

representative” of the Captain of the Port, Sector Delaware Bay is any Coast Guard commissioned warrant or petty officer who has been authorized by the Captain of the Port to act on her behalf.

(e) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the regulated by Federal, State, and local agencies.

Dated: May 20, 2013.

K. Moore,

Captain, U.S. Coast Guard, Captain of the Port Sector Delaware Bay.

[FR Doc. 2013-13282 Filed 6-4-13; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2013-0268]

RIN 1625-AA00

Safety Zone; Great Western Tube Float; Colorado River; Parker, AZ

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the navigable waters of the Colorado River in Parker, Arizona for the Great Western Tube Float on June 8, 2013. This temporary safety zone is necessary to provide for the safety of the participants, crew, spectators, participating vessels, and other vessels and users of the waterway. Persons and vessels are prohibited from entering into, transiting through or anchoring within this safety zone unless authorized by the Captain of the Port or his designated representative.

DATES: This rule is effective from 8:30 a.m. to 3 p.m. on June 8, 2013.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG-2013-0268]. 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 John Bannon, Waterways Management, U.S. Coast Guard Sector San Diego; telephone (619) 278-7261, email

John.E.Bannon@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

A. Regulatory History and Information

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 notice of proposed rulemaking (NPRM) with respect to this rule because publishing an NPRM would have been impracticable. The permit application was not received with enough time available to publish an NPRM. The event is scheduled to take place, and as such, immediate action is necessary to ensure the safety of vessels, spectators, participants, and others in the vicinity of the marine event on the dates and times this rule will be in effect.

Under 5 U.S.C. 553(d)(3), for the same reasons mentioned above, 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 would be impracticable and contrary to the public interest, since immediate action is needed to ensure public safety.

B. Basis and Purpose

The legal basis for this temporary rule is the Ports and Waterways Safety Act, which authorizes the Coast Guard to establish safety zones (33 U.S.C. sections 1221 et seq.). The Parker Area Chamber of Commerce is sponsoring the Great Western Tube Float, which is held on the navigable waters of the Colorado River in Parker, AZ. This temporary safety zone is necessary to provide for the safety of the participants, crew, spectators, sponsor vessels, and other vessels and users of the waterway. This event involves people floating down the

river on inflatable rafts, inner tubes and floating platforms. The size of vessels used will vary in length. Approximately 5,000 people are expected to participate in this event. The sponsor will provide 16 patrol and rescue boats to help facilitate the event and ensure public safety.

C. Discussion of the Final Rule

The Coast Guard is establishing a safety zone that will be enforced from 8:30 a.m. to 3 p.m. on June 8, 2013. The limits of the safety zone will include all navigable waters of the Colorado River from La Paz County Park to the Blue Water Resort & Casino. The safety zone is necessary to provide for the safety of participants, crew, rescue personnel, and other users of the waterway. Persons and vessels will be prohibited from entering into, transiting through, or anchoring within the safety zone unless authorized by the Captain of the Port, or his designated representative.

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. This determination is based on the size and location of the safety zone. The safety zone will encompass the entire width of the river from La Paz County Park to the Blue Water Resort & Casino. However, vessels may transit through the safety zone if they request and receive permission from the Captain of the Port or his designated representative.

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 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 the impacted portion of the Colorado River between 8:30 a.m. and 3 p.m. on June 8, 2013.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons. Although the safety zone would apply to the entire width of the river, traffic would be allowed to pass through the zone with the permission of the Coast Guard patrol commander. Before the effective period, the Coast Guard will publish a Local Notice 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**, 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.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 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 establishing a temporary safety zone. This rule 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 recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 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. Chapter 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.T11–562 to read as follows:

§ 165.T11–562 Safety zone; Great Western Tube Float; Parker, AZ.

(a) *Location.* This temporary safety zone includes the waters of the Colorado River between La Paz County Park to the Blue Water Resort & Casino and the width of the river in Parker, AZ.

(b) *Enforcement Period.* This section will be enforced from 8:30 a.m. to 3 p.m.

on June 8, 2013. Before the effective period, the Coast Guard will publish a Local Notice to Mariners. If the event concludes prior to the scheduled termination time, the Captain of the Port will cease enforcement of this safety zone and his designated representative will announce that fact via Broadcast Notice to Mariners.

(c) *Definitions.* The following definition applies to this section: *Designated representative*, means any commissioned, warrant, or petty officer of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, and local, state, and federal law enforcement vessels who have been authorized to act on the behalf of the Captain of the Port.

(d) *Regulations.* (1) Entry into, transit through or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port of San Diego or his designated representative.

(2) Mariners can request permission to transit through the safety zone from the Patrol Commander. The Patrol Commander can be contacted on VHF-FM channels 16 and 23.

(3) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or his designated representative.

(4) Upon being hailed by U.S. Coast Guard patrol personnel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(5) The Coast Guard may be assisted by other federal, state, or local agencies.

Dated: May 17, 2013.

S.M. Mahoney,

Captain, U.S. Coast Guard, Captain of the Port San Diego.

[FR Doc. 2013-13283 Filed 6-4-13; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Parts 212, 214, 215, 222, 228, 241, 251, 254, and 292

RIN 0596-AB45

Postdecisional Administrative Review Process for Occupancy or Use of National Forest System Lands and Resources

AGENCY: USDA, Forest Service.

ACTION: Final rule.

SUMMARY: The United States Department of Agriculture (Department) is issuing this final rule to update, rename, and relocate the administrative appeal regulations governing occupancy or use

of National Forest System (NFS) lands and resources. The appeal process for decisions related to occupancy or use of NFS lands and resources has remained substantially unchanged since 1989. This final rule simplifies the appeal process, shortens the appeal period, and reduces the cost of appeal while still providing a fair and deliberate procedure by which eligible individuals and entities may obtain administrative review of certain types of Forest Service (Agency) decisions affecting their occupancy or use of NFS lands and resources. The final rule also moves the provision entitled "Mediation of Term Grazing Permit Disputes" to a more appropriate location in the range management regulations. Finally, conforming technical revisions to other parts of the Code of Federal Regulations (CFR) affected by this final rule are being made.

DATES: This rule is effective June 5, 2013.

FOR FURTHER INFORMATION CONTACT: Deb Beighley, Assistant Director, Appeals and Litigation, Ecosystem Management Coordination Staff, 202-205-1277, or Mike McGee, Appeals Specialist, Ecosystem Management Coordination Staff, 202-205-1323.

SUPPLEMENTARY INFORMATION:

Background and Need for the Final Rule

On January 23, 1989, the Department adopted an administrative appeal rule at 36 CFR part 251, subpart C (54 FR 3362) (251 Appeal Rule). The 251 Appeal Rule sets procedures for holders of or, in some cases, applicants for a written authorization to occupy and use NFS lands and resources to appeal certain Forest Service decisions with regard to the issuance, approval, or administration of the written instrument. The 251 Appeal Rule establishes who may appeal, the kinds of decisions that can and cannot be appealed, the responsibilities of parties to the appeal, and the various timeframes that govern the conduct of an appeal. The appeal procedures vary depending on whether the decision subject to appeal was made by a District Ranger, Forest or Grassland Supervisor, Regional Forester, or the Chief. Except for the addition of a section governing mediation of term grazing permit disputes in 1999, the 251 Appeal Rule has changed little since its adoption in 1989.

As a result of technological advances, communications improvements, and the Agency's experience administering the 251 Appeal Rule for more than 20 years, the Forest Service identified several

modifications to simplify the appeal process, shorten the appeal time period, and achieve cost savings. This final rule relocates the 251 Appeal Rule to a new part 214 entitled, "Postdecisional Administrative Review Process for Occupancy or Use of National Forest System Lands and Resources," and reserves 36 CFR part 251, subpart C. In addition, the final rule makes minor, nonsubstantive changes to 36 CFR part 251, subpart B, for clarity and to distinguish terms in that subpart from part 214. This final rule also moves the provision governing mediation of term grazing permit disputes to a new subpart B under the range management regulations found at 36 CFR part 222, since mediation is unique to the range management program and is not part of the administrative review process under the 251 Appeal Rule.

Public Involvement and Changes Made in Response to Public Comments

Proposed part 214 was published in the **Federal Register** on October 11, 2011 (76 FR 62694). The 60-day public comment period ended December 12, 2011. The Forest Service received comments from 43 respondents. The Agency analyzed the comments and considered them in developing the final rule.

Following is a summary of the comments and the Agency's response. The responses to the public comments are divided between general comments and those that involve specific sections of the proposed rule.

General Comments

Comment: One respondent expressed concern about the lack of public notice provided by the Forest Service regarding the change in the 251 Appeal Rule and noted that publication in the **Federal Register** is the bare minimum requirement to be met in public notification procedures and that the Agency should have sent letters to all interested parties and circulated notice broadly.

Response: The Administrative Procedure Act (5 U.S.C. 553(b)) specifies publication in the **Federal Register** as the required means of providing public notice of proposed rules. The exception is for rules that name particular persons, who must be personally served or provided actual notice of the proposed rule. This exception does not apply to proposed part 214, which does not name any particular persons. In addition to publishing the proposed rule in the **Federal Register**, the Agency sent a letter to 25 national organizations representing holders of all types of written authorizations covered by the