

Interference with Constitutionally Protected Property Rights.

9. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

10. Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

11. Indian Tribal Governments

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.

12. Energy Effects

This action is not a “significant energy action” under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded 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 involves the establishment of a special local regulation issued in conjunction with a regatta or marine parade. This rule is categorically excluded from further review under paragraph 34(h) and 35(b) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion

Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233

■ 2. Add a temporary § 100.35T07–0250 to read as follows:

§ 100.35T07–0250 Special Local Regulations; Daytona Beach Grand Prix of the Sea, Atlantic Ocean; Daytona Beach, FL.

(a) *Regulated Areas*. The following regulated areas are established. All coordinates are North American Datum 1983.

(1) *Race Area*. All waters of the Atlantic Ocean located east of Daytona Beach encompassed within an imaginary line connecting the following points: starting at Point 1 in position 29°14'60" N, 81°00'77" W; thence east to Point 2 in position 29°14'78" N, 80°59'80" W; thence south to Point 3 in position 28°13'86" N, 80°59'76" W; thence west to Point 4 in position 29°13'68" N, 81°00'28" W; thence north back to origin.

(2) *Buffer Zone*. All waters of the Atlantic Ocean located east of Daytona Beach, excluding the race area, and encompassed within an imaginary line connecting the following points: starting at Point 1 in position 29°14'54" N, 80°00'77" W; thence east to Point 2 in position 29°14'72" N, 81°00'23" W; thence south to Point 3 in position 29°13'91" N, 80°59'84" W; thence west to Point 4 in position 29°13'70" N, 81°00'34" W; thence north back to origin.

(b) *Definition*. The term “designated representative” means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port Jacksonville in the enforcement of the regulated areas.

(c) *Regulations*. (1) All persons and vessels are prohibited from entering, transiting through, anchoring in, or

remaining within Race Area unless an authorized race participant.

(2) All persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within Buffer Zone except for those vessels enforcing the buffer zone or authorized race participants transiting to the race area.

(3) Vessels that are neither participating in the race nor enforcing the buffer zone are prohibited from entering the regulated areas unless authorized by the Captain of the Port Jacksonville or a designated representative.

(4) Persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated areas may contact the Captain of the Port Jacksonville by telephone at (904) 564–7513, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain within the regulated areas is granted by the Captain of the Port Jacksonville or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Jacksonville or a designated representative.

(5) The Coast Guard will provide notice of the regulated areas by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

(d) *Enforcement Date*. This rule will be enforced from 9 a.m. until 4 p.m. daily on June 14 to 16, 2013.

Dated: May 24, 2013.

T.G. Allan, Jr.,
Captain, U. S. Coast Guard, Captain of the Port Jacksonville.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2012–0911]

Drawbridge Operation Regulation; City Waterway Also Known as Thea Foss Waterway, Tacoma, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the South 11th Street (“Murray Morgan”) Bridge across the City Waterway also known as the

Thea Foss Waterway, mile 0.6, at Tacoma, WA. The current test deviation will expire 8 a.m. June 15, 2013. This deviation is necessary to continue with the current operating schedule until the final rulemaking changes permanently go into effect.

DATES: This deviation is effective from 8 a.m. on June 15, 2013 to 8 a.m. June 30, 2013.

ADDRESSES: The docket for this deviation, [USCG-2012-0911] is available at <http://www.regulations.gov>. Type the docket number in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12-140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Lieutenant Commander Steven Fischer, Bridge Specialist, Coast Guard Thirteenth District; telephone 206-220-7277, email Steven.M.Fischer2@uscg.mil. If you have questions on viewing the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone 202-366-9826.

SUPPLEMENTARY INFORMATION: On November 20, 2012, the Coast Guard published a notice of proposed rulemaking (NPRM) entitled, "Drawbridge Operation Regulation; Thea Foss Waterway previously known as City Waterway, Tacoma, WA" in the *Federal Register* (77 FR 69576). This NPRM proposed three changes to the operating schedule of the Murray Morgan Bridge, also known as the South 11th Street Bridge, across Thea Foss Waterway, previously known as City Waterway, mile 0.6, at Tacoma.

