

proposed rule and other relevant matter presented, including the Authorization Act.

We do not anticipate issuing a final rule in that rulemaking until after May 8, 2023. In that rulemaking we will consider either keeping the implementation date introduced by this rule, May 8, 2026, or changing it to an even later date. To view the status of that rulemaking, TWIC—Reader Requirements; Second Delay of Effective Date, search for RIN 1625–AC80 in the Unified Agenda via www.reginfo.gov.

The Coast Guard is issuing this final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a NPRM with respect to this rule. This rule simply conforms the regulations with the applicable statute, notice and comment procedures are unnecessary. We have referenced the separate, ongoing rulemaking that will address whether the implementing date in our regulations should be changed to a date beyond the earliest date, May 8, 2026, permitted by the Authorization Act.

Also, we find good cause under provisions in 5 U.S.C. 553(d)(3) to make this rule effective upon publication because delaying the effective date is unnecessary and contrary to the public interest. Given the nullification of the May 6, 2023 date by the Authorization Act, changing the date immediately will have no effect on the public. In addition, waiting 30 days after publication to remove the conflicting dates from § 105.253(a)(2) through (4) is contrary to the public’s interest in having access to accurate regulations.

We have analyzed this final rule under Department of Homeland Security Management 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 made a determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. A Record of Environmental Consideration supporting this determination is available in the docket. This rule is categorically excluded under paragraph L54 of Appendix A, Table 1 of DHS Instruction Manual 023–01(series). Paragraph L54 pertains to regulations that are editorial or procedural.

List of Subjects in 33 CFR Part 105

Maritime security, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons listed in the preamble, the Coast Guard amends 33 CFR part 105 as follows:

PART 105—MARITIME SECURITY: FACILITIES

■ 1. The authority citation for part 105 continues to read as follows:

Authority: 46 U.S.C. 70034, 70103, 70116; sec. 811, Pub. L. 111–281, 124 Stat. 2905 (46 U.S.C. 70103 note); 33 CFR 1.05–1, 6.04–11, 6.14, 6.16, and 6.19; DHS Delegation No. 00170.1, Revision No. 01.3.

■ 2. In § 105.253, paragraphs (a)(2) through (4), remove the date “May 8, 2023”, and add, in its place, the date “May 8, 2026”.

Dated: April 12, 2023.

J.E. McLeod,

Acting Chief, Office of Regulations and Administrative Law.

[FR Doc. 2023–08040 Filed 4–14–23; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2023–0262]

Safety Zones; Annual Fireworks Displays Within the Captain of the Port, Puget Sound

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce fourteen safety zones for annual firework displays in the Captain of the Port, Sector Puget Sound Zone during the dates and times noted under **SUPPLEMENTARY INFORMATION**. This action is necessary to prevent injury and to protect life and property of the maritime public from the hazards associated with the firework displays. The regulation prohibits persons and vessels from being in the regulated areas unless authorized by the Captain of the Port Puget Sound or a designated representative.

DATES: The regulations in 33 CFR 165.1332 will be enforced for the fourteen safety zones identified in the **SUPPLEMENTARY INFORMATION** section from 5 p.m. on July 4, 2023, through 1 a.m. on July 5, 2023.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email Chief Warrant Officer William Martinez, Sector Puget Sound Waterways Management, Coast Guard; telephone 206–217–6051, SectorPugetSoundWWM@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce regulations in 33 CFR 165.1332 for the following safety zones established for Annual Fireworks Displays within the Captain of the Port, Puget Sound Area of Responsibility. These regulations will be enforced from 5 p.m. on July 4, 2023, through 1 a.m. on July 5, 2023, at the following locations:

Event name	Location	Latitude	Longitude
Seattle Seafair	Lake Washington	47°34.333' N	122°16.017' W
City of Anacortes	Fidalgo Bay	48°30.016' N	122°36.154' W
Mercer Island Celebration	Mercer Island	47°35.517' N	122°13.233' W
Fireworks Display	Henderson Bay	47°21.8' N	122°38.367' W
Kenmore Community Fireworks Display	Lake Forest Park	47°44.783' N	122°16.917' W
Kingston Fireworks	Appletree Cove	47°47.65' N	122°29.917' W
Brewster Fire Department Fireworks	Brewster	48°05.362' N	119°47.147' W
Port Angeles	Port Angeles Harbor	48°07.033' N	123°24.967' W
Friday Harbor Independence	Friday Harbor	48°32.255' N	123°0.654' W
Roche Harbor Fireworks	Roche Harbor	48°36.7' N	123°09.5' W
True Colors Event	Blaine	48°59.488' N	122°46.339' W

Event name	Location	Latitude	Longitude
City of Mount Vernon Fireworks	Edgewater Park	48°25.178' N	122°20.424' W

The special requirements listed in 33 CFR 165.1332(b) apply to the activation and enforcement of these safety zones. All non-participants are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the Captain of the Port or their designated representative. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

In addition to the publication of this document in the **Federal Register**, the Coast Guard will issue advanced notification of enforcement of these safety zones via the Broadcast Notice to Mariners and Local Notice to Mariners.

Dated: April 10, 2023.

Y. Moon,

Captain, U.S. Coast Guard, Acting Captain of the Port Sector Puget Sound.

[FR Doc. 2023–08014 Filed 4–14–23; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2023–0207]

RIN 1625–AA87

Security Zone; Kokosing ROV Survey Operation, Straits of Mackinac, MI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary security zone for navigable waters within a 500-yard radius of Tug Valerie B, Tug Nancy Anne, Tug Champion, Tug General and crew boat Timmy V. The security zone is needed to protect the remotely operated vehicle survey operations from other vessels. Entry of vessels into this zone is prohibited unless specifically authorized by the Captain of the Port Sault Ste. Marie.

DATES: This rule is effective from May 1, 2023, through May 31, 2023.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2023–0207 in the search box and click “Search.” Next, in the Document Type column, select “Supporting & Related Material.”

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LT Deaven S. Palenzuela, Sector Sault Sainte Marie Waterways Management Division, U. S. Coast Guard at (906) 635–3223 or email ssmprevention@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 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 impractical to publish an NPRM by the date operations begin and we must establish a security zone in order to ensure that remotely operated vehicle (“ROV”) operations can be conducted safely.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable because immediate action is needed to respond to the potential safety hazards posed by vessel traffic to Kokosing Industrial’s ROV survey operations.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034, 70051, 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; and Department of Homeland Security Delegation No. 00170.1, Revision No. 01.3. The Captain of the Port Sault Ste. Marie (COTP) has determined that potential safety hazards posed by other vessels to ROV survey operations within one nautical mile of charted submerged pipeline or cable in

the Straits of Mackinac RNA starting May 1, 2023, will be a concern and is establishing security zone within a 500-yard radius of Tug Valerie B, Tug Nancy Anne, Tug Champion, Tug General and crew boat Timmy V. This rule is needed to protect the vessels and personnel involved in the ROV survey operations from other vessels transiting the Straits of Mackinac at the same time this project is being conducted.

IV. Discussion of the Rule

This rule establishes a security zone from May 1, 2023 through May 31, 2023. The security zone will cover all navigable waters within 500 yards of Tug Valerie B, Tug Nancy Anne, Tug Champion, Tug General and crew boat Timmy V. The duration of the security zone is intended to protect personnel and vessels involved with conducting the ROV survey operations. No vessel or person will be permitted to enter the security zone without obtaining permission from the COTP.

V. 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, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This rule has not been designated a “significant regulatory action,” under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the size and location of the security zone. Vessel traffic will be able to safely transit around this security zone which would impact a small designated area of the Straits of Mackinac. Moreover, the Coast Guard will issue a Local Notice to Mariners about the security zone, and the rule would allow vessels to seek permission to enter the zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended,