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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 39

**[Docket No. FAA–2014–0526; Directorate Identifier 2013–NM–141–AD; Amendment 39–18061; AD 2014–26–10]**

**RIN 2120–AA64**

## Airworthiness Directives; Airbus Airplanes

**AGENCY:** Federal Aviation Administration (FAA), Department of Transportation (DOT).

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for all Airbus Model A318, A319, A320, and A321 series airplanes. This AD was prompted by a determination that the maintenance actions for airplane systems susceptible to aging must be mandated. This AD requires revising the maintenance or inspection program to incorporate more restrictive maintenance requirements and airworthiness limitations. We are issuing this AD to mitigate the risks associated with aging effects of airplane systems. Such aging effects could change the characteristics leading to an increased potential for failure, which could result in failure of certain life-limited parts, and could reduce the structural integrity or reduce controllability of the airplane.

**DATES:** This AD becomes effective February 25, 2015.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of February 25, 2015.

**ADDRESSES:** You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0526;* or in person at the Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC.

For service information identified in this AD, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com*; Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

**FOR FURTHER INFORMATION CONTACT:** Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1405; fax 425–227–1149.

**SUPPLEMENTARY INFORMATION:**

### Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus Model A318, A319, A320, and A321 series airplanes. The NPRM published in the **Federal Register** on August 12, 2014 (79 FR 47028). The NPRM was prompted by a determination that the maintenance actions for airplane systems susceptible to aging must be mandated. The NPRM proposed to require revising the maintenance or inspection program to incorporate more restrictive maintenance requirements and airworthiness limitations. We are issuing this AD to mitigate the risks associated with aging effects of airplane systems. Such aging effects could change the characteristics leading to an increased potential for failure, which could result in failure of certain life-limited parts, and could reduce the structural integrity or reduce controllability of the airplane.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2013–0146, dated July 16, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition on all Airbus Model A318, A319, A320, and A321 series airplanes. The MCAI states:

> The airworthiness limitations for Airbus aeroplanes are currently published in Airworthiness Limitations Section (ALS) documents.
>
> The airworthiness limitations applicable to the Ageing Systems Maintenance (ASM) are given in Airbus A318/A319/A320/A320/A321 ALS Part 4, which is approved by [European Aviation Safety Agency] EASA.
>
> Revision 01 of AIRBUS A318/A319/A320/A321 ALS Part 4 introduces more restrictive maintenance requirements and/or airworthiness limitations. Failure to comply with these instructions could result in an unsafe condition.
>
> * * * * *

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0526-0003.*

### Comments

We gave the public the opportunity to participate in developing this AD. We considered the comment received. United Airlines stated it has no comment on the NPRM (79 FR 47028, August 12, 2014).

### Conclusion

We reviewed the relevant data, considered the comment received, and determined that air safety and the public interest require adopting this AD as proposed except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (79 FR 47028, August 12, 2014) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (79 FR 47028, August 12, 2014).

### Costs of Compliance

We estimate that this AD affects 851 airplanes of U.S. registry. We also estimate that it will take about 1 work-hour per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this AD on U.S. operators to be $72,335, or $85 per product.

## Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. ''Subtitle VII: Aviation Programs,'' describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

## Regulatory Findings

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);

3. Will not affect intrastate aviation in Alaska; and

4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

## Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0526;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section.

## List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

## Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

## PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

### § 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

**2014–26–10 Airbus:** Amendment 39–18061. Docket No. FAA–2014–0526; Directorate Identifier 2013–NM–141–AD.

**(a) Effective Date**

This AD becomes effective February 25, 2015.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to Airbus Model A318–111, –112, –121, and –122 airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–111, –211, –212, –214, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes; certificated in any category; all manufacturer serial numbers.

**(d) Subject**

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

**(e) Reason**

This AD was prompted by a determination that the maintenance actions for airplane systems susceptible to aging must be mandated. We are issuing this AD to mitigate the risks associated with the aging effects of airplane systems. Such aging effects could change the characteristics leading to an increased potential for failure, which could result in failure of certain life-limited parts, and could reduce the structural integrity of the airplane or reduce the controllability of the airplane.

**(f) Compliance**

Comply with this AD within the compliance times specified, unless already done.

**(g) Maintenance or Inspection Program Revision**

Within 30 days after the effective date of this AD: Revise the maintenance or inspection program, as applicable, to incorporate Airbus A318/A319/A320/A321 Airworthiness Limitations Section, ALS Part 4, ''Aging Systems Maintenance,'' Revision 01, dated June 15, 2012. The initial compliance time for doing the actions is at the applicable time specified in Airbus A318/A319/A320/A321 Airworthiness Limitations Section, ALS Part 4, ''Aging Systems Maintenance,'' Revision 01, dated June 15, 2012; or within 2 weeks after revising the maintenance or inspection program; whichever occurs later.

**(h) No Alternative Actions or Intervals**

After accomplishing the revision required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections) or intervals may be used unless the actions or intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (i) of this AD.

**(i) Other FAA AD Provisions**

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1405; fax 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

**(j) Related Information**

Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2013–0146, dated July 16, 2013, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0526-0003.*

**(k) Material Incorporated by Reference**

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) Airbus A318/A319/A320/A321 Airworthiness Limitations Section, ALS Part 4, ''Aging Systems Maintenance,'' Revision 01, dated June 15, 2012. The revision level of this document is identified on only the title page and in the Record of Revisions. The revision date is not identified on the title page of this document.

(ii) Reserved.

(3) For service information identified in this AD, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.*

(4) You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on December 19, 2014.

**Michael Kaszycki,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2014–30916 Filed 1–20–15; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2014–0626; Directorate Identifier 2014–NM–017–AD; Amendment 39–18058; AD 2014–26–07]**

**RIN 2120–AA64**

## Airworthiness Directives; Dassault Aviation Airplanes

**AGENCY:** Federal Aviation Administration (FAA), Department of Transportation (DOT).

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for all Dassault Aviation Model FAN JET FALCON and FAN JET FALCON SERIES C, D, E, F, and G airplanes. This AD was prompted by our determination of the need for a revision to the airplane airworthiness limitations to introduce changes to the maintenance requirements and airworthiness limitations. This AD requires revising the maintenance or inspection program, as applicable, to incorporate a new airworthiness limitations section. We are issuing this AD to prevent reduced structural integrity of the airplane.

**DATES:** This AD becomes effective February 25, 2015.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of February 25, 2015.

**ADDRESSES:** You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0626* or in person at the Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC.

For service information identified in this AD, contact Dassault Falcon Jet, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201–440–6700; Internet *http://www.dassaultfalcon.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

**FOR FURTHER INFORMATION CONTACT:** Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1137; fax 425–227–1149.

**SUPPLEMENTARY INFORMATION:**

### Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Dassault Aviation Model FAN JET FALCON and FAN JET FALCON SERIES C, D, E, F, and G airplanes. The NPRM published in the **Federal Register** on September 15, 2014 (79 FR 54917).

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2014–0021, dated January 20, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Dassault Aviation Model FAN JET FALCON and FAN JET FALCON SERIES C, D, E, F, and G airplanes. The MCAI states:

> The airworthiness limitations and maintenance requirements for the Fan Jet Falcon type design are included in Dassault Aviation Falcon 20 (F20) Aircraft Maintenance Manual (AMM) chapter 5–40 and are approved by the European Aviation Safety Agency (EASA). EASA issued AD 2008–0221 to require accomplishment of the maintenance tasks, and implementation of the airworthiness limitations, as specified in Dassault Aviation F20 AMM chapter 5–40 at revision 13.
>
> Since that [EASA] AD was issued, Dassault Aviation issued F20 AMM chapter 5–40 at revision 15, which introduces new or more restrictive maintenance requirements and/or airworthiness limitations.
>
> Dassault Aviation AMM chapter 5–40 revision 15 contains among other changes the following requirements:
>
> —Specific instructions applicable to F20GF (serial number 397);
>
> —Check of overpressure tightness on pressurization control regulating valves;
>
> —Check of overpressure relief valve vacuum supply lines.
>
> A new document reference number which comes with DGT 131028 revision 15 is replacing DMD11755.
>
> The maintenance tasks and airworthiness limitations, as specified in the F20 AMM chapter 5–40, have been identified as mandatory actions for continued airworthiness of the Fan Jet Falcon type design. Failure to comply with AMM chapter 5–40 at revision 15 might constitute an unsafe condition.
>
> For the reasons described above, this [EASA] AD requires implementation of the maintenance tasks and airworthiness limitations, as specified in Dassault Aviation F20 AMM chapter 5–40 at revision 15.

The unsafe condition is reduced structural integrity of the airplane. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0626-0002.*

### Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (79 FR 54917, September 15, 2014) or on the determination of the cost to the public.

### Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting this AD as proposed except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (79 FR 54917, September 15, 2014) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (79 FR 54917, September 15, 2014).

### Costs of Compliance

We estimate that this AD affects 168 airplanes of U.S. registry.

We also estimate that it would take about 1 work-hour per product to

comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this AD on U.S. operators to be $14,280, or $85 per product.

## Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. ''Subtitle VII: Aviation Programs,'' describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

## Regulatory Findings

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

1. Is not a ''significant regulatory action'' under Executive Order 12866;
2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

## Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0626;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section.

## List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

## Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

## PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

### § 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

**2014–26–07 Dassault Aviation:** Amendment 39–18058. Docket No. FAA–2014–0626; Directorate Identifier 2014–NM–017–AD.

**(a) Effective Date**

This AD becomes effective February 25, 2015.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to Dassault Aviation Model FAN JET FALCON and FAN JET FALCON SERIES C, D, E, F, and G airplanes, certificated in any category, all serial numbers.

**(d) Subject**

Air Transport Association (ATA) of America Code 05, Time Limits and Maintenance Checks.

**(e) Reason**

This AD was prompted by our determination of the need for a revision to the airplane airworthiness limitations to introduce changes to the maintenance requirements and airworthiness limitations. We are issuing this AD to prevent reduced structural integrity of the airplane.

**(f) Compliance**

Comply with this AD within the compliance times specified, unless already done.

**(g) Maintenance or Inspection Program Revision**

Within 30 days after the effective date of this AD, revise the maintenance or inspection program, as applicable, to incorporate the information specified in Chapter 5–40, Airworthiness Limitations, DGT 131028, Revision 15, dated March 2012, of the Dassault Aviation Falcon 20 Maintenance Manual. The initial compliance time for accomplishing the actions specified in Chapter 5–40, Airworthiness Limitations, DGT 131028, Revision 15, dated March 2012, of the Dassault Aviation Falcon 20 Maintenance Manual is at the applicable time specified in Chapter 5–40, Airworthiness Limitations, DGT 131028, Revision 15, dated March 2012, of the Dassault Aviation Falcon 20 Maintenance Manual, or within 60 days after the effective date of this AD, whichever occurs later. Where the threshold column in the table in paragraph B, Mandatory Maintenance Operations, of Chapter 5–40, Airworthiness Limitations, DGT 131028, Revision 15, dated March 2012, of the Dassault Aviation Falcon 20 Maintenance Manual specifies a compliance time in flight hours, those compliance times are total flight hours. Where the threshold column in the table in paragraph B, Mandatory Maintenance Operations, of Chapter 5–40, Airworthiness Limitations, DGT 131028, Revision 15, dated March 2012, of the Dassault Aviation Falcon 20 Maintenance Manual specifies a compliance time in years, those compliance times are since the date of issuance of the original French or European Aviation Safety Agency (EASA) standard airworthiness certificate or date of issuance of the original French or EASA export certificate of airworthiness.

**(h) No Alternative Actions and Intervals**

After accomplishing the revision required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections) or intervals may be used unless the actions or intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (i)(1) of this AD.

**(i) Other FAA AD Provisions**

The following provisions also apply to this AD:

(1) Alternative Methods of Compliance (AMOCs): The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1137; fax 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) Contacting the Manufacturer: For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the EASA; or Dassault Aviation's EASA

Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

**(j) Related Information**

Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2014–0021, dated January 20, 2014, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0626-0002.*

**(k) Material Incorporated by Reference**

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) Chapter 5–40, Airworthiness Limitations, DGT 131028, Revision 15, dated March 2012, of the Dassault Aviation Falcon 20 Maintenance Manual. The document revision level can only be found on the title page, Note to Users page, and pages 1 and 2 of 9 of this document.

(ii) Reserved.

(3) For service information identified in this AD, contact Dassault Falcon Jet, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201–440–6700; Internet *http://www.dassaultfalcon.com.*

(4) You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on December 19, 2014.

**Michael Kaszyski,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2014–30917 Filed 1–20–15; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2014–0530; Directorate Identifier 2014–NM–062–AD; Amendment 39–18057; AD 2014–26–06]**

**RIN 2120–AA64**

## Airworthiness Directives; ATR—GIE Avions de Transport Régional Airplanes

**AGENCY:** Federal Aviation Administration (FAA), Department of Transportation (DOT).

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for certain ATR—GIE Avions de Transport Régional Model ATR42–500 airplanes, and Model ATR72–212A airplanes. This AD was prompted by a report that, during an inspection of an airplane on the production line, interference was detected between the electrical harness and a bonding lead due to an incorrect installation of the affected bonding lead. This AD requires a detailed inspection for damage or incorrect routing of the bonding lead routing above the 120VU shelf, and if any damage or incorrect routing is found, repairing damage or modifying the bonding lead routing. We are issuing this AD to detect and correct installation of the bonding lead, which could cause arcing and chafing, and could possibly result in an uncontrolled fire.

**DATES:** This AD becomes effective February 25, 2015.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of February 25, 2015.

**ADDRESSES:** You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0530* or in person at the Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC.

For service information identified in this AD, contact ATR—GIE Avions de Transport Régional, 1, Allée Pierre Nadot, 31712 Blagnac Cedex, France; telephone +33 (0) 5 62 21 62 21; fax +33 (0) 5 62 21 67 18; email *continued.airworthiness@atr.fr;* Internet *http://www.aerochain.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

**FOR FURTHER INFORMATION CONTACT:** Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1137; fax 425–227–1149.

**SUPPLEMENTARY INFORMATION:**

### Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain ATR—GIE Avions de Transport Régional Model ATR42–500 airplanes, and Model ATR72–212A airplanes. The NPRM published in the **Federal Register** on August 13, 2014 (79 FR 47390).

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued Airworthiness Directive 2014–0056, dated March 7, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain ATR—GIE Avions de Transport Régional Model ATR42–500 airplanes, and Model ATR72–212A airplanes. The MCAI states:

> During inspection of an aeroplane on the production line, interference was detected between electrical harnesses (2M–2S–6M) and a bonding lead, located in zone 214, positioned above and forward of the 120VU shelf. Subsequent investigation revealed that the interference was a result of an incorrect installation of the affected bonding lead.
>
> This condition, if not detected and corrected, could lead to arcing and chafing, possibly resulting in an uncontrolled fire.
>
> To address this potential unsafe condition, ATR issued Service Bulletin (SB) ATR42–92–0025 and SB ATR72–92–1034, as applicable to aeroplane model, to provide inspection instructions.
>
> For the reasons described above, this [EASA] AD requires a one-time [detailed] inspection [for damage or incorrect routing of the bonding lead routing above the 120VU shelf] of the electrical harness 2M–2S–6M in zone 214 and, depending on findings, accomplishment of corrective action(s) [repairing damage or modifying the bonding lead routing].

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0530-0002.*

### Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (79

FR 47390, August 13, 2014) or on the determination of the cost to the public.

**Clarification of Corrective Actions**

In paragraph (h) of the NPRM (79 FR 47390, August 13, 2014), we specify modifying the bonding lead routing if any damage or incorrect routing is found and we refer to ATR Service Bulletin ATR42–92–0025, dated November 7, 2013; and ATR Service Bulletin ATR72–92–1034, dated November 7, 2013; as the appropriate sources of service information. However, ATR Service Bulletin ATR42–92–0025, dated November 7, 2013; and ATR Service Bulletin ATR72–92–1034, dated November 7, 2013, only provide corrective action if incorrect routing is found. Therefore, operators would have to contact the FAA for corrective action if any damage is found.

We have re-designated paragraph (h) of the NPRM (79 FR 47390, August 13, 2014) as paragraph (h)(1) of this AD. In paragraph (h)(1) of this AD, we specify modifying the bonding lead routing if any incorrect routing is found, in accordance with ATR Service Bulletin ATR42–92–0025, dated November 7, 2013; or ATR Service Bulletin ATR72–92–1034, dated November 7, 2013. We have also added paragraph (h)(2) to this AD to specify doing a repair if any damage is found, in accordance with a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA.

**Conclusion**

We reviewed the relevant data and determined that air safety and the public interest require adopting this AD with the change described previously and except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (79 FR 47390, August 13, 2014) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (79 FR 47390, August 13, 2014).

**Costs of Compliance**

We estimate that this AD affects 5 airplanes of U.S. registry.

We also estimate that it will take about 2 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts will cost about $0 per product. Based on these figures, we estimate the cost of this AD on U.S. operators to be $850, or $170 per product.

In addition, we estimate that any necessary follow-on actions will take about 2 work-hours and require parts costing $0, for a cost of $170 per product. We have no way of determining the number of aircraft that might need this action.

**Authority for This Rulemaking**

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. ''Subtitle VII: Aviation Programs,'' describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

**Regulatory Findings**

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

1. Is not a ''significant regulatory action'' under Executive Order 12866;
2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**Examining the AD Docket**

You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0530;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section.

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

*Adoption of the Amendment*

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

## PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

**§ 39.13 [Amended]**

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

**2014–26–06 ATR—GIE Avions de Transport Régional:** Amendment 39–18057. Docket No. FAA–2014–0530; Directorate Identifier 2014–NM–062–AD.

**(a) Effective Date**

This AD becomes effective February 25, 2015.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to ATR—GIE Avions de Transport Régional airplanes, certificated in any category, as identified in paragraph (c)(1) and (c)(2) of this AD.

(1) Model ATR42–500 airplanes, manufacturer serial numbers 669 through 1005 inclusive.

(2) Model ATR72–212A airplanes, manufacturer serial numbers 773, 774, 776 through 1094 inclusive, 1096 through 1099 inclusive, and 1101.

**(d) Subject**

Air Transport Association (ATA) of America Code 92, Electrical Routing.

**(e) Reason**

This AD was prompted by a report that, during an inspection of an airplane on the production line, interference was detected between the electrical harness and a bonding lead due to an incorrect installation of the affected bonding lead. We are issuing this AD to detect and correct installation of the bonding lead, which could cause arcing and chafing, and could possibly result in an uncontrolled fire.

**(f) Compliance**

Comply with this AD within the compliance times specified, unless already done.

**(g) Inspection**

Within 1,000 flight hours after the effective date of this AD: Do a detailed inspection of the bonding lead routing above the 120VU shelf for damage (*i.e.,* wire chafing, evidence of burning) or incorrect routing, in accordance with the Accomplishment Instructions of ATR Service Bulletin ATR42–92–0025, dated November 7, 2013 (for Model ATR42–500 airplanes); or ATR Service Bulletin ATR72–92–1034, dated November 7, 2013 (for Model ATR72–212A airplanes).

**(h) Corrective Actions**

(1) If, during the inspection required by paragraph (g) of this AD, any incorrect routing is found: Before further flight, modify the bonding lead routing above the 120VU shelf, in accordance with the Accomplishment Instructions of ATR Service Bulletin ATR42–92–0025, dated November 7, 2013 (for Model ATR42–500 airplanes); or ATR Service Bulletin ATR72–92–1034, dated November 7, 2013 (for Model ATR72–212A airplanes).

(2) If, during the inspection required by paragraph (g) of this AD, any damage (*i.e.,* wire chafing, evidence of burning) is found: Before further flight, repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA.

**(i) Other FAA AD Provisions**

The following provisions also apply to this AD:

*(1) Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1137; fax 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

*(2) Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or ATR—GIE Avions de Transport Régional's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

**(j) Related Information**

Refer to Mandatory Continuing Airworthiness Information (MCAI) European Aviation Safety Agency Airworthiness Directive 2014–0056, dated March 7, 2014, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0530-0002.*

**(k) Material Incorporated by Reference**

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) ATR Service Bulletin ATR42–92–0025, dated November 7, 2013.

(ii) ATR Service Bulletin ATR72–92–1034, dated November 7, 2013.

(3) For service information identified in this AD, contact ATR—GIE Avions de Transport Régional, 1, Allée Pierre Nadot, 31712 Blagnac Cedex, France; telephone +33 (0) 5 62 21 62 21; fax +33 (0) 5 62 21 67 18; email *continued.airworthiness@atr.fr;* Internet *http://www.aerochain.com.*

(4) You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on December 19, 2014.

**Michael Kaszycki,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2014–30914 Filed 1–20–15; 8:45 am]

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## DEPARTMENT OF JUSTICE

## 28 CFR Part 50

**[Docket No. 145; AG Order No. 3486–2015]**

## Policy Regarding Obtaining Information From, or Records of, Members of the News Media; and Regarding Questioning, Arresting, or Charging Members of the News Media

**AGENCY:** Office of the Attorney General, Department of Justice.

**ACTION:** Final rule.

**SUMMARY:** This rule amends the policy of the Department of Justice regarding the use of subpoenas, certain court orders, and search warrants, to obtain information from, or records of, members of the news media. The rule also amends the Department's policy regarding questioning, arresting, or charging members of the news media.

**DATES:** This rule is effective on January 21, 2015.

**FOR FURTHER INFORMATION CONTACT:** Monique Roth, Director, Office of Enforcement Operations, Criminal Division, (202) 514–6809.

**SUPPLEMENTARY INFORMATION:**

### Discussion

On February 21, 2014, the Attorney General issued revisions to the Department's policy regarding obtaining information from, or records of, members of the news media; and regarding questioning, arresting, or charging members of the news media. In response to comments from federal prosecutors and other interested parties, including news media representatives, the Attorney General is issuing this final rule to revise the existing provisions in the Department's regulations at 28 CFR 50.10.

Most of the revisions are intended to ensure both consistent interpretation and application of the policy and the highest level of oversight when members of the Department seek to obtain information from, or records of, a member of the news media. Other substantive revisions are intended to clarify the scope of the policy.

