



DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2026-0418]

RIN 1625-AA00

Safety Zone; Atlantic Ocean, Atlantic 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 Atlantic Ocean, near Atlantic City, NJ. This action is necessary to provide for the safety of life on these navigable waters during an offshore airshow on May 29, 2026, through May 31, 2026. This regulation prohibits persons and vessels from entering the regulated area unless specifically authorized by the Captain of the Port, Sector Delaware Bay, or their designated representative.

DATES: This rule is effective from 11:30 a.m. on May 29, 2026, through 3:30 p.m. on May 31, 2026. It will, however, only be subject to enforcement between 11:30 a.m. and 3:30 p.m. on each of those days.

ADDRESSES: To view available documents go to <https://www.regulations.gov> and search for USCG-2026-0418.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, contact MST2 Dominick Dobridge, Waterways Management Division, Sector Delaware Bay, U.S. Coast Guard; telephone (206) 815-6688, option 3; email SecDelBayWWM@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR	Code of Federal Regulations
COTP	Captain of the Port, Delaware Bay
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

On April 1, 2026, an organization notified the Coast Guard that from 11:30 a.m. on May 29, 2026, through 3:30 p.m. on May 31, 2026, an over-the-water airshow would be taking place over the Atlantic Ocean, near Atlantic City, NJ. The event will be held from 11:30 a.m. through 3:30 p.m. on those days.

The Captain of the Port Delaware Bay (COTP) is issuing this safety zone rule under the authority in 46 U.S.C. 70034. The COTP has determined that potential hazards associated with an offshore airshow could pose a risk to waterway users if normal vessel traffic were allowed to traverse the area below the air show during the event. Possible hazards include a risk of being hit by a plane or debris from a plane if there is a mid-air collision or if one of the air show pilots loses control and their plane crashes. The purpose of this rulemaking is to protect event spectators and transiting vessels during the scheduled event.

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. The Coast Guard was notified of this event on April 1, 2026, but we must establish this safety zone by May 29, 2026, to protect personnel, vessels, and the marine environment. Therefore, we do not have enough time to solicit and respond to comments.

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 which will be in effect from 11:30 a.m. on May 29, 2026, until 3:30 p.m. on May 31, 2026, but will only be subject to enforcement between 11:30 a.m. and 3:30 pm on each of those days. The regulated area covers all navigable waters of Atlantic Ocean near Atlantic City, NJ, within a polygon bounded by the following: originating on the shore line at approximate position latitude 39°21'24.06"N, longitude 074°24'56.09"W; thence east to approximate position 39°20'46.89"N, longitude 074°24'41.85"W; thence south to approximate position to latitude 39°20'39.72"N, longitude 074°25'58.45"W; thence west to the shoreline at approximate position latitude 39°21'6.55"N, longitude 074°26'8.41"W; thence north along the shoreline to the point of origin.

The duration of the zone is intended to ensure the safety of participants and other waterway users during the scheduled offshore air show. No vessel or person will be permitted to enter the regulated area without obtaining permission from the COTP or a 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 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 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.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, 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.T05-0418 to read as follows:

§ 165.0599-0418 Safety Zone; Atlantic Ocean, Atlantic City, NJ.

(a) *Location.* This special local regulation applies to the following regulated area: All navigable waters of Atlantic Ocean near Atlantic City, NJ, within a polygon

bounded by the following: originating on the shore line at approximate position latitude 39°21'24.06"N, longitude 074°24'56.09"W; thence east to approximate position 39°20'46.89"N, longitude 074°24'41.85"W; thence south to approximate position to latitude 39°20'39.72"N, longitude 074°25'58.45"W; thence west to the shoreline at approximate position latitude 39°21'6.55"N, longitude 074°26'8.41"W; thence north along the shoreline to the point of origin. These coordinates are based on World Geodetic System (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 Delaware Bay (COTP) in the enforcement of the regulated area.

(c) *Regulations.* (1) All persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area described in paragraph (a) of this section unless authorized by the COTP or their designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative on VHF-FM channel 16. Those in the regulated area must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period[s].* This section will be enforced every day from 11:30 a.m. to 3:30 p.m. on May 29, 2026, through May 31, 2026.

Dated: May 19, 2026.

Kate F. Higgins-Bloom,
Captain, U. S. Coast Guard,
Captain of the Port, Sector Delaware Bay.

[FR Doc. 2026-10588 Filed: 5/27/2026 8:45 am; Publication Date: 5/28/2026]