

(4) The zone described in paragraph (a)(12) of this section is not a Federal Anchorage Ground. Only vessels directed by the Captain of the Port or his or her designated representative to enter this zone are authorized to anchor here.

(5) Vessels do not need permission from the Captain of the Port to transit the area described in paragraph (a)(12) of this section during periods when that security zone is not being enforced.

(c) *Enforcement.* Enforcement periods for the zone in paragraph (a)(12) of this section will be announced through marine information broadcast or other appropriate method of communication. The Coast Guard is enforcing the zone whenever a vessel is anchored in the security zone or a Coast Guard patrol vessel is on-scene.

[CGD01-02-132, 68 FR 2890, Jan. 22, 2003, as amended by CGD01-03-036, 69 FR 2670, Jan. 20, 2004; CGD01-03-020, 69 FR 23306, June 15, 2004]

**§ 165.170 Safety Zone: Triathlon, Ulster Landing, Hudson River, NY.**

(a) *Regulated area.* The following area is a safety zone: All waters of the Hudson River, in the vicinity of Ulster Landing, bound by the following points: 42°00'03.7" N, 073°56'43.1" W; thence to 41°59'52.5" N, 073°56'34.2" W; thence to 42°00'15.1" N, 073°56'25.2" W; thence to 42°00'05.4" N, 073°56'41.9" W (NAD 1983); thence along the shoreline to the point of beginning.

(b) *Effective period.* This section is in effect annually from 6 a.m. until 9 a.m. on the first Sunday after July 4th.

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

(2) No vessels will be allowed to transit the safety zone without the permission of the Captain of the Port, New York.

(3) 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.

[CGD01-00-248, 66 FR 29486, May 31, 2001]

**§ 165.202 Safety Zones: Annual fireworks events in the Captain of the Port Cleveland Zone.**

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

(1) *City of Cleveland 4th of July Fireworks Display, Cleveland, OH:* All navigable waters of Cleveland Harbor and Lake Erie beginning at 41°30.823' N, 081°41.620' W (the northwest corner of Burke Lakefront Airport); continuing northwest to 41°31.176 N, 081°41.884' W; then southwest to 41°30.810' N, 081°42.515' W; then southeast to 41°30.450' N, 081°42.222' W (the northwest corner of dock 28 at the Cleveland Port Authority) then northeast back to the starting point at 41°30.443' N, 081°41.620' W. All geographic coordinates are based upon North American Datum 1983 (NAD 1983).

(2) *Dollar Bank Jamboree Fireworks Display, Cleveland, OH:* All navigable waters of Cleveland Harbor and Lake Erie beginning at 41°30.823' N, 081°41.620' W (the northwest corner of Burke Lakefront Airport); continuing northwest to 41°31.176 N, 081°41.884' W; then southwest to 41°30.810' N, 081°42.515' W; then southeast to 41°30.450' N, 081°42.222' W (the northwest corner of dock 28 at the Cleveland Port Authority) then northeast back to the starting point at 41°30.443' N, 081°41.620' W (NAD 1983).

(3) *Browns Football Halftime Fireworks Display, Cleveland, OH:* All navigable waters of Cleveland Harbor and Lake Erie beginning at 41°30.823' N, 081°41.620' W (the northwest corner of Burke Lakefront Airport); continuing northwest to 41°31.176 N, 081°41.884' W; then southwest to 41°30.810' N, 081°42.515' W; then southeast to 41°30.450' N, 081°42.222' W (the northwest corner of dock 28 at the Cleveland Port Authority) then northeast back to the starting point at 41°30.443' N, 081°41.620' W (NAD 1983).

(4) *Lakewood City Fireworks Display, Lakewood, OH:* All waters and adjacent shoreline of Lake Erie bounded by the arc of a circle with a 500-yard radius with its center approximate position 41°29.755' N, 081°47.780' W (off of Lakewood Park) (NAD 1983).

(5) *Cleveland Yachting Club Fireworks Display, Rocky River, OH*: All waters and adjacent shoreline of the Rocky River and Lake Erie bounded by the arc of a circle with a 200-yard radius with its center at Sunset Point on the western side of the mouth of the Rocky River in approximate position 41°29.428' N, 081°50.309' W (NAD 1983).

(6) *Lorain 4th of July Celebration Fireworks Display, Lorain, OH*: The waters of Lorain Harbor bounded by the arc of a circle with a 300-yard radius with its center east of the harbor entrance on the end of the break wall near Spitzer's Marina in approximate position 41°28.591' N, 082°10.855' W (NAD 1983).

(7) *Lorain Port Fest Fireworks Display, Lorain, OH*: All waters and adjacent shoreline of Lorain Harbor bounded by the arc of a circle with a 250-yard radius with its center at approximate position 41°28.040' N, 082°10.365' W (NAD 1983).

(8) *Mentor Harbor Yacht Club Fireworks Display, Mentor, OH*: All waters and adjacent shoreline of Lake Erie and Mentor Harbor bounded by the arc of a circle with a 200-yard radius with its center in approximate position 41°43.200' N, 081°21.400' W (west of the harbor entrance) (NAD 1983).

(9) *Fairport Mardi Gras Fireworks Display, Fairport Harbor, OH*: All waters and adjacent shoreline of Fairport Harbor and Lake Erie bounded by the arc of a circle with a 300-yard radius with its center east of the harbor entrance at Fairport Harbor Beach in approximate position 41°45.500' N, 081°16.300' W (NAD 1983).