### Regulatory Certifications

*Administrative Procedure Act, 5 U.S.C. 553*

Because, for purposes of the Administrative Procedure Act, this regulation concerns general statements of policy, or rules of agency organization, procedure, or practice, notice and comment and a delayed effective date are not required. See 5 U.S.C. 553(b)(A).

*Regulatory Flexibility Act*

Because this final rule is not promulgated as a final rule under 5 U.S.C. 553 and was not required under that section to be published as a proposed rule, the requirements for the preparation of a regulatory flexibility analysis under 5 U.S.C. 604(a) do not apply. In any event, the Attorney General, in accordance with 5 U.S.C. 605(b), has reviewed this regulation and by approving it certifies that this regulation will not have a significant economic impact on a substantial number of small entities because it pertains to administrative matters affecting the Department.

*Executive Orders 12866 and 13563—Regulatory Planning and Review*

This action has been drafted and reviewed in accordance with Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, section 1(b), Principles of Regulation. This rule is limited to agency organization, management, or personnel matters as described by section 3(d)(3) of Executive Order 12866, and therefore is not a ''regulation'' as defined by that Executive Order. Accordingly, this action has not been reviewed by the Office of Management and Budget.

*Executive Order 12988—Civil Justice Reform*

This regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 of February 5, 1996.

*Executive Order 13132—Federalism*

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132 of August 4, 1999, this rule does not have sufficient federalism implications to warrant the preparation of a federalism assessment.

*Unfunded Mandates Reform Act of 1995*

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995, Public Law 104–4.

*Congressional Review Act*

This action pertains to agency management and does not substantially affect the rights or obligations of non-agency parties; accordingly, this action is not a ''rule'' as that term is used by the Congressional Review Act (Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA)). Therefore, the reporting requirement of 5 U.S.C. 801 does not apply.

**List of Subjects in 28 CFR Part 50**

Administrative practice and procedure, Crime, News, Media, Subpoena, Search warrants.

Accordingly, for the reasons stated in the preamble, part 50 of title 28 of the Code of Federal Regulations is amended as follows:

## PART 50—STATEMENTS OF POLICY

■ 1. The authority citation for part 50 continues to read as follows:

**Authority:** 5 U.S.C. 301; 18 U.S.C. 1162; 28 U.S.C. 509, 510, 516, and 519; 42 U.S.C. 1921 *et seq.,* 1973c; and Pub. L. 107–273, 116 Stat. 1758, 1824.

■ 2. Section 50.10 is revised to read as follows:

**§ 50.10 Policy regarding obtaining information from, or records of, members of the news media; and regarding questioning, arresting, or charging members of the news media.**

(a) *Statement of principles.* (1) Because freedom of the press can be no broader than the freedom of members of the news media to investigate and report the news, the Department's policy is intended to provide protection to members of the news media from certain law enforcement tools, whether criminal or civil, that might unreasonably impair newsgathering activities. The policy is not intended to extend special protections to members of the news media who are subjects or targets of criminal investigations for conduct not based on, or within the scope of, newsgathering activities.

(2) In determining whether to seek information from, or records of, members of the news media, the approach in every instance must be to strike the proper balance among several vital interests: Protecting national security, ensuring public safety, promoting effective law enforcement and the fair administration of justice, and safeguarding the essential role of the free press in fostering government accountability and an open society.

(3) The Department views the use of certain law enforcement tools, including subpoenas, court orders issued pursuant to 18 U.S.C. 2703(d) or 3123, and search warrants to seek information from, or records of, non-consenting members of the news media as extraordinary measures, not standard investigatory practices. In particular, subpoenas or court orders issued pursuant to 18 U.S.C. 2703(d) or 3123 may be used, after authorization by the Attorney General, or by another senior official in accordance with the exceptions set forth in paragraph (c)(3) of this section, only to obtain information from, or records of, members of the news media when the information sought is essential to a successful investigation, prosecution, or litigation; after all reasonable alternative attempts have been made to obtain the information from alternative sources; and after negotiations with the affected member of the news media have been pursued and appropriate notice to the affected member of the news media has been provided, unless the Attorney General determines that, for compelling reasons, such negotiations or notice would pose a clear and substantial threat to the integrity of the investigation, risk grave harm to national security, or present an imminent risk of death or serious bodily harm.

(4) When the Attorney General has authorized the use of a subpoena, court order issued pursuant to 18 U.S.C. 2703(d) or 3123, or warrant to obtain from a third party communications records or business records of a member of the news media, the affected member of the news media shall be given reasonable and timely notice of the Attorney General's determination before the use of the subpoena, court order, or warrant, unless the Attorney General determines that, for compelling reasons, such notice would pose a clear and substantial threat to the integrity of the investigation, risk grave harm to national security, or present an imminent risk of death or serious bodily harm.

(b) *Scope.*—(1) *Covered individuals and entities.* (i) The policy governs the use of certain law enforcement tools to obtain information from, or records of, members of the news media.

(ii) The protections of the policy do not extend to any individual or entity where there are reasonable grounds to believe that the individual or entity is—

(A) A foreign power or agent of a foreign power, as those terms are defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801);

(B) A member or affiliate of a foreign terrorist organization designated under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a));

(C) Designated as a Specially Designated Global Terrorist by the Department of the Treasury under Executive Order 13224 of September 23, 2001 (66 FR 49079);

(D) A specially designated terrorist as that term is defined in 31 CFR 595.311 (or any successor thereto);

(E) A terrorist organization as that term is defined in section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi));

(F) Committing or attempting to commit a crime of terrorism, as that offense is described in 18 U.S.C. 2331(5) or 2332b(g)(5);

(G) Committing or attempting the crime of providing material support or

resources to terrorists, as that offense is defined in 18 U.S.C. 2339A; or

(H) Aiding, abetting, or conspiring in illegal activity with a person or organization described in paragraphs (b)(1)(ii)(A) through (G) of this section.

(2) *Covered law enforcement tools and records.* (i) The policy governs the use by law enforcement authorities of subpoenas or, in civil matters, other similar compulsory process such as a civil investigative demand (collectively ''subpoenas'') to obtain information from members of the news media, including documents, testimony, and other materials; and the use by law enforcement authorities of subpoenas, or court orders issued pursuant to 18 U.S.C. 2703(d) (''2703(d) order'') or 18 U.S.C. 3123 (''3123 order''), to obtain from third parties ''communications records'' or ''business records'' of members of the news media.

(ii) The policy also governs applications for warrants to search the premises or property of members of the news media, pursuant to Federal Rule of Criminal Procedure 41; or to obtain from third-party ''communication service providers'' the communications records or business records of members of the news media, pursuant to 18 U.S.C. 2703(a) and (b).

(3) *Definitions.* (i)(A) ''Communications records'' include the contents of electronic communications as well as source and destination information associated with communications, such as email transaction logs and local and long distance telephone connection records, stored or transmitted by a third-party communication service provider with which the member of the news media has a contractual relationship.

(B) Communications records do not include information described in 18 U.S.C. 2703(c)(2)(A), (B), (D), (E), and (F).

(ii) A ''communication service provider'' is a provider of an electronic communication service or remote computing service as defined, respectively, in 18 U.S.C. 2510(15) and 18 U.S.C. 2711(2).

(iii) (A) ''Business records'' include work product and other documentary materials, and records of the activities, including the financial transactions, of a member of the news media related to the coverage, investigation, or reporting of news. Business records are limited to those generated or maintained by a third party with which the member of the news media has a contractual relationship, and which could provide information about the newsgathering techniques or sources of a member of the news media.

(B) Business records do not include records unrelated to newsgathering activities, such as those related to the purely commercial, financial, administrative, or technical, operations of a news media entity.

(C) Business records do not include records that are created or maintained either by the government or by a contractor on behalf of the government.

(c) *Issuing subpoenas to members of the news media, or using subpoenas or court orders issued pursuant to 18 U.S.C. 2703(d) or 3123 to obtain from third parties communications records or business records of a member of the news media.* (1) Except as set forth in paragraph (c)(3) of this section, members of the Department must obtain the authorization of the Attorney General to issue a subpoena to a member of the news media; or to use a subpoena, 2703(d) order, or 3123 order to obtain from a third party communications records or business records of a member of the news media.

(2) Requests for the authorization of the Attorney General for the issuance of a subpoena to a member of the news media, or to use a subpoena, 2703(d) order, or 3123 order to obtain communications records or business records of a member of the news media, must be personally endorsed by the United States Attorney or Assistant Attorney General responsible for the matter.

(3) *Exceptions to the Attorney General authorization requirement.* (i)(A) A United States Attorney or Assistant Attorney General responsible for the matter may authorize the issuance of a subpoena to a member of the news media (*e.g.,* for documents, video or audio recordings, testimony, or other materials) if the member of the news media expressly agrees to provide the requested information in response to a subpoena. This exception applies, but is not limited, to both published and unpublished materials and aired and unaired recordings.

(B) In the case of an authorization under paragraph (c)(3)(i)(A) of this section, the United States Attorney or Assistant Attorney General responsible for the matter shall provide notice to the Director of the Criminal Division's Office of Enforcement Operations within 10 business days of the authorization of the issuance of the subpoena.

(ii) In light of the intent of this policy to protect freedom of the press, newsgathering activities, and confidential news media sources, authorization of the Attorney General will not be required of members of the Department in the following circumstances:

(A) To issue subpoenas to news media entities for purely commercial, financial, administrative, technical, or other information unrelated to newsgathering activities; or for information or records relating to personnel not involved in newsgathering activities.

(B) To issue subpoenas to members of the news media for information related to public comments, messages, or postings by readers, viewers, customers, or subscribers, over which the member of the news media does not exercise editorial control prior to publication.

(C) To use subpoenas to obtain information from, or to use subpoenas, 2703(d) orders, or 3123 orders to obtain communications records or business records of, members of the news media who may be perpetrators or victims of, or witnesses to, crimes or other events, when such status (as a perpetrator, victim, or witness) is not based on, or within the scope of, newsgathering activities.

(iii) In the circumstances identified in paragraphs (c)(3)(ii)(A) through (C) of this section, the United States Attorney or Assistant Attorney General responsible for the matter must—

(A) Authorize the use of the subpoena or court order;

(B) Consult with the Criminal Division regarding appropriate review and safeguarding protocols; and

(C) Provide a copy of the subpoena or court order to the Director of the Office of Public Affairs and to the Director of the Criminal Division's Office of Enforcement Operations within 10 business days of the authorization.

(4) *Considerations for the Attorney General in determining whether to authorize the issuance of a subpoena to a member of the news media.* (i) In matters in which a member of the Department determines that a member of the news media is a subject or target of an investigation relating to an offense committed in the course of, or arising out of, newsgathering activities, the member of the Department requesting Attorney General authorization to issue a subpoena to a member of the news media shall provide all facts necessary for determinations by the Attorney General regarding both whether the member of the news media is a subject or target of the investigation and whether to authorize the issuance of such subpoena. If the Attorney General determines that the member of the news media is a subject or target of an investigation relating to an offense committed in the course of, or arising out of, newsgathering activities, the

Attorney General's determination regarding the issuance of the proposed subpoena should take into account the principles reflected in paragraph (a) of this section, but need not take into account the considerations identified in paragraphs (c)(4)(ii) through (viii) of this section.

(ii)(A) In criminal matters, there should be reasonable grounds to believe, based on public information, or information from non-media sources, that a crime has occurred, and that the information sought is essential to a successful investigation or prosecution. The subpoena should not be used to obtain peripheral, nonessential, or speculative information.

(B) In civil matters, there should be reasonable grounds to believe, based on public information or information from non-media sources, that the information sought is essential to the successful completion of the investigation or litigation in a case of substantial importance. The subpoena should not be used to obtain peripheral, nonessential, cumulative, or speculative information.

(iii) The government should have made all reasonable attempts to obtain the information from alternative, non-media sources.

(iv)(A) The government should have pursued negotiations with the affected member of the news media, unless the Attorney General determines that, for compelling reasons, such negotiations would pose a clear and substantial threat to the integrity of the investigation, risk grave harm to national security, or present an imminent risk of death or serious bodily harm. Where the nature of the investigation permits, the government should have explained to the member of the news media the government's needs in a particular investigation or prosecution, as well as its willingness to address the concerns of the member of the news media.

(B) The obligation to pursue negotiations with the affected member of the news media, unless excused by the Attorney General, is not intended to conflict with the requirement that members of the Department secure authorization from the Attorney General to question a member of the news media as required in paragraph (f)(1) of this section. Accordingly, members of the Department do not need to secure authorization from the Attorney General to pursue negotiations.

(v) The proposed subpoena generally should be limited to the verification of published information and to such surrounding circumstances as relate to the accuracy of the published information.

(vi) In investigations or prosecutions of unauthorized disclosures of national defense information or of classified information, where the Director of National Intelligence, after consultation with the relevant Department or agency head(s), certifies to the Attorney General the significance of the harm raised by the unauthorized disclosure and that the information disclosed was properly classified and reaffirms the intelligence community's continued support for the investigation or prosecution, the Attorney General may authorize members of the Department, in such investigations, to issue subpoenas to members of the news media. The certification, which the Attorney General should take into account along with other considerations identified in paragraphs (c)(4)(ii) through (viii) of this section, will be sought not more than 30 days prior to the submission of the approval request to the Attorney General.

(vii) Requests should be treated with care to avoid interference with newsgathering activities and to avoid claims of harassment.

(viii) The proposed subpoena should be narrowly drawn. It should be directed at material and relevant information regarding a limited subject matter, should cover a reasonably limited period of time, should avoid requiring production of a large volume of material, and should give reasonable and timely notice of the demand.

(5) *Considerations for the Attorney General in determining whether to authorize the use of a subpoena, 2703(d) order, or 3123 order to obtain from third parties the communications records or business records of a member of the news media.* (i) In matters in which a member of the Department determines that a member of the news media is a subject or target of an investigation relating to an offense committed in the course of, or arising out of, newsgathering activities, the member of the Department requesting Attorney General authorization to use a subpoena, 2703(d) order, or 3123 order to obtain from a third party the communications records or business records of a member of the news media shall provide all facts necessary for determinations by the Attorney General regarding both whether the member of the news media is a subject or target of the investigation and whether to authorize the use of such subpoena or order. If the Attorney General determines that the member of the news media is a subject or target of an investigation relating to an offense committed in the course of, or arising out of, newsgathering activities, the Attorney General's determination regarding the use of the proposed subpoena or order should take into account the principles reflected in paragraph (a) of this section, but need not take into account the considerations identified in paragraphs (c)(5)(ii) through (viii) of this section.

(ii)(A) In criminal matters, there should be reasonable grounds to believe, based on public information, or information from non-media sources, that a crime has been committed, and that the information sought is essential to the successful investigation or prosecution of that crime. The subpoena or court order should not be used to obtain peripheral, nonessential, cumulative, or speculative information.

(B) In civil matters, there should be reasonable grounds to believe, based on public information, or information from non-media sources, that the information sought is essential to the successful completion of the investigation or litigation in a case of substantial importance. The subpoena should not be used to obtain peripheral, nonessential, cumulative, or speculative information.

(iii) The use of a subpoena or court order to obtain from a third party communications records or business records of a member of the news media should be pursued only after the government has made all reasonable attempts to obtain the information from alternative sources.

(iv)(A) The government should have pursued negotiations with the affected member of the news media unless the Attorney General determines that, for compelling reasons, such negotiations would pose a clear and substantial threat to the integrity of the investigation, risk grave harm to national security, or present an imminent risk of death or serious bodily harm.

(B) The obligation to pursue negotiations with the affected member of the news media, unless excused by the Attorney General, is not intended to conflict with the requirement that members of the Department secure authorization from the Attorney General to question a member of the news media as set forth in paragraph (f)(1) of this section. Accordingly, members of the Department do not need to secure authorization from the Attorney General to pursue negotiations.

(v) In investigations or prosecutions of unauthorized disclosures of national defense information or of classified information, where the Director of National Intelligence, after consultation

with the relevant Department or agency head(s), certifies to the Attorney General the significance of the harm raised by the unauthorized disclosure and that the information disclosed was properly classified and reaffirms the intelligence community's continued support for the investigation or prosecution, the Attorney General may authorize members of the Department, in such investigations, to use subpoenas or court orders issued pursuant to 18 U.S.C. 2703(d) or 3123 to obtain communications records or business records of a member of the news media. The certification, which the Attorney General should take into account along with the other considerations identified in paragraph (c)(5) of this section, will be sought not more than 30 days prior to the submission of the approval request to the Attorney General.

(vi) Requests should be treated with care to avoid interference with newsgathering activities and to avoid claims of harassment.

(vii) The proposed subpoena or court order should be narrowly drawn. It should be directed at material and relevant information regarding a limited subject matter, should cover a reasonably limited period of time, and should avoid requiring production of a large volume of material.

(viii) If appropriate, investigators should propose to use search protocols designed to minimize intrusion into potentially protected materials or newsgathering activities unrelated to the investigation, including but not limited to keyword searches (for electronic searches) and filter teams (reviewing teams separate from the prosecution and investigative teams).

(6) When the Attorney General has authorized the issuance of a subpoena to a member of the news media; or the use of a subpoena, 2703(d) order, or 3123 order to obtain from a third party communications records or business records of a member of the news media, members of the Department must consult with the Criminal Division before moving to compel compliance with any such subpoena or court order.

(d) *Applying for warrants to search the premises, property, communications records, or business records of members of the news media.* (1) Except as set forth in paragraph (d)(4) of this section, members of the Department must obtain the authorization of the Attorney General to apply for a warrant to search the premises, property, communications records, or business records of a member of the news media.

(2) All requests for authorization of the Attorney General to apply for a warrant to search the premises, property, communications records, or business records of a member of the news media must be personally endorsed by the United States Attorney or Assistant Attorney General responsible for the matter.

(3) In determining whether to authorize an application for a warrant to search the premises, property, communications records, or business records of a member of the news media, the Attorney General should take into account the considerations identified in paragraph (c)(5) of this section.

(4) Members of the Department may apply for a warrant to obtain work product materials or other documentary materials of a member of the news media pursuant to the ''suspect exception'' of the Privacy Protection Act (''PPA suspect exception''), 42 U.S.C. 2000aa(a)(1), (b)(1), when the member of the news media is a subject or target of a criminal investigation for conduct not based on, or within the scope of, newsgathering activities. In such instances, members of the Department must secure authorization from a Deputy Assistant Attorney General for the Criminal Division.

(5) Members of the Department should not be authorized to apply for a warrant to obtain work product materials or other documentary materials of a member of the news media under the PPA suspect exception, 42 U.S.C. 2000aa(a)(1), (b)(1), if the sole purpose is to further the investigation of a person other than the member of the news media.

(6) A Deputy Assistant Attorney General for the Criminal Division may authorize, under an applicable PPA exception, an application for a warrant to search the premises, property, communications records, or business records of an individual other than a member of the news media, but who is reasonably believed to have ''a purpose to disseminate to the public a newspaper, book, broadcast, or other similar form of public communication.'' 42 U.S.C. 2000aa(a), (b).

(7) In executing a warrant authorized by the Attorney General or by a Deputy Assistant Attorney General for the Criminal Division investigators should use search protocols designed to minimize intrusion into potentially protected materials or newsgathering activities unrelated to the investigation, including but not limited to keyword searches (for electronic searches) and filter teams.

(e) *Notice to affected member of the news media.* (1)(i) In matters in which the Attorney General has both determined that a member of the news media is a subject or target of an investigation relating to an offense committed in the course of, or arising out of, newsgathering activities, and authorized the use of a subpoena, court order, or warrant to obtain from a third party the communications records or business records of a member of the news media pursuant to paragraph (c)(4)(i), (c)(5)(i), or (d)(1) of this section, members of the Department are not required to provide notice of the Attorney General's authorization to the affected member of the news media. The Attorney General nevertheless may direct that notice be provided.

(ii) If the Attorney General does not direct that notice be provided, the United States Attorney or Assistant Attorney General responsible for the matter shall provide to the Attorney General every 90 days an update regarding the status of the investigation, which update shall include an assessment of any harm to the investigation that would be caused by providing notice to the affected member of the news media. The Attorney General shall consider such update in determining whether to direct that notice be provided.

(2)(i) Except as set forth in paragraph (e)(1) of this section, when the Attorney General has authorized the use of a subpoena, court order, or warrant to obtain from a third party communications records or business records of a member of the news media, the affected member of the news media shall be given reasonable and timely notice of the Attorney General's determination before the use of the subpoena, court order, or warrant, unless the Attorney General determines that, for compelling reasons, such notice would pose a clear and substantial threat to the integrity of the investigation, risk grave harm to national security, or present an imminent risk of death or serious bodily harm.

(ii) The mere possibility that notice to the affected member of the news media, and potential judicial review, might delay the investigation is not, on its own, a compelling reason to delay notice.

(3) When the Attorney General has authorized the use of a subpoena, court order, or warrant to obtain communications records or business records of a member of the news media, and the affected member of the news media has not been given notice, pursuant to paragraph (e)(2) of this section, of the Attorney General's determination before the use of the subpoena, court order, or warrant, the United States Attorney or Assistant Attorney General responsible for the

matter shall provide to the affected member of the news media notice of the order or warrant as soon as it is determined that such notice will no longer pose a clear and substantial threat to the integrity of the investigation, risk grave harm to national security, or present an imminent risk of death or serious bodily harm. In any event, such notice shall occur within 45 days of the government's receipt of any return made pursuant to the subpoena, court order, or warrant, except that the Attorney General may authorize delay of notice for an additional 45 days if he or she determines that, for compelling reasons, such notice would pose a clear and substantial threat to the integrity of the investigation, risk grave harm to national security, or present an imminent risk of death or serious bodily harm. No further delays may be sought beyond the 90-day period.

(4) The United States Attorney or Assistant Attorney General responsible for the matter shall provide to the Director of the Office of Public Affairs and to the Director of the Criminal Division's Office of Enforcement Operations a copy of any notice to be provided to a member of the news media whose communications records or business records were sought or obtained at least 10 business days before such notice is provided to the affected member of the news media, and immediately after such notice is, in fact, provided to the affected member of the news media.

