



DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2026-1159]

RIN 1625-AA00

Safety Zone; Rocket Test Site, Rio Grande River, Boca Chica, TX

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 Rio Grande River. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by cryogenics and structural tests of rockets at the Massey's test site. This rulemaking will prohibit persons and vessels from being in the safety zone unless specifically authorized by the Captain of the Port, Sector Corpus Christi.

DATES: This rule is effective without actual notice from [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*] through October 31, 2026. For the purposes of enforcement, actual notice will be used from September 4, 2026, until [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

ADDRESSES: To view available documents go to <https://www.regulations.gov> and search for USCG-2026-1159.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rule, contact Lieutenant Commander Timothy Cardenas, Sector Corpus Christi Waterways Management Division, U.S. Coast Guard; telephone 361-244-4784, or email Timothy.J.Cardenas@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

SpaceX conducts rocket testing at their Massey's Test Site on a weekly basis.

This test site is on the Rio Grande River, approximately 6 miles inland from the mouth of the river. Test activities at this location create hazards such as the potential accidental discharge of cryogenic fuel and test failures resulting in dangerous projectiles and falling hot embers or other debris. The Captain of the Port (COTP) Corpus Christi has determined that the testing activities that create these potential hazards are a safety concern for anyone on the Rio Grande River within a half mile of the test site. 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.

Because of these potential hazards, 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 and contrary to the public interest. The Coast Guard is notified of these tests on a weekly basis, but it is not determined if static fire or cryogenic testing will be conducted, requiring activation of the safety zone, until hours before their start. Therefore, we do not have enough time to solicit and respond to comments. However, the Coast Guard has previously published a Notice of Proposed Rulemaking to establish a permanent safety zone around this site and is preparing a final rule for that project (90 FR 61112, December 30, 2025, Docket number USCG-2025-

0898). This temporary zone is necessary to ensure safety on the Rio Grande River until the permanent zone is established.

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 safety zone from September 4, 2026, through October 31, 2026. The safety zone would cover all navigable waters within a half mile radius of the testing facility located at 25°57'09.0"N, 97°14'50.0"W. The safety zone will only be enforced during times when explosive or hazardous testing operations are being conducted at the site. During those limited times, 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 rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analysis 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 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.T08-1159 to read as follows:

§ 165.T08-1159 Safety Zone; Rocket Test Site, Rio Grande River, Boca Chica, TX

(a) *Location.* The following area is a safety zone: All waters of the Rio Grande River, from surface to bottom, from 25°57'15.4"N, 97°14'30.4"W (approximately 0.5 miles east of the Massey's test facility), thence westward to 25°57'03.1"N, 97°15'34.1"W (approximate 0.5 miles west of the Massey's test facility). These coordinates are based on the 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 Corpus Christi (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 on VHF-FM channel 16 or by telephone at (800) 874-2143. 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 anytime between September 4, 2026, through October 31, 2026, when a company conducts testing operations that involve explosive material within the location described above. The COTP or a designated representative will inform the public through Broadcast Notices to Mariners (BNMs) and/or Marine Safety Information Bulletins (MSIBs) of the enforcement times and dates for this safety zone.

T. H. Bertheau,
Captain, U.S. Coast Guard,
Captain of the Port Sector Corpus Christi.