

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, and 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; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 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 temporary § 165–T11–579 to read as follows:

#### § 165–T11–579 Safety zone; America's Cup Safety Zone and No Loitering Area, San Francisco, CA.

(a) *Location.* This temporary safety zone is established for the navigable waters of the San Francisco Bay near Treasure Island, CA as depicted in National Oceanic and Atmospheric Administration (NOAA) Chart 18650. The safety zone will encompass the navigable waters of the San Francisco Bay within a shape bounded by the following coordinates: 37°49'41" N, 122°24'17" W; 37°49'41" N, 122°24'07" W; 37°49'26" N, 122°23'51" W; 37°49'17" N, 122°23'51" W; thence back to the point of origin (NAD 83). The no loitering area will encompass the navigable waters of the San Francisco Bay within a shape bounded by the following coordinates: 37°49'55" N, 122°24'33" W; 37°50'00" N, 122°23'47" W; 37°50'00" N, 122°23'00" W; 37°48'59" N, 122°22'19" W; 37°48'40" N, 122°22'40" W; 37°48'40" N, 122°23'10" W; thence back to the point of origin (NAD 83).

(b) *Enforcement Period.* The zone described in paragraph (a) of this section will be effective from July 4, 2013, to September 22, 2013 and will be enforced during all scheduled America's Cup races in 2013. The Captain of the Port San Francisco (COTP) will notify the maritime community of periods during which this zone will be enforced via Broadcast Notice to Mariners in accordance with 33 CFR 165.7 or via actual notice on-scene.

(c) *Regulations.* (1) The safety zone is closed to all persons and vessels.

(2) The no loitering area is open to all persons and vessels for transitory use only.

(3) Persons and vessels operating within the no loitering area may not anchor or otherwise loiter.

(4) Vessel operators desiring to anchor or otherwise loiter within the no loitering area must contact Sector San Francisco Vessel Traffic Service at (415) 556–2760 or VHF Channel 14 to obtain permission.

(5) All persons and vessels transiting through or operating within the no loitering area must comply with all directions given to them by the COTP or a designated representative.

(6) The public can contact Sector San Francisco Bay at (415) 399–3530 to obtain information concerning enforcement of this rule.

(d) *Enforcement.* All persons and vessels must comply with the instructions of the COTP or the designated on-scene patrol personnel. Patrol personnel comprise commissioned, warrant, and petty officers of the Coast Guard onboard Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels. The U.S. Coast Guard may be assisted in the patrol and enforcement of the safety zone by local law enforcement as necessary. Upon being hailed by U.S. Coast Guard patrol personnel by siren, radio, flashing light, or other means, the operator of a vessel must proceed as directed.

Dated: June 19, 2013.

**Gregory G. Stump,**

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

[FR Doc. 2013–16164 Filed 7–3–13; 8:45 am]

**BILLING CODE 9110–04–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG–2013–0493]

RIN 1625–AA00

#### Safety Zone; Fifth Coast Guard District Fireworks Displays, Delaware River; Philadelphia, PA.

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is temporarily changing the enforcement date of a safety zone for one recurring fireworks display in the Fifth Coast Guard District. This regulation applies to only one recurring fireworks event

held in Delaware River in Philadelphia, Pennsylvania. The fireworks display is normally held on July 4th, but this year it will be held on July 6th. The safety zone is necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in a portion of Delaware River near Philadelphia, Pennsylvania, during the event.

**DATES:** This rule will be effective on July 6, 2013, from 9:15 p.m. until 10:30 p.m.

**ADDRESSES:** Documents mentioned in this preamble are part of docket [USCG–2013–0493]. 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 Veronica Smith, U.S. Coast Guard Sector Delaware Bay, Chief of Waterways Management Division; telephone 215–271–4851, email [veronica.l.smith@uscg.mil](mailto:veronica.l.smith@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

This regulation for this fireworks display event may be found at 33 CFR 165.506, Table to § 165.506, section (a), line “16”.

