(ii) COTP Maryland-National Capital Region: 410-576-2693.

(iii) COTP Virginia: 757-483-8567.

(3) Vessels granted permission to enter, operate in, or transit through a safety zone must do so in accordance with the directions provided by the cognizant COTP or designated representative.

(4) Vessels may transit within protected waters to facilitate icebreaking operations and protect infrastructure and property without COTP permission.

(e) *Enforcement.* The Coast Guard vessels enforcing this section can be contacted on marine band radio VHF-FM channel 16 (156.8 MHz). The cognizant COTP and his or her designated representatives can be contacted at telephone number listed in paragraph (d)(2) of this section.

[USCG-2015-0051, 82 FR 39669, Aug. 22, 2017, as amended at USCG-2019-0943, 85 FR 6806, Feb. 6, 2020]

§ 165.552 Security Zone; Oyster Creek Generation Station, Forked River, Ocean County, New Jersey.

(a) *Location.* The following area is a security zone: Starting at the south branch of the Forked River in the vicinity of the Oyster Creek Generation Station, bounded by a line beginning at 39°49'12.0" N, 074°12'13.0" W; thence to 39°48'39.7" N, 074°12'0" W; along the shoreline, thence to 39°48'40.0" N, 074°12'0.3" W; thence to 39°49'11.8" N, 074°12'10.5" W; thence back along the shoreline to the beginning point. All coordinates reference Datum: NAD 1983.

(b) *Regulations.* (1) All persons are required to comply with the general regulations governing security zones in § 165.33 of this part.

(2) No person or vessel may enter or navigate within this security zone unless authorized to do so by the Coast Guard or designated representative. Any person or vessel authorized to enter the security zones must operate in strict conformance with any directions given by the Coast Guard or designated representative and leave the security zone immediately if the Coast Guard or designated representative so orders.

(3) The Coast Guard or designated representative enforcing this section can be contacted on VHF Marine Band Radio, channels 13 and 16. The Captain of the Port can be contacted at (215) 271-4807.

(4) The Captain of the Port will notify the public of any changes in the status of this security zone by Marine Safety Radio Broadcast on VHF-FM marine band radio, channel 22 (157.1 MHz).

(c) *Definitions.* For the purposes of this section, *Captain of the Port* means the Commanding Officer of the Coast Guard Sector Delaware Bay, or any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port to act as a designated representative on his behalf.

[CGD05-03-111, 69 FR 5284, Feb. 4, 2004]