

require their investigative units to communicate with their servicing SARC and participate with the multi-disciplinary Case Management Group convened by the SARC, in accordance with this part and DoDI 6495.02.

(19) Provide commanders with procedures that:

(i) Establish guidance for when a Military Protective Order (MPO) has been issued, that the Service member who is protected by the order is informed, in a timely manner, of the member's option to request transfer from the command to which that member is assigned in accordance with section 567(c) of Public Law 111-84.

(ii) Ensure that the appropriate civilian authorities shall be notified of the issuance of an military protective order (MPO) and of the individuals involved in the order, when an MPO has been issued against a Service member or when any individual addressed in the MPO does not reside on a military installation at any time when an MPO is in effect. An MPO issued by a military commander shall remain in effect until such time as the commander terminates the order or issues a replacement order. (See section 561 of Pub. L. 110-417.) The issuing commander also shall notify the appropriate civilian authorities of any change made in a protective order covered by Chapter 80 of Title 10, U.S.C., and the termination of the protective order.

(iii) Ensure that the person seeking the MPO shall be advised that the MPO is not enforceable by civilian authorities off base and that victims desiring protection off base are advised to seek a civilian protective order (see section 561 of 110-417 and section 567(c) of Pub. L. 111-84).

(g) The Chairman of the Joint Chiefs of Staff shall:

(1) Assess SAPR as part of the overall force planning function of any force deployment decision, and periodically reassess the SAPR posture of deployed forces.

(2) Monitor implementation of this part, DoDI 6495.02, and implementing instructions, including during military operations.

(3) Utilize the terms "Sexual Assault Response Coordinator (SARC)" and "SAPR Victim Advocate (VA)," as defined in this part and DoDI 6495.02, as standard terms to facilitate communications and transparency regarding sexual assault response capacity.

(4) Review relevant documents, including the Combatant Commanders' joint plans, operational plans, concept plans, and deployment orders, to ensure

they identify and include SAPR Program requirements.

(h) The Commanders of the Combatant Commands, in coordination with the other Heads of the DoD Components and through the Chairman of the Joint Chiefs of Staff, shall:

(1) Establish policies and procedures to implement the SAPR Program and oversee compliance with this part and DoDI 6495.02 within their areas of responsibility and during military operations.

(2) Formally document agreements with installation host Service commanders, component theater commanders, or other heads of another agency or organization, for investigative, legal, medical, counseling, or other response support provided to incidents of sexual assault.

(3) Direct that relevant documents are drafted, including joint operational plans and deployment orders, that establish theater-level requirements for the prevention of and response to incidents of sexual assault that occur, to include during the time of military operations.

(4) Require that sexual assault response capability information be provided to all persons within their area of responsibility covered by this part and DoDI 6495.02, to include reporting options and SAPR services available at deployed locations and how to access these options.

(5) Ensure medical treatment (including emergency care) and SAPR services are provided to victims of sexual assaults in a timely manner unless declined by the victim.

(6) Direct subordinate commanders coordinate relationships and agreements for host or installation support at forward-deployed locations to ensure a sexual assault response capability is available to members of their command and persons covered by this part and DoDI 6495.02 as consistent with operational requirements.

(7) Direct that sexual assault incidents are given priority so that they shall be treated as emergency cases.

(8) Direct subordinate commanders provide all personnel with procedures to report sexual assaults.

(9) Require subordinate commanders at all levels to monitor the command climate with respect to SAPR, and take appropriate steps to address problems.

(10) Require that SAPR training for DoD personnel and specialized training for commanders, senior enlisted leaders, SARC, SAPR VAs, investigators, law enforcement officials, chaplains, healthcare personnel, and legal personnel be conducted prior to

deployment in accordance with DoDI 6495.02.

(11) Direct subordinate commanders to develop procedures that:

(i) Establish guidance for when an MPO has been issued, that the Service member who is protected by the order is informed, in a timely manner, of the member's option to request transfer from the command to which that member is assigned in accordance with section 567(c) of Public Law 111-84.

