

should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use. Today's regulatory action is not a significant energy action. Accordingly, DOE has not prepared a Statement of Energy Effects.

*K. Applicability of Executive Order 13175*

Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments" (65 FR 67249, Nov. 9, 2000) and implementing guidance from the Office of Management and Budget (M-10-33, July 30, 2010) require consultation with tribal officials in the development of regulations in two particular circumstances. Specifically, consultation is required if a regulation imposes unfunded mandates on tribes or preempts tribal law. In such cases, when an agency submits a draft final regulation to OMB for review under Executive Order 12866, the agency must include a "tribal summary impact statement" in a "separately identified portion of the preamble to the regulation". The OMB guidance further details the contents of the tribal summary impact statement. DOE has determined that this regulation neither imposes an unfunded mandate on tribes nor preempts tribal law. Therefore, tribal consultation was not conducted prior to issuance of the rule.

*L. Congressional Notification*

As required by 5 U.S.C. 801, DOE will submit to Congress a report regarding the issuance of today's final rule prior to the effective date set forth at the outset of this notice. The report will state that it has been determined that the rule is not a "major rule" as defined by 5 U.S.C. 801(2).

**List of Subjects in 10 CFR Part 770**

Federal buildings and facilities.

Issued in Washington, DC on November 1, 2013.

**Ingrid Kolb,**  
*Director, Office of Management.*

For the reason set forth in the preamble, the interim rule which was published at 65 FR 10685 on February 29, 2000 is adopted as a final rule with the following changes:

**PART 770—TRANSFER OF REAL PROPERTY AT DEFENSE NUCLEAR FACILITIES FOR ECONOMIC DEVELOPMENT**

■ 1. The authority citation for part 770 is revised to read as follows:

**Authority:** 50 U.S.C. 2811.

**§ 770.1 [Amended]**

- 2. Section 770.1(a) is amended by adding "closed or downsized" after "real property at".
- 3. Section 770.2 is amended by:
  - a. Adding, in paragraph (a), "closed or downsized" after "sale or lease at"; and
  - b. Revising paragraph (b) to read as follows:

**§ 770.2 What real property does this part cover?**

\* \* \* \* \*

(b) DOE may transfer, by lease only, improvements at defense nuclear facilities on land withdrawn from the public domain, that are unneeded, temporarily underutilized, or underutilized, for the purpose of permitting economic development and for facilitating local reuse or redevelopment.

- 4. Section 770.4 is amended by:
  - a. Adding in the definition of "Community Reuse Organization or CRO", the words "that is recognized by DOE and" after "non-governmental organization", and removing "and that has the authority to enter into and fulfill the obligations of a DOE financial assistance agreement."
  - b. Adding in the definition of "Economic Development," the words "or which furthers reuse or redevelopment," after "surrounding region(s)";
  - c. Removing the definition of "Excess Real Property;"
  - d. Adding, in the definition of "Underutilized Real Property or Temporarily Underutilized Real Property" after the first sentence, "Underutilized property is available by lease only."
  - e. Adding in alphabetical order the definition of "Unneeded Real Property" to read as follows:

**§ 770.4 What definitions are used in this part?**

\* \* \* \* \*

*Unneeded Real Property* means any property under DOE control that the Field Office, cognizant program, or the Secretary of Energy have determined, according to applicable procedures, to be no longer needed for the purposes of conducting DOE business.

**§ 770.5 [Amended]**

- 5. Section 770.5(a) is amended by adding in the first sentence " , local government," and "Tribal nations," after "Community Reuse Organizations".
- 6. Section 770.7 is amended by:
  - a. Revising paragraphs (a)(1)(ii) and (iii);

- b. Removing in paragraph (b) "Within 90 days after receipt of a" and adding "After review of the" in its place.
- c. Removing paragraph (d).  
The revisions read as follows:

**§ 770.7 What procedures are to be used to transfer real property at defense nuclear facilities for economic development?**

(a) \* \* \*  
(1) \* \* \*

(ii) The intended use and duration of use of the real property, including potential users and an indication that these users are interested in participating in the economic development of the property;

(iii) A description of the economic development that would be furthered by the transfer (e.g., jobs to be created or retained, improvements to be made) or what reuse or reutilization would be accomplished by means of a description of the business to be created (direct and indirect economic benefits that will result due to the proposed transfer);

\* \* \* \* \*

■ 7. Section 770.9 is amended by adding paragraph (e) to read as follows:

**§ 770.9 What conditions apply to DOE indemnification of claims against a person or entity based on the release or threatened release of a hazardous substance or pollutant or contaminant attributable to DOE?**

\* \* \* \* \*

(e) Any indemnification provided will apply to any successor, assignee, transferee, lender or lessee of the original entity that acquires ownership or control.

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**DEPARTMENT OF COMMERCE**

**Bureau of the Census**

**15 CFR Part 30**

[Docket Number 100318153-3914-03]

RIN 0607-AA50

**Foreign Trade Regulations (FTR): Mandatory Automated Export System Filing for All Shipments Requiring Shipper's Export Declaration Information: Substantive Changes and Corrections**

**AGENCY:** Bureau of the Census, Commerce Department.

**ACTION:** Final rule; delay of effective date and announcement of OMB approval of new information collection requirements.

**SUMMARY:** The Bureau of the Census (Census Bureau) is announcing the delay of the effective date of the final rule published March 14, 2013, scheduled to take effect on January 8, 2014, until April 5, 2014. This rule also announces the approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA) of modifications to an existing information collection and the collection of two new data elements in the Automated Export System (AES) under control number 0607-0152.

