



DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2026-0095]

RIN 1625-AA00

Safety Zone; S.S. UNITED STATES Dead Ship Tow, Sector Mobile Captain of the Port Zone, Mobile, AL

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary moving safety zone around the S.S. UNITED STATES and all vessels involved in its towage through the Mobile River Channel, Mobile Bay, and the Gulf of America. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by the dead ship tow. Entry of persons and vessels into this zone is prohibited unless specifically authorized by the Captain of the Port (COTP), Sector Mobile.

DATES: This rule is effective from November 6, 2026 through November 16, 2026.

ADDRESSES: To view available documents go to <https://www.regulations.gov> and search for USCG-2026-0095.

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	<i>Federal Register</i>
NM	Nautical Mile
NPRM	Notice of proposed rulemaking
§	Section
U.S.C.	United States Code

II. Background and Authority

The Coast Guard received notification that S.S. UNITED STATES, a former commercial ocean liner, will be moved, via dead ship tow, from its current location in Mobile, AL to a point in the Gulf of America where it will be sunk as an artificial reef. The entities involved in this operations have requested that the Coast Guard establish a safety zone around the S.S. UNITED STATES, and all vessels involved in its towage, as it is towed from its pier in Mobile, Alabama, through the Mobile River Channel, Mobile Bay, and into the Gulf of America. Hazards from the departure of the S.S. UNITED STATES include restricted maneuverability of tow, wake from passing traffic, and potential for significant vessel congestion. The Captain of the Port Sector Mobile (COTP) has determined that these potential hazards associated with towing the S.S. UNITED STATES are a safety concern for anyone within 100 yards of the towing evolution. 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 vicinity of this dead-ship towing operation.

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 schedule for this towing operation was not finalized until October 20, 2026, and therefore the Coast Guard was unable to publish a Notice of Proposed Rulemaking for this safety zone prior to the dead-ship tow operation beginning as early as October 12, 2026. This safety zone must be established by November 6, 2026 to protect personnel, vessels, and

the marine environment from the hazards associated with the operation. Therefore, we do not have enough time to solicit and respond to comments.

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 temporary moving safety zone that will be in effect from November 6, 2026, through November 16, 2026. The safety zone will cover all navigable waters within 100 yards of the S.S. UNITED STATES and all vessels involved in the dead ship tow operation. While the rule will be effective 10 days, the zone will only be enforced during active dead ship tow operations for the transit of the S.S. UNITED STATES from the pier in Mobile, AL until it reaches the limit of the United States Territorial Sea, approximately 12 Nautical Miles (NM) offshore of Destin, FL. The date and time of the vessel's departure will depend on weather and sea conditions in the area. In advance of the vessel's departure, the COTP will issue a Broadcast Notice to Mariners via marine channel 16 (VHF-FM), as well as other public advisories, to inform the local maritime community of the exact dates(s) and times that the safety zone will be enforced. No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP 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.T08-0095 to read as follows:

§ 165.T08-0095 S.S. UNITED STATES Dead Ship Tow, Sector Mobile Captain of

the Port Zone, Mobile, AL

(a) *Location.* The following area is a moving safety zone: All navigable waters within a 100-yard radius of the S.S. UNITED STATES and all vessels involved in the dead ship tow operation within the Sector Mobile Captain of the Port (COTP) Zone. The zone will become effective when the S.S. UNITED STATES departs the Modern American Recycling Services facility in Mobile, AL, and will move with the vessels until they reach the Territorial Sea boundary, approximately 12 Nautical Miles offshore of Destin, FL.

(b) *Definitions.* As used in this section, *designated representative* is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of the Captain of the Port Sector Mobile.

(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 (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 period.* This section is effective from November 6, 2026 through November 16, 2026. During this period, the safety zone will be enforced only while the S.S. UNITED STATES and all towing vessels supporting its operation are transiting within the COTP Mobile zone. The COTP will issue a Broadcast Notice to Mariners via marine channel 16 (VHF-FM) to advise the public of the exact date(s) and times in advance of the enforcement periods.

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

