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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2026-1071]

RIN 1625-AA00

Safety Zone; Massachusetts Bay, Boston, MA

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 a certain navigable water of Massachusetts Bay, 22 miles northeast of Boston, MA. The safety zone is needed to protect personnel, vessels, and the maritime public from potential hazards created by subsea demolition operations. This proposed rulemaking would prohibit persons and vessels from entering the safety zone unless specifically authorized by the Captain of the Port Sector Boston or a designated representative. 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-2026-1071.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rule, contact Mr. Timothy W. Chase, Sector Boston Waterways Management Division, U.S. Coast Guard; telephone (617) 447-1620, or email Timothy.w.chase@uscg.mil

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR	Code of Federal Regulations
COTP	Captain of the Port, Sector Boston
MA	Massachusetts
MARAD	Maritime Administration
DHS	Department of Homeland Security
FR	*Federal Register*
NPRM	Notice of proposed rulemaking
TFR	Temporary Final Rule
§	Section
U.S.C.	United States Code

II. Background and Authority

On August 7, 2026, Neptune LNG LLC notified the Coast Guard that final approval was granted by the Maritime Administration (MARAD) to conduct decommissioning efforts of the Neptune LNG LLC Deepwater Port in Massachusetts Bay, located approximately 22 miles northeast of Boston, Massachusetts. The project is extensive and will require specialized equipment utilized by divers working on the sea floor. The planned physical removal framework involves taking out two submerged turret loading buoys, three transition manifolds, 16 wire rope and chain mooring lines and connecting infrastructure while partially abandoning buried pipeline in place. The Captain of the Port (COTP) Sector Boston has determined that potential hazards associated with complex subsea demolition are a safety concern for anyone within a 500-meter radius of the decommissioning activities. The COTP is proposing this rule under

the authority in 46 U.S.C. 70034 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 11:59 p.m. February 28, 2027, through 8 a.m. September 30, 2027. The safety zone will cover all the navigable waters of the Massachusetts Bay in a 500-meter radius of position approximate 42° 28'52.1"N, 070° 46'16.9"W, which is approximately 22 miles northeast of Boston, MA. The duration of the zone is intended to protect the maritime public, marine contractors, deep-sea divers and their support vessels conducting the decommissioning of the Neptune deepwater port facility. Support vessels used by the contractor will include a 140-meter construction vessel, multiple tugs and barges, underwater remote operated vehicles, and divers to conduct the operation. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

This rule will remain in effect through September 30, 2027, which should accommodate the possibility of project delays due to unforeseen circumstances. If the project is completed before September 30, 2027, enforcement of the safety zone will be suspended, and notice will be provided via the Local Notice to Mariners.

The Coast Guard Northeast District Local Notice to Mariners can be found at: https://www.navcen.uscg.gov/maritime-safety-information.

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, 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. This regulation will only impact a small area of Massachusetts Bay. In addition, the Coast Guard will issue a Broadcast Notice to Mariners 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 for viewing 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-2026-1071 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.T01-1071 to read as follows:

§ 165.T01-1071 Safety Zone; Massachusetts Bay, Boston MA.

(a) *Location*. The following area is a safety zone: all navigable waters of a portion of Massachusetts Bay in a 500-meter radius of position approximate 42°

28’52.1”N, 070° 46’16.9”W approximately 22 miles northeast of Boston, MA. Positions provided are expressed in Degrees (°) Minutes (') Seconds (“) (DMS) based on North American Datum 1983 (NAD 83).

(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 Boston (COTP) in the enforcement of the safety zone.

(c) *Regulations*. (1) Under the general safety zone regulations in paragraph (c) of this section, 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) 449-0539. 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 11:59 p.m. February 28, 2027, through 8 a.m. September 30, 2027. If the project this safety zone supports is completed before September 30, 2027, enforcement of the safety zone will be suspended, and notice will be provided via the Local Notice to Mariners.

Dated: September 18, 2026.

J. C. Frederick,

CAPTAIN, U.S. Coast Guard,

Captain of the Port Sector Boston.

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