(ii) In OCONUS areas, if appropriate, direct that the appropriate civilian authorities be notified of the issuance of an MPO and of the individuals involved in an order when an MPO has been issued against a Service member or when any individual involved in the MPO does not reside on a military installation when an MPO is in effect.

An MPO issued by a military commander shall remain in effect until such time as the commander terminates the order or issues a replacement order. (See section 561 of Pub. L. 110-417.) The issuing commander also shall notify the appropriate civilian authorities of any change made in a protective order covered by Chapter 80 of Title 10, U.S.C. and the termination of the protective order.

(iii) Ensure that the person seeking the MPO is advised that the MPO is not enforceable by civilian authorities off base and victims desiring protection off base should be advised to seek a civilian protective order in that jurisdiction pursuant to section 562 of Public Law 110-417.

(i) The Director, DoDHRA, shall provide operational support to the USD(P&R) as outlined in paragraph (a)(6) of this section.

Dated: March 18, 2013.

**Patricia L. Toppings,**

*OSD Federal Register Liaison, Department of Defense.*

[FR Doc. 2013-07803 Filed 4-4-13; 8:45 am]

**BILLING CODE 5001-06-P**

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2013-0063]

RIN 1625-AA09

#### Drawbridge Operation Regulations; Pelican Island Causeway, Galveston, Channel, TX

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

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**SUMMARY:** The Coast Guard is temporarily changing the operating schedule that governs the Pelican Island Causeway bridge across Galveston Channel mile 4.5 (GIWW mile 356.1), at Galveston, Texas. The temporary change to the regulations will allow the bridge to remain closed to navigation while major repairs are conducted to the mechanical portions of the bascule span. Failure to complete the repairs in a timely manner may render the bridge completely inoperable for the passage of vessel traffic.

**DATES:** This temporary final rule is effective from May 6, 2013, until July 8, 2014.

**ADDRESSES:** Documents mentioned in this preamble are part of docket USCG–2013–0063. 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 temporary rule, call or email David Frank, Bridge Administration Branch, Coast Guard; telephone 504–671–2128, email [David.M.Frank@uscg.mil](mailto:David.M.Frank@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**

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

**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), the Coast Guard finds that good

cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule. Publishing an NPRM is impracticable because the severity of damage and subsequent repairs necessary for this bridge were not known until recently. In this case because the scheduled repair work involved requires the bridge to be closed to navigation throughout the repair period, failure to allow the repair work to proceed as expeditiously as possible may render the bridge inoperable due to a catastrophic failure of the machinery that opens and closes the bridge. If this were to occur, the bridge would have to be closed for a much longer period of time while the machinery failures are repaired. Further, while this closure will prevent certain vessels from passing under the bridge, vessels will be able to transit an alternate route around the island through the Galveston Channel, an additional distance of up to three miles.

**B. Basis and Purpose**

The Pelican Island Causeway bridge, Galveston Channel mile 4.5 (GIWW mile 356.1), at Galveston, Texas, is a bascule bridge connecting Galveston Island with Pelican Island in Galveston, Texas. The roadway is the only land route between the two islands and is a vital link to numerous facilities and to the Texas A&M University Galveston Maritime School. A recent inspection by the Texas Department of Transportation and the Federal Highway Administration has determined that the “rocker segmental girder tracks” that allow the bridge to open and close are severely damaged and in need of immediate repair. Due to the advanced age of the bridge, replacement parts are unavailable and the existing parts will have to be removed and molds will have to be made to manufacture replacement parts.

Presently, in accordance with 33 CFR 117.966, the draw of the Pelican Island Causeway bridge across Galveston Channel, mile 4.5 of the Galveston Channel, (GIWW mile 356.1) at Galveston, Texas, shall open on signal; except that, from 6:40 a.m. to 8:10 a.m., 12 noon to 1 p.m., and 4:15 p.m. to 5:15 p.m. Monday through Friday except Federal holidays, the draw need not be opened for passage of vessels. Public vessels of the United States and vessels in distress shall be passed at any time.

Vessel traffic consists of mainly small tows and supply vessels, recreational boats and some commercial shrimpers. The bridge opens approximately 7 times per day for the passage of vessels. The vertical clearance of the bridge in the

closed to navigation position is 13 feet above mean high water.

Approximately 4000 vehicles cross the bridge in each direction daily. This includes students, factory and shipyard workers and delivery vehicles of all types.

Failure to complete the repairs in a timely manner may cause a catastrophic failure of the bridge requiring a longer closure of the bridge to effect repairs. Presently, TXDOT has issued a contract for the repairs and the contractor is set to begin on May 6, 2013. The Corps of Engineers, the Port of Galveston, waterway users and the Coast Guard discussed the need for the closure with the bridge owner, TXDOT, FHWA, and the contractor to discuss ways to minimize the effects on navigation and understand the need for the work. These parties also acknowledge the fact that marine traffic can transit around the island through the Galveston Channel, an additional distance of up to three miles, with little or no interruption to their services.

**C. Discussion of Temporary Final Rule**

The temporary final rule will allow the bridge to be left in the closed-to-navigation position and jacked up to facilitate the removal of the rocker segmental girder track for repair/replacement of the damaged parts of the track. Removal of the track renders the bridge inoperable with regards to opening for the passage of vessels. This rule is effective from 6 a.m. on May 6, 2013, until 6 a.m. on July 8, 2014.

**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 or 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 Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders.

This rule is not a significant regulatory action because it has been coordinated with those parties affected by the closure and it is understood that the work is necessary for the continued operation of the bridge and by allowing it to happen in a timely manner, it

further reduces the possibility of catastrophic failure of the movable bridge. Additionally, this closure will not significantly impact navigation in the area as marine traffic may transit around the island through the Galveston Channel, an additional distance of up to three miles.

## 2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant impact on a substantial number of small entities.

This rule would affect the following entities, some of which may be small entities: The owners or operators of vessels with vertical clearance requirements of greater than 13 feet intending to transit beneath the bridge from 6 a.m. on May 6, 2013, until 6 a.m. on July 8, 2014.

This rule will not have a significant economic impact on a substantial number of small entities for the following reasons: The bridge closure will prevent certain vessels from transiting beneath it; however, those vessels may safely transit around the island through the Galveston Channel, an additional distance of up to three miles.

## 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**, 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 calls for no 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 proposed rule under that Order and have determined that it 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 might 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 guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have concluded that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule involves allowing a movable bridge to remain closed to navigation for 14 months and will not have any impact on the environment. This rule is categorically excluded, under figure 2–1, paragraph (32)(e), of the Instruction.

Under figure 2–1, paragraph (32)(e), of the Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this rule.

## List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

## PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. Effective 6 a.m. on May 6, 2013, until 6 a.m. on July 8, 2014, suspend § 117.966.

■ 3. Add § 117.T966 to read as follows:

**§ 117.T966 Pelican Island Causeway, Galveston Channel**

The draw of the Pelican Island Causeway bridge across Galveston Channel, mile 4.5 of the Galveston Channel, (GIWW mile 356.1) at Galveston, Texas, need not open for the passage of vessels. This rule is effective from 6 a.m. on May 6, 2013, until 6 a.m. on July 8, 2014.

Dated: March 22, 2013.

**Roy A. Nash,**

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

[FR Doc. 2013–07908 Filed 4–4–13; 8:45 am]

**BILLING CODE 9110–04–P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 165**

[Docket No. USCG–2013–0020]

RIN 1625–AA00

**Safety Zones; Annual Events Requiring Safety Zones in the Captain of the Port Lake Michigan Zone**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is amending its regulations requiring safety zones in the Captain of the Port Lake Michigan zone. This rule will amend the rules that restrict vessels from portions of water areas during events that pose a hazard to public safety. The safety zones amended or established by this rule are necessary to protect spectators, participants, and vessels from the hazards associated with various maritime events.

**DATES:** This rule is effective May 6, 2013.

**ADDRESSES:** Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket USCG–2013–0020 and are available online at [www.regulations.gov](http://www.regulations.gov). This material is also available for inspection or copying at two locations: The Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room

W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays and the U.S. Coast Guard Sector Lake Michigan, 2420 South Lincoln Memorial Drive, Milwaukee, WI 53207, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, contact MST1 Joseph McCollum, Prevention Department, Coast Guard Sector Lake Michigan, Milwaukee, WI at (414) 747–7148 or by email at [Joseph.P.McCollum@USCG.mil](mailto:Joseph.P.McCollum@USCG.mil). If you have questions on viewing or submitting material to 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**

On February 11, 2013, the Coast Guard published a notice of proposed rulemaking entitled Safety Zones; Annual Events Requiring Safety Zones in the Captain of the Port Lake Michigan Zone in the **Federal Register** (2013–02955). We received 4 comments on the proposed rule. All of the 4 comments received were from event organizers, detailing minor changes to the date, time, or location of the event listed in the NPRM. These comments are addressed specifically within this final rule. No public meeting was requested, and none was held.

**B. Basis and Purpose**

This rule will amend 33 CFR 165.929, Annual Events requiring safety zones in the Captain of the Port Lake Michigan zone. Specifically, this rule will remove 1 permanent safety zone, revise the location and/or enforcement period of 11 others, and add 3 permanent safety zones for annually recurring events.

Changes to existing safety zones in 33 CFR 165.929 correlate to changes to annual marine events for which these safety zones are established. Event organizers report changes to annual marine events to the Coast Guard, and in light of these reports, the Coast Guard adjusts the position and/or enforcement period of the established safety zones to ensure that vessels and persons are protected from the specific hazards of these marine events. Such hazards include obstructions to the waterway, collisions among spectators and event

participants, and falling debris. Six of the 11 revisions to the location and/or enforcement period of safety zones concerned reported changes to annually occurring fireworks displays. Additionally, the Coast Guard was informed by one Event Organizer that a fireworks display listed in 33 CFR 165.929 would no longer take place. For this reason, the removal of its accompanying safety zone was necessary.

The Coast Guard also added three new safety zones for events that have been reported as recurring in the Lake Michigan Zone. The last three entries within this rule have been added for races in the Chicago, IL area and on Spring Lake, MI. For the reader's convenience, we have republished the revised 33 CFR 165.929 in its entirety.

**C. Discussion of Comments, Changes, and the Final Rule**

Four comments were received regarding the safety zones listed within the NPRM. Each comment called for a minor position or time change to what was listed in the NPRM. In support for amending the event as listed in the NPRM, the Coast Guard considered that making minor edits to the times and locations would both provide the public with the most accurate information, and protect the public from the hazards associated with each event.

The first comment received regarded 33 CFR 165.929(37). The comment was from the organizer of the event for which the safety zone was written—Celebrate Americafest/Fire over the Fox. This event has historically involved both a fireworks display and a ski show. The event organizer commented that the safety zone, as written in the NPRM, would need to be extended 1300 feet to the southwest and enforced for two hours in the early afternoon on the day of the event. To ensure the safety of the Celebrate Americafest/Fire over the Fox event in its entirety, the language of 33 CFR 165.929(37) was amended to reflect these changes. The language of 33 CFR 165.929(37) was also amended to reflect the times and locations of the safety zone for ski show and fireworks.

The second comment received regarded 33 CFR 165.929(16). The comment was from the organizer of the event for which the safety zone was written—Freedom Festival Fireworks. The event organizer commented by sending a picture to show the launch position of the fireworks; this position differed from what had been listed in the NPRM for the event. This new position was only 650 feet south of its position within the NPRM. The language of 33 CFR 165.929(16) was