

**§ 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	
1.1 Provincetown Fireworks.	<ul style="list-style-type: none"> <li>• Event Type: Fireworks Display.</li> <li>• Date: Enforced on any day during the duration of the event as specified by a Notice of Enforcement published in the FEDERAL REGISTER.</li> <li>• Time: Approximately 5:00 p.m. to 11:59 p.m.</li> <li>• Location: From a barge in the vicinity of the Provincetown Harbor, Provincetown, MA.</li> <li>• Position: Within 500 yards of 41°28'44" N., 070°10'83" W. (NAD 83).</li> <li>• Safety Zone Dimension: Approximately 300 yard radius circle around the fireworks barge.</li> </ul>
1.2 Providence Fireworks.	<ul style="list-style-type: none"> <li>• Event Type: Fireworks Display.</li> <li>• Date: Enforced on any day during the duration of the event as specified by a Notice of Enforcement published in the FEDERAL REGISTER.</li> <li>• Time: Approximately 5:00 p.m. to 11:59 p.m.</li> <li>• Location: From a barge in the vicinity of the Hurricane Barrier in the Providence River, Providence, RI.</li> <li>• Position: Within 500 yards of 41°48'50" N., 071°23'43" W. (NAD 83).</li> <li>• Safety Zone Dimension: Approximately 300 yard radius circle around the fireworks barge.</li> </ul>
1.3 Fall River Fireworks.	<ul style="list-style-type: none"> <li>• Event Type: Fireworks Display.</li> <li>• Date: Enforced on any day during the duration of the event as specified by a Notice of Enforcement published in the <b>Federal Register</b>.</li> <li>• Time: Approximately 5:00 p.m. to 11:59 p.m.</li> <li>• Location: From a barge in the vicinity of Battleship Cove, Fall River, MA.</li> <li>• Position: Within 500 yards of 41°42'37" N., 071°09'53" W. (NAD 83).</li> <li>• Safety Zone Dimension: Approximately 200 yard radius circle around the fireworks barge.</li> </ul>
5.0 MAY	
5.1 RI National Guard Air Show.	<ul style="list-style-type: none"> <li>• Event Type: Air Show.</li> <li>• Date: One weekend (Friday, Saturday, and Sunday) in May, June, or July, as announced in the local Notice to Mariners.</li> <li>• Time: Approximately 9:00 a.m. to 7:00 p.m.</li> <li>• 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).</li> <li>• Safety Zone Dimension: Approximately 1000 yards long by 1000 yards wide.</li> </ul>

TABLE TO § 165.173—Continued

6.0 JUNE	
6.1 Oak Bluffs Summer Solstice.	<ul style="list-style-type: none"> <li>• Event Type: Fireworks Display.</li> </ul>
	<ul style="list-style-type: none"> <li>• Date: One night on the 3rd or 4th weekend of June, as announced in the Local Notice to Mariners.</li> <li>• Time: Approximately 8:00 p.m. to 11:59 p.m.</li> <li>• Location: From a barge in the vicinity of Town Beach, Oak Bluffs, MA.</li> <li>• Position: Within 500 yards of 41°27'19" N., 070°33'08" W. (NAD 83).</li> <li>• Safety Zone Dimension: Approximately 300 yard radius circle around the fireworks barge.</li> <li>• Event Type: Swim Event.</li> </ul>
6.2 Swim Buzzards Bay.	
	<ul style="list-style-type: none"> <li>• Date: One Saturday or Sunday in June, July, or August, as announced in the Local Notice to Mariners.</li> <li>• 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.</li> <li>• 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.</li> <li>• Safety Zone Dimension: 500 yards on either side of the centerline described above.</li> </ul>
7.0 JULY	
7.1 Marion 4th of July Fireworks.	<ul style="list-style-type: none"> <li>• Event Type: Fireworks Display.</li> </ul>
	<ul style="list-style-type: none"> <li>• Date: One night between July 1st and July 10th, as announced in the Local Notice to Mariners.</li> <li>• Time: Approximately 8:00 p.m. to 11:59 p.m.</li> <li>• Location: From a barge in the vicinity of Outer Sipican Harbor, Marion, MA.</li> <li>• Position: Within 500 yards of 41°42'17" N., 070°45'08" W. (NAD 83).</li> <li>• Safety Zone Dimension: Approximately 300 yard radius circle around the fireworks barge.</li> <li>• Event Type: Fireworks Display.</li> </ul>
7.2 Oyster Harbors July 4th Festival.	
	<ul style="list-style-type: none"> <li>• Date: One night between July 1st and July 10th, as announced in the Local Notice to Mariners.</li> <li>• Time: Approximately 8:00 p.m. to 11:59 p.m.</li> <li>• Location: From a barge in the vicinity of Tim's Cove, North Bay, Osterville, MA.</li> <li>• Position: Within 500 yards of 41°37'29" N., 070°25'12" W. (NAD 83).</li> <li>• Safety Zone Dimension: Approximately 200 yard radius circle around the fireworks barge.</li> <li>• Event Type: Fireworks Display.</li> </ul>
7.3 North Kingstown Fireworks Display.	
	<ul style="list-style-type: none"> <li>• Date: One night between July 1st and July 10th, as announced in the Local Notice to Mariners.</li> <li>• Time: Approximately 8:00 p.m. to 11:59 p.m.</li> </ul>

