

**(i) Post-Repair/Modification Inspections**

At the applicable time specified in Table 2 of paragraph 1.E., "Compliance," of Boeing Alert Service Bulletin 747-53A2371, Revision 2, dated December 11, 2012: Do a detailed inspection of all repaired and modified tension ties, and do all applicable corrective actions, except as required by paragraph (k)(2) of this AD, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747-53A2371, Revision 2, dated December 11, 2012, except as required by paragraph (k)(2) of this AD. Repeat the inspection thereafter at the times specified in paragraph 1.E., "Compliance," of Boeing Alert Service Bulletin 747-53A2371, Revision 2, dated December 11, 2012. Do all applicable corrective actions before further flight.

**(j) Credit for Previous Actions**

This paragraph provides credit for the modification required by paragraphs (g) and (h) of this AD if that modification was done before the effective date of this AD using Boeing Service Bulletin 747-53-2371, dated July 29, 1993; or Boeing Alert Service Bulletin 747-53A2371, Revision 1, dated April 27, 1995; which are not incorporated by reference in this AD.

**(k) Exception to Service Information**

(1) Where Row 2 of Table 3 of paragraph 1.E., "Compliance," of Boeing Alert Service Bulletin 747-53A2371, Revision 2, dated December 11, 2012, specifies repeating a "detailed" inspection, "as given in Part 4" of this service information, the repetitive inspections required by this AD are "HFEC" inspections, done in accordance with Part 4 and Figure 8 of Boeing Alert Service Bulletin 747-53A2371, Revision 2, dated December 11, 2012.

(2) Where Boeing Alert Service Bulletin 747-53A2371, Revision 2, dated December 11, 2012, specifies contacting Boeing for repair instructions, or does not include repair instructions for a crack found in an area other than the aft tension tie area: Before further flight, do the repair using a method approved in accordance with the procedures specified in paragraph (l) of this AD.

(3) Where Boeing Alert Service Bulletin 747-53A2371, Revision 2, dated December 11, 2012 specifies a compliance time of "after the Revision 2 date of this service bulletin," this AD requires compliance within the specified compliance time after the effective date of this AD.

**(l) Alternative Methods of Compliance (AMOCs)**

(1) The Manager, Seattle Aircraft Certification Office (ACO), has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in the Related Information section of this AD. Information may be emailed to: [9-ANM-Seattle-ACO-AMOC-Requests@faa.gov](mailto:9-ANM-Seattle-ACO-AMOC-Requests@faa.gov).

(2) Before using any approved AMOC, notify your appropriate principal inspector,

or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes ODA that has been authorized by the Manager, Seattle ACO to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) AMOCs approved for AD 94-13-06, Amendment 39-8946 (59 FR 32879, June 27, 1994), are approved as AMOCs for the corresponding actions required by paragraphs (g), (h), and (i) of this AD.

**(m) Related Information**

(1) For more information about this AD, contact Nathan Weigand, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington 98057-3356; phone: (425) 917-6428; fax: (425) 917-6590; email: [nathan.p.weigand@faa.gov](mailto:nathan.p.weigand@faa.gov).

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H-65, Seattle, Washington 98124-2207; telephone 206-544-5000, extension 1; fax 206-766-5680; Internet <https://www.myboeingfleet.com>.

You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. For information on the availability of this material at the FAA, call 425-227-1221.

Issued in Renton, Washington, on July 12, 2013.

**Jeffrey E. Duven,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 271**

**[EPA-R07-RCRA-2013-0447; FRL-9833-6]**

**State of Kansas; Authorization of State Hazardous Waste Management Program**

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

**ACTION:** Proposed rule.

**SUMMARY:** Kansas has applied to EPA for final authorization for changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA proposes to grant final authorization to Kansas.

**DATES:** Comments on this proposed action must be received in writing by August 21, 2013.

**ADDRESSES:** Submit your comments by one of the following methods:

1. *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

2. *Email:* [haugen.lisa@epa.gov](mailto:haugen.lisa@epa.gov).

3. *Mail:* Lisa Haugen, Environmental Protection Agency, Region 7, Enforcement Coordination Office, 11201 Renner Boulevard, Lenexa, Kansas 66219.

4. *Hand Delivery or Courier:* Deliver your comments to Lisa Haugen, Environmental Protection Agency, Region 7, Enforcement Coordination Office, 11201 Renner Boulevard, Lenexa, Kansas 66219. Such deliveries are only accepted during the Regional Office's normal hours of operation of Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding legal holidays.

Please see the immediate 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:** Lisa Haugen, Region 7, Enforcement Coordination Office, 11201 Renner Boulevard, Lenexa, Kansas 66219, Phone number: (913) 551-7877, or email address: [haugen.lisa@epa.gov](mailto:haugen.lisa@epa.gov).

**SUPPLEMENTARY INFORMATION:** In the final rules section of the **Federal Register**, EPA is authorizing the changes by an immediate final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no relevant adverse comments to this action. A detailed rationale for the approval is set forth in the immediate final rule. If no relevant adverse comments are received in response to this action, no further activity is contemplated in relation to this action. If EPA receives relevant adverse comments, the immediate final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed action. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on part of this rule and if that part can be severed from the remainder of the rule, EPA may adopt as final those parts of the rule that are not the subject of an adverse comment. For additional information, see the immediate final rule which is located in the rules section of this **Federal Register**.

Dated: June 27, 2013.

**Mark Hague,**

Acting Regional Administrator, Region 7.

[FR Doc. 2013-17038 Filed 7-19-13; 8:45 am]

BILLING CODE 6560-50-P

## DEPARTMENT OF THE INTERIOR

### Office of Natural Resources Revenue

### Office of Hearings and Appeals

### 30 CFR Part 1290

### 43 CFR Part 4

[Docket No. ONRR-2011-0017; DS63610300 DR2PS0000.CH7000 134D0102R2]

RIN 1012-AA08

### Clarification of Appeal Procedures

**AGENCY:** Office of Natural Resources Revenue and Office of Hearings and Appeals, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The Office of Natural Resources Revenue (ONRR) and Office of Hearing and Appeals (OHA) are proposing to amend and clarify regulations concerning certain aspects of appeals of ONRR correspondence and to clarify the final administrative nature of ONRR orders that are not paid or appealed.

**DATES:** Comments must be submitted on or before September 20, 2013.

**ADDRESSES:** You may submit comments to ONRR by any of the following methods (please reference "1012-AA08" in your comments):

- Electronically go to

[www.regulations.gov](http://www.regulations.gov). In the entry titled "Enter Keyword or ID," enter "ONRR-2011-0017," and then click "Search." Follow the instructions to submit public comments. ONRR will post all comments.

- Mail comments to Armand Southall, Regulatory Specialist, ONRR, P.O. Box 25165, MS 64000A, Denver, Colorado 80225-0165.

- Hand-carry comments, or use an overnight courier service, to the Office of Natural Resources Revenue, Building 85, Room A-614, Denver Federal Center, West 6th Ave. and Kipling St., Denver, Colorado 80225.

**FOR FURTHER INFORMATION CONTACT:** For questions on technical issues, contact Sarah Inderbitzin, Office of Enforcement (OE), ONRR, telephone (303) 231-3748, or email [sarah.inderbitzin@onrr.gov](mailto:sarah.inderbitzin@onrr.gov). For other questions, contact Armand Southall, Regulatory Specialist, ONRR, telephone (303) 231-3221, or email [armand.southall@onrr.gov](mailto:armand.southall@onrr.gov).

## SUPPLEMENTARY INFORMATION:

### I. Background

The ONRR is proposing to amend its appeal regulations. On May 13, 1999, the Department of the Interior (Department) published in the **Federal Register** (64 FR 26240) a final rule governing the appeal of the former Minerals Management Service's (MMS) Minerals Revenue Management (MRM) orders. In this proposed rule, ONRR is clarifying the appeal regulations by removing ambiguity regarding the ONRR definition of an *Order*, the timing of appeals of orders to perform restructured accounting, and the finality of orders that have not been paid or appealed.

### II. Reorganization of Title 30 CFR

On May 19, 2010, the Secretary of the Department of the Interior (Secretary) separated the responsibilities previously performed by the former MMS and reassigned those responsibilities to three separate organizations. As part of this reorganization, the Secretary renamed MMS's MRM the Office of Natural Resources Revenue and directed that ONRR transition from the Office of the Assistant Secretary for Land and Minerals Management to the Office of the Assistant Secretary for Policy, Management and Budget (PMB). This change required the reorganization of title 30, *Code of Federal Regulations* (30 CFR). In response, ONRR published a direct final rule on October 4, 2010 (75 FR 61051), to establish a new chapter XII in 30 CFR; to remove certain regulations from chapter II; and to recodify these regulations in the new chapter XII. Therefore, all references to ONRR in this proposed rule include its predecessor MRM, and all references to 30 CFR part 1290 in this proposed rule include former 30 CFR part 290, subpart B.

### III. Explanation of Proposed Amendments

This rule would make technical clarifications to 30 CFR part 1290 and 43 CFR part 4, subpart J. Title 30 CFR part 1290 pertains to appeals of ONRR orders to report or pay royalties and other payments due under leases subject to part 1290. Title 43 CFR part 4, subpart J, contains OHA's special rules applicable to appeals concerning Federal oil and gas royalties and other related matters. This rule also would make technical corrections to position titles, agency names, acronyms, and cross references within the regulations and would delete regulatory provisions no longer needed.

Specifically, the rule proposes to amend existing appeal regulations in titles 30 and 43 to clarify which ONRR correspondence are appealable orders. This proposed amendment would apply to orders involving all Federal and Indian mineral leases. The ONRR has received appeals filed in response to "Dear Payor," "Dear Operator," and "Dear Reporter" letters. These letters contain policy and guidance that do not contain mandatory or ordering language, and, thus, are not ONRR orders. Therefore, those letters are not appealable. The Interior Board of Land Appeals (IBLA) addressed this issue in *Devon Energy*, 171 IBLA 43 (2007). In *Devon*, the IBLA held that, under ONRR's appeal regulations, "Dear Payor/Operator/Reporter" letters sent to all lessees are not appealable orders under 30 CFR part 1290. Therefore, the proposed amendment to the regulations in titles 30 and 43 would specify that "Dear Payor/Operator/Reporter" letters and any ONRR instructions or guidance do not constitute appealable orders. This proposed rule would eliminate confusion for the recipients of the ONRR letters and reduce the number of ineligible appeals.

Likewise, the IBLA has held that correspondence from ONRR that does not contain a notice of the right to appeal is not an appealable order under 30 CFR part 1290. *Xanadu Exploration Company*, 157 IBLA 183, 186 (2002). Therefore, the proposed amendments to the regulations also would specify that any ONRR correspondence that does not contain the right to appeal in writing does not constitute an appealable order consistent with the *Xanadu* decision. This amendment also would eliminate confusion for the recipients of "Dear Payor/Operator/Reporter" letters that do not contain an explicit right to appeal.

In addition, the rule proposes to update 30 CFR part 1290 to reflect the 60-day period within which a party may appeal an order to perform a restructured accounting involving only Federal oil and gas leases under the Royalty Simplification and Fairness Act of 1996 (RSFA), codified at 30 U.S.C. 1724(d)(4)(B)(ii)(V).

Generally, under the proposed rule, you would appeal an Order to Perform a Restructured Accounting to the ONRR Director. This would include requiring you to appeal an Order to Perform a Restructured Accounting that a delegated State issues to the ONRR Director under proposed § 1290.105(a)(1)(ii). This would give the ONRR Director an opportunity to review such orders and issue a decision before it proceeds to the IBLA.