

## EPA-APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE NEW MEXICO SIP

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/ effective date	EPA approval date	Explanation
* Infrastructure for 2006 PM <sub>2.5</sub> NAAQS.	* Statewide, except for Bernalillo County and Indian country.	* 6/12/2009	* 7/9/2013 [Insert FR page number where document begins].	* 1/22/2013, (78 FR 4337): Approval for 110(a)(2)(A), (B), (C), (D)(i)(II) (PSD portion), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M). 7/9/2013, ([Insert FR page number where document begins]): Approval for 110(a)(2)(D)(i)(I).
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[FR Doc. 2013-16345 Filed 7-8-13; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52****[EPA-R09-OAR-2013-0190; FRL-9830-8]****Notice of Extension of Deadline to Commence Construction Under Clean Air Act Prevention of Significant Deterioration Permit Issued to Avenal Power Center, LLC****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of final action.

**SUMMARY:** This notice announces that the U.S. Environmental Protection Agency ("EPA") has extended the Prevention of Significant Deterioration ("PSD") permit deadline for commencing construction for a final Clean Air Act PSD permit that authorizes Avenal Power Center, LLC ("APC") to construct the Avenal Energy Project ("AEP"). The AEP is to be located in Kings County, California.

**DATES:** EPA's PSD permit for the AEP became effective on August 18, 2011, and included a deadline for commencing construction of February 18, 2013. Prior to February 18, 2013, APC requested an 18-month extension of the deadline for commencing construction under the PSD permit for the AEP. EPA has granted such an extension until August 18, 2014. Pursuant to section 307(b)(1) of the Clean Air Act, 42 U.S.C. 7607(b)(1), judicial review of this extension decision may be sought by filing a petition for review in the United States Court of Appeals for the Ninth Circuit by September 9, 2013.

**ADDRESSES:** EPA has established docket number EPA-R09-OAR-2013-0190 for this action. Generally, documents in the

docket for this action are available electronically at <http://www.regulations.gov> and in hard copy at the following address: U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901. See **SUPPLEMENTARY INFORMATION** for more information about how to make an appointment to view these hard copy documents during normal business hours at EPA Region IX's office.

**FOR FURTHER INFORMATION CONTACT:**

Shirley Rivera, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne St., San Francisco, CA 94105, 415-972-3966, [rivera.shirley@epa.gov](mailto:rivera.shirley@epa.gov).

**SUPPLEMENTARY INFORMATION:** The AEP, proposed by APC, is a new 600-megawatt natural gas-fired combined-cycle power plant that will be located in Kings County, California. The PSD permit decision issued by EPA for the AEP became effective on August 18, 2011 as published in the **Federal Register** on September 9, 2011 (76 FR 55799). In November 2011, the United States Court of Appeals for the Ninth Circuit received petitions for review of EPA's PSD permit decision for the AEP; this Court of Appeals proceeding is pending. In letters dated December 19, 2012 and February 15, 2013, APC requested that EPA provide an 18-month extension of the deadline for commencing construction in the PSD permit for the AEP. Pursuant to 40 CFR Part 52.21(r), in a response to APC dated June 26, 2013, EPA Region 9 determined that a satisfactory showing justifying the extension had been made, and EPA extended the deadline for commencing construction in the PSD permit for AEP for 18 months, so that the PSD permit will become invalid if construction of the AEP is not commenced by August 18, 2014.

The docket for this action includes, among other documents, EPA's analysis supporting this action. In addition to the

electronic docket for this action, hard copy versions of the docket materials are available for public inspection during normal business hours at the following address: U.S. Environmental Protection Agency, Region IX, 75 Hawthorne St., San Francisco, CA 94105. To arrange for viewing of these documents at EPA Region IX's office, call Shirley Rivera at (415) 972-3966. Due to building security procedures, visitors should call at least 48 hours in advance to arrange a visit.

Dated: June 26, 2013.

