

specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely authorizes State requirements as part of the State RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA. This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks. This rule is not subject to Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001) because it is not a “significant regulatory action” as defined under Executive Order 12866.

Under RCRA 3006(b), EPA grants a State’s application for authorization as long as the State meets the criteria required by RCRA. It would thus be inconsistent with applicable law for EPA, when it reviews a State authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 F.R. 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 F.R. 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the “Attorney General’s Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings” issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). Executive Order 12898 (59 FR 7629, Feb. 16, 1994) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

Because this rule authorizes pre-existing State rules which are equivalent to, and no less stringent than existing federal requirements, and imposes no additional requirements beyond those imposed by State law and there are no anticipated significant adverse human health or environmental effects, the rule is not subject to Executive Order 12898.

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this document 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 in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2). This action nevertheless will be effective 60 days after it is published, because it is an immediate final rule.

#### List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

**Authority:** This action is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: November 5, 2013.

#### H. Curtis Spalding,

*Regional Administrator, EPA Region 1.*

[FR Doc. 2013–31121 Filed 12–30–13; 8:45 am]

**BILLING CODE 6560–50–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### 45 CFR Part 155

[CMS–9957–CN; 9964–CN]

RIN 0938–AR82; RIN 0938–AR74

#### Patient Protection and Affordable Care Act; Program Integrity: Exchange, Premium Stabilization Programs, and Market Standards; Amendments to the HHS Notice of Benefit and Payment Parameters for 2014 Correction

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

**ACTION:** Final rule; correction.

**SUMMARY:** This document corrects an error that appeared in the final rule published in the **Federal Register** on October 30, 2013 entitled, “Patient Protection and Affordable Care Act; Program Integrity: Exchange, Premium Stabilization Programs, and Market Standards; Amendments to the HHS Notice of Benefit and Payment Parameters for 2014.”

**DATES:** *Effective Date:* December 30, 2013.

**FOR FURTHER INFORMATION CONTACT:** Scott Dafflitto (301) 492–4198.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

In FR Doc. 2013–25326 of October 30, 2013 (78 FR 65046), final rule entitled “Patient Protection and Affordable Care Act; Program Integrity: Exchange, Premium Stabilization Programs, and Market Standards; Amendments to the HHS Notice of Benefit and Payment Parameters for 2014 (78 FR 65046), there was a technical nonconformity that is identified and corrected in the regulations text of this correction notice. This correction is effective December 30, 2013, just as if it had been included in the document published on October 30, 2013.

The October 30, 2013 final rule implements provisions of the Patient Protection and Affordable Care Act (Pub. L. 111–148) and the Health Care and Education Reconciliation Act of 2010 (Pub. L. 111–152) (collectively referred to as the Affordable Care Act). In relevant part, the October 30, 2013 final rule establishes standards, at 45 CFR part 155, subpart M, that require State Exchanges to submit certain reports to the Department of Health and Human Services (HHS) and to undertake certain recordkeeping and self-auditing activities to ensure compliance with Federal requirements, such as those governing eligibility determinations for advance payments of the premium tax

credit and cost-sharing reductions. The standards established at subpart M enable HHS to carry out its responsibility of ensuring that Federal funds are used appropriately in the administration of State Exchange activities.

**II. Summary of Error**

On page 65095, in the **Federal Register** of October 30, 2013, we added subpart M “Oversight and Program Integrity Standards for State Exchanges” to the regulations text at 45 CFR part 155. While it was clear from the preamble and regulations text that subpart M applies to all Exchanges, including small business health options program (SHOP) Exchanges, due to an oversight we inadvertently omitted cross-referencing new subpart M at § 155.705(a) of the regulations in part 155, subpart H—Exchange Functions: Small Business Health Options Program. Accordingly, we are revising § 155.705(a) so that the regulations in part 155 consistently reflect our policy that all Exchanges, including SHOP Exchanges, must carry out the required functions of an Exchange that are set forth at subpart M. We are correcting § 155.705(a) by adding a cross reference to subpart M, so that the provision reads, “Exchange functions that apply to SHOP”. The SHOP must carry out all the required functions of an Exchange described in this subpart and in subparts C, E, K, and M of this part, except: . . . .”

**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) and (c) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b) & (c)). However, we can waive notice and comment if the Secretary finds, for good cause, that notice and comment would be impracticable, unnecessary, or contrary to the public interest, and incorporates a statement of the finding and the reasons therefor in the notice.

Section 553(d) of the APA ordinarily requires a 30-day delay in the 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 the Secretary finds for good cause that the delay is impracticable, unnecessary, or contrary to the public interest, and incorporates a statement of the findings and the reasons therefor in the rule issued.

It was clear from both the preamble and the regulations text for 45 CFR part 155, subpart M, that subpart M applies to all Exchanges, including SHOP Exchanges. Both the preamble and the regulations text for part 155, subpart M use the term “Exchange” when describing the new requirements. The term “Exchange” is defined at § 155.20 as including SHOP Exchanges. In relevant part, the definition of “Exchange” in § 155.20 states: “Unless otherwise identified, this term includes an Exchange serving the individual market for qualified individuals and a SHOP serving the small group market for qualified employers . . . .” This conforming amendment merely corrects a technical nonconformity in the regulations text so that the regulations consistently reflect the policy adopted in the October 30, 2013 final rule. Therefore, we find that undertaking further notice and comment before this correction is incorporated into the final rule is unnecessary.

For the same reasons, we also find good cause to waive the 30-day delay in effective date.

**IV. Correction of Errors**

On page 65095, in the third column, after the regulations text for § 155.420—Special enrollment periods, insert the following amendment to § 155.705—Functions of a SHOP to read as follows:

**§ 155.705 [Corrected]**

26a. Section 155.705 is amended by revising paragraph (a) introductory text to read as follows:

**§ 155.705 Functions of a SHOP.**

(a) *Exchange functions that apply to SHOP.* The SHOP must carry out all the required functions of an Exchange

described in this subpart and in subparts C, E, K, and M of this part, except:

\* \* \* \* \*

Dated: December 23, 2013.

**Oliver Potts,**

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

[FR Doc. 2013-31319 Filed 12-30-13; 8:45 am]

**BILLING CODE 4120-01-P**

**DEPARTMENT OF DEFENSE**

**Defense Acquisitions Regulations System**

**48 CFR Parts 225 and 252**

**RIN 0750-A117**

**Defense Federal Acquisition Regulation Supplement; Trade Agreements Thresholds (DFARS Case 2013-D032)**

**AGENCY:** Defense Acquisition Regulations System; Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to incorporate increased thresholds for application of the World Trade Organization Government Procurement Agreement and the Free Trade Agreements, as determined by the United States Trade Representative.

**DATES:** *Effective:* January 1, 2014.

**FOR FURTHER INFORMATION CONTACT:** Ms. Annette Gray, (703) 602-6093.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Every two years, the trade agreements thresholds are escalated according to a pre-determined formula set forth in the agreements. The United States Trade Representative has specified the following new thresholds in the **Federal Register** (78 FR 76700, December 18, 2013):

Trade agreement	Supply contract (equal to or exceeding)	Construction contract (equal to or exceeding)
WTO GPA .....	204,000	7,864,000
FTAs:		
Australia FTA .....	79,507	7,864,000
Bahrain FTA .....	204,000	10,335,931
CAFTA-DR (Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua) .....	79,507	7,864,000
Chile FTA .....	79,507	7,864,000
Colombia FTA .....	79,507	7,864,000
Korea FTA .....	100,000	7,864,000