

Small Business Administration for comment on its impact on small business, and no comments were received.

#### Drafting Information

The principal author of these regulations is Janet Engel Kidd, Office of the Associate Chief Counsel, Procedure and Administration.

#### List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

#### Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

### PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 is amended by adding an entry in numerical order to read in part as follows:

**Authority:** 26 U.S.C. 7805 \* \* \*  
Section 1.6050H-3 is also issued under 26 U.S.C. 6050H(h). \* \* \*

■ **Par. 2.** Section 1.6050H-3 is added to read as follows:

#### § 1.6050H-3 Information reporting of mortgage insurance premiums.

(a) *Information reporting requirements.* Any person who, in the course of a trade or business, receives premiums, including prepaid premiums, for mortgage insurance (as described in paragraph (b) of this section) from any individual aggregating \$600 or more for any calendar year, must make an information return setting forth the total amount received from that individual during the calendar year.

(b) *Scope.* Paragraph (a) of this section applies to mortgage insurance provided by the Federal Housing Administration, Department of Veterans Affairs, or the Rural Housing Service (or their successor organizations), or to private mortgage insurance (as defined by section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901) as in effect on December 20, 2006). The rule stated in paragraph (a) of this section applies to the receipt of all payments of mortgage insurance premiums, by cash or financing, without regard to source.

(c) *Aggregation.* Whether a person receives \$600 or more of mortgage insurance premiums is determined on a mortgage-by-mortgage basis. A recipient need not aggregate mortgage insurance premiums received on all of the mortgages of an individual to determine whether the \$600 threshold is met. Therefore, a recipient need not report mortgage insurance premiums of less

than \$600 received on a mortgage, even though it receives a total of \$600 or more of mortgage insurance premiums on all of the mortgages for an individual for a calendar year.

(d) *Time, form, and manner of reporting.* Mortgage insurance premiums required to be reported under paragraph (a) of this section must be reported on the Form 1098 or successor form that is filed pursuant to § 1.6050H-2(a) with respect to the mortgage of the individual who paid the mortgage insurance premiums. For the requirements for furnishing statements with respect to Forms 1098 filed with the Internal Revenue Service, see § 1.6050H-2(b).

(e) *Cross reference.* For rules concerning the allocation of certain prepaid qualified mortgage insurance premiums, see § 1.163-11 of this chapter.

(f) *Limitation on the reporting of mortgage insurance premiums.* This section applies to mortgage insurance premiums described in paragraph (b) of this section that are paid or accrued on or after January 1, 2013, and during periods to which section 163(h)(3)(E) applies. This section does not apply to any amounts of mortgage insurance premiums that are allocable to any periods to which section 163(h)(3)(E) does not apply.

(g) *Effective/applicability date.* This section applies to mortgage insurance premiums received on or after January 1, 2013. For regulations applicable before May 5, 2012, see § 1.6050H-3T as contained in 26 CFR part 1 (revised as of April 1, 2012).

#### § 1.6050H-3T [Removed]

■ **Par. 3.** Section 1.6050H-3T is removed.

**John M. Dalrymple,**

*Deputy Commissioner for Services and Enforcement.*

Approved: October 1, 2013.

**Mark J. Mazur,**

*Assistant Secretary of the Treasury (Tax Policy).*

[FR Doc. 2013-28381 Filed 11-26-13; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2013-0011]

RIN 1625-AA00

#### Safety Zones; Pacific Northwest Grain Handlers Association Facilities; Columbia and Willamette Rivers

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing temporary safety zones around the following Pacific Northwest Grain Handlers Association facilities: The Columbia Grain facility on the Willamette River in Portland, OR, the United Grain Corporation facility on the Columbia River in Vancouver, WA, the Temco Irving facility on the Willamette River in Portland, OR, the Temco Kalama facility on the Columbia River in Kalama, WA, and the Louis Dreyfus Commodities facility on the Willamette River in Portland, OR. These safety zones extend approximately between the navigable channel and the shoreline of the facility described. These safety zones have been established to ensure that on-water protest activities near these facilities do not create hazardous navigation conditions for vessels protesting, transiting in the navigable channel, or attempting to moor at the facilities and that any on-water activities do not create hazardous conditions while grain-shipment vessels are moored at the facilities.

**DATES:** This rule is effective without actual notice from November 27, 2013 until November 27, 2015. For the purposes of enforcement, actual notice will be used from the date the rule was signed, October 31, 2013, until November 27, 2013.