TABLE TO § 165.173—Continued

7.4 Falmouth Fireworks.	<ul style="list-style-type: none"> <li>• Location: From a barge in the vicinity of Town Beach, North Kingstown, RI.</li> <li>• Position: Within 500 yards of 41°33'59" N., 071°26'23" W. (NAD 83).</li> <li>• Safety Zone Dimension: Approximately 200 yard radius circle around the fireworks barge.</li> <li>• Event Type: Fireworks Display.</li> </ul>
7.5 Town of Nantucket Fireworks.	<ul style="list-style-type: none"> <li>• Date: One night between July 1st and July 10th, as announced in the Local Notice to Mariners.</li> <li>• Time: Approximately 8:00 p.m. to 11:59 p.m.</li> <li>• Location: From a barge in the vicinity of Falmouth Beach, Falmouth, MA.</li> <li>• Position: Within 500 yards of 41°32'27" N., 070°35'26" W. (NAD 83).</li> <li>• Safety Zone Dimension: Approximately 300 yard radius circle around the fireworks barge.</li> <li>• Event Type: Fireworks Display.</li> </ul>
7.6 City of Newport 4th of July Fireworks.	<ul style="list-style-type: none"> <li>• Date: One night between July 1st and July 10th, as announced in the Local Notice to Mariners.</li> <li>• Time: Approximately 8:00 p.m. to 11:59 p.m.</li> <li>• Location: From a barge in the vicinity of Jetties Beach, Nantucket Sound, MA.</li> <li>• Position: Within 500 yards of 41°19'00" N., 070°06'30" W. (NAD 83).</li> <li>• Safety Zone Dimension: Approximately 200 yard radius circle around the fireworks barge.</li> <li>• Event Type: Fireworks Display.</li> </ul>
7.7 Town of Barnstable/Hyannis July 4th Fireworks.	<ul style="list-style-type: none"> <li>• Date: One night between July 1st and July 10th, as announced in the Local Notice to Mariners.</li> <li>• Time: Approximately 8:00 p.m. to 11:59 p.m.</li> <li>• Location: From the shore in the vicinity of Fort Adams, Newport, RI.</li> <li>• Position: Within 500 yards of 41°28'49" N., 071°20'12" W. (NAD 83).</li> <li>• Safety Zone Dimension: Approximately 350 yard radius circle around the launch site.</li> <li>• Event Type: Fireworks Display.</li> </ul>
7.8 Edgartown 4th of July Fireworks Celebration.	<ul style="list-style-type: none"> <li>• Date: One night between July 1st and July 10th, as announced in the Local Notice to Mariners.</li> <li>• Time: Approximately 8:00 p.m. to 11:59 p.m.</li> <li>• Location: From a barge in the vicinity of Lewis Bay, Hyannis, MA.</li> <li>• Position: Within 500 yards of 41°38'20" N., 070°15'08" W. (NAD 83).</li> <li>• Safety Zone Dimension: Approximately 350 yard radius circle around the fireworks barge.</li> <li>• Event Type: Fireworks Display.</li> </ul>

