

**DEPARTMENT OF VETERANS AFFAIRS****38 CFR Part 17**

RIN 2900–AO47

**Authorization for Non-VA Medical Services; Withdrawal****AGENCY:** Department of Veterans Affairs.**ACTION:** Withdrawal of direct final rule.

**SUMMARY:** The Department of Veterans Affairs (VA) published a direct final rule in the *Federal Register* on November 28, 2012, that would have amended its regulations regarding payment by VA for medical services under VA's statutory authority to provide non-VA medical care. VA sought to remove an outdated regulatory limitation on veterans' eligibility to be referred for non-VA medical care. On the same date, VA also published a companion proposed rule containing the same amendments as the direct final rule. Because VA received adverse comments on this action, we are withdrawing the direct final rule. In a companion document in the *Federal Register*, VA is publishing a final rule that addresses comments received on the proposed and direct final rules.

**DATES:** The direct final rule published on November 28, 2013 (77 FR 70893), is withdrawn as of December 16, 2013.

**FOR FURTHER INFORMATION CONTACT:** Lisa Brown, Chief, Policy Management Department, Department of Veterans Affairs, Chief Business Office, Purchased Care, 3773 Cherry Creek North Drive, Suite 450, Denver, CO 80209 at (303) 331-7829. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** In a direct final rule published in the *Federal Register* on November 28, 2012, 77 FR 70893, VA would have amended its regulations authorizing non-VA medical care effective January 28, 2013. Under the non-VA medical care authority in 38 U.S.C. 1703, VA may provide certain hospital care (inpatient care) and medical services (outpatient care) for eligible veterans when VA facilities are not capable of providing necessary treatment due to geographical inaccessibility or are not capable of providing the services needed. The direct final rule would have revised VA's existing regulation, at 38 CFR 17.52(a)(2)(ii), to remove a limitation that barred VA from authorizing non-VA medical services for certain veterans who had not previously been furnished VA hospital care. Without this revision, these veterans were eligible for non-VA medical services under § 17.52(a)(2)(ii)

to complete treatment of a nonservice-connected disability only if they had received VA hospital care for that disability.

VA published a companion proposed rule on the same date, at 77 FR 70967, proposing the same amendments as the direct final rule. The direct final rule and proposed rule each provided a 30-day comment period that ended on December 28, 2012. VA received comments on the proposed rule and direct final rule, including some adverse comments. VA is therefore withdrawing the direct final rule, "Authorization for Non-VA Medical Services," RIN 2900–AO47, which did not become effective on January 28, 2013 because VA received adverse comments on the proposed rule and direct final rule during the 30-day comment period. VA is publishing a final rulemaking, "Authorization for Non-VA Medical Services," RIN 2900–AO46, in this issue of the *Federal Register* that addresses comments received on both the direct final rule and the proposed rule. These actions are consistent with the procedures stated in the direct final rule and the proposed rule.

**Signing Authority**

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Jose D. Riojas, Chief of Staff, Department of Veterans Affairs, approved this document on November 6, 2013 for publication.

Dated: December 4, 2013.

**Robert C. McFetridge,**

*Director, Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs.*

[FR Doc. 2013–29312 Filed 12–13–13; 8:45 am]

**BILLING CODE 8320–01–P**

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

**[EPA–R05–OAR–2010–0566; FRL–9904–11–Region 5]**

**Approval and Promulgation of Air Quality Implementation Plans; Michigan**

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

**ACTION:** Final rule.

**SUMMARY:** EPA is approving revisions to the State of Michigan's Clean Air Act

New Source Review (NSR) State Implementation Plan (SIP), including the Part 1 general provisions rules and the Part 19 rules for major sources in nonattainment areas. The Michigan Department of Environmental Quality (MDEQ) submitted the revisions to address, among other things, the Federal NSR reform rules. EPA is also removing Michigan rule 336.1220 from the Michigan SIP. This rule is being replaced by applicable language found in Michigan's Part 19 NSR rules. MDEQ submitted these revisions to EPA on March 24, 2009.

**DATES:** This final rule is effective on January 15, 2014.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2010–0566. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the index, some information is not publicly available, i.e., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Constantine Blathras, Environmental Engineer, at (312) 886–0671 before visiting the Region 5 office.

**FOR FURTHER INFORMATION CONTACT:** Constantine Blathras, Environmental Engineer, Air Permit Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–0671, [Blathras.constantine@epa.gov](mailto:Blathras.constantine@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document whenever "we," "us," or "our" is used, we mean EPA. This supplementary information section is arranged as follows:

- I. What action is EPA taking?
- II. Statutory and Executive Order Reviews

**I. What action is EPA taking?**

On February 6, 2013, EPA proposed approval of MDEQ's March 24, 2009 request to revise the Part 19 rules in its SIP (78 FR 8485) and announced a thirty day public comment period. EPA received comments generally supporting

the proposed approval. However, in its March 6, 2013 comment letter to EPA, MDEQ noted that the proposed approval did not address its request to rescind rule 336.1220 from its SIP.