**Deborah Jordan,***Director, Air Division, Region IX.*

[FR Doc. 2013-16334 Filed 7-8-13; 8:45 am]

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**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 54****[WC Docket No. 11-42; DA 13-1441]****Lifeline and Link Up Modernization and Reform****AGENCY:** Federal Communications Commission.**ACTION:** Final rule.

**SUMMARY:** In this Order, the Wireline Competition Bureau (Bureau) underscores certain compliance requirements that are contained in the *Lifeline Reform Order* and its accompanying rules. The Bureau codifies the Commission's requirement that eligible telecommunications carriers (ETCs) verify a Lifeline subscriber's eligibility for Lifeline service before activating such service, pursuant to the authority delegated in the *Lifeline Reform Order*.

**DATES:** Effective August 8, 2013.**FOR FURTHER INFORMATION CONTACT:**

Radhika Karmarkar, Wireline Competition Bureau, (202) 418-7400 or TTY: (202) 418-0484.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Wireline Competition Bureau's Order in WC Docket No. 11–42; DA 13–1441, released on June 25, 2013. The complete text of this document is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY–A257, Washington, DC 20554. The document may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), 445 12th Street SW., Room CY–B402, Washington, DC 20554, telephone (800) 378–3160 or (202) 863–2893, facsimile (202) 863–2898, or via the Internet at <http://www.bcpiweb.com>. It is also available on the Commission's Web site at: <http://www.fcc.gov/document/order-codifying-requirement-verify-lifeline-subscriber-eligibility>.

## I. Introduction

1. In this Order, the Wireline Competition Bureau (Bureau) underscores certain compliance requirements that are contained in the *Lifeline Reform Order*, 77 FR 12952, March 2, 2012, and its accompanying rules. The Bureau codifies the Commission's requirement that eligible telecommunications carriers (ETCs) verify a Lifeline subscriber's eligibility for Lifeline service before activating such service, pursuant to the authority delegated in the *Lifeline Reform Order*.

2. Despite the directives provided in the *Lifeline Reform Order*, some ETCs may be activating phones that they represent enable use of Lifeline-supported service for consumers prior to fully verifying the eligibility of such consumers. For this reason, the Bureau reminds ETCs that they must verify the eligibility of a low-income consumer prior to providing Lifeline service to that consumer, and may not provide an activated device intended to enable access to Lifeline service to a consumer until that consumer's eligibility is fully verified and all other necessary enrollment steps are completed. We take this action in pursuit of the Commission's goal to combat any and all forms of waste, fraud, and abuse.

## II. Discussion

3. In the *Lifeline Reform Order*, the Commission adopted several rules to ensure the eligibility of low-income consumers for Lifeline service. Specifically, the Commission promulgated § 54.410(a), which requires ETCs to “implement policies and procedures for ensuring that their Lifeline subscribers are eligible to receive Lifeline services.” Similarly, § 54.416(a)(1) requires an officer of each

ETC to “certify that the carrier has policies and procedures in place to ensure that its Lifeline subscribers are eligible to receive Lifeline services.” As discussed below, these rules, read in conjunction with the *Lifeline Reform Order* and other Commission rules, make clear that the ETC must determine whether a Lifeline subscriber is eligible to receive Lifeline service, and that the ETC must have processes and policies in place to make the eligibility determination *prior* to activating service for that consumer.

4. Section 54.410(b) and (c) of the Commission's rules makes clear that ETCs must make this eligibility determination for “prospective subscriber[s].” To give meaning to the distinct term “Lifeline subscribers” in § 54.410(a), “prospective subscriber[s]” in § 54.410(b) and (c) must be understood to require an ETC to determine eligibility for consumers that have not yet had Lifeline service activated, but are merely seeking to do so by enrolling in the ETC's Lifeline offering. Similarly, when an ETC holds itself out as offering Lifeline service, as required by § 54.405(c), a subscriber seeking to enroll in Lifeline service with that ETC would reasonably consider him/herself to be a “Lifeline subscriber” from the moment that, for example, the certification form is completed and the handset is activated for voice telephony service.