**ADDRESSES:** Documents mentioned in this preamble are part of docket [USCG-2013-0011]. 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 LTJG Ian P. McPhillips, Waterways Management Division, Marine Safety Unit Portland, U.S. Coast Guard; telephone (503) 240-9319, email [msupdxwww@uscg.mil](mailto:msupdxwww@uscg.mil). If you have questions on viewing or submitting material to the docket, call Renee V. Wright, 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 August 6, 2013, the Coast Guard published a temporary interim rule and request for comments titled, “Safety Zones; Pacific Northwest Grain Handlers Association Facilities; Columbia and Willamette Rivers” in the **Federal Register** (78 FR 47567). In that temporary interim rule, the Coast Guard established temporary safety zones near five Pacific Northwest Grain Handlers Association facilities. Although the Coast Guard had good cause to issue that temporary interim rule without first publishing a proposed rule, the Coast Guard invited the submission of post-promulgation comments and related material regarding that rule through September 5, 2013. No request for a public meeting was received. The Coast Guard received one submission to the docket that raised several objections.

**B. Basis and Purpose**

Coast Guard Captains of the Port are granted authority to establish safety and security zones in 33 CFR 1.05–1(f) for safety and environmental purposes as described in 33 CFR Part 165.

These safety zones are being implemented to ensure the safe navigation of maritime traffic on the Columbia and Willamette Rivers and their tributaries while grain-shipment and grain-shipment assist vessels transit to and from these Pacific Northwest Grain Handlers Association facilities and to ensure that vessels remain safely moored at these Coast Guard regulated facilities. These safety zones are intended to ensure that members of the maritime public, in particular, those engaged in commerce and protest activities on the water, are not injured. Recreational boating, fishing, and protest activity afloat in these safety zones is particularly hazardous because of the effects of strong river currents, the maneuvering characteristics of grain-shipment vessels, and the safety-

sensitive mid-stream personnel transfers conducted by grain-shipment assist vessels with which recreational boaters and protesters may be unfamiliar. These safety zones apply equally to all waterway users and are intended to allow maximum use of the waterway consistent with safe navigation. The impact of the safety zones on maritime activity in the area is minimal because the safety zones are of a limited size and do not encroach on the navigation channel. Grain-shipment vessel means any vessel bound for or departing or having previously loaded cargo at any of the following waterfront facilities: Columbia Grain in Portland, OR; United Grain Corporation in Vancouver, WA; Temco Irving in Portland, OR; Temco Kalama in Kalama, WA; or Louis Dreyfus Commodities in Portland, OR. This includes any vessel leaving anchor in the Columbia and Willamette Rivers that is bound for or had previously departed from the aforementioned waterfront facilities. Grain-shipment assist vessel means any vessel bound for or departing from a grain-shipment vessel to assist it in navigation during the movement of the grain-shipment vessel in the Columbia and Willamette Rivers and their tributaries. This includes but is not limited to tugs, pilot boats, and launches.

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

This temporary final rule is unchanged from the temporary interim rule that was published on August 6, 2013 (78 FR 47567) as no substantive changes have been deemed necessary. One commenter submitted a letter to the docket containing several objections. The commenter addressed the inclusion of the safety zone around the Louis Dreyfus facility, which was not included in the previous rule published on February 4, 2013. The Louis Dreyfus facility was not previously included because it was undergoing repairs and was not operational. The Coast Guard has included the Louis Dreyfus facility in this rule based on the facility’s plans to begin fulltime operations within the enforcement period of this rule.

The commenter asserted that the safety zones were unnecessary and overbroad. Specifically, the commenter questioned the necessity of the size of these zones. The sizes of these zones are based on the average size of the grain-shipment vessels operating on the river and the average speed of the vessels during their approach. The commenter asserted that deep-draft vessels on the Columbia and Willamette Rivers typically approach at 1 to 2 knots when entering the final 250 yards before the

terminal, and therefore, a narrower safety zone of 50–70 yards would still provide a two-minute pre-collision period. The Coast Guard disagrees that a safety zone of 50–70 yards would provide a sufficient buffer to prevent collisions. As vessels are mooring, their speed and direction are frequently changing. Based on these dynamic conditions, we believe the width and size of these safety zones are necessary to significantly reduce the risk posed by limited ship-to-boat communications or propulsion failure by vessels or watercraft operating in the vicinity of grain-shipment vessels.

