

(d)(1) *Investigative settlements.* At any time after the filing of a complaint, and before the findings and/or order are objected to or become a final order by operation of law, the case may be settled if the Assistant Secretary, the complainant and the respondent agree to a settlement. The Assistant Secretary's approval of a settlement reached by the respondent and the complainant demonstrates his or her consent and achieves the consent of all three parties.

(2) *Adjudicatory settlements.* At any time after the filing of objections to the Assistant Secretary's findings and/or order, the case may be settled if the participating parties agree to a settlement and the settlement is approved by the ALJ if the case is before the judge, or by the ARB if the ARB has accepted the case for review. A copy of the settlement will be filed with the ALJ or the ARB, as the case may be.

(e) Any settlement approved by the Assistant Secretary, the ALJ, or the ARB, will constitute the final order of the Secretary and may be enforced pursuant to § 1980.113.

#### § 1980.112 Judicial review.

(a) Within 60 days after the issuance of a final order under §§ 1980.109 and 1980.110, any person adversely affected or aggrieved by the order may file a petition for review of the order in the United States Court of Appeals for the circuit in which the violation allegedly occurred or the circuit in which the complainant resided on the date of the violation.

(b) A final order of the ARB is not subject to judicial review in any criminal or other civil proceeding.

(c) If a timely petition for review is filed, the record of a case, including the record of proceedings before the ALJ, will be transmitted by the ARB to the appropriate court pursuant to the Federal Rules of Appellate Procedure and the local rules of such court.

#### § 1980.113 Judicial enforcement.

Whenever any person has failed to comply with a preliminary order of reinstatement, or a final order, including one approving a settlement agreement, issued under the Act, the Secretary or a person on whose behalf the order was issued may file a civil action seeking enforcement of the order in the United States district court for the district in which the violation was found to have occurred. In such civil actions, the district court will have jurisdiction to grant all appropriate relief, including, but not limited to, injunctive relief and compensatory damages, including:

(a) Reinstatement with the same seniority status that the employee would have had, but for the discharge or retaliation;

(b) The amount of back pay, with interest; and

(c) Compensation for any special damages sustained as a result of the discharge or retaliation, including litigation costs, expert witness fees, and reasonable attorney's fees.

#### § 1980.114 District court jurisdiction of retaliation complaints.

(a) If the Secretary has not issued a final decision within 180 days of the filing of the complaint, and there is no showing that there has been delay due to the bad faith of the complainant, the complainant may bring an action at law or equity for *de novo* review in the appropriate district court of the United States, which will have jurisdiction over such an action without regard to the amount in controversy. A party to an action brought under this paragraph shall be entitled to trial by jury.

(b) Within seven days after filing a complaint in Federal court, a complainant must file with the Assistant Secretary, the ALJ, or the ARB, depending on where the proceeding is pending, a copy of the file-stamped complaint. A copy of the complaint also must be served on the Regional Administrator, the Assistant Secretary, Occupational Safety and Health Administration, and on the Associate Solicitor, Division of Fair Labor Standards, U.S. Department of Labor.

#### § 1980.115 Special circumstances; waiver of rules.

In special circumstances not contemplated by the provisions of this part, or for good cause shown, the ALJ or the ARB on review may, upon application, after three days notice to all parties, waive any rule or issue any orders that justice or the administration of the Act requires.

[FR Doc. 2011-28274 Filed 11-2-11; 8:45 am]

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## DEPARTMENT OF DEFENSE

### Department of the Navy

#### 32 CFR Part 706

#### Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Correction

AGENCY: Department of the Navy, DoD.

ACTION: Correcting amendment.

**SUMMARY:** The Department of the Navy (DoN) published a final rule in the **Federal Register** (76 FR 58399) of September 21, 2011, concerning certifications and exemptions under the International Regulations for Preventing collisions at Sea, 1972 (72 COLREGS). The document added an entry to Table Four, paragraph 23, in § 706.2. The existing table has three columns and the proposed entry has four columns. This correcting amendment corrects that information.

**DATES:** Effective November 3, 2011.

#### FOR FURTHER INFORMATION CONTACT:

Lieutenant Jaewon Choi, JAGC, U.S. Navy, Admiralty Attorney (Admiralty and Maritime Law), Office of the Judge Advocate General, Department of the Navy, 1322 Patterson Avenue SE., Suite 3000, Washington Navy Yard, DC 20374-5066, telephone number: (202) 685-5040.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority granted in 33 U.S.C. 1605, the DoN amends 32 CFR part 706.

