e. Whether and under what circumstances the current procedure should be replaced with a procedure that does not delay the election, such as:
  i. a vote-and-impound procedure, or
  ii. reliance solely on other existing procedures, such as motions to dismiss the petition and/or post-election objections.

F. Post-Election Hearings. Whether or how post-election hearing procedures should be amended.
1. Whether to codify the existing practice of determining if the hearing is warranted by examining the offer(s) of proof.
2. Whether such offer(s) of proof in support of objections should be filed at the same time as the objection(s).
3. When the post-election evidentiary hearing should be held.
4. Whether the post-election hearing should open with statements of party positions, followed by the same joinder and offers of proof procedures as proposed for pre-election hearings. (See Issue B.2)

G. Other Post-Election Procedures.
Whether or how post-election Board review procedures should be amended.
1. Whether stipulated elections should be subject to discretionary Board review of post-election decisions by the regional director.
2. Whether, in contested cases, regional directors should be required to issue a final decision and certification concerning the hearing officer’s report and recommendation, or may instead choose to transfer the matter to the Board.
3. Whether the current discretionary standard for Board review of the regional director’s certification in contested cases should be amended.
H. Other Issues.

(Sample) Request To Appear
In the matter: Representation-Case Procedures Rulemaking
RIN 3142-AA08

Name: Your Name.
Date: February 28, 2014.
Organization (if applicable): Your Name & Associates, P.L.L.C.
Issues: B.6; A.1 & A.9; and G.1 & G.2
& G.3.

First Issue: B.6.
Summary: I strongly oppose the Board’s proposal to eliminate the parties’ right to file post hearing briefs to the Regional Director after the close of the pre-election hearing. Although the proposal grants hearing officers discretion to permit the filing of post-hearing briefs, it seems clear that the rule is intended to eliminate the right to file briefs in all but the most complicated cases. However, the pre-election hearing is extremely important in every case because that provides the basis for the regional director to decide what the appropriate unit is for purposes of conducting the election. When I file a brief, I point out the best evidence and cases that support my client’s position. No matter how dedicated the people in the regional offices are, and no matter how “routine” the case is, it is entirely possible that the regional offices will accidentally miss key testimony or fail to locate key cases that support my client’s position. This, in turn, may lead the regional office to mistakenly reject my client’s position and direct an election in the wrong unit. If that happens, my client will have to go through the hassle and expense of a second election. I firmly believe maintaining parties’ right to file briefs will help eliminate mistakes. The old system worked well, and there is no reason to change it.

Second Issue: A.1 & A.9
Summary: I litigate cases and deal with a variety of agencies on behalf of clients. On a regular basis I file and receive documents electronically. I have never had a problem with electronic filing or service of a document. It makes good sense and saves my clients money. I no longer have to pay the cost of having to “overnight a document” so it can be filed by the deadline; instead, I can just electronically file the document with the push of a few buttons. This means I don’t have to pass on those costs to my client. I also get documents quicker this way. It’s a win win for all the parties and practitioners as well as the government. Accordingly, I strongly support the Board’s proposal to allow parties and the Board to electronically file and transmit representation case documents.

Third Issue: G.1 & G.2 & G.3
Summary: I agree with the Board’s proposal to require the regional director in contested cases to issue a final decision. In these cases it makes little sense for the Board to hear exceptions directly from the hearing officer, when, in my experience, the regional director is usually quite familiar with the case and the issues presented. And once the regional director has issued a decision, there is no problem with the Board having only discretionary review—as expressly stated in Section 3(b) of the Act. Stipulated cases, however, present an entirely different issue. In these cases, the parties have entered into an agreement predicated on their right to have the Board—not the regional director—decide post-election matters.
If, as proposed, the Board eliminates that right, the parties will have less incentive to enter into stipulations. For these reasons, I support the Board’s proposed changes to post-election review of contested cases, but not stipulated cases.

By direction of the Board.
William B. Cowen,
Solicitor.
[FR Doc. 2014–04127 Filed 2–25–14; 8:45 am]
BILLING CODE 7545-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 60, 70, 71 and 98

RIN 2060–AQ91

Standards of Performance for Greenhouse Gas Emissions From New Stationary Sources: Electric Utility Generating Units

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Data Availability (NODA).

SUMMARY: The EPA is issuing this NODA in support of the proposed rule titled “Standards of Performance for Greenhouse Gas Emissions From New Stationary Sources: Electric Utility Generating Units” that was published on January 8, 2014. Through this NODA and the technical support document it references, the EPA solicits comment on its interpretation of the provisions in the Energy Policy Act of 2005, including the federal tax credits contained in that Act, which limit the EPA’s authority to rely on information from facilities that received assistance under that Act. The EPA believes those provisions do not alter the EPA’s determination in the proposed rule that the best system of emission reduction for new fossil fuel-fired boiler and integrated gasification combined cycle electric utility generating units is partial carbon capture and sequestration.

DATES: Comments must be received on or before Monday, March 10, 2014.

ADDRESSES: Comments. Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2013–0495, by one of the following methods:
At the Web site http://www.regulations.gov: Follow the instructions for submitting comments.
At the Web site http://www.epa.gov/oar/docket.html: Follow the instructions...
for submitting comments on the EPA Air and Radiation Docket Web site.

**Email:** Send your comments by electronic mail (email) to a-and-r-docket@epa.gov, Attn: Docket ID No. EPA–HQ–OAR–2013–0495.

**Facsimile:** Fax your comments to (202) 566–9744, Attn: Docket ID No. EPA–HQ–OAR–2013–0495.


**Hand Delivery or Courier:** Deliver your comments to the EPA Docket Center, William Jefferson Clinton West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC 20004, Attn: Docket ID No. EPA–HQ–OAR–2013–0495. Such deliveries are accepted only during the Docket Center’s normal hours of operation (8:30 a.m. to 4:30 p.m., Monday through Friday, excluding federal holidays), and special arrangements should be made for deliveries of boxed information.

**Instructions:** All submissions must include the agency name and docket ID number (EPA–HQ–OAR–2013–0495). The EPA’s policy is to include all comments received without change, including any personal information provided, in the public docket, available online at [http://www.regulations.gov](http://www.regulations.gov), unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI for inclusion in the public docket.

**FOR FURTHER INFORMATION CONTACT:**

The information presented in this NODA is organized as follows:

I. Does this action apply to me?

II. What are the background and purpose of this NODA?

**SUPPLEMENTARY INFORMATION:**

The entities potentially affected by the determination that is at issue in this NODA are shown in Table 1 below.

### Table 1—Potentially Affected Entities

<table>
<thead>
<tr>
<th>Category</th>
<th>NAICS * code</th>
<th>Examples of potentially affected entities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industry</td>
<td>221112</td>
<td>Fossil fuel electric power generating units.</td>
</tr>
<tr>
<td>Federal Government</td>
<td>221112, b221112</td>
<td>Fossil fuel electric power generating units owned by the federal government.</td>
</tr>
<tr>
<td>State/Local Government</td>
<td>221112, b221112</td>
<td>Fossil fuel electric power generating units owned by municipalities.</td>
</tr>
<tr>
<td>Tribal Government</td>
<td>921150</td>
<td>Fossil fuel electric power generating units in Indian Country.</td>
</tr>
</tbody>
</table>

*North American Industry Classification System.

*Federal, state or local government-owned and operated establishments are classified according to the activity in which they are engaged.
In addition, internal revenue code (IRC) section 48A(2), codified at 26 USC section 48A(g), provides, insofar as is presently relevant, that no use of technology (or level of emission reduction solely by reason of the use of the technology), and no achievement of any emission reduction by the demonstration of any technology or performance level, by or at one or more facilities with respect to which a credit is allowed under this section, shall be considered to indicate that the technology or performance level is adequately demonstrated for purposes of section 111 of the Clean Air Act.

As explained in the TSD, the EPA’s preliminary interpretation of these provisions is that EPA may not rely on information from facilities that have received assistance under EPAct05, including being allowed tax credits under IRC section 48A, as the sole basis for a determination that a particular technology is the best system of emission reduction adequately demonstrated (BSER), but the EPA may rely on information from those facilities in conjunction from other information to support such a determination, or to corroborate an otherwise supported determination. In the TSD, the EPA also explains and solicits comments on other issues of interpretation that arise from the terms of IRC section 48A(g).

2014 Proposal BSER and EPAct05. In the proposed rule, the EPA determined that implementation of partial capture CCS technology is the BSER for new fossil fuel-fired boilers and IGCC units because it fulfills the criteria established under CAA section 111. The EPA’s rationale, insofar as is relevant for present purposes, is that partial capture is technically feasible and can be implemented at a reasonable cost. In discussing its rationale, the EPA referenced some facilities that have received financial assistance under the EPAct05, including being allocated tax credits pursuant to IRC section 48A. As explained in the TSD, however, the EPA’s rationale does not depend solely upon those projects, and the determination remains adequately supported without any information from facilities that have been allocated the IRC section 48A tax credit.

Thus, the EPA’s proposed standards, which are based on its determination that partial capture CCS represents the best system of emission reduction adequately demonstrated, are not beyond the scope of its legal authority. As indicated in the TSD, the EPA solicits comment on all aspects of the interpretation of the provisions in EPAct05, including IRC section 48A(g), that limit the EPA’s authority to rely on certain information in rulemaking under CAA section 111.

List of Subjects
40 CFR Part 60
Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements.

40 CFR Part 70
Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements.

40 CFR Part 71
Environmental protection, Greenhouses and monitoring, Reporting and recordkeeping requirements.

Mary E. Henigin,
Acting Director, Office of Air Quality Planning and Standards.

[FR Doc. 2014–03115 Filed 2–25–14; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 141 and 142

National Primary Drinking Water Regulations: Minor Corrections to the Revisions to the Total Coliform Rule

AGENCY: Environmental Protection Agency (EPA).
ACTION: Proposed rule.

SUMMARY: In this action, the Environmental Protection Agency (EPA) is proposing minor corrections to the final Revisions to the Total Coliform

1In addition, EPAct05 Title IV amended the Energy Policy Act of 1992 (42 U.S.C. 13201 et seq.) (EPAct92) by adding the “Clean Air Coal Program” to support and promote the production and