

Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

#### C. Petitions for Judicial Review

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 12, 2013. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action approving Indiana's section 111(d)/129 plan revision for SSI sources may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

#### List of Subjects in 40 CFR Part 62

Environmental protection, Air pollution control, Administrative practice and procedure, Intergovernmental relations, Reporting and recordkeeping requirements, Sewage sludge incinerators.

Dated: May 28, 2013.

**Susan Hedman,**

*Regional Administrator, Region 5.*

40 CFR part 62 is amended as follows:

#### PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

- 1. The authority citation for part 62 continues to read as follows:

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

#### Subpart P—Indiana

- 2. Add an undesignated center heading and §§ 62.3670, 62.3671, and 62.3672 to subpart P to read as follows:

#### Control of Air Emissions From Sewage Sludge Incinerators

##### § 62.3670 Identification of plan.

On February 27, 2013, Indiana submitted a State Plan for implementing

the emission guidelines for Sewage Sludge Incinerators (SSI). The enforceable mechanism for this State Plan is a State rule codified in 326 Indiana Administrative Code (IAC) 11–10. The rule was adopted on August 1, 2012, and became effective on November 1, 2012.

##### § 62.3671 Identification of sources.

The Indiana State Plan for existing Sewage Sludge Incinerators (SSI) applies to all SSIs for which construction commenced on or before October 14, 2010 or for which a modification was commenced on or before September 21, 2011 primarily to comply with this rule.

##### § 62.3672 Effective Date.

The Federal effective date of the Indiana State Plan for existing Sewage Sludge Incinerators is August 12, 2013.

[FR Doc. 2013–13724 Filed 6–10–13; 8:45 am]

**BILLING CODE 6560–50–P**

#### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

#### Institute of Museum and Library Services

#### 45 CFR Part 1180

**RIN 3137–AA21**

#### Technical Amendments To Reflect the Authorizing Legislation of the Institute of Museum and Library Services

**AGENCY:** Institute of Museum and Library Services (IMLS), NFAH.

**ACTION:** Technical amendment; final rule.

**SUMMARY:** The Institute of Museum and Library Services amends its grants regulations by removing outdated regulations and making certain technical amendments to reflect Congress' reauthorization of the Institute of Museum and Library Services under the Museum and Library Services Act of 2010, as further amended by the Presidential Appointment Efficiency and Streamlining Act of 2011. The amendments also reorganize certain regulations to provide greater clarity for agency applicants and grantees.

**DATES:** Effective June 11, 2013.

#### FOR FURTHER INFORMATION CONTACT:

Nancy E. Weiss, General Counsel, Institute of Museum and Library Services, 1800 M Street NW., Suite 900, Washington, DC 20036. Email: [nweiss@imls.gov](mailto:nweiss@imls.gov). Telephone: (202) 653–4640. Facsimile: (202) 653–4610.

#### SUPPLEMENTARY INFORMATION:

#### I. Technical Amendments and Removal of the Institute's Outdated Regulations

IMLS amends 45 CFR part 1180 to remove outdated regulations and make minor technical amendments to reflect Congress' reauthorization of the Institute of Museum and Library Services with the Museum and Library Services Act of 2010, Public Law 111–340 (December 22, 2010), as further amended by the Presidential Appointment Efficiency and Streamlining Act of 2011, Public Law 112–166 (August 10, 2012). These revisions are meant to fulfill the Institute's responsibility to its eligible grant applicants by ensuring that all regulations, policies, and procedures are up-to-date. The regulations being removed include regulations relating to programs and requirements no longer in existence at the Institute as a result of both agency practice and the Museum and Library Services Act of 2010, Public Law 111–340 (December 22, 2010), as further amended by the Presidential Appointment Efficiency and Streamlining Act of 2011, Public Law 112–166 (August 10, 2012). In the interests of economy of administration, and because all of the regulations to be removed are outdated and the technical amendments are minor, they are included in one rulemaking vehicle. Section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. There is good cause for making this action final without prior proposal and opportunity for comment because the rule contains minor technical amendments that provide agency applicants and grantees with greater clarity and additional flexibility.

#### II. Matters of Regulatory Procedure

*Regulatory Planning and Review (E.O. 12866)*

Under Executive Order 12866, the Institute must determine whether the regulatory action is "significant" and therefore subject to OMB review and the requirements of the Executive Order. The Order defines a "significant regulatory action" as one that is likely to result in a rule that may: (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal

governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

The rule removes a number of outdated regulations and makes technical amendments to reflect Congress' reauthorization of the Institute of Museum and Library Services under the Museum and Library Services Act of 2010, Public Law 111–340 (December 22, 2010), as further amended by the Presidential Appointment Efficiency and Streamlining Act of 2011, Public Law 112–166 (August 10, 2012). As such, it does not impose a compliance burden on the economy generally or on any person or entity. Accordingly, this rule is not a “significant regulatory action” from an economic standpoint, and it does not otherwise create any inconsistencies or budgetary impacts to any other agency or Federal Program.

#### *Regulatory Flexibility Act*

Because this rule removes outdated regulations and make certain technical amendments, the Institute has determined in Regulatory Flexibility Act (5 U.S.C. 601 et seq.) review that this rule will not have a significant economic impact on a substantial number of small entities because it simply makes technical amendments and removes outdated regulations.

#### *Paperwork Reduction Act*

This rule is exempt from the requirements of the Paperwork Reduction Act, since it removes existing outdated regulations and makes only technical amendments to reflect Congress' reauthorization of the Institute of Museum and Library Services under the Museum and Library Services Act of 2010, Public Law 111–340 (December 22, 2010), as further amended by the Presidential Appointment Efficiency and Streamlining Act of 2011, Public Law 112–166 (August 10, 2012). An OMB form 83–1 is not required.

#### *Unfunded Mandates Reform Act*

For purposes of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. chapter 25, subchapter II), this rule will not significantly or uniquely affect small governments and will not result in increased expenditures by State, local,

and tribal governments, or by the private sector, of \$100 million or more as adjusted for inflation) in any one year.

#### *Small Business Regulatory Enforcement Fairness Act (SBREFA)*

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

- a. Does not have an annual effect on the economy of \$100 million or more.
- b. Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.
- c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

#### *Takings (E.O. 12630)*

In accordance with Executive Order 12630, the rule does not have significant takings implications. No rights, property or compensation has been, or will be, taken. A takings implication assessment is not required.

#### *Federalism (E.O. 13132)*

In accordance with Executive Order 13132, this rule does not have federalism implications that warrant the preparation of a federalism assessment.

#### *Civil Justice Reform (E.O. 12988)*

In accordance with Executive Order 12988, the Institute has determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

#### *Consultation with Indian tribes (E.O. 13175)*

In accordance with Executive Order 13175, the Institute has evaluated this rule and determined that it has no potential negative effects on federally recognized Indian tribes.

#### *National Environmental Policy Act*

This rule does not constitute a major Federal action significantly affecting the quality of the human environment.

#### **List of Subjects in 45 CFR Part 1180**

Administrative practice and procedure, Government contracts, Grant programs—education, Grant programs—Indians, Cooperative agreements, Federal aid programs, Grants administration, Libraries, Museums, Nonprofit organizations, Colleges and universities, and Report and recordkeeping requirements.

For the reasons stated in the preamble and under the authority of 20 U.S.C. 9101 et seq., the Institute of Museum and Library Services amends 45 CFR part 1180 as follows:

### **PART 1180—GRANTS REGULATIONS**

- 1. The authority citation for part 1180 continues to read as follows:

**Authority:** 20 U.S.C. Section 9101 et seq.

- 2. In § 1180.2, add the following sentence to the beginning of paragraph (b) introductory text:

#### **§ 1180.2 Definition of a museum.**

\* \* \* \* \*

(b) The term “museum” in paragraph (a) of this section includes museums that have tangible and digital collections. \* \* \*

\* \* \* \* \*

- 3. In § 1180.3, revise the definition of “Board” to read as follows:

#### **§ 1180.3 Other definitions.**

\* \* \* \* \*

*Board* means the National Museum and Library Services Board established by The Museum and Library Services Act of 2003, Pub. L. 108–81 (20 U.S.C. 9105a), as amended.

\* \* \* \* \*

- 4. In § 1180.37, revise paragraph (a) to read as follows:

#### **§ 1180.37 Rejection for technical deficiency—appeal; reconsideration; waiver.**

(a) An applicant whose application is rejected because of technical deficiency may appeal such rejection in writing to the Director within 10 business days of electronic or postmarked notice of rejection, whichever is earlier.

\* \* \* \* \*

- 5. Revise § 1180.55 to read as follows:

#### **§ 1180.55 Subgrants.**

(a) A grantee may not make a subgrant unless expressly authorized by the Institute. In the event the Institute authorizes a subgrant, the grantee shall:

- (1) Ensure that the subgrant includes any clauses required by Federal law as well as any program-related conditions imposed by the Institute;
- (2) Ensure that the subgrantee is aware of the applicable legal and program requirements; and
- (3) Monitor the activities of the subgrantee as necessary to ensure compliance with Federal law and program requirements.

(b) A grantee may contract for supplies, equipment, and services, subject to applicable law, including but not limited to applicable Office of

Management and Budget (OMB)  
Circulars and government-wide  
regulations.

#### Subpart D—[Removed]

■ 6. Subpart D, consisting of § 1180.70, is removed.

Dated: June 5, 2013.

Nancy E. Weiss,

General Counsel, Institute of Museum and  
Library Services.

[FR Doc. 2013-13730 Filed 6-10-13; 8:45 am]

BILLING CODE 7036-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 15

[ET Docket No. 10-26; FCC 13-59]

#### Definition of Auditory Assistance Device

**AGENCY:** Federal Communications  
Commission.

**ACTION:** Final rule.

**SUMMARY:** This document modifies the definition of “auditory assistance device” in the Commission’s rules to permit these devices to be used by anyone at any location for simultaneous language interpretation (simultaneous translation), where the spoken words are translated continuously in near real time. The revised definition permits unlicensed auditory assistance devices to be used to provide either auditory assistance or simultaneous translation, or both, without impeding these devices’ capability to provide auditory assistance to persons with disabilities. This document also lowers the limit for these auditory assistance devices’ unwanted emissions to the limits provided for other unlicensed devices in the Commission’s rules.

**DATES:** Effective July 11, 2013.

**FOR FURTHER INFORMATION CONTACT:** Patrick Forster, (202) 418-7061, Policy and Rules Division, Office of Engineering and Technology, (202) 418-2290, [Patrick.Forster@fcc.gov](mailto:Patrick.Forster@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission’s *Report and Order*, ET Docket No. 10-26, adopted May 1, 2013, and released May 2, 2013, FCC 13-59. The full text of the *Report and Order* is available on the Commission’s Internet site at [www.fcc.gov](http://www.fcc.gov). It is also available for inspection and copying during regular business hours in the FCC Reference Center (Room CY-A257), 445 12th Street SW., Washington, DC 20554. The full text of the *Report and Order* also

may be purchased from the Commission’s duplication contractor, Best Copy and Printing Inc., Portals II, 445 12th St. SW., Room CY-B402, Washington, DC 20554; telephone (202) 488-5300; fax (202) 488-5563; email [FCC@BCPIWEB.COM](mailto:FCC@BCPIWEB.COM).

#### Summary of the Report and Order

1. The *Report and Order* modified the definition of “auditory assistance device” in part 15 of the Commission’s rules to expand the permissible uses of these devices beyond solely providing auditory assistance to persons with disabilities (e.g., amplification of sounds for the hard of hearing and audio description for the blind) to include simultaneous translation for anyone at any location. This action harmonized the part 15 definition of “auditory assistance device” with the definition of “auditory assistance communications” in part 95 of the Commission’s rules. Under this expanded definition, part 15 auditory assistance devices that operate in the 72-73 MHz, 74.6-74.8 MHz, and 75.2-76 MHz (72-76 MHz) bands on an unlicensed basis may provide auditory assistance or simultaneous translation, or both, to anyone at any location.

2. The *Report and Order* also lowered the limit for part 15 auditory assistance devices’ unwanted emissions to the limits that are provided in § 15.209 of the Commission’s rules to help reduce the likelihood that the unwanted emissions from increased use of these devices for simultaneous translation will degrade the reception of very high frequency television (VHF TV) channels 2-4 (54-72 MHz) and 5-6 (76-88 MHz) and help improve the reception of VHF TV service.

3. On September 9, 2011, the Commission adopted an *Order and Notice of Proposed Rulemaking (Auditory Assistance Device NPRM)* in this proceeding in which it proposed to modify the part 15 definition of “auditory assistance device” to expand the permissible uses of these devices to include simultaneous language interpretation by any person at any location, in the same manner as permitted under part 95 for Low Power Radio Service stations that operate in the 216-217 MHz band. The Commission took this action in response to a petition for declaratory ruling filed by Williams Sound Corporation (Williams Sound), a provider of wireless auditory assistance devices.

4. In the *Auditory Assistance Device NPRM*, the Commission sought comment on the advantages and disadvantages and potential benefits of expanding the permissible uses of part 15 auditory assistance devices and any

qualitative or quantitative costs associated with this proposal. It also sought comment on whether increased use of part 15 auditory assistance devices for simultaneous language interpretation would increase the potential for harmful interference to authorized services in the 72-76 MHz and adjacent bands and whether additional safeguards or changes to the technical requirements for these devices would be necessary to prevent harmful interference to those services. In addition, the Commission sought comment on whether a more restrictive limit for part 15 auditory assistance devices’ out-of-band emissions is needed to prevent harmful interference to authorized services in the 72-76 MHz and adjacent bands and improve the reception of VHF TV channels 2-6.

5. Part 15 auditory assistance devices may operate in a full duplex mode of operation using necessary bandwidths up to 200 kilohertz wide. All fundamental emissions must be contained wholly within the 72-73 MHz, 74.6-74.8 MHz, and 75.2-76 MHz bands with a maximum field strength of 80 millivolts per meter (mV/m) measured at a distance of 3 meters, which is equivalent to a maximum effective radiated power (ERP) of 1.2 milliwatts (mW). The field strength of any unwanted emissions (emissions outside of the 200 kilohertz necessary bandwidth) must not exceed 1,500 microvolts per meter (µV/m) measured at a distance of 3 meters, which is equivalent to an ERP of 0.4 microwatts (µW). In the *Auditory Assistance Device NPRM*, the Commission asked what out-of-band emissions limit would be appropriate—the § 15.209 limit, the unlicensed TV bands device limit, or some other limit—what would be an appropriate transition period for compliance, and whether currently approved part 15 auditory assistance devices should be grandfathered for a limited time or permanently. In the *Report and Order*, the Commission noted that although it used the term “out-of-band” emissions in the *Auditory Assistance Devices NPRM* when referring to emissions outside of the frequency bands in which the auditory assistance devices operate (paras. 20 and 21), the correct term to describe the emissions outside of the necessary bandwidth of the transmitting system is “unwanted” emissions, and so it used the term “unwanted” emissions where appropriate throughout the *Report and Order*.

#### Discussion

6. In the *Report and Order*, the Commission modified the definition of