(10) *Ashtabula Area Fireworks Display, Ashtabula, OH*: All waters and adjacent shoreline of Lake Erie and Ashtabula Harbor bounded by the arc of a circle with a 300-yard radius with its center west of the harbor in approximate position 41°54.167' N, 080°48.416' W (NAD 1983).

(b) *Notification*. Captain of the Port Cleveland will cause notice of the enforcement of these safety zones to be made by all appropriate means to effect the widest publicity among the affected segments of the public, including publication on the local notice to mariners, marine information broadcasts, and facsimile. Fireworks barges used in these locations will also have a

sign on their port and starboard side labeled "FIREWORKS-STAY AWAY". This sign will consist of 10" high by 1.5" wide red lettering on a white background. Shore sites used in these locations will display a sign labeled "FIREWORKS-STAY AWAY" with the same dimensions.

(c) *Enforcement period*. This section will be enforced from 6 p.m. (local) to 1 a.m. (local) each day a barge with "FIREWORKS-STAY AWAY" sign on the port and starboard side is on-scene or a "FIREWORKS-STAY AWAY" sign is posted in a location listed in paragraph (a) of this section. Vessels may enter, remain in, or transit through these safety zones during this time frame if authorized by the Captain of the Port Cleveland or the designated Coast Guard Patrol Commander on scene.

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

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene Patrol Commander. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator shall proceed as directed.

(3) Several of the safety zones in this regulation encompass portions commercial navigation channels but are not expected to adversely affect shipping. In cases where shipping is affected, commercial vessels may request permission from the Patrol Commander or Captain of the Port to transit the safety zone. Approval will be made on a case-by-case basis. Requests must be made in advance and approved by the Captain of the Port before transits will be authorized. The Captain of the Port may be contacted via the U.S. Coast Guard Patrol Commander (PATCOM) on Channel 16, VHF-FM.

[CGD09-03-202, 69 FR 43750, July 22, 2004]

## FIFTH COAST GUARD DISTRICT

**§ 165.T05-040 Safety Zone; Pamlico River, Washington, North Carolina.**

(a) *Regulated area.* The safety zone includes all waters of Pamlico River south of the intersection of the Highway 17 Swing Bridge south along the west river bank to latitude 35°32'19" N, longitude 077°03'40" W, thence across the river on a line 045 degrees due northeast across the river to the intersection of the east river bank at position 35°32'30" N, longitude 077°03'25" W, thence north along the shoreline to the Highway 17 Swing Bridge thence west to the point of origin. All coordinates reference Datum NAD 1983.

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

(1) *Coast Guard Patrol Commander* means a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Sector North Carolina.

(2) *Official Patrol* means any vessel assigned or approved by the Sector Commander, Coast Guard Sector North Carolina with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(c) *Regulations.* The general regulations governing safety zones, found in 33 CFR 165.23, apply to the safety zone described in paragraph (a) of this section.

(1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the regulated area must:

(i) Stop the vessel immediately when directed to do so by any Official Patrol.

(ii) Proceed as directed by any official patrol.

(d) *Enforcement period.* This section will be enforced from 8:30 p.m. to 10 p.m. on June 8 & 9 and July 4, 2007.

[CGD05-07-040, 72 FR 26300, May 9, 2007]

EFFECTIVE DATE NOTE: By CGD05-07-040, 72 FR 26300, May 9, 2007, § 165.T05-040 was added, effective from 8:30 p.m. on June 8, 2007 until 10 p.m. on July 4, 2007.

**§ 165.500 Safety/Security Zones; Chesapeake Bay, Maryland.**

(a) *Definitions.* (1) Certain Dangerous Cargo (CDC) means a material defined in 33 CFR part 160.

(2) Liquefied Hazardous Gas (LHG) means a material defined in 33 CFR part 127.

(3) Liquefied Natural Gas (LNG) means a material defined in 33 CFR part 127.

(4) Cruise ship means a vessel defined as a "passenger vessel" in 46 U.S.C. 2101 (22).

(b) *Location.* The following areas are a safety/security zone: All waters of the Chesapeake Bay and its tributaries, from surface to bottom, within a 500 yard radius around cruise ships and vessels transporting CDC, LNG, or LHG while transiting, anchored, or moored within the COTP Baltimore zone.

(c) *Regulations.* (1) The COTP will notify the maritime community of affected vessels and the periods during which the safety/security zones will be enforced by providing notice to mariners in accordance with 33 CFR 165.7.

(2) Entry into or remaining in this zone is prohibited unless authorized by the Coast Guard COTP, Baltimore, Maryland or his designated representative.

(3) Persons desiring to transit the area of the security zone may contact the COTP at telephone number 410-576-2693 or on VHF channel 16 (156.8 MHz) to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the COTP or his or her designated representative.

(d) *Authority.* In addition to 33 U.S.C. 1231, the authority for this section includes 50 U.S.C. 191.

[CDG05-03-008, 68 FR 43311, July 22, 2003]

**§ 165.501 Chesapeake Bay entrance and Hampton Roads, VA and adjacent waters—Regulated Navigation Area.**

(a) *Location.* The waters enclosed by the shoreline and the following lines are a Regulated Navigation Area:

(1) *Offshore zone.* A line drawn due East from the mean low water mark at the North Carolina and Virginia border at latitude 36°33'03" N, longitude 75°52'00" W, to the Territorial Seas