

paragraph (g) of this AD is measured from the time of the stretched-upper-deck modification.

(i) If no cracking is detected during the inspections required by paragraph (g) of this AD, repeat the inspections required by paragraph (g) of this AD one time at the earlier of the times specified in paragraphs (i)(1) and (i)(2) of this AD. Thereafter repeat the inspections at intervals not to exceed 3,000 landings.

(1) Within 5,000 landings after the last inspection.

(2) Within 3,000 landings after the last inspection, or within 1,000 landings after the effective date of this AD, whichever occurs later.

(j) If cracks are detected during the inspections required by paragraph (g) of this AD, accomplish the repair or preventive modification of the affected lap splice, in accordance with Boeing Alert Service Bulletin 747-53A2303, dated June 2, 1988; or Revision 1, dated March 29, 1990; or Boeing Service Bulletin 747-53A2303, Revision 2, dated October 1, 2009; prior to further pressurized flight. After the effective date of this AD, only Revision 2 may be used. If cracks are repaired in local areas without accomplishing preventive modification of the entire affected lap area, continue inspections of the unmodified and unrepaired areas of the affected lap splice in accordance with paragraph (i) of this AD.

(k) For airplanes incorporating the preventive modification, as described in Boeing Alert Service Bulletin 747-53A2303, dated June 2, 1988; or Revision 1, dated March 29, 1990; or Boeing Service Bulletin 747-53A2303, Revision 2, dated October 1, 2009; accomplish the inspections required by paragraph (g) of this AD prior to the accumulation of 10,000 landings after the modification and thereafter at intervals not to exceed 5,000 landings. If cracks are found, repair in accordance with a method approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, prior to further pressurized flight.

#### New Requirements of This AD

##### Post-Modification Inspections

(l) For airplanes on which a protruding head fastener modification has been done in accordance with Boeing Alert Service Bulletin 747-53A2303, dated June 2, 1988; or Revision 1, dated March 29, 1990: Within 10,000 flight cycles after modification, or within 500 flight cycles after the effective date of this AD, whichever occurs later, do an external HFEC inspection for cracking in the skin around the fasteners in the upper row of the lap joint, in accordance with Part 5 of the Accomplishment Instructions of Boeing Service Bulletin 747-53A2303, Revision 2, dated October 1, 2009 ("the service bulletin"). If any crack is found, before further flight repair in accordance with the service bulletin (except as required by paragraph (o) of this AD), or do the modification specified in paragraph (n) of this AD. Repeat the inspection in affected uncracked areas at intervals not to exceed 500 flight cycles, until the modification specified in paragraph (n) of this AD is done.

(m) For airplanes on which an external doubler repair has been installed as a

modification that was done in accordance with a method other than that specified in Boeing 747 SRM 53-30-03, Figure 19, 25, 28 or 34: Within 10,000 flight cycles after modification, or within 500 flight cycles after the effective date of this AD, whichever occurs later, do an internal HFEC inspection for cracking in the skin around the fasteners in the upper row of the lap joint, in accordance with Part 5 of the Accomplishment Instructions of Boeing Service Bulletin 747-53A2303, Revision 2, dated October 1, 2009 ("the service bulletin"). If any crack is found, before further flight, repair in accordance with the service bulletin (except as required by paragraph (o) of this AD), or do the modification specified in paragraph (n) of this AD. Repeat the inspection in affected uncracked areas at intervals not to exceed 500 flight cycles, until the modification specified in paragraph (n) of this AD is done.

##### External Doubler Modification

(n) For airplanes on which no previous modification or repair has been installed in the affected area or on which a protruding head fastener modification or a Boeing 747 SRM 53-30-03 repair or modification has been installed that is not per Figure 19, 25, 28, or 34 of the Boeing 747 SRM for the full length of the lap splice: Within 14,000 flight cycles after the first repair or modification was done, or within 3,000 flight cycles after the effective date of this AD, whichever occurs later, modify the skin, and do all post-modification inspections and repairs, in accordance with Part 3 of Boeing Service Bulletin 747-53A2303, Revision 2, dated October 1, 2009, except as required by paragraph (o) of this AD. Do the post-modification inspection within 10,000 flight cycles after installation of the modification. Repeat the inspection thereafter at intervals not to exceed 3,000 flight cycles. All applicable repairs must be done before further flight.

##### Exception to Service Bulletin Specification

(o) Where Boeing Service Bulletin 747-53A2303, Revision 2, dated October 1, 2009, specifies to contact Boeing for appropriate action: Before further flight, repair using a method approved in accordance with the procedures specified in paragraph (p) of this AD.

##### Alternative Methods of Compliance (AMOCs)

(p)(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in the Related Information section of this AD. Information may be e-mailed to: [9-ANM-Seattle-ACO-AMOC-Requests@faa.gov](mailto:9-ANM-Seattle-ACO-AMOC-Requests@faa.gov).

