



DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2026-1214]

RIN 1625-AA00

Safety Zone; Sector Mobile Captain of the Port Zone, Mobile, AL

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a temporary moving safety zone and two temporary fixed safety zones to support the arrival and dismantling of the EX ENTERPRISE, formerly the USS ENTERPRISE (CVN-65), in the Sector Mobile Captain of the Port Zone. This proposed rulemaking would prohibit persons and vessels from entering these zones unless authorized by the Captain of the Port, Sector Mobile. 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 15 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-2026-1214.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, contact Lieutenant Zachary West, Waterways Management -Division, U.S. Coast Guard Sector Mobile; telephone (251) 382-8653, e-mail SectorMobileWaterways@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

In June 2026, the U. S. Navy awarded a contract for the dismantling, recycling, and disposal of EX ENTERPRISE. Under this contract, EX ENTERPRISE will be dismantled in its entirety, and all resulting materials will be recycled or disposed of. Specifically, hazardous materials, including low-level radioactive waste, will be packaged and safely transported for disposal at authorized licensed sites. The vessel will be towed to its designated dismantlement location and has no capability to maneuver under its own power. Work will be performed in Mobile, Alabama, and is expected to be completed by December 2030. The receiving facility for the EX ENTERPRISE is on the west side of the Mobile River, located at 701 South Royal Street, in Mobile, AL.

To support the project, the U.S. Coast Guard was asked to establish a moving safety zone around the vessel and a temporary fixed safety zone on portions of the Mobile Bay and Mobile River channels to address risks associated with its transit into Mobile, and a second temporary fixed safety zone around the EX ENTERPRISE to address risk associated with the dismantling operation. These risks include the fact that EX ENTERPRISE has no propulsion, limited maneuverability, and contains regulated materials requiring controlled handling. When moored, the vessel will undergo prolonged dismantling operations involving the removal of hazardous materials and regulated waste, including radiological materials. Work crews, equipment, and response assets will be actively engaged on and around the hull. The Captain of the Port Sector Mobile (COTP) has determined that the transit and dismantling operations present safety concerns for the EX ENTERPRISE, personnel involved with the operations, and the public. Therefore, the

COTP is proposing this rule under the authority in 46 U.S.C. 70034, which is needed to protect personnel and vessels in the navigable waters within these zones.

The Coast Guard is providing a comment period of fewer than 30 days because EX ENTERPRISE is scheduled to arrive on or about November 13, 2026, and the proposed safety zones must be in place by that date to ensure public and vessel safety during the tow and arrival operations. Providing a full 30-day comment period would prevent the Coast Guard from implementing necessary protections in time and would be contrary to the public interest.

III. Discussion of the Rule

To protect vessels, personnel, and the marine environment from hazards associated with the towing operations and subsequent dismantling of the EX ENTERPRISE, this proposed rule would establish a temporary moving safety zone that will be in effect whenever EX ENTERPRISE is underway and actively being towed within the Mobile COTP Zone. This moving safety zone would encompass all navigable waters within 100 yards of EX ENTERPRISE and all vessels involved in the dead-ship tow operation. The arrival of the EX ENTERPRISE into the Mobile COTP zone is anticipated to occur sometime in November 2026, and the COTP will provide specific notice of the enforcement date and time through Broadcast Notice to Mariners and other public advisories. Enforcement of the temporary moving safety zone would terminate once the EX ENTERPRISE is moored at the receiving facility.

This proposed rule would also establish a temporary fixed safety zone on all waters of the navigational channel, extending from the Mobile Bar Lighted Buoy 1 (LLNR 6100) northward to the Mobile River Channel ending at the Cochrane Bridge. Enforcement of this safety would begin upon arrival of the EX ENTERPRISE to the entrance of the Mobile Bar Channel until the vessel is moored at the receiving facility. The COTP will provide specific notice of the enforcement date and time through

Broadcast Notice to Mariners and other public advisories. Enforcement of the moving safety zone and the fixed safety zone on the navigational channel would terminate once the EX ENTERPRISE is moored at the receiving facility.

In addition, this proposed rule would establish another temporary fixed-safety zone, extending 200-ft around the EX ENTERPRISE once it is moored at the receiving facility. This safety zone will remain in effect throughout the dismantling operations, for an estimated period of five years. Vessels may transit through portions of the safety zone that overlap the Federal channel only for direct and expeditious passage, while remaining within the channel, maintaining the maximum safe distance from EX ENTERPRISE, and not stopping or loitering. This zone is necessary due to the extensive dismantling work, removal of hazardous and regulated materials, and the continuous presence of personnel and equipment on and around the hull, all of which create elevated risks to nearby traffic.

The duration and enforcement periods for the temporary moving safety zone, temporary fixed safety zone, and the temporary fixed moored safety zone have been tailored to ensure protection of personnel, vessels, and the marine environment in these navigable waters while minimizing impacts on other waterway users to only what is necessary.

The COTP will issue a Broadcast Notice to Mariners via marine channel 16 (VHF-FM) and an MSIB announcing the exact dates and times of enforcement to the local maritime community. No vessel or person may enter these safety zones 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, 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 transit around the safety zones, and may also transit through the zones with permission from the COTP or a designated representative. Although these zones restrict movement in the immediate vicinity of EX ENTERPRISE, the overall impact on navigation is expected to be limited. The zones are narrowly tailored to the operational footprint of the tow and dismantling activities, and enforcement will occur only during defined periods necessary to ensure the safety of workers, nearby vessels, and the marine environment.

In addition, the Coast Guard will issue a Marine Safety Information Bulletin and 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. 4321–4370f), 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 temporary safety zone and two temporary fixed safety zones. 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.

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-2026-1214 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.T08-1214 to read as follows:

§ 165.T08-1214 Safety Zone; Sector Mobile Captain of the Port Zone, Mobile, AL

(a) *Locations.* (1) The following area is a moving safety zone: all navigable waters within a 100-yard radius of the EX ENTERPRISE and all vessels involved in the dead ship tow operation within the Sector Mobile Captain of the Port Zone.

(2) The following area is a fixed safety zone: all navigable waters within any Federal channel from the Mobile Bar Channel, beginning at the Mobile Bar Lighted Buoy 1 (LLNR 6100), extending northward to the Mobile River Channel ending at the Cochrane Bridge.

(3) The following area is a fixed safety zone: All navigable waters within a 200-ft radius of the EX ENTERPRISE while moored at the receiving facility on the west side of the Mobile River, located at 701 South Royal Street, in Mobile, AL.

(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 Mobile (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 paragraphs (a)(1), (a)(2) and (a)(3) of this section unless authorized by the COTP or the COTP's designated representative.

(2) Vessels may transit through portions of the fixed safety zone described in paragraph (a)(3) that overlap the Federal channel only for direct and expeditious passage, while remaining within the channel, maintaining the maximum safe distance from EX ENTERPRISE, and not stopping or loitering.

(3) To seek permission to enter, contact the COTP or the COTP's representative on VHF-FM channel 16 or by telephone at (251) 266-5888. 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 periods. This temporary regulation is effective from November 13, 2026 until December 31, 2030. The zones described in paragraph (a) will be enforced during the periods described below.

(1) The moving safety zone described in paragraph (a)(1) will be enforced during the transit of the EX ENTERPRISE on all navigable waters of the United States within the Captain of the Port Sector Mobile zone, until the vessel is moored at the receiving facility.

(2) The fixed safety zone described in paragraph (a)(2) of this part will be enforced beginning when the EX ENTERPRISE arrives at the entrance of the Mobile Bar Channel at the Mobile Bar Lighted Buoy 1 (LLNR 6100), and will remain in effect, until the vessel is moored at the receiving facility.

(3) The fixed safety zone described in paragraph (a)(3) will be enforced once the EX ENTERPRISE is moored at the receiving facility and will remain in effect until the dismantlement project has progressed to a stage deemed safe for nearby vessel traffic by the Captain of the Port (COTP). The dismantlement project is expected to be completed by December 2030. If the project is completed before December 31, 2030, enforcement of the fixed safety zone described in paragraph (a)(3) will be terminated, and notice given via Local Notice to Mariners. The USCG Heartland District Local Notice to Mariners can be found at: <http://www.navcen.uscg.gov>.

(4) For each enforcement period generally described above, the Captain of the Port (COTP) will issue a Marine Safety Information Bulletin (MSIB) and Broadcast Notice to Mariners via marine channel 16 (VHF-FM), and Local Notice to Mariners announcing the exact dates and times of the enforcement periods in advance to the local maritime community.

M.O. Vega,
Captain, U.S. Coast Guard,
Captain of the Port Sector Mobile