5. The framework for determining eligibility and enrolling consumers adopted in the *Lifeline Reform Order* also demonstrates that an ETC must determine eligibility before service activation. The Commission stated in the *Lifeline Reform Order* that ETCs must make the required determination of eligibility “*prior* to enrolling a new subscriber in Lifeline.” The enrollment process involves consumers signing up for service and making the required certifications via a certification form. Prior Commission forbearance conditions, which formed part of the basis for the enrollment rules adopted in the *Lifeline Reform Order*, prohibited ETCs from activating service before obtaining the required consumer certifications. Against that backdrop, the *Lifeline Reform Order* should be understood as imposing on all ETCs the requirement that they may not activate Lifeline service until completing the entire enrollment process. Because the determination of eligibility must be made before the enrollment process is completed, it also must occur before the ETC may activate any phone that the ETC indicates will be used for Lifeline service. We also take this opportunity to reiterate the Commission's rule that

Lifeline is a “non-transferable retail service offering,” a fact that must be disclosed to the consumer and included on the certification form. We note that, pursuant to the *Lifeline Reform Order*, a Lifeline subscriber may not transfer his or her service to any other individual, including another eligible low-income consumer.

6. Pursuant to §§ 54.410(a) and 54.416(a)(1) of the Commission's rules, an ETC must have processes and policies in place to make the eligibility determination prior to activating Lifeline service for a consumer. An ETC therefore may not provide a service that it represents to be Lifeline service, even on an interim basis while the consumer's application is being processed, before verifying eligibility. And in particular, an ETC may not provide an activated handset to a consumer whose eligibility has not been fully verified.

7. Pursuant to the authority delegated to the Bureau in paragraph 507 of the *Lifeline Reform Order*, we codify the requirement described above by amending § 54.410(a) of the Commission's.

## III. Procedural Matters

### A. Paperwork Reduction Act

8. This document does not contain proposed information collection(s) subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4).

### B. Final Regulatory Flexibility Certification

9. The Regulatory Flexibility Act of 1980, as amended (RFA), requires that a regulatory flexibility analysis be prepared for rulemaking proceedings, unless the agency certifies that “the rule will not have a significant economic impact on a substantial number of small entities.” The RFA generally defines “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.” In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).

10. Underscoring these compliance requirements does not create any burdens, benefits, or requirements that were not addressed by the Final Regulatory Flexibility Analysis attached to the *Lifeline Reform Order*. Therefore, we certify that the requirements of this Order will not have a significant economic impact on a substantial number of small entities. The Commission will send a copy of the Order, including a copy of this Final Regulatory Flexibility Certification, in a report to Congress pursuant to SBREFA. In addition, the Order and this certification will be sent to the Chief Counsel for Advocacy of the SBA, and will be published in the **Federal Register**.

#### *C. Congressional Review Act*

11. The Commission will send a copy of this Order to Congress and the Government Accountability Office pursuant to the Congressional Review Act.

#### **IV. Ordering Clauses**

12. Accordingly, *it is ordered* that, pursuant to the authority contained in sections 1, 2, 4(i), 5(c), 10, 201 through 206, 214, 218 through 220, 251, 252, 254, 256, 303(r), 332, and 403 of the Communications Act of 1934, as amended, and section 706 of the Telecommunications Act of 1996, 47 U.S.C. 151, 152, 154(i), 155(c), 160, 201 through 206, 214, 218 through 220, 251, 252, 254, 256, 303(r), 332, 403, 1302, §§ 0.91, 0.291, 1.1, and 1.427 of the Commission's rules, 47 CFR 0.91, 0.291, 1.1, 1.427, and the delegation of authority in paragraph 507 of FCC 12–11, *this order is adopted*.

13. *It is further ordered* that part 54 of the Commission's rules, 47 CFR part 54, IS *amended* as set forth below, and such rule amendments shall be effective August 8, 2013. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this Order, including the Final Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

#### **List of Subjects in 47 CFR Part 54**

Communications common carriers, Reporting and recordkeeping requirements, Telecommunications, Telephone.

Federal Communications Commission.

**Amy Bender,**

*Deputy Chief, Telecommunications Access Policy Division Wireline Competition Bureau.*

#### **Final Rules**

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 54 as follows:

#### **PART 54—UNIVERSAL SERVICE**

■ 1. The authority citation for part 54 continues to read as follows:

**Authority:** Sections 1, 4(i), 5, 201, 205, 214, 219, 220, 254, 303(r), and 403 of the Communications Act of 1934, as amended, and section 706 of the Communications Act of 1996, as amended; 47 U.S.C. 151, 154(i), 155, 201, 205, 214, 219, 220, 254, 303(r), 403, and 1302 unless otherwise noted.

■ 2. Amend § 54.410 by revising paragraph (a) to read as follows:

#### **§ 54.410 Subscriber eligibility determination and certification.**

(a) All eligible telecommunications carriers must implement policies and procedures for ensuring that their Lifeline subscribers are eligible to receive Lifeline services. An eligible telecommunications carrier may not provide a consumer with an activated device that it represents enables use of Lifeline-supported service, nor may it activate service that it represents to be Lifeline service, unless and until it has:

(1) Confirmed that the consumer is a qualifying low-income consumer pursuant to § 54.409, and;

(2) Completed the eligibility determination and certification required by this section and §§ 54.404 through 54.405, and completed any other necessary enrollment steps.

\* \* \* \* \*

[FR Doc. 2013–16490 Filed 7–8–13; 8:45 am]

**BILLING CODE 6712–01–P**

#### **DEPARTMENT OF THE INTERIOR**

#### **Fish and Wildlife Service**

#### **50 CFR Part 17**

[Docket No. FWS–R2–ES–2013–0004; 4500030113]

RIN 1018–AZ26

#### **Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Six West Texas Aquatic Invertebrates**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, designate critical habitat for the following six west Texas aquatic invertebrate species under the Endangered Species Act of 1973, as amended: Phantom springsnail (*Pyrgulopsis texana*), Phantom tryonia (*Tryonia cheatumi*), diminutive amphipod (*Gammarus hyalleloides*), Diamond tryonia (*Pseudotryonia adamantina*), Gonzales tryonia (*Tryonia circumstriata*), and Pecos amphipod (*Gammarus pecos*). The effect of this regulation is to conserve critical habitat for the six west Texas aquatic invertebrates under the Act.

**DATES:** This rule becomes effective August 8, 2013.

**ADDRESSES:** This final rule and other supplementary information are available on the Internet at <http://www.regulations.gov> (Docket No. FWS–R2–ES–2013–0004) and also at <http://www.fws.gov/southwest/es/AustinTexas/>. These documents are also available for public inspection, by appointment, during normal business hours at: U.S. Fish and Wildlife Service, Austin Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, TX 78758; by telephone 512–490–0057; or by facsimile 512–490–0974.

The coordinates or plot points or both from which the critical habitat maps are generated are included in the administrative record for this critical habitat designation and are available on the internet at <http://www.regulations.gov> at Docket No.

FWS–R2–ES–2013–0004, and from the Austin Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**). Any additional tools or supporting information that we developed for this critical habitat designation will also be available at the Fish and Wildlife Service Web site and Field Office set out above and at <http://www.regulations.gov>.

#### **FOR FURTHER INFORMATION CONTACT:**

Adam Zerrenner, Field Supervisor, U.S. Fish and Wildlife Service, Austin Ecological Services Field Office (see **ADDRESSES**). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339.

#### **SUPPLEMENTARY INFORMATION:**

#### **Executive Summary**

This document consists of final rules to designate critical habitat designations for six west Texas aquatic invertebrate species. The species are: Phantom springsnail (*Pyrgulopsis texana*), Phantom tryonia (*Tryonia cheatumi*), diminutive amphipod (*Gammarus hyalleloides*), Diamond tryonia