This table is not intended to be exhaustive but to provide a guide for readers regarding entities likely to be affected by this NODA. To determine whether this NODA affects your facility, company, business, organization, etc., you should examine the applicability criteria in 40 CFR 60.1. If you have questions regarding applicability, consult either the air permitting authority for the entity in question or your EPA regional representative as listed in 40 CFR 60.4 or 40 CFR 63.13 (General Provisions).

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

On January 8, 2014, the EPA published the proposed rule, ''Standards of Performance for Greenhouse Gas Emissions From New Stationary Sources: Electric Utility Generating Units,'' (79 FR 1430) which was issued pursuant to Clean Air Act (CAA) section 111. In the proposed rule, the EPA explains its rationale for emission standards for new fossil fuel-fired boiler and integrated gasification combined cycle (IGCC) electric utility generating units (EGUs). These standards are based on the determination that the best system of emission reduction (BSER) for those sources is partial carbon capture and sequestration (CCS). The EPA today is providing a technical support document (TSD) that addresses the interaction of the determination of BSER in the proposed rule and several provisions in the Energy Policy Act of 2005 (EPAct05), which are described immediately below.

Limitations associated with EPAct05. In providing assistance to fossil fuel-fired electricity generating plants and other facilities that employ advanced technology, EPAct05 included several provisions that limit the EPA's authority to rely on information from those facilities in conducting rulemaking or taking other action under various provisions of the CAA, including section 111. Section 402(i) of the EPAct05, codified at 42 U.S.C. section 15962(i), provides as follows, insofar as is presently relevant, that no technology, or level of emission reduction, *solely* by reason of the use of the technology, or the achievement of the emission reduction, by one or more facilities receiving assistance under EPAct05, shall be considered to be adequately demonstrated for purposes of section 111 of the Clean Air Act.[1]

In addition, internal revenue code (IRC) section 48A(g), 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, Administrative practice and procedure, Air pollution control, Reporting and recordkeeping requirements.

40 CFR Part 98

Environmental protection, Greenhouse gases and monitoring, Reporting and recordkeeping requirements.

Dated: February 5, 2014.

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

[1] In 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 generation of clean coal-based power, including supporting air pollution control technologies. These provisions included, in EPAct05 § 421(a), a constraint similar to EPAct05 § 402(i). As amended by EPAct05 § 421(a), EPAct92 § 3103(e) (42 U.S.C. 13573(e)) and EPAct92 § 3104(d) (42 U.S.C. 13574(d)), provides, insofar as is presently relevant, under the heading, ''Applicability,'' that no technology, or level of emission reduction, shall be treated as adequately demonstrated for purpose of section 111 of the Clean Air Act solely by reason of the use of such technology, or the achievement of such emission reduction, by one or more facilities receiving assistance under section 3102(a)(1) or (2) of the Energy Policy Act of 1992, as amended (42 U.S.C. 13572(a)(1)).

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 141 and 142

[EPA–HQ–OW–2008–0878; FRL–9906–88–OW]

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

Rule (RTCR), as authorized under the Safe Drinking Water Act, to correct typographical errors in sections relating to recordkeeping and State primacy requirements, which could affect implementation and enforcement of the RTCR if they were left uncorrected. This proposed action also includes other edits to the final rule language that are intended to improve the understanding of the rule and avoid confusion. This proposed action does not impose new requirements; rather it clarifies what must be included in States' primacy applications related to this rule and the specific records water systems must keep. In the ''Rules and Regulations'' section of this **Federal Register**, EPA is making these minor corrections and edits to the final RTCR as a direct final rule without a prior proposed rule. If we receive no adverse comment, we will not take further action on this proposed rule.

DATES: Written comments must be received by March 28, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OW–2008–0878, by mail to Water Docket, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave. NW., Washington, DC 20460. Comments may also be submitted electronically or through hand delivery/courier by following the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Sean Conley, Standards and Risk Management Division, Office of Ground Water and Drinking Water (MC–4607M), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–1781; email address: *conley.sean@epa.gov*. For general information, contact the Safe Drinking Water Hotline, telephone number: (800) 426–4791. The Safe Drinking Water Hotline is open Monday through Friday, excluding legal holidays, from 10 a.m. to 4 p.m. Eastern time.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Why is EPA issuing this proposed rule?

EPA is proposing minor corrections to the final Revisions to the Total Coliform Rule (RTCR) to correct typographical errors in sections relating to recordkeeping and State primacy requirements, which could affect implementation and enforcement of the RTCR if left uncorrected. This proposed action also includes other edits to the final rule language that are intended to improve the understanding of the rule and avoid confusion. This proposed action does not impose new requirements; rather it clarifies what must be included in States' primacy applications related to this rule and the specific records water systems must keep.

II. Regulated Categories and Entities

Entities potentially regulated by the proposed corrections to the final RTCR are all public water systems (PWSs). Regulated categories and entities include the following:

Category	Examples of regulated entities
Industry	Privately-owned community water systems (CWSs), transient non-community water systems (TNCWSs), and non-transient non-community water systems (NTNCWSs).
Federal, State, Tribal, and local governments.	Publicly-owned CWSs, TNCWSs, and NTNCWSs.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities regulated by this action. This table lists the types of entities that EPA is now aware of that could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your facility is regulated by this action, you should carefully examine the definition of ''public water system'' in § 141.2 and the section entitled ''Coverage'' in § 141.3 in title 40 of the Code of Federal Regulations (CFR), and the applicability criteria in § 141.851(b) of the final RTCR. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

C. Copies of This Document and Other Related Information

This document is available for download at *http://water.epa.gov/lawsregs/rulesregs/sdwa/tcr/regulation_revisions.cfm.* For other related information, see the docket section of the direct final rule located in the rules section of this **Federal Register**.

D. Minor Corrections to the Revisions to the Total Coliform Rule (RTCR)

Today's proposed rule corrects, as authorized under the Safe Drinking Water Act (SDWA), two typographical errors in the final RTCR (78 FR 10269, February 13, 2013) rule language. First, this proposed action corrects a mistaken cross-reference regarding water system recordkeeping requirements for assessment forms and documentation of corrective actions and sanitary defects. EPA is correcting the cross-reference at § 141.861(b)(1) to correctly provide that assessments, corrective actions and identification of sanitary defects are required under the treatment technique requirements of section 141.859 of the final RTCR. The burden for these recordkeeping requirements was reflected in the Revised Total Coliform Rule and in section 7 of the Economic Analysis (EA) for the Revised Total Coliform Rule (EPA–815–R–12–004).

EPA also discussed these requirements in the preamble to the final RTCR on page 10295. Second, today's proposed rule also corrects the introductory paragraph at § 142.16(q)(2) to correctly indicate that the State's application for primacy must contain a written description of all provisions included in the subsections of the paragraph, (q)(2)(i) through (q)(2)(ix). It was always EPA's intent that primacy applications must contain a written description of all provisions in 142.16(q)(2), but when EPA added subparagraph (q)(2)(ix) to the final rule, EPA neglected to change the numbering in the paragraph (2) lead-in to the list of elements. EPA intended this to be the case, as demonstrated in the preamble to the final RTCR on page 10301. In addition, the burden for this State activity was also included in section 7 of the Economic Analysis (EA) for the RTCR. EPA is not developing a new EA for today's action because the EA for the final RTCR accounts for all costs associated with this rule.

Today's proposed rule also corrects the numbering in § 141.855(a) by adding subparagraph (d)(2) and reserving it, to most simply correct a numbering error that identified a subparagraph (d)(1) without a subsequent (d)(2). Correcting the numbering in this fashion will not interfere with any cross references to subparagraph (d)(1).

Today's proposed rule also includes clarifying revisions to the language regarding primacy applications in § 142.16(q)(2)(ii) to make it more clear in the special primacy requirements section of the RTCR that systems must implement at least one of listed additional criteria to qualify for reduced monitoring. EPA clearly intended this to be the case, as reflected in § 141.854(h)(2) for NCWSs and § 141.855(d) for CWSs, and in the preamble to the final RTCR at pages 10281 and 10282.

Next, the final rule clarifies situations requiring public notification in Appendix A to Subpart Q of Part 141 to list out all of the possible reporting violations under the RTCR that will require Tier 3 public notice. EPA clearly intended this to be the case, as reflected in item (6) in Table 1 to § 141.204 (Violation Categories and Other Situations Requiring a Tier 3 Public Notice), which provides that all reporting and recordkeeping violations under the RTCR require Tier 3 public notice. Also, page 10294 of the preamble to the final RTCR clearly states that Tier 3 PN is required for both monitoring and reporting violations under the RTCR.

Finally, the final rule clarifies the analytical methods table in § 141.852(a)(5) to place the citation ''Standard Methods Online 9223 B–97'' for the Colilert analytical method in the correct column.

These revisions do not change any rule requirements, are consistent with the rule requirements as intended by the Total Coliform Rule/Distribution System Advisory Committee that recommended the revisions to the Total Coliform Rule, and are intended only to clarify requirements and reduce confusion.

II. Additional Supplementary Information

We are publishing a Direct Final Rule to this parallel proposal in the final rule section of today's **Federal Register**. Additional supplementary information is available in the Direct Final Rule, ''National Primary Drinking Water Regulation: Minor Corrections to the Revisions to the Total Coliform Rule.''

Dated: February 10, 2014.

Gina McCarthy,

Administrator.

[FR Doc. 2014–04171 Filed 2–25–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 414

[CMS–1460–ANPRM]

RIN 0938–AS05

Medicare Program; Methodology for Adjusting Payment Amounts for Certain Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) Using Information From Competitive Bidding Programs

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

ACTION: Advance notice of proposed rulemaking (ANPRM).

SUMMARY: This advance notice of proposed rulemaking (ANPRM) solicits public comments on different methodologies we may consider using with regard to applying information from the durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS) competitive bidding programs to adjust Medicare fee schedule payment amounts or other Medicare payment amounts for DMEPOS items and services furnished in areas that are not included in these competitive bidding programs. In addition, we are also requesting comments on a different matter regarding ideas for potentially changing the payment methodologies used under the competitive bidding programs for certain durable medical equipment and enteral nutrition.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on March 28, 2014.

Customer Service Information: Individuals interested in obtaining information from the Centers for Medicare & Medicaid Services concerning current Medicare payment policies may call 1–800–MEDICARE (633–4227) or visit the Centers for Medicare & Medicaid Web site (*http://www.cms.gov*) or (*http://www.medicare.gov*).

ADDRESSES: In commenting, please refer to file code CMS–1460–ANPRM. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

You may submit comments in one of four ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to http://www.regulations.gov. Follow the ''Submit a comment'' instructions.

2. *By regular mail.* You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–1460–ANPRM, P.O. Box 8010, Baltimore, MD 21244–8010.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–1460–ANPRM, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

4. *By hand or courier.* Alternatively, you may deliver (by hand or courier) your written comments ONLY to the following addresses prior to the close of the comment period:

a. For delivery in Washington, DC—Centers for Medicare & Medicaid Services, Department of Health and Human Services, Room 445–G, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201

(Because access to the interior of the Hubert H. Humphrey Building is not readily available to persons without Federal government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available for persons wishing to retain a proof of filing by stamping in and retaining an extra copy of the comments being filed.)

b. For delivery in Baltimore, MD—Centers for Medicare & Medicaid Services, Department of Health and Human Services, 7500 Security Boulevard, Baltimore, MD 21244–1850.

If you intend to deliver your comments to the Baltimore address, call telephone number (410) 786–9994 in advance to schedule your arrival with one of our staff members.

Comments erroneously mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and received after the comment period.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Anita Greenberg, (410) 786–4601. Karen Jacobs, (410) 786–2173. Christopher Molling, (410) 786–6399. Hafsa Vahora, (410) 786–7899.

SUPPLEMENTARY INFORMATION: *Inspection of Public Comments:* All comments