TABLE TO § 165.173—Continued

7.9 City of New Bedford Fireworks Display.	<ul style="list-style-type: none"> <li>• Location: From a barge in the vicinity of Edgartown Outer Harbor, Edgartown, MA.</li> <li>• Position: Within 500 yards of 41°22'39" N., 070°30'14" W. (NAD 83).</li> <li>• Safety Zone Dimension: Approximately 300 yard radius circle around the fireworks barge.</li> <li>• Event Type: Fireworks Display.</li> </ul>
7.10 Onset Fireworks	<ul style="list-style-type: none"> <li>• Date: One night between July 1st and July 10th, as announced in the Local Notice to Mariners.</li> <li>• Time: Approximately 8:00 p.m. to 11:59 p.m.</li> <li>• Location: From a barge in the vicinity of New Bedford Harbor, New Bedford, MA.</li> <li>• Position: Within 500 yards of 41°37'55" N., 070°54'44" W. (NAD 83).</li> <li>• Safety Zone Dimension: Approximately 250 yard radius circle around the fireworks barge.</li> <li>• Event Type: Fireworks Display.</li> </ul>
7.11 Bristol 4th of July Fireworks.	<ul style="list-style-type: none"> <li>• Date: One night between July 1st and July 10th, as announced in the Local Notice to Mariners.</li> <li>• Time: Approximately 8:00 p.m. to 11:59 p.m.</li> <li>• Location: On the shore, in the vicinity of Shellpoint Beach, Onset, MA.</li> <li>• Position: Within 500 yards of 41°44'13" N., 070°39'51" W. (NAD 83).</li> <li>• Safety Zone Dimension: Approximately 300 yard radius circle around the fireworks launch site.</li> <li>• Event Type: Fireworks Display.</li> </ul>
7.12 [Reserved]	
7.13 Save the Bay Swim.	<ul style="list-style-type: none"> <li>• Date: One night between July 1st and July 10th, as announced in the Local Notice to Mariners.</li> <li>• Time: Approximately 8:00 p.m. to 11:59 p.m.</li> <li>• 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.</li> <li>• Position: Within 500 yards of 41°40'53.4" N., 071°17'00" W. (NAD 83).</li> <li>• Safety Zone Dimension: Approximately 300 yard radius circle around the fireworks launch site.</li> <li>• Event Type: Swim Event.</li> </ul>
	<ul style="list-style-type: none"> <li>• Date: One Saturday or Sunday in July or August, as announced in the Local Notice to Mariners.</li> <li>• 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.</li> <li>• 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.</li> </ul>

