appropriations legislation[1] containing the same restriction prohibiting the Department's use of appropriated funds to implement, administer, or enforce the Wage Rule necessitated subsequent extensions of the effective date of that rule. *See* 76 FR 82115 (Dec. 30, 2011) (extending the effective date to Oct. 1, 2012); 77 FR 60040 (Oct. 2, 2012) (extending the effective date to Mar. 27, 2013).

In light of the anticipated enactment of the Consolidated and Further Continuing Appropriations Act, 2013, which establishes the Department's appropriations through September 30, 2013, and also continues the prohibition of the expenditure of the Department's appropriated funds to implement, administer, or enforce the Wage Rule through September 30, 2013, *see* Sec. 1101, the Department again must delay the effective date of the Wage Rule. Delaying the effective date of the Wage Rule will ensure an orderly transition and prevent further disruption in light of the U.S. District Court for the Eastern District of Pennsylvania's March 21, 2013 ruling in *Comite de Apoyo a los Trabajadores Agricolas et al.* v. *Solis,* 09-cv-00240, 2013 WL 1163426 (E.D. Pa. Mar. 21, 2013), in which the court vacated and granted a permanent injunction against the operation of one provision of the H–2B 2008 Rule, 20 CFR 655.10(b)(2). Under the now-vacated provision, prevailing wage determinations issued by the Department for a job opportunity for which the employer seeks H–2B workers must be based on the arithmetic mean of the wages of workers similarly employed *at the skill level* in the area of intended employment. Pursuant to that now-vacated regulation, the Department established a four-tier wage structure by dividing the Bureau of Labor Statistics Occupational Employment Statistics Survey (OES survey) wage applicable to the occupation in question into four tiers. The court vacated 20 CFR 655.10(b)(2) and remanded to the Department, giving the Department thirty days to come into compliance with the court's order.

As a result of the court's order, if a prevailing wage determination is sought based on the OES survey, the Department currently is unable to issue a prevailing wage determination under the now-vacated wage provision of the 2008 rule because the court has held invalid the four-tiered OES wage. Most of the Department's prevailing wage determinations in the H–2B program are based on the invalidated four-tiered OES wage. However, if an employer's request for a prevailing wage determination is covered by a collective bargaining agreement, the Department still may issue that prevailing wage determination because the issuance of such determinations is unaffected by the court's order. *See* 20 CFR 655.10(b)(1). Similarly, the Department still may issue prevailing wage determinations based on the employer's submission of a private wage survey (if approved by the Department), or its voluntary use of wages set under the Davis-Bacon Act, 40 U.S.C. 276a *et seq.,* 29 CFR part 1, or the McNamara-O'Hara Service Contract Act, 41 U.S.C. 351 *et seq. See* 20 CFR 655(b)(4), (b)(5). These alternative methodologies would be barred, however, were the 2011 Wage Rule to take effect.

Consistent with the court's ruling and order, the Department intends to promulgate a revised wage rule within 30 days of the date of that ruling that complies with the court's interpretation of what the statutory and regulatory framework require. Doing so will allow the Department to resume the normal operation of the H–2B program. Were the 2011 Wage Rule to take effect in this short time period during which DOL is preparing a revised wage rule, not only would it prevent the Department from continuing to issue the small but meaningful percentage of H–2B labor certifications that are not based on the vacated portion of the 2008 rule, but it would lead to disruption and confusion about the governing regulatory framework, as the 2011 rule would be in place and govern submissions made to the Department, but the Department would lack funds to implement that governing structure. Therefore, we are again postponing the effective date of the 2011 Wage Rule, which the Department is unable to implement as a result of Congressional action and which, if permitted to become effective, would further limit the Department's current ability to issue prevailing wage determinations.

The Department considers this situation an emergency warranting the publication of a final rule under the good cause exception of the Administrative Procedure Act. *See* 5 U.S.C. 553(b)(B), (d)(3). We are currently experiencing a significant suspension in program operations as a result of the court's order and until we promulgate a new regulation, which we intend to do in short order. In order to avoid a complete operational suspension of the H–2B program while we promulgate a new regulation (due to the continued defunding of the 2011 Wage Rule), as well as the confusion and disruption that would result from the 2011 Wage Rule briefly taking legal effect pending that new regulation, the Department finds good cause to adopt this rule, effective immediately, and without prior notice and comment. *See* 5 U.S.C. 553(b)(B), (d)(3). Any delay in promulgating this extension of the Wage Rule's effective date as the result of notice-and-comment rulemaking would significantly disrupt the program.

Signed: At Washington, DC this 26th day of March, 2013.

Jane Oates,

Assistant Secretary for Employment and Training.

[FR Doc. 2013–07431 Filed 3–26–13; 5:00 pm]

BILLING CODE 4510–FP–P

[1] These include the Consolidated Appropriations Act of 2012, Pub. L. No. 112–74, 125 Stat. 786, which was enacted on December 23, 2011; Continuing Appropriations Resolution, 2013, Public Law 112–175, 126 Stat. 1313, which was enacted on September 28, 2012.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 162

RIN 1076–AE73

Residential, Business, and Wind and Solar Resource Leases on Indian Land

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Final rule; correction.

SUMMARY: The Bureau of Indian Affairs (BIA) published a rule in the **Federal Register** of December 5, 2012, announcing the revisions to regulations addressing non-agricultural surface leasing of Indian land. This notice makes some minor corrections to include the proper indefinite article for the term ''agricultural lease'' and clarifies two provisions for wind energy evaluation leases (WEELs).

DATES: This correction is effective on March 29, 2013.

FOR FURTHER INFORMATION CONTACT: Elizabeth Appel, Acting Director, Office of Regulatory Affairs & Collaborative Action, (202) 273–4680; *elizabeth.appel@bia.gov.*

SUPPLEMENTARY INFORMATION:

Need for Corrections

The final regulations addressing non-agricultural surface leasing of Indian land, and redesignating certain sections related to agricultural leases, failed to direct changes to the indefinite article preceding ''agricultural lease,'' resulting in the regulatory language now stating ''a agricultural lease'' rather than ''an agricultural lease'' in several instances. The final regulations also inadvertently

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
Assets:		
Property D	$24,000	$33,000
Cash	$12,000	$12,000
Total	$36,000	$45,000
Liabilities and Capital:		
K	$13,000	$15,000
L	$13,000	$15,000
M	$10,000	$15,000
	$36,000	$45,000

[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