

- g. § 214.6(g)(1);
  - h. § 214.7(c)(2)(i);
  - i. § 214.14(c)(5)(i)(A);
  - j. § 215.8(a)(1);
  - k. § 231.1(b)(1);
  - l. § 231.2(b)(1);
  - m. § 235.1(f)(1)(ii);
  - n. § 245.15(h)(4);
  - o. § 245.21(g)(3);
  - p. § 245.23(e)(1)(vi);
  - q. § 245.24(d)(6);
  - r. § 245a.1(d)(2);
  - s. § 245a.2(b)(8);
  - t. § 245a.4(b)(2)(i)(F);
  - u. § 245a.15(b)(2)(i);
  - v. § 247.12(a);
  - w. § 253.1(a);
  - x. § 274a.2(b)(1)(v)(A)(5); and
  - y. § 286.9(b)(1).
- 5. In § 264.1, add a note to the end of paragraph (b) to read as follows:

**§ 264.1 Registration and fingerprinting.**

\* \* \* \* \*

(b) \* \* \*

**Note to paragraph (b):** In addition to the forms noted in this paragraph (b), a valid, unexpired nonimmigrant DHS admission or parole stamp in a foreign passport constitutes evidence of registration.

Janet Napolitano,  
Secretary.

[FR Doc. 2013-06974 Filed 3-26-13; 8:45 am]

BILLING CODE 9111-14-P

## DEPARTMENT OF DEFENSE

### Department of the Army

#### 32 CFR Part 505

##### Army Privacy Act Program

**AGENCY:** Department of the Army, DoD.  
**ACTION:** Final rule.

**SUMMARY:** The Department of the Army is amending its rule on notification of the Army Litigation Division when complaints citing the Privacy Act are filed in order to correct the mailing address in § 505.12. The address for notifying the Army Litigation Division of cases citing the Privacy Act and filed in a U.S. District Court has changed.

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

**FOR FURTHER INFORMATION CONTACT:** MAJ Lisa R. Bloom, 703-693-1009, email: [lisa.bloom@us.army.mil](mailto:lisa.bloom@us.army.mil).

##### SUPPLEMENTARY INFORMATION:

##### A. Background

In the August 10, 2006, issue of the *Federal Register* (71 FR 46052), the Department of the Army issued a final rule. This final rule corrects the mailing

address for the Army Litigation Division. The Army Litigation Division moved to Fort Belvoir in September 2011.

##### B. Regulatory Flexibility Act

The Department of the Army has determined that the Regulatory Flexibility Act does not apply because the rule change does not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601-612.

##### C. Unfunded Mandates Reform Act

The Department of the Army has determined that the Unfunded Mandates Reform Act does not apply because the rule change does not include a mandate that may result in estimated costs to State, local or tribal governments in the aggregate, or the private sector, of \$100 million or more.

##### D. National Environmental Policy Act

The Department of the Army has determined that the National Environmental Policy Act does not apply because the rule change does not have an adverse impact on the environment.

##### E. Paperwork Reduction Act

The Department of the Army has determined that the Paperwork Reduction Act does not apply because the rule change does not involve collection of information from the public.

##### F. Executive Order 12630 (Government Actions and Interference With Constitutionally Protected Property Rights)

The Department of the Army has determined that Executive Order 12630 does not apply because the rule change does not impair private property rights.

##### G. Executive Order 12866 (Regulatory Planning and Review) and Executive Order 13563 (Improving Regulation and Regulatory Review)

The Department of the Army has determined that according to the criteria defined in Executive Order 12866 and Executive Order 13563 this rule change is not a significant regulatory action. As such, the rule is not subject to Office of Management and Budget review under section 6(a)(3) of the Executive Order.

##### H. Executive Order 13045 (Protection of Children From Environmental Health Risk and Safety Risks)

The Department of the Army has determined that according to the criteria defined in Executive Order 13045 that Executive Order does not apply.

##### I. Executive Order 13132 (Federalism)

The Department of the Army has determined that according to the criteria defined in Executive Order 13132 that Executive Order does not apply because the rule change will not have a substantial 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.

Kevin K. Robitaille,

COL, JA, Chief, U.S. Army Litigation Division.

##### List of Subjects in 32 CFR Part 505

Privacy, Enforcement actions.

For reasons stated in the preamble 32 CFR part 505 is amended as follows:

##### PART 505—ARMY PRIVACY ACT PROGRAM

- 1. The authority citation for part 505 continues to read as follows:

**Authority:** Pub. L. 93-579, 88 Stat. 1896 (5 U.S.C. 552a).

- 2. Revise paragraph (b) (1) of § 505.12 to read as follows:

##### § 505.12 Privacy Act enforcement actions.

\* \* \* \* \*

(b) \* \* \*

(1) When a complaint citing the Privacy Act is filed in a U.S. District Court against the Department of the Army, an Army Component, a DA Official, or any Army employee, the responsible system manager will promptly notify the Army Litigation Division, U.S. Army Legal Services Agency (USALSA), 9275 Gunston Road, Fort Belvoir, VA 22060.

\* \* \* \* \*

[FR Doc. 2013-06968 Filed 3-26-13; 8:45 am]

BILLING CODE 3710-08-P

## DEPARTMENT OF DEFENSE

### Department of the Army

#### 32 CFR Part 518

##### The Freedom of Information Act

**AGENCY:** Department of the Army, DoD.  
**ACTION:** Final rule.

**SUMMARY:** The Department of the Army is amending its rule on notification of the Army Litigation Division when a request is made for a record related to pending litigation involving the United States in order to correct the mailing address in § 518.15 and § 518.18. The address for notifying the U.S. Army Litigation Division of record requests

related to litigation involving the United States has changed.

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

**FOR FURTHER INFORMATION CONTACT:** MAJ Lisa R. Bloom, 703-693-1009, email: [lisa.bloom@us.army.mil](mailto:lisa.bloom@us.army.mil).

**SUPPLEMENTARY INFORMATION:**

**A. Background**

In the February 26, 2006, issue of the **Federal Register** (71 FR 9222), the Department of the Army issued a final rule. This final rule corrects the mailing address for the Army Litigation Division. The Army Litigation Division moved to Fort Belvoir in September 2011.

**B. Regulatory Flexibility Act**

The Department of the Army has determined that the Regulatory Flexibility Act does not apply because the rule change does not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601-612.

**C. Unfunded Mandates Reform Act**

The Department of the Army has determined that the Unfunded Mandates Reform Act does not apply because the rule change does not include a mandate that may result in estimated costs to State, local or tribal governments in the aggregate, or the private sector, of \$100 million or more.

**D. National Environmental Policy Act**

The Department of the Army has determined that the National Environmental Policy Act does not apply because the rule change does not have an adverse impact on the environment.

**E. Paperwork Reduction Act**

The Department of the Army has determined that the Paperwork Reduction Act does not apply because the rule change does not involve collection of information from the public.

**F. Executive Order 12630 (Government Actions and Interference With Constitutionally Protected Property Rights)**

The Department of the Army has determined that Executive Order 12630 does not apply because the rule change does not impair private property rights.

**G. Executive Order 12866 (Regulatory Planning and Review) and Executive Order 13563 (Improving Regulation and Regulatory Review)**

The Department of the Army has determined that according to the criteria defined in Executive Order 12866 and Executive Order 13563 this rule change is not a significant regulatory action. As such, the rule is not subject to Office of Management and Budget review under section 6(a)(3) of the Executive Order.

**H. Executive Order 13045 (Protection of Children From Environmental Health Risk and Safety Risks)**

The Department of the Army has determined that according to the criteria defined in Executive Order 13045 that Executive Order does not apply.

**I. Executive Order 13132 (Federalism)**

The Department of the Army has determined that according to the criteria defined in Executive Order 13132 that Executive Order does not apply because the rule change will not have a substantial 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.

**Kevin K. Robitaille,**

*COL, JA, Chief, U.S. Army Litigation Division.*

**List of Subjects in 32 CFR Part 518**

Freedom of information.

For reasons stated in the preamble 32 CFR part 518 is amended as follows:

**PART 518—THE FREEDOM OF INFORMATION ACT**

- 1. The authority citation for part 518 continues to read as follows:

**Authority:** 5 U.S.C. 551, 552, 552a, 5101-5108, 5110-5113, 5115, 5332-5334, 5341-42, 5504-5509, 7154; 10 U.S.C. 130, 1102, 2320-2321, 2328; 18 U.S.C. 798, 3500; 31 U.S.C. 3710; 35 U.S.C. 181-188; 42 U.S.C. 2162; 44 U.S.C. 33; and Executive Order 12600.

- 2. Revise paragraphs (b)(5)(i) and (iii) of § 518.15 to read as follows:

**§ 518.15 General Provisions.**

\* \* \* \* \*

(b) \* \* \*

(5) \* \* \*

(i) *Litigation.* Each request for a record related to pending litigation involving the United States will be referred to the staff judge advocate or legal officer of the command. He or she will promptly inform the Litigation Division, U.S. Army Legal Services Agency (USALSA), of the substance of the request and the content of the record requested.

(Mailing address: Army Litigation Division, U.S. Army Legal Services Agency (USALSA), 9275 Gunston Road, Fort Belvoir, VA 22060. If information is released for use in litigation involving the United States, the Chief, Army Litigation Division (AR 27-40, para 1-4d) must be advised of the release. He or she will note the release in such investigative reports. Information or records normally exempted from release (i.e., personnel and medical records) may be releasable to the judge or court concerned, for use in litigation to which the United States is not a party. Refer such requests to the local staff judge advocate or legal officer, who will coordinate it with the Litigation Center, USALSA.

\* \* \* \* \*

(iii) *Contract disputes.* Each request for a record that relates to a potential contract dispute or a dispute that has not reached final decision by the contracting officer will be treated as a request for procurement records and not as litigation. However, the officials will consider the effect of release on the potential dispute. Those officials may consult with the USALSA, Contract and Fiscal Law Division. (Mailing address: Contract and Fiscal Law Division, U.S. Army Legal Services Agency (USALSA), 9275 Gunston Road, Fort Belvoir, VA 22060. If the request is for a record that relates to a pending contract appeal to the Armed Services Board of Contract Appeals, or to a final decision that is still subject to appeal (i.e., 90 days have not lapsed after receipt of the final decision by the contractor) then the request will be: Treated as involving a contract dispute; and referred to the USALSA, Contract and Fiscal Law Division.