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) or other person who has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) AMOCs approved previously in accordance with AD 90-21-17 are approved as AMOCs for the corresponding provisions of paragraphs (g) and (i) of this AD. AMOCs approved previously in accordance with AD 90-21-17 are approved as AMOCs for the corresponding provisions of paragraphs (j) and (n) of this AD only if the repair or preventive modification of the affected lap splice was done in accordance with Boeing Service Bulletin 747-53A2303, Revision 2, dated October 1, 2009 ("the service bulletin"), including Boeing Designated Engineering Representative (DER) or Airworthiness Representative (AR) approvals of deviations to Revision 2 of the service bulletin.

##### Related Information

(q) For more information about this AD, contact Bill Ashforth, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone 425-917-6432; fax 425-917-6590; e-mail: [bill.ashforth@faa.gov](mailto:bill.ashforth@faa.gov).

(r) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H-65, Seattle, Washington 98124-2207; telephone 206-544-5000, extension 1; fax 206-766-5680; e-mail [me.boecom@boeing.com](mailto:me.boecom@boeing.com); Internet <https://www.myboeingfleet.com>. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. For information on the availability of this material at the FAA, call 425-227-1221.

Issued in Renton, Washington, on June 17, 2011.

**Kalene C. Yanamura,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2011-16370 Filed 6-28-11; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Parts 100 and 165

[Docket No. USCG-2010-1001]

RIN 1625-AA00; 1625-AA08

#### Special Local Regulations and Safety Zones; Recurring Events in Captain of the Port New York Zone

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to remove, add, and consolidate special local regulations and permanent safety zones in the Coast Guard Captain of the Port (COTP) New York Zone for annual recurring swim events, fireworks displays, and marine events (annual recurring events). When these special local regulations or safety zones are activated and subject to enforcement, this rule would restrict vessels from portions of water areas during these annual recurring events. The revised listing of special local regulations and safety zones would facilitate public notification of events and help protect the public and event participants from the hazards associated with these annual recurring events.

**DATES:** Comments and related material must be received by the Coast Guard on or before July 29, 2011. Requests for public meetings must be received by the Coast Guard on or before July 6, 2011.

**ADDRESSES:** You may submit comments identified by docket number USCG-2010-1001 using any one of the following methods:

- (1) *Federal e-Rulemaking Portal:* <http://www.regulations.gov>.
- (2) *Fax:* 202-493-2251.
- (3) *Mail:* Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

To avoid duplication, please use only one of these four methods. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this proposed rule, call or e-mail LTJG Eunice James, Coast Guard; telephone (718) 354-4163, e-mail [Eunice.A.James@uscg.mil](mailto:Eunice.A.James@uscg.mil). If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

**SUPPLEMENTARY INFORMATION:****Public Participation and Request for Comments**

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted

without change to <http://www.regulations.gov> and will include any personal information you have provided.

*Submitting Comments*

If you submit a comment, please include the docket number for this rulemaking (USCG-2010-1001), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (via <http://www.regulations.gov>) or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via [www.regulations.gov](http://www.regulations.gov), it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an e-mail address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov>, click on the "submit a comment" box, which will then become highlighted in blue. In the "Document Type" drop down menu select "Proposed Rule" and insert "USCG-2010-1001" in the "Keyword" box. Click "Search" then click on the balloon shape in the "Actions" column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

*Viewing Comments and Documents*

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, click on the "read comments" box, which will then become highlighted in blue. In the "Keyword" box insert "USCG-2010-1001" and click "Search." Click the "Open Docket Folder" in the "Actions" column. You may also visit the Docket Management Facility in Room W12-140 on the ground floor of the Department

of Transportation West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

**Privacy Act**

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

**Public Meeting**

We do not now plan to hold a public meeting. But you may submit a request for one using one of the four methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

For information on facilities or services for individuals with disabilities or to request special assistance at the public meeting, contact LTJG Eunice James at the telephone number or e-mail address indicated under the **FOR FURTHER INFORMATION CONTACT** section of this notice.

**Basis and Purpose**

The legal basis for the proposed rule is 33 U.S.C. 1225, 1226, 1231, 1233; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; Public Law 107-295, 116 Stat. 2064; and Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to define regulatory safety zones and special local regulations.

Swim events, fireworks displays, and marine events are held on an annual recurring basis on the navigable waters within the COTP Port New York Zone. In the past, the Coast Guard has established special local regulations, regulated areas, and safety zones for these annual recurring events on a case by case basis to ensure the protection of the maritime public and event participants from the hazards associated with these events. The Coast Guard has not received public comments or concerns regarding the impact to waterway traffic from these annually recurring events.

This proposed rule will consistently apprise the public in a timely manner through permanent publication in Title

33 of the Code of Federal Regulations. The TABLES in this proposed regulation list each annual recurring event requiring a regulated area as administered by the Coast Guard.

By establishing a permanent regulation containing these annual recurring events, the Coast Guard would eliminate the need to establish temporary rules for events that occur on an annual basis, thereby, limiting the costs associated with cumulative regulations.