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 it is impracticable. Insufficient time remains to address the change in date for this event and immediate action is needed to minimize potential danger to the public during the event. The potential dangers posed by fireworks displays makes a safety zone necessary to provide for the safety of participants, spectator craft and other vessels transiting the event area. Because of the timeframe and safety concerns noted, it is impracticable to issue an NPRM for this regulation. The Coast Guard will issue broadcast notice to mariners to advise vessel operators of navigational restrictions. On scene Coast Guard and local law enforcement vessels will also provide actual notice to mariners.

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**. For the same reasons as stated previously, a 30 day delayed effective date is impracticable and contrary to the public interest.

## B. Basis and Purpose

Recurring fireworks displays are frequently held on or adjacent to the navigable waters within the boundary of the Fifth Coast Guard District. For a description of the geographical area of each Coast Guard Sector—Captain of the Port (COTP) Zone, please see 33 CFR 3.25.

The regulation listing annual fireworks displays within the Fifth Coast Guard District and safety zones locations is 33 CFR 165.506. The Table to § 165.506 identifies fireworks displays by COTP zone, with the COTP Delaware Bay zone listed in section “(a)” of the Table.

Wawa Welcome America sponsors an annual fireworks display held on July 4th over the waters of Delaware River, Philadelphia, Pennsylvania. The Table to § 165.506, at section (a) event number “16”, describes the enforcement date and regulated location for this fireworks event.

In the Table, this fireworks display occurs annually on July 4th. However, this year, the fireworks event will be held on July 6, 2013.

A fleet of spectator vessels are anticipated to gather nearby to view the fireworks display. Due to the need for vessel control during the fireworks display, vessel traffic will be temporarily restricted to provide for the safety of participants, spectators and transiting vessels. Under provisions of 33 CFR 165.506, during the enforcement period, vessels may not enter the regulated area unless they receive

permission from the Coast Guard Patrol Commander.

## C. Discussion of the Final Rule

The Coast Guard will temporarily suspend the regulation listed in Table to § 165.506, section (a) event Number “16”, and insert this temporary regulation at Table to § 165.506, at section (a) as event Number “18”, in order to reflect that the fireworks display will be held on July 6, 2013, and therefore the enforcement date is changed. This change is needed to accommodate the sponsor’s event plan. No other portion of the Table to § 165.506 or other provisions in § 165.506 will be affected by this regulation.

The regulated area of this safety zone includes all the waters of the Delaware River, adjacent to Penn’s Landing, Philadelphia, PA, bounded from shoreline to shoreline, bounded on the south by a line running east to west from points along the shoreline at latitude 39°56’31.2” N, longitude 075°08’28.1” W; thence to latitude 39°56’29.1” N, longitude 075°07’56.5” W, and bounded on the north by the Benjamin Franklin Bridge.

This safety zone will restrict general navigation in the regulated area during the fireworks event. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area during the effective period. The regulated area is needed to control vessel traffic during the event for the safety of participants and transiting vessels.

In addition to notice in the **Federal Register**, the maritime community will be provided extensive advance notification via the Local Notice to Mariners, and marine information broadcasts so mariners can adjust their plans accordingly.

## 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 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 rule prevents traffic from transiting a portion of the Delaware River, in Philadelphia, Pennsylvania during the specified event, the effect of this regulation will not be significant due to the limited duration that the regulated area will be in effect and the extensive advance notifications that will be made to the maritime community via marine information broadcasts, local radio stations and area newspapers so that mariners can adjust their plans accordingly. Additionally, this rulemaking changes the enforcement date for Delaware River, Philadelphia, Pennsylvania fireworks demonstration for July 6, 2013 only and does not change the permanent enforcement period that has been published in 33 CFR 165.506, Table to § 165.506 at section (a), event Number “16”. In some cases vessel traffic may be able to transit the regulated area when the Coast Guard Patrol Commander deems it is safe to do so.

### 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 would affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor in Delaware River, in Philadelphia, Pennsylvania, where fireworks events are being held. This regulation will not have a significant impact on a substantial number of small entities because it will be enforced only during the fireworks display event that has been permitted by the Coast Guard Captain of the Port. The Captain of the Port will ensure that small entities are able to operate in the regulated area when it is safe to do so. In some cases, vessels will be able to safely transit around the regulated area at various times, and, with the permission of the Patrol Commander, vessels may transit through the regulated area. Before the enforcement period, the Coast Guard will issue maritime advisories so

mariners can adjust their plans accordingly.