The commenter also asserts that the Coast Guard has failed to state why the safety zones are necessary and that it appears the safety zones were enacted as the result of union animus. Coast Guard Captains of the Port are delegated authority to establish safety and security zones in 33 CFR 1.05–1(f) for safety and environmental purposes as described in 33 CFR Part 165. The Coast Guard has previously stated that the purpose of this rule is to ensure the safe navigation of maritime traffic on the Columbia and Willamette Rivers and their tributaries while grain-shipment and grain-shipment assist vessels transit to and from these Pacific Northwest Grain Handlers Association facilities. These safety zones are intended to mitigate the hazardous conditions created by small recreational vessels operating in close proximity to large and less-maneuverable, commercial deep-draft vessels and tug and barge configurations, which are typically between 300 and 800 feet in length. In addition to mitigating the navigational dangers associated with operating a small vessel in close proximity to less-maneuverable deep-draft grain-shipment vessels, the Coast Guard believes these safety zones are necessary to protect the safety-sensitive mid-stream personnel transfers conducted by grain-shipment assist vessels with which recreational boaters and protesters may be unfamiliar.

The Coast Guard also disagrees with the commenter’s assertion that the safety zones were enacted out of union animus. The Coast Guard respects the First Amendment rights of protesters. These safety zones do not single out protesters, but apply equally to all waterway users and are intended to allow maximum use of the waterway consistent with safe navigation. The safety zones created by this rule do not prohibit members of the public from assembling on the water to express their points of view. The Captain of the Port has, in coordination with protesters, recommended areas on the water in the

vicinity of these safety zones where those desiring to do so can assemble and express their views to the intended audience without compromising navigational safety.

The commenter asserted that the proposed rule would prevent protesters from engaging in peaceful protest activities. The Coast Guard disagrees. The safety zones created by this rule do not prohibit protest activities on the Columbia and Willamette Rivers. Instead, these safety zones are intended to mitigate the hazardous conditions created by small recreational vessels operating in close proximity to large and less-maneuverable commercial deep-draft vessels and tug and barge configurations, which are typically between 300 and 800 feet in length. The safety zones apply to all vessels not otherwise exempted and are intended to ensure the safe navigation of maritime traffic and to protect the safety of life and property on the Columbia and Willamette rivers and all adjoining tributaries.

The commenter also asserted that this rule is inconsistent with the National Labor Relations Act, 29 U.S.C. 151 *et seq.*, because it prohibits picketing activity. However, the safety zones in this rule do not prohibit picketing, or other concerted activities by employees. Vessel operators, including those engaged in picketing activity, may operate in any part of the river outside of the zones so long as they do so in accordance with the navigational rules.

The commenter disagreed with the Coast Guard's suggested use of on-water assembly areas. Prior to promulgation of the initial safety zone, outreach meetings were held between the local Captain of the Port, Columbia River Pilots, and union members. Based on input from these meetings, the Coast Guard designated on-water assembly areas where protesters could safely exercise their First Amendment rights. However, protestors are not required to restrict their protest activities to these assembly areas and may operate in any part of the river outside of the zones so long as they do so in accordance with the navigational rules.

The commenter expressed the importance of "on-water picketing" in publicizing the ongoing labor dispute and stated that the safety zones unnecessarily burden the ability of protesters to convey their message to their intended audience of "incoming vessels." The Coast Guard disagrees. Nothing in this rule prevents union members from protesting on the water. The safety zones created by the rule apply to all vessels not otherwise exempted and are intended to ensure

the safe navigation of maritime traffic and protect the safety of life and property on the Columbia and Willamette rivers and all adjoining tributaries. The zones address the hazardous conditions for vessels operating in the area due to the maneuvering characteristics of grain-shipment vessels and the safety sensitive mid-stream personnel transfers conducted by grain-shipment assist vessels with which recreational boaters and protesters may be unfamiliar. Vessel operators, including protestors, may operate in any part of the river outside of the zones so long as they do so in accordance with the navigational rules. Additionally, the safety zones are not so large as to prevent vessels from coming within sight or sound of inbound grain-shipment and grain-shipment assist vessels. The recommended on-water assembly areas were proposed specifically to identify locations outside of the safety zones that allow protestors to safely communicate with their intended audience.

Finally, the commenter asserts that the enforcement of these safety zones for a limited amount of time underscores the singling out of labor unions for differential treatment. The Coast Guard disagrees. The safety zones address safety hazards created by the navigation of recreational vessels in close proximity to the facilities to which large and less-maneuverable grain-shipment vessels are transiting. The enforcement of the safety zones for limited time periods is not for the purpose of singling out labor unions but is for the purpose of minimizing the impact on marine operators. The Coast Guard will enforce the safety zones for the minimal amount of time necessary to help ensure the safe navigation for all vessels in the vicinity. The safety zones created by this rule apply to all vessels not otherwise exempted, regardless of whether they are engaged in union activities.

