

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

**List of Subjects in 32 CFR Part 706**

Marine safety, Navigation (water), and Vessels.

For the reasons set forth in the preamble, the DoN amends part 706 of title 32 of the Code of Federal Regulations as follows:

**PART 706—CERTIFICATIONS AND EXEMPTIONS UNDER THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972**

■ 1. The authority citation for part 706 continues to read as follows:

Authority: 33 U.S.C. 1605.

■ 2. Section 706.2 is amended as follows:

- A. In Table One by revising the entry for USS INDEPENDENCE (LCS 2);
- B. In Table Five, by revising the entry for USS INDEPENDENCE (LCS 2).

The revisions read as follows:

**§ 706.2 Certifications of the Secretary of the Navy Under Executive Order 11964 and 33 U.S.C. 1605.**

\* \* \* \* \*

TABLE ONE

Vessel	Number	Distance in meters of forward masthead light below minimum required height § 2(a)(i) annex I
USS INDEPENDENCE .....	LCS 2 .....	4.14

TABLE FIVE

Vessel	Number	Masthead lights not over all other lights and obstructions. annex I, sec. 2(f)	Forward mast-head light not in forward quarter of ship. annex I, sec. 3(a)	After masthead light less than 1/2 ship's length aft of forward masthead light. annex I, sec. 3(a)	Percentage horizontal separation attained
USS INDEPENDENCE .....	LCS 2 .....		X	X	15.2

Approved: July 24, 2013.

**A.B. Fischer,**

Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty and Maritime Law).

Dated: July 30, 2013.

**D.G. Zimmerman,**

Lieutenant Commander, Office of the Judge Advocate General, U.S. Navy, Alternate Federal Register Liaison Officer.

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BILLING CODE 3810-FF-P

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 165**

[Docket No. USCG-2013-0628]

**Safety Zone; AVI Resort and Casino Labor Day Fireworks Display; Colorado River**

**AGENCY:** Coast Guard, DHS.

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

**SUMMARY:** The Coast Guard will enforce a Safety Zone for the AVI Resort and Casino Labor Day Fireworks Display located on the Colorado River in Laughlin, Nevada from 8 p.m. until 9:45 p.m. on September 1, 2013. This action is necessary for the safety of spectators and participants, including all crews, vessels and persons on navigable waters during the AVI Resort and Casino

Fireworks. During the enforcement period, in accordance with the established Safety Zone, entry into transiting through or anchoring in the Safety Zone is prohibited to all vessels not registered with the event sponsor as participants or official patrol vessels, unless specifically authorized by the Captain of the Port Sector San Diego or a designated representative.

**DATES:** The regulations in 33 CFR 165.1124, Table 1, Item 4, will be enforced from 8 p.m. through 9:45 p.m. on September 1, 2013.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notice of enforcement, call Lieutenant John Bannon, U.S. Coast Guard Sector San Diego at 619-278-7261, or by email at [John.E.Bannon@uscg.mil](mailto:John.E.Bannon@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the Safety Zone on the Colorado River for the AVI Resort and Casino Labor Day Fireworks Display in 33 CFR 165.1124, Table 1,

Item 4, from 8 p.m. through 9:45 p.m. on September 1, 2013.

Under provisions of 33 CFR 165.1124, a vessel may not enter the regulated area, unless it receives permission from the Captain of the Port or a designated representative. Persons or vessels desiring to enter into or pass through the Safety Zone may request permission from the Captain of the Port or a designated representative. If permission is granted, all persons and vessels shall comply with the instructions of the Captain of the Port or designated representative. Spectator vessels may safely transit outside the regulated area but may not anchor, block, loiter, or impede the transit of participants or official patrol vessels. The Coast Guard may be assisted by other Federal, State, or Local law enforcement agencies in enforcing this regulation.

This notice is issued under authority of 5 U.S.C. 552 (a) and 33 CFR 165.1124. In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via the Local Notice to Mariners and local advertising by the event sponsor.

If the Captain of the Port Sector San Diego Patrol Commander or his designated representative determines that the regulated area need not be enforced for the full duration stated on this notice, he or she may use a Broadcast Notice to Mariners or other communications coordinated by the event sponsor to grant general permission to enter the regulated area.

Dated: July 25, 2013.

**S.M. Mahoney,**

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

[FR Doc. 2013-19100 Filed 8-6-13; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2013-0637]

RIN 1625-AA00

#### Safety Zone; San Diego International Airport Terminal Two West Grand Opening Fireworks; San Diego, CA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a safety zone on the navigable waters of the San Diego Bay in support of a fireworks display for the

Grand Opening of Lindbergh Airport Terminal Two West on August 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 p.m. to 9:15 p.m. on August 8, 2013.

**ADDRESSES:** Documents mentioned in this preamble are part of docket [USCG-2013-0637]. 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 Petty Officer Bryan Gollogly, Waterways Management, U.S. Coast Guard Sector San Diego, Coast Guard; telephone 619-278-7656, email [d11marineeventssandiego@uscg.mil](mailto:d11marineeventssandiego@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 the final details of the event were not

known to the Coast Guard until recently. Publishing an NPRM would be impracticable because there is insufficient time to hold a comment period and immediate action is needed to provide for the safety of life and property on navigable waters.

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** because it is impractical and contrary to the public interest. The Coast Guard did not have the necessary event information in time to provide both a comment period and allow for a 30 day delayed effective date. Immediate action is required to ensure the safety zone is in place to protect participants, crew, spectators, participating vessels, and other vessels and users of the waterway during the event.

##### B. Basis and Purpose

The Ports and Waterways Safety Act gives the Coast Guard authority to create and enforce safety zones. The Coast Guard is establishing a temporary safety zone on the navigable waters of the San Diego Bay for a fireworks event on August 8, 2013, for the San Diego International Airport Terminal Two grand opening. This safety zone is necessary to provide for the safety of the participants, crew, spectators, sponsor vessels, and other users of the waterway.

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

The Coast Guard is establishing a safety zone that will be enforced on August 8, 2013, from 8:30 p.m. to 9:15 p.m. The limits of the safety zone will be navigable waters of the San Diego Bay. The limits of the safety zone will include all the navigable waters within 600 feet of the nearest point of the fireworks barge in approximate position 32 42' 46.71" N 117 10' 39.44" W.

This safety zone is necessary to ensure unauthorized personnel and vessels remain safe by keeping clear during the fireworks show. 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.

Before the effective period, the Coast Guard will publish a Coast Guard District Eleven Local Notice to Mariners information on the event and associated safety zone. Immediately before and during the fireworks event, Coast Guard Sector San Diego Joint Harbor Operations Center will issue Broadcast