

omitted insurance as a mandatory provision for WEELs and the standard language that BIA may treat any provision of a lease document that violates Federal law as a violation of the lease. This document corrects those errors.

#### List of Subjects in 25 CFR Part 162

Indians—lands.

Accordingly, 25 CFR part 162 is corrected by making the following correcting amendments:

#### PART 162—LEASES and PERMITS

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

**Authority:** 5 U.S.C. 301, R.S. 463 and 465; 25 U.S.C. 2 and 9. Interpret or apply sec. 3, 26 Stat. 795, sec. 1, 28 Stat. 305, secs. 1, 2, 31 Stat. 229, 246, secs. 7, 12, 34 Stat. 545, 34 Stat. 1015, 1034, 35 Stat. 70, 95, 97, sec. 4, 36 Stat. 856, sec. 1, 39 Stat. 128, 41 Stat. 415, as amended, 751, 1232, sec. 17, 43 Stat. 636, 641, 44 Stat. 658, as amended, 894, 1365, as amended, 47 Stat. 1417, sec. 17, 48 Stat. 984, 988, 49 Stat. 115, 1135, sec. 55, 49 Stat. 781, sec. 3, 49 Stat. 1967, 54 Stat. 745, 1057, 60 Stat. 308, secs. 1, 2, 60 Stat. 962, sec. 5, 64 Stat. 46, secs. 1, 2, 4, 5, 6, 64 Stat. 470, 69 Stat. 539, 540, 72 Stat. 968, 107 Stat. 2011, 108 Stat. 4572, March 20, 1996, 110 Stat. 4016; 25 U.S.C. 380, 393, 393a, 394, 395, 397, 402, 402a, 403, 403a, 403b, 403c, 409a, 413, 415, 415a, 415b, 415c, 415d, 416, 477, 635, 2201 et seq., 3701, 3702, 3703, 3712, 3713, 3714, 3715, 3731, 3733, 4211; 44 U.S.C. 3101 et seq.

#### § 162.105 [Amended]

■ 2. In § 162.105, paragraph (a), remove the words “a agricultural lease” and add, in their place, the words “an agricultural lease.”

#### § 162.106 [Amended]

■ 3. In § 162.106, paragraph (a), remove the words “a lease” wherever they appear and add, in their place, the words “an agricultural lease.”

■ 4. In § 162.513, revise paragraph (a) introductory text, paragraphs (a)(6) and (a)(7), and add paragraphs (a)(8) and (e) to read as follows:

#### § 162.513 Are there mandatory provisions a WEEL must contain?

(a) All WEELs must identify:

\* \* \* \* \*

(6) Payment requirements and late payment charges, including interest;

(7) Due diligence requirements, under § 162.517; and

(8) Insurance requirements, under § 162.527.

\* \* \* \* \*

(e) We may treat any provision of a lease document that violates Federal law as a violation of the lease.

Dated: March 7, 2013.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2013–07225 Filed 3–28–13; 8:45 am]

BILLING CODE 4310–6W–P

#### DEPARTMENT OF THE TREASURY

##### Internal Revenue Service

#### 26 CFR Part 1

[TD 9612]

RIN 1545–BA53

#### Noncompensatory Partnership Options

##### Correction

In rule document 2013–2259 appearing on pages 7997–8016 in the issue of Tuesday, February 5, 2013, make the following correction:

#### § 1.704–1 [Corrected]

In § 1.704–1, on page 8012, the second table should appear as follows:

	Basis	Value
<b>Assets:</b>		
Property D .....	\$24,000	\$33,000
Cash .....	\$12,000	\$12,000
<b>Total .....</b>	<b>\$36,000</b>	<b>\$45,000</b>
<b>Liabilities and Capital:</b>		
K .....	\$13,000	\$15,000
L .....	\$13,000	\$15,000
M .....	\$10,000	\$15,000
	<b>\$36,000</b>	<b>\$45,000</b>

[FR Doc. C1–2013–02259 Filed 3–29–13; 8:45 am]

BILLING CODE 1505–01–D

#### DEPARTMENT OF THE TREASURY

##### Internal Revenue Service

#### 26 CFR Part 31

#### Employment Taxes and Collection of Income Tax at Source

##### CFR Correction

In Title 26 of the Code of Federal Regulations, Parts 30 to 39, revised as of April 1, 2012, on page 301, in § 31.3406(b)(3)–2, in paragraph (b)(5), the language “§ 5f.6045–1(c)(3)(x)” is removed and “§ 1.6045–1(c)(3)(x)” is added in its place.

[FR Doc. 2013–07509 Filed 3–28–13; 8:45 am]

BILLING CODE 1505–01–D

#### DEPARTMENT OF THE INTERIOR

##### Surface Mining Reclamation and Enforcement

#### 30 CFR Part 1206

##### Product Valuation

##### CFR Correction

In Title 30 of the Code of Federal Regulations, Parts 700 to End, revised as of July 1, 2012, on page 742, in § 1206.57(d)(3) the reference to “§ 1218.54” is corrected to read “§ 1218.56”, and on page 761, in § 1206.117(a), the reference to “§ 218.54” is corrected to read “§ 1218.54”.