#### **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. Although this rule will restrict access to the regulated areas, the effect of this rule will not be significant because: (i) The safety zones are limited in size; (ii) the official on-scene patrol may authorize access to the safety zones; (iii) the safety zones will effect limited geographical locations for a limited time; and (iv) the Coast Guard will make notifications via maritime advisories so mariners can adjust their plans accordingly.

##### **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 received 0 comments from the Small Business Administration on this rule. 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 may affect the following entities some of which may be small entities: The owners and operators of vessels intending to operate in the area covered by the safety zones created in this rule.

This rule will not have a significant economic impact on a substantial number of small entities for the following reasons: (i) The safety zones are limited in size; (ii) the official on-scene patrol may authorize access to the safety zones; (iii) the safety zones will effect limited geographical locations for a limited time; and (iv) the Coast Guard will make notifications via 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 (Public Law 104–121), we want to assist small entities in understanding this rule. If this 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. In preparing this temporary final rule, the Coast Guard carefully considered the rights of lawful protestors. The safety zones created by this rule do not prohibit members of the public from assembling on shore or expressing their points of view from locations on shore. In addition, the Captain of the Port has, in coordination with protesters, recommended water areas in the vicinity of these safety zones where those desiring to do so can assemble and express their views without compromising navigational safety. 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 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 From Environmental Health Risks

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 the establishment of temporary safety zones around the Columbia Grain facility on the Willamette River in Portland, OR, the United Grain Corporation facility on the Columbia River in Vancouver, WA, the Temco Irving facility on the Willamette River in Portland, OR, the Temco Kalama facility on the Columbia River in Kalama, WA, and the Louis Dreyfus Commodities facility on the Willamette River in Portland, OR. 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**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Reporting and recordkeeping requirements, 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. 1226, 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.T13-240 to read as follows:

#### § 165.T13-240 Safety Zones; Pacific Northwest Grain Handlers Association Facilities; Columbia and Willamette Rivers.

(a) *Definitions.* As used in this section:

(1) *Federal Law Enforcement Officer* means any employee or agent of the United States government who has the authority to carry firearms and make warrantless arrests and whose duties involve the enforcement of criminal laws of the United States.

(2) *Navigable waters of the United States* means those waters defined as such in 33 CFR part 2.

(3) *Navigation Rules* means the International Regulations for Preventing Collisions at Sea, 1972 (commonly called 72 COLREGS) and the Inland Navigation Rules published in 33 CFR Part 83.

(4) *Official Patrol* means those persons designated by the Captain of the Port to monitor a vessel safety zone, permit entry into the zone, give legally enforceable orders to persons or vessels within the zone and take other actions authorized by the Captain of the Port. Federal Law Enforcement Officers authorized to enforce this section are designated as the Official Patrol.

(5) *Public vessel* means vessels owned, chartered, or operated by the United States, or by a State or political subdivision thereof.

(6) *Grain-shipment vessel* means any vessel bound for, departing from, or having previously loaded cargo at any of the following waterfront facilities: Columbia Grain in Portland, OR, United Grain Corporation in Vancouver, WA, Temco Irving in Portland, OR, Temco Kalama in Kalama, WA, or Louis Dreyfus Commodities in Portland, OR. This includes any vessel leaving anchor in the Columbia and Willamette Rivers that is bound for or had previously departed from the aforementioned waterfront facilities.

(7) *Grain-shipment assist vessel* means any vessel bound for or departing from a grain-shipment vessel to assist it in navigation during the movement of the grain-shipment vessel in the Columbia and Willamette Rivers and their tributaries. This includes but is not limited to tugs, pilot boats, and launches.

(8) *Oregon Law Enforcement Officer* means any Oregon Peace Officer as defined in Oregon Revised Statutes section 161.015.

(9) *Washington Law Enforcement Officer* means any General Authority Washington Peace Officer, Limited Authority Washington Peace Officer, or Specially Commissioned Washington Peace Officer as defined in Revised Code of Washington section 10.93.020

(b) *Locations*. The following areas are safety zones:

(1) *Columbia Grain*. All navigable waters of the United States within the Sector Columbia River Captain of the Port Zone enclosed by three lines and the shoreline: line one starting on the shoreline at 45–38°34' N/122–46°11' W then heading 150 yards offshore to 45–38°37' N/122–46°16' W then heading up river 380 yards to 45–38°30' N/122–46°28' W then heading 150 yards to the shoreline ending at 45–38°27' N/122–46°24' W.