TABLE TO § 165.173—Continued

	<ul style="list-style-type: none"> <li>• Safety Zone Dimension: 500 yards on either side of the centerline described above.</li> </ul>
8.0 AUGUST	
8.1 Boston Pops Nantucket.	<ul style="list-style-type: none"> <li>• Event Type: Fireworks Display.</li> <li>• Date: One night in August as announced in the Local Notice to Mariners.</li> <li>• Time: Approximately 8:00 p.m. to 11:59 p.m.</li> <li>• Location: On the shore, in the vicinity of Jetties Beach, Nantucket, MA.</li> <li>• Position: Within 500 yards of 41°17'43" N., 070°06'10" W. (NAD 83).</li> <li>• Safety Zone Dimension: Approximately 400 yard radius circle around the fireworks barge.</li> <li>• Event Type: Fireworks Display.</li> </ul>
8.2 Oak Bluffs Fireworks.	<ul style="list-style-type: none"> <li>• Date: One night in August.</li> <li>• Time: Approximately 8:00 p.m. to 11:59 p.m.</li> <li>• Location: From a barge in the vicinity of Oak Bluffs Harbor, Oak Bluffs, MA.</li> <li>• Position: Within 500 yards of 41°27'27" N., 070°33'17" W. (NAD 83).</li> <li>• Safety Zone Dimension: Approximately 350 yard radius circle around the fireworks barge.</li> </ul>
8.3 Newport Salute to Summer Fireworks.	<ul style="list-style-type: none"> <li>• Event Type: Fireworks Display.</li> <li>• Date: One night during the last two weekends in August or 1st weekend in September, as announced in the Local Notice to Mariners.</li> <li>• Time: Approximately 8:00 p.m. to 11:59 p.m.</li> <li>• Location: From a barge in the vicinity of Naval Station Newport, Newport, RI.</li> <li>• Position: Within 500 yards of 41°30'15" N., 071°19'50" W. (NAD 83).</li> <li>• Safety Zone Dimension: Approximately 400 yard radius circle around the fireworks barge.</li> </ul>
8.4 Fall River Grand Prix.	<ul style="list-style-type: none"> <li>• Event Type: Offshore powerboat race</li> <li>• Date: One weekend (Friday, Saturday, &amp; Sunday) in August as announced in the Local Notice to Mariners.</li> <li>• Time: Approximately 8:00 a.m. to 5 p.m. daily</li> <li>• Location: Taunton River, Massachusetts, in the vicinity of Fall River and Somerset, MA.</li> <li>• Safety Zone Dimension: Mt Hope Bay and the Taunton River navigation channel from approximately Mt Hope Bay buoy R10 southwest of Brayton Point channel, and extending approximately two miles to the northeast up to and including Mt Hope Bay buoy C17 north of the Braga Bridge. The safety zone is encompassed by the following coordinates (NAD 83):</li> </ul>

TABLE TO § 165.173—Continued

	<p><i>Corner Latitude Longitude</i></p> <p>SW., 41°41.40' N., 71°11.15' W.</p> <p>NW., 41°41.48' N., 71°11.15' W.</p> <p>SE., 41°42.33' N., 71°09.40' W.</p> <p>NE., 41°42.42' N., 71°09.47' W.</p>
8.5 Cape Cod Bay Challenge.	<ul style="list-style-type: none"> <li>• Event Type: Paddleboard excursion.</li> <li>• Date: One weekend day (Saturday or Sunday) in August.</li> <li>• Time: Approximately 4:30 a.m. to 4:30 p.m.</li> <li>• Location: Departing from Scusset Beach, Sandwich, MA, and transiting to Wellfleet Harbor, Wellfleet, MA.</li> <li>• Position: A line drawn from Scusset Beach at approximate position 41°47' N., 70°30' W., to Wellfleet Harbor at approximate position 41°53' N., 70°02' W. (NAD 83).</li> <li>• Safety Zone Dimension: Approximately 500 yards extending in each direction from the line described above.</li> </ul>
9.0 SEPTEMBER	
9.1 Provincetown Harbor Swim for Life.	<ul style="list-style-type: none"> <li>• Event Type: Swim Event.</li> <li>• Date: On a day in September as announced in the Local Notice to Mariners.</li> <li>• Time: Times will vary from 10:00 a.m. until the last swimmer is ashore, no later than 2:00 p.m.</li> <li>• 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).</li> <li>• Safety Zone Dimension: 250 yards on either side of the centerline described above.</li> </ul>
9.2 Spirit of Somerset Celebration.	<ul style="list-style-type: none"> <li>• Event Type: Fireworks Display.</li> <li>• Date: One night in September, as announced in the Local Notice to Mariners.</li> <li>• Time: Approximately 8:00 p.m. to 11:59 p.m.</li> <li>• Location: On the shore, in the vicinity of Mallard Point, Somerset, MA.</li> <li>• Position: Within 500 yards of 41°46'18" N., 071°07'14" W. (NAD 83).</li> <li>• Safety Zone Dimension: Approximately 200 yard radius circle around the fireworks launch site.</li> </ul>
10.0 OCTOBER	
10.1 Yarmouth Seaside Festival Fireworks.	<ul style="list-style-type: none"> <li>• Event Type: Fireworks Display.</li> <li>• Date: One night in October, as announced in the Local Notice to Mariners.</li> <li>• Time: Approximately 7:00 p.m. to 11:59 p.m.</li> <li>• Location: On the shore, in the vicinity of Seagull Beach, West Yarmouth, MA.</li> <li>• Position: Within 500 yards of 41°38'06" N., 070°13'13" W. (NAD 83).</li> </ul>

