

§ 165.173

33 CFR Ch. I (7-1-13 Edition)

to them by the COTP New York or the on-scene representative.

[USCG-2010-1091, 76 FR 31234, May 31, 2011]

§ 165.173 Safety Zones for annually recurring marine events held in Coast Guard Southeastern New England Captain of the Port Zone.

(a) Regulations. (1) The general regulations contained in 33 CFR 165.23 as well as the following regulations apply to the fireworks displays and swim events listed in the Table to § 165.173. These regulations may be enforced for the duration of each event.

(2) Notifications will be made to the local maritime community through the Local Notice to Mariners well in advance of the events. If the event does not have a date listed, then exact dates and times of the enforcement period will be announced through a Notice of Enforcement in the FEDERAL REGISTER.

NOTE TO PARAGRAPH (A): Although listed in the Code of Federal Regulations, sponsors of events listed in the Table shall submit an application each year in accordance with 33 CFR 100.15.

(b) Definitions. The following definitions apply to this section:

(1) Designated representative. A “designated representative” is any Coast Guard commissioned, warrant or petty officer of the U.S. Coast Guard who has been designated by the Captain of the Port, Southeastern New England (COTP), to act on his or her behalf. The designated representative may be on an official patrol vessel or may be on shore and will communicate with vessels via VHF-FM radio or loudhailer. In addition, members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(2) Official patrol vessels. Official patrol vessels may consist of any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the COTP.

(3) Spectators. All persons and vessels not registered with the event sponsor

as participants or official patrol vessels.

(c) The Coast Guard may patrol each event area under the direction of a designated Coast Guard Patrol Commander. The Patrol Commander may be contacted on Channel 16 VHF-FM (156.8 MHz) by the call sign “PATCOM.” The “official patrol vessels” may consist of any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the Captain of the Port, Southeastern New England.

(d) Vessels may not transit the regulated areas without Patrol Commander approval. Vessels permitted to transit must operate at a no wake speed, in a manner which will not endanger participants or other crafts in the event.

(e) Spectators or other vessels shall not anchor, block, loiter, or impede the movement of event participants or official patrol vessels in the regulated areas during the effective dates and times, or dates and times as modified through a Notice of Enforcement published in the FEDERAL REGISTER, unless authorized by an official patrol vessel.

(f) The Patrol Commander may control the movement of all vessels in the regulated area. When hailed or signaled by an official patrol vessel, a vessel shall come to an immediate stop and comply with the lawful directions issued. Failure to comply with a lawful direction may result in expulsion from the area, citation for failure to comply, or both.

(g) The Patrol Commander may delay or terminate any event in this subpart at any time to ensure safety. Such action may be justified as a result of weather, traffic density, spectator operation or participant behavior.

(h) For all fireworks displays listed below, the regulated area is that area of navigable waters within the specified radius of the launch platform or launch site for each fireworks display, unless modified later in a Notice of Enforcement published in the FEDERAL REGISTER.

TABLE TO § 165.173

1.0 365 DAY JANUARY-DECEMBER

Table with 2 columns: Event Name and Event Type. Row 1: Provincetown Fireworks, Event Type: Fireworks Display.

TABLE TO § 165.173—Continued

	<ul style="list-style-type: none"> • Date: Enforced on any day during the duration of the event as specified by a Notice of Enforcement published in the Federal Register. • Time: Approximately 5:00 p.m. to 11:59 p.m. • Location: From a barge in the vicinity of the Provincetown Harbor, Provincetown, MA. • Position: Within 500 yards of 41°28'44" N, 070°10'83" W (NAD 83). • Safety Zone Dimension: Approximately 300 yard radius circle around the fireworks barge.
<p>1.2 Providence Fireworks</p>	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Date: Enforced on any day during the duration of the event as specified by a Notice of Enforcement published in the Federal Register. • Time: Approximately 5:00 p.m. to 11:59 p.m. • Location: From a barge in the vicinity of the Hurricane Barrier in the Providence River, Providence, RI. • Position: Within 500 yards of 41°48'50" N, 071°23'43" W (NAD 83). • Safety Zone Dimension: Approximately 300 yard radius circle around the fireworks barge.
<p>1.3 Fall River Fireworks</p>	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Date: Enforced on any day during the duration of the event as specified by a Notice of Enforcement published in the Federal Register. • Time: Approximately 5:00 p.m. to 11:59 p.m. • Location: From a barge in the vicinity of Battleship Cove, Fall River, MA. • Position: Within 500 yards of 41°42'37" N, 071°09'53" W (NAD 83). • Safety Zone Dimension: Approximately 200 yard radius circle around the fireworks barge.
<p>6.0 JUNE</p>	
<p>6.1 Oak Bluffs Summer Solstice</p>	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Date: One night on the 3rd or 4th weekend of June. • Time: Approximately 8:00 p.m. to 11:59 p.m. • Location: From a barge in the vicinity of Town Beach, Oak Bluffs, MA. • Position: Within 500 yards of 41°27'19" N, 070°33'08" W (NAD 83). • Safety Zone Dimension: Approximately 300 yard radius circle around the fireworks barge.
<p>6.2 RI National Guard Air Show</p>	<ul style="list-style-type: none"> • Event Type: Air Show. • Date: One weekend (Friday, Saturday, and Sunday) in June or July. • Time: Approximately 9:00 a.m. to 7:00 p.m.

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	<ul style="list-style-type: none"> • Location: (1) All waters over the West Passage of Narragansett Bay, in the vicinity of the Quonset State Airport, North Kingston, RI which are within a 4000-yard radius arc extending from position 41°35'44" N, 071°24'14" W (NAD 83); and (2) All waters over the West Passage of Narragansett Bay, in the vicinity of Narragansett Pier, Narragansett, RI, which are within a 2000-yard radius arc extending from position 41°26'17" N, 071°27'02" W (NAD 83) (Friday only). • Safety Zone Dimension: Approximately 1000 yards long by 1000 yards wide.
<p>7.0 JULY</p>	
<p>7.1 Marion 4th of July Fireworks</p>	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Date: One night between July 1st and July 10th, as announced in the Local Notice to Mariners. • Time: Approximately 8:00 p.m. to 11:59 p.m. • Location: From a barge in the vicinity of Outer Sipican Harbor, Marion, MA. • Position: Within 500 yards of 41°42'17" N, 070°45'08" W (NAD 83). • Safety Zone Dimension: Approximately 300 yard radius circle around the fireworks barge.
<p>7.2 Oyster Harbors July 4th Festival</p>	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Date: One night between July 1st and July 10th, as announced in the Local Notice to Mariners. • Time: Approximately 8:00 p.m. to 11:59 p.m. • Location: From a barge in the vicinity of Tim's Cove, North Bay, Osterville, MA. • Position: Within 500 yards of 41°37'29" N, 070°25'12" W (NAD 83). • Safety Zone Dimension: Approximately 200 yard radius circle around the fireworks barge.
<p>7.3 North Kingstown Fireworks Display..</p>	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Date: One night between July 1st and July 10th, as announced in the Local Notice to Mariners. • Time: Approximately 8:00 p.m. to 11:59 p.m. • Location: From a barge in the vicinity of Town Beach, North Kingston, RI. • Position: Within 500 yards of 41°33'59" N, 071°26'23" W (NAD 83). • Safety Zone Dimension: Approximately 200 yard radius circle around the fireworks barge.
<p>7.4 Falmouth Fireworks</p>	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Date: One night between July 1st and July 10th, as announced in the Local Notice to Mariners. • Time: Approximately 8:00 p.m. to 11:59 p.m. • Location: From a barge in the vicinity of Falmouth Beach, Falmouth, MA. • Position: Within 500 yards of 41°32'27" N, 070°35'26" W (NAD 83).