(2) *United Grain Corporation*. All navigable waters of the United States within the Sector Columbia River Captain of the Port Zone enclosed by three lines and the shoreline: line one starting on the shoreline at 45–37°52' N/122–41°46' W then heading 150 yards

offshore to 45–37°48' N/122–41°50' W then heading up river 470 yards to 45–37°40' N/122–41°34' W then heading 175 yards to the shoreline ending at 45–37°44' N/122–41°29' W.

(3) *Temco Portland*. All navigable waters of the United States within the Sector Columbia River Captain of the Port Zone enclosed by three lines and the shoreline: line one starting on the shoreline at 45–32°10' N/122–40°34' W then heading 150 yards offshore to 45–32°09' N/122–40°39' W then heading up river 275 yards to 45–32°01' N/122–40°33' W then heading 150 yards to the shoreline ending at 45–32°04' N/122–40°28' W.

(4) *Temco Kalama*. All navigable waters of the United States within the Sector Columbia River Captain of the Port Zone enclosed by three lines and the shoreline: line one starting on the shoreline at 45–59°10' N/122–50°09' W then heading 150 yards offshore to 45–59°09' N/122–50°14' W then heading up river 385 yards to 45–58°58' N/122–50°07' W then heading 150 yards to the shoreline ending at 45–59°00' N/122–50°01' W.

(5) *Louis Dreyfus Commodities*. All navigable waters of the United States within the Sector Columbia River Captain of the Port Zone enclosed by three lines and the shoreline: line one starting on the shoreline at 45–31°49' N/122–40°15' W then heading 70 yards offshore to 45–31°48' N/122–40°17' W then heading up river 300 yards to 45–31°41' N/122–40°09' W then heading 100 yards to the shoreline ending at 45–31°43' N/122–40°06' W.

(c) *Effective Period*. This section is effective without actual notice from November 27, 2013 until November 27, 2015 and will be activated for enforcement as described in paragraph (d) of this section. Actual notice will be used from the date the rule was signed, October 31, 2013, until November 27, 2013.

(d) *Enforcement Periods*. The Sector Columbia River Captain of the Port will cause notice of the enforcement of the grain facilities safety zones to be made by all appropriate means to effect the widest publicity among the affected segments of the public as practicable, in accordance with 33 CFR 165.7. Such means of notification may include, but are not limited to, Broadcast Notices to Mariners or Local Notices to Mariners. The Sector Columbia River Captain of the Port will issue a Broadcast Notice to Mariners notifying the public when enforcement of the safety zone is suspended.

Upon notice of enforcement by the Sector Columbia River Captain of the Port, the Coast Guard will enforce the

safety zone in accordance with the rules set out in this section. Upon notice of suspension of enforcement by the Sector Columbia River Captain of the Port, all persons and vessels are authorized to enter, transit, and exit the safety zone, consistent with the Navigation Rules.

(e) *Regulation*. (1) In accordance with the general regulations in section 165.23 of this part, entry into or movement within these zones is prohibited unless authorized by the Sector Columbia River Captain of the Port, the official patrol, or other designated representatives of the Captain of the Port.

(2) To request authorization to enter or operate within the safety zone contact the on-scene official patrol on VHF–FM channel 16 or 13, or the Sector Columbia River Command Center at phone number (503) 861–6211. Authorization will be granted based on the necessity of access and consistent with safe navigation.

(3) Vessels authorized to enter or operate within the safety zone shall operate at the minimum speed necessary to maintain a safe course and shall proceed as directed by the on-scene official patrol. The Navigation Rules shall apply at all times within the safety zone.

(4) When conditions permit, the on-scene official patrol, or a designated representative of the Captain of the Port at the Sector Columbia River Command Center, should:

(i) Permit vessels constrained by their navigational draft or restricted in their ability to maneuver to enter or operate within the safety zone in order to ensure a safe passage in accordance with the Navigation Rules; and

(ii) Permit commercial vessels anchored in a designated anchorage area to remain at anchor within the safety zone; and

(iii) Permit vessels that must transit via a navigable channel or waterway to enter or operate within the safety zone in order to do so.

(f) *Exemption*. Public vessels as defined in paragraph (a) of this section are exempt from complying with paragraph (e) of this section.