(f) *Questioning, arresting, or charging members of the news media.* (1) No member of the Department shall subject a member of the news media to questioning as to any offense that he or she is suspected of having committed in the course of, or arising out of, newsgathering activities without first providing notice to the Director of the Office of Public Affairs and obtaining the express authorization of the Attorney General. The government need not view the member of the news media as a subject or target of an investigation, or have the intent to prosecute the member of the news media, to trigger the requirement that the Attorney General must authorize such questioning.

(2) No member of the Department shall seek a warrant for an arrest, or conduct an arrest, of a member of the news media for any offense that he or she is suspected of having committed in the course of, or arising out of, newsgathering activities without first providing notice to the Director of the Office of Public Affairs and obtaining the express authorization of the Attorney General.

(3) No member of the Department shall present information to a grand jury seeking a bill of indictment, or file an information, against a member of the news media for any offense that he or she is suspected of having committed in the course of, or arising out of newsgathering activities, without first providing notice to the Director of the Office of Public Affairs and obtaining the express authorization of the Attorney General.

(4) In requesting the Attorney General's authorization to question, to seek an arrest warrant for or to arrest, or to present information to a grand jury seeking an indictment or to file an information against, a member of the news media as provided in paragraphs (f)(1) through (3) of this section, members of the Department shall provide all facts necessary for a determination by the Attorney General.

(5) In determining whether to grant a request for authorization to question, to seek an arrest warrant for or to arrest, or to present information to a grand jury seeking an indictment or to file an information against, a member of the news media, the Attorney General should take into account the considerations reflected in the Statement of Principles in paragraph (a) of this section.

(g) *Exigent circumstances.* (1)(i) A Deputy Assistant Attorney General for the Criminal Division may authorize the use of a subpoena or court order, as described in paragraph (c) of this section, or the questioning, arrest, or charging of a member of the news media, as described in paragraph (f) of this section, if he or she determines that the exigent use of such law enforcement tool or technique is necessary to prevent or mitigate an act of terrorism; other acts that are reasonably likely to cause significant and articulable harm to national security; death; kidnapping; substantial bodily harm; conduct that constitutes a specified offense against a minor (for example, as those terms are defined in section 111 of the Adam Walsh Child Protection and Safety Act of 2006, 42 U.S.C. 16911), or an attempt or conspiracy to commit such a criminal offense; or incapacitation or destruction of critical infrastructure (for example, as defined in section 1016(e) of the USA PATRIOT Act, 42 U.S.C. 5195c(e)).

(ii) A Deputy Assistant Attorney General for the Criminal Division may authorize an application for a warrant, as described in paragraph (d) of this section, if there is reason to believe that the immediate seizure of the materials at issue is necessary to prevent the death of, or serious bodily injury to, a human being, as provided in 42 U.S.C. 2000aa(a)(2) and (b)(2).

(2) Within 10 business days of the approval by a Deputy Assistant Attorney General for the Criminal Division of a request under paragraph (g) of this section, the United States Attorney or Assistant Attorney General responsible for the matter shall provide to the Attorney General and to the Director of the Office of Public Affairs a statement containing the information that would have been provided in a request for prior authorization.

(h) *Safeguarding.* Any information or records obtained from members of the news media or from third parties pursuant to this policy shall be closely held so as to prevent disclosure of the information to unauthorized persons or for improper purposes. Members of the Department should consult the United States Attorneys' Manual for specific guidance regarding the safeguarding of information or records obtained from members of the news media or from third parties pursuant to this policy.

(i) *Failure to comply with policy.* Failure to obtain the prior approval of the Attorney General, as required by this policy, may constitute grounds for an administrative reprimand or other appropriate disciplinary action.

(j) *General provision.* This policy is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Dated: January 14, 2015.

**Eric H. Holder, Jr.,**

*Attorney General.*

[FR Doc. 2015–00919 Filed 1–20–15; 8:45 am]

**BILLING CODE 4410–14–P**

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

### 33 CFR Part 165

**[Docket No. USCG–2013–0654]**

**RIN 1625–AA00**

## Safety Zone; SFOBB Demolition Safety Zone, San Francisco, CA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone in the navigable waters of the San

Francisco Bay near Yerba Buena Island, CA in support of the San Francisco-Oakland Bay Bridge (SFOBB) Demolition Safety Zone from December 31, 2014 through December 30, 2015. An earlier temporary safety zone was established in this same area from September 1, 2013 through December 30, 2014 to protect mariners transiting the area from the dangers associated with over-head demolition and debris removal operations of the SFOBB. Extended demolition efforts necessitate a new temporary safety zone in the area. Unauthorized persons or vessels are prohibited from entering into, transiting through, or remaining in the safety zone without permission of the Captain of the Port or their designated representative.

**DATES:** This rule is effective without actual notice from January 21, 2015 until December 30, 2015. For the purposes of enforcement, actual notice will be used from December 31, 2014 until January 21, 2015. This rule will be enforced from 6 a.m. until 7 p.m. daily on the dates mentioned above.

**ADDRESSES:** Documents mentioned in this preamble are part of docket USCG–2013–0654. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Lieutenant Junior Grade Joshua Dykman, U.S. Coast Guard Sector San Francisco; telephone (415) 399–3585 or email at *D11-PF-MarineEvents@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Program Manager, Docket Operations, telephone (202) 366–9826.

**SUPPLEMENTARY INFORMATION:**

## Table of Acronyms

CALTRANS California Department of Transportation
DHS Department of Homeland Security
FR **Federal Register**
NPRM Notice of Proposed Rulemaking
SFOBB San Francisco-Oakland Bay Bridge

## A. Regulatory History and Information

On September 3, 2013, the Coast Guard published a temporary final rule entitled, ''Safety Zone; SFOBB Demolition Safety Zone, San Francisco, CA'' (78 FR 54171) establishing a safety zone in the navigable waters of the San Francisco Bay near Yerba Buena Island, CA. The purpose of the safety zone was to provide for the safety of mariners from dangers posed by over-head demolition and debris removal operations of the San Francisco-Oakland Bay Bridge (SFOBB) demolition project. On November 6, 2014, the California Department of Transportation (CALTRANS) submitted a request to extend the safety zone for an additional year due to an extension of the demolition project.

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.''

Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because publishing an NPRM would be impractical and contrary to the public interest. CALTRANS submitted its request to extend the safety zone on November 6, 2014, and the demolition project extension began before the rulemaking process would be completed. Because of the dangers posed by over-head demolition and debris removal operations of the SFOBB, the safety zone is necessary to provide for the safety of mariners transiting the area. For the safety concerns noted, it is in the public interest to have this safety zone in effect during the event.

Under 5 U.S.C. 553(d)(3), for the same reasons stated above, the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

## B. Basis and Purpose

The legal basis for the proposed rule is 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Public Law 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to establish safety zones.

CALTRANS will sponsor the SFOBB Demolition Safety Zone from December 31, 2014 through December 30, 2015, in the navigable waters of the San Francisco Bay near Yerba Buena Island, CA. Demolition and debris removal operations are scheduled to take place from 6 a.m. to 7 p.m. daily beginning on December 31, 2014 and ending on December 30, 2015. The safety zone will encompass the navigable waters of the San Francisco Bay within 100 yards of the SFOBB from Yerba Buena Island to the ''I'' Pier, also known as ''E4'' Pier. The demolition project is necessary to facilitate the completion of the Bay Bridge project. The safety zone is issued to establish a temporary limited access area on the waters surrounding the demolition operation. The safety zone is necessary to protect mariners transiting the area from the dangers associated with over-head debris removal.

## C. Discussion of the Final Rule

The Coast Guard will enforce a safety zone in navigable waters around and under the SFOBB within 100 yards of the bridge beginning at Yerba Buena Island and ending at the ''I'' Pier for the demolition and debris removal of the Yerba Buena Island Detour and the Cantilever Truss segment of the SFOBB. Demolition and debris removal is scheduled to take place from 6 a.m. to 7 p.m. daily beginning on December 31, 2014 and ending on December 30, 2015. At the conclusion of the demolition operations the safety zone shall terminate.

The effect of the temporary safety zone will be to restrict navigation in the vicinity of the demolition and debris removal operations. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the restricted area. This safety zone is needed to protect public safety by keeping mariners and vessels away from the immediate vicinity of the construction operation. The maritime public will be advised in advance of this safety zone via Broadcast Notice to Mariners.

## D. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on these statutes and executive orders.

### *1. Regulatory Planning and Review*

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Executive Order

12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders.

We expect the economic impact of this rule will not rise to the level of necessitating a full Regulatory Evaluation. The safety zone is limited in duration, and is limited to a narrowly tailored geographic area. In addition, although this rule restricts access to the waters encompassed by the safety zone, the effect of this rule will not be significant because the local waterway users will be notified via public Broadcast Notice to Mariners to ensure the safety zone will result in minimum impact. The entities most likely to be affected are waterfront facilities, commercial vessels, and pleasure craft engaged in recreational activities.

*2. Impact on Small Entities*

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule may affect the following entities, some of which may be small entities: Owners and operators of waterfront facilities, commercial vessels, and pleasure craft engaged in recreational activities and sightseeing, if these facilities or vessels are in the vicinity of the safety zone at times when this zone is being enforced. This rule will not have a significant economic impact on a substantial number of small entities for the following reasons: (i) This rule will encompass only a small portion of the waterway for a limited period of time, (ii) vessel traffic can transit safely around the safety zone, and (iii) the maritime public will be advised in advance of this safety zone via Broadcast Notice to Mariners.

*3. Assistance for Small Entities*

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

*4. Collection of Information*

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

*5. Federalism*

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

*6. Protest Activities*

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

*7. Unfunded Mandates Reform Act*

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

*8. Taking of Private Property*

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

*9. Civil Justice Reform*

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

*10. Protection of Children*

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

*11. Indian Tribal Governments*

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

*12. Energy Effects*

This action is not a ''significant energy action'' under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

*13. Technical Standards*

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

*14. Environment*

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone of limited size and duration. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion

Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

**List of Subjects in 33 CFR Part 165**

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, and Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

## PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add temporary § 165.T11–589 to read as follows:

### § 165.T11–589 Safety zone; SFOBB Demolition Safety Zone, San Francisco, CA.

(a) *Location.* This temporary safety zone is established in the navigable waters of the San Francisco Bay near Yerba Buena Island, California as depicted in National Oceanic and Atmospheric Administration (NOAA) Chart 18650. The safety zone will encompass the navigable waters around the SFOBB within 100 yards beginning at Yerba Buena Island and ending at the ''I'' Pier.

(b) *Enforcement period.* The zone described in paragraph (a) of this section will be in effect from 6 a.m. to 7 p.m. daily from December 31, 2014 until December 30, 2015. The Captain of the Port San Francisco (COTP) will notify the maritime community of periods during which this zone will be enforced via Broadcast Notice to Mariners in accordance with 33 CFR 165.7.

(c) *Definitions.* As used in this section, ''designated representative'' means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer on a Coast Guard vessel or a Federal, State, or local officer designated by or assisting the COTP in the enforcement of the safety zone.

(d) *Regulations.* (1) Under the general regulations in 33 CFR part 165, subpart C, entry into, transiting or anchoring within this safety zone is prohibited unless authorized by the COTP or a designated representative.

(2) The safety zone is closed to all vessel traffic, except as may be permitted by the COTP or a designated representative.

(3) Vessel operators desiring to enter or operate within the safety zone must contact the COTP or a designated representative to obtain permission to do so. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the COTP or a designated representative. Persons and vessels may request permission to enter the safety zone on VHF–23A or through the 24-hour Command Center at telephone (415) 399–3547.

Dated: December 16, 2014.

**Gregory G. Stump,**

*Captain, U.S. Coast Guard, Captain of the Port San Francisco.*

[FR Doc. 2015–00915 Filed 1–20–15; 8:45 am]

BILLING CODE 9110–04–P

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[EPA–R08–OAR–2013–0814; FRL–9921–54-Region 8]**

## Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Second Ten-Year $PM_{10}$ Maintenance Plan for Steamboat Springs

**AGENCY:** Environmental Protection Agency.

**ACTION:** Direct final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking final action approving State Implementation Plan (SIP) revisions submitted by the State of Colorado. On May 11, 2012, the designee of the Governor of Colorado submitted to EPA a revised maintenance plan for the Steamboat Springs area for the National Ambient Air Quality Standards (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to 10 microns ($PM_{10}$). The SIP was adopted by the State on December 15, 2011. As required by Clean Air Act (CAA) section 175A, this revised maintenance plan addresses maintenance of the $PM_{10}$ standard for a second 10-year period beyond the area's original redesignation to attainment for the $PM_{10}$ NAAQS. In addition, EPA is approving the revised maintenance plan's 2024 transportation conformity motor vehicle emissions budget (MVEB) for $PM_{10}$. This action is being taken under sections 110 and 175A of the CAA.

**DATES:** This rule is effective on March 23, 2015 without further notice, unless EPA receives adverse comment by February 20, 2015. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R08–OAR–2013–0814, by one of the following methods:

- *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- Email: *ostigaard.crystal@epa.gov.*
- Fax: (303) 312–6064 (please alert the individual listed in the **FOR FURTHER INFORMATION CONTACT** if you are faxing comments).
- Mail: Carl Daly, Director, Air Program, U.S. Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129.
- Hand Delivery: Carl Daly, Director, Air Program, U.S. Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129. Such deliveries are only accepted Monday through Friday, 8:00 a.m. to 4:30 p.m., excluding federal holidays. Special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID No. EPA–R08–OAR–2013–0814. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA, without going through *http://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact

you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional instructions on submitting comments, go to Section I. General Information of the **SUPPLEMENTARY INFORMATION** section of this document.

*Docket:* All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly-available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the Air Program, U.S. Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Crystal Ostigaard, Air Program, U.S. Environmental Protection Agency, Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6602, *ostigaard.crystal@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

## Definitions

For the purpose of this document, we are giving meaning to certain words or initials as follows:

(i) The words *EPA, we, us* or *our* mean or refer to the United States Environmental Protection Agency.

(ii) The words or initials *Act* or *CAA* mean or refer to the Clean Air Act, unless the context indicates otherwise.

(iii) The initials *APCD* mean or refer to the Colorado Air Pollution Control Division.

(iv) The initials *AQCC* mean or refer to the Colorado Air Quality Control Commission.

(v) The words *Colorado* and *State* mean or refer to the State of Colorado.

(vi) The initials *MVEB* mean or refer to motor vehicle emissions budget.

(vii) The initials *NAAQS* mean or refer to National Ambient Air Quality Standard.

(viii) The initials $PM_{10}$ mean or refer to particulate matter with an aerodynamic diameter of less than or equal to 10 micrometers (coarse particulate matter).

(ix) The initials *SIP* mean or refer to State Implementation Plan.

(x) The initials *TSD* mean or refer to technical support document.

## I. General Information

1. *Submitting CBI.* Do not submit CBI to EPA through *http://www.regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for Preparing Your Comments.* When submitting comments, remember to:

a. Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).

b. Follow directions—The agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

c. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

d. Describe any assumptions and provide any technical information and/or data that you used.

e. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

f. Provide specific examples to illustrate your concerns, and suggest alternatives.

g. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

h. Make sure to submit your comments by the comment period deadline identified.

## II. Background

The Steamboat Springs area was designated unclassifiable for the 1987 $PM_{10}$ NAAQS by operation of law upon enactment of the CAA Amendments of 1990. See 56 FR 56694, November 6, 1991. However, in January and February of 1991, the EPA notified the Governors of those States, including the State of Colorado, which recorded violations of the $PM_{10}$ standard after January 1, 1989, that EPA believed that those areas should be redesignated as nonattainment for $PM_{10}$. In the **Federal Register** published on April 22, 1991 (56 FR 16274), EPA identified those $PM_{10}$ areas for which the EPA had notified the Governors of affected States that the area's $PM_{10}$ designation should be revised to nonattainment. After notification, the Governor of each affected state was required to submit to EPA the redesignation he or she considered appropriate for each area. The EPA proceeded to redesignate to nonattainment 10 areas, including the Steamboat Springs area, for $PM_{10}$ on December 21, 1993 (58 FR 67334). EPA fully approved Colorado's nonattainment area SIP for the Steamboat Springs area on December 31, 1997 (62 FR 68188).

On July 31, 2002, the Governor of Colorado submitted a request to EPA to redesignate the Steamboat Springs moderate $PM_{10}$ nonattainment area to attainment for the 1987 $PM_{10}$ NAAQS. Along with this request, the State submitted a maintenance plan, which demonstrated that the area would continue to attain the $PM_{10}$ NAAQS through 2015. EPA approved the Steamboat Springs maintenance plan and redesignation to attainment on October 25, 2004 (69 FR 62210).

Eight years after an area is redesignated to attainment, CAA section 175A(b) requires the state to submit a subsequent maintenance plan to EPA, covering a second 10-year period.[1] This second 10-year maintenance plan must demonstrate continued maintenance of the applicable NAAQS during this second 10-year period. To fulfill this requirement of the Act, the Governor of Colorado's designee submitted the second 10-year update of the $PM_{10}$ maintenance plan to EPA on May 11, 2012 (hereafter; ''revised Steamboat Springs $PM_{10}$ Maintenance Plan'').

As described in 40 CFR 50.6, the level of the national primary and secondary 24-hour ambient air quality standards for $PM_{10}$ is 150 micrograms per cubic meter ($\mu g/m^3$). An area attains the 24-hour $PM_{10}$ standard when the expected

[1] In this case, the initial maintenance period described in CAA section 175A(a) was required to extend for at least 10 years after the redesignation to attainment, which was effective on November 24, 2004. See 69 FR 62210. So the first maintenance plan was required to show maintenance at least through 2014. CAA section 175A(b) requires that the second 10-year maintenance plan maintain the NAAQS for ''10 years after the expiration of the 10-year period referred to in [section 175A(a)].'' Thus, for the Steamboat Springs area, the second 10-year period ends 2024.

number of days per calendar year with a 24-hour concentration in excess of the standard (referred to herein as ''exceedance''), as determined in accordance with 40 CFR part 50, appendix K, is equal to or less than one, averaged over a three-year period.[2] See 40 CFR 50.6 and 40 CFR part 50, appendix K.

Table 1 below shows the maximum monitored 24-hour $PM_{10}$ values for the Steamboat Springs $PM_{10}$ maintenance area for 2004–2014. The table reflects that the values for the Steamboat Springs area are well below the $PM_{10}$ NAAQS standard of 150 μg/m³.

TABLE 1—STEAMBOAT SPRINGS $PM_{10}$ MAXIMUM 24-HOUR VALUES

[Based on data from Routt County Court House site, AQS Identification Number 08–107–0003]

| Year | Maximum value (μg/m³) |
|---|---|
| 2004 | 94 |
| 2005 | 86 |
| 2006 | 87 |
| 2007 | 99 |
| 2008 | 124 |
| 2009 | 83 |
| 2010 | 99 |
| 2011 | 135 |
| 2012 | 124 |
| 2013 | 82 |
| 2014 | *84 |

*Preliminary 2014 Data only through September 17, 2014.

Table 2 below shows the estimated number of exceedances for the Steamboat Springs $PM_{10}$ maintenance area for the three-year periods starting in 2004 and ending in 2014. The table reflects continuous attainment of the $PM_{10}$ NAAQS.

TABLE 2—STEAMBOAT SPRINGS $PM_{10}$ ESTIMATED EXCEEDANCES

[Based on data from Routt County Court House site, AQS Identification Number 08–107–0003]

| Design value period | 3-Year estimated number of exceedances |
|---|---|
| 2004–2006 | 0 |
| 2005–2007 | 0 |
| 2006–2008 | 0 |
| 2007–2009 | 0 |
| 2008–2010 | 0 |

TABLE 2—STEAMBOAT SPRINGS $PM_{10}$ ESTIMATED EXCEEDANCES—Continued

[Based on data from Routt County Court House site, AQS Identification Number 08–107–0003]

| Design value period | 3-Year estimated number of exceedances |
|---|---|
| 2009–2011 | 0 |
| 2010–2012 | 0 |
| 2011–2013 | 0 |
| 2012–2014 | *0 |

*Preliminary 2014 Data only through September 17, 2014.

## III. What was the State's process?

Section 110(a)(2) of the CAA requires that a state provide reasonable notice and public hearing before adopting a SIP revision and submitting it to EPA.

The Colorado Air Quality Control Commission (AQCC) held a public hearing for the revised Steamboat Springs $PM_{10}$ Maintenance Plan on December 15, 2011. The AQCC approved and adopted the revised Steamboat Springs $PM_{10}$ Maintenance Plan directly after the hearing. The Governor's designee submitted the revised plan to EPA on May 11, 2012.

We have evaluated the revised maintenance plan and have determined that the State met the requirements for reasonable public notice and public hearing under section 110(a)(2) of the CAA. On November 11, 2012, by operation of law under CAA section 110(k)(1)(B), the revised maintenance plan was deemed to have met the minimum ''completeness'' criteria found in 40 CFR part 51, appendix V.

## IV. EPA's Evaluation of the Revised Steamboat Springs $PM_{10}$ Maintenance Plan

The following are the key elements of a Maintenance Plan for $PM_{10}$: Emission Inventory, Maintenance Demonstration, Monitoring Network/Verification of Continued Attainment, Contingency Plan, and MVEB for $PM_{10}$. Below, we describe our evaluation of these elements as they pertain to the revised Steamboat Springs $PM_{10}$ Maintenance Plan.

### *A. Emission Inventory*

The revised Steamboat Springs $PM_{10}$ Maintenance Plan includes three inventories of daily $PM_{10}$ emissions for the Steamboat Springs area; they are for 2008, 2016 and 2024. The Air Pollution Control Division (APCD) developed these emission inventories using EPA-approved emissions modeling methods, and updated transportation information, demographics data, and reported actual emissions for point sources. Each emission inventory is a list, by source category, of the air contaminants directly emitted into the Steamboat Springs $PM_{10}$ maintenance area. A more detailed description of the 2008 and 2024 inventories and information on model assumptions and parameters for each source category are contained in the State's $PM_{10}$ Maintenance Plan Technical Support Document (TSD). Included in all the inventories are emissions data for: commercial cooking; construction; fuel combustion; highway vehicles; non-road vehicles; railroad; road dust; structure fires; woodburning; and point sources. We find that Colorado has prepared adequate emission inventories for the area.