This rulemaking will remove, add, and consolidate regulations that better meet the Coast Guard's intended purpose of ensuring safety during these events.

### Discussion of Proposed Rule

The Coast Guard proposes to add 33 CFR 100.150 and to consolidate sections 33 CFR 165.161, 165.162, 165.166, 165.168, 165.170 into a new section, 33 CFR 165.160. The proposed rule would apply to the annual recurring events listed in the attached TABLES in the COTP New York Zone. The TABLES provide the event name, and type, as well as locations of the events. The specific times, dates, regulated areas, and enforcement period for each event will be provided through the Local Notice to Mariners, Broadcast Notice to Mariners and online at <http://homeport.uscg.mil/newyork> or through a Notice of Enforcement published in the **Federal Register**.

During enforcement periods, the safety zones in TABLE 1 to § 165.160 will be enforced from 6 p.m. to 1 a.m. each day. The safety zone will be enforced at the locations listed in TABLE to § 165.160, when a barge with a "FIREWORKS—STAY AWAY" sign on the port and starboard side is on-scene or when a "FIREWORKS—STAY AWAY" sign is posted on land adjacent to the shoreline. Vessels may enter, remain in, or transit through these safety zones during this time frame if authorized by the COTP New York or the designated representative.

The particular size of the proposed safety zones established for each event will be reevaluated on an annual basis in accordance with Navigational and Vessel Inspection Circular (NVIC) 07-02, Marine Safety at Firework Displays, the National Fire Protection Association Standard 1123, Code for Fireworks Displays (30-yard distance per inch of diameter of the fireworks mortars), and other pertinent regulations and publications.

This proposed regulation would prevent vessels from transiting areas specifically designated as special local regulations or safety zones during the

periods of enforcement to ensure the protection of the maritime public and event participants from the hazards associated with the listed annual recurring events. Only event sponsors, designated participants, and official patrol vessels will be allowed to enter regulated areas. Spectators and other vessels not registered as event participants may not enter the safety zones without the permission of the COTP or the designated representative.

### Regulatory Analyses

We developed this proposed rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

### Regulatory Planning and Review

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order.

We expect the economic impact of this proposed rule to be minimal. Although this regulation may have some impact on the public, the potential impact will be minimized for the following reasons:

The Coast Guard has previously promulgated safety zones or special local regulations, in accordance with 33 CFR Parts 100 and 165, for all event areas contained within this proposed regulation and has not received notice of any negative impact caused by any of the safety zones or special local regulations. By establishing a permanent regulation containing all of these events, the Coast Guard will eliminate the need to establish individual temporary rules for each separate event that occurs on an annual basis, thereby limiting the costs of cumulative regulations.

Vessels will only be restricted from safety zones and special local regulation areas for a short duration of time. Vessels may transit in portions of the affected waterway except for those areas covered by the proposed regulated areas. Notifications of exact dates and times of the enforcement period will be made to the local maritime community through the Local Notice to Mariners and Broadcast Notice to Mariners and, if possible, through a Notice of Enforcement in the **Federal Register**. No new or additional restrictions would be imposed on vessel traffic.

### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule would affect the following entities, some of which might be small entities: Owners or operators of vessels intending to transit, fish, or anchor in the areas where the listed annual recurring events are being held.

The proposed rule would not have a significant economic impact on a substantial number of small entities for the following reasons: Vessels will only be restricted from safety zones and special local regulation areas for a short duration of time; vessels may transit in portions of the affected waterway except for those areas covered by the proposed regulated areas; the Coast Guard has promulgated safety zones or special local regulations in accordance with 33 CFR Parts 100 and 165 for all event areas in the past and has not received notice of any negative impact caused by any of the safety zones or special local regulations; notifications of exact dates and times of the enforcement period will be made to the local maritime community through the Local Notice to Mariners and Broadcast Notice to Mariners or through a Notice of Enforcement in the **Federal Register**. No new or additional restrictions would be imposed on vessel traffic.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small

business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

#### Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

#### Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

#### Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule would not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### Taking of Private Property

This proposed rule would not affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

#### Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

#### Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to

safety that might disproportionately affect children.

#### Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

#### Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a “significant energy action” under that order because it is not a “significant regulatory action” under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

#### Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

#### Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination

that this action appears to be one of a category of actions which do not individually or cumulatively have a significant effect on the human environment.

A preliminary environmental analysis checklist supporting this determination will be available in the docket where indicated under **ADDRESSES**. This proposed rule involves establishment of safety zones for fireworks displays and swimming events as well as special local regulations for a power boat race. As such, it appears that this action will qualify for Coast Guard Categorical Exclusions (34) (g) and (h), respectively, as described in figure 2–1 of the Commandant Instruction.

