

consistent with the NRC rule regarding import and export of radioactive waste that has been in place since 1995, and, through its limitation to one-for-one exchanges, has a neutral effect on disposal capacity constraints within the U.S. The NRC staff also notes that the other nine Low-Level Waste Compacts and ten unaffiliated States have not expressed specific views on the waste management practices that apply to disused radioactive sources.

By addressing this aspect of the Northwest Compact's comment in this comment resolution document (published at the same time as the BTP), the NRC is reiterating to licensees the potential limits both to disposal options for disused sources and long-term storage capacity at the licensees' respective sites.

*Comment:* Three commenters (Northwest Compact, LLW Forum and UDEQ) would like additional language added to the BTP to acknowledge the lack of current disposal options for non-U.S. origin disused radioactive sources. UDEQ commented that "[t]he importation of sources/devices not directly attributable to U.S.-origin certainly raises a concern regarding disposal site access in Utah." UDEQ suggested adding clarification to the BTP to state that where disposal of such sources is not an option, a licensee ". . . would still be required to store these sources safely, to meet the financial assurance provisions as applicable in the regulations, and would have to dispose of the sources in an authorized facility at some time. The DEQ staff expects that licensees would consider the additional costs for potential storage and out-of-compact disposal in deciding whether to import sources . . ."

UDEQ also suggested adding more explanatory text regarding potential storage and disposal considerations and requirements directly into the BTP as a clarifying footnote. The Northwest Compact and LLW Forum raised similar concerns about potential impacts on capacity for domestic long-term storage and ultimate disposal by NRC and Agreement State licensees. Specifically, the LLW Forum observed that

". . . although NRC may allow certain radioactive sources to be imported into the country under the proposed BTP, the agency should be aware that there may not be a disposal option for the sources depending upon the policies of the particular Compact and/or sited state to which the sources are being returned."

*Response:* A specific license for the import of radioactive waste must ". . . name an appropriate facility that has agreed to accept and is authorized to possess the waste for *management* or disposal . . ." (10 CFR 110.43(d)

(emphasis added)) where "management" includes authorization for long-term storage under a company's NRC or Agreement State issued possession license. A general license (10 CFR 110.27) is contingent on "the U.S. consignee [being] authorized to receive and possess the material under a general or specific NRC or Agreement State license . . ." Among other things, the domestic authorization sets possession limits and provisions for long-term storage. The NRC staff is aware that there may not be disposal options for some sources due to current Compact policies on admittance of out-of-Compact waste.

Agreement State and NRC possession license holders historically have not differentiated use or storage of radioactive sources based on origin. In terms of their possession limits and storage capacity, licensees handle the sources identically regardless of origin in order to protect public health and safety. With the "one-for-one" exchange required under the BTP, there should be no increase in the volume of disused sources for management or disposal as a result of the BTP. The application of this BTP is limited to those radioactive sources that have been exchanged on a "one-for-one" basis and after a good faith effort has been made by the importer to determine the origin. Accordingly, it is the NRC's expectation that the number of disused sources imported by the manufacturer or distributor into the United States must not be greater than the number of new or refurbished sources exported by that manufacturer or distributor.

*Comment:* The Northwest Compact and the UDEQ suggested that the final BTP include language explicitly:

". . . informing U.S. licensees to consider the ramifications and costs of the potential need for extended storage in the absence of a recycling or subsequent disposal option for imported sources and devices as well as the legal jurisdictions of low-level radioactive waste compacts in terms of the availability of or access to disposal activities."

*Response:* The NRC is aware that the costs of long term storage may be an issue for some licensees. For this reason, NRC has added language to the final BTP to reflect the Northwest Compact and State of Utah concerns regarding the availability and access to the limited disposal options currently available.

*Comment:* The LLW Forum expressed that "the NRC should show greater deference to the LLW Compacts and host states through earlier and more active involvement in the import of potentially non-U.S. origin radioactive sources for disposal." They suggest that:

". . . when the NRC is in the process of developing policy positions on the disposal of disused sources, the NRC should evaluate whether the position is consistent with the policies of interstate compacts that host Part 61 commercial low-level radioactive waste disposal facilities and should also include consultation and communication with affected compacts and sited states."

*Response:* The NRC staff works within the confines of the Atomic Energy Act of 1954, as amended, and recognizes the authorities granted to the States and Compacts in the Low Level Waste Policy Act of 1985. The LLW Compacts are provided multiple opportunities to comment on publications for rulemaking in Part 110, Part 110 specific license applications for import of radioactive waste, and guidance documents such as the BTP (see pre-emption response above).

*Comment:* International Isotopes suggested that the final BTP should "recognize the practice of a "one-for-one" source exchange and acknowledge that there are complexities associated with the radioactive source supply chain." More specifically, International Isotopes points out that the timing of exports and imports over the course of a timeframe might not align specifically with the "one-for-one" principle on which the BTP is based.

*Response:* The NRC staff recognizes that importing/exporting trends and an importer's intent are licensee and isotope-specific and will be considered on a case-by-case basis by NRC staff.

Dated at Rockville, Maryland, this 22nd day of August, 2013.

For the Nuclear Regulatory Commission.

**Charlotte Abrams,**

*Acting Director, Office of International Program.*

[FR Doc. 2013-20975 Filed 8-27-13; 8:45 am]

BILLING CODE 7590-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 141

[Docket No. FAA-2010-0100; Amdt. No. 141-17A]

RIN 2120-AJ67

#### Pilot Certification and Qualification Requirements for Air Carrier Operations; Correction

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule; correction.

**SUMMARY:** The FAA is correcting a final rule published on July 15, 2013 (78 FR

42324). In that final rule, which became effective on the date of publication, the FAA amended its regulations to create new certification and qualification requirements for pilots in air carrier operations. The FAA inadvertently listed an incorrect amendment number for that final rule. This document corrects that error.

**DATES:** Effective: August 28, 2013.

**FOR FURTHER INFORMATION CONTACT:** For technical questions concerning this correction contact Barbara Adams, Air Transportation Division, AFS-200, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-8166; facsimile (202) 267-5299, email [barbara.adams@faa.gov](mailto:barbara.adams@faa.gov).

For legal questions concerning this correction contact Anne Moore, Office of the Chief Counsel—International Law, Legislation, and Regulations Division, AGC-240, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-3123; facsimile (202) 267-7971, email [anne.moore@faa.gov](mailto:anne.moore@faa.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

On July 15, 2013, the FAA published a final rule entitled, “Pilot Certification and Qualification Requirements for Air Carrier Operations” (78 FR 42324). In that final rule, which became effective July 15, 2013, the FAA amended part 141. The FAA inadvertently listed the incorrect amendment number for part 141 in the header information of the final rule as 141-1. The correct amendment number is 141-17.

**Correction**

In the final rule, FR Doc. 2013-16849, published on July 15, 2013, at 78 FR 42324, make the following correction:

1. On page 42324 in the heading of the final rule, revise “Amdt. No. 141-1” to read as “Amdt. No. 141-17”.

Issued in Washington, DC, under the authority provided by 49 U.S.C. 106(f), 44701(a) and Secs. 216-217, Public Law 111-216, 124 Stat. 2348 on August 23, 2013.

**Brenda D. Courtney,**

*Acting Director, Office of Rulemaking.*

[FR Doc. 2013-20962 Filed 8-27-13; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF THE TREASURY**

**Internal Revenue Service**

**26 CFR Part 1**

[TD 9619]

**RIN 1545-BD84**

**Regulations Enabling Elections for Certain Transaction Under Section 336(e); Correction**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Correction to final regulations.

**SUMMARY:** This document describes corrections to final regulations [TD 9619] that provide guidance under section 336(e) of the Internal Revenue Code (CODE), which authorizes the issuance of regulations under which an election may be made to treat sale, exchange or distribution of at least 80 percent of the voting power and value of the stock of a corporation (target) as a sale of all its underlying assets. These regulations were published in the **Federal Register** on Wednesday, May 15, 2013.

**DATES:** This correction is effective on August 28, 2013, and is applicable beginning May 15, 2013.

**FOR FURTHER INFORMATION CONTACT:** Mark J. Weiss, (202) 622-7930 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

**Background**

The final regulations (TD 9619) that are the subject of this correction are under section 336(e) of the Code.

**Need for Correction**

As published May 15, 2013 [78 FR 28467] TD 9619 contains errors that may prove to be misleading and is in need of clarification.

**Correction of Publication**

Accordingly, the publication of the final regulations [TD 9619], which were the subject of FR Doc. 2013-11522, is corrected as follows:

1. On page 28467, column 2, in the preamble under the caption “Paperwork Reduction Act”, the fourth line from the top, the language, “in §§ 1.336-2(h) and 1.336-4(c)(4). This” is corrected to read “in §§ 1.336-2(h) and 1.336-4(c). This”.

2. On page 28467, column 2, in the preamble under the caption “Background”, second paragraph, fifth line, the language, “947 [73 FR 49965-

02] (the proposed” is corrected to read “947 [73 FR 49965] (the proposed”.

**Martin V. Franks,**

*Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).*

[FR Doc. 2013-20495 Filed 8-27-13; 8:45 am]

**BILLING CODE 4830-01-P**

**DEPARTMENT OF THE TREASURY**

**Internal Revenue Service**

**26 CFR Part 1**

[TD 9619]

**RIN 1545-BD84**

**Regulations Enabling Elections for Certain Transaction Under Section 336(e); Correction**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Correcting amendment.

**SUMMARY:** This document contains amendments to correct errors in final regulations [TD 9619] that provide guidance under section 336(e) of the Internal Revenue Code (CODE), which authorizes the issuance of regulations under which an election may be made to treat sale, exchange or distribution of at least 80 percent of the voting power and value of the stock of a corporation (target) as a sale of all its underlying assets. These regulations were published in the **Federal Register** on Wednesday, May 15, 2013.

**DATES:** This correction is effective on August 28, 2013, and is applicable beginning May 15, 2013.

**FOR FURTHER INFORMATION CONTACT:** Mark J. Weiss, (202) 622-7930 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

**Background**

The final regulations (TD 9619) that are the subject of this correction are under section 336(e) of the Code.

**Need for Correction**

As published May 15, 2013 [78 FR 28467] TD 9619 contains errors that may prove to be misleading and is in need of clarification.

**List of Subjects in 26 CFR Part 1**

Income taxes, Reporting and recordkeeping requirements.

**Correction of Publication**

Accordingly, 26 CFR part 1 is corrected by making the following correcting amendments: