

C. Revisions to Petitioned-for Tolerances

EPA is revising the tolerance expressions for plant and livestock commodities to clarify the chemical moieties that are covered by the tolerances and specify how compliance with the tolerances is to be measured. The revised tolerance expression makes clear that the tolerances cover “residues of imazapyr, including its metabolites and degradates,” as specified in FFDCA section 408(a)(3), and that compliance with the tolerance levels is to be determined by measuring only the residues of imazapyr [2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H-imidazol-2-yl]-3-pyridinecarboxylic acid]. EPA has determined that it is reasonable to make this change final without prior proposal and opportunity for comment because public comment is not necessary, in that the change has no substantive effect on the tolerance, but rather incorporates statutory requirements and is merely intended to clarify the existing tolerance expression.

V. Conclusion

Therefore, tolerances are established for residues of imazapyr [2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H-imidazol-2-yl]-3-pyridinecarboxylic acid], in or on lentil at 0.2 ppm; rapeseed subgroup 20A and sunflower subgroup 20B at 0.05 ppm.

VI. Statutory and Executive Order Reviews

This final rule establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled “Regulatory Planning and Review” (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled “Protection of Children from Environmental Health Risks and Safety Risks” (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income

Populations” (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled “Federalism” (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled “Consultation and Coordination with Indian Tribal Governments” (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: October 22, 2013.

Lois Rossi,  
Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.500, paragraph (a) is amended by revising the introductory text and alphabetically adding the following commodities to the table to read as follows:

§ 180.500 Imazapyr; tolerances for residues.

(a) General. Tolerances are established for residues of the herbicide, imazapyr, including its metabolites and degradates, in or on the commodities in the following table. Compliance with the tolerance levels is to be determined by measuring only the residues of imazapyr [2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H-imidazol-2-yl]-3-pyridinecarboxylic acid].

Commodity	Parts per million
Lentil <sup>1</sup> .....	0.2
Rapeseed subgroup 20A <sup>1</sup> ....	0.05
Sunflower subgroup 20B <sup>1</sup> ....	0.05

<sup>1</sup> There are no U.S. Registrations.

\* \* \* \* \*

[FR Doc. 2013-26364 Filed 11-5-13; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Parts 153, 155, 156, 157, and 158

[CMS-9964-F3]

RIN-0938-AR51

Patient Protection and Affordable Care Act; HHS Notice of Benefit and Payment Parameters for 2014; Correcting Amendment

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Correcting amendment.

SUMMARY: In the March 11, 2013 issue of the **Federal Register**, we published a

final rule entitled, “Patient Protection and Affordable Care Act; HHS Notice of Benefit and Payment Parameters for 2014”. This correcting amendment corrects several technical and typographical errors identified in the March 11, 2013 final rule.

**DATES:** This correcting amendment is effective November 6, 2013.

**FOR FURTHER INFORMATION CONTACT:**

Jeff Wu, (301) 492-4305.

Adrienne Glasgow, (410) 786-0686.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

In FR Doc. 2013-04902 (78 FR 15410), the final rule entitled, “Patient Protection and Affordable Care Act; HHS Notice of Benefit and Payment Parameters for 2014” there were technical and typographical errors that are identified and corrected in the regulations text of this correcting amendment. The effective date of the final rule was April 30, 2013.

*A. Summary of Errors in the Preamble*

On page 15421, in our discussion of factors included in the HHS risk adjustment models, we inadvertently omitted language regarding how an enrollee’s age for risk score calculation will be determined.

On page 15493, in our discussion of limiting the definition of cost sharing to Essential Health Benefits, we inadvertently included the incorrect section reference to the Affordable Care Act.

On page 15495, in our discussion of estimating the value of cost-sharing reductions to be provided under the limited cost sharing plan variation open to Indians regardless of household income, we made typographical errors.

On pages 15503 and 15504 in our discussion regarding determining employer size for purposes of participation in the Small Business Health Option Program, we made inadvertent minor errors. On page 15505, in our discussion of the medical loss ratio formula, a phrase was erroneously included.

On page 15506, in our discussion of the technical correction to § 158.232(d), we made an inadvertent technical error.

*B. Summary of Errors in the Regulations Text*

On page 15526, in the regulation text of—

- Section 153.220(c)(2), we inadvertently used the term “if” instead of the term “of;” and
- Section 153.230(a), we inadvertently omitted the term “collected” after the phrase “for

reinsurance payments from contributions.”

On page 15529, in the regulations text of § 153.405(b), we inadvertently omitted references to paragraphs (f) and (g) of this section.

On page 15540, in the regulation text of § 158.232(d), we inadvertently used the term “and” instead of the term “an.”

**II. Correction of Errors in the Preamble**

1. On page 15421, first column, second full paragraph, lines 4 through 10, the sentence “To align with model calibration, an enrollee’s age for risk score calculation will be the age as of the enrollee’s last day of enrollment in a risk adjustment covered plan in the applicable benefit year will be used for enrollees in program operation.” is corrected to read “To align with model calibration, an enrollee’s age for risk score calculation for all enrollment periods will be based on the enrollee’s age in years on the last date of enrollment in the applicable benefit year in any risk adjustment covered plan for the issuer”.

2. On page 15493, third column, fourth full paragraph, line 2, “section 1301(c)” is corrected to read “section 1302(c)(3).”

3. On page 15495, third column, first full paragraph, lines 1 through 15, the sentences “We are finalizing both our proposal for annual rulemaking in the notice of benefits and payment provisions to establish a methodology for advance payments for cost-sharing reductions under the limited cost sharing plan variation, and our proposal of a specific methodology for the 2014 benefit year. As in the case of the other plan variation, we plan to review the methodology for calculating the advance payments once more data is available, and future notices of benefits and payment parameters may include different methodologies.” is corrected to read “We are finalizing both our proposal for annual rulemaking in the HHS notice of benefit and payment parameters provisions to establish a methodology for advance payments for cost-sharing reductions under the limited cost sharing plan variation, and our proposal of a specific methodology for the 2014 benefit year. As in the case of the other plan variations, we plan to review the methodology for calculating the advance payments once more data is available, and future HHS notices of benefit and payment parameters may include different methodologies.”

4. On page 15503, third column,

- a. Second full paragraph, line 10 “IRC” is corrected to read “Code.”
- b. Third full paragraph,

(1) Line 6, “IRC” is corrected to read “Code.”

(2) Line 8, “IRC” is corrected to read “Code.”

5. On page 15504, first column,

a. First full paragraph, line 3, “this Notice” is corrected to read “this final rule”.

b. Second full paragraph, line 3,

“IRC” is corrected to read “Code”.

6. On page 15505, second column, last paragraph, lines 1 through 4, the sentence “Issuers must provide rebates to enrollees if their MLRs fall short of the applicable MLR standard for the reporting year.” is corrected to read “Issuers must provide rebates if their MLRs fall short of the applicable MLR standard for the reporting year.”

7. On page 15506, third column, last paragraph, line 9, the phrase “50 percent—n” is corrected to read “50 percent ^ n”.

8. On page 15540, second column, second paragraph, line 3, the sentence “Beginning with the 2013 MLR reporting year, the credibility adjustment for and MLR based on partially credible experience is zero if both of the following conditions are met:” is corrected to read “Beginning with the 2013 MLR reporting year, the credibility adjustment for an MLR based on partially credible experience is zero if both of the following conditions are met:”

**III. Waiver of Proposed Rulemaking and Delay in Effective Date**

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** to provide a period for public comment before the provisions of a rule take effect in accordance with section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). However, we can waive this notice and comment procedure if the Secretary finds, for good cause, that the notice and comment process is impracticable, unnecessary, or contrary to the public interest, and incorporates a statement of the finding and the reasons therefore in the notice.

Section 553(d) of the APA ordinarily requires a 30-day delay in effective date of final rules after the date of their publication in the **Federal Register**. This 30-day delay in effective date can be waived, however, if an agency finds there is good cause to do so, and the agency incorporates a statement of the findings and its reasons in the rule issued.

This document merely corrects technical and typographic errors in the Patient Protection and Affordable Care Act; HHS Notice of Benefit and Payment Parameters for 2014 final rule that was

published on March 11, 2013 and became effective on April 30, 2013. The changes are not substantive changes to the standards set forth in the final rule. Therefore, we believe that undertaking further notice and comment procedures to incorporate these corrections and delay the effective date for these changes is unnecessary. In addition, we believe it is important for the public to have the correct information as soon as possible, and believe it is contrary to the public interest to delay when they become effective. For the reasons stated previously, we find there is good cause to waive notice and comment procedures and the 30-day delay in the effective date for this correction notice.

#### List of Subjects

##### 45 CFR Part 153

Administrative practice and procedure, Adverse selection, Health care, Health insurance, Health records, Organization and functions (Government agencies), Premium stabilization, Reporting and recordkeeping requirements, Reinsurance, Risk adjustment, Risk corridors, Risk mitigation, State and local governments.

##### 45 CFR Part 158

Administrative practice and procedure, Claims, Health care, Health insurance, Health plans, penalties, Reporting and recordkeeping requirements, Premium revenues, Medical loss ratio, Rebating.

As noted in section I of this correcting amendment, the Department of Health and Human Services is making the following correcting amendments to 45 CFR parts 153 and 158.

#### PART 153—STANDARDS RELATED TO REINSURANCE, RISK CORRIDORS, AND RISK ADJUSTMENT UNDER THE AFFORDABLE CARE ACT

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

**Authority:** Secs. 1311, 1321, 1341–1343, Pub. L. 111–148, 24 Stat. 119.

##### § 153.220 [Amended]

- 2. In § 153.220(c)(2), the phrase “if this section” is removed and the phrase “of this section” is added in its place.

##### § 153.230 [Amended]

- 3. In § 153.230(a), the phrase “for reinsurance payments from contributions” is removed and the phrase “for reinsurance payments from contributions collected” is added in its place.

##### § 153.405 [Amended]

- 4. In § 153.405(b), the phrase “(d) or (e) of this section” is removed and the phrase “(d) through (g) of this section” is added in its place.

#### PART 158—ISSUER USE OF PREMIUM REVENUE: REPORTING AND REBATE REQUIREMENTS

- 5. The authority citation for part 158 continues to read as follows:

**Authority:** Section 2718 of the Public Health Service Act (42 U.S.C. 300gg–18, as amended).

##### § 158.232 [Amended]

- 6. In § 158.232(d) introductory text, the phrase “adjustment for and” is removed and the phrase “adjustment for an” is added in its place.

Dated: October 30, 2013.

**Jennifer M. Cannistra,**

*Executive Secretary to the Department, Department of Health and Human Services.*

[FR Doc. 2013–26579 Filed 11–5–13; 8:45 am]

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#### DEPARTMENT OF TRANSPORTATION

##### National Highway Traffic Safety Administration

##### 49 CFR Part 575

[Docket No. NHTSA–2013–0120]

RIN 2127–AL49

#### Consumer Information; Uniform Tire Quality Grading Standards

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).  
**ACTION:** Interim final rule; request for comments.

**SUMMARY:** The Uniform Tire Quality Grading Standards (UTQGS) contain detailed testing procedures for generating consumer information about the treadwear, traction, and temperature resistance of passenger car tires. To ensure the uniformity of treadwear grades, the grading procedures specify a 400-mile test course located near San Angelo, Texas. Two or four-vehicle convoys equipped with candidate tires travel along this course to evaluate the tire treadwear performance. Because flooding is currently affecting several water crossings along a portion of the test course, NHTSA is issuing this interim final rule to add an alternate treadwear test course route to avoid the inaccessible portions of the course. This change will not compromise the reliability of the treadwear grades, and

will not impose or relax any substantive requirements or burdens on manufacturers. Although the addition of the alternative course route is effective immediately, in order to benefit from comments which interested parties and the public may have, the agency is requesting that comments be submitted to the docket for this rule. Following the close of the comment period, the agency will publish a document responding to the comments and, if appropriate, the agency will amend the provisions of this rule.

**DATES:** *Effective date:* This interim final rule is effective November 6, 2013.

*Comments:* You should submit your comments early enough to be received not later than January 6, 2014.

**ADDRESSES:** You may submit comments, identified by the docket number at the heading of this notice, by any of the following methods:

*Online:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments on the electronic docket site by clicking on “Help” or “FAQs.”

*Fax:* 1–202–493–2251.

*Mail:* U.S. Department of Transportation, Docket Operations, M–30, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

*Hand Delivery:* 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Instructions:* All submissions must include the agency name and docket number. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act discussion below. We will consider all comments received before the close of business on the comment closing date indicated above. To the extent possible, we will also consider comments filed after the closing date.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> at any time or to 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. Telephone: (202) 366–9826.

*Privacy Act:* Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may