We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

#### List of Subjects

##### 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

##### 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, and Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR Parts 100 and 165 as follows:

#### **PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS**

1. The authority citation for Part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233.

2. Add a new § 100.150 to read as follows:

##### **§ 100.150 Special Local Regulations; Marine Events in the Coast Guard Sector New York Captain of the Port Zone.**

The following regulations apply to the marine events listed in the TABLE to § 100.150. These regulations will be enforced for the duration of each event, on or about the dates indicated. Annual notice of the exact dates and times of the effective period of the regulations with respect to each event, the geographical area, and details concerning the nature of the event and the number of participants and type(s) of vessels involved will be published in a Local Notices to Mariners and broadcast over VHF. First Coast Guard District Local Notice to Mariners can be found at: <http://www.navcen.uscg.gov/>. The Sector New York Marine Events

schedule can also be viewed electronically at <http://www.homeport.uscg.mil/newyork>. Although listed in the Code of Federal Regulations, sponsors of events listed in TABLE to § 100.150 are still required to submit marine event applications in accordance with 33 CFR 100.15.

(a) 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, Sector New York (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.

(b) Vessel operators desiring to enter or operate within the regulated areas shall contact the COTP or the designated representative via VHF channel 16 or 718–354–4353 (Sector New York command center) to obtain permission to do so.

(c) Vessels may not transit the regulated areas without the COTP or designated representative 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.

(d) Spectators or other vessels shall not anchor, block, loiter, or impede the transit of event participants or official patrol vessels in the regulated areas during the effective dates and times, or dates and times as modified through the Local Notice to Mariners, unless authorized by COTP or designated representative.

(e) The COTP or designated representative 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.

(f) The COTP or designated representative may delay or terminate any marine event in this subpart at any time it is deemed necessary to ensure the safety of life or property.

(g) For all power boat races listed, 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 COTP or designated representative. Vessels within the regulated area must be at anchor within a designated spectator area or moored to a waterfront facility in a way that will not interfere with the progress of the event.

TABLE TO § 100.150

1.0	Hudson River
1.1 New York Super Boat Race .....	<ul style="list-style-type: none"> <li>• Event type: Power Boat Race.</li> <li>• Date: The weekend after Labor Day.</li> <li>• Location: 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): 40°42'16.0" N, 074°01'09.0" W; thence to 40°41'55.0" N, 074°01'16.0" W; thence to 40°41'47.0" N, 074°01'36.0" W; thence to 40°41'55.0" N, 074°01'59.0" W; thence to 40°42'20.5" N, 074°02'06.0" W.</li> </ul>

**PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS**

3. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1225, 1226, 1231; 46 U.S.C. Chapter 701, 3306, 3703; 33 CFR 1.05–1 and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

4. Remove §§ 165.161, 165.162, 165.168 and 165.170 from 33 CFR part 165.

5. Add a new § 165.160 to read as follows:

**§ 165.160 Safety Zones; Fireworks Displays and Swim Events in Coast Guard Captain of the Port New York Zone.**

(a) Regulations. 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 TABLES 1 and 2 to § 165.160.

These regulations will be enforced for the duration of each event. Notifications of exact dates and times of the enforcement period will be made to the local maritime community through the Local Notice to Mariners and Broadcast Notice to Mariners or through a Notice of Enforcement in the **Federal Register** well in advance of the events. Mariners should consult the **Federal Register** or their Local Notice to Mariners to remain apprised of schedule or event changes. First Coast Guard District Local Notice to Mariners can be found at <http://www.navcen.uscg.gov/>. The Captain of the Port Sector New York Marine Events schedule can also be viewed electronically at <http://www.homeport.uscg.mil/newyork>. Although listed in the Code of Federal Regulations, sponsors of events listed in TABLES 1 and 2 to § 165.160 are still

required to submit marine event applications 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, Sector New York (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.

(b) Vessel operators desiring to enter or operate within the regulated areas shall contact the COTP or the designated representative via VHF channel 16 or 718-354-4353 (Sector New York command center) to obtain permission to do so.

(c) Spectators or other vessels shall not anchor, block, loiter, or impede the transit of event participants or official patrol vessels in the regulated areas during the effective dates and times, or dates and times as modified through the Local Notice to Mariners, unless authorized by COTP or designated representative.

(d) Upon being hailed by a U.S. Coast Guard vessel or the designated representative, by siren, radio, flashing

light or other means, the operator of the vessel shall proceed as directed. Failure to comply with a lawful direction may result in expulsion from the area, citation for failure to comply, or both.

(e) The COTP or designated representative may delay or terminate any marine event in this subpart at any time it is deemed necessary to ensure the safety of life or property.

(f) The regulated area for all fireworks displays listed in TABLE 1 to § 165.160 is that area of navigable waters within a 360 yard radius of the launch platform or launch site for each fireworks display, unless otherwise noted in TABLE 1 to § 165.160 or modified in USCG First District Local Notice to Mariners at: <http://www.navcen.uscg.gov/>.