**DATES:** The effective date of the final rule published on March 14, 2013, (78 FR 16366) is delayed until April 5, 2014. OMB approved the collection of two new data elements through the AES under control number 0607-0152 on May 6, 2013.

**ADDRESSES:** Direct all written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at [Jjessup@doc.gov](mailto:Jjessup@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Nick Orsini, Chief, Foreign Trade Division, U.S. Census Bureau, Room 6K032, Washington, DC 20233-6010, by phone (301) 763-6959, by fax (301) 763-6638, or by email [nick.orsini@census.gov](mailto:nick.orsini@census.gov).

**SUPPLEMENTARY INFORMATION:** The AES is the primary instrument used for collecting export trade data, which is used by the Census Bureau for statistical purposes only and by other federal government agencies for purposes of enforcing U.S. export laws and regulations. On March 14, 2013, the Census Bureau published a final rule amending its regulations to require new export reporting requirements. See 78 FR 16366. In particular, the rule implemented a requirement to report shipments of used self-propelled vehicles and temporary exports through the AES or through *AESDirect*. In addition, the rule required the reporting of two new data elements, license value (15 CFR 30.6(b)(15)) and ultimate consignee type (15 CFR 30.6(a)(28)), and modified the postdeparture filing requirements. These changes are being programmed in the Automated Commercial Environment for Exports. However, the functionality to support the revisions addressed in the FTR final rule published March 14, 2013, will not be completed by the original effective date of January 8, 2014. Therefore, the Census Bureau and U.S. Customs and Border Protection agreed to delay the

effective date for this rule until April 5, 2014. As a result of this rule, the trade community does not have to comply with the requirements implemented by the March 14, 2013, final rule until April 5, 2014.

This rule also announces OMB's approval of amendments to the information collection requirements previously approved under OMB control number 0607-0152, and the implementation of two new data elements. The March 14, 2013, final rule implemented the mandatory filing of export information through the AES or through *AESDirect* for all shipments of used self-propelled vehicles and for temporary exports. In addition, the final rule outlined the reporting of two additional fields, license value (15 CFR 30.6(b)(15)) and ultimate consignee type (15 CFR 30.6(a)(28)), and modified the postdeparture filing requirements. OMB approved these information collection requirements on May 6, 2013.

#### Executive Orders

This rule has been determined to be not significant for purposes of Executive Order 12866.

It has been determined that this rule does not contain policies with federalism implications as that term is defined under Executive Order 13132.

Dated: November 6, 2013.

**John H. Thompson,**

*Director, Bureau of the Census.*

[FR Doc. 2013-27122 Filed 11-12-13; 8:45 am]

**BILLING CODE 3510-07-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### 25 CFR Part 151

[K00103 12/13 A3A10; 134D0102DR-DS5A300000 DR.5A311.IA000113, Docket ID: BIA-2013-0005]

**RIN 1076-AF15**

#### Land Acquisitions: Appeals of Land Acquisition Decisions

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Final rule.

**SUMMARY:** This final rule revises a section of regulations governing decisions by the Secretary to approve or deny applications to acquire land in trust under this part. This rule addresses changes in the applicability of the Quiet Title Act as interpreted by a recent United States Supreme Court decision and broadens and clarifies the notice of decisions to acquire land in trust,

including broadening notice of any right to file an administrative appeal.

**DATES:** This rule is effective on December 13, 2013.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Appel, Office of Regulatory Affairs & Collaborative Action, (202) 273-4680; [elizabeth.appel@bia.gov](mailto:elizabeth.appel@bia.gov).

#### SUPPLEMENTARY INFORMATION:

- I. Executive Summary of Rule
- II. Background
- III. Explanation of the New Rule
  - A. Deleting the 30-Day Waiting Period
  - B. Requiring Notification of Known and Unknown Interested Parties of the Decision and Administrative Appeal Rights
  - C. Exhaustion of Administrative Remedies
- IV. Comments on the Proposed Rule and Responses
- V. Procedural Requirements
  - A. Regulatory Planning and Review (E.O. 12866 and 13563)
  - B. Regulatory Flexibility Act
  - C. Small Business Regulatory Enforcement Fairness Act
  - D. Unfunded Mandates Reform Act
  - E. Takings (E.O. 12630)
  - F. Federalism (E.O. 13132)
  - G. Civil Justice Reform (E.O. 12988)
  - H. Consultation With Indian Tribes (E.O. 13175)
  - I. Paperwork Reduction Act
  - J. National Environmental Policy Act
  - K. Effects on the Energy Supply (E.O. 13211)

#### I. Executive Summary of Rule

Section 5 of the Indian Reorganization Act (IRA) (25 U.S.C. 465) authorizes the Secretary of the Interior to acquire land in trust for individual Indians and Indian tribes. The Department of the Interior's regulations at 25 CFR part 151 implement this statutory provision of the IRA, as well as other statutes authorizing the acquisition of land in trust. Prior to 1996, the Department announced decisions to take land into trust simultaneously with the action of taking the land into trust. According to then-prevailing court decisions, once the land was taken in trust, judicial review was very limited. Consequently, the Department decided to create a time-limited opportunity for judicial review. In 1996, the Department revised part 151 by procedural rulemaking. In response to *State of South Dakota v. U.S. Department of the Interior*, 69 F.3d 878 (8th Cir. 1995), the Department established a procedure to ensure the opportunity for judicial review of administrative decisions to acquire title to lands in trust for Indian tribes and individual Indians. That procedural rule added a paragraph (b) to § 151.12, which established a 30-day waiting period following publication of notice in the **Federal Register** or in a newspaper of