

### 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 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 a safety zone around a barge during a fireworks display will be enforced for five hours. This rule is categorically excluded 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**.

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

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, 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. 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.

■ 2. Add § 165.T07–0085 to read as follows:

**§ 165.T07–0085 Special Local Regulation; V.I. Carnival Finale, St. Thomas Harbor; St. Thomas, U.S. Virgin Islands.**

(a) *Regulated Area.* The following area is established as a safety zone: all waters within a 800 foot radius of 18°20.200N, 64°55.200W. Coordinates are North American Datum 1983. 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.

(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 San Juan in the enforcement of the regulated area.

(c) *Regulations.*

(1) All 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 those participating in the firework display.

(2) Persons and vessels may request authorization to enter, transit through, anchor in, or remain within the regulated area by contacting the Captain of the Port San Juan by telephone at (787) 289–2041, or a designated representative via VHF radio on channel 16. If authorization is granted, all persons and vessels must comply with the instructions of the Captain of the Port San Juan or a designated representative.

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

(d) *Enforcement Date.* This rule will be enforced from 5:00 p.m. until 10:00 p.m. on Saturday, April 27, 2013.

Dated: April 5, 2013.

**D.M. Flaherty,**

*Captain, U.S. Coast Guard, Acting Captain of the Port, San Juan.*

[FR Doc. 2013–09199 Filed 4–18–13; 8:45 am]

**BILLING CODE 9110–04–P**

#### **DEPARTMENT OF AGRICULTURE**

##### **Forest Service**

##### **36 CFR Part 219**

##### **RIN 0596–AB86**

##### **National Forest System Land Management Planning; Correction**

**AGENCY:** Forest Service, USDA.

**ACTION:** Correcting amendment.

**SUMMARY:** This document contains a technical correction to 36 CFR 219.11(d)(6). This technical correction concerns the estimation of the quantity of timber that can be removed on a sustained yield basis. The final rule was published in the **Federal Register**, on April 9, 2012 (77 FR 21162).

**DATES:** These corrections are effective April 19, 2013.

**ADDRESSES:** Written inquiries about this correction document may be sent to the Director, Ecosystem Management Coordination Staff, USDA Forest Service, 1400 Independence Ave. SW., Mailstop Code 1104, Washington, DC 20250–1104.

**FOR FURTHER INFORMATION CONTACT:** Ecosystem Management Coordination staff's Planning Specialist Regis Terney at (202) 205–1552.

**SUPPLEMENTARY INFORMATION:**

## Background

In volume 77 of the **Federal Register**, page 21162, April 9, 2012, (77 FR 21162) the United States Department of Agriculture (Department) published a final rule setting forth directions for developing, amending, revising, and monitoring land management plans (the planning rule).

The National Forest Management Act (NFMA) at 16 U.S.C. 1604(g)(3)(D) requires planning regulations to specify guidelines for land management plans which “permit increases in harvest levels based on intensified management practices, such as reforestation, thinning, and tree improvement” under certain conditions. This provision requires that the planning regulations must permit such increases in harvest levels if “(i) such practices justify increasing the harvests in accordance with the Multiple-Use Sustained-Yield Act of 1960,” and “(ii) if such harvest levels are decreased at the end of each planning period if such practices cannot be successfully implemented or funds are not received to permit such practices to continue substantially as planned.” *Id.* Because the planning rule did not explicitly include this mandated requirement, the Department is making a technical amendment at 36 CFR 219.11(d)(6), to explicitly include this requirement for intensified management practices. Accordingly, section 219.11(d)(6) now contains, in an introductory paragraph and paragraphs (i) and (iii), the regulatory text that appeared in the planning rule upon its issuance in April, and paragraph (ii), which contains new text tracking the text of 16 U.S.C. 1604(g)(3)(D) of the NFMA. This clarification does not have any substantive legal effect but it simply makes clear that the planning rule complies with the NFMA’s requirement that such rule allow for intensified management practices as set forth in 16 U.S.C. 1604(g)(3)(D).

The Department has also concluded that additional documentation under the National Environmental Policy Act is not necessary to make the decision to make this rule amendment. There is no need to consider the effects of an explicit intensified-management-practices provision among alternatives, because such a provision would be included in every alternative. *See* 16 U.S.C. 1604(g)(3)(D). Therefore, there is no need to supplement the National Forest System Land Management Planning Rule Final Programmatic Environmental Impact Statement of January 2012.

## List of Subjects in 36 CFR Part 219

Administrative practice and procedure, Environmental impact statements, Indians, Intergovernmental relations, National forests, Reporting and recordkeeping requirements, Science and technology.

Accordingly 36 CFR part 219 is corrected by making the following correcting amendment:

### PART 219—PLANNING

■ 1. The authority citation for part 219 continues to read as follows:

**Authority:** 5 U.S.C. 301; 16 U.S.C. 1604, 1613.

■ 2. In § 219.11 revise paragraph (d)(6) to read as follows:

#### § 219.11 Timber requirements based on the NFMA.

\* \* \* \* \*

(d) \* \* \*

(6) The quantity of timber that may be sold from the national forest is limited to an amount equal to or less than that which can be removed from such forest annually in perpetuity on a sustained yield basis. This limit may be measured on a decadal basis.

(i) The plan may provide for departures from this limit as provided by the NFMA when departure would be consistent with the plan’s desired conditions and objectives. Exceptions for departure from this limit on the quantity sold may be made only after a public review and comment period of at least 90 days.

(ii) This limit may be based upon increases in harvest levels based on intensified management practices, such as reforestation, thinning, and tree improvement if such practices justify increasing the harvests in accordance with the Multiple-Use Sustained-Yield Act of 1960. The plan must require that such harvest levels be decreased at the end of each planning period if such practices cannot be successfully implemented or funds are not received to permit such practices to continue substantially as planned.

(iii) The Chief must include in the Forest Service Directive System procedures for estimating the quantity of timber that can be removed annually in perpetuity on a sustained-yield basis, and exceptions, consistent with 16 U.S.C. 1611.

\* \* \* \* \*

Dated: March 13, 2013.

**Thomas L. Tidwell,**  
Chief.

[FR Doc. 2013–08839 Filed 4–18–13; 8:45 am]

**BILLING CODE 3410–11–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R05–OAR–2013–0083; FRL–9804–6]

### Approval and Promulgation of Air Quality Implementation Plans; Indiana; Particulate Matter Air Quality Standards

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving a request submitted by the Indiana Department of Environmental Management (IDEM) on January 30, 2013, to revise the Indiana State Implementation Plan (SIP) for particulate matter under the Clean Air Act (CAA). This submission contains the 24-hour fine particle (PM<sub>2.5</sub>) National Ambient Air Quality Standards (NAAQS) promulgated by EPA in 2006, and removes the annual coarse particle (PM<sub>10</sub>) NAAQS that EPA has previously revoked. The submission also asks EPA to approve into the SIP certain Federally regulated criteria pollutant definitions and abbreviations.

**DATES:** This direct final rule will be effective June 18, 2013, unless EPA receives adverse comments by May 20, 2013. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R05–OAR–2013–0083 by one of the following methods:

1. *www.regulations.gov*: Follow the on-line instructions for submitting comments.

2. *Email*: [aburano.douglas@epa.gov](mailto:aburano.douglas@epa.gov).

3. *Fax*: (312) 408–2279.

4. *Mail*: Douglas Aburano, Chief, Attainment Planning and Maintenance Section, (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

5. *Hand Delivery*: Douglas Aburano, Chief, Attainment Planning and Maintenance Section (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

*Instructions:* Direct your comments to Docket ID No. EPA–R05–OAR–2013–