(g) 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 inch high by 1.5 inch 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. These zones will be enforced from 6 p.m. (e.s.t.) to 1 a.m. (e.s.t.) each day a barge with a "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 TABLE 1 to § 165.160.

(h) For all swim events listed in TABLE 2 to § 165.160, vessels not associated with the event shall maintain a separation of at least 100 yards from the participants.

TABLE 1 TO § 165.160

1.0	Hudson River
1.1 Macy's 4th of July Fireworks .....	<ul style="list-style-type: none"> <li>• Event Type: Fireworks.</li> <li>• Date: July 4th with a rain date of July 5th.</li> <li>• Location: All waters of the Hudson River bounded by a line drawn east from approximate position 40°46'35.43" N, 074°00'37.53" W in New Jersey, to approximate position 40°46'16.98" N, 073°59'52.34" W in New York, thence south along the Manhattan shoreline to approximate position 40°44'48.98" N, 074°00'41.06" W, then west to approximate position 40°44'55.91" N, 074°01'24.94" W, (NAD 83). Then north along the New Jersey shoreline and back to the point of origin.</li> </ul>
2.0	New York Harbor
2.1 Liberty Island Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 40°41'16.5" N 074°02'23" W (NAD 1983), located in Federal Anchorage 20-C, about 360 yards east of Liberty Island. This Safety Zone is a 360-yard radius from the barge.</li> </ul>
2.2 Ellis Island Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A barge located between Federal Anchorages 20-A and 20-B, in approximate position 40°41'45" N 074°02'09" W (NAD 1983) about 365 yards east of Ellis Island. This Safety Zone is a 360-yard radius from the barge.</li> </ul>
2.3 South Ellis Island Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 40°41'39.9" N 074°02'33.7" W (NAD 1983), about 260 yards south of Ellis Island. This Safety Zone is a 240-yard radius from the barge.</li> </ul>
2.4 South Beach, Staten Island Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 40°35'11" N 074°03'42" W (NAD 1983), about 350 yards east of South Beach, Staten Island. This Safety Zone is a 360-yard radius from the barge.</li> </ul>
2.5 Raritan Bay Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 40°30'04" N 074°15'35" W (NAD 1983), about 240 yards east of Raritan River Cutoff Channel Buoy 2 (LLNR 36595). This Safety Zone is a 240-yard radius from the barge.</li> </ul>
2.6 Coney Island Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A land shoot from the south end of Steeplechase Pier, Coney Island in approximate position 40°34'11" N 073°59'00" W (NAD 1983). This Safety Zone is a 250-yard radius from the launch site.</li> </ul>
2.7 Arthur Kill, Elizabeth, NJ Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A land shoot located in Elizabeth, New Jersey in approximate position 40°38'50" N 074°10'58" W (NAD 1983), about 675 yards west of Arthur Kill Channel Buoy 20 (LLNR 36780). This Safety Zone is a 150-yard radius from the launch site.</li> </ul>
2.8 Rockaway Beach Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 40°34'28.2" N 073°50'00" W (NAD 1983), 350 yards off of Beach 116th Street. This Safety Zone is a 360-yard radius from the barge.</li> </ul>
2.9 Rockaway Inlet Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 40°34'19.1" N 073°54'43.5" W (NAD 1983). 1200 yards south of Point Breeze. This Safety Zone is a 360-yard radius from the barge.</li> </ul>

