

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, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.3.

■ 2. Add § 165.T11–125 to read as follows:

§ 165.T11–125 Safety Zone; Pier 15 Fireworks; San Francisco Bay, San Francisco, CA.

(a) *Locations.* The following area is a safety zone: all navigable waters of the San Francisco Bay, from surface to bottom, within a circle formed by connecting all points 100 feet out from the fireworks vessel during loading and staging at Westar Marine Service Pier 50 in San Francisco, CA as well as transit and arrival to the display location off Pier 15, San Francisco Bay in San Francisco CA. Between 9:30 p.m. and 10:40 p.m. on May 20, 2023, the safety zone will expand to all navigable waters, from surface to bottom, within a circle formed by connecting all points 300 feet out from the fireworks vessel in approximate position 37°48'07.33" N 122°23'43.42" W (NAD 83) or as announced by Marine Information Broadcast.

(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, or a Federal, State, or local officer designated by or assisting the Captain of the Port (COTP) San Francisco 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) The safety zone is closed to all vessel traffic, except as may be permitted by the COTP or the COTP’s designated representative.

(3) Vessel operators desiring to enter or operate within the safety zone must contact the COTP or the COTP’s designated representative to obtain permission to do so. Vessel operators given permission to enter in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP’s designated representative. Persons and vessels may request permission to enter the safety zone on VHF–23A or through the 24-hour Command Center at telephone (415) 399–3547.

(d) *Enforcement period.* This section will be enforced from 11 a.m. until 10:40 p.m. on May 20, 2023.

(e) *Information broadcasts.* The COTP or the COTP’s designated representative will notify the maritime community of periods during which this zone will be enforced, in accordance with 33 CFR 165.7.

Dated: May 7, 2023.

Taylor Q. Lam,

Captain, U.S. Coast Guard, Captain of the Port Sector San Francisco.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2023–0370]

Safety Zone; San Francisco Giants Fireworks, San Francisco Bay, San Francisco, CA

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone for the San Francisco Giants Fireworks in the Captain of the Port, San Francisco area of responsibility during the dates and times noted below. This action is necessary to protect personnel, vessels, and the marine environment from the hazards associated with the fireworks display. During the enforcement period, unauthorized persons and vessels are prohibited from entering into, transiting through, or remaining in the safety zone, unless authorized by the Patrol Commander (PATCOM), any Official Patrol defined as other Federal, State, or local law enforcement agencies on scene to assist the Coast Guard in enforcing the regulated area.

DATES: The regulations in 33 CFR 165.1191 will be enforced for the location identified in Table 1 to § 165.1191, Item number 1, from 10 a.m. until 10:40 p.m. on May 19, 2023.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email LT William Harris, Waterways Management Division, U.S. Coast Guard Sector San Francisco; telephone (415) 399–7443, email SFWaterways@uscg.mil.

SUPPLEMENTARY INFORMATION:

The Coast Guard will enforce the safety zone in 33 CFR 165.1191 Table 1,

Item number 1 for the San Francisco Giants Fireworks from 10 a.m. until 10:40 p.m. on May 19, 2023. The safety zone will extend to all navigable waters of the San Francisco Bay, from surface to bottom, within a circle formed by connecting all points 100 feet outwards of the fireworks barge during the loading, transit, and arrival of the fireworks barge from the loading location to the display location and until the start of the fireworks display. From 10 a.m. until 9 p.m. on May 19, 2023, the fireworks barge will be loading pyrotechnics from Pier 50 in San Francisco, CA. The fireworks barge will remain at the loading location until its transit to the display location. From 9 p.m. to 9:15 p.m. on May 19, 2023, the loaded fireworks barge will transit from Pier 50 to the launch site near Pier 48 in approximate position 37°46'36" N, 122°22'56" W (NAD 83) where it will remain until the conclusion of the fireworks display. Upon the commencement of the 10-minute fireworks display, scheduled to begin at the conclusion of the baseball game, between 9:30 p.m. and 10 p.m. on May 19, 2023, the safety zone will increase in size and encompass all navigable waters of the San Francisco Bay, from surface to bottom, within a circle formed by connecting all points 700 feet out from the fireworks barge near Pier 48 in approximate position 37°46'36" N, 122°22'56" W (NAD 83). This safety zone will be enforced from 10 a.m. until 10:40 p.m. on May 19, 2023, or as announced via Marine Information Broadcast.

Under the provisions of 33 CFR 165.1191, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone during all applicable effective dates and times, unless authorized to do so by the PATCOM or other Official Patrol, defined as a Federal, State, or local law enforcement agency on scene to assist the Coast Guard in enforcing the safety zone. During the enforcement period, if you are the operator of a vessel in one of the safety zones you must comply with the directions from the Patrol Commander or other Official Patrol. The PATCOM or Official Patrol may, upon request allow the transit of commercial vessels through regulated areas when it is safe to do so.

In addition to this enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via the Local Notice to Mariners.

If the Captain of the Port determines that the regulated area need not be enforced for the full duration stated in

this notice, a Marine Information Bulletin may be used to grant general permission to enter the regulated area.

Dated: May 7, 2023.

Taylor Q. Lam,

Captain, U.S. Coast Guard, Captain of the Port San Francisco.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No: 230509–0127]

RIN 0648–BL92

Pacific Halibut Fisheries of the West Coast; 2023 Catch Sharing Plan and Recreational Management Measures; Correction

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; correction.

SUMMARY: This action makes two corrections to the final rule that approved the 2023 Area 2A Pacific halibut catch sharing plan and implemented recreational management measures, which published on April 11, 2023. Specifically, NMFS is correcting the open fishing dates listed for the Washington South Coast subarea fishery and a reference to the subarea allocation amount for the Washington South Coast fishery.

DATES: Effective May 12, 2023.

FOR FURTHER INFORMATION CONTACT: Katie Davis, West Coast Region, NMFS, (323) 372–2126, Katie.Davis@noaa.gov.

SUPPLEMENTARY INFORMATION: NMFS manages the Pacific halibut fishery in International Pacific Halibut Commission Regulatory Area 2A (waters off Washington, Oregon, and California) in accordance with the Northern Pacific Halibut Act of 1982 (Halibut Act), 16 U.S.C. 773–773k. As provided in the Halibut Act, the Regional Fishery Management Council having authority for the geographic area concerned may develop, and the Secretary of Commerce may implement, regulations governing Pacific halibut fishing in U.S. waters that are in addition to, and not in conflict with, approved International Pacific Halibut Commission (IPHC) regulations (16 U.S.C. 773c(c)). Since 1988, the Pacific Fishery Management Council (Council) has developed a

Catch Sharing Plan, through the Council's public process, that allocates the Area 2A Pacific halibut catch limit between treaty tribal and non-tribal harvesters, and among non-tribal commercial and recreational (sport) fisheries and adopts management measures for the fishery. NMFS has implemented at 50 CFR 300.63 *et seq.* certain provisions of the Catch Sharing Plan and implemented in annual rules annual management measures consistent with the Catch Sharing Plan. A final rule (88 FR 21503, April 11, 2023) implemented management measures consistent with the recommendations made by the Council in its 2023 Catch Sharing Plan, including days the fishery is open and subarea allocations in Area 2A. The season dates and bag limits in the final rule were effective on April 6, 2023 and the remainder of the rule is effective on May 11, 2023. The final rule contained two transcription errors for the Washington South Coast subarea.

Season Dates

On page 21504 of the final rule, NMFS inadvertently excluded three days the Council intended the fishery to be open in the Washington South Coast subarea: May 16, 20, and 30. At its November meeting, the Council recommended NMFS implement specific season dates for fishing in the Washington South Coast subarea. These dates were developed at the Council's September and November meetings with opportunity for public input. Specifically, the Council recommended that the Washington South Coast subarea be open for fishing on "May 4 through May 23, three days per week, Tuesday, Thursday, and Sunday; Memorial Day weekend, open Thursday, May 25, and Tuesday, May 30"; however, the final rule inadvertently excluded Tuesdays in May.

As such, consistent with the intent of the Council, the corrected season dates for the Washington South Coast subarea in May are:

1. May 4, 7, 9, 11, 14, 16, 18, 21, 23, 25, and 30.

There are no other corrections to the season dates published in the final rule.

Subarea Allocation

Under the allocation framework the Council adopted in the Catch Sharing Plan, the Washington South Coast subarea is allocated 12.3 percent of the first 130,845 lb allocated to the Washington recreational fishery, and 32 percent of the Washington recreational allocation between 130,845 lb and 224,110 lb. Consistent with this framework and the allocation the IPHC

set for Area 2A in 2023 (88 FR 14066, March 7, 2023), the Washington South Coast subarea is allocated 64,376 lb in 2023. Page 21504 of the final rule, consistent with the allocation framework in the Catch Sharing Plan, states that the Washington South Coast subarea allocation is 64,376 lb. However, the following paragraph on page 21504 incorrectly states that the subarea fishery would remain open "until 68,555 lb (31.10 mt) is projected to be taken," which is inconsistent with the subarea allocation for 2023.

As such, consistent with the intent of the Council, the corrected statement regarding the time at which the Washington South Coast subarea will close is as follows:

1. The fishing season in the Washington South Coast northern nearshore area commences the Saturday subsequent to the closure of the primary fishery in May or June if allocation remains in the Washington South Coast subarea allocation, and continues 7 days per week until 64,376 lb (29.20 mt) is projected to be taken by the two fisheries combined and the fishery is therefore closed or on September 30, whichever is earlier.

There are no other corrections to the final rule published April 11, 2023.

Classifications

Section 553(b)(3)(B) of the Administrative Procedure Act (APA) authorizes agencies to dispense with notice and comment procedures for rules when the agency for "good cause" finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." The Assistant Administrator for Fisheries determined there is good cause to waive prior notice and an opportunity for public comment on this action as notice and comment would be impracticable and contrary to public interest because this action is necessary to correct an inadvertent error in the April 11, 2023, final rule (88 FR 21503). Immediate correction of the error is necessary to prevent confusion among participants in the fishery and to ensure management of the fishery is consistent with both the Council's intent for regulations developed over two public meetings and the public's expectations based on recommendations made in the Council's Catch Sharing Plan, as well as outreach materials distributed by the State of Washington. The corrected dates are also consistent with dates the fishery was open in 2022. Thus, delaying this correction to engage in notice-and-comment rulemaking would be contrary to the public interest.

Under section 553(d) of the APA, an agency must delay the effective date of