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9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2026-1146]

RIN 1625-AA00

Safety Zone; Key West Main Ship Channel, and Fleming Key Cut, Key West, FL

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing two temporary safety zones to support U.S. military training operations. Zone 1 will encompass the navigable waters of Fleming Key Cut within a 500-foot radius of surface support vessels. Zone 2 will encompass the navigable waters of the Key West Main Ship Channel within a 500-foot radius of surface support vessels. The zones are needed to protect personnel, vessels, and the marine environment from hazards associated with military training operations. Entry into either zone is prohibited unless specifically authorized by the Captain of the Port, Sector Key West, or a designated representative.

DATES: This rule is effective without actual notice from [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], through October 14, 2026. For the purposes of enforcement, actual notice will be used from September 10, 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-2026-1146.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, contact MSTC Mathew Mason, Sector Key West Waterways Management Division, U.S. Coast Guard; telephone 305-292-8823, or email Mathew.R.Mason@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background and Authority

The Coast Guard received notification that U.S. military training operations will be conducted in and around the Port of Key West. The training operations will be held over multiple dates in September and October of 2026. The training operations will be conducted along the Key West Main Ship Channel, Man of War Harbor and around Fleming Key. The Captain of the Port (COTP) Key West has determined that potential hazards associated with the training operations are a safety concern for anyone within a 500-foot radius of the surface support vessels.

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 zones.

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. The Coast Guard was notified of this event on August 19, 2026, but we must establish this safety zone by September 10, 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 reason, 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 two safety zones: Zone 1 and Zone 2. Zone 1 will be enforced daily from 8:00 a.m. until 11:59 p.m. on September 10-16, 2026, and from October 8-14, 2026. Zone 1 will encompass all navigable waters within a 500-foot radius of surface support vessels on Fleming Key Cut. Zone 2 will be enforced daily from 8:00 a.m. until 11:59 p.m. on September 15-October 13, 2026, Zone 2 will encompass all navigable waters within a 500-foot radius of surface support vessels on the Key West Main Ship Channel. Vessels and persons will not be allowed to enter either zone during this time, unless authorized by the Captain of the Port, 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 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; DHS Delegation No. 00170.1, Revision No. 01.4.

2. Add § 165.T07-1146 to read as follows:

§ 165.T07-1146 Safety Zone; Key West Main Ship Channel, Key West, FL.

(a) *Location*. The following areas are designated safety zones:

(1) *Zone 1.* All navigable waters of the Key West Main Ship Channel from surface to bottom extending outward 500 feet in all directions from surface support vessels.

(2) *Zone 2*. All navigable waters of the Fleming Key Cut from surface to bottom extending outward 500 feet in all directions from the surface support vessels.

(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 Key West (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 zones 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 (305) 340-7992. Those in the safety zones must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement periods*. Zone 1 described in paragraph (a)(1) of this section will be enforced daily from 8:00 a.m. until 11:59 p.m. on September 10-16, 2026, and daily from 8:00 a.m. until 11:59 p.m. on October 8-14, 2026. Zone 2 described in paragraph (a)(2) of this section will be enforced from 8:00 a.m. until 11:59 p.m. on September 15-October 13, 2026.

Joshua M. Empen,
Captain, U.S. Coast Guard,
Captain of the Port Sector Key West.

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