[FR Doc. 2013–07512 Filed 3–28–13; 8:45 am]

BILLING CODE 1505–01–D

#### DEPARTMENT OF HOMELAND SECURITY

##### Coast Guard

#### 33 CFR Part 100

[Docket No. USCG–2013–0081]

RIN 1625–AA08

#### Special Local Regulations; Charleston Race Week, Charleston Harbor; Charleston, SC

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a special local regulation on the waters of Charleston Harbor in Charleston, South Carolina during Charleston Race Week, a series of sailboat races. From Thursday, April 18, 2013, until Sunday, April 21, 2013, approximately 300 sailboats are anticipated to participate in these races, and approximately 15 spectator vessels are expected to watch the event. A special local regulation is necessary to provide for the safety of life on the navigable waters of the United States during the races. This special local regulation consists of three race areas. Except for those persons and vessels participating in the sailboat races, persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within any of the race areas unless authorized by the Captain of the Port Charleston or a designated representative.

**DATES:** This rule is effective from 7:30 a.m. on April 18, 2013, until 5 p.m. on April 21, 2013. This rule will be enforced daily from 7:30 a.m. until 5:30

p.m. on April 18, 2013, through April 21, 2013.

**ADDRESSES:** Documents indicated in this preamble are part of docket USCG–2013–0081. 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 Chief Warrant Officer Christopher Ruleman, telephone (843) 740–3184, email [Christopher.L.Ruleman@uscg.mil](mailto:Christopher.L.Ruleman@uscg.mil). If you have questions on viewing 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 Information

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 doing so would be impracticable. The Coast Guard did not receive necessary information about the event until February 11, 2013. As a result, the Coast Guard did not have sufficient time to publish an NPRM and to receive public comments prior to the event. Immediate action is needed to minimize potential danger to the race participants, participant vessels, spectators and the general public.

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** because immediate action is needed to minimize potential danger to the race participants, participant vessels, spectators and the general public.

##### B. Basis and Purpose

From April 18, 2013, until April 21, 2013, Charleston Ocean Racing Association will host three sailboat races on Charleston Harbor in Charleston, South Carolina during Charleston Race Week. Approximately 300 sailboats will be participating in the three races. It is anticipated that at least 15 spectator vessels will be present during the races.

The legal basis for the rule is the Coast Guard’s authority to establish special local regulations: 33 U.S.C. 1233. The purpose of the rule is to ensure safety of life on navigable waters of the United States during three Charleston Race Week sailboat races.

##### C. Discussion of the Final Rule

The rule establishes a special local regulation on certain waters of Charleston Harbor in Charleston, South Carolina. The special local regulation will be enforced daily from 7:30 a.m. until 5:30 p.m. on April 18, 2013, through April 21, 2013. The special local regulation consists of the following three race areas.

1. *Race Area #1.* All waters encompassed within an 800 yard radius of position 32°46’39” N, 79°55’10” W.

2. *Race Area #2.* All waters encompassed within a 900 yard radius of position 32°45’48” N, 79°54’46” W.

3. *Race Area #3.* All waters encompassed within a 900 yard radius of position 32°45’44” N, 79°53’32” W.

Except for those persons and vessels participating in the sailboat races, persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within any of the race areas unless specifically authorized by the Captain of the Port Charleston or a designated representative. Persons and vessels desiring to enter, transit through, anchor in, or remain within any of the race areas may contact the Captain of the Port Charleston by telephone at (843) 740–7050, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain within the race areas is granted by the Captain of the Port Charleston or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Charleston or a designated representative. The Coast Guard will provide notice of the

regulated areas by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

##### 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.

The economic impact of this rule is not significant for the following reasons: (1) Although persons and vessels will not be able to enter, transit through, anchor in, or remain within the regulated areas without authorization from the Captain of the Port Charleston or a designated representative, they may operate in the surrounding area during the enforcement periods; (2) persons and vessels may still enter, transit through, anchor in, or remain within the regulated areas if authorized by the Captain of the Port Charleston or a designated representative; and (3) the Coast Guard will provide advance notification of the special local regulation to the local maritime community by Local Notice to Mariners and Broadcast Notice to Mariners.

###### 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 may affect the following entities, some of which may be small entities: the owners or operators of vessels intending to enter, transit through, anchor in, or remain within the

waters of Charleston Harbor encompassed within the three regulated areas between 7:30 a.m. and 5:30 p.m., from April 18, 2013, until April 21, 2013. For the reasons discussed in the Regulatory Planning and Review section above, this rule will not have a significant economic impact on a substantial number of small entities.

### 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 concluded 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 a special local regulation issued in conjunction with a regatta or marine parade. This rule is categorically excluded, under figure 2–1, paragraph (34)(h), of the Commandant Instruction. We seek any comments or information that may lead to the discovery of a significant.

### List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

### PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233.

■ 2. Add § 100.T07–0081 to read as follows:

#### **§ 100.T07–0081 Special Local Regulation; Charleston Race Week, Charleston Harbor; Charleston, SC.**

(a) *Regulated Areas.* The following regulated areas are established as a special local regulation. All coordinates are North American Datum 1983.

(1) *Race Area #1.* All waters encompassed within an 800 yard radius of position 32°46′39″ N, 79°55′10″ W.

(2) *Race Area #2.* All waters encompassed within a 900 yard radius of position 32°45′48″ N, 79°54′46″ W.

(3) *Race Area #3.* All waters encompassed within a 900 yard radius of position 32°45′44″ N, 79°53′32″ W.

(b) *Definition.* The term “designated representative” means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port Charleston in the enforcement of the regulated areas.

(c) *Regulations.*

(1) Except for those person and vessels participating in the sailboat

ances, all persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within any of the three regulated areas unless authorized by the Captain of the Port Charleston or a designated representative.

(2) Persons and vessels desiring to enter, transit through, anchor in, or remain within any of the regulated areas may contact the Captain of the Port Charleston by telephone at (843) 740-7050, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain within any of the regulated areas is granted by the Captain of the Port Charleston or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Charleston or a designated representative.

(3) The Coast Guard will provide notice of the regulated areas by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

(d) *Enforcement Period.* This rule will be enforced from 7:30 a.m. until 5:30 p.m. each day from April 18, 2013 through April 21, 2013.

Dated: March 19, 2013.

**Michael F. White, Jr.,**

*Captain, U.S. Coast Guard, Captain of the Port Charleston.*

[FR Doc. 2013-07287 Filed 3-28-13; 8:45 am]

BILLING CODE 9110-04-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2013-0166]

RIN 1625-AA00

#### **Safety Zone; Spanish Navy School Ship San Sebastian El Cano Escort; Bahia de San Juan; San Juan, PR**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary moving safety zone on the waters of Bahia de San Juan during the transit of the Spanish Navy School Ship San Sebastian El Cano, a public vessel, and during their 21 gun salute in accordance with the military tradition of vessel proving that it is unarmed upon entrance into a foreign country. The safety zone is necessary to protect the public from the hazards

associated with the 21 gun salute near the Bar Channel entrance, and to protect the high ranking officials on board the Spanish Navy School Ship San Sebastian El Cano. The inbound escort is scheduled to take place on Saturday, April 6, 2013, and will entail an escort of the Spanish Navy School Ship San Sebastian El Cano and 21 gun salute. The outbound escort is scheduled to take place on Wednesday, April 10, 2013. The safety zone is necessary to ensure the safety of high ranking officials, commercial traffic, spectators, and the general public on the navigable waters of the United States during the transit and salute. Persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the safety zone unless authorized by the Captain of the Port San Juan or a designated representative.

**DATES:** This rule is effective from 8 a.m. on April 6, 2013, until 10 a.m. on April 10, 2013. This rule will be enforced from 8 a.m. until 9:30 a.m. on April 6, 2013, and from 8 a.m. until 10 a.m. on April 10, 2013.

**ADDRESSES:** Documents mentioned in this preamble are part of docket [USCG-2013-0166]. 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 Chief Warrant Officer Anthony Cassisa, Sector San Juan Prevention Department, U.S. Coast Guard; telephone (787) 289-2073, email [Anthony.J.Cassisa@uscg.mil](mailto:Anthony.J.Cassisa@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 it is impracticable. The Coast Guard did not receive the request for an escort and safety zone nor a confirmed itinerary, from the Office of Puerto Rican Secretary of State with sufficient time to publish an NPRM and to receive public comments prior to the event. Any delay in the effective date of this rule would be impracticable because immediate action is needed to minimize potential danger to high ranking officials and the general public.

Under 5 U.S.C. 553(d)(3), for the same reasons as above, the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

#### **B. Basis and Purpose**

On April 6, 2013, the Spanish Navy School Ship San Sebastian El Cano, a public vessel will be transiting in with high ranking officials to honor and return the remains of Captain Ramon Power y Giral, a famous and respected Puerto Rican Navy Captain. The escort will be held on the waters of Bahia de San Juan, San Juan, Puerto Rico of the Spanish Navy School Ship San Sebastian El Cano, and will include a 21 gun salute near the Bar Channel entrance.

The purpose of the rule is to protect high ranking officials on board the Spanish Navy School Ship San Sebastian El Cano and the public from the hazards associated with the 21 gun salute over navigable waters of the United States.

The legal basis for the rule is the U. S. Coast Guard's authority to establish regulated navigation areas and other limited access areas: 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.

#### **C. Discussion of the Final Rule**

The safety zone encompasses certain waters of Bahia de San Juan, San Juan, Puerto Rico. The safety zone will be enforced from 8 a.m. to 9:30 a.m. on April 6, 2013, and from 8 a.m. to 10 a.m. on April 10, 2013.