

(vi) It will be available for refill through the national mail-order pharmacy program.

(3) *Refills covered.* For purposes of the program under paragraph (r)(1), a refill is:

(i) A subsequent filling of an original prescription under the same prescription number or other authorization as the original prescription; or

(ii) A new original prescription issued at or near the end date of an earlier prescription for the same medication for the same patient.

(4) *Waiver of requirement.* A waiver of the general requirement to obtain maintenance medication prescription refills from the mail order pharmacy or military treatment facility pharmacy will be granted in the following circumstances:

(i) There is a blanket waiver for prescription medications that are for acute care needs.

(ii) There is a blanket waiver for prescriptions covered by other health insurance.

(iii) There is a case-by-case waiver to permit prescription maintenance medication refills at a retail pharmacy when necessary due to personal need or hardship, emergency, or other special circumstance. This waiver is obtained through an administrative override request to the TRICARE pharmacy benefits manager under procedures established by the Director, TMA.

(5) *Procedures.* Under the program established by paragraph (r)(1) of this section, the Director, TMA will establish procedures for the effective operation of the program. Among these procedures are the following:

(i) The Department will implement the program by utilizing best commercial practices to the extent practicable.

(ii) An effective communication plan that includes efforts to educate beneficiaries in order to optimize participation and satisfaction will be implemented.

(iii) Beneficiaries with active retail prescriptions for a medication on the maintenance medication list will be notified that their medication is covered under the program. Beneficiaries will be advised that they may receive up to two 30 day fills at retail while they transition their prescription to the mail order program. The beneficiary will be contacted after each of these two fills reminding the beneficiary that the prescription must be transferred to mail.

(iv) Requests for a third fill at retail will be blocked and the beneficiary advised to call the pharmacy benefits manager (PBM) for assistance.

(v) The PBM will provide a toll free number to assist beneficiaries in transferring their prescriptions from retail to the mail order program. With the beneficiary's permission, the PBM will contact the physician or other health care provider who prescribed the medication to assist in transferring the prescription to the mail order program.

(vi) In any case in which a beneficiary required under paragraph (r) of this section to obtain a maintenance medication prescription refill from national mail order pharmacy program and attempts instead to refill such medications at a retail pharmacy, the PBM will also maintain the toll free number to assist the beneficiary. This assistance may include information on how to request a waiver, consistent with paragraph (r)(4)(iii) of this section, or in taking any other appropriate action to meet the beneficiary's needs and to implement the program.

(vii) The PBM will ensure that a pharmacist is available at all times through the toll-free telephone number to answer beneficiary questions or provide other appropriate assistance.

(6) *Nonparticipation through opt-out from program.* Any beneficiary who has been covered by the program under paragraph (r)(1) of this section for a period of at least one year may opt out of continuing to participate in the program.

(i) For this purpose, the starting date for this one-year period is the first date after the effective date of paragraph (r)(1) of this section on which the beneficiary had a maintenance medication prescription filled through the mail order pharmacy program.

(ii) The beneficiary may exercise his or her right to opt out of the program by contacting the PBM.

(iii) Following an opt out, the beneficiary may obtain prescriptions from a retail pharmacy, subject to limitations under the TRICARE Pharmacy Benefits Program other than those under paragraph (r) of this section. These beneficiaries may also, if they wish, obtain refills from military treatment facility pharmacies and the mail order pharmacy program.

(7) *Expiration of program.* The program and requirements established under paragraph (r)(1) of this section will expire December 31, 2017, unless Congress enacts a statutory extension of the program. If this happens, the program will automatically continue, with any adjustments or modifications required by law.

Dated: December 5, 2013.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2013-29434 Filed 12-10-13; 8:45 am]

**BILLING CODE 5001-06-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2013-0969]

#### Safety Zone; Sacramento New Years Eve Fireworks Display, Sacramento River, Sacramento, CA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce the 1,000 foot safety zone in the navigable waters of the Sacramento River in Sacramento, CA on December 31, 2013 during the Sacramento New Years Eve Fireworks Display. The fireworks display will occur from 9 p.m. to 9:20 p.m. on December 31, 2013 for the annual Sacramento New Years Eve Fireworks Display. This action is necessary to control vessel traffic and to help protect the safety of event participants and spectators. During the enforcement period, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone, unless authorized by the Patrol Commander (PATCOM).

**DATES:** The regulation in 33 CFR 165.1191, Table 1, Item number 29, will be enforced from 9 p.m. to 9:20 p.m. on December 31, 2013.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notice, call or email Lieutenant Junior Grade William Hawn, U.S. Coast Guard Sector San Francisco; telephone (415) 399-7442 or email at [D11-PF-MarineEvents@uscg.mil](mailto:D11-PF-MarineEvents@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the Sacramento New Years Eve Fireworks Display safety zone in the navigable waters of the Sacramento River around the Tower Bridge in Sacramento, CA in approximate position 38°34'49.98" N, 121°30'29.61" W (NAD 83). Upon the commencement of the fireworks display, scheduled to begin at 9 p.m. on December 31, 2013, the safety zone will encompass the navigable waters around the fireworks launch site on the Tower Bridge in Sacramento, CA in

approximate position: 38°34'49.98" N, 121°30'29.61" W (NAD 83) within a radius of 1,000 feet. At the conclusion of the fireworks display the safety zone shall terminate. This safety zone will be in effect from 9 p.m. to 9:20 p.m. on December 31, 2013.

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. Additionally, each person who receives notice of a lawful order or direction issued by an official patrol vessel shall obey the order or direction. The PATCOM is empowered to forbid entry into and control the regulated area. The PATCOM shall be designated by the Commander, Coast Guard Sector San Francisco. The PATCOM may, upon request, allow the transit of commercial vessels through regulated areas when it is safe to do so.

This document is issued under authority of 33 CFR 165.1191 and 5 U.S.C. 552 (a). In addition to this publication in the **Federal Register**, the Coast Guard will provide the maritime community with extensive advance notification of the safety zone and its 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 document, a Broadcast Notice to Mariners may be used to grant general permission to enter the regulated area.

Dated: November 26, 2013.

**Gregory G. Stump,**

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

[FR Doc. 2013-29471 Filed 12-10-13; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2013-0902]

RIN 1625-AA00

#### **Safety Zone: Google's Night at Sea Fireworks Display, San Francisco Bay, Alameda, CA**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing temporary safety zones in the navigable waters of the San

Francisco Bay near the breakwater in Alameda, CA in support of Google's Night at Sea Fireworks Displays on December 7, 2013 and December 14, 2013. These safety zones are established to help protect the participants and spectators from the dangers associated with pyrotechnics. Unauthorized persons or vessels are prohibited from entering into, transiting through, or remaining in the safety zones without permission of the Captain of the Port or their designated representative.

**DATES:** This rule is effective on December 7, 2013 and December 14, 2013. This rule will be enforced from 12:01 p.m. to 10:45 p.m. on December 7, 2013 and from 12:01 p.m. to 11:30 p.m. on December 14, 2013.

**ADDRESSES:** Documents mentioned in this preamble are part of docket USCG-2013-0902. To view documents mentioned in this preamble as being available in the docket, go to <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 rulemaking. 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 rule, call or email Lieutenant Junior Grade William Hawn, U.S. Coast Guard Sector San Francisco; telephone (415) 399-7442 or email at [D11-PF-MarineEvents@uscg.mil](mailto:D11-PF-MarineEvents@uscg.mil). If you have questions on viewing or submitting material to the docket, call Program Manager, Docket Operations, telephone (202) 366-9826.

#### **SUPPLEMENTARY INFORMATION:**

##### **Table of Acronyms**

DHS Department of Homeland Security  
FR Federal Register  
NOAA National Oceanic and Atmospheric Administration  
NPRM Notice of Proposed Rulemaking

##### **A. Regulatory History and Information**

The Coast Guard is issuing this temporary 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 notice of proposed rulemaking (NPRM) with respect to this rule because the event would occur before the rulemaking process would be completed. Because of the dangers posed by the pyrotechnics used in these fireworks displays, the safety zones are necessary to provide for the safety of event participants, spectators, spectator craft, and other vessels transiting the event area. For the safety concerns noted, it is in the public interest to have these regulations in effect during the event. 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**.

##### **B. Basis and Purpose**

The legal basis for the proposed rule is 33 U.S.C 1231; 46 U.S.C Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05-1, 6.04-1, 6.04-6, 160.5; Public Law 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to establish safety zones.

Google will sponsor the Google's Night at Sea Fireworks Displays on December 7, 2013 and December 14, 2013 near the breakwater in Alameda, CA in approximate position 37°46'07" N, 122°19'10" W (NAD83) as depicted in National Oceanic and Atmospheric Administration (NOAA) Chart 18650. These safety zones establish a temporary restricted area on the waters 100 feet surrounding the fireworks barges during the loading, transit and arrival of the pyrotechnics from the loading site to the launch site until the commencement of the fireworks displays. Upon the commencement of the fireworks displays, the safety zones will increase in size and encompass the navigable waters around the fireworks barges within a radius of 420 feet. The fireworks displays are meant for entertainment purposes. The restricted area around the fireworks barges is necessary to protect spectators, vessels, and other property from the hazards associated with pyrotechnics.

##### **C. Discussion of the Final Rule**

The Coast Guard will enforce safety zones in navigable waters around and under the fireworks barges within a radius of 100 feet during the loading, transit, and arrival of the fireworks barges to the display location until the start of the fireworks displays. From 12:01 p.m. until 9 p.m. on December 7, 2013 and from 12:01 p.m. until 8 p.m. on December 14, 2013 the fireworks