TABLE TO § 165.173—Continued

	<ul style="list-style-type: none"> <li>• Safety Zone Dimension: Approximately 300 yard radius circle around the fireworks launch site.</li> </ul>

[USCG–2011–1026, 76 FR 30191, May 22, 2012, as amended by USCG–2014–0061, 79 FR 34629, June 18, 2014; USCG–2015–0433, 80 FR 44283, July 27, 2015; USCG–2016–1022, 82 FR 23142, May 22, 2017]

### § 165.202 [Reserved]

#### FIFTH COAST GUARD DISTRICT

#### § 165.T05–1053 Safety Zone, Delaware River; Pipeline Removal; Marcus Hook, PA.

(a) *Location.* The following areas are safety zones: All navigable waters within 250 yards of the towing vessel JOKER, Commerce Construction crane barge KELLY, and associated diving and pipe removal vessels, as well as any associated equipment, operating in Marcus Hook Range and Anchorage No. 7 near Marcus Hook, PA, on the Delaware River.

(b) *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 his behalf.

(2) *Designated representative* means any Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port, Delaware Bay, to assist with the enforcement of safety zones described in paragraph (a) of this section.

(c) *Regulations.* The general safety zone regulations found in 33 CFR part 165 subpart C apply to the safety zone created by this section.

(1) Entry into or transiting within either safety zone is prohibited unless vessels obtain permission from the Captain of the Port via VHF–FM channel 16, or make satisfactory passing arrangements via VHF–FM channels 13 or 80 with the towing vessel JOKER per this section and the rules of the Road (33 CFR subchapter E). Vessels requesting to transit shall contact the towing vessel JOKER on channel 13 or 80 at least 1 hour, as well as 30 minutes, prior to arrival.

(2) Vessels granted permission to enter and transit the safety zone must do so in accordance with any directions or orders of the Captain of the Port, his designated representative, or the towing vessel JOKER. No person or vessel may enter or remain in a safety zone without permission from the Captain of the Port or the towing vessel JOKER.

(3) There are three sections of pipeline that will be removed. The first two sections of pipeline to be removed are in Anchorage No. 7, Marcus Hook Anchorage, in the Delaware River. During removal of these sections of pipeline, the safety zone will restrict vessels from anchoring in the lower portion of Anchorage No. 7.

(4) During removal of the third section of pipeline, operations will be conducted within the main navigational channel and vessels will be required to transit through the lower portion of Anchorage No. 7. The Coast Guard will issue a Broadcast Notice to Mariners via VHF–FM marine channel 16, Local Notice to Mariners, and Marine Safety Information Bulletin further defining specific work locations and traffic patterns.

(5) All vessels must operate at the minimum safe speed necessary to maintain steerage and reduce wake.

(6) This section applies to all vessels that intend to transit through the safety zone except vessels that are engaged in the following operations: enforcement of laws, service of aids to navigation, and emergency response.

(d) *Enforcement periods.* This section will be enforced from December 8, 2017, through February 28, 2018. Enforcement will generally be between the hours of 5 a.m. and 7 p.m., Monday through Sunday, while the zone is in effect.

[USCG–2017–1053, 82 FR 58744, Dec. 14, 2017]