



## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

### 33 CFR Part 165

[Docket Number USCG-2025-1110]

RIN 1625-AA00

### Safety Zone; West of Cyril E. King Airport, St. Thomas, VI

**AGENCY:** Coast Guard, Department of Homeland Security.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone in the vicinity of the waters off the Cyril E. King Airport in St. Thomas, USVI. This action is necessary to protect personnel, vessels, and the marine environment from potential hazards created by the proximity of low flying aircrafts. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Sector San Juan.

**DATES:** This rule is effective from January 1, 2026, through March 31, 2026.

**ADDRESSES:** To view available documents go to <https://www.regulations.gov> and search for USCG-2025-1110.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this rule, contact Lieutenant Commander Rachel E. Thomas, Sector San Juan, Waterways Management Division Chief, Coast Guard; telephone (571) 613-1417, email [Rachel.E.Thomas@uscg.mil](mailto:Rachel.E.Thomas@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

## **II. Background and Authority**

On August 25, 2025, the Coast Guard established a temporary final rule establishing a safety zone for the runway of Cyril E. King Airport in St. Thomas, USVI.<sup>1</sup> The Coast Guard originally published the temporary final rule to be effective through September 30, 2025. Later in October 2025 we promulgated a temporary interim rule to keep the zone open until December 31, 2025.<sup>2</sup> We are now implementing another temporary safety zone until March 31, 2026, to provide an opportunity for comment before we establish a permanent safety zone. The Captain of the Port (COTP) San Juan has determined that potential hazards associated low flying aircrafts to vessels in the vicinity of the waters off the Cyril E. King Airport in St. Thomas, USVI includes wake turbulence, collision risk, restricted visibility, and emergency maneuvers. 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.

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 temporary rule because there is an immediate need to mitigate the risk of vessels transiting between private port authority managed yellow buoys and the end of the St. Thomas Cyril E. King runway due to the proximity to low flying aircrafts. Prompt action is needed to respond to the potential safety hazards associated with vessels transiting in the proximity of the runway of Cyril E. King Airport in St. Thomas, USVI. It is impracticable and contrary to

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<sup>1</sup> 90 FR 41301.

<sup>2</sup> 90 FR 52565.

the public interest to publish an NPRM because we must establish this safety zone by January 1, 2026.

For the same reasons, the Coast Guard 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 *Federal Register*.

### **III. Discussion of the Rule**

This rule establishes a temporary safety zone for navigable waters west of the Cyril E. King Airport in St. Thomas, U.S. Virgin Islands. This temporary rule is effective through March 31, 2026, to give an opportunity for comment before the Coast Guard establishes a permanent safety zone. The temporary safety zone covers all navigable waters within 400 yards from shore directly west of the airport's runway within the two private port authority managed yellow buoys. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or their designated representative.

### **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. See the Record of Environmental Consideration supporting this determination is available in the docket under USCG-2025-1105.

#### **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.T07-1110 to read as follows:

#### **§ 165.T07-1110 Safety Zone; West of Cyril E. King Airport, St. Thomas, VI**

(a) *Location.* The following area is a safety zone: The following area is a safety zone: All navigable waters within 400 yards from shore directly west of the airport's runway within the two private port authority managed yellow buoys located at 18°20.288'N – 64°59.343'W and 18°20.116'N – 64°59.343'W.

(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 Sa Juan (COTP) 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 by telephone at (787) 289-2041, or a designated representative via VHF-FM radio on channel 16 to request authorization. If authorization is granted, all persons and vessels receiving such authorization must comply with the instructions of the COTP San Juan or a designated representative. 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 12:01 a.m. on January 1, 2026, through 11:59 p.m. on March 31, 2026.

Luis J. Rodríguez,  
Captain, U.S. Coast Guard,  
Captain of the Port Sector San Juan.

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