(g) *Enforcement*. Any Coast Guard commissioned, warrant, or petty officer may enforce the rules in this section. In the navigable waters of the United States to which this section applies, when immediate action is required and representatives of the Coast Guard are not present or are not present in sufficient force to provide effective enforcement of this section, any Federal Law Enforcement Officer, Oregon Law Enforcement Officer, or Washington Law Enforcement Officer may enforce the rules contained in this section

pursuant to 46 U.S.C. 70118. In addition, the Captain of the Port may be assisted by other federal, state, or local agencies in enforcing this section.

(h) *Waiver.* The Captain of the Port Columbia River may waive any of the requirements of this section for any vessel or class of vessels upon finding that operational conditions or other circumstances are such that application of this section is unnecessary or impractical for the purpose of port safety or environmental safety.

Dated: October 31, 2013.

**B.C. Jones,**

*Captain, U.S. Coast Guard, Captain of the Port, Sector Columbia River.*

[FR Doc. 2013-28362 Filed 11-26-13; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 17

**RIN 2900-AO59**

#### Copayment for Extended Care Services

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule.

**SUMMARY:** This document promulgates Department of Veterans Affairs (VA) final regulations amending the definition of “spousal resource protection amount” to reference the Maximum Community Spouse Resource Standard, which is adjusted and published each year by the Centers for Medicare and Medicaid Services (CMS). This change has the immediate effect of increasing the spousal resource protection amount from \$89,280 to \$115,920, and ensures that the spousal resource protection amount will stay consistent with the comparable protection for the spouses of Medicaid recipients.

**DATES:** *Effective Date:* This rule is effective December 27, 2013.

**FOR FURTHER INFORMATION CONTACT:**

Kristin J. Cunningham, Director Business Policy, Chief Business Office, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420; (202) 461-1599. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** On April 22, 2013, VA published in the **Federal Register** (78 FR 23702) a proposal to amend the definition of “spousal resource protection amount” found at 38 CFR 17.111(d)(2)(vi). The spousal resource protection amount is the amount of liquid assets of a veteran and community (i.e., not institutionalized)

spouse that is considered unavailable when calculating the veteran’s maximum monthly copayment obligation for extended care services longer than 180 days. We proposed to define the “spousal resource protection amount” by reference to the Maximum Community Spouse Resource Standard, which is published each year by the Centers for Medicare and Medicaid Services (CMS) and is adjusted annually based on the Consumer Price Index. Previously, the spousal resource protection amount used by VA was set at \$89,280 and did not adjust annually. Under the proposed change, this amount would immediately increase to the current CMS standard of \$115,920, and would automatically adjust on an annual basis consistent with the comparable protection for the spouses of Medicaid recipients.

In addition, we proposed to remove § 17.111(g), which consists entirely of a copy of VA Form 10-10EC, Application for Extended Care Services.

Interested persons were invited to submit comments to the proposed rule on or before June 21, 2013. We received one comment advocating for increased funding for medical services provided to military spouses, which is beyond the scope of this rulemaking. We received no substantive comments addressing the substance of the proposed rule or suggesting any changes. Therefore, based on the rationale set forth in the proposed rule, VA is adopting the provisions of the proposed rule as a final rule with no changes.

#### Effect of Rulemaking

Title 38 of the Code of Federal Regulations, as revised by this final rulemaking, represents VA’s implementation of its legal authority on this subject. Other than future amendments to this regulation or governing statutes, no contrary guidance or procedures are authorized. All existing or subsequent VA guidance must be read to conform with this rulemaking if possible or, if not possible, such guidance is superseded by this rulemaking.

#### Paperwork Reduction Act

This final rule contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521).

#### Regulatory Flexibility Act

The Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This final rule

will directly affect only individuals and will not directly affect small entities. Therefore, pursuant to 5 U.S.C. 605(b), this rulemaking is exempt from the initial and final regulatory flexibility analysis requirements of 5 U.S.C. 603 and 604.

#### Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 12866 (Regulatory Planning and Review) defines a “significant regulatory action” requiring review by the Office of Management and Budget (OMB), unless OMB waives such review, as “any regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in this Executive Order.”

The economic, interagency, budgetary, legal, and policy implications of this final rule have been examined, and it has been determined not to be a significant regulatory action under Executive Order 12866. VA’s impact analysis can be found as a supporting document at <http://www.regulations.gov>, usually within 48 hours after the rulemaking document is published. Additionally, a copy of the rulemaking and its impact analysis are available on VA’s Web site at <http://www1.va.gov/orpm/>, by following the link for “VA Regulations Published.”

#### Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that