\* \* \* \* \*

- 3. Revise paragraph (f)(2) of § 518.18 to read as follows:

**§ 518.18 Judicial actions.**

\* \* \* \* \*

(f) \* \* \*

(2) *Responsibility for FOIA litigation.* For the Army, under the general oversight of the OGC, FOIA litigation is the responsibility of the General Litigation Branch, Army Litigation Division. If you are notified of a FOIA lawsuit involving the Army, contact the General Litigation Branch immediately at: General Litigation Branch, Army Litigation Division, U.S. Army Legal Services Agency (USALSA), 9275 Gunston Road, Fort Belvoir, VA 22060. The General Litigation Branch will provide guidance on gathering information and assembling a litigation

report necessary to respond to FOIA litigation.

\* \* \* \* \*

[FR Doc. 2013-06967 Filed 3-26-13; 8:45 am]

BILLING CODE 3710-08-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 100

[Docket No. USCG-2012-0150]

RIN 1625-AA08

#### Special Local Regulations; Stuart Sailfish Regatta, Indian River; Stuart, FL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a special local regulation on the Indian River located northeast of the Ernest F. Lyons Bridge and south of Joes Cove, in Stuart, Florida during the Stuart Sailfish Regatta, a series of high-speed boat races. The Stuart Sailfish Regatta will take place from Friday, April 19, 2013, until Sunday, April 21, 2013. Approximately 40–80 high-speed power boats will be participating in the event and it is anticipated that at least 100 spectator vessels will be. This special local regulation is necessary for the safety of race participants, participant vessels, spectators, and the general public during the event. The special local regulation establishes the following three areas: A race area, where all persons and vessels, except those persons and vessels participating in the high-speed boat races, are prohibited from entering, transiting through, anchoring in, or remaining within; a buffer zone around the race area, where all persons and vessels, except those persons and vessels enforcing the buffer zone, or authorized participants or vessels transiting to the race area, are prohibited from entering, transiting through, anchoring in, or remaining within; and a spectator area.

**DATES:** This rule is effective from April 19, 2013, until April 21, 2013. This rule is enforced from 9 a.m. until 5 p.m. daily from April 19, 2013, until April 21, 2013.

**ADDRESSES:** Documents mentioned in this preamble are part of docket USCG-2012-0150. 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 Junior Grade Mike H. Wu, Sector Miami Prevention Department, Coast Guard; telephone (305) 535-7576, email [Mike.H.Wu@uscg.mil](mailto:Mike.H.Wu@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

On January 9, 2013, the USCG published a Notice of Proposed Rulemaking (NPRM) entitled, “Special Local Regulations; Stuart Sailfish Regatta, Indian River; Stuart, FL” in the **Federal Register** (78 FR 1792). We received no comments on the proposed rule. No public meeting was requested, and none was held.

#### B. Basis and Purpose

From Friday, April 19, 2013, until Sunday, April 21, 2013, Stuart Sailfish Regatta, Inc. will be hosting the Stuart Sailfish Regatta, a series of high-speed boat races. The races will be held on the Indian River located northeast of Ernest F. Lyons Bridge and south of Joes Cove, in Stuart, Florida. Approximately 40–80 high-speed power boats will be participating in the event. It is anticipated that at least 100 spectator vessels will be present during the race.

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 insure safety of life on navigable waters of the United States during the Stuart Sailfish Regatta.

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

The Coast Guard did not receive any comments to the proposed rule. Two changes were made to the regulatory text. First, the published NPRM included an overlap between the buffer zone and the spectator area. This has been corrected so that these two areas

are in fact defined and separate. Second, the paragraph pertaining to the spectator area was amended to further explain the regulation for that area. Entrance into the spectator area will be regulated and all persons and vessels are prohibited from entering the spectator area unless and until given permission by the Captain of the Port Miami or designated representative via radio on channel 16.

This temporary final rule establishes a special local regulation that will encompass certain waters of the Indian River located northeast of Ernest F. Lyons Bridge and south of Joes Cove, in Stuart, Florida. The special local regulation will be enforced daily from 9 a.m. until 5 p.m. from April 19, 2013 until April 21, 2013. The special local regulation consists of the following three areas: (1) A race area, where all persons and vessels, except those persons and vessels participating in the high-speed boat races, are prohibited from entering, transiting through, anchoring in, or remaining within; (2) a buffer zone around the race area, where all persons and vessels, except those persons and vessels enforcing the buffer zone, or authorized participants or vessels transiting to the race area, are prohibited from entering, transiting through, anchoring in, or remaining within; and (3) a spectator area.

Persons and vessels may request authorization by contacting the Captain of the Port Miami by telephone at (305) 535-4472, or a designated representative via VHF radio on channel 16, to enter, transit through, anchor in, or remain within the race area or the buffer zone. If authorization is granted by the Captain of the Port Miami or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Miami 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