

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Part 3

[Docket No. APHIS–2012–0106]

#### Petition To Promulgate Standards for Bears Under the Animal Welfare Act Regulations

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice of petition.

**SUMMARY:** We are notifying the public that the Animal and Plant Health Inspection Service has received a petition requesting that we amend the Animal Welfare Act regulations to add specific standards for the humane handling, care, treatment, and transportation of all species of bears held in captivity except polar bears, for which there are already standards. We are making this petition available to the public and soliciting comments regarding the petition and any issues raised by the petition that we should take into account as we consider this petition.

**DATES:** We will consider all comments that we receive on or before January 27, 2014.

**ADDRESSES:** You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov/#!documentDetail;D=APHIS-2012-0106-0001>.

- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2012–0106, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at <http://www.regulations.gov/#!docketDetail;D=APHIS-2012-0106> or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW.,

Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

**FOR FURTHER INFORMATION CONTACT:** Dr. Barbara Kohn, DVM, Senior Staff Officer, USDA, APHIS, Animal Care, 4700 River Road Unit 84, Riverdale, MD 20737–1234; (301) 851–3751.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Animal Welfare Act (AWA, 7 U.S.C. 2131 *et seq.*) authorizes the Secretary of Agriculture to promulgate standards and other requirements governing the humane handling, care, treatment, and transportation of certain animals by dealers, research facilities, exhibitors, operators of auction sales, and carriers and intermediate handlers. The Secretary has delegated the responsibility for enforcing the AWA to the Administrator of the Animal and Plant Health Inspection Service (APHIS). Within APHIS, the responsibility for administering the AWA has been delegated to the Deputy Administrator for Animal Care. Regulations and standards promulgated under the AWA are contained in Title 9 of the Code of Federal Regulations (CFR), parts 1, 2 and 3. Part 1 contains definitions for terms used in parts 2 and 3; part 2 contains licensing and registration regulations, regulations specific to research facilities, and regulations governing veterinary care, animal identification, recordkeeping, access for inspection, confiscation of animals, and handling, among other requirements; and part 3 contains specific standards for the humane handling, care, treatment, and transportation of categories of animals covered under the AWA. Currently, part 3 comprises subparts A through E, which contain specific standards for dogs and cats, guinea pigs and hamsters, rabbits, nonhuman primates, and marine mammals (including polar bears), and subpart F, which contains general standards for warmblooded animals other than the aforementioned animals.

On September 25, 2012, APHIS received a petition from People for the Ethical Treatment of Animals requesting that we initiate rulemaking proceedings to amend part 3 to add specific

standards for all species of bears held in captivity except polar bears, for which there are specific standards in subpart E. The petition states that the generic standards in subpart F are inadequate to ensure the humane handling, treatment, and care of bears, and do not address the complex and unique behavioral, dietary, and physiological needs of bears. The petition proposes specific regulatory language to, among other things, prohibit the use of barren and pit-type enclosures, set minimum space standards for primary housing, require environmental enrichment and den and pool access, and prescribe general feeding schedules. The petition also requests that APHIS hire a full-time specialist with knowledge, background, and experience in the proper husbandry and care of bears to oversee the implementation and enforcement of the requested regulations.

We are making this petition available to the public and soliciting comments to help determine what action, if any, to take in response to this request. The petition and any comments submitted are available for review as indicated under **ADDRESSES** above. We welcome all comments on the issues outlined in the petition. In particular, we invite responses to the following questions:

1. Do the current standards in subpart F adequately ensure the humane handling, treatment, and care of bears in captivity?

2. In what respects are the standards in subpart F inadequate for captive bears?

3. Would prohibiting pit-type enclosures adversely affect Native Americans regulated under the AWA?

4. Do bears have unique needs that should be addressed by special handling and care? If so, why?

5. What scientific knowledge of captive bears and their specific needs has been gained since the standards in subpart F were promulgated?

6. Should persons holding bears in captivity be required to provide the bears with environmental enrichment? If so, why?

7. Should persons holding bears in captivity be prohibited from housing them in pits or other similar enclosures? If so, why?

8. Are current standards for space adequate for captive bears? If not, why, and what would the minimal space requirements for bears be?

9. What are the physiological and psychological needs of bears in captivity, and would bear-specific standards address them?

10. Is there evidence that a captive bear housed in a particular type of enclosure is more prone to disease or injury, or more likely to develop aggressive behavior habits than captive bears housed in a different type of enclosure?

11. Should persons holding bears in captivity be required to provide bears with the means to self-groom, with enclosure mates, with the opportunity and means to hibernate, and with pools?

12. Should there be a prohibition on the sale or transportation of infant or young bears in captivity?

13. Should exhibitors and dealers be required to house captive bear cubs with their mothers until after they are naturally weaned?

14. Should exhibitors and dealers be prohibited from declawing captive bears?

15. Should exhibitors and dealers be prohibited from permitting public feeding of captive bears?

We encourage the submission of scientific data, studies, or research to support your comments and position, including scientific data or research that supports any industry or professional standards that pertain to the care of bears. We also invite data on the costs and benefits associated with any recommendations. We will consider all comments and recommendations we receive.

**Authority:** 7 U.S.C. 2131–2159; 7 CFR 2.22, 2.80, and 371.7.

Done in Washington, DC, this 20th day of November 2013.

**Kevin Shea,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 2013–28312 Filed 11–25–13; 8:45 am]

**BILLING CODE 3410–34–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R05–OAR–2013–0501; FRL 9902–27–Region 5]

#### Approval and Promulgation of Air Quality Implementation Plans; Illinois

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve a revision to the Illinois state implementation plan (SIP). The

submission amends the Illinois Administrative Code by updating the definition of “Volatile organic material (VOM) or Volatile organic compound (VOC)” to add trans-1,3,3,3-tetrafluoropropene (HFO–1234ze) to the list of compounds excluded from the definition of VOM or VOC. This revision is based on EPA’s 2012 rulemaking which added HFO–1234ze to the list of chemical compounds that are excluded from the Federal definition of VOC because of their negligible contribution to the formation of tropospheric ozone.

**DATES:** Comments must be received on or before December 26, 2013.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R05–OAR–2013–0501, by one of the following methods:

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

2. *Email:* [blakley.pamela@epa.gov](mailto:blakley.pamela@epa.gov).

3. *Fax:* (312) 692–2450.

4. *Mail:* Pamela Blakley, Chief, Control Strategies Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

5. *Hand Delivery:* Pamela Blakley, Chief, Control Strategies Section, Air Programs Branch (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.

Please see the direct final rule which is located in the Rules section of this **Federal Register** for detailed instructions on how to submit comments.

#### FOR FURTHER INFORMATION CONTACT:

Charles Hatten, Environmental Engineer, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6031, [hatten.charles@epa.gov](mailto:hatten.charles@epa.gov).

**SUPPLEMENTARY INFORMATION:** In the Final Rules section of this issue of the **Federal Register**, EPA is approving the state’s SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are

received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule, and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the Rules section of this issue of the **Federal Register**.

Dated: October 17, 2013.

**Susan Hedman,**

*Regional Administrator, Region 5.*

[FR Doc. 2013–27705 Filed 11–25–13; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R04–OAR–2013–0562; FRL–9903–16–Region 4]

#### Approval and Promulgation of Implementation Plans; North Carolina: Non-Interference Demonstration for Removal of Federal Low-Reid Vapor Pressure Requirement for the Greensboro/Winston-Salem/High Point Area

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve the State of North Carolina’s April 12, 2013, State Implementation Plan (SIP) revision associated with the currently approved maintenance plan addressing the 1997 8-hour national ambient air quality standards (NAAQS) for the Greensboro/Winston-Salem/High Point (Triad) Area. Specifically, North Carolina’s revision, including updated modeling, shows that the Triad Area would continue to maintain the 1997 8-hour ozone standard if the currently applicable Federal Reid Vapor Pressure (RVP) standard for gasoline of 7.8 pounds per square inch (psi) were modified to 9.0 psi for four portions (Davidson, Forsyth, Guilford and Davie Counties) of the “Triad Area” during the high-ozone season. The State has included a technical demonstration with the revision to demonstrate that a