



DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2026-0561]

RIN 1625-AA00

Safety Zones; Fireworks Displays in the USCG East District

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to amend its safety zones for fireworks displays in the USCG East District by adding safety zones for three recurring events and amending one recurring event located in the Virginia Captain of the Port Zone. This Notice of Proposed Rule Making (NPRM) would provide for the safety of life on the navigable waters at the confluence of the James River and the Appomattox River, on the Hampton River, on the East River, and on the Elizabeth River at Town Point Reach during firework displays which are typically held on each of those rivers annually.

DATES: Comments and related material must be received by the Coast Guard on or before [INSERT DATE 5 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: To submit comments and view available documents, go to <https://www.regulations.gov> and search for USCG-2026-0561.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rule, contact LCDR Justin Z. Strassfield, Sector Virginia Waterways Management Division, U.S. Coast Guard; by phone, at (206) 815-7367, or by email, at VirginiaWaterways@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR	Code of Federal Regulations
COTP	Captain of the Port
DHS	Department of Homeland Security
FR	<i>Federal Register</i>
NPRM	Notice of proposed rulemaking
§	Section
U.S.C.	United States Code

II. Background and Authority

Within the USCG East District, the Coast Guard has compiled many recurring safety zones in one regulation, 33 CFR 165.506. Within § 165.506, these safety zones are arranged in tables, organized by Captain of the Port Zone. We are now proposing to add three recurring firework displays and amend one recurring firework display to the table for the Virginia Captain of the Port Zone. General provisions of § 165.506, such as definitions, controls on vessel movement, and Coast Guard contact information would apply to these safety zones. In past years, we have promulgated temporary final rules to address particular instances of one of these events. As we anticipate that these events will continue to occur annually for the foreseeable future, we are proposing a permanent safety zone for each of the events.

The Captain of the Port Sector Virginia (COTP) has determined that potential hazards include dangerous projectiles and falling debris. Therefore, the COTP is proposing this rule under the authority in 46 U.S.C. 70034, which is needed to protect personnel, vessels, and the marine environment in the navigable waters within these safety zones. The regulatory text we are proposing appears at the end of this document.

III. Discussion of the Rule

The first proposed safety zone would establish a regulated area which would be subject to enforcement on the fourth or fifth Saturday in June of each year. This year, it would be subject to enforcement June 27, 2026, from 9 p.m. until 10 p.m. The safety

zone would encompass the fallout zone located within a portion of the waters at the confluence of the Appomattox River and James River in Hopewell, VA.

The second proposed safety zone would establish a regulated area on July 3rd, 4th, 5th, or 6th of each year, beginning July 4, 2026, from 9 p.m. until 10 p.m. The safety zone would encompass two separate areas located on a portion of the Hampton River in Hampton, VA. One area would surround a fireworks barge on the Hampton River and the other area would provide for a landside launch adjacent to the Hampton River.

The third proposed safety zone would establish a regulated area on July 3rd, 4th, 5th, or 6th of each year, beginning July 5, 2026, from 9 p.m. until 10 p.m. The safety zone would encompass a portion of the East River in Mathews, VA.

The proposed amendment to an existing safety zone would update the date of enforcement for Item 13 in Table 3 to paragraph (h)(3) of § 165.506 to one Saturday in June or June 19th, and on July 4th of each year, beginning July 4, 2026, from 9 p.m. until 10 p.m.

As the dates and times of the events are subject to change, the dates and times that the proposed safety zones for the events would be subject to enforcement would also be subject to change, in accordance with regulatory text found in 33 CFR 165.506(c). In the event of a change, the Captain of the Port would provide notice to the public by publishing a Notification of Enforcement in the Federal Register, as well as by issuing a Broadcast Notice to Mariners.

As provided in 33 CFR 165.506(d), no vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or their designated representative. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a

number of these statutes and Executive orders.

A. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. 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. Section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the rulemaking is not expected to have a significant economic impact on a substantial number of small entities. 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 for the following reasons.

Vessel traffic would be able to safely transit around the regulated areas. This regulation would only impact a small area for 1 hour. The enforcement period is during a time when vessel traffic is normally low. In addition, the Coast Guard would issue a Broadcast Notice to Mariners via VHF FM marine channel 16, which would allow small entities to adjust their transit plans, and the rule allows vessels to request permission to enter the regulated area from the COTP.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed 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 proposed rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), if this proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Small businesses

may send comments to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards by calling 1-888-REG-FAIR (1-888-734-3247).

B. Collection of Information

This proposed rule would not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

C. Federalism and Indian Tribal Governments

We have analyzed this proposed rule under Executive Order 13132, Federalism, and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in that Order.

Also, this proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does 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.

D. Unfunded Mandates Reform Act

As required by The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538), the Coast Guard certifies that this proposed rule would not result in an annual expenditure of \$100,000,000 or more (adjusted for inflation) by a State, local, or tribal government, in the aggregate, or by the private sector.

E. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023-01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and have determined that this action is one of a category of actions that do not individually or

cumulatively have a significant effect on the human environment.

This proposed rule is a safety zone. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1.

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

Submitting comments. We encourage you to submit comments at <https://www.regulations.gov>. To do so, go to <https://www.regulations.gov>, type USCG-2026-0561 in the search box and click "Search." Next, look for this document in the **Search Results** column, and click on it. Then click on the **Comment** option. If you cannot submit your material by using <https://www.regulations.gov>, call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

Viewing material in the docket. To view available documents, find the docket as described in the previous paragraph, and then select "Supporting & Related Material" in the Document Type column. We will post public comments in our online docket. Additional information is on the <https://www.regulations.gov> Frequently Asked Questions webpage.

Personal information. We accept anonymous comments. Comments we post to <https://www.regulations.gov> will include any personal information you have provided.

For more about privacy and submissions to the docket in response to this document, see DHS’s eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05-1, 6.04-1, 6.04-6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.4.

2. In § 165.506, amend Table 3 to paragraph (h)(3) by adding entries for “Item 15” “Item 16”, and “Item 17” to read as follows:

§ 165.506 Safety Zones; Fireworks Displays in the USCG East District

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(3) Coast Guard Sector Virginia—COTP Zone

TABLE 3 TO PARAGRAPH (h)(3)

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15	June – 4 th or 5 th Saturday	Confluence of the James River and the Appomattox River, Hopewell, VA; Safety Zone	All navigable waters within 250 yards of a fireworks barge located at position 37°18'52" N, 077°17'12.5" W, at the confluence of the James River and the Appomattox River, near City Point in Hopewell, VA.
16	July 3 rd , 4 th , 5 th , or 6 th	Hampton River, Hampton, VA, Safety Zone	All navigable waters of the Hampton River, within a 250' radius of a fireworks barge located at position 37°01'21.3"N, 076°20'29.8"W and all waters within the following positions: 37°1'29"N, 076°20'19"W; 37°1'30"N, 076°20'25"W;

			37°1'27"N, 076°20'28"W; 37°1'23"N, 076°20'29"W; 37°1'23"N, 076°20'26"W, in Hampton, VA
17	July 3 rd , 4 th , 5 th , or 6 th	East River, Mathews, VA; Safety Zone	All navigable waters of the East River, within an 800' radius of position 37°24'02"N, 076°20'49"W, in Mathews, VA.

3. In § 165.506, amend Table 3 to paragraph (h)(3) by amending entries for "Item 13" to read as follows:

§ 165.506 Safety Zones; Fireworks Displays in the USCG East District

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(3) Coast Guard Sector Virginia—COTP Zone

TABLE 3 TO PARAGRAPH (h)(3)

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13	June – One Saturday or June 19 th ; and July 4 th	Elizabeth River, Town Point Reach, Norfolk, VA; Safety Zone	All waters of the Elizabeth River, Town Point Reach within a 500- yard radius of approximate position of the fireworks barge latitude 36°50'41" N, longitude 076°17'47" W, in vicinity of Town Point Park in Norfolk, VA.
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Peggy M. Britton,
Captain, U.S. Coast Guard,
Captain of the Port, Sector Virginia.