This document is scheduled to be published in the
Federal Register on 2026-09-22 and available online at
**https://www.federalregister.gov/d/2026-19352**, and on
**https://govinfo.gov**

BILLING CODE 9110-04-P

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 165**

**[Docket Number USCG-2026-1024]**

**RIN 1625-AA00**

**Safety Zone; Neuse River, New Bern, NC**

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

**ACTION:** Notice of proposed rulemaking.

---

**SUMMARY:** The Coast Guard is proposing to establish a temporary safety zone for certain navigable waters of the Neuse River in New Bern, North Carolina. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards during an aerobatic air show. This proposed rulemaking would prohibit persons and vessels from being in the safety zone unless specifically authorized by the Captain of the Port, North Carolina. We invite your comments on this proposed rulemaking.

**DATES:** Comments and related material must be received by the Coast Guard on or before **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

**ADDRESSES:** To submit comments and view available documents, go to https://www.regulations.gov and search for USCG-2026-1024.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this proposed rule, contact MSTC Shawn Stanley, Sector North Carolina Waterways

Management Division, U.S. Coast Guard; telephone 571-607-6971, or email shawn.w.stanley2@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 |
| RFA | Regulatory Flexibility Act of 1980 |
| § | Section |
| U.S.C. | United States Code |

**II. Background and Authority**

On July 13, 2026, an organization notified the Coast Guard that they will be hosting an aerobatic air show on the Neuse River, New Bern, NC on November 28, 2026. The Captain of the Port, Sector North Carolina (COTP) has determined that potential hazards associated with air shows, such as the risk of being hit by aircraft doing low altitude maneuvers, are a safety concern for anyone within the aerobatic display area. Therefore, the COTP is proposing 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.

**III. Discussion of the Rule**

This proposed rule would establish a safety zone from 2 p.m. until 7:30 p.m. on November 28, 2026. The safety zone would cover all navigable waters within the aerobatic display area, which is approximately one square mile large on the Neuse River adjacent to Union Point Park. 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 proposed 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 Act of 1980, 5 U.S.C. 601–612, as amended (RFA), requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. Section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the rulemaking is not expected to have a significant economic impact on a substantial number of small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities for the following reasons.

Vessel traffic will be able to safely transit around this regulated area. In addition, the Coast Guard will issue a Broadcast Notice to Marines via VHF FM marine channel 16, which will allow small entities to adjust their transit plans, and the rule allows vessels to request permission to enter the regulated area from the COTP.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic

impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this proposed rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), if this proposed 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).

*B. Collection of Information*

This proposed 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 proposed 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 proposed 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 proposed 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 proposed 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 proposed 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 is available in the docket.

**V. Public Participation and Request for Comments**

We view public participation as essential to effective rulemaking and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

*Submitting comments*. We encourage you to submit comments at *https://www.regulations.gov*. To do so, go to https://www.regulations.gov, type USCG-2026-1024 in the search box and click "Search." Next, look for this document in the

**Search Results** column, and click on it. Then click on the **Comment** option. If you cannot submit your material by using *https://www.regulations.gov*, call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

*Viewing material in the docket.* To view available documents, find the docket as described in the previous paragraph, and then select "Supporting & Related Material" in the Document Type column. We will post public comments in our online docket. Additional information is on the *https://www.regulations.gov* Frequently Asked Questions webpage.

*Personal information.* We accept anonymous comments. Comments we post to *https://www.regulations.gov* will include any personal information you have provided. For more about privacy and submissions to the docket in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

**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 is proposing to amend 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.T05-1024 to read as follows:

**§ 165.T05-1024 Safety Zone; Neuse River, New Bern, NC**

(a) *Location*. The following area is a safety zone: All waters of the Neuse River in New Bern, NC from surface to bottom, encompassed by a line connecting the following points beginning at latitude 35° 07' 03.55"N, longitude 77° 02' 04.73"W, thence to latitude 35° 07' 04.55"N, longitude 77° 01' 23.69"W, thence to latitude 35° 06' 02.30"N, longitude 77° 01' 20.92"W, thence to latitude 35° 06' 00.93"N, longitude 77° 01' 57.6618"W then north to the point of origin, for a total area of approximately 1 mile square. 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 Sector North Carolina (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 (833) 732-8628. 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 2 p.m. to 7:30 p.m. on November 28, 2026.

**J. A. Harlow,**

*Captain, U.S. Coast Guard,*

*Captain of the Port Sector North Carolina*.

[FR Doc. 2026-19352 Filed: 9/21/2026 8:45 am; Publication Date: 9/22/2026]