

Credits and the organization is a limited partnership, the requirements of section 42 of the IRS code, including the requirements of section 42(h)(5), apply. The general partner may also be the sponsor, so long as it meets the requirements of this part for sponsors and general partners.

■ 12. In § 891.813, revise paragraphs (b) and (c) to read as follows:

**§ 891.813 Eligible uses for assistance provided under this subpart.**

\* \* \* \* \*

(b) Assistance under this subpart may not be used for excess amenities, as stated in § 891.120(c), or for Section 202 “prohibited facilities,” as stated in § 891.220. Such amenities or Section 202 prohibited facilities may be included in a mixed-finance development only if:

(1) The amenities or prohibited facilities are not financed, maintained, or operated with funds provided under the Section 202 or Section 811 program;

(2) The amenities or prohibited facilities are designed with appropriate safeguards for the residents’ health and safety; and

(3) The assisted residents are not required to use, participate in, or pay a fee for the use or maintenance of the amenities or prohibited facilities, although they are permitted to do so voluntarily. Any fee charged for the use, maintenance, or access to amenities or prohibited facilities by residents must be reasonable and affordable for all residents of the development.

(c) Notwithstanding any other provision of this section, § 891.315 on “prohibited facilities” shall apply to mixed-finance developments containing units assisted under Section 811.

■ 13. In § 891.830, revise paragraphs (b) and (c)(4) to read as follows:

**§ 891.830 Drawdown.**

\* \* \* \* \*

(b) Non-capital advance funds may be disbursed before capital advance proceeds or the capital advance funds may be drawn down in an approved ratio to other funds, in accordance with a drawdown schedule approved by HUD.

(c) \* \* \*

(4) The capital advance funds drawn down will be used only for eligible costs actually incurred in accordance with the provisions of this subpart and the approved mixed-finance project, which include costs stated in 12 U.S.C. 1701q(h) and 42 U.S.C. 8013(h). Capital advance funds may be used for paying off bridge or construction financing, or repaying or collateralizing bonds, but only for the portion of such financing or

bonds that was used for capital advance units; and

\* \* \* \* \*

■ 14. Revise § 891.832 to read as follows:

**§ 891.832 Prohibited relationships.**

(a) Paragraph (a) of § 891.130, describing conflicts of interest, applies to mixed finance developments.

(b) Paragraph (b) of § 891.130, describing identity of interest, does not apply to mixed-finance developments.

■ 15. Revise § 891.848 to read as follows:

**§ 891.848 Project design and cost standards.**

(a) The project design and cost standards at § 891.120 apply to mixed-finance developments under this subpart, with the exception of § 891.120(c), subject to the provisions of § 891.813(b).

(b) For Section 202 mixed-finance developments, the prohibited facilities requirements described at § 891.220 shall apply to only the capital advance-funded portion of the Section 202 mixed-finance developments under this subpart, subject to the provisions of § 891.813(b).

(c) For Section 811 mixed-finance developments, the prohibited facilities requirements described at § 891.315 shall apply to the entire mixed-finance development.

Dated: June 17, 2013.

**Carol J. Galante,**

*Assistant Secretary for Housing—Federal Housing Commissioner.*

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**DEPARTMENT OF THE INTERIOR**

**National Indian Gaming Commission**

**25 CFR Part 518**

**RIN 3141-AA44**

**Self-Regulation of Class II Gaming**

**AGENCY:** National Indian Gaming Commission, Department of the Interior.

**ACTION:** Final rule; technical and correcting amendments.

**SUMMARY:** The National Indian Gaming Commission (NIGC or Commission) is revising its rules concerning the issuance of certificates for tribal self-regulation of Class II gaming: To correct a section heading in the table of contents; to correct a conflict in the deadlines contained in one of the sections which, if left uncorrected,

would at times require the Commission to issue certain preliminary findings on the same day that it receives a tribe’s response to the Office of Self Regulation’s recommendation and report; and to correct referencing errors in two of its rules.

**DATES:** The effective date of these regulations is September 1, 2013.

**FOR FURTHER INFORMATION CONTACT:** John Hay, Senior Attorney, National Indian Gaming Commission, 1441 L Street NW., Suite 9100, Washington, DC 20005. Telephone: 202-632-7003.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The Indian Gaming Regulatory Act (IGRA or the Act), Public Law 100-497, 25 U.S.C. 2701 *et seq.*, was signed into law on October 17, 1988. The Act established the Commission and set out a comprehensive framework for the regulation of gaming on Indian lands. While the Act requires the Commission to “monitor class II gaming conducted on Indian lands on a continuing basis,” 25 U.S.C. 2706(b)(1), any Indian tribe which operates a Class II gaming facility and meets certain other conditions may petition the Commission for a certificate of self-regulation. 25 U.S.C. 2710(c). The Act authorizes the Commission to “promulgate such regulations and guidelines as it deems appropriate to implement” IGRA. 25 U.S.C. 2706(b)(10).

**II. Development of the Rule**

On April 4, 2013, the Commission published a final rule amending its regulations for the review and approval of petitions seeking the issuance of a certificate for tribal self-regulation of Class II gaming. 78 FR 20236, April 4, 2013. After publication, the Commission discovered that the deadline contained in 25 CFR 518.7(c)(5) for tribes to respond to the Office of Self Regulation’s recommendation and report, and the deadline contained in 25 CFR 518.7(d) for the Commission to issue preliminary findings to said recommendation and report, could potentially fall on the same day, thus preventing the Commission from fully considering the tribal response before it has to issue its preliminary findings. Therefore, the Commission is revising its regulations to provide that its preliminary findings will be issued 45 days after receipt of the recommendation and report, so that the Commission has sufficient time to review and consider adequately a tribe’s response to said recommendation and report. This revision is consistent with how the Commission envisioned tribes

obtaining a certificate of self-regulation and ensures that all tribal submissions will be fully considered before the Commission issues a decision.

Additionally, the Commission has discovered that the final rule published on April 4, 2013, contained: An incorrect section heading in the part's table of contents; incorrectly referenced a specific section in one of its rules; and that the reference to IGRA contained in § 518.10(a) should read "25 U.S.C. 2710(b)(2)(C)." Therefore, the Commission is also revising its regulations to correct the table of contents, and to correct the referencing errors in § 518.8(b) and § 518.10(a).

### III. Certain Findings

Under the Administrative Procedure Act, a notice of proposed rulemaking is not required when an agency, for good cause, finds that notice and public comments are impracticable, unnecessary, or contrary to the public interest. Here, because this rule is not yet in effect and will not be so until September 1, 2013, and because the revisions herein are technical in nature and intended to correct inadvertent errors, the Commission is publishing a technical amendment.

#### Regulatory Matters

##### *Regulatory Flexibility Act*

This rule will not have a significant economic effect on a substantial number of small entities as defined by the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* Indian tribes are not considered to be small entities for purposes of the Regulatory Flexibility Act.

##### *Small Business Regulatory Enforcement Fairness Act*

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule does not have an annual effect on the economy of \$100 million or more. This rule will not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies or geographic regions, and does not have a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

##### *Unfunded Mandate Reform Act*

The Commission, as an independent regulatory agency, is exempt from compliance with the Unfunded Mandates Reform Act, 2 U.S.C. 1502(1); 2 U.S.C. 658(1).

#### *Takings*

In accordance with Executive Order 12630, the Commission has determined that this proposed rule does not have significant takings implications. A takings implication assessment is not required.

#### *Civil Justice Reform*

In accordance with Executive Order 12988, the Commission has determined that the rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Executive Order.

#### *National Environmental Policy Act*

The Commission has determined that this rule does not constitute a major federal action significantly affecting the quality of the human environment and that no detailed statement is required pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4321, *et seq.*

#### *Paperwork Reduction Act*

The information collection requirements contained in this rule were previously approved by the Office of Management and Budget as required by the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.*, and assigned OMB Control Number 3141-0008. The OMB control number expires on October 31, 2013.

#### List of Subjects in 25 CFR Part 518

Gambling, Indian-lands, Indian-tribal government, reporting and recordkeeping requirements.

For the reasons set forth in the Preamble, the Commission is amending 25 CFR part 518 as follows:

#### **PART 518—SELF-REGULATION OF CLASS II GAMING**

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

**Authority:** 25 U.S.C. 2706(b)(10); E.O. 13175.

- 2. Revise the section heading to § 518.14 to read as follows:

**§ 518.14 May a tribe request a hearing on the Commission's proposal to revoke its certificate of self-regulation?**

\* \* \* \* \*

- 3. Revise § 518.7(d) to read as follows:

**§ 518.7 What process will the Commission use to review and certify petitions?**

\* \* \* \* \*

(d) After receiving the Office of Self-Regulation's recommendation and report, and a tribe's response to the report, the Commission shall issue preliminary findings as to whether the

eligibility and approval criteria are met. The Commission's preliminary findings will be provided to the tribe within 45 days of receipt of the report.

\* \* \* \* \*

#### **§ 518.8 [Amended]**

- 4. In § 518.8(b), remove the reference "§ 518.11" and add in its place "§ 518.9 of this part."

#### **§ 518.10 [Amended]**

- 5. In § 518.10(a), remove the reference "25 U.S.C. 2710(b)(2)(c)" and add in its place "25 U.S.C. 2710(b)(2)(C)."

**Tracie L. Stevens,**

*Chairwoman.*

**Daniel J. Little,**

*Associate Commissioner.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2013-0415]

RIN 1625-AA00

#### **Safety Zones; Fourth of July Fireworks Displays Within the Captain of the Port Charleston Zone, SC**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing two temporary safety zones during Fourth of July Fireworks Displays on navigable waterways in Murrells Inlet, and North Myrtle Beach, South Carolina. These safety zones are necessary to protect the public from the hazards associated with launching fireworks over navigable waters of the United States. Persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within any of the safety zones unless authorized by the Captain of the Port Charleston or a designated representative.

**DATES:** This rule is effective from 9 p.m. until 10:30 p.m. on July 4, 2013.

**ADDRESSES:** Documents mentioned in this preamble are part of docket USCG-2013-0415. 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