This amendment provides notice that the Deputy Assistant Judge Advocate General (DAJAG) (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, has certified that USS FORT WORTH (LCS 3) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Rule 27, paragraph (b)i, pertaining to the verticality of the three all-round task lights. The DAJAG (Admiralty and Maritime Law) has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

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.

Accordingly, 32 CFR part 706 is corrected pursuant to the authority granted in 33 U.S.C. 1605 by making the following correcting amendments:

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

Authority: 33 U.S.C. 1605.

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

■ 2. Section 706.2 is amended in Table Four, under paragraph 23, by revising the table to read as follows:

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

\* \* \* \* \*

Table Four

\* \* \* \* \*

23. \* \* \*

Vessel	Number	Verticality of lights, when viewed directly from the port or starboard, the lower task light is out of alignment with the upper and middle task light in meters by:	Verticality of lights, when viewed directly from the bow or stern, the lower task light is with out of alignment the upper and middle task light in meters by:
USV .....	11MUCO601 .....	0.85 .....	.....
	11MUCO602 .....	0.85 .....	.....
	11MUCO603 .....	0.85 .....	.....
	11MUCO604 .....	0.85 .....	.....
USS FORT WORTH .....	LCS 3 .....	.....	0.21

\* \* \* \* \*

Approved: October 24, 2011.

**M. Robb Hyde,**

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

[FR Doc. 2011-28479 Filed 11-2-11; 8:45 am]

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**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 117**

[Docket No. USCG-2011-0991]

**Drawbridge Operation Regulations; Long Island, New York Inland Waterway From East Rockaway Inlet to Shinnecock Canal, NY**

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, First Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Captree State Parkway Bridge at mile 30.7, across the State Boat Channel at Captree Island, New York. The deviation is necessary to facilitate emergency bridge repairs as a result of a recent fire at the bridge. This deviation allows the bridge to open on a limited opening schedule to help facilitate necessary repairs.

**DATES:** This deviation is effective from October 28, 2011 through January 31, 2012.

**ADDRESSES:** Documents mentioned in this preamble as being available in the docket are part of docket USCG-2011-

0991 and are available online at <http://www.regulations.gov>, inserting USCG-2011-0991 in the "Keyword" and then clicking "Search". They are also available for inspection or copying at 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.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Ms. Judy Leung-Yee, Project Officer, First Coast Guard District, [judy.k.leung-yee@uscg.mil](mailto:judy.k.leung-yee@uscg.mil), or telephone (212) 668-7165. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone (202) 366-9826.

**SUPPLEMENTARY INFORMATION:** The Captree State Parkway Bridge, across the State Boat Channel at mile 30.7, at Captree Island, New York, has a vertical clearance in the closed position of 29 feet at mean high water and 30 feet at mean low water. The drawbridge operation regulations are listed at 33 CFR 117.799(i).

The waterway users are recreational vessels of various sizes. The bridge opened 7 times in both June and July, 3 openings in August, and 6 openings in September. During the winter months the bridge rarely opens since the recreational vessels that transit this waterway are normally in winter storage.

The owner of the bridge, New York State Department of Transportation, requested a temporary deviation from the regulations to help facilitate emergency repairs at the bridge as a result of a recent fire at the bridge on October 9, 2011.

Under this temporary deviation the Captree State Parkway Bridge shall operate as follows: from October 28, 2011 through January 31, 2012, the draw shall open every three hours between 8 a.m. and 5 p.m., after at least a two-hour advance notice is given by calling the number posted at the bridge, (631) 904-3050. Vessels that can pass under the bridge in the closed position may do so at any time.

The Coast Guard believes that this temporary deviation should meet the reasonable needs of navigation because the recreational users that normally use this bridge are recreational vessels that do not operate during the winter months when this deviation will be in effect.

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

Dated: October 24, 2011.

**Gary Kassof,**

Bridge Program Manager, First Coast Guard District.

[FR Doc. 2011-28446 Filed 11-2-11; 8:45 am]

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**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 165**

[Docket No. USCG-2011-0615]

RIN 1625-AA00

**Safety Zone; Fourth Annual Chillounge Night St. Petersburg Fireworks Display, Tampa Bay, St. Petersburg, FL**

AGENCY: Coast Guard, DHS.