TABLE 1 TO § 165.160—Continued

2.10 Pierhead Channel, NJ Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 40°39'18.8" N 074°04'39.1" W (NAD 1983), approximately 350 yards north of the Kill Van Kull Channel. This Safety Zone is a 360-yard radius from the barge.</li> </ul>
2.11 Midland Beach, Staten Island Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 40°34'12" N 074°04'29.6" W (NAD 1983), approximately 800 yards southeast of Midland Beach. This Safety Zone is a 500-yard radius from the barge.</li> </ul>
2.12 Wolfes Pond Park, Staten Island Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 40°30'52.1" N 074°10'58.8" W (NAD 1983), approximately 540 yards east of Wolfe's Pond Park. This Safety Zone is a 500-yard radius from the barge.</li> </ul>
2.13 Ocean Breeze Fishing Pier, Staten Island Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 40°34'46.3" N 074°04'02.0" W (NAD 1983), approximately 1150 yards west of Hoffman Island. This Safety Zone is a 360-yard radius from the barge.</li> </ul>
2.14 Fort Hamilton Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 40°36'00" N 074°01'42.5" W (NAD 1983), approximately 1400 yards southeast of the Verrazano-Narrows Bridge. This Safety Zone is a 240-yard radius from the barge.</li> </ul>
2.15 Liberty State Park Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 40°41'20.32" N 074°03'29.35" W (NAD 1983), approximately 334 yards south of Pier 7, Liberty State Park, Jersey City, New Jersey. This Safety Zone is a 240-yard radius from the barge.</li> </ul>
2.16 Rumson, NJ, Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 40°22'39.1" N 074°01'07.3" W (NAD 1983), approximately 600 yards south of the Oceanic Bridge. This Safety Zone is a 300-yard radius from the barge.</li> </ul>
2.17 Red Bank, NJ, Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 40°21'20" N 074°04'10" W (NAD 1983), approximately 360 yards northwest of Red Bank, NJ. This Safety Zone is a 240-yard radius from the barge.</li> </ul>
3.0	Western Long Island Sound
3.1 Peningo Neck, Western Long Island Sound safety zone .....	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 40°56'21" N 073°41'23" W (NAD 1983), approximately 525 yards east of Milton Point, Peningo Neck, New York. This Safety Zone is a 300-yard radius from the barge.</li> </ul>
3.2 Satans Toe, Western Long Island Sound Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch Site: A barge located in approximate position 40°55'21" N 073°43'41" W (NAD 1983), approximately 635 yards northeast of Larchmont Harbor (East Entrance) Light 2 (LLNR 25720). This Safety Zone is a 360-yard radius from the barge.</li> </ul>
3.3 Larchmont, NY, Western Long Island Sound Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 40°54'45" N 073°44'55" W (NAD 1983), approximately 450 yards southwest of the entrance to Horseshoe Harbor. This Safety Zone is a 240-yard radius from the barge.</li> </ul>
3.4 Manursing Island, Western Long Island Sound Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 40°57'47" N 073°40'06" W (NAD 1983), approximately 380 yards north of Rye Beach Transport Rock Buoy 2 (LLNR 25570). This Safety Zone is a 360-yard radius from the barge.</li> </ul>
3.5 Glen Island, Western Long Island Sound Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 40°53'12" N 073°46'33" W (NAD 1983), approximately 350 yards east of the northeast corner of Glen Island, New York. This Safety Zone is a 240-yard radius from the barge.</li> </ul>
3.6 Twin Island, Western Long Island Sound Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A land shoot located on the east end of Orchard Beach, New York in approximate position 40°52'10" N 073°47'07" W (NAD 1983). This Safety Zone is a 200-yard radius from the launch site.</li> </ul>
3.7 Davenport Neck, Western Long Island Sound Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A barge located in Federal Anchorage 1-A in approximate position 40°53'46" N 073°46'04" W (NAD 1983), approximately 360 yards north of Emerald Rock Buoy (LLNR 25810). This Safety Zone is a 360-yard radius from the barge.</li> </ul>
3.8 Glen Cove, Hempstead Harbor Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 40°51'58" N 073°39'34" W (NAD 1983), approximately 500 yards northeast of Glen Cove Breakwater Light 5 (LLNR 27065). This Safety Zone is a 360-yard radius from the barge.</li> </ul>
3.9 Bar Beach, Hempstead Harbor Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 40°49'50" N 073°39'12" W (NAD 1983), approximately 190 yards north of Bar Beach, Hempstead Harbor, New York. This Safety Zone is a 180-yard radius from the barge.</li> </ul>
3.10 Larchmont Harbor (north), Western Long Island Sound Safety Zone.	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 40°55'21.8" N 073°44'21.7" W (NAD 1983), approximately 560 yards north of Umbrella Rock. This Safety Zone is a 240-yard radius from the barge.</li> </ul>

TABLE 1 TO § 165.160—Continued

3.11 Orchard Beach, The Bronx Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: All waters of Long Island Sound in an area bound by the following points: 40°51'43.5" N 073°47'36.3" W; thence to 40°52'12.2" N 073°47'13.6" W; thence to 40°52'02.5" N 073°46'47.8" W; thence to 40°51'32.3" N 073°47'09.9" W (NAD 1983), thence to the point of origin.</li> </ul>
3.12 Larchmont Harbor (south), Western Long Island Sound Safety Zone.	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 40°55'16" N 073°44'15" W (NAD 1983), approximately 440 yards north of Umbrella Rock, Larchmont Harbor, New York. This Safety Zone is a 240-yard radius from the barge.</li> </ul>
3.13 Sands Point Western Long Island Sound Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 40°52'03" N 073°43'39" W (NAD 1983), northeast of Hart Island, in the vicinity of Sands Point, New York. This Safety Zone is a 180-yard radius from the barge.</li> </ul>
3.14 Echo Bay, Western Long Island Sound Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 40°54'39.9" N 073°45'50.3" W (NAD 1983), southeast portion of Clifford Island, New York. This Safety Zone is a 180-yard radius from the barge.</li> </ul>
4.0	East River
4.1 Wards Island, East River Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 40°46'57.8" N 073°55'28.6" W (NAD 1983), approximately 330 yards north of the Robert F. Kennedy Bridge (Triborough Bridge) Bridge. This Safety Zone is a 150-yard radius from the barge.</li> </ul>
4.2 Newtown Creek, East River Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 40°44'24" N 073°58'00" W (NAD 1983), approximately 785 yards south of Belmont Island. This Safety Zone is a 360-yard radius from the barge.</li> </ul>
4.3 Corlears, East River Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 40°42'34.53" N 073°58'33.37" W (NAD 1983), approximately 570 yards south of the Williamsburg Bridge, 250 yards west of Railroad Avenue, Corlears Hook, New York. This Safety Zone is a 180-yard radius from the barge.</li> </ul>
4.4 Seaport, East River Safety Zone .....	<ul style="list-style-type: none"> <li>• Safety zone: 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 southeast corner of Pier 6, Manhattan.</li> </ul>
5.0	Hudson River
5.1 Pier 60, Hudson River Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 40°44'49" N 074°01'02" W (NAD 1983), approximately 500 yards west of Pier 60, Manhattan, New York. This Safety Zone is a 360-yard radius from the barge.</li> </ul>
5.2 The Battery, Hudson River Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 40°42'00" N 074°01'17" W (NAD 1983), approximately 500 yards south of The Battery, Manhattan, New York. This Safety Zone is a 360-yard radius from the barge.</li> </ul>
5.3 Battery Park City, Hudson River Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 40°42'39" N 074°01'21" W (NAD 1983), approximately 480 yards southwest of North Cove Yacht Harbor, Manhattan, New York. This Safety Zone is a 360-yard radius from the barge.</li> </ul>
5.4 Pier 90, Hudson River Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 40°46'11.8" N 074°00'14.8" W (NAD 1983), approximately 375 yards west of Pier 90, Manhattan, New York. This Safety Zone is a 360-yard radius from the barge.</li> </ul>
5.5 Yonkers, NY, Hudson River Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 40°56'14.5" N 073°54'33" W (NAD 1983), approximately 475 yards northwest of the Yonkers Municipal Pier, New York. This Safety Zone is a 360-yard radius from the barge.</li> </ul>
5.6 Hastings-on-Hudson, Hudson River Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 40°59'44.5" N 073°53'28" W (NAD 1983), approximately 425 yards west of Hastings-on-Hudson, New York. This Safety Zone is a 360-yard radius from the barge.</li> </ul>
5.7 Pier D, Hudson River Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 40°42'57.5" N 074°01'34" W (NAD 1983), approximately 375 yards southeast of Pier D, Jersey City, New Jersey. This Safety Zone is a 360-yard radius from the barge.</li> </ul>
5.8 Pier 54, Hudson River Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 40°44'31" N 074°01'00" W (NAD 1983), approximately 380 yards west of Pier 54, Manhattan, New York. This Safety Zone is a 360-yard radius from the barge.</li> </ul>
5.9 Pier 84, Hudson River Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 40°45'56.9" N 074°00'25.4" W (NAD 1983), approximately 380 yards west of Pier 84, Manhattan, New York. This Safety Zone is a 360-yard radius from the barge.</li> </ul>



TABLE 1 TO § 165.160—Continued

5.10 Peekskill Bay, Hudson River Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 41°17'16" N 073°56'18" W (NAD 1983), approximately 670 yards north of Travis Point. This Safety Zone is a 360-yard radius from the barge.</li> </ul>
5.11 Jersey City, NJ, Hudson River Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 40°42'37.3" N 074°01'41.6" W (NAD 1983), approximately 420 yards east of Morris Canal Little Basin. This Safety Zone is a 360-yard radius from the barge.</li> </ul>
5.12 Newburgh, NY, Hudson River Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 41°30'01.2" N 073°59'42.5" W (NAD 1983), approximately 930 yards east of Newburgh, New York. This Safety Zone is a 360-yard radius from the barge.</li> </ul>
5.13 Poughkeepsie, NY, Hudson River Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 41°42'24.50" N 073°56'44.16" W (NAD 1983), approximately 420 yards north of the Mid Hudson Bridge. This Safety Zone is a 300-yard radius from the barge.</li> </ul>
5.14 Pier 40, Hudson River Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 40°43'30" N 074°01'06.7" W (NAD 1983), in the vicinity of the Holland Tunnel Ventilator, 530 yards south of Pier 40, Manhattan, New York. This Safety Zone is a 240-yard radius from the barge.</li> </ul>
5.15 Fort Tryon Park, Hudson River Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 40°51'52" N 073°56'24" W (NAD 1983), approximately 1750 yards north of the George Washington Bridge. This Safety Zone is a 180-yard radius from the barge.</li> </ul>
6.0	Hutchinson River
6.1 Bronx, NY Hutchinson River Safety Zone .....	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 40°52'31" N 073°49'24" W (NAD 1983). This Safety Zone is a 120-yard radius from the barge.</li> </ul>

TABLE 2 TO § 165.160

1.0	Hudson River
1.1 Hudson Valley Triathlon .....	<ul style="list-style-type: none"> <li>• Event Type: Swim Event.</li> <li>• Date: The first weekend after the 4th of July.</li> <li>• 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°56'34.2" 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 thence along the shoreline to the point of beginning.</li> </ul>
1.2 Newburgh Beacon Swim .....	<ul style="list-style-type: none"> <li>• Event Type: Swim Event.</li> <li>• Date: Last weekend in July with a rain date of the first weekend in August.</li> <li>• Location: Participants will cross the Hudson River between Newburgh and Beacon, New York approximately 1300 yards south of the Newburgh-Beacon Bridges.</li> </ul>
1.3 Hudson River Swim for Life .....	<ul style="list-style-type: none"> <li>• Event Type: Swim Event.</li> <li>• Date: 2nd weekend in September.</li> <li>• Location: Participants will cross the Hudson River in the vicinity of Nyack, New York between Lower Nyack Ledge and Kingsland Point, approximately 200 yards north of the Tappan Zee Bridge.</li> </ul>
1.4 Toughman Half Triathlon .....	<ul style="list-style-type: none"> <li>• Event Type: Swim Event.</li> <li>• Date: 2nd weekend in September.</li> <li>• Location: Participants will swim in the vicinity of Croton Point Park, New York between Potato Rock and Harmon, New York from the shoreline out to 1000 yards.</li> </ul>
2.0	East River
2.1 Brooklyn Bridge Swim .....	<ul style="list-style-type: none"> <li>• Event Type: Swim Event.</li> <li>• Date: 2nd weekend in September.</li> <li>• Location: Participants will swim between Brooklyn and Manhattan, New York crossing the East River along the Brooklyn Bridge.</li> </ul>
3.0	Western Long Island Sound
3.1 Swim Across America .....	<ul style="list-style-type: none"> <li>• Event Type: Swim Event.</li> <li>• Date: 4th weekend in July and 2nd weekend in August.</li> </ul>

TABLE 2 TO § 165.160—Continued

	<ul style="list-style-type: none"> <li>• Location: Participants will swim between Glen Cove and Larchmont, New York and an area of Hempstead Harbor between Glen Cove and the vicinity of Umbrella Point.</li> </ul>
4.0	Upper New York Bay, Lower New York Bay
4.1 Ederle Swim .....	<ul style="list-style-type: none"> <li>• Event Type: Swim Event.</li> <li>• Date: October.</li> <li>• Location: Participants will swim between Manhattan, New York and the north shore of Sandy Hook, New Jersey transiting through the upper New York Bay, under the Verrazano-Narrows Bridge and across the Lower New York Bay. The route direction is determined by the predicted tide state and direction of current on the scheduled day of the event.</li> </ul>
4.2 Rose Pitonof Swim .....	<ul style="list-style-type: none"> <li>• Event Type: Swim Event.</li> <li>• Date: The 2nd weekend in August.</li> <li>• Location: Participants will swim between Manhattan, New York and the shore of Coney Island, New York transiting through the Upper New York Bay, under the Verrazano-Narrows Bridge and south in the Lower New York Bay. The route direction is determined by the predicted tide state and direction of current on the scheduled day of the event.</li> </ul>

Dated: May 24, 2011.  
**L.L. Fagan,**  
*Captain, U.S. Coast Guard, Captain of the Port New York.*  
 [FR Doc. 2011-16111 Filed 6-28-11; 8:45 am]  
**BILLING CODE 9110-04-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 165**

[Docket No. USCG-2011-0546]

RIN 1625-AA00

**Safety Zone; Labor Day Fireworks, Ancarrows Landing Park, James River, Richmond, VA**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes establishing a safety zone on the navigable waters of James River in Richmond, VA in support of the Labor Day Fireworks event. This action is necessary to provide for the safety of life on navigable waters during the Labor Day Fireworks show. This action is intended to restrict vessel traffic movement to protect mariners and spectators from the hazards associated with aerial fireworks displays.

**DATES:** Comments and related material must be received by the Coast Guard on or before July 29, 2011.

**ADDRESSES:** You may submit comments identified by docket number USCG-2011-0546 using any one of the following methods:

- (1) *Federal eRulemaking Portal:* <http://www.regulations.gov>.
- (2) *Fax:* 202-493-2251.
- (3) *Mail:* Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001.
- (4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

To avoid duplication, please use only one of these four methods. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notice of proposed rulemaking, call or e-mail LCDR Christopher O’Neal, Waterways Management Division Chief, Sector Hampton Roads, Coast Guard; telephone 757-668-5581, e-mail [Christopher.A.ONeal@uscg.mil](mailto:Christopher.A.ONeal@uscg.mil). If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

**SUPPLEMENTARY INFORMATION:**

**Public Participation and Request for Comments**

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to <http://www.regulations.gov> and will include

any personal information you have provided.

**Submitting Comments**

If you submit a comment, please include the docket number for this rulemaking (USCG-2011-0546), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (via <http://www.regulations.gov>) or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via <http://www.regulations.gov>, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an e-mail address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov>, click on the “submit a comment” box, which will then become highlighted in blue. In the “Document Type” drop down menu select “Proposed Rule” and insert “USCG-2011-0546” in the “Keyword” box. Click “Search” then click on the balloon shape in the “Actions” column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit