

the 2010 SO<sub>2</sub> NAAQS. This submittal addressed the following infrastructure elements: section 110(a)(2)(A), (B), (C), (D), (E), (F), (G), (H), (J), (K), (L), and (M).

EPA has analyzed the above identified submittal and is proposing to make a determination that such submittal meets the requirements of section 110(a)(2)(A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M) of the CAA, with the exception of the part D, Title I nonattainment planning requirements of section 110(a)(2)(I) and the portion of the submittal relating to section 110(a)(2)(D)(i)(I) on which EPA will take separate action. A detailed summary of EPA's review and rationale for approving Delaware's submittal may be found in the Technical Support Document (TSD) for this action which is available on line at [www.regulations.gov](http://www.regulations.gov), Docket ID Number EPA-R03-OAR-2013-0492.

This proposed rulemaking action does not include section 110(a)(2)(I) which pertains to the nonattainment planning requirements of part D, Title I of the CAA, because this element is not required to be submitted by the 3-year submission deadline of section 110(a)(1) of the CAA, and will be addressed in a separate process. This proposed rulemaking action also does not address section 110(a)(2)(D)(i)(I) of the CAA. In accordance with the decision of the U.S. Court of Appeals for the District of Columbia (D.C. Circuit Court), EPA at this time is not treating the 110(a)(2)(D)(i)(I) SIP submission from Delaware as a required SIP submission. See *EME Homer City Generation, L.P. v. EPA*, 696 F.3d 7 (D.C. Cir. 2012), cert. granted, 2013 U.S. Lexis 4801 (2013). On June 24, 2013, the Supreme Court granted the petitions of the United States and others and agreed to review this D.C. Circuit Court decision. However, at this time the D.C. Circuit Court decision remains in place and unless it is reversed or otherwise modified by the Supreme Court, states are not required to submit 110(a)(2)(D)(i)(I) SIPs until EPA has quantified their obligations under that section. EPA will address the portion of Delaware's May 29, 2013 SIP submittal addressing section 110(a)(2)(D)(i)(I) in a separate action.

### III. Proposed Action

EPA is proposing to approve Delaware's submittal that provides the basic program elements specified in section 110(a)(2)(A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M), necessary to implement, maintain, and enforce the 2010 SO<sub>2</sub> NAAQS, with the exception of the part D, Title I

nonattainment planning requirements of section 110(a)(2)(I) and the portion of the submittal relating to section 110(a)(2)(D)(i)(I) on which EPA will take separate action. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

### IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub.L. 104-4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed rule, pertaining to Delaware's section 110(a)(2) infrastructure requirements for the 2010 SO<sub>2</sub> NAAQS, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Sulfur oxides, Reporting and recordkeeping requirements.

**Authority:** 42 U.S.C. 7401 *et seq.*

Dated: September 24, 2013.

**W.C. Early,**

*Acting Regional Administrator, Region III.*

[FR Doc. 2013-25063 Filed 10-23-13; 8:45 am]

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## NATIONAL TRANSPORTATION SAFETY BOARD

### 49 CFR Part 821

[Docket No. NTSB-GC-2011-0001]

### Rules of Practice in Air Safety Proceedings

**AGENCY:** National Transportation Safety Board (NTSB or Board).

**ACTION:** Notice of proposed rulemaking; reopening of comment period.

**SUMMARY:** The NTSB amends the comment deadline for a Notice of Proposed Rulemaking (NPRM) published on September 19, 2013. The proposed change in the NPRM would require the Federal Aviation Administration (FAA) to provide releasable portions of the enforcement investigative report (EIR) to each respondent in emergency cases.

**DATES:** The comment period for the proposed rule published September 19, 2013, at 78 FR 57602, is reopened. Comments must be submitted by November 6, 2013.

**ADDRESSES:** A copy of the NPRM, published in the **Federal Register** (FR), is available for inspection and copying in the NTSB's public reading room, located at 490 L'Enfant Plaza SW., Washington, DC 20594-2003. Alternatively, a copy is available on the government-wide Web site on regulations at <http://www.regulations.gov> (Docket ID Number NTSB-GC-2011-0001).

**FOR FURTHER INFORMATION CONTACT:** David Tochen, General Counsel, (202) 314-6080.

**SUPPLEMENTARY INFORMATION:** On September 19, 2013, the NTSB published an NPRM and a Final Rule, finalizing changes to various sections of 49 CFR part 821, as a result of the Pilot's Bill of Rights. 78 FR 57602 (NPRM); 78 FR 57527 (Final Rule). In the NPRM, the NTSB proposed requiring the release of the EIR in emergency cases proceeding under subpart I of the NTSB's rules.

On October 1, 2013, the NTSB ceased normal agency operations due to a lapse in funding. The NTSB did not resume normal agency activities until October 17, 2013. As a result, the NTSB believes it is prudent to extend the October 21 deadline for comments on the NPRM. The NTSB will now consider all comments submitted by the end of the day on November 6, 2013; comments received after the deadline will be considered to the extent they do not affect the progress of this rulemaking.

**Deborah A.P. Hersman,**  
Chairman.

[FR Doc. 2013-25156 Filed 10-22-13; 4:15 pm]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 223

[Docket No. 130716626-3805-01]

RIN 0648-BD51

#### Endangered and Threatened Species: Designation of a Nonessential Experimental Population of Upper Columbia Spring-Run Chinook Salmon in the Okanogan River Subbasin, Washington, and Protective Regulations

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; open comment period; notice of availability.

**SUMMARY:** We, the National Marine Fisheries Service (NMFS), propose a rule to designate and authorize the release of a nonessential experimental population (NEP) of Upper Columbia River spring-run (UCR) Chinook salmon (*Oncorhynchus tshawytscha*) under section 10(j) of the Endangered Species Act (ESA) in the Okanogan River subbasin, and to establish a limited set of take prohibitions for the NEP. Under

the proposed rule, the geographic boundary for the NEP would be the mainstem and all tributaries of the Okanogan River between the Canada-United States border and to the confluence of the Okanogan River with the Columbia River, Washington (hereafter "Okanogan River NEP Area"). We have prepared a draft environmental assessment (EA) on this proposed action. We seek comment on both this proposed rule and the EA (see **ADDRESSES** section below).

**DATES:** To allow us adequate time to consider your comments on this proposed rule, they must be received no later than December 9, 2013. Comments on the EA must be received by December 9, 2013. One public meeting will be held at which the public can make comments on the draft EA and proposed rule. The meeting will be at Koala Street Grill, banquet room, 914 Koala Avenue, Omak, WA, 98841, on November 5 from 5:30 p.m. to 7:30 p.m.

**ADDRESSES:** You may submit comments on this proposed rule, identified by NOAA-NMFS-2013-0140, by any of the following methods:

- **Electronic submissions:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0140>, click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.

- **Mail:** Submit written comments to Chief, Protected Resources Division, NMFS, 1201 NE Lloyd Blvd.-Suite 1100, Portland, OR 97232.

- **Fax:** (503) 230-5441.

**Instructions:** Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are part of the public record and will generally be posted to <http://www.regulations.gov> without change. All personal identifying information (e.g., name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. We will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

You may access a copy of the draft EA by one of the following:

- Visit NMFS' Reintroduction Web site at: [http://www.westcoast.fisheries.noaa.gov/protected\\_species/salmon\\_steelhead/](http://www.westcoast.fisheries.noaa.gov/protected_species/salmon_steelhead/)

[salmon\\_and\\_steelhead\\_listings/chinook/upper\\_columbia\\_river\\_spring\\_run/upper\\_columbia\\_river\\_spring\\_run\\_chinook.html](#).

- Call (503) 736-4721 and request to have a CD or hard copy mailed to you.

- Obtain a CD or hard copy by visiting NMFS, 1201 NE Lloyd Blvd. Suite 1100, Portland, OR 97232.

Please see the draft EA for additional information regarding commenting on that document.

**FOR FURTHER INFORMATION CONTACT:**

Garth Griffin, NMFS, Northwest Region, Portland, OR (503-231-2005) or Dwayne Meadows, NMFS, Office of Protected Resources, Silver Spring, MD 20910 (301-427-8403).

**SUPPLEMENTARY INFORMATION:**

#### Background Information Relevant to Experimental Population Designation

The UCR Chinook salmon evolutionarily significant unit (ESU) is listed as an endangered species under the ESA (16 U.S.C. 1531 *et seq.*). NMFS first designated the UCR Chinook salmon ESU as endangered on March 24, 1999 (64 FR 14308), reaffirmed this status on June 28, 2005 (70 FR 37160), and maintained its endangered status after the ESU's 5-year review (76 FR 50448, August 15, 2011). "Take" of the species is prohibited by section 9 of the ESA under most circumstances as defined in the ESA.

The listed ESU currently includes all naturally spawned populations of spring-run Chinook salmon in accessible reaches of Columbia River tributaries between Rock Island and Chief Joseph Dams, excluding the Okanogan River.<sup>1</sup> Listed spring-run Chinook salmon from this ESU currently spawn in three river subbasins in eastern Washington: The Methow, Entiat and Wenatchee. A fourth population historically inhabited the Okanogan River subbasin, but was extirpated in the 1930s because of overfishing, hydropower development, and habitat degradation (NMFS 2007). The listed UCR Chinook salmon ESU also includes six artificial propagation programs: The Twisp River, Chewuch River, Methow Composite, Winthrop National Fish Hatchery, Chiwawa River, and White River spring Chinook salmon hatchery programs.

On October 9, 2007, we adopted a final recovery plan for the UCR Chinook salmon ESU (72 FR 57303). The

<sup>1</sup> The Okanogan River is a major tributary of the upper Columbia River, entering the Columbia River between Wells and Chief Joseph Dams. The majority of the Okanogan River subbasin is in Canada (74 percent) with the remainder in Washington State (26 percent).