On August 19, 2013, EPA proposed to rescind rule 226.1220 from the Michigan SIP (78 FR 50369). EPA also stated in the proposal that we would not be taking any action in this rulemaking on other Part 2 air use approval rule revisions. EPA received comments supporting the proposal to approve the Part 19 revisions and rescind rule 226.1220 from the SIP, and urging EPA to take action on the remaining Part 2 air use approval rule revisions. EPA will address Michigan's remaining Part 2 rule revisions in a separate rulemaking action.

EPA is approving the following Michigan air pollution control rules into the Michigan SIP: (1) Part 1, general provisions. Revisions include amendments to R336.1102 to R336.1105 (including R336.1103 and R336.1104) (definitions: B, C, D, E); R336.1109 (definitions: I); R336.1112 to R336.1114 (definitions: L, M, N); and R336.1122 (definitions: V). These revisions were made to modify the definitions that impact the new NSR permitting rules in Part 19 as well as modify the definition of volatile organic compound. (2) Part 19, NSR for major sources impacting nonattainment areas. These revisions include changes to R336.2901 (definitions); R336.2901a (adoption by reference); R336.2902 (applicability); R336.2903 (additional permit requirements for sources impacting nonattainment areas); R336.2907 (plantwide applicability limits or PALs); and R336.2908 (conditions for approval of a major new source review permit in a nonattainment area). (3) Part 2. EPA is removing rule 336.1220. Although EPA proposed on February 6, 2013 to approve other revisions to Part 2 that Michigan had submitted on March 24, 2009, EPA is not currently taking any other action regarding Michigan's Part 2 rules in this action.

EPA has reviewed the rules MDEQ submitted on March 24, 2009, in light of the Federal nonattainment air quality permitting regulations found in 40 CFR 51.165(a) and (b). EPA has found that the rules as submitted by Michigan for inclusion into its SIP are at least as stringent as the Federal rules. The Federal rules found at 40 CFR 51.165(a) and (b) specify the elements necessary for approval of a State permit program for preconstruction review for nonattainment purposes under Part D of the Clean Air Act. A major source or major modification that would be located in an area designated as

nonattainment and subject to the nonattainment area permitting rules must meet stringent conditions designed to ensure that the new source's emissions will be controlled to the greatest degree possible; that more than equivalent offsetting emission reductions will be obtained from existing sources; and that there will be progress toward achieving the National Ambient Air Quality Standards.

## II. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Clean Air Act 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 Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this 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 Clean Air Act; 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 rule 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.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement 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 action 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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 14, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action 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 may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2) of the Clean Air Act.)

## List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: November 29, 2013.

**Susan Hedman,**

*Regional Administrator, Region 5.*

40 CFR part 52 is amended as follows:

**PART 52—APPROVAL AND  
PROMULGATION OF  
IMPLEMENTATION PLANS**

■ 1. The authority citation for part 52 continues to read as follows:

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

■ 2. In § 52.1170 the table in paragraph (c) is amended by:

■ i. Revising the entries in “Part 1. General Provisions” for R 336.1102, R 336.1103, R 336.1104, R 336.1105, R 336.1109, R 336.1112, R 336.1113, R 336.1114, and R 336.1122.

■ ii. Amending “Part 2. Air Use Approval” by removing the entry for R 336.1220.

■ iii. Adding six new entries under a new heading “Part 19. New Source

Review for Major Sources Impacting Nonattainment Areas” in numerical order.

The added and revised text reads as follows:

**§ 52.1170 Identification of plan.**

\* \* \* \* \*  
(c) \* \* \*

**EPA-APPROVED MICHIGAN REGULATIONS**

Michigan citation	Title	State effective date	EPA approval date	Comments
*	*	*	*	*
<b>Part 1. General Provisions</b>				
*	*	*	*	*
R 336.1102 .....	Definitions; B .....	3/28/2008	12/16/2013, [INSERT PAGE NUMBER WHERE THE DOCUMENT BEGINS].	
R 336.1103 .....	Definitions; C .....	3/28/2008	12/16/2013, [INSERT PAGE NUMBER WHERE THE DOCUMENT BEGINS].	
R 336.1104 .....	Definitions; D .....	3/28/2008	12/16/2013, [INSERT PAGE NUMBER WHERE THE DOCUMENT BEGINS].	
R 336.1105 .....	Definitions; E .....	3/28/2008	12/16/2013, [INSERT PAGE NUMBER WHERE THE DOCUMENT BEGINS].	
*	*	*	*	*
R 336.1109 .....	Definitions; I .....	3/28/2008	12/16/2013, [INSERT PAGE NUMBER WHERE THE DOCUMENT BEGINS].	
R 336.1112 .....	Definitions; L .....	3/28/2008	12/16/2013, [INSERT PAGE NUMBER WHERE THE DOCUMENT BEGINS].	
R 336.1113 .....	Definitions; M .....	3/28/2008	12/16/2013, [INSERT PAGE NUMBER WHERE THE DOCUMENT BEGINS].	
R 336.1114 .....	Definitions; N .....	3/28/2008	12/16/2013, [INSERT PAGE NUMBER WHERE THE DOCUMENT BEGINS].	
*	*	*	*	*
R 336.1122 .....	Definitions; V .....	3/28/2008	12/16/2013, [INSERT PAGE NUMBER WHERE THE DOCUMENT BEGINS].	

