avoid endangering the safety of persons, the environment, and or property. If deviation from the regulations is necessary, the master or their designee shall inform the Coast Guard as soon as it is practicable to do so.

(c) Waivers. (1) The Captain of the Port Long Island Sound may, upon request, waive any regulation in this section.

(2) An application for a waiver must state the need for the waiver and describe the proposed vessel operations through the Regulated Navigation Area.

(d) Enforcement. Paragraph (c) applies to any day or days on which the event is cancelled due to inclement weather, and the enforcement period shall begin on the day following Memorial Day, and the Saturday after Labor Day.

(2) Seaport Memorial Day fireworks, East River, NY:

(i) Location. All waters of the East River south of the Brooklyn Bridge and north of a line drawn from the southwest corner of Pier 3, Brooklyn, to the northeast corner of Pier 6, Manhattan.

(ii) Effective period. Paragraph (a)(2)(i) of this section is in effect annually from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on Memorial Day. If the event is cancelled due to inclement weather, then paragraph (a)(1)(i) of this section is effective from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on the Saturday before Memorial Day and the Sunday after Labor Day.

(3) Red Bank, NJ, July 3rd fireworks, Navesink River:

§ 165.161 Safety zones: Coast Guard Captain of the Port New York annual fireworks displays.

(a) Safety zones. The following areas are designated safety zones:

(1) Bar Beach fireworks, Hempstead Harbor, NY:

(i) Location. All waters of Hempstead Harbor within a 300-yard radius of the fireworks barge in approximate position 40°49′54″ N, 073°39′14″ W (NAD 1983), about 360 yards north of Bar Beach, Hempstead Harbor.

(ii) Effective period. Paragraph (a)(1)(i) of this section is in effect annually from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on the Friday before Memorial Day, and the Saturday after Labor Day. If the event is cancelled due to inclement weather, then paragraph (a)(1)(i) of this section is effective from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on the Saturday before Memorial Day and the Sunday after Labor Day.

(2) Seaport Memorial Day fireworks, East River, NY:

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(ii) Effective period. Paragraph (a)(2)(i) of this section is in effect annually from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on Memorial Day. If the event is cancelled due to inclement weather, then paragraph (a)(2)(i) of this section is effective from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on the day following Memorial Day.

(3) Red Bank, NJ, July 3rd fireworks, Navesink River:

(a) Regulated area. The following area is a safety zone: All waters of the Lower Hudson River south of a line drawn from the northwest corner of Pier 76 in Manhattan to a point on the New Jersey shore in Weehawken, New Jersey at approximate position 40°45'52" N 074°01'01" W (NAD 1983) and north of a line connecting the following points (all coordinates are NAD 1983):

<table>
<thead>
<tr>
<th>Latitude</th>
<th>Longitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>40°42'16.0&quot; N</td>
<td>074°01'09.0&quot; W, then south to</td>
</tr>
<tr>
<td>40°41'55.0&quot; N</td>
<td>074°01'16.0&quot; W, then west to</td>
</tr>
<tr>
<td>40°41'47.0&quot; N</td>
<td>074°01'36.0&quot; W, then northwest to</td>
</tr>
<tr>
<td>40°41'55.0&quot; N</td>
<td>074°01'59.0&quot; W, then to shore at</td>
</tr>
<tr>
<td>40°42'20.5&quot; N</td>
<td>074°02'06.0&quot; W.</td>
</tr>
</tbody>
</table>

(b) Regulations. (1) Vessels not participating in this event, swimmers, and personal watercraft of any nature are prohibited from entering or moving within the regulated area unless authorized by the Patrol Commander.

(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.

(USCG–2008–0179, 73 FR 35016, June 19, 2008)