### *B. Maintenance Demonstration*

The revised Steamboat Springs $PM_{10}$ Maintenance Plan uses emission roll-forward modeling to demonstrate maintenance of the 24-hour $PM_{10}$ NAAQS through 2024. Using the 2008 and 2024 emissions inventories, the State first determined the projected growth in $PM_{10}$ emissions from the 2008 base year to the 2024 maintenance year. The State estimated that emissions would increase from 5,095.9 pounds per day in 2008 to 7,308.8 pounds per day in 2024. This represents an increase of 43.4 percent.

The State then applied this percentage increase to the design day concentration of 99 μg/m³, which was the third highest 24-hour maximum $PM_{10}$ value recorded in Steamboat Springs from 2008–2010. This resulted in an estimated maximum 24-hour $PM_{10}$ concentration in 2024 of 142 μg/m³. This is below the 24-hour $PM_{10}$ NAAQS of 150 μg/m³.

### *C. Monitoring Network/Verification of Continued Attainment*

In the revised Steamboat Springs $PM_{10}$ Maintenance Plan, the State commits to continue to operate an air quality monitoring network in accordance with 40 CFR part 58 and the EPA-approved Colorado Monitoring SIP Element to verify continued attainment of the $PM_{10}$ NAAQS. This includes the continued operation of a $PM_{10}$ monitor in the Steamboat Springs area, which the State will rely on to track $PM_{10}$ emissions in the maintenance area.

Based on the above, we are approving these commitments as satisfying the relevant requirements. These commitments are similar to those we approved in the original maintenance plan.

### *D. Contingency Plan*

Section 175A(d) of the CAA requires that a maintenance plan include

[2] An exceedance is defined as a daily value that is above the level of the 24-hour standard, 150 μg/m³, after rounding to the nearest 10 μg/m³ (*i.e.*, values ending in five or greater are to be rounded up). Thus, a recorded value of 154 μg/m³ would not be an exceedance since it would be rounded to 150 μg/m³; whereas, a recorded value of 155 μg/m³ would be an exceedance since it would be rounded to 160 μg/m³. See 40 CFR part 50, appendix K, section 1.0.

contingency provisions to promptly correct any violation of the NAAQS that occurs after redesignation of an area. To meet this requirement the State has identified appropriate contingency measures along with a schedule for the development and implementation of such measures.

As stated in the revised Steamboat Springs $PM_{10}$ Maintenance Plan, exceedances trigger one level of response and violations trigger another. If there is an exceedance, the APCD and local government staff will develop appropriate contingency measure(s) intended to prevent or correct a violation of the $PM_{10}$ standard. The APCD and local government staff will consider relevant information about historical exceedances, meteorological conditions related to the exceedance(s), and the most recent estimates of growth and emissions, and whether the exceedance might be attributed to an exceptional event. The maintenance plan indicates that the State will generally notify EPA and local governments in the Steamboat Springs area within 30 days of the exceedance, but in no event later than 45 days. The process for exceedances will be completed within six months of the exceedance notification.

If a violation of the $PM_{10}$ NAAQS has occurred, a public hearing process at the State and local level will begin. If the AQCC agrees that the implementation of local measures will prevent further exceedances or violations, the AQCC may endorse or approve the local measures without adopting State requirements. If, however, the AQCC finds locally adopted contingency measures to be inadequate, the AQCC will adopt State enforceable measures as deemed necessary to prevent additional exceedances or violations. The State commits to adopt and implement any necessary contingency measures within one year after a violation occurs. Any state enforceable measures that are adopted will become part of another revised maintenance plan, which will be submitted to the Colorado Legislature and the EPA for approval.

The State indentifies the following as potential contingency measures in the revised Steamboat Springs $PM_{10}$ Maintenance Plan: (1) increased street sweeping requirements; (2) road paving requirements; (3) more stringent street sand specifications; (4) voluntary or mandatory woodburning curtailment; (5) bans on all woodburning; (6) expanded, mandatory use of alternative de-icers; (7) re-establishing new source review nonattainment area permitting requirements for stationary sources; (8) transportation control measures designed to reduce vehicle miles traveled; and (9) other emission control measures appropriate for the area based on the consideration of cost effectiveness, $PM_{10}$ emission reduction potential, economic and social considerations, or other factors that the State deems appropriate.

We find that the contingency measures provided in the revised Steamboat Springs $PM_{10}$ Maintenance Plan are sufficient and meet the requirements of section 175A(d) of the CAA.

*E. Transportation Conformity Requirements: MVEB for $PM_{10}$*

Transportation conformity is required by section 176(c) of the CAA. EPA's conformity rule at 40 CFR 93 requires that transportation plans, programs, and projects conform to SIPs and establishes the criteria and procedures for determining whether or not they conform. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the NAAQS. To effectuate its purpose, the conformity rule requires a demonstration that emissions from the Regional Transportation Plan and the Transportation Improvement Program are consistent with the MVEB(s) contained in a control strategy SIP revision or maintenance plan (40 CFR 93.101, 93.118, and 93.124). A MVEB is defined as the level of mobile source emissions of a pollutant relied upon in the attainment or maintenance demonstration to attain or maintain compliance with the NAAQS in the nonattainment or maintenance area. Further information concerning EPA's interpretations regarding MVEBs can be found in the preamble to EPA's November 24, 1993, transportation conformity rule (see 58 FR 62193—62196).

The revised Steamboat Springs $PM_{10}$ Maintenance Plan contains a single MVEB of 1,103 lbs/day of $PM_{10}$ for the year 2024, the maintenance year. Once the State submitted the revised plan with the 2024 MVEB to EPA for approval, 40 CFR 93.118 required that EPA determine whether the MVEB was adequate.

Our criteria for determining whether a SIP's MVEB is adequate for conformity purposes are outlined in 40 CFR 93.118(e)(4), which was promulgated August 15, 1997 (see 62 FR 43780). Our process for determining adequacy is described in our July 1, 2004 Transportation Conformity Rule Amendments (see 69 FR 40004) and in relevant guidance.[3] We used these resources in making our adequacy determination described below.

On November 15, 2013, EPA announced the availability of the revised Steamboat Springs $PM_{10}$ Maintenance Plan, and the $PM_{10}$ MVEB, on EPA's transportation conformity adequacy Web site. EPA solicited public comment on the MVEB, and the public comment period closed on December 16, 2013. We did not receive any comments. This information is available at EPA's conformity Web site: *http://www.epa.gov/otaq/stateresources/transconf/currsips.htm#steam-spr-co.*

By letter to the Colorado Department of Public Health and Environment dated January 23, 2014, EPA found that the revised Steamboat Springs $PM_{10}$ Maintenance Plan and the 2024 $PM_{10}$ MVEB were adequate for transportation conformity purposes.[4] However, we noted in our letter that the revised Steamboat Springs $PM_{10}$ Maintenance Plan did not discuss the $PM_{10}$ MVEB for 2015 of 21,773 lbs/day from the original $PM_{10}$ maintenance plan that EPA approved in 2004 (see 69 FR 62210, October 25, 2004).

According to 40 CFR 93.118(e)(1), the EPA-approved 2015 $PM_{10}$ MVEB must continue to be used for analysis years 2015 through 2023 (as long as such years are within the timeframe of the transportation plan), unless the State elects to submit a SIP revision to revise the 2015 $PM_{10}$ MVEB and EPA approves the SIP revision. This is because the revised Steamboat Springs $PM_{10}$ Maintenance Plan did not revise the previously approved 2015 $PM_{10}$ MVEB nor establish a new MVEB for 2015. Accordingly, the MVEB '' . . . for the most recent prior year . . . '' (*i.e.,* 2015) from the original maintenance plan must continue to be used (see 40 CFR 93.118(b)(1)(ii) and (b)(2)(iv)).

We note that there is a considerable difference between the 2024 and 2015 budgets—1,103 lbs/day versus 21,773 lbs/day. This is largely an artifact of changes in the methods, models, and emission factors used to estimate mobile source emissions. The 2024 MVEB is consistent with the State's 2024 emissions inventory for vehicle exhaust and road dust, and, thus, is consistent with the State's maintenance demonstration for 2024.

[3] ''Companion Guidance for the July 1, 2004 Final Transportation Conformity Rule, Conformity Implementation in Multi-Jurisdictional Nonattainment and Maintenance Areas for Existing and New Air Quality Standards'' (EPA420–B–04–012 July, 2004).

[4] In a **Federal Register** dated October 3, 2014, we notified the public of our finding (see 79 FR 59767). This adequacy determination became effective on October 20, 2014.

The discrepancy between the 2015 and 2024 MVEBs is not a significant issue for several reasons. As a practical matter, the 2024 MVEB of 1,103 lbs/day of $PM_{10}$ would be controlling for any conformity determination involving the relevant years because conformity would have to be shown to both the 2015 MVEB and the 2024 MVEB. Also, for any maintenance plan, such as the revised Steamboat Springs $PM_{10}$ Maintenance Plan, that only establishes a MVEB for the last year of the maintenance plan, 40 CFR 93.118(b)(2)(i) requires that the demonstration of consistency with the budget be accompanied by a qualitative finding that there are no factors that would cause or contribute to a new violation or exacerbate an existing violation in the years before the last year of the maintenance plan. Therefore, when a conformity determination is prepared which assesses conformity for the years before 2024, the 2024 MVEB and the underlying assumptions supporting it would have to be considered. Finally, 40 CFR 93.110 requires the use of the latest planning assumptions in conformity determinations. Thus, the most current motor vehicle and road dust emission factors would need to be used, and we expect the analysis would show greatly reduced $PM_{10}$ motor vehicle and road dust emissions from those calculated in the first maintenance plan. In view of the above, EPA is approving the 2024 $PM_{10}$ MVEB of 1,103 lbs/day.

## V. Final Action

We are approving the revised Steamboat Springs $PM_{10}$ Maintenance Plan that was submitted to us on May 11, 2012. We are approving the revised maintenance plan because it demonstrates maintenance through 2024 as required by CAA section 175A(b), retains the control measures from the initial $PM_{10}$ maintenance plan that EPA approved in October of 2004, and meets other CAA requirements for a section 175A maintenance plan. Our approval includes approval of the revised maintenance plan's 2024 transportation conformity MVEB for $PM_{10}$ of 1,103 lbs/day.

## VI. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it 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).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule as meeting Federal requirements, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission; to use VCS in place of a SIP submission that otherwise satisfies the provisions of the CAA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*).

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 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**. 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 CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by *March 23, 2015.* 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. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (See CAA section 307(b)(2).)

## List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, $PM_{10}$, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

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

Dated: December 17, 2014.

**Shaun L. McGrath,**

*Regional Administrator.*

40 CFR part 52 is amended to read 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.*

### Subpart G—Colorado

■ 2. Section 52.332 is amended by adding paragraph (u) to read as follows:

**§ 52.332 Control strategy: Particulate matter.**

* * * * *

(u) Revisions to the Colorado State Implementation Plan, $PM_{10}$ Revised Maintenance Plan for Steamboat Springs, as adopted by the Colorado Air Quality Control Commission on December 15, 2011, State effective on January 30, 2012, and submitted by the Governor's designee on May 11, 2012. The revised maintenance plan satisfies all applicable requirements of the Clean Air Act.

[FR Doc. 2015–00780 Filed 1–20–15; 8:45 am]

BILLING CODE 6560–50–P

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

**[EPA–R03–OAR–2014–0494; FRL–9921–71–Region 3]**

## Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revisions to the State Implementation Plan Approved by EPA Through Letter Notice Actions

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking final action on administrative changes to the Virginia State Implementation Plan (SIP) which EPA had previously approved through a Letter Notice action. The revision will allow the Commonwealth of Virginia to submit SIP revision requests to EPA via electronic submission, with a caveat. EPA has approved this revision which allows electronic submission of SIP revision requests from Virginia. The Commonwealth will continue to supply additional paper copies as currently described in, and in accordance with, the requirements of the Clean Air Act (CAA) until such time as EPA amends the Federal regulations to allow sole electronic submissions of SIP requests.

EPA has determined that this action falls under the ''good cause'' exemption in the Administrative Procedure Act (APA), which authorizes agencies to dispense with public participation and which allows an agency to make an action effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA).

**DATES:** This action is effective January 21, 2015.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2014–0494. All documents in the docket are listed in the *www.regulations.gov* Web site. Although listed in the electronic docket, 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* or in hard copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

**FOR FURTHER INFORMATION CONTACT:** Sharon McCauley, (215) 814–3376, or by email at *mccauley.sharon@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

### I. Background

EPA is taking final action on administrative changes to the Virginia SIP. On February 11, 2014, the Commonwealth of Virginia submitted a SIP revision requesting that EPA allow for the electronic transmission of SIP requests from the Commonwealth. EPA determined that the revision was a minor SIP revision without any substantive changes and complied with applicable requirements of the CAA and EPA regulation concerning transmission of SIP revisions as long as the Commonwealth continued to submit paper copies as referenced in 40 CFR part 51.103 until such time that EPA has implemented planned regulatory changes which will allow for sole electronic submission of SIP requests. EPA had approved this revision with the caveat as described above through Letter Notice to Virginia dated July 17, 2014 consistent with the procedures outlined in EPA's Notice of Procedural Changes on SIP processing published on January 19, 1989 at 54 FR 2214 and consistent with the procedures outlined in an April 6, 2011 memo from Janet McCabe, Deputy Assistant Administrator for the Office of Air and Radiation, regarding Regional Consistency for the Administrative Requirements for State Implementation. A copy of this memo is included within the Docket for this SIP revision. Today's action completes the July 17, 2014 administrative amendment to the SIP by amending 40 CFR 52.2420(c) to include new terms for defining certified mail and mail by the Commonwealth of Virginia.

### II. EPA Action

EPA is taking final action on administrative changes to the Virginia SIP. EPA has determined that today's action falls under the ''good cause'' exemption in the section 553(b)(3)(B) of the APA which, upon finding ''good cause,'' authorizes agencies to dispense with public participation and section 553(d)(3) which allows an agency to make an action effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided in the APA). With respect to the SIP revision described above, today's administrative action simply codifies provisions which are already in effect as a matter of law in Federal and state programs. Under section 553 of the APA, an agency may find good cause where procedures are ''impractical, unnecessary, or contrary to the public interest.'' Public comment for this administrative action is ''unnecessary'' because the revisions are administrative and non-substantive in nature. Immediate notice of this action in the **Federal Register** benefits the public by providing the public notice of the updated Virginia SIP. Approval of these revisions will ensure consistency between the Commonwealth and Federally-approved rules. EPA has determined that these changes will not relax the SIP or adversely impact air emissions.

### III. General Information Pertaining to SIP Submittals From the Commonwealth of Virginia

In 1995, Virginia adopted legislation that provides, subject to certain conditions, for an environmental assessment (audit) ''privilege'' for voluntary compliance evaluations performed by a regulated entity. The legislation further addresses the relative burden of proof for parties either asserting the privilege or seeking disclosure of documents for which the privilege is claimed. Virginia's legislation also provides, subject to certain conditions, for a penalty waiver for violations of environmental laws

when a regulated entity discovers such violations pursuant to a voluntary compliance evaluation and voluntarily discloses such violations to the Commonwealth and takes prompt and appropriate measures to remedy the violations. Virginia's Voluntary Environmental Assessment Privilege Law, Va. Code Sec. 10.1–1198, provides a privilege that protects from disclosure documents and information about the content of those documents that are the product of a voluntary environmental assessment. The Privilege Law does not extend to documents or information that: (1) Are generated or developed before the commencement of a voluntary environmental assessment; (2) are prepared independently of the assessment process; (3) demonstrate a clear, imminent and substantial danger to the public health or environment; or (4) are required by law.

On January 12, 1998, the Commonwealth of Virginia Office of the Attorney General provided a legal opinion that states that the Privilege law, Va. Code Sec. 10.1–1198, precludes granting a privilege to documents and information ''required by law,'' including documents and information ''required by Federal law to maintain program delegation, authorization or approval,'' since Virginia must ''enforce Federally authorized environmental programs in a manner that is no less stringent than their Federal counterparts. . . .'' The opinion concludes that ''[r]egarding § 10.1–1198, therefore, documents or other information needed for civil or criminal enforcement under one of these programs could not be privileged because such documents and information are essential to pursuing enforcement in a manner required by Federal law to maintain program delegation, authorization or approval.''

Virginia's Immunity law, Va. Code Sec. 10.1–1199, provides that ''[t]o the extent consistent with requirements imposed by Federal law,'' any person making a voluntary disclosure of information to a state agency regarding a violation of an environmental statute, regulation, permit, or administrative order is granted immunity from administrative or civil penalty. The Attorney General's January 12, 1998 opinion states that the quoted language renders this statute inapplicable to enforcement of any Federally authorized programs, since ''no immunity could be afforded from administrative, civil, or criminal penalties because granting such immunity would not be consistent with Federal law, which is one of the criteria for immunity.''

Therefore, EPA has determined that Virginia's Privilege and Immunity statutes will not preclude the Commonwealth from enforcing its program consistent with the Federal requirements. In any event, because EPA has also determined that a state audit privilege and immunity law can affect only state enforcement and cannot have any impact on Federal enforcement authorities, EPA may at any time invoke its authority under the CAA, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the CAA is likewise unaffected by this, or any, state audit privilege or immunity law.

## IV. Statutory and Executive Order Reviews

### *A. General Requirements*

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA 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 CAA. 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 CAA; 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.

### *B. Submission to Congress and the Comptroller General*

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).

### *C. Petitions for Judicial Review*

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 23, 2015. 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 which approves electronic transmittal submission of SIP revision requests from the Commonwealth of Virginia may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

**List of Subjects in 40 CFR Part 52**

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

Dated: December 16, 2014.

**William C. Early,**

*Acting, Regional Administrator, Region III.*

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.*

## Subpart VV—Virginia

■ 2. In § 52.2420, the table in paragraph (c) is amended by adding the entry in the chart below as the last entry for ''Terms Defined'' under State citation 5–10–20. The additional text reads as follows:

**§ 52.2420 Identification of plan.**

* * * * *

(c) * * *

EPA-APPROVED VIRGINIA REGULATIONS AND STATUTES

| State citation | Title/subject | State effective date | EPA approval date | Explanation [former SIP citation] |
|---|---|---|---|---|
| **9 VAC 5, Chapter 10 General Definitions [Part 1]** | | | | |
| * | * | * | * | * |
| 5–10–20 .. | Terms Defined ..... | 08/28/13 | [01/21/15] [*Insert* **Federal Register** *citation*]. | Terms Added—Certified Mail, Mail. |
| * | * | * | * | * |

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[FR Doc. 2015–00639 Filed 1–20–15; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[EPA–R03–OAR–2014–0342; FRL–9921–66–Region 3]**

## Approval and Promulgation of Implementation Plans; Pennsylvania; Pennsylvania Regional Haze State Implementation Plan Revision—Particulate Matter Best Available Retrofit Technology Limit for the Cheswick Power Plant in Allegheny County

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving a revision to the Pennsylvania State Implementation Plan (SIP) submitted by the Commonwealth of Pennsylvania through the Pennsylvania Department of Environmental Protection (PADEP). This SIP revision addresses an error in the Best Available Retrofit Technology (BART) requirements for Boiler Number 1 of the Cheswick Generating Station (Cheswick) in Allegheny County. EPA is approving the portion of Pennsylvania's SIP revision addressing the particulate matter (PM) BART requirements as it is in accordance with the requirements of the Clean Air Act (CAA) and EPA's rules for BART.

**DATES:** This final rule is effective on February 20, 2015.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2014–0342. All documents in the docket are listed in the *www.regulations.gov* Web site. Although listed in the electronic docket, 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* or in hard copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

**FOR FURTHER INFORMATION CONTACT:** Irene Shandruk, (215) 814–2166, or by email at *shandruk.irene@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

### I. Background

Regional haze is visibility impairment that is produced by a multitude of sources and activities which are located across a broad geographic area and emit fine particles (*e.g.,* sulfates, nitrates, organic carbon, elemental carbon, and soil dust) and their precursors (*e.g.,* sulfur dioxide ($SO_2$), nitrogen oxides ($NO_X$), and in some cases, ammonia ($NH_3$) and volatile organic compounds (VOC)). Fine particle precursors react in the atmosphere to form fine particulate matter ($PM_{2.5}$), which impairs visibility by scattering and absorbing light. Visibility impairment reduces the clarity, color, and visible distance that one can see. Section 169A of the CAA establishes as a national goal the ''prevention of any future, and the remedying of any existing, impairment of visibility in mandatory class I Federal areas which impairment results from manmade air pollution'' and requires SIPs for states whose emissions may reasonably be anticipated to cause or contribute to visibility impairment in Class I areas to contain emission limits, compliance schedules and other measures as may be necessary to make reasonable progress toward the national goal of achieving natural visibility conditions in Class I areas. A regional haze SIP generally must include, among other measures, source-specific BART emission limits for each source subject to BART. A detailed discussion of the requirements of the regional haze program can be found in our earlier notice proposing action on Pennsylvania's regional haze SIP. *See* 77 FR 3984 (January 26, 2012).

On December 20, 2010, PADEP submitted revisions to the Pennsylvania SIP to address regional haze

requirements as required by the CAA. Among the measures included in the SIP submission and approved by EPA for the SIP on July 13, 2012 (77 FR 41279) was a coarse PM ($PM_{10}$) BART emission limit for Cheswick of 361 tons per year (tpy). PADEP has determined that this limit was set in error and submitted a SIP revision on March 25, 2014 to correct the $PM_{10}$ BART emission limit. On October 30, 2014 (79 FR 64539), EPA published a notice of proposed rulemaking (NPR) for the Commonwealth of Pennsylvania. In the NPR, EPA proposed approval of the portion of Pennsylvania's March 25, 2014 SIP revision addressing the $PM_{10}$ BART requirements as it is in accordance with the requirements of the CAA and EPA's rules for BART.