## EPA-APPROVED MICHIGAN REGULATIONS—Continued

Michigan citation	Title	State effective date	EPA approval date	Comments
*	*	*	*	*
<b>Part 19. New Source Review for Major Sources Impacting Nonattainment Areas</b>				
R 336.2901 .....	Definitions .....	6/20/2008	12/16/2013, [INSERT PAGE NUMBER WHERE THE DOCUMENT BEGINS].	
R 336.2901a .....	Adoption by reference .....	6/20/2008	12/16/2013, [INSERT PAGE NUMBER WHERE THE DOCUMENT BEGINS].	
R 336.2902 .....	Applicability .....	6/20/2008	12/16/2013, [INSERT PAGE NUMBER WHERE THE DOCUMENT BEGINS].	
R 336.2903 .....	Additional permit requirements for sources impacting non-attainment areas.	6/20/2008	12/16/2013, [INSERT PAGE NUMBER WHERE THE DOCUMENT BEGINS].	
R 336.2907 .....	Plantwide applicability limits or PALs.	6/20/2008	12/16/2013, [INSERT PAGE NUMBER WHERE THE DOCUMENT BEGINS].	
R 336.2908 .....	Conditions for approval of a major new source review permit in a nonattainment area.	6/20/2008	12/16/2013, [INSERT PAGE NUMBER WHERE THE DOCUMENT BEGINS].	

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**DEPARTMENT OF DEFENSE****Defense Acquisition Regulations System****48 CFR Parts 211, 212, 218, 246, 252, and Appendix F to Chapter 2**

RIN 0750–AH64

**Defense Federal Acquisition Regulation Supplement: Item Unique Identifier Update (DFARS Case 2011–D055)**

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to update and clarify requirements for unique identification and valuation of items delivered under DoD contracts.

**DATES:** *Effective* December 16, 2013.

**FOR FURTHER INFORMATION CONTACT:** Mr. Dustin Pitsch, telephone 571–372–6090.

**SUPPLEMENTARY INFORMATION:****I. Background**

DoD published a proposed rule in the **Federal Register** at 77 FR 35921 on June 15, 2012. The comment period closed on August 14, 2012. This rule proposed to revise the prescription and the clause at DFARS 252.211–7003 to update and clarify instructions for the identification and valuation processes. Five respondents submitted public comments in response to the proposed rule.

**II. Discussion and Analysis**

DoD reviewed the public comments in the development of the final rule. A discussion of the comments and the changes made to the rule as a result of those comments is provided, as follows.

**A. Summary of Significant Changes**

The final rule incorporates the following significant changes from the proposed rule:

- Paragraphs 211.274–2(a)(2) and (3) are revised to consolidate requirements.
- The definition of “data matrix” within the clause at 252.211–7003 is modified from the proposed rule to clarify the specification with which contractors must comply.
- The words “at its own expense” at 252.211–7003(c)(1)(v) are removed as a result of a public comment.
- The statement “or registered in the DoD Item Unique Identification

Registry” is added at 252.211–7003(c)(2).

- The phrase “ECC200 data matrix specification” is added at 252.211–7003(c)(3) to note the exact specification within the listed standard.

- 252.211–7003(c)(5)(D) is revised to read “Verify that the marks on items and labels on shipments, storage containers, and packages are machine readable and conform to the applicable standards. The contractor shall use an automatic identification technology device for this verification that has been programmed to the requirements of Appendix A, MIL–STD–130, latest version.”

- 252.211–7003(f)(1) is revised to include the sentence “If WAWF is not required by this contract, and the contractor is not using WAWF, follow the procedure at <http://dodprocurementtoolbox.com/site/uidregistry/>.”

- 252.211–7003(f)(2)(ii) is revised to clarify that a fill-in is necessary when this circumstance applies.

- Changes previously proposed to update the Web site at 252.225–7039(b)(1)(ii)(B) are no longer required as DFARS final rule 2013–D037 published November 18, 2013 deleted this clause as coverage is now located in the FAR.

- In Appendix F–103(e)(1), the last sentence is revised to read “WAWF