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	<ul style="list-style-type: none"> • Safety Zone Dimension: Approximately 300 yard radius circle around the fireworks barge.
7.5 Town of Nantucket Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Date: One night between July 1st and July 10th, as announced in the Local Notice to Mariners. • Time: Approximately 8:00 p.m. to 11:59 p.m. • Location: From a barge in the vicinity of Jetties Beach, Nantucket Sound, MA. • Position: Within 500 yards of 41°19'00" N, 070°06'30" W (NAD 83). • Safety Zone Dimension: Approximately 200 yard radius circle around the fireworks barge.
7.6 City of Newport 4th of July Fireworks.	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Date: One night between July 1st and July 10th, as announced in the Local Notice to Mariners. • Time: Approximately 8:00 p.m. to 11:59 p.m. • Location: From the shore in the vicinity of Fort Adams, Newport, RI. • Position: Within 500 yards of 41°28'49" N, 071°20'12" W (NAD 83). • Safety Zone Dimension: Approximately 350 yard radius circle around the launch site.
7.7 Town of Barnstable/Hyannis July 4th Fireworks.	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Date: One night between July 1st and July 10th, as announced in the Local Notice to Mariners. • Time: Approximately 8:00 p.m. to 11:59 p.m. • Location: From a barge in the vicinity of Lewis Bay, Hyannis, MA. • Position: Within 500 yards of 41°38'20" N, 070°15'08" W (NAD 83). • Safety Zone Dimension: Approximately 350 yard radius circle around the fireworks barge.
7.8 Edgartown 4th of July Fireworks Celebration.	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Date: One night between July 1st and July 10th, as announced in the Local Notice to Mariners. • Time: Approximately 8:00 p.m. to 11:59 p.m. • Location: From a barge in the vicinity of Edgartown Outer Harbor, Edgartown, MA. • Position: Within 500 yards of 41°22'39" N, 070°30'14" W (NAD 83). • Safety Zone Dimension: Approximately 300 yard radius circle around the fireworks barge.
7.9 City of New Bedford Fireworks Display.	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Date: One night between July 1st and July 10th, as announced in the Local Notice to Mariners. • Time: Approximately 8:00 p.m. to 11:59 p.m. • Location: From a barge in the vicinity of New Bedford Harbor, New Bedford, MA.

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	<ul style="list-style-type: none"> • Position: Within 500 yards of 41°37'55" N, 070°54'44" W (NAD 83). • Safety Zone Dimension: Approximately 250 yard radius circle around the fireworks barge.
<p>7.10 Onset Fireworks</p>	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Date: One night between July 1st and July 10th, as announced in the Local Notice to Mariners. • Time: Approximately 8:00 p.m. to 11:59 p.m. • Location: On the shore, in the vicinity of Shellpoint Beach, Onset, MA. • Position: Within 500 yards of 41°44'13" N, 070°39'51" W (NAD 83). • Safety Zone Dimension: Approximately 300 yard radius circle around the fireworks launch site.
<p>7.11 Bristol 4th of July Fireworks</p>	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Date: One night between July 1st and July 10th, as announced in the Local Notice to Mariners. • Time: Approximately 8:00 p.m. to 11:59 p.m. • Location: In the vicinity of Northern portion of the Bristol Harbor, Bristol, RI, on the section of Poppasquash Rd separating the harbor and Mill Pond. • Position: Within 500 yards of 41°40'53.4" N, 071°17'00" W (NAD 83). • Safety Zone Dimension: Approximately 300 yard radius circle around the fireworks launch site.
<p>7.12 Swim Buzzards Bay</p>	<ul style="list-style-type: none"> • Event Type: Swim Event. • Date: One Saturday or Sunday in July or August, as announced in the Local Notice to Mariners. • Time: Start times will vary from 6:00 a.m. to 11:59 a.m., and last approximately two hours until the last swimmer is ashore. Start time will be announced in advance in the Local Notice to Mariners. • Location: The regulated area includes all waters in the vicinity of the Outer New Bedford Harbor, within 500 yards along a centerline with an approximate start point of 41°36'35" N, 070°54'18" W (NAD 83) and an approximate end point of 41°37'26" N, 070°53'48" W (NAD 83) at Davy's Locker Restaurant in New Bedford, MA, to Fort Phoenix Beach in Fairhaven, MA. • Safety Zone Dimension: 500 yards on either side of the centerline described above.
<p>7.13 Save the Bay Swim</p>	<ul style="list-style-type: none"> • Event Type: Swim Event. • Date: One Saturday or Sunday in July or August, as announced in the Local Notice to Mariners. • Time: Start time will vary from 6:00 a.m. to 11:59 a.m. and last for approximately four hours, until the last swimmer is ashore. Start time will be announced in advance in the Local Notice to Mariners.

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	<ul style="list-style-type: none"> • Location: The regulated area includes all waters in the vicinity of the Newport/Pell Bridge, East Passage of Narragansett Bay, along a centerline with an approximate start point of 41°30'24" N, 071°19'49" W (NAD 83) and an approximate end point of 41°30'39" N, 071°21'50" W (NAD 83), <i>i.e.</i>, a line drawn from the Officers' Club, Coaster's Harbor Island, Naval Station Newport, to Potter Cove, Jamestown. • Safety Zone Dimension: 500 yards on either side of the centerline described above.
<p>8.0 AUGUST</p>	
<p>8.1 Boston Pops Nantucket</p>	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Date: One night in August as announced in the Local Notice to Mariners. • Time: Approximately 8:00 p.m. to 11:59 p.m. • Location: On the shore, in the vicinity of Jetties Beach, Nantucket, MA. • Position: Within 500 yards of 41°17'43" N, 070°06'10" W (NAD 83). • Safety Zone Dimension: Approximately 400 yard radius circle around the fireworks barge.
<p>8.2 Oak Bluffs Fireworks</p>	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Date: One night in August. • Time: Approximately 8:00 p.m. to 11:59 p.m. • Location: From a barge in the vicinity of Oak Bluffs Harbor, Oak Bluffs, MA. • Position: Within 500 yards of 41°27'27" N, 070°33'17" W (NAD 83). • Safety Zone Dimension: Approximately 350 yard radius circle around the fireworks barge.
<p>8.3 Newport Salute to Summer Fireworks.</p>	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Date: One night during the last two weekends in August or 1st weekend in September. • Time: Approximately 8:00 p.m. to 11:59 p.m. • Location: From a barge in the vicinity of Naval Station Newport, Newport, RI. • Position: Within 500 yards of 41°30'15" N, 071°19'50" W (NAD 83). • Safety Zone Dimension: Approximately 400 yard radius circle around the fireworks barge.
<p>9.0 SEPTEMBER</p>	
<p>9.1 Provincetown Harbor Swim for Life.</p>	<ul style="list-style-type: none"> • Event Type: Swim Event. • Date: On a day in September as announced in the Local Notice to Mariners. • Time: Times will vary from 10:00 a.m. until the last swimmer is ashore, no later than 2:00 p.m.

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	<ul style="list-style-type: none"> • Location: The regulated area includes all waters in the vicinity of the Provincetown Harbor along a centerline between the start point, the Long Point Lighthouse. approximate position 42°01'59" N, 070°10'07" W (NAD 83), and the end point, the Boatslip Resort, Provincetown, MA., approximate position 42°02'48" N, 070°11'24" W (NAD 83). • Safety Zone Dimension: 250 yards on either side of the centerline described above.
<p>9.2 Spirit of Somerset Celebration ...</p>	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Date: One night in September, as announced in the Local Notice to Mariners. • Time: Approximately 8:00 p.m. to 11:59 p.m. • Location: On the shore, in the vicinity of Mallard Point, Somerset, MA. • Position: Within 500 yards of 41°46'18" N, 071°07'14" W (NAD 83). • Safety Zone Dimension: Approximately 200 yard radius circle around the fireworks launch site.
<p>10.0 OCTOBER</p>	
<p>10.1 Yarmouth Seaside Festival Fireworks.</p>	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Date: One night in October, as announced in the Local Notice to Mariners. • Time: Approximately 7:00 p.m. to 11:59 p.m. • Location: On the shore, in the vicinity of Seagull Beach, West Yarmouth, MA. • Position: Within 500 yards of 41°38'06" N, 070°13'13" W (NAD 83). • Safety Zone Dimension: Approximately 300 yard radius circle around the fireworks launch site.

[USCG–2011–1026, 76 FR 30191, May 22, 2012]

§ 165.202 [Reserved]

FIFTH COAST GUARD DISTRICT

§ 165.T05–0741 Safety Zone, Atlantic Intracoastal Waterway; Carolina Beach, NC.

(a) *Regulated area.* The following area is a safety zone: This zone includes the waters directly under and 100 yards either side of the US 421 Fixed Bridge crossing the Atlantic Intracoastal Waterway, mile 295.6, at Carolina Beach, North Carolina (34°03'21" N, 077°53'58" W).

(b) *Regulations.* The general safety zone regulations found in 33 CFR 165.23 apply to the safety zone created by this

temporary section, § 165.T05–0741. In addition the following regulations apply:

(1) All vessels requiring greater than 60 feet horizontal clearance to safely transit through the US 421 Fixed Bridge crossing the Atlantic Intracoastal Waterway, mile 295.6, at Carolina Beach, North Carolina must contact the work supervisor tender on VHF–FM marine band radio channels 13 and 16 or at (410) 320–9877 one hour in advance of intended transit.

(2) All Coast Guard assets enforcing this safety zone can be contacted on VHF–FM marine band radio channels 13 and 16.

(3) The operator of any vessel within or in the immediate vicinity of this safety zone shall: