

safely control vessel movements in the vicinity of the race and provide for the safety of the general boating public and commercial shipping. During this period, no person or vessel may enter the regulated area without the permission of the Coast Guard Patrol Commander (PATCOM).

**DATES:** The regulations in 33 CFR 100.902 will be enforced from 9 a.m. until 5 p.m. on July 20, 2013.

**FOR FURTHER INFORMATION CONTACT:** CDR Nathan A. Podoll, Auxiliary and Boating Safety Branch, Ninth Coast Guard District, 1240 East 9th Street Cleveland, OH at (216) 902-6148.

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the special local regulation for the annual Bayview Mackinac Race from 9 a.m. until 5 p.m. on July 20, 2013. The Special Local Regulations apply to all U.S. navigable waters of the Black River, St. Clair River, and lower Lake Huron, bound by a line starting at latitude 042[deg]58'47" N, longitude 082[deg]26'0" W; then easterly to latitude 042[deg]58'24" N, longitude 082[deg]24'47" W; then northward along the International Boundary to latitude 043[deg]2'48" N, longitude 082[deg]23'47" W; then westerly to the shoreline at approximate location latitude 043[deg]2'48" N, longitude 082[deg]26'48" W; then southward along the U.S. shoreline to latitude 042[deg]58'54" N, longitude 082[deg]26'1" W; then back to the beginning [DATUM: NAD 83].

In order to ensure the safety of spectators and participating vessels, the special local regulation will be in effect for the duration of the event. The Coast Guard will patrol the race area under the direction of a designated Coast Guard Patrol Commander (PATCOM). Vessels desiring to transit the regulated area may do so only with prior approval of the PATCOM and when so directed by that officer. The PATCOM may be contacted on Channel 16 (156.8 MHz) by the call sign "Coast Guard Patrol Commander." Vessels, permitted to transit the regulated area, will be operated at no wake speed and in a manner which will not endanger participants in the event or any other craft.

In the event this special local regulation affects shipping, commercial vessels may request permission from the PATCOM to transit the area of the event by hailing call sign "Coast Guard Patrol Commander" on Channel 16 (156.8 MHz).

This notice is issued under the authority of 33 CFR 100.902 and 5 U.S.C. 552(a). If the District Commander, Captain of the Port or

PATCOM determines that the regulated area need not be enforced for the full duration stated in this notice, he or she may use a Broadcast Notice to Mariners to grant general permission to enter the regulated area.

Dated: June 21, 2013.

**Michael N. Parks,**

*Rear Admiral, U.S. Coast Guard, Commander, Ninth Coast Guard District.*

[FR Doc. 2013-16956 Filed 7-15-13; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2013-0570]

#### Drawbridge Operation Regulation; Sacramento River, Sacramento, CA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of deviation from drawbridge regulation.

**SUMMARY:** The Coast Guard has issued a temporary deviation from the operating schedule governing the "I" Street Drawbridge across the Sacramento River, mile 59.4 at Sacramento, CA. The deviation is necessary to allow the bridge owner to make bridge repairs. This deviation allows the bridge to remain in the closed-to-navigation position during the deviation period.

**DATES:** This deviation is effective from 6 a.m. on August 17, 2013 to 4 p.m. on August 18, 2013.

**ADDRESSES:** The docket for this deviation, [USCG-2013-0570], 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 David H. Sulouff, Chief, Bridge Section, Eleventh Coast Guard District; telephone 510-437-3516, email [David.H.Sulouff@uscg.mil](mailto:David.H.Sulouff@uscg.mil). If you have questions on viewing the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone 202-366-9826.

**SUPPLEMENTARY INFORMATION:** Union Pacific Railroad Company has requested a temporary change to the operation of the "I" Street Drawbridge, mile 59.4, over Sacramento River, at Sacramento, CA. The drawbridge navigation span provides 109 feet vertical clearance above Mean High Water in the full open-to-navigation position, and 30 feet vertical clearance above Mean High Water when closed. The draw opens on signal from May 1 through October 31 from 6 a.m. to 10 p.m. and from November 1 through April 30 from 9 a.m. to 5 p.m. At all other times the draw shall open on signal if at least four hours notice is given, as required by 33 CFR 117.189(a). Navigation on the waterway is commercial and recreational.

The drawspan will be secured in the closed-to-navigation position 6 a.m. to 4 p.m. on August 17 and 18, 2013, to allow the bridge owner in conjunction with the cities of Sacramento and West Sacramento to repair the pedestrian sidewalks of the drawbridge. The drawspan cannot be operated for emergency openings. This temporary deviation has been coordinated with the waterway users. No objections to the proposed temporary deviation were raised.

No alternative route is available for mariners. Vessels that can transit the bridge, while in the closed-to-navigation position, may continue to do so at any time.

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

Dated: July 3, 2013.

**D.H. Sulouff,**

*District Bridge Chief, Eleventh Coast Guard District.*

[FR Doc. 2013-16958 Filed 7-15-13; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2013-0584]

**RIN 1625-AA00**

**Safety Zone; Kentucky Air National Guard Vessel for Parachute Rescue Jumpmaster Training, Lake Erie, Dunkirk, NY**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary moving safety zone around a training vessel on Lake Erie near Dunkirk, NY. This moving safety zone is intended to restrict vessels from a portion of Lake Erie while the Kentucky Air National Guard conducts parachute rescue jumpmaster training. This temporary safety zone is necessary to protect the Kentucky Air National Guard participants as well as mariners and vessels from the navigational and safety hazards associated with the airborne deployment of U.S. military personnel and their associated equipment. These hazards include parachutes and rigging equipment for the parachute rescue personnel, deployment of rafts, potential of falling debris, and the use of distress signals of flares, smoke, and water dye during the training operations.

**DATES:** This rule is effective from 11:30 a.m. on July 22, 2013, and 2:30 p.m. on July 27, 2013, and will be enforced intermittently. A Coast Guard vessel will accompany the training vessel during all periods of enforcement.

**ADDRESSES:** Documents mentioned in this preamble are part of docket [USCG–2013–0584]. 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 LT Christopher Mercurio, Chief of Waterways Management, U.S. Coast Guard Sector Buffalo; telephone 716–843–9573, email [SectorBuffaloMarineSafety@uscg.mil](mailto:SectorBuffaloMarineSafety@uscg.mil). If you have questions on viewing the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone (202) 366–9826.

**SUPPLEMENTARY INFORMATION:**

**Table of Acronyms**

DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of Proposed Rulemaking  
TFR Temporary Final Rule

**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 doing so would be impracticable and contrary to the public interest. The final details for this event were not known to the Coast Guard until there was insufficient time remaining before the event to publish an NPRM. Thus, delaying the effective date of this rule to wait for a comment period to run would be both impracticable and contrary to the public interest because it would inhibit the Coast Guard’s ability to protect mariners, recreational boaters and U.S. military personnel deploying into Lake Erie from the hazards associated with airborne deployment and insertion into Lake Erie. These hazards are discussed further below.

Under 5 U.S.C. 553(d)(3), The Coast Guard finds that good cause exists for making this temporary rule effective less than 30 days after publication in the **Federal Register**. For the same reasons discussed in the preceding paragraph, waiting for a 30 day notice period to run would be impracticable and contrary to the public interest.

**B. Basis and Purpose**

Between 11:30 a.m. on July 22, 2013, until 2:30 p.m. on July 27, 2013 a training operation will be taking place on Lake Erie north of Dunkirk, NY. The Captain of the Port Buffalo has determined that airborne deployment of parachute rescue trainees may pose a significant risk to public safety and property. Such hazards include parachutes and rigging equipment for the parachute rescue personnel, deployment of rafts, potential of falling debris, and the use of distress signals of flares, smoke, and water dye during the training operations.

**C. Discussion of the Final Rule**

With the aforementioned hazards in mind, the Captain of the Port Buffalo has determined that this temporary safety zone is necessary to ensure the safety of U.S. military personnel, transient watercraft and potential

spectator vessels during the 2013 Kentucky Air National Guard Parachute Rescue Jumpmaster Training. This zone will be effective between 11:30 a.m. on July 22, 2013, and 2:30 p.m. on July 27, 2013, and enforced intermittently. During periods of enforcement, a Coast Guard vessel will be present, indicating that the safety zone is being enforced. Additionally, Broadcast Notices to Mariners will be made via radio prior to all jump evolutions. This moving safety zone will encompass all waters of Lake Erie, Dunkirk, NY within a 1000 yard radius of the target vessel, starting in position 42°31’34” N and 079°19’46” W (NAD 83), and drifting with the elements throughout the training evolution.

Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative. The Captain of the Port or his designated on-scene representative may be contacted via VHF Channel 16.

**D. Regulatory Analyses**

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on these statutes and executive orders.

**1. Regulatory Planning and Review**

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. It is not “significant” under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We conclude that this rule is not a significant regulatory action because we anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The safety zone created by this rule will be relatively small and enforced for relatively short time. Also, the safety zone is designed to minimize its impact on navigable waters. Furthermore, the safety zone has been designed to allow vessels to transit around it. Thus, restrictions on vessel movement within

that particular area are expected to be minimal. Under certain conditions, moreover, vessels may still transit through the safety zone when permitted by the Captain of the Port.

## 2. Impact on Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered the impact of this proposed rule on small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule will not have a significant economic impact on a substantial number of small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which might be small entities: the owners or operators of vessels intending to transit or anchor in a portion of Lake Erie between varying hours starting July 22 until 27 July, 2013.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: this safety zone would be activated, and thus subject to enforcement, for only a few hours at a time during any 24 hour period. The majority of the training exercises will be conducted during the regular business week during normal daylight business hours or late in the evening greatly reducing the likelihood of affecting transient recreational vessels. Additionally, the starting drift point is 3 miles offshore with a zone of 1000 yards (approximately one half nautical mile) in all directions, allowing ample room for transient vessels to pass by without being negatively impacted. Traffic may be allowed to pass through the zone with the permission of the Captain of the Port before and after the completion of each evolution. The Captain of the Port can be reached via VHF channel 16. Before the activation of the zone, the Coast Guard intends to issue local Broadcast Notices to Mariners.

## 3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

Small businesses may send comments on the actions of Federal employees

who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 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.

## 4. 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).

## 5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and determined that this rule does not have implications for federalism.

## 6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

## 7. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

## 8. Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and 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 M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), 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 involves the establishment of a safety zone and, therefore it is categorically excluded from further review under paragraph 34(g) 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**.

**List of Subjects in 33 CFR Part 165**

Harbors, Marine safety, Navigation (water), Reporting and record keeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR parts 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:** 33 U.S.C. 1231; 46 U.S.C. Chapters 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

- 2. Add § 165.T09–0584 to read as follows:

**§ 165.T09–0163 Safety Zone; Rescue Jumpmaster Training, Lake Erie, Dunkirk, NY.**

(a) *Location.* This zone will encompass all waters of Lake Erie, Dunkirk, NY within a 1000 yard radius of a drifting training vessel, beginning at position 42°31'34" N and 079°19'46" W (NAD 83) and moving with the vessel.

(b) *Effective and Enforcement Period.* This regulation is effective between 11:30 a.m. on July 22, 2013, and 2:30 p.m. on July 27, 2013, and will be enforced at various times throughout the day and night. A Coast Guard vessel will accompany the training vessel during periods of enforcement. Broadcast Notices to Mariners notifying the public will be made via radio prior to all jump evolutions.

(c) *Regulations.* (1) In accordance with the general regulations in section 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Buffalo or his designated on-scene representative.

(3) The “on-scene representative” of the Captain of the Port Buffalo is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port Buffalo to act on his behalf.

(4) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port Buffalo or his on-scene representative to obtain permission to do so. The Captain of the Port Buffalo or his on-scene representative may be contacted via VHF Channel 16. Vessel operators given

permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Buffalo, or his on-scene representative.

Dated: July 2, 2013.

**J. S. Imahori,**

*Commander, U.S. Coast Guard, Acting Captain of the Port Buffalo.*

[FR Doc. 2013–16957 Filed 7–15–13; 8:45 am]

**BILLING CODE 9110–04–P**

**DEPARTMENT OF VETERANS AFFAIRS****38 CFR Part 17**

**RIN 2900–AO77**

**Medications Prescribed by Non-VA Providers**

**AGENCY:** Department of Veterans Affairs.  
**ACTION:** Final rule.

**SUMMARY:** The Department of Veterans Affairs (VA) is amending its regulation concerning filling prescriptions written by non-VA providers for veterans of a period of war who are receiving increased pension because they are permanently housebound or in need of aid and attendance. This rulemaking revises the regulation to reflect the current statutory periods of war to ensure that eligible veterans engaged in current and future conflicts receive medications prescribed by non-VA physicians when appropriate for their care.

**DATES:** *Effective Date:* This final rule is effective July 16, 2013.

**FOR FURTHER INFORMATION CONTACT:** Kristin Cunningham, Director, Business Policy, Chief Business Office (10NB), Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420; (202) 461–1599. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** Under 38 U.S.C. 1712(d), VA is required to furnish prescription drugs and medicine ordered by a duly licensed physician to a veteran as a specific therapy in the treatment of any illness or injury suffered by a veteran who is receiving increased compensation under 38 U.S.C. chapter 11 or increased pension as a veteran of a period of war, by reason of being permanently housebound or in need of regular aid and attendance. VA implemented this authority in 38 CFR 17.96(a)(1), which authorizes VA pharmacies (or non-VA pharmacies in State homes under contract with VA for filling prescriptions for patients in State

homes) to fill prescriptions ordered by duly licensed providers not employed by VA for the cohort of veterans described in the statute. In order to assist in identifying wartime veterans in receipt of increased pension, the language of § 17.96(a)(1) listed those periods of war recognized at the time of its publication, which were the Mexican Border Period, World War I, World War II, the Korean Conflict, or the Vietnam Era. In contrast, the statutory authority for this regulation, 38 U.S.C. 1712(d), refers only to “a veteran of a period of war,” without setting forth specific periods by name. Since this regulation was published, the United States has become engaged in additional conflicts. Because VA does not intend to deny these prescription services to veterans of later periods of war and has not done so, we are revising this regulation.

“Period of war” is defined in 38 U.S.C. 101(11) to mean “the Spanish-American War, the Mexican border period, World War I, World War II, the Korean conflict, the Vietnam era, the Persian Gulf War, and the period beginning on the date of any future declaration of war by the Congress and ending on the date prescribed by Presidential proclamation or concurrent resolution of the Congress.” In order to ensure that our regulation comports with the statutory mandate that VA fill prescriptions for all increased pension recipients who are veterans of a period of war, including current and future periods of war, we are revising § 17.96(a)(1) to cross-reference the statute, rather than list each period of war. We are also revising the authority citation at the end of § 17.96. We are not making any other changes to the text in § 17.96.

**Administrative Procedure Act**

The Secretary of Veterans Affairs (Secretary) finds good cause under the provisions of 5 U.S.C. 553(b)(B) to publish this rule without prior opportunity for public comment. This amendment merely revises VA’s regulation to comply with a statutory mandate that VA provide medications prescribed by non-VA providers to increased pension recipients who are veterans who served in wars after Vietnam under the same conditions as those who served in earlier periods of war. Therefore, a prior opportunity for notice and comment is unnecessary. Additionally, for the reason previously stated, the Secretary finds good cause to dispense with the delayed-effective-date requirement of 5 U.S.C. 553(d).