### 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 M16475.1D, 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. 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, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. In § 165.506, amend the Table to § 165.506, under the heading (a) Coast Guard Sector Delaware Bay—COTP Zone by—

■ a. Suspending entry 16, “Delaware River, Philadelphia, PA, Safety Zone,” from 9:15 p.m. on July 4, 2013, until 10:30 p.m. on July 6, 2013.

■ b. Adding entry 18 from 9:15 p.m. until 10:30 p.m. on July 6, 2013, to read as follows:

**§ 165.506 Safety Zones; Fireworks Displays in the Fifth Coast Guard District.**

\* \* \* \* \*

Number	Date	Location	Regulated area
* * * * *			
<b>(a) Coast Guard Sector Delaware Bay—COTP Zone</b>			
18 .....	July 6 from 9:15 p.m. until 10:30 p.m.	Delaware River, Philadelphia, PA, Safety Zone.	All the waters of the Delaware River, adjacent to Penns Landing, Philadelphia, PA, bounded from shoreline to shoreline, bounded on the south by a line running east to west from points along the shoreline at latitude 39°56'31.2" N, longitude 075°08'28.1" W; thence to latitude 39°56'29.1" N, longitude 075°07'56.5" W, and bounded on the north by the Benjamin Franklin Bridge.

\* \* \* \* \*

Dated: June 24, 2013.

**K. Moore,**

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

[FR Doc. 2013-16049 Filed 7-3-13; 8:45 am]

**BILLING CODE 9110-04-P**

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[MB Docket No. 12-236; RM-11671; DA 13-986]

**Radio Broadcasting Services; Roaring Springs, Texas**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Audio Division, at the request of Jesus B. Salazar, allots FM Channel 227A and deletes FM Channel 249A at Roaring Springs, Texas, and allots FM Channel 249C3 and deletes FM Channel 276C3 at Roaring Springs. These allotment changes are part of a rule making and hybrid application proposal. Channel 227A can be allotted at Roaring Springs, consistent with the minimum distance separation requirements of the Commission's rules, at coordinates 33-59-36 NL and 100-52-10 WL, with a site restriction of 10.5 km (6.5 miles) north of the community Channel 249C3 can be allotted at Roaring Springs, consistent with the minimum distance separation requirements of the Commission's rules,

at coordinates 33-57-55 NL and 100-47-36 WL, with a site restriction of 9.4 km (5.9 miles) northeast of the community See Supplementary Information *infra*.

**DATES:** Effective August 5, 2013.

**FOR FURTHER INFORMATION CONTACT:** Deborah Dupont, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MB Docket No. 12-236, adopted May 2, 2013, and released May 3, 2013. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Information Center, Portals II, 445 12th Street SW., Room CY-A257, Washington, DC 20554. The complete text of this decision also may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street SW., Room CY-B402, Washington, DC 20554, (800) 378-3160, or via the company's Web site, [www.bcpweb.com](http://www.bcpweb.com). This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506 (c)(4). The Commission will send a copy of this Report and Order in a report to be sent to Congress and the Government Accountability Office

pursuant to the Congressional Review Act, see U.S.C. 801(a)(1)(A).

The Bureau added Channel 249A at Roaring Springs, Texas to the FM Table of Allotments. See 69 FR 29241, published May 21, 2004. However, Channel 249A at Roaring Springs, Texas was inadvertently removed from the FM Table by *Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services*, 71 FR 76208, published December 20, 2006.

**List of Subjects in 47 CFR Part 73**

Radio, Radio broadcasting.  
Federal Communications Commission.  
**James D. Bradshaw,**  
*Deputy Chief, Audio Division, Media Bureau.*

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR Part 73 as follows:

**PART 73—RADIO BROADCAST SERVICES**

- 1. The authority citation for Part 73 continues to read as follows:  
**Authority:** 47 U.S.C. 154, 303, 334, 336 and 339.

**§ 73.202 [Amended]**

- 2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 276C3 at Roaring Springs and by adding Channel 227A and Channel 249C3 at Roaring Springs.

[FR Doc. 2013-16016 Filed 7-3-13; 8:45 am]

**BILLING CODE 6712-01-P**