## II. Summary of SIP Revision

PADEP explained in its March 25, 2014 SIP revision that the $PM_{10}$ BART emission limit of 361 tpy for Boiler No. 1 at Cheswick included in the December 20, 2010 regional haze SIP submission was found to be incorrect during the public comment period for EPA's proposed approval of the regional haze SIP. The December 20, 2010 regional haze SIP submittal included the 361 tpy $PM_{10}$ limit because at the time PADEP was assessing the appropriate BART limits, it decided to base the $PM_{10}$ BART limit on the May 4, 2009 BART review memo for Cheswick which referred to conditions of certain permits for Cheswick as BART, and the review memo listed Cheswick's potential to emit at 361 tpy. However, PADEP later discovered the $PM_{10}$ potential to emit included in the May 4, 2009 BART review memo was incorrect and that Cheswick's permits included a $PM_{10}$ emission limit of 180 pounds per hour (lbs/hr). The March 25, 2014 SIP revision replaces the incorrect $PM_{10}$ emission limit of 361 tpy with the correct BART $PM_{10}$ emission limit for Boiler No. 1 of 180 lbs/hr, which includes condensable particulate matter, but excludes sulfuric acid mist ($H_2SO_4$).

The March 25, 2014 SIP revision submittal included a revised BART review memo for Cheswick which recommended the $PM_{10}$ emission limit of 180 lbs/hr as BART for Cheswick based largely on minimal visibility impacts to Class I areas from Cheswick and installed pollution controls at Cheswick in accordance with 40 CFR part 51, appendix Y, Guidelines for BART Determinations Under the Regional Haze Rule (the BART Guidelines). The rationale for EPA's proposed action approving the $PM_{10}$ BART revision for Cheswick and finding the SIP revision would not interfere with visibility improvement or any CAA requirement is explained in detail in the NPR as in accordance with sections 110, 169A, and 169B of the CAA and with the regional haze regulations at 40 CFR 51.308 and will not be restated here. No adverse public comments were received on the NPR.

## III. Final Action

EPA is approving a portion of Pennsylvania's March 25, 2014 revision to its regional haze SIP which revises the $PM_{10}$ BART emission limitation for Cheswick. EPA will take later, separate action concerning the remainder of the March 25, 2014 SIP revision which included revised BART emission limits for sulfur dioxide and nitrogen oxides. This conclusion is based on our review of the March 25, 2014 SIP revision as well as Pennsylvania's regional haze SIP including technical data and supporting analysis. The $PM_{10}$ emission rate of 180 lbs/hr (including condensables and excluding $H_2SO_4$) supersedes the previous $PM_{10}$ BART determination for Cheswick included in the December 20, 2010 regional haze SIP which EPA approved July 13, 2012 (77 FR 41279). EPA finds Pennsylvania's $PM_{10}$ BART determination for Cheswick reasonable and finds the revision will not interfere with visibility improvements or any other CAA requirements set forth in sections 110(l), 169A, and 169B of the CAA, as well as in our implementing regulations at 40 CFR 51.308.

## IV. Statutory and Executive Order Reviews

### *A. General Requirements*

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA 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 CAA. 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 CAA; 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 revising a BART limitation for Cheswick 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.

### *B. Submission to Congress and the Comptroller General*

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. Section 804, however, exempts from section 801 the following types of rules: Rules of particular applicability; rules relating to agency management or personnel; and rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). Because this is a rule of particular applicability, EPA is not required to submit a rule report regarding this action under section 801.

*C. Petitions for Judicial Review*

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 23, 2015. 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 revising the $PM_{10}$ BART emission limitation for Cheswick for Pennsylvania's regional haze SIP may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: December 30, 2014.

**William C. Early,**

*Acting Regional Administrator, Region III.*

Therefore, 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.*

### Subpart NN Pennsylvania

■ 2. In § 52.2020, the table in paragraph (e)(1) is amended by adding an entry under ''Regional Haze Plan'' to read as follows:

**§ 52.2020 Identification of plan.**

* * * * *

(e) * * *

(1) * * *

| Name of non-regulatory SIP revision | Applicable geographic area | State submittal date | EPA approval date | Additional explanation |
|---|---|---|---|---|
| * | * | * | * | * |
| Regional Haze Plan ..... | Statewide ..... | 3/25/14 | [01/21/15] [*Insert* **Federal Register** *citation*]. | Revises $PM_{10}$ Best Available Retrofit Technology emission limit for Boiler No. 1 of the Cheswick Power Plant in Allegheny County. |
| * | * | * | * | * |

* * * * *

[FR Doc. 2015–00867 Filed 1–20–15; 8:45 am]

**BILLING CODE 6560–50–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 15

**[ET Docket No. 10–97; DA 14–1189]**

### Unlicensed Personal Communications Service Devices in the 1920–1930 MHz Band

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document modifies the rules governing the operation of Unlicensed Personal Communications Service (UPCS) devices in the 1920–1930 MHz band (UPCS band) to reference the 2013 version of the American National Standards Institute (ANSI) C63.17 standard, Methods of Measurement of the Electromagnetic and Operational Compatibility of Unlicensed Personal Communications Service (UPCS) Devices, ANSI C63.17–2013, by which UPCS devices must be measured for compliance with the technical requirements in the Commission's regulations.

**DATES:** Effective January 21, 2015. The incorporation by reference listed in the rule is approved by the Director of the Federal Register as of January 21, 2015.

**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.*

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Order,* ET Docket No. 10–97, adopted August 13, 2014, and released August 14, 2014, DA 14–1189. The full text of this document is available on the Commission's Internet site at *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 this document 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.*

**Summary of the Order**

1. The *Order* modifies the rules in part 15 subpart D governing the operation of UPCS devices in the 1920–1930 MHz band (UPCS band) to reference the 2013 version of the ANSI C63.17 standard, Methods of Measurement of the Electromagnetic and Operational Compatibility of Unlicensed Personal Communications Service (UPCS) Devices, ANSI C63.17–2013. This version of the standard supersedes ANSI C63.17–2006, which contains measurement procedures for verifying the compliance of UPCS devices (including wideband voice and data devices) that operate in the 1920–1930 MHz frequency band with applicable requirements regarding radiofrequency (RF) emission levels and spectrum access procedures in part 15 subpart D of the Commission's rules.

**Background**

2. The 1920–1930 MHz band is allocated to Fixed and Mobile services on a primary basis and is designated for use by UPCS devices on an unlicensed basis. Under the Commission's part 15 rules, the 1920–1930 MHz band may be used for both asynchronous (generally data) and isochronous (generally voice) UPCS devices. Currently, the most widespread use of the 1920–1930 MHz band is for unlicensed cordless telephones. UPCS devices operating in the 1920–1930 MHz band may not cause harmful interference to authorized radio services and must accept any interference received. In order to limit the influence of and interference potential from UPCS devices to adjacent-channel, co-channel, and adjacent-band devices, the Commission's rules limit UPCS devices' emissions bandwidth, peak power, and in-band and out-of-band emissions. To facilitate the sharing of channels in the

UPCS band, the Commission's rules require use of a ''listen-before-transmit'' protocol or ''spectrum etiquette.'' This is commonly referred to as the ''least-interfered channel access method,'' and specifies a process of channel monitoring before a UPCS device selects a channel for transmitting. After monitoring the required minimum number of channels, UPCS devices may use the combined time and spectrum windows with the lowest signal level.

3. As part of its equipment authorization process, the Commission uses measurements of UPCS devices in accordance with the procedures in ANSI C63.17–2006 to determine compliance with the technical requirements in part 15 subpart D of the rules. Under the Commission's equipment authorization rules (47 CFR part 2, subpart J), UPCS devices operated in or marketed for use in the United States must be certified. Parties making compliance measurements on UPCS devices subject to the requirements of part 15 subpart D are required to use the measurement procedures in ANSI C63.17–2006, which is incorporated by reference in Section 15.38(b)(2) of the Commission's rules. On October 9, 2013, The Institute of Electrical and Electronics Engineers (IEEE) published ANSI C63.17–2013, which supersedes ANSI C63.17–2006. ANSI Accredited Standards Committee C63® (ASC C63®) requested that the Commission update its rules to replace current references to ANSI C63.17–2006 with the updated ANSI C63.17–2013 standard, and incorporate by reference the ANSI C63.17–2013 standard into the Commission's rules.

## Discussion

4. To help ensure that the UPCS device rules continue to reflect the most appropriate industry standards, in 2012, the Commission delegated to the Chief, Office of Engineering and Technology (OET), the authority to approve for use new versions of the ANSI C63.17 standard for methods of measurement of the electromagnetic and operational compatibility of UPCS devices to the extent that the changes do not raise major compliance issues (ET Docket No. 10–97, FCC 12–33, 27 FCC Rcd at 3645). As part of the same decision, the Commission modified the least-interfered channel access method to promote increased use and efficiency of operations in the 1920–1930 MHz band. These modifications eliminated the 50 dB above thermal noise least-interfered channel monitoring threshold and reduced the minimum number of channels that must be monitored, thereby enabling UPCS devices to access additional usable time and spectrum windows. ANSI C63.17–2013 supersedes ANSI C63.17–2006 to reflect these changes to the least-interfered channel access method. ANSI ASC C63® asserted that incorporation by reference of the 2013 version of ANSI C63.17 into the Commission's rules would facilitate the implementation of the improved services that the Commission anticipated in its 2012 decision, and thus would serve the public interest.

5. Because the relaxed UPCS device least-interfered channel monitoring method that the Commission adopted in 2012 removed a maximum signal monitoring threshold and requires that fewer channels be defined and monitored, UPCS-band products that have already been authorized continue to be in compliance with our technical rules. UPCS device manufacturers simply have additional flexibility to produce UPCS devices that operate in accordance with the revised criteria. Significantly, the Commission made no changes to the UPCS device power and emissions limits in its 2012 decision. Because ASNI C63.17–2006 was updated in 2013 only to reflect the revised least-interfered channel access method the Commission adopted in 2012, but otherwise did not alter the methods used to measure compliance with the part 15 subpart D technical requirements or the power and emissions limits measured, the Commission concluded that updating ANSI C63.17–2006 with the 2013 version of ANSI C63.17 in the Commission's rules would not raise any major compliance issues for UPCS device manufacturers. Thus, consistent with its 2012 decision, the Commission amended sections 15.31(a)(2) and 15.38(b)(2) of the rules to reference the 2013 version of the ANSI C63.17 standard, ANSI C63.17–2013, by which UPCS devices must be measured for compliance with the technical requirements in part 15 subpart D of the rules.

## Regulatory Flexibility Certification

6. The Regulatory Flexibility Act (RFA) [1] requires that agencies prepare a regulatory flexibility analysis for notice-and-comment rulemaking proceedings, unless the agency certifies that ''the rule will not have a significant economic impact on a substantial number of small entities.'' [2] The Commission hereby certifies that these rule revisions will not have a significant economic impact on a substantial number of small entities for the following two reasons: (1) The action updates the version of the standard by which UPCS devices must be measured for compliance with the technical rules in part 15 subpart D of the Commission's rules, and the updated version of the standard only reflects the Commission's revision to the UPCS device least-interfered channel access method, and does not contain any revised measurement procedures or revised power or emissions limits, and (2) UPCS-band products that have already been authorized continue to be in compliance with our technical rules, and UPCS device manufacturers have the option to produce UPCS devices that operate in accordance with the revised least-interfered channel access criteria in part 15 subpart D of the Commission's rules to access additional available channels. The Commission will send a copy of this *Order,* including this certification, to the Chief Counsel for Advocacy of the Small Business Administration.[3]

## Paperwork Reduction Analysis

7. This document does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13.

## Congressional Review Act

8. The Commission will send a copy of this *Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

## Ordering Clauses

9. Pursuant to Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r), this *Order* in ET Docket No. 10–97 is hereby *adopted,* and part 15 of the Commission's rules *is amended* as set forth in Final Rules effective January 21, 2015.

## List of Subjects in 47 CFR Part 15

Communications equipment, Incorporation by reference, Radio, Reporting and recordkeeping.

Federal Communications Commission.

**Mark Settle,**

*Chief, Policy and Rules Division.*

Office of Engineering and Technology.

## Final Rules

For the reasons discussed in the preamble, the Federal Communications

[1] *See* 5 U.S.C. 604. The RFA, *see* 5 U.S.C. 601 *et seq.,* has been amended by the Contract With America Advancement Act of 1996, Public Law 104–121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

[2] *See* 5 U.S.C. 605(b).

[3] *Id.*

Commission amends 47 CFR part 15 to read as follows:

## PART 15—RADIO FREQUENCY DEVICES

■ 1. The authority citation for part 15 continues to read as follows:

**Authority:** 47 U.S.C. 154, 302a, 303, 304, 307, 336, 544a, and 549.

■ 2. Section 15.31 is amended by revising paragraph (a)(2) and removing the last sentence of paragraph (a)(3). The revision reads as follows:

**§ 15.31 Measurement standards.**

(a) * * *

(2) Unlicensed Personal Communications Service (UPCS) devices are to be measured for compliance using ANSI C63.17–2013: ''American National Standard Methods of Measurement of the Electromagnetic and Operational Compatibility of Unlicensed Personal Communications Services (UPCS) Devices'' (incorporated by reference, see § 15.38).

* * * * *

■ 3. Section 15.38 is amended by revising paragraph (b)(2) to read as follows:

**§ 15.38 Incorporation by reference.**

* * * * *

(b) * * *

(2) ANSI C63.17–2013: ''American National Standard Methods of Measurement of the Electromagnetic and Operational Compatibility of Unlicensed Personal Communications Services (UPCS) Devices,'' approved August 12, 2013, IBR approved for § 15.31.

* * * * *

[FR Doc. 2015–00794 Filed 1–20–15; 8:45 am]

BILLING CODE 6712–01–P

# Proposed Rules

Federal Register
Vol. 80, No. 13
Wednesday, January 21, 2015

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## RAILROAD RETIREMENT BOARD

### 20 CFR Part 367

**RIN 3220–AB66**

### Recovery of Debts Owed to the United States Government by Administrative Offset

**AGENCY:** Railroad Retirement Board.

**ACTION:** Proposed rule.

**SUMMARY:** The Railroad Retirement Board (Board) proposes to amend its regulations by changing from 180 days delinquent to 120 days delinquent debts that are referred to Treasury in compliance with the DATA Act.

**DATES:** Submit comments on or before March 23, 2015.

**ADDRESSES:** Address any comments concerning this proposed rule to Secretary to the Board, Railroad Retirement Board, 844 N. Rush Street, Chicago, Illinois 60611–2092.

**FOR FURTHER INFORMATION CONTACT:** Marguerite P. Dadabo, Assistant General Counsel, (312) 751–4945, TTD (312) 751–4701.

**SUPPLEMENTARY INFORMATION:** The Railroad Retirement Board (Board) proposes to amend part 367 of the Board's regulations, Recovery of Debts Owed to the United States Government by Administrative Offset. Specifically, the Board proposes to amend § 367.3(a), Board Responsibilities. Section 367.3(a) states that all nontax debts over 180 days delinquent shall be referred to the Department of the Treasury for administrative offset through the Treasury Offset Program as required by 31 U.S.C. 3716. 31 U.S.C. 3716 was amended by the Digital Accountability and Transparency Act (DATA Act), Public Law 113–101. The DATA Act now requires agencies to refer to the Department of the Treasury valid, delinquent nontax debts for the purpose of administrative offset at 120 days. The proposed amendment to § 367.3(a) of the Board's regulation would change from 180 days to 120 days the debts referred to the Department of the Treasury in compliance with the DATA Act.

The Board, with the concurrence of the Office of Management and Budget, has determined that this is not a significant regulatory action under Executive Order 12866, as amended. Therefore, no regulatory impact analysis is required. There are no changes to the information collections associated with Part 367.

**List of Subjects in 20 CFR 367**

Debts, Railroad employees, Railroad retirement.

For the reasons set out in the preamble, the Railroad Retirement Board proposes to amend title 20, chapter II, subchapter F, part 367 of the Code of Federal Regulations as follows:

### PART 367—RECOVERY OF DEBTS OWED TO THE UNITED STATES GOVERNMENT BY ADMINISTRATIVE OFFSET

■ 1. The authority citation for part 367 continues to read as follows:

**Authority:** 45 U.S.C. 231f(b)(5); 31 U.S.C. 3716

**§ 367.3 [Amended]**

■ 2. Amend § 367.3 by removing ''180'' and adding in its place ''120'' where it appears in paragraph (a).

Dated: January 14, 2015.

By authority of the Board.

**Martha P. Rico,**

*Secretary to the Board.*

[FR Doc. 2015–00789 Filed 1–20–15; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

### 33 CFR Parts 101, 104, 105, 120, and 128

**[Docket No. USCG–2006–23846]**

**RIN 1625–AB30**

### Consolidated Cruise Ship Security Regulations

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of public meeting.

**SUMMARY:** The Coast Guard announces a public meeting will take place on February 9, 2015, in Fort Lauderdale, Florida to receive comments on a notice of proposed rulemaking (NPRM) published in the **Federal Register** on December 10, 2014, under the title ''Consolidated Cruise Ship Security Regulations.'' This proposed rule would amend Coast Guard regulations on cruise ship terminal security by implementing amendments that provide detailed, flexible requirements for the screening of all baggage, personal items, and persons—including passengers, crew, and visitors—intended for carriage on a cruise ship. The proposed regulations would standardize the security requirements of cruise ship terminals and would eliminate redundancies in current regulations that govern the security of cruise ship terminals.

**DATES:** The meeting will be held on February 9, 2015, from 1:00 p.m. until 5:00 p.m. The meeting may conclude before the allotted time if all matters for discussion have been addressed and there are no additional comments from the public. Comments and related material must be received by the Coast Guard or the docket management facility on or before March 10, 2015.

**ADDRESSES:** The meeting will be held at Port Everglades Cruise Terminal 19, First Floor, 2019 Eller Drive, Hollywood, FL 33316. Parking is adjacent to the meeting building. Please be prepared to present photo identification at the Port's main security gate. Directions are available on the Port Everglades Web site at *http://www.porteverglades.net/.*

You may submit written comments to the docket using any one of the methods described below:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

(4) *Hand Delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these four methods. All comments and related material submitted after the meeting must either

be submitted to the online docket on or before March 10, 2015, or reach the Docket Management Facility by that date.

**FOR FURTHER INFORMATION CONTACT:** If you have questions concerning the meeting or the proposed rule, please call or email LT Mason Wilcox, Inspections and Compliance Directorate, Office of Port and Facility Compliance, Cargo and Facilities Division (CG–FAC–2), Coast Guard, telephone (202) 372–1123, email *Mason.C.Wilcox@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Ms. Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

**SUPPLEMENTARY INFORMATION:**

## Background and Purpose

On December 10, 2014, the Coast Guard published an NPRM in the **Federal Register** (79 FR 73255) entitled ''Consolidated Cruise Ship Security Regulations.'' The Coast Guard proposes to amend the maritime security regulations, found in Title 33 of the Code of Federal Regulations (33 CFR) subchapter H (parts 101 through 107), to require terminal screening programs in existing facility security plans at cruise ship terminals within the United States and its territories. This proposed rule would standardize screening activities for all persons, baggage, and personal effects at cruise ship terminals while also allowing for an appropriate degree of flexibility that accommodates and is consistent with different terminal sizes and operations. This flexible standardization would ensure a consistent layer of security at terminals throughout the United States. The proposed rule would build upon existing facility security requirements in 33 CFR part 105, which implements the Maritime Transportation Security Act, Public Law 107–295, 116 Stat. 2064 (November 25, 2002), codified at 46 U.S.C. Chapter 701. The Coast Guard consulted the Transportation Security Administration during the development of the proposed rule.

The Coast Guard also proposes to remove 33 CFR parts 120 and 128 because provisions in those parts requiring security officers and security plans or programs for cruise ships and cruise ship terminals would be redundant with the provisions in 33 CFR subchapter H. Section 120.220, concerning the reporting of unlawful acts, would also be removed because it is obsolete and existing law enforcement protocols require members of the Cruise Lines International Association (CLIA) to report incidents involving serious violations of U.S. law to the nearest Federal Bureau of Investigation field office as soon as possible. The Coast Guard will consider issuing additional regulations on this subject in a separate rulemaking pursuant to the Cruise Vessel Security and Safety Act of 2010 (CVSSA), Public Law 111–207 (July 27, 2010) (See RIN 1625–AB91).

This proposed rule does not address the screening of vessel stores, bunkers, or cargo. Similarly, it does not affect what items may be brought onto a cruise ship by the cruise ship operator, including items that passengers may check for secure storage with the cruise operator outside of their baggage or carry-ons. Requirements for security measures for the delivery of vessel stores, bunkers, and cargo are set forth in 33 CFR 104.275, 104.280, 105.265, and 105.270.

This proposed rule also does not include regulations that may be required pursuant to the CVSSA. Although this rule and the CVSSA are both concerned with cruise ship security generally, this rule consolidates and updates pre-boarding screening requirements while the CVSSA prescribes requirements in other areas, such as cruise ship design, providing information to passengers, maintaining medications and medical staff on board, reporting crime, crew access to passenger staterooms, and crime scene preservation training. Delaying promulgation of this proposed rule while the regulations required by the CVSSA are developed, for the sole purpose of publishing all of these regulations together, would unnecessarily deprive the public of the benefit of improved cruise ship screening regulations during that period.

You may view the NPRM, and public comments submitted thus far, in the online docket by going to the Federal eRulemaking Portal at *http://www.regulations.gov.* Once there, search for docket number USCG–2006–23846, and then click ''Open Docket Folder.'' If you do not have access to the internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

*Information on Service for Individuals With Disabilities*

For information on facilities or services for individuals with disabilities or to request special assistance at the public meeting, contact LT Mason Wilcox at the telephone number or email address indicated under the **FOR FURTHER INFORMATION CONTACT** section of this document.

*Meeting Details*

Members of the public may attend this meeting up to the seating capacity of the room. We plan to record the meeting using an audio-digital recorder. The audio recording will be available through a link in our online docket.

Valid government-issued photo identification (for example, a driver's license) will be required for entrance to Port Everglades and the meeting space. To facilitate the building security process, and to request reasonable accommodation, those who plan to attend should contact the meeting coordinator, LT Mason Wilcox, at least 7 days prior to the meeting by using the contact information in the **FOR FURTHER INFORMATION CONTACT** section of this document. Requests made after January 30, 2015, might not be able to be accommodated.

We encourage you to participate in this meeting by commenting orally, or submitting written comments to the Coast Guard personnel attending the meeting who are identified to receive them. These comments will be posted to the online docket and will include any personal information you have provided.

## Submitting Other Written Comments

You may also submit written comments to the docket before or after the meeting using any one of the methods described in the **ADDRESSES** section of this document.

Dated: January 12, 2015.

**J.C. Burton,**

*Captain, U.S. Coast Guard, Director of Inspections and Compliance.*

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

**[EPA–R03–OAR–2014–0342; FRL–9921–64–Region 3]**

## Approval and Promulgation of Implementation Plans; Pennsylvania; Pennsylvania Regional Haze State Implementation Plan Revision: Sulfur Dioxide and Nitrogen Oxide Best Available Retrofit Technology Limits for the Cheswick Power Plant

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing limited approval and limited disapproval of a revision to the Pennsylvania State Implementation Plan (SIP) submitted by the Commonwealth of Pennsylvania through the Pennsylvania Department of Environmental Protection (PADEP). This SIP revision addresses the sulfur dioxide ($SO_2$) and nitrogen oxide ($NO_X$) Best Available Retrofit Technology (BART) requirements for Boiler Number 1 of the Cheswick Generating Station (Cheswick) in Allegheny County. EPA is proposing a limited approval of the SIP revision for Cheswick's $SO_2$ and $NO_X$ BART requirements on the basis that the revision corrects an error in the SIP and strengthens the Pennsylvania SIP, while EPA is also proposing a limited disapproval of this part of the SIP revision because the SIP revision relies on the Clean Air Interstate Rule (CAIR) and not the Cross-State Air Pollution Rule (CSAPR) which has replaced CAIR. EPA is proposing limited approval and limited disapproval of the Pennsylvania SIP revision addressing the $SO_2$ and $NO_X$ BART requirements in accordance with the requirements of the Clean Air Act (CAA) and EPA's rules for BART.

**DATES:** Comments must be received on or before February 20, 2015.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA–R03–OAR–2014–0342, by one of the following methods:

A. *www.regulations.gov.* Follow the on-line instructions for submitting comments.

B. Email: *fernandez.cristina@epa.gov.*

C. Mail: EPA–R03–OAR–2014–0342, Cristina Fernandez, Associate Director, Office of Air Program Planning, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. Hand Delivery: At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID No. EPA–R03–OAR–2014–0342. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

*Docket:* All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.,* 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 in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

**FOR FURTHER INFORMATION CONTACT:** Irene Shandruk, (215) 814–2166, or by email at *shandruk.irene@epa.gov.*

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### I. Background

Regional haze is visibility impairment that is produced by a multitude of sources and activities which are located across a broad geographic area and emit fine particles (*e.g.,* sulfates, nitrates, organic carbon, elemental carbon, and soil dust) and their precursors (*e.g.,* $SO_2$, $NO_X$, and in some cases, ammonia ($NH_3$) and volatile organic compounds (VOC)). Fine particle precursors react in the atmosphere to form fine particulate matter ($PM_{2.5}$), which impairs visibility by scattering and absorbing light. Visibility impairment reduces the clarity, color, and visible distance that one can see. Section 169A of the CAA establishes as a national goal the ''prevention of any future, and the remedying of any existing, impairment of visibility in mandatory class I Federal areas which impairment results from manmade air pollution'' and requires SIPs for states whose emissions may reasonably be anticipated to cause or contribute to visibility impairment in Class I areas to contain emission limits, compliance schedules and other measures as may be necessary to make reasonable progress toward the national goal of achieving natural visibility conditions in Class I areas.[1] A regional haze SIP generally must include, among other measures, source-specific BART emission limits for each source subject to BART. A detailed discussion of the requirements of the regional haze program can be found in our earlier notice proposing action on Pennsylvania's regional haze SIP. *See* 77 FR 3984 (January 26, 2012).

Rather than requiring source-specific BART controls, states also have the flexibility to adopt an emissions trading program or other alternative program as long as the alternative provides greater reasonable progress towards improving visibility than BART. 40 CFR 51.308(e)(2). EPA made such a

[1] EPA's regulations implementing CAA section 169A are located at 40 CFR 51.308 and require states to establish long-term strategies for making reasonable progress toward meeting the national goal in CAA section 169A.

demonstration for the CAIR.[2] 70 FR 39104 (July 6, 2005). EPA's regulations provided that states participating in the CAIR cap and trade program under 40 CFR part 96 pursuant to an EPA-approved CAIR SIP or which remain subject to the CAIR Federal Implementation Plan (FIP) in 40 CFR part 97, do not require affected BART eligible electric generating units (EGUs) to install, operate, and maintain BART for emissions of $SO_2$ and $NO_X$. *See* 40 CFR 51.308(e)(4). EPA subsequently determined that the trading programs in the CSAPR, which was promulgated to replace CAIR, would achieve greater reasonable progress towards the national goal than would BART and could also serve as an alternative to source-by-source BART. *See* 77 FR 33641 (June 7, 2012).[3]

On December 20, 2010, PADEP submitted revisions to the Pennsylvania SIP to address regional haze as required by the CAA and 40 CFR 51.308. At the time of the development and submission of Pennsylvania's December 20, 2010 regional haze SIP submission, EPA had not yet promulgated CSAPR to replace CAIR. On July 13, 2012, EPA finalized a limited approval of the Pennsylvania regional haze SIP. 77 FR 41279. Our approval was limited due to Pennsylvania's reliance upon CAIR for certain regional haze requirements including BART for EGUs. On June 7, 2012, EPA had also finalized the limited disapproval of Pennsylvania's regional haze SIP (and other states' regional haze SIPs that relied similarly on CAIR) due to its reliance on CAIR as EPA had issued the CSAPR to replace CAIR at that time. 77 FR 33641. On June 7, 2012, EPA also finalized a limited FIP for Pennsylvania and other states, which merely substituted reliance on EPA's more recent CSAPR $NO_X$ and $SO_2$ trading programs for EGUs for the SIP's reliance on CAIR.[4] *See* 77 FR 33641.

For the December 20, 2010 regional haze SIP, the Allegheny County Health Department (ACHD) had performed a BART analysis for Cheswick, a Pennsylvania EGU. In the May 4, 2009 Cheswick BART review memo, ACHD stated it performed its BART analysis in accordance with 40 CFR 51.308(e) and 40 CFR part 51, Appendix Y, Guidelines for BART Determinations Under the Regional Haze Rule (BART Guidelines).[5] The May 4, 2009 Cheswick BART review memo was included in Pennsylvania's December 20, 2010 regional haze SIP (in Appendix J) and specifically stated that $SO_2$ and $NO_X$ limits were not considered in the memo since the source was participating in CAIR. The May 4, 2009 BART Review Memo for Cheswick and the December 20, 2010 regional haze SIP submission also contained an error concerning the recommended particulate matter (PM) BART for Cheswick. EPA has proposed to correct that error in a separate rulemaking and is not taking public comment on Cheswick's revised PM BART in this action. *See* 79 FR 64539 (October 30, 2014).[6]

The December 20, 2010 regional haze SIP submission explicitly provided that BART for Pennsylvania EGUs was participation in CAIR; however, the SIP submission incorrectly identified $SO_2$ and $NO_X$ BART emission limits for Cheswick in error.[7] After EPA proposed limited approval of the Pennsylvania regional haze SIP on January 26, 2012 (77 FR 3984), the owner of Cheswick commented that Cheswick's BART emission limits proposed by PADEP were in error including the $SO_2$ and $NO_X$ limits because PADEP had intended to rely on CAIR for $SO_2$ and $NO_X$ BART limits for EGUs.[8]

## II. Summary of SIP Revision

On March 25, 2014, the Commonwealth of Pennsylvania through PADEP submitted a SIP revision to revise the incorrect PM BART emission limit for Cheswick's Boiler No. 1 and to remove the errant inclusion of the $SO_2$ emission limit of 67,452 tons per year (tpy) and the $NO_X$ emission limit of 10,840 tpy for Cheswick's Boiler No. 1 from the regional haze SIP because Pennsylvania intended CAIR as $SO_2$ and $NO_X$ BART for all EGUs including Cheswick.[9] PADEP submitted this SIP revision in accordance with the visibility and regional haze provisions of Sections 169A and 169B of the CAA and the regional haze rule at 40 CFR 51.308.[10]

PADEP stated in its submittal that the $SO_2$ and $NO_X$ BART emission limits for Cheswick were included in the BART table in its December 10, 2010 regional haze SIP in conflict with the ACHD Cheswick BART review memo and the narrative portion of the December 20, 2010 SIP submittal which discussed CAIR as satisfying $SO_2$ and $NO_X$ BART for BART-eligible EGUs in Pennsylvania. In the March 25, 2014 SIP revision submittal, PADEP stated the $SO_2$ and $NO_X$ BART emission limits for Cheswick were included in error. The analysis included in the December 20, 2010 regional haze SIP relied upon all Pennsylvania EGUs complying with CAIR for BART for $SO_2$ and $NO_X$. Therefore, PADEP concluded that the removal of the limits included in the December 20, 2010 regional haze SIP in

[2] CAIR required certain states like Pennsylvania to reduce emissions of $SO_2$ and $NO_X$ that significantly contribute to downwind nonattainment of the 1997 NAAQS for $PM_{2.5}$ and ozone. *See* 70 FR 25162 (May 12, 2005). CAIR was later found to be inconsistent with the requirements of the CAA and the rule was remanded to EPA. *See North Carolina* v. *EPA,* 550 F.3d 1176 (D.C. Cir. 2008). The court left CAIR in place until replaced by EPA with a rule consistent with its opinion. *Id.*

[3] CSAPR was proposed by EPA to replace CAIR and to help states reduce air pollution and attain CAA standards. *See* 75 FR 45210 (August 2, 2010) (proposal) and 76 FR 48208 (August 8, 2011) (final rule). The United States Court of Appeals for the D.C. Circuit issued a decision in *EME Homer City Generation, L.P.* v. *EPA,* 696 F.3d 7 (D.C. Cir. 2012), vacating CSAPR and keeping CAIR in place pending the promulgation of a valid replacement rule. Subsequently, on April 29, 2014, the United States Supreme Court reversed the August 21, 2012 opinion of the D.C. Circuit which had vacated CSAPR and remanded the matter to the D.C. Circuit for further proceedings. *EPA* v. *EME Homer City Generation, L.P.,* 134 S. Ct. 1584 (2014). After the Supreme Court's decision, EPA filed a motion to lift the stay of CSAPR and asked the D.C. Circuit to toll CSAPR's compliance deadlines by three years, so that the Phase 1 emissions budgets apply in 2015 and 2016 (instead of 2012 and 2013), and the Phase 2 emissions budgets apply in 2017 and beyond (instead of 2014 and beyond). On October 23, 2014, the D.C. Circuit granted EPA's motion and lifted the stay on CSAPR. *EME Homer City Generation, L.P.* v. *EPA,* No. 11–1302 (D.C. Cir. Oct. 23, 2014), Order at 3. EPA views the D.C. Circuit's October 23, 2014 Order as also granting EPA's request to toll CSAPR's compliance deadlines and will therefore commence implementation of CSAPR on January 1, 2015. 79 FR 71663 (Dec. 3, 2014) (interim final rule revising CSAPR compliance deadlines).

[4] In response to a petition for review of EPA's limited approval of the Pennsylvania regional haze SIP in the United States Court of Appeals for the Third Circuit, EPA successfully moved for a voluntary remand without vacatur. On April 30, 2014, EPA reissued its final limited approval of the Pennsylvania SIP to implement the Commonwealth's regional haze program for the first planning period through 2018. 79 FR 24340.

[5] The BART Guidelines provide a process for making BART determinations that states and local agencies can use in implementing the regional haze BART requirements on a source-by-source basis, as provided in 40 CFR 51.308(e)(1).

[6] Detailed information regarding EPA's rationale for proposing to correct the PM BART for Cheswick is available at 79 FR 64539.

[7] The December 20, 2010 regional haze SIP submission included the following BART emission limits for Cheswick: 67,452 tons per year (tpy) of $SO_2$, 10,840 tpy of $NO_X$, and 361 tpy of coarse PM ($PM_{10}$). According to Pennsylvania and explained in its March 25, 2014 SIP submittal, these emission limits were included in error. The May 4, 2009 Cheswick BART review memo identified the 67,452 tpy of $SO_2$ and 10,840 tpy of $NO_X$ as Cheswick's *potential to emit* $SO_2$, and $NO_X$.

[8] The comments from the owner of Cheswick on the proposed Cheswick BART are available in the rulemaking docket from our approval of the Pennsylvania regional haze SIP, docket number EPA–R03–OAR–2012–0002, at *www.regulations.gov.*

[9] As stated previously, EPA has proposed to approve the revision to Cheswick's PM BART emission limit in a separate rulemaking. *See* 79 FR 64539.

[10] The March 25, 2014 SIP revision also updates the owner's name of Cheswick from Orion Power to GenOn Power Midwest LP and updates the permit numbers and dates of issuance for Cheswick's Boiler No. 1. However, the present owner of Cheswick is now NRG Energy.

error will not interfere with visibility improvement, with Pennsylvania's reasonable progress to achieving natural visibility conditions as required by the CAA, nor with any applicable requirement under the CAA.

ACHD had updated the BART analysis for Boiler No. 1 at Cheswick with a new memo on November 7, 2012 which retained the recommendation of CAIR as $SO_2$ and $NO_X$ BART for Cheswick and recommended a new PM BART emissions limit. The November 7, 2012 BART review memo explained that Cheswick has stringent pollution controls installed including flue gas desulfurization (FGD) for $SO_2$ control, selective catalytic reduction (SCR) for $NO_X$ control, and an electrostatic precipitator (ESP) for PM control. The November 7, 2012 BART review memo also indicated that two separate modeling studies show that visibility impacts from Cheswick are minimal.

## III. EPA's Analysis of SIP Revision

EPA proposes a limited approval to the March 25, 2014 SIP revision to the Cheswick $SO_2$ and $NO_X$ BART limits included in the Pennsylvania regional haze SIP because the removal of the specific $SO_2$ and $NO_X$ emission limits corrects an error in the regional haze SIP and strengthens the Pennsylvania SIP overall through replacing the incorrect BART limits with an emission trading program which should reduce $SO_2$ and $NO_X$ emissions more than the limits approved in the regional haze SIP in error.[11] EPA proposes a limited disapproval to the portion of the SIP revision addressing $SO_2$ and $NO_X$ BART for Cheswick because the revision relies on replacing the specific $SO_2$ and $NO_X$ limits with CAIR which the D.C. Circuit remanded to EPA and which EPA replaced with CSAPR. Although certain issues regarding CSAPR remain for resolution in the D.C. Circuit, the D.C. Circuit has lifted the stay on CSAPR which will enable EPA to commence forthwith the implementation of CSAPR to replace CAIR as the emissions trading program for $SO_2$ and $NO_X$ for EGUs in certain states including Pennsylvania. *See EME Homer City Generation, L.P.* v. *EPA,* No. 11–1302 (D.C. Cir. Oct. 23, 2014), Order at 3.

For Cheswick's $SO_2$ and $NO_X$ BART requirements, EPA finds Pennsylvania intended in its December 20, 2010 regional haze SIP to rely on CAIR as an alternative to source-specific BART emission limits for EGUs for $SO_2$ and $NO_X$. In its December 20, 2010 regional haze SIP submission, PADEP clearly explained that BART determinations for EGUs were conducted for PM emissions only because BART-eligible EGUs located in Pennsylvania are subject to the Federal CAIR program for $SO_2$ and $NO_X$. *See* Section 8.2 ''EGUs and CAIR'' in Pennsylvania's December 20, 2010 regional haze SIP.[12] In addition, the May 4, 2009 and November 7, 2012 BART review memos by ACHD for Cheswick also clearly stated that EPA has determined that BART requirements for EGUs covered by CAIR are satisfied by the CAIR requirements for $NO_X$ and $SO_2$ so a BART engineering analysis was not required for these pollutants.[13]

EPA finds our prior approval of the source specific $SO_2$ and $NO_X$ BART limits for Cheswick was in error. According to explicit statements in its December 20, 2010 SIP submittal, Pennsylvania clearly relied on CAIR as an alternative to $SO_2$ and $NO_X$ BART emission limits for all EGUs in its regional haze SIP and therefore intended Cheswick, an EGU, to have CAIR for $SO_2$ and $NO_X$ BART. Thus, EPA finds the $SO_2$ and $NO_X$ BART limits for Cheswick were inadvertently included in the December 20, 2010 regional haze SIP submittal and therefore approved by EPA as part of the regional haze SIP in error.[14] EPA finds no further analysis is needed for the removal of the specific $SO_2$ and $NO_X$ BART emission limits at Cheswick's Boiler No. 1 and replacement with a Federally enforceable emissions trading program as BART for $SO_2$ and $NO_X$. *See* CAA section 110(k)(6) (providing EPA authority to correct SIPs when EPA finds an error). Pennsylvania's analysis and conclusions, including related modeling and technical support documents regarding its regional haze SIP containing sufficient limits and measures so as to not interfere with reasonable progress and visibility improvement generally and not to interfere with other states achieving their reasonable progress goals (RPGs) at Class I areas, specifically were based on Pennsylvania EGUs complying with CAIR for BART and other regional haze requirements not relevant here.[15] [16] Thus, EPA proposes its limited approval of this SIP revision to remove the specific Cheswick $SO_2$ and $NO_X$ BART limits in accordance with sections 110(k)(6) and 169A of the CAA because EPA determined the prior limited approval of the regional haze SIP was in error relating to Cheswick's BART limits for $SO_2$ and $NO_X$. EPA proposes a limited disapproval of this SIP revision for Cheswick's $SO_2$ and $NO_X$ BART limits in accordance with section 169A of the CAA because Pennsylvania relied upon CAIR for $SO_2$ and $NO_X$ BART for Cheswick (and all Pennsylvania EGUs) and CSAPR is replacing CAIR as the emissions trading program for $SO_2$ and $NO_X$. Upon final action on this limited disapproval, Cheswick will be subject to EPA's June 7, 2012 FIP which replaced CAIR with CSAPR as $SO_2$ and $NO_X$ BART for Pennsylvania EGUs.

EPA's 2012 limited approval and disapproval of the Pennsylvania regional haze SIP was based on Pennsylvania EGUs having CAIR as an alternative to $SO_2$ and $NO_X$ specific BART emission rates. EPA finds that Cheswick has installed controls for $SO_2$ and $NO_X$, including a FGD and SCR, to comply with CAIR and CSAPR which will limit emissions from Cheswick of visibility-impairing pollutants and minimize visibility impacts from the

[11] The $SO_2$ and $NO_X$ BART emission limits recommended in error in the December 20, 2010 regional haze SIP submission by PADEP are Cheswick's potentials to emit $SO_2$ and $NO_X$. *See* the May 4, 2009 Cheswick BART review memo in Appendix J to the Pennsylvania December 20, 2010 regional haze SIP which is available in the rulemaking docket from our approval of the Pennsylvania regional haze SIP, docket number EPA–R03–OAR–2012–0002, at *www.regulations.gov.* CAIR and CSAPR set allowance numbers for emissions of $SO_2$ and $NO_X$ from certain EGUs including Cheswick, reflecting emission reductions which would be below a source's potential to emit. *See* 70 FR 39104 (CAIR) and 76 FR 48208 (CSAPR).

[12] The December 20, 2010 Pennsylvania regional haze SIP submission is available in the EPA rulemaking docket for our approval of the Pennsylvania regional haze SIP, docket number EPA–R03–OAR–2012–0002, at *www.regulations.gov.*

[13] The May 4, 2009 BART memo for Cheswick was included in Appendix J to the December 20, 2010 regional haze SIP, available in the EPA rulemaking docket for our approval of the Pennsylvania regional haze SIP, docket number EPA–R03–OAR–2012–0002, at *www.regulations.gov.* The November 7, 2012 BART memo for Cheswick is included with the March 25, 2014 regional haze SIP revision in the rulemaking docket for this action.

[14] EPA believes the evidence discussed in Pennsylvania's March 25, 2014 SIP revision submittal and in this rulemaking clearly support that neither Pennsylvania nor ACHD intended to set source-specific BART emission limits for Cheswick for $SO_2$ or $NO_X$ and that the inclusion of those limits in the regional haze SIP submittal and in EPA's limited approval of the regional haze SIP was inadvertent and in error.

[15] PADEP concluded in its December 20, 2010 regional haze SIP that its long term strategy and BART determinations provide sufficient reductions to mitigate impacts of emissions from sources located in Pennsylvania on affected Class I areas. *See* Section 3.0 of the December 20, 2010 regional haze SIP.

[16] As explained further in this proposed rulemaking, once CSAPR is implemented, EPA believes the reliance upon CAIR for $SO_2$ and $NO_X$ BART at Cheswick, a Pennsylvania EGU, will be replaced by reliance upon CSAPR for $SO_2$ and $NO_X$ BART through the June 7, 2012 FIP which replaced CSAPR for CAIR for all Pennsylvania EGU's $SO_2$ and $NO_X$ BART.

plant.[17] EPA finds the removal of these source-specific limits and the replacement with CSAPR when implemented, will not interfere with visibility improvement or with any applicable requirement under the CAA, particularly the visibility and regional haze provisions of sections 169A and 169B of the CAA and 40 CFR 51.308. EPA believes this removal and replacement with CSAPR strengthens the Pennsylvania SIP because EPA found CSAPR is ''Better than BART'' and provides greater reasonable progress towards natural visibility conditions than source-specific BART limits for EGUs. *See* 77 FR 33641.[18]

EPA does not believe that the status of CAIR or CSAPR limits EPA's ability to propose the limited approval of this SIP revision for $SO_2$ and $NO_X$ BART for Cheswick. In August 2011 after Pennsylvania had developed and submitted its regional haze SIP to EPA with its reliance upon CAIR, EPA replaced CAIR with CSAPR (76 FR 48208 (August 8, 2011)) to address issues raised in *North Carolina* v. *EPA* by the D.C. Circuit. *See* 531 F.3d 896 (D.C. Cir. 2008). CSAPR requires substantial reductions of $SO_2$ and $NO_X$ emissions from EGUs in 28 states in the Eastern United States that significantly contribute to downwind nonattainment of the 1997 $PM_{2.5}$ and ozone NAAQS and 2006 $PM_{2.5}$ NAAQS. Implementation of the rule was scheduled to begin on January 1, 2012, when CSAPR's cap-and-trade programs would have superseded the CAIR cap-and-trade programs. However, numerous parties filed petitions for review of CSAPR, and on December 30, 2011, the D.C. Circuit issued an order staying CSAPR pending resolution of the petitions and directing EPA to continue to administer CAIR. *EME Homer City Generation, L.P.* v. *EPA,* No. 11–1302 (D.C. Cir. Dec. 30, 2011), Order at 2.

Nevertheless, on June 7, 2012, EPA issued a FIP for Pennsylvania, which substituted Pennsylvania's reliance on CAIR for $SO_2$ and $NO_X$ BART for EGUs with CSAPR's $NO_X$ and $SO_2$ trading programs for BART for the Pennsylvania EGUs as EPA expected CSAPR to replace CAIR pending the conclusion of litigation in the DC Circuit. *See* 77 FR 33641. Following EPA's actions for Pennsylvania's regional haze requirements, the DC Circuit issued a decision in *EME Homer City Generation, L.P.* v. *EPA,* 696 F.3d 7 (D.C. Cir. 2012), vacating CSAPR and ordering EPA to continue administering CAIR. On April 29, 2014, the United States Supreme Court reversed the DC Circuit's decision and remanded the matter, including CSAPR, to the DC Circuit for further proceedings in accordance with its ruling. *EPA* v. *EME Homer City Generation, L.P.,* 134 S. Ct. 1584 (2014). EPA had filed a motion to lift the stay on CSAPR in light of the Supreme Court's decision and also asked the DC Circuit to toll CSAPR's compliance deadlines by three years, so that the Phase 1 emissions budgets apply in 2015 and 2016 (instead of 2012 and 2013), and the Phase 2 emissions budgets apply in 2017 and beyond (instead of 2014 and beyond). On October 23, 2014, the DC Circuit granted EPA's motion to lift the stay on CSAPR. *EME Homer City Generation, L.P.* v. *EPA,* No. 11–1302 (D.C. Cir. Oct. 23, 2014), Order at 3. EPA views the DC Circuit's October 23, 2014 Order as also granting EPA's request to toll CSAPR's compliance deadlines and will therefore commence implementation of CSAPR on January 1, 2015. 79 FR 71663 (December 3, 2014) (interim final rule revising CSAPR compliance deadlines). Therefore, the CAIR provisions will sunset on December 31, 2014 and be replaced by CSAPR. CSAPR will be implemented as a FIP by EPA, until such time as Pennsylvania adds the provisions of CSAPR to its SIP.[19]

EPA does not believe that the status of *EME Homer City,* or CAIR and CSAPR in particular, limits EPA's ability to propose action on this SIP revision to Cheswick's BART for $SO_2$ and $NO_X$ limitations for several reasons. First, EPA will commence implementation of CSAPR forthwith, and Pennsylvania EGUs including Cheswick are subject to CSAPR pursuant to the CSAPR FIP (76 FR 48208) in general. Thus, EGUs in Pennsylvania, including Cheswick, will be subject to the Federally enforceable requirements of CSAPR upon its imminent implementation. Pursuant to the June 7, 2012 FIP for Pennsylvania for certain regional haze requirements, EGUs in the Commonwealth are subject to CSAPR as their BART requirement for $SO_2$ and $NO_X$. *See* 77 FR 33641. Nothing in EPA's June 7, 2012 FIP (77 FR 33641) excludes Cheswick, an EGU otherwise subject to Federal CSAPR requirements, from the June 7, 2012 FIP replacing Pennsylvania's reliance upon CAIR with reliance upon CSAPR for EGU BARTs. Therefore, upon final approval of this rulemaking proposing limited approval and limited disapproval of the March 25, 2014 SIP revision, Cheswick's $SO_2$ and $NO_X$ BART limits will be subject to CSAPR like every other EGU in Pennsylvania. Because EPA determined CSAPR achieves greater reasonable progress towards the national goal of achieving natural visibility conditions in Class I areas than source-specific BART in those states covered by CSAPR, EPA expects greater emissions reductions of $SO_2$ and $NO_X$ from Pennsylvania EGUs subject to CSAPR than from Cheswick's prior limits or from CAIR. *See* 77 FR 33641 (concluding CSAPR was better than BART) and 76 FR 48208 (promulgating CSAPR).

EPA therefore proposes its limited approval and limited disapproval of this portion of the March 25, 2014 SIP revision addressing $SO_2$ and $NO_X$ BART. CAA section 110(c)(1) provides that EPA must promulgate a FIP within two years after disapproving a SIP submission in whole or in part, unless EPA approves a SIP revision correcting the deficiencies within that two-year period. EPA believes our limited disapproval of the March 25, 2014 SIP submission does not result in any new FIP obligation for EPA because EPA already promulgated a FIP on June 7, 2012 to address the identified deficiency (replacing CAIR with CSAPR for $SO_2$ and $NO_X$ BART for Pennsylvania EGUs), and thus that FIP fully addresses Cheswick's $SO_2$ and $NO_X$ BART. Under section 179(a) of the CAA, final disapproval of a submittal that addresses a requirement of part D of title I of the CAA (CAA sections 171–193) or is required in response to a finding of substantial inadequacy as described in CAA section 110(k)(5) (SIP Call) starts a sanctions clock. Pennsylvania's March 25, 2014 SIP revision submittal for revising Cheswick's BART was not submitted to meet either of these requirements. Therefore, EPA's limited disapproval of Pennsylvania's SIP submission concerning Cheswick's $SO_2$ and $NO_X$ BART does not trigger mandatory sanctions under CAA section 179.

In summary, EPA finds the SIP revision for the $SO_2$ and $NO_X$ BART for Cheswick removes an error in the

[17] According to the Cheswick BART review memos prepared by ACHD, Cheswick also installed a new, shorter stack with installation of its FGD and SCR.

[18] Before CAIR was remanded by the D.C. Circuit, EPA had found CAIR provides greater reasonable progress than source-specific BART, and the D.C. Circuit specifically upheld CAIR as an alternative to BART in accordance with the requirements of Section 169A of the CAA. *Utility Air Regulatory Group* v. *EPA,* 471 F.3d 1333, 1340 (D.C. Cir. 2006) (finding EPA's conclusion that CAIR provides greater reasonable progress reasonable and citing 40 CFR 51.308(e)(4) and 70 FR 39104, 39136 (July 6, 2005)).

[19] CSAPR requires substantial reductions of $SO_2$ and $NO_X$ emissions from EGUs in 28 states in the Eastern United States that significantly contribute to downwind nonattainment or interfere with maintenance of the 1997 $PM_{2.5}$ and ozone NAAQS and 2006 $PM_{2.5}$ NAAQS.

Pennsylvania SIP and strengthens the Pennsylvania SIP. EPA proposes a limited approval for the Cheswick $SO_2$ and $NO_X$ BART SIP revision in accordance with sections 110(k)(6), 169A and 169B of the CAA. EPA proposes a limited disapproval because the SIP revision relies upon CAIR and not CSAPR for Cheswick's $SO_2$ and $NO_X$ BART. However, EPA finds Cheswick is subject to EPA's June 7, 2012 FIP which replaced CSAPR for CAIR for $SO_2$ and $NO_X$ BART for Pennsylvania EGUs.

## IV. EPA's Analysis of 110(l)

Section 110(l) of the CAA states that ''[t]he Administrator shall not approve a revision of a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress or any other applicable requirement of this chapter.'' EPA does not interpret section 110(l) to require a full attainment or maintenance demonstration before any changes to a SIP may be approved. Generally, a SIP revision may be approved under section 110(l) if the EPA finds that it will at least preserve status quo air quality, particularly where the pollutants at issue are those for which an area has not been designated nonattainment. EPA does not believe the proposed limited approval and limited disapproval of the $SO_2$ and $NO_X$ BART emission limitations will interfere with the CAA requirements for BART or for preventing interference with other states' programs to protect visibility because this proposal is supported by an evaluation that those CAA requirements are met. This SIP revision will correct errors from PADEP in the BART limits determined for Cheswick and will replace BART emission limitations with limits intended by Pennsylvania which EPA finds reasonable. This SIP revision will not result in any substantive changes to other CAA requirements. Cheswick will continue to be subject to CAA requirements for BART.

The SIP revision replaces a prior determination that was in error for $SO_2$ and $NO_X$ as Pennsylvania intended EGUs to have CAIR for $SO_2$ and $NO_X$ BART. As discussed above, Pennsylvania's analysis supporting its regional haze SIP was based on EGUs having CAIR for $SO_2$ and $NO_X$ BART.[20] Thus, EPA does not anticipate the revisions to Cheswick's BARTs to interfere with neighboring states' ability to achieve RPGs given Cheswick's minimal visibility impact, Cheswick's $SO_2$, $NO_X$ and PM controls and newer shorter stack, Cheswick's current compliance with CAIR, and recent monitored data from neighboring states showing progress towards RPGs.[21]

EPA also believes that approval of the submitted SIP revision will not interfere with attainment and maintenance of the NAAQS. Cheswick's previous $SO_2$ BART limit in the regional haze SIP was 67,452 tpy. Cheswick is not located in an area designated nonattainment for any $SO_2$ NAAQS, Cheswick's actual $SO_2$ emissions for 2012 and 2013 are well below the BART limit according to data from EPA's CAMD Web site,[22] and Cheswick's $SO_2$ allowances through CAIR and now CSAPR, which is replacing CAIR, will be lower than the prior $SO_2$ BART established previously for Cheswick. In general, EPA expects CSAPR allowances for EGUs such as Cheswick to be less than the CAIR emission allowances.[23] As Cheswick has been subject to CAIR since 2009, EPA does not anticipate the BART revision for $SO_2$ to interfere with the 2010 $SO_2$ NAAQS in the area near Cheswick as Cheswick has been in compliance with CAIR and Cheswick's new BART limit replaces the facility's prior limit which was its potential to emit $SO_2$.

Cheswick's prior $NO_X$ BART limit was 10,840 tpy. Cheswick is not located in an area designated nonattainment for the 2010 $NO_2$ NAAQS, but Cheswick is located in an area designated marginal nonattainment for the 2008 ozone NAAQS.[24] However, Cheswick's actual $NO_X$ emissions for 2012 and 2013 are well below the prior BART limit according to data from EPA's CAMD Web site, and Cheswick's $NO_X$ allowances through CAIR and CSAPR are also lower than the prior $NO_X$ BART established previously for Cheswick. As stated previously, Cheswick has complied with CAIR since 2009. Therefore, EPA does not anticipate the $NO_X$ BART revision for Cheswick will interfere with or delay Pennsylvania's ability to reach attainment in the Pittsburgh-Beaver Valley nonattainment area for the 2008 ozone NAAQS.[25]

In addition, EPA does not anticipate any increase in emissions of $SO_2$ or $NO_X$ from the submitted SIP revision which replaces prior BART limits set in error with CSAPR based on our review of Cheswick's recent emissions data indicating Cheswick has complied with CAIR requirements and because CSAPR should produce equivalent or greater reductions than CAIR. EPA believes the limited approval and limited disapproval of Pennsylvania's revision will not contribute to conditions of nonattainment or interfere with maintenance of any standard. Thus, EPA finds this SIP revision to Cheswick's BARTs complies with section 110(l) of the CAA and will not interfere with any applicable requirements concerning attainment and reasonable further progress or any other applicable requirement of the CAA, such as the visibility and regional haze provisions of sections 169A and 169B of the CAA.

## V. EPA's Proposed Action

EPA is proposing a limited approval of the portion of the Pennsylvania March 25, 2014 revision to its regional haze SIP which removes specific $SO_2$ and $NO_X$ BART emission limitations for Cheswick set in error and is proposing a limited disapproval of the SIP revision due to its reliance upon CAIR which has been replaced with CSAPR. As EPA issued a FIP for $SO_2$ and $NO_X$ BART

[20] As discussed previously, EPA expects this SIP revision if finalized will replace Cheswick's specific $SO_2$ and $NO_X$ BART emission limitations with reliance upon CSAPR for BART based on EPA's June 7, 2012 FIP for Pennsylvania EGU $SO_2$ and $NO_X$ BARTs.

[21] For further discussion of progress towards RPGs and current visibility conditions in nearby Federal Class I areas based on the latest available Interagency Monitoring of Protected Visual Environments (IMPROVE) monitoring data, see EPA's approvals of Virginia's and Delaware's five-year progress reports on regional haze at 79 FR 25019 (May 2, 2014) (Virginia) and 79 FR 25506 (May 5, 2014) (Delaware). *See also* 79 FR 10451 (February 25, 2014) (proposed approval of Virginia's progress report) and 79 FR 10442 (February 25, 2014) (proposed approval of Delaware's progress report). EPA's proposed approval of West Virginia's five-year progress report on regional haze is at 79 FR 14460 (March 14, 2014). EPA has reviewed Cheswick's compliance with CAIR through data at EPA's Clean Air Markets Division (CAMD) database at *http://www.epa.gov/airmarket/*.

[22] Cheswick's emissions data is available at EPA's CAMD database at *http://www.epa.gov/airmarket/*. EPA has reviewed preliminary $SO_2$ data for Cheswick for 2014 and finds it consistent with 2012–13 data and with CAIR requirements.

[23] For a discussion of CSAPR and CSAPR allowances as promulgated, see 76 FR 48208.

[24] The Pittsburgh-Beaver Valley area was designated moderate nonattainment for the 1997 eight-hour ozone NAAQS. However, EPA found the Pittsburgh-Beaver Valley area attained the 1997 ozone NAAQS by its June 15, 2010 attainment date and also found previously that the area continued to attain the 1997 ozone NAAQS with monitored data from 2009–2011 and preliminary data for 2012. 78 FR 20244 (April 4, 2013). During this time, Cheswick operated with its CAIR requirements. Therefore, EPA does not find the SIP revision for Cheswick's $NO_X$ BART will interfere with the Pittsburgh-Beaver Valley area's continued attainment and maintenance of the 1997 ozone NAAQS.

[25] EPA notes the preliminary 2012–2014 design value for the Pittsburgh-Beaver Valley nonattainment area shows improving ozone air quality and reflects the area's ozone air quality approaching attainment with the 2008 ozone NAAQS. The 2014 data is not complete, quality assured or certified at this time. During this time, Cheswick has been complying with CAIR. EPA has reviewed preliminary 2014 $NO_X$ data for Cheswick and finds it consistent with 2012–13 data and with CAIR requirements.

emission limitations for EGUs in Pennsylvania which includes Cheswick, no further action by EPA would be required to address the limited disapproval if finalized. This conclusion is based on our review of the March 25, 2014 SIP revision as well as Pennsylvania's December 20, 2010 regional haze SIP submission including technical data and supporting analysis. Upon final action on this SIP revision, CSAPR for $SO_2$ and $NO_X$ BART will supercede the previous $SO_2$ and $NO_X$ BART determinations for Cheswick included in Pennsylvania's regional haze SIP as EPA will implement CSAPR beginning January 1, 2015.

## VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA 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 CAA. Accordingly, this proposed 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 proposed 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 CAA; 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 proposed rule revising Pennsylvania's regional haze SIP pertaining to BART requirements for Cheswick 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.

### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

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

Dated: December 23, 2014.

**William C. Early,**

*Acting Regional Administrator, Region III.*

[FR Doc. 2015–00742 Filed 1–20–15; 8:45 am]

**BILLING CODE 6560–50–P**

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## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[EPA–R06–OAR–2013–0804; FRL–9921–84–Region 6]**

## Approval and Promulgation of Implementation Plans; Texas; Reasonably Available Control Technology for the 1997 8-Hour Ozone National Ambient Air Quality Standard

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve revisions to the Texas State Implementation Plan (SIP) for the Houston/Galveston/Brazoria (HGB), and Dallas Fort Worth (DFW) 1997 8-Hour ozone nonattainment areas. The HGB area consists of Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery and Waller counties. The DFW area consists of Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant counties. Specifically, we are proposing to approve portions of multiple revisions to the Texas SIP submitted by the Texas Commission on Environmental Quality (TCEQ) as meeting Reasonably Available Control Technology (RACT) requirements. The RACT requirements apply to sources of Volatile Organic Compounds (VOC) and Oxides of Nitrogen ($NO_X$) in these areas. This action is in accordance with the federal Clean Air Act (the Act, CAA).

**DATES:** Comments must be received on or before February 20, 2015.

**ADDRESSES:** Submit your comments, identified by Docket No. EPA–R06–OAR–2013–0804, by one of the following methods:

- *www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Email:* Alan Shar at *shar.alan@epa.gov.*
- *Mail or delivery:* Air Planning Section Chief (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733.

*Instructions:* Direct your comments to Docket ID No. EPA–R06–OAR–2013–0804. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Do not submit information through *www.regulations.gov* or email that you consider to be CBI or otherwise protected from disclosure. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters and any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA

Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

*Docket:* The index to the docket for this action is available electronically at *www.regulations.gov* and in hard copy at EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material), and some may not be publicly available at either location (*e.g.,* CBI). To inspect the hard copy materials, please schedule an appointment with the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below.

**FOR FURTHER INFORMATION CONTACT:** Mr. Alan Shar (6PD–L), telephone (214) 665–6691, email *shar.alan@epa.gov.*

**SUPPLEMENTARY INFORMATION:** Throughout this document ''we,'' ''us,'' and ''our'' refer to EPA.

## Outline

I. Background
A. What actions are we proposing?
B. What is RACT?
II. Evaluation
A. What is TCEQ's approach and analysis to RACT?
B. What Control Techniques Guidelines (CTG) source categories are we addressing in this action?
C. Are there negative declarations for sources of emissions within these nonattainment areas?
D. Is Texas' approach to RACT determination for VOC sources based on their submittals acceptable?
E. Is Texas' approach to RACT determination for $NO_X$ sources based on their submittals acceptable?
III. Proposed Action
IV. Statutory and Executive Order Reviews

## I. Background

### *A. What actions are we proposing?*

We are proposing to approve multiple revisions, in whole or in part, to the Texas SIP submitted to EPA as follows: The RACT-related rule revisions dated December 6, 2013, January 17, 2012, and June 13, 2007, as well as the RACT analysis portions of attainment demonstration plans of January 17, 2012, April 6, 2010, and June 13, 2007 for the DFW and HGB areas.

The December 6, 2013 submittal concerns rule revisions to 30 TAC, Chapter 115 Control of Air Pollution from Volatile Organic Compounds for solvent using processes and surface coating application systems. We are proposing to approve all of this submittal.

The January 17, 2012 submittal concerns rule revisions to 30 TAC, Chapter 115 Control of Air Pollution from Volatile Organic Compounds intended to implement RACT for both HGB and DFW areas. The submittal will limit VOC content of coatings and solvents used in Flexible Package Printing, Industrial Cleaning Solvents, Large Appliance Coatings, Metal Furniture Coatings, Paper, Film, and Foil Coatings, Miscellaneous Industrial Adhesives, Automobile and Light-Duty Truck Assembly Coatings, and Miscellaneous Metal and Plastic Parts Coatings operations. We are proposing to approve all of this submittal.

Another submittal also dated January 17, 2012 contains a corresponding analysis to demonstrate RACT is in place for multiple source categories in the HGB area. We are proposing to approve that RACT is in place for the source categories listed in the paragraph above, and we are proposing to approve the Flexographic and Rotogravure Printing sector for the HGB area of the RACT-related rule revisions which had not been previously approved.

A third SIP submittal dated January 17, 2012 contains RACT analysis for the DFW area. As a result of this submittal, and consistent with section 182(c) of the Act, the VOC or $NO_X$ major source threshold in the DFW area is lowered to 50 Tons Per Year (TPY) from 100 TPY for RACT purposes under the 1997 8-Hour ozone standard. See EPA–R06–OAR–2012–0098 (TCEQ Rule Project No. 2010–022–SIP–NR) at *www.regulations.gov.* We are proposing to approve the RACT analysis portion of this submittal.

The April 6, 2010 attainment demonstration submittal, among other things, concerns revisions to 30 TAC, Chapter 115 Control of Air Pollution from Volatile Organic Compounds for control of ozone pollution in the HGB area. Appendix D of this attainment demonstration plan is titled ''Reasonably Available Control Technology Analysis,'' and includes source categories affected by the newly EPA-issued Control Techniques Guidelines (CTGs), and $NO_X$ emissions sources. We are proposing to approve the RACT analysis portion of this submittal.

The June 13, 2007 attainment demonstration submittal concerns revisions to 30 TAC, Chapter 115 Control of Air Pollution from Volatile Organic Compounds. The June 13, 2007 submittal included an analysis intended to demonstrate RACT was being implemented in the HGB area as required by the CAA (Appendix B of the submittal). We are proposing to approve the RACT analysis portion of this submittal.

We are proposing to approve the above-mentioned revisions, as well as confirm the RACT finding for revisions previously approved for Texas, into the Texas SIP.

In consideration of the above proposed actions and RACT rule revisions previously approved for Texas, taken together, we are proposing to approve Texas' RACT analysis as meeting the RACT requirements for all affected VOC and $NO_X$ sources for the DFW and HGB areas for the 1997 8-Hour ozone standard.

### *B. What is RACT?*

The EPA has defined RACT as the lowest emissions limitation that a particular source is capable of meeting by the application of control technology that is reasonably available, considering technological and economic feasibility. See September 17, 1979 (44 FR 53761). Section 172(c)(1) of the Act requires that SIPs for nonattainment areas ''provide for the implementation of all reasonably available control measures as expeditiously as practicable (including such reductions in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology) and shall provide for attainment of the primary National Ambient Air Quality (NAAQS) standards.''

Section 182(b)(2) of the Act requires states to submit a SIP revision and implement RACT for moderate and above ozone nonattainment areas. For a Moderate, Serious, or Severe area a major stationary source is one which emits, or has the potential to emit, 100, 50, or 25 tons per year (tpy) or more of VOCs or $NO_X$, respectively. See CAA sections 182(b), 182(c), and 182(d). The EPA provides states with guidance concerning what types of controls could constitute RACT for a given source category through the issuance of CTG and Alternative Control Techniques (ACT) documents. See *http://www.epa.gov/airquality/ozonepollution/SIPToolkit/ctgs.html* (URL dating May 13, 2014) for a listing of EPA-issued CTGs and ACTs.

The HGB area was designated as Severe for the 1997 8-Hour ozone NAAQS. See October 1, 2008 (73 FR 56983). Thus, per section 182(d) of the CAA, a major stationary source in the HGB area is one which emits, or has the potential to emit, 25 tpy or more of VOCs or $NO_X$. Under section 182(b), the SIP for the HGB area must implement RACT for source categories covered by CTGs, and for major sources with a potential to emit of 25 tpy or more not covered by a CTG. See the two January 17, 2012 submittals, and the December 6, 2013 submittal.

Effective June 15, 2004, Collin, Dallas, Denton, Tarrant, Ellis, Johnson, Kaufman, Parker, and Rockwall counties were designated nonattainment for the 1997 8-Hour ozone standard. The area was classified as Moderate nonattainment for the standard, with an attainment deadline of June 15, 2010. See January 14, 2009 (74 FR 1903). The area was reclassified to Serious on December 20, 2010 (75 FR 79302) because it failed to attain the standard by its attainment deadline of June 15, 2010. Thus, per section 182(c) of the CAA, a major stationary source in the DFW area is one which emits, or has the potential to emit, 50 tpy or more of VOCs or $NO_X$.

Under section 183(b), EPA is required to periodically review and, as necessary, update CTGs. The EPA issued a number of new CTGs in 2006, 2007, and 2008. See section II(B) of this document. Accordingly, Texas revised its Chapter 115 regulations to address these VOC RACT control measures. See the December 6, 2013, and January 17, 2012 submittals. Also, see Appendix A of the Technical Support Document (TSD) prepared in conjunction with this rulemaking action for more information.

## II. Evaluation

### *A. What is TCEQ's approach and analysis to RACT?*

Texas revised its rules because under sections 182(b)(2)(A) and (B) states must insure RACT is in place for each source category for which EPA issued a CTG, and for any major source not covered by a CTG. As a part of its January 17, 2012 submittals TCEQ conducted RACT analyses to demonstrate that the RACT requirements for CTG sources in the HGB and DFW 1997 8-Hour ozone nonattainment areas have been fulfilled; the TCEQ revised and supplemented these analyses for the HGB and DFW areas in its December 6, 2013 submittal. The TCEQ conducted its RACT analysis for VOC and $NO_X$ by: 1) Identifying all categories of CTG and major non-CTG sources of VOC emissions within the HGB and DFW areas; 2) Listing the state regulation that implements or exceeds RACT requirements for that CTG or non-CTG category; 3) Detailing the basis for concluding that these regulations fulfill RACT through comparison with established RACT requirements described in the CTG guidance documents and rules developed by other state and local agencies; and 4) Submitting negative declarations when there are no CTG or major Non-CTG sources of VOC emissions within the HGB or DFW areas. Accordingly, we are proposing that TCEQ's submittals for all affected VOC sources in the HGB and DFW areas provide for the implementation of RACT.

On October 5, 2005 (70 FR 58136), and September 6, 2006 (71 FR 52676) we approved RACT for all affected VOC and $NO_X$ sources for the HGB area for the 1-Hour ozone NAAQS.

### *B. What Control Techniques Guidelines (CTG) source categories are we addressing in this action?*

In prior actions for both the HGB and DFW areas for the 1997 8-Hour ozone NAAQS, we approved several SIP revisions as meeting RACT.

Under the 1997 8-hour ozone NAAQS, for the HGB area, we approved SIP revisions as meeting RACT for all CTG source categories, and major Non-CTG VOC sources, except for the 2006–2008 EPA-issued CTG series, in the HGB area (designated as Severe) on April 2, 2013 (78 FR 19599), and April 15, 2014 (79 FR 21144). Furthermore, we approved revisions to 30 TAC Chapter 117 as meeting RACT for emissions sources of $NO_X$ in the HGB area (designated as Severe). See April 2, 2013 (78 FR 19599).

As a part of DFW ozone attainment demonstration plan we approved VOC RACT for the DFW designated as Moderate area. See January 14, 2009 (74 FR 1903).

In this action, we are addressing additional source categories affected by the newly EPA-issued CTGs for HGB (designated as Severe) and DFW (designated as Serious) areas for the 1997 8-Hour ozone NAAQS, as well as proposing to approve Texas' updated RACT analysis for the remaining source categories in the DFW area.

Table 1 below contains a list of CTG source categories, EPA reference documents, and the corresponding sections of 30 TAC Chapter 115 that fulfill the applicable RACT requirements for these newly EPA-issued CTGs.

TABLE 1—CTG SOURCE CATEGORIES ISSUED BY EPA IN 2006–2008, EPA REFERENCE DOCUMENTS, AND CORRESPONDING SECTION OF 30 TAC CHAPTER 115 FULFILLING RACT

| CTG Category | EPA Reference documents | 30 TAC Chapter 115 fulfilling RACT |
|---|---|---|
| Flat Wood Paneling Coatings | Control Techniques Guidelines for Flat Wood Paneling Coatings, (EPA–453/R–06–004–2006/09). | Negative Declarations in DFW and HGB. |
| Flexible Packaging Printing Materials. | Control Techniques Guidelines for Flexible Package Printing, (EPA–453/R–06–003–2006/09). | Sections 115.430–115.439. |
| Industrial Cleaning Solvents | Control Techniques Guidelines for Industrial Cleaning Solvents, (EPA–453/R–06–001–2006/09). | Sections 115.460–115.469. |
| Offset Lithographic and Letterpress Printing. | Control Techniques Guidelines for Offset Lithographic Printing and Letterpress Printing, (EPA–453/R–06–002–2006/09). | Sections 115.440–115.449 for Offset Lithographic Printing; Negative Declarations for Letterpress Printing in HGB and DFW. |
| Large Appliance Coatings | Control Techniques Guidelines for Large Appliance Coatings, (EPA 453/R–07–004–2007/09). | Sections 115.450–115.459. |
| Metal Furniture Coatings | Control Techniques Guidelines for Metal Furniture Coatings, (EPA 453/R–07–005–2007/09). | Sections 115.450–115.459. |
| Paper, Film, and Foil Coatings | Control Techniques Guidelines for Paper, Film, and Foil Coatings, (EPA 453/R–07–003–2007/09). | Sections 115.420–115.429; and 115.450–115.459. |
| Auto and Light-Duty Truck Assembly Coatings. | Control Techniques Guidelines for Automobile and Light-Duty Truck Assembly Coatings, (EPA 453/R–08–006–2008/09). | Negative Declaration in HGB; Sections 115.450–115.459 in DFW. |
| Fiberglass Boat Manufacturing Materials. | Control Techniques Guidelines for Fiberglass Boat Manufacturing Materials, (EPA 453/R–08–004–2008/09). | Negative Declarations in DFW and HGB. |
| Miscellaneous Industrial Adhesives | Group IV Issued by EPA in 2008, Control Techniques Guidelines for Miscellaneous Industrial Adhesives, (EPA 453/R–08–005–2008/09). | Sections 115.470–115.479. |

TABLE 1—CTG SOURCE CATEGORIES ISSUED BY EPA IN 2006–2008, EPA REFERENCE DOCUMENTS, AND CORRESPONDING SECTION OF 30 TAC CHAPTER 115 FULFILLING RACT—Continued

| CTG Category | EPA Reference documents | 30 TAC Chapter 115 fulfilling RACT |
|---|---|---|
| Miscellaneous Metal and Plastic Parts Coatings. | Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings, (EPA 453/R–08–003–2008/09). | Sections 115.450–115.459. |

The Flexographic and Rotogravure Printing sector was not specifically identified in the April 15, 2014 (79 FR 21144) rulemaking action for the HGB area. The 30 TAC Chapter 115 sections 430 through 439 fulfill the VOC control requirements for this particular sector. For a section-by-section evaluation of this sector see part 1 of the TSD. We are proposing to approve the VOC RACT for the Flexographic and Rotogravure Printing operations in the HGB area.

On August 4, 2014 (79 FR 45105) we approved RACT for the Offset Lithographic Printing Operations in the DFW (Serious) and HGB (Severe) areas. Also, see docket No. EPA–R06–OAR–2010–0332 at *www.regulations.gov.*

On September 9, 2014 (79 FR 53299) we approved revisions to 30 TAC Chapter 115 for control of VOC emissions for storage tanks in the DFW and HGB areas. In that rulemaking action, we also found that VOC control requirements for the VOC storage tanks source category in the DFW (Serious) and HGB (Severe) areas represent RACT. See docket No. EPA–R06–OAR–2012–0096 at *www.regulations.gov.*

*C. Are there negative declarations for sources of emissions within these nonattainment areas?*

Yes, there are negative declarations associated with the VOC source categories in the DFW and HGB areas.

For the DFW area, Texas has declared that there are no fiberglass boat manufacturing materials, ship building and ship repair coating, leather tanning and finishing, surface coating for flat wood paneling, vegetable oil manufacturing, plywood veneer dryers, rubber tire manufacturing, and batch processes operations. We are proposing to approve the VOC RACT negative declaration for these operations in the DFW area. As such, TCEQ does not have to adopt VOC regulations relevant to these source categories at this time for the DFW area. However, if a major source of these categories locates in the DFW area in future, then TCEQ will need to take appropriate regulatory measures.

For the HGB area, on April 15, 2014 (79 FR 21144), we approved the VOC RACT negative declarations for fiberglass boat manufacturing materials, leather tanning and finishing, surface coating for flat wood paneling, letterpress printing, automobile and light-duty truck assembly coating, rubber tire manufacturing, and vegetable oil manufacturing operations. Also, see 40 CFR 52.2270(e).

*D. Is Texas' approach to RACT determination for VOC sources based on their submittals acceptable?*

Yes, Texas' approach to RACT determination for VOC sources based on their submittals is acceptable. In the TSD developed for this rulemaking action, we evaluated the corresponding sections of 30 TAC Chapter 115 for the source categories identified in Table 1 above in the HGB and DFW areas, and have reviewed these sections against our identified reference documents. In their submittals to EPA, TCEQ states that it has reviewed the HGB and DFW VOC rules and certifies that they satisfy RACT requirements for the 1997 8-Hour ozone standard by the application of control technology that is reasonably available considering technological and economic feasibility. With their submittals TCEQ revised sections 115.422, 115.427, 115.429, 115.430, 115.432, 115.433, 115.435, 115.436, and 115.439; repealed section 115.437; and adopted new sections 115.431, 115.450, 115.451, 115.453–115.455, 115.458–115.461, 115.463–115.465, 115.468–115.471, 115.473–115.475, 115.478, and 115.479. For a section-by-section review of the RACT-related provisions see parts 1 and 3 of the TSD.

Under the RACT requirements for the 8-hour ozone NAAQS States must assure that RACT is met, either through a certification that previously required RACT controls represent RACT for 8-hour implementation purposes, or through a new RACT determination. States may use existing EPA guidance in making RACT determinations. See 70 FR 71617 (November 29, 2005). Texas submitted a RACT assessment with its SIP revisions, and evaluated its existing RACT regulations to ascertain whether these regulations constitute RACT for the new 8-hour ozone NAAQS. Texas' 8-Hour ozone RACT SIP submittals are based on the determination that RACT has been met either through a certification that previously required RACT controls for the 1-hour ozone standard represent RACT for 8-hour ozone implementation purposes or, where necessary, through a new RACT evaluation for certain regulations or sources. Therefore, we are proposing a determination that Texas rules meet the CAA's RACT requirements for the 1997 8-Hour ozone NAAQS for both the HGB and DFW areas. This determination is based on the November 29, 2005 (70 FR 71612) rulemaking, regarding permissible approaches for determining whether a State's level of control meets RACT, in which EPA provided guidance that a State's certification of its rules is sufficient or acceptable for a finding that the rules satisfy the RACT requirements for the 8-hour implementation purposes; the framework described in our TSD; and section B (*Certifications*) of EPA's May 18, 2006 RACT Q and A document that provides additional clarifications for the RACT SIPs. See pages 4–5 of the May 18, 2006 guidance document. Consequently, by implementing these control requirements (Chapter 115) Texas is satisfying the RACT requirements for all affected VOC sources, including the CTG source categories identified in Tables 1 of this document, in the HGB and DFW areas under the 1997 8-Hour ozone standard.

*E. Is Texas' approach to RACT determination for $NO_X$ sources based on their submittals acceptable?*

Yes, Texas' approach to RACT determination for $NO_X$ sources based on their submittals is acceptable. The purpose of 30 TAC Chapter 117 rules for the DFW area is to establish reasonable controls on the emissions of ozone precursors. Texas has one of the most stringent $NO_X$ control requirements designed for ozone attainment reasons in the country. Texas has reviewed its $NO_X$ rules and has certified that its rules satisfy RACT requirements. According to the framework, certification, and the approach described in section D above we are proposing to find that Texas has RACT-level controls in place for all affected $NO_X$ sources in the DFW area (Moderate and Serious) under the 1997 8-Hour ozone standard. See part 4 of the TSD for more information.

We approved that Texas has RACT-level controls in place for all affected

$NO_X$ sources in the HGB area on April 2, 2013 (78 FR 19599). Also, see 40 CFR 52. 2270(e).

Taken together, we are proposing to find Texas has RACT-level controls in place for all affected VOC and $NO_X$ sources in the HGB and DFW areas under the 1997 8-Hour ozone standard.

## III. Proposed Action

We are proposing to approve rule revisions to sections 30 TAC chapter 115.422, 115.427, 115.429, 115.430, 115.432, 115.433, 115.435, 115.436, and 115.439 implementing controls on the source categories of Table 1 of this action.

We are proposing to approve new sections 30 TAC chapter 115.431, 115.450, 115.451, 115.453–115.455, 115.458–115.461, 115.463–115.465, 115.468–115.471, 115.473–115.475, 115.478, and 115.479 implementing controls on the source categories of Table 1 of this action.

We are proposing to approve repeal of section 30 TAC chapter 115.437.

We are proposing to find that for VOC CTG categories identified in Table 1 Texas has RACT-level controls in place for the HGB and DFW areas under the 1997 8-Hour ozone standard.

We are proposing to find that Texas has RACT-level controls in place for the Flexographic and Rotogravure Printing operations for the HGB area.

We are proposing to approve the negative declarations as explained in section II(C) of this action.

We are proposing to approve $NO_X$ RACT for the DFW area under the 1997 8-Hour ozone standard.

In consideration of the rule revisions proposed for approval in this action, as well as the rule revisions previously approved, taken together, we are proposing that with its rules in 30 TAC Chapters 115, and 117 Texas is implementing RACT for all affected VOC and $NO_X$ sources in the HGB and DFW areas under the 1997 8-Hour ozone standard.

We are proposing to approve these revisions in accordance with sections 110, 182, and 183 of the federal CAA.

The EPA had previously approved RACT for all affected $NO_X$ sources for the HGB area under the 1997 8-Hour ozone standard.

The EPA had previously approved RACT for all affected VOC and $NO_X$ sources into Texas' SIP under the 1-Hour ozone standard.

## IV. 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 Act and applicable Federal regulations. If a portion of the plan revision meets all the applicable requirements of this chapter and Federal regulations, the Administrator may approve the plan revision in part. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices that meet the criteria of the Act, and to disapprove state choices that do not meet the criteria of the Act. Accordingly, this proposed action approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed 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;
- 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); and
- is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

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

### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: January 9, 2015.

**Ron Curry,**

*Regional Administrator, Region 6.*

[FR Doc. 2015–00866 Filed 1–20–15; 8:45 am]

BILLING CODE 6560–50–P

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## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[EPA–R08–OAR–2013–0814; FRL–9921–53–Region 8]**

## Approval and Promulgation of Air Quality Implementation Plan; State of Colorado; Second Ten-Year $PM_{10}$ Maintenance Plan for Steamboat Springs

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing approval of the State Implementation Plan (SIP) revisions submitted by the State of Colorado. On May 11, 2012, the designee of the Governor of Colorado submitted to EPA a revised maintenance plan for the Steamboat Springs area for the National Ambient Air Quality Standards (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to 10 microns ($PM_{10}$). The SIP was adopted by the State on December 15, 2011. As required by Clean Air Act (CAA) section 175A, this revised maintenance plan addresses maintenance of the $PM_{10}$ standard for a second 10-year period beyond the area's original redesignation to attainment for the $PM_{10}$ NAAQS. In addition, EPA is proposing approval of the revised maintenance plan's 2024 transportation conformity motor vehicle emissions budget for $PM_{10}$. This action is being taken under sections 110 and 175A of the CAA.

**DATES:** Written comments must be received on or before February 20, 2015.

**ADDRESSES:** Submit your comments, identified by Docket number EPA–R08–OAR–2013–0814, by one of the following methods:

• *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
• Email: *ostigaard.crystal@epa.gov.*
• Fax: (303) 312–6064 (please alert the individual listed in the **FOR FURTHER INFORMATION CONTACT** if you are faxing comments).
• Mail: Carl Daly, Director, Air Program, U.S. Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129.
• Hand Delivery: Carl Daly, Director, Air Program, U.S. Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129. Such deliveries are only accepted Monday through Friday, 8:00 a.m. to 4:30 p.m., excluding federal holidays. Special arrangements should be made for deliveries of boxed information.

Please see the direct final rule, which is located in the Rules section of this **Federal Register** for detailed instruction on how to submit comments.

**FOR FURTHER INFORMATION CONTACT:** Crystal Ostigaard, Air Program, U.S. Environmental Protection Agency, Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6602, *ostigaard.crystal@epa.gov.*

**SUPPLEMENTARY INFORMATION:** In the Rules section of this **Federal Register**, the EPA is approving the State's SIP revision through a direct final rule without prior proposal because the Agency views this as a noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the preamble to the direct final rule. If EPA receives no adverse comments, EPA will not take further action on this proposed rule. If EPA receives adverse comments, EPA will withdraw the direct final rule and it will not take effect. Then, EPA will address all public comments in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. See the information provided in the direct final action of the same title which is located in the Rules section of this **Federal Register**.

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, $PM_{10}$, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

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

Dated: December 17, 2014.

**Shaun L. McGrath,**

*Regional Administrator.*

[FR Doc. 2015–00778 Filed 1–20–15; 8:45 am]

**BILLING CODE 6560–50–P**

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## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[EPA–R04–OAR–2012–0689; FRL–9921–88–Region 4]**

## Approval and Promulgation of Implementation Plans; Alabama; Infrastructure Requirements for the 2008 8-Hour Ozone National Ambient Air Quality Standards

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve in part and disapprove in part the State Implementation Plan (SIP) revision, submitted by the State of Alabama, through the Alabama Department of Environmental Management (ADEM), for inclusion into the Alabama SIP. This proposal pertains to the Clean Air Act (CAA or the Act) infrastructure requirements for the 2008 8-hour ozone national ambient air quality standards (NAAQS). The CAA requires that each state adopt and submit a SIP for the implementation, maintenance, and enforcement of each NAAQS promulgated by EPA, which is commonly referred to as an ''infrastructure'' SIP. ADEM certified that the Alabama SIP contains provisions that ensure the 2008 8-hour ozone NAAQS is implemented, enforced, and maintained in Alabama. With the exception of provisions pertaining to prevention of significant deterioration (PSD) permitting, interstate transport, and visibility protection requirements for which EPA is proposing no action through this notice, and with the exception of the provisions respecting state boards, for which EPA is proposing disapproval, EPA is proposing to approve Alabama's infrastructure SIP submission provided to EPA on August 20, 2012, as satisfying the required infrastructure elements for the 2008 8-hour ozone NAAQS.

**DATES:** Written comments must be received on or before February 20, 2015.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R04–OAR–2012–0689, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: R4-RDS@epa.gov.*
3. *Fax:* (404) 562–9019.
4. *Mail:* ''EPA–R04–OAR–2012–0689,'' Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960.
5. *Hand Delivery or Courier:* Lynorae Benjamin, Chief, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

*Instructions:* Direct your comments to Docket ID No. EPA–R04–OAR–2012–0689. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through *www.regulations.gov* or email, information that you consider to be CBI or otherwise protected. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of

encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

*Docket:* All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.,* 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 in *www.regulations.gov* or in hard copy at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Nacosta C. Ward, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9140. Ms. Ward can be reached via electronic mail at *ward.nacosta@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

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## I. Background and Overview

On March 27, 2008, EPA promulgated a revised NAAQS for ozone based on 8-hour average concentrations. EPA revised the level of the 8-hour ozone NAAQS to 0.075 parts per million. *See* 77 FR 16436. Pursuant to section 110(a)(1) of the CAA, states are required to submit SIPs meeting the applicable requirements of section 110(a)(2) within three years after promulgation of a new or revised NAAQS or within such shorter period as EPA may prescribe. Section 110(a)(2) requires states to address basic SIP elements such as requirements for monitoring, basic program requirements and legal authority that are designed to assure attainment and maintenance of the NAAQS. States were required to submit such SIPs for the 2008 8-hour ozone NAAQS to EPA no later than March 2011.[1] ADEM made this submission and certified that the Alabama SIP contains provisions that ensure the 2008 8-hour ozone NAAQS is implemented, enforced, and maintained in Alabama (hereafter referred to as an ''infrastructure SIP submission'').

Today's action is proposing to approve Alabama's infrastructