

§ 165.172 Safety Zone; Underwater Hazard, Gravesend Bay, Brooklyn, NY.

(a) *Location.* The following area is a safety zone: All navigable waters of Gravesend Bay within a 110-yard radius of a point in position 40°36'30" N, 074°02'14" W (NAD 83), approximately 70-yards southeast of the Verrazano Bridge Brooklyn tower.

(b) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) Entering into, transiting through, diving, dredging, dumping, fishing, trawling, conducting salvage operations, remaining within or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port (COTP) New York or the designated on-scene representative.

(3) The "designated on-scene representative" is any Coast Guard commissioned, warrant, or petty officer who has been designated by the COTP New York.

(4) Vessel operators desiring to enter or operate within the safety zone may contact the COTP New York or the designated representative at the Coast Guard Sector New York Command Center via VHF Channel 16 or by phone at (718) 354-4353 to request permission.

(5) Vessel operators given permission to enter or operate in the safety zone must comply with all directions given 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.

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(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	
1.1 Provincetown Fireworks	<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 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.
1.2 Providence Fireworks	<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.
1.3 Fall River Fireworks	<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.
6.0 JUNE	
6.1 Oak Bluffs Summer Solstice	<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.

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6.2 RI National Guard Air Show	<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. • 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.
7.0 JULY	
7.1 Marion 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 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.
7.2 Oyster Harbors July 4th Festival	<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.
7.3 North Kingstown 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 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.
7.4 Falmouth 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 Falmouth Beach, Falmouth, MA. • Position: Within 500 yards of 41°32'27" N, 070°35'26" W (NAD 83). • 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.

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	<ul style="list-style-type: none"> • 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. • 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.
7.10 Onset 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: 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.
7.11 Bristol 4th of July Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display.

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	<ul style="list-style-type: none"> • 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.
7.12 Swim Buzzards Bay	<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.
7.13 Save the Bay Swim	<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. • 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.
8.0 AUGUST	
8.1 Boston Pops Nantucket	<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.
8.2 Oak Bluffs Fireworks	<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).

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	<ul style="list-style-type: none"> • Safety Zone Dimension: Approximately 350 yard radius circle around the fireworks barge.
8.3 Newport Salute to Summer Fireworks	<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.
9.0 SEPTEMBER	
9.1 Provincetown Harbor Swim for Life	<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. • 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.
9.2 Spirit of Somerset Celebration	<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.
10.0 OCTOBER	
10.1 Yarmouth Seaside Festival Fireworks	<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]

EFFECTIVE DATE NOTE: By USCG–2014–0061, 79 FR 34629, June 18, 2014, the table in §165.173 was amended by adding a new category entitled “5.0 MAY” below the category “1.0 365 DAY JANUARY–DECEMBER” and above the category “6.0 JUNE”; redesignating item 6.2, “RI National Guard Air

Show” as item 5.1, and locating it beneath the category “5.0 MAY”; redesignating item 7.12 “Swim Buzzards Bay” as item 6.2, and locating it below item 6.1 “Oak Bluffs Summer Solstice”, and reserving item 7.12; revising the entry for “Date” in newly redesignated item 5.1, “RI Air National Guard Air

Show" to read "Date: One weekend (Friday, Saturday, and Sunday) in May, June, or July, as announced in the local Notice to Mariners."; and revising the entry for "Date" in newly redesignated item 6.2 "Swim Buzzards Bay" to read "Date: One Saturday or Sunday in June, July, or August, as announced in the local Notice to Mariners.", effective July 18, 2014.

§ 165.202 [Reserved]

FIFTH COAST GUARD DISTRICT

§ 165.T05-0145 Safety Zone, Barnegat Inlet, Barnegat Light, NJ.

(a) *Location.* The following area is a safety zone: All waters of Barnegat Inlet, Barnegat Light, NJ in an area bounded on the Northwest of the inlet by a line drawn from position 39°46'02" N, 074°06'00" W to 39°45'52" N, 074°06'14" W, on the Southeast by a line drawn from position 39°45'33" N, 074°05'24" W, to 39°45'26" N, 074°05'34" W, and bounded on the Northeast and Southwest by the Barnegat Inlet jetties.

(b) *Enforcement period.* This rule will be enforced from March 7, 2014 to November 31, 2014, unless cancelled earlier by the Captain of the Port, Delaware Bay once all north jetty repair operations are completed. Vessel traffic will be notified of safety zone enforcement by a broadcast on VHF channel 16.

(c) *Regulations.* All persons are required to comply with the general regulations governing safety zones in 33 CFR 165.33 of this part.

(1) Recreational marine activities including but not limited to swimming, diving, and fishing are not permitted within the zone.

(2) All persons and vessels must transit through the safety zone one vessel at a time and may not engage in activity other than transit directly through the inlet unless otherwise authorized by the Captain of the Port or her representative.

(3) All persons or vessels wishing to transit through the safety zone more than one vessel at a time must request authorization to do so from the Captain of the Port or her representative 36 hours prior to the intended time of transit.

(4) Vessels granted permission to transit more than one vessel at a time must do so in accordance with the di-

rections provided by the Captain of the Port or her representative to the vessel.

(5) To seek permission to transit the safety zone more than one vessel at a time, the Captain of the Port, or her representative, can be contacted via Sector Delaware Bay Command Center (215) 271-4940.

(6) This section applies to all persons and vessels wishing to transit through the Safety Zone except vessels that are engaged in the following operations:

- (i) Enforcing laws;
- (ii) Servicing aids to navigation; and
- (iii) Emergency response vessels.

(7) Each person and vessel in a safety zone shall obey any direction or order of the Captain of the Port;

(8) No person may board, or take or place any article or thing on board, any vessel in a safety zone without the permission of the Captain of the Port.

(d) *Definitions*—(1) *Captain of the Port* means the Commander, Sector Delaware Bay, or any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port to act on her behalf.

(e) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the safety zone by Federal, State, and local agencies.

EFFECTIVE DATE NOTE: By USCG-2014-0145, 79 FR 15694, Mar. 21, 2014, temporary § 165.T05-0145 was added, effective from Mar. 21, 2014 until Nov. 30, 2014.

§ 165.T05-0330 Safety Zone, Shallowbag Bay, Manteo, NC.

(a) *Definitions.* For the purposes of this section, Captain of the Port means the Commander, Sector North Carolina. *Representative* means any Coast Guard commissioned, warrant, or petty officer who has been authorized to act on the behalf of the Captain of the Port.

(b) *Location.* The following area is a safety zone: This safety zone will encompass all waters on Shallowbag Bay within a 200 yard radius of a barge anchor in position 35°54'31" N, longitude 075°39'42" W. All geographic coordinates are North American Datum 1983 (NAD 83).

(c) *Regulations.* (1) The general regulations contained in § 165.23 of this part