The first change requires that for bridge openings needed between 10 p.m. and 8 a.m., notification be made no later than 8 p.m. prior to the desired opening. This differs from the existing regulation in that presently the bridge is required to open at all times (except during authorized closure periods) provided two hours advance notice is given. Over an 18 month period there were only 6 bridge openings requested between 10 p.m. and 8 a.m. which averages one bridge opening request per three month period. One of the unique features of the Murray Morgan Bridge is its height above the waterway providing 60 feet of clearance at mean high water (MHW) in the closed position. Because

of this vertical clearance the overwhelming majority of vessels which transit this waterway do not require a bridge opening. The majority of bridge openings are for locally moored and operated recreational sailboats with mast heights over 60 feet. Almost all of these vessels are moored at marinas in very close proximity of the bridge.

The second change is removing the authorized bridge closure periods in the morning and afternoon. The current regulation states that the draw need not be opened from 6:30 a.m. to 8:30 a.m. and 3:30 p.m. to 5:30 p.m. Monday through Friday, for vessels of less than 1,000 gross tons. This change requires the draw to open at all times with proper advance notification. The morning and afternoon authorized closures of the bridge outlined in the existing regulation were put into place when the bridge was part of SR 509, a continuous route from Northeast Tacoma to downtown, and traffic volumes were approximately 15,000 vehicles per day. In 1997 a new SR 509 was constructed approximately 0.7 miles south of the bridge and is now used as the main traffic corridor. After completion of the new SR 509, the Murray Morgan Bridge connection between Northeast Tacoma and downtown was severed due to roadway reconfiguration, resulting in traffic volumes dropping dramatically; therefore, the bridge no longer conveys high volumes of traffic during the morning and afternoon rush hours.

The third change is principally administrative and changes the contact information for emergency bridge openings. The existing regulation states "In emergencies, openings shall be made as soon as possible upon notification to the Washington State Department of Transportation." The change requires notification for emergency opening to be made to the City of Tacoma. The reason for this change is because Washington State turned over ownership and responsibility of the bridge to the City of Tacoma on January 6, 1998.

In conjunction with the NPRM published on November 20, 2012, the Coast Guard published a temporary deviation from regulations entitled, "Drawbridge Operation Regulation; Thea Foss Waterway previously known as City Waterway, Tacoma, WA" in the *Federal Register* (77 FR 69562) to test the operating schedule under the proposed regulations. Under this temporary deviation the bridge operates as follows: The draw of the Murray Morgan Bridge, also known as the South 11th Street Bridge, across Thea Foss Waterway, previously known as City

Waterway, mile 0.6, at Tacoma, shall open on signal if at least two hours notice is given. However, to obtain a bridge opening between 10 p.m. and 8 a.m. notification must be made to the City of Tacoma by 8 p.m. In emergencies, openings shall be made as soon as possible upon notification to the City of Tacoma. The Murray Morgan Bridge is a vertical lift bridge which provides a vertical clearance of 60 feet above mean high water (MHW) while in the closed position and 135 feet of vertical clearance in the open position. Vessels which do not require a bridge opening may continue to transit beneath the bridge at any time.

This test deviation is set to expire at 8 a.m. June 15, 2013. However, the final rule which will make these changes to the operating schedule permanent will not be effective by the date in which the test deviation expires. Therefore, to maintain safe and efficient transit through the bridge, the Coast Guard has issued a temporary deviation from regulations to continue the current operating schedule as laid out above until June 30, 2013. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the closure periods for the bridge so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: May 23, 2013.

Daryl R. Peloquin,

Bridge Administrator, Thirteenth Coast Guard District.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2013-0358]

RIN 1625-AA00

Safety Zone; RXR Sea Faire Celebration Fireworks, Glen Cove, NY

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the navigable waters of Long Island