



DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2025-0840]

RIN 1625-AA00

Safety Zone; New York Harbor, Upper Bay, Jersey City, NJ

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters of the Upper Bay in New York Harbor in the vicinity of Ellis Island and Liberty Island, NJ. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by law enforcement vessels operating at high speed while participating in a security training exercise occurring in this area. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Sector New York.

DATES: This rule is effective from 9 a.m. to noon on October 8, 2025.

ADDRESSES: To view documents in the docket, go to <https://www.regulations.gov> and search for USCG-2025-0840. Next, select “Supporting & Related Material” in the Document Type column.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, call or email MST2 Conard Audesirk, Sector New York Waterways Management, U.S. Coast Guard; telephone 571-610-5174, SectorNYWWM@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR	Code of Federal Regulations
COTP	Captain of the Port, Sector New York
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

The Coast Guard and other Federal, State, and Local law enforcement agencies are engaging in a security related exercise in preparation for the FIFA 2026 World Cup Fan Festival. During the training exercise, participating law enforcement vessels and opposing force training vessels will be operating at high speeds in a confined area. The Captain of the Port (COTP) has identified the risk of collision with transiting vessels as a potential hazard associated with the training exercise and determined that a safety zone is required to minimize that risk. Therefore, the COTP is issuing 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 the safety zone from potential hazards related to the security training exercise.

The Coast Guard is issuing this rule without prior notice and comment. As is authorized by 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable to publish an NPRM, respond to comments, and publish a final rule by October 8, 2025, to protect personnel, vessels, and the marine environment.

The Coast Guard also finds that under 5 U.S.C. 553(d)(3), good cause exists for making this rule effective less than 30 days after publication in the FR as there are less than 30 days before October 8, 2025, available now.

III. Discussion of the Rule

This rule establishes a safety zone from 9 a.m. until noon on October 8, 2025. The safety zone will cover all waters from surface to bottom of the Upper Bay around Ellis

and Liberty Island. The coordinates of the safety zone are provided in the regulatory text below. We have also included a chartlet in the docket to visually depict the safety zone. For instructions on viewing items in the docket, see the **ADDRESSES** section above.

This safety zone is being established for the protection of mariners from training exercise participants operating at high speeds during the security training exercise. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. Notification of the safety zone will be provided by Broadcast Notice to Mariners and publication in the Local Notice to Mariners. Broadcasts will continue throughout the exercise and will cease when all operations have finished.

IV. Regulatory Analyses

We developed this 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 analysis provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601-612, do not apply to rules that are not subject to notice and comment. Because the Coast Guard has, for good cause, waived the notice and comment requirement that would otherwise apply to this rulemaking, the Regulatory Flexibility Act's flexibility analysis provisions do not apply here.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), if this rule will 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). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

B. Collection of Information

This rule will 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 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 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 rule will 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 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. 4321–4370f), 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 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. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on viewing items in the docket, see the **ADDRESSES** section, above.

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 amends 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. Add § 165.T01-0840 to read as follows:

§ 165.T01-0840 Safety Zone; New York Harbor, Upper Bay, Jersey City, NJ.

(a) *Location.* The following area is a safety zone: all waters from surface to bottom of the Upper Bay around Ellis and Liberty Island formed by connecting latitude and longitude points in the following order: 40°41'26"N 74°03'17"W, thence to 40°41'11"N 74°02'36"W, thence to 40°41'25"N 74°02'26"W, thence to 40°41'40.0"N 74°02'28.0"W, thence to 40°41'56"N 74°02'05"W, thence to 40°42'15"N 74°02'31"W and along the shoreline back to the beginning point, expressed in Degrees (°) Minutes (') Seconds (") (DMS) based on World Geodetic System 1984 (WGS 84).

(b) *Definitions.* As used in this section, *designated representative* means a Coast

Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port, Sector New York in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative on VHF-FM channel 16 or by telephone at 1 (844) NYC-USCG. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period.* This section will be enforced from 9 a.m. to noon on October 8, 2025.

Jonathan A. Andrechik,
Captain, U.S. Coast Guard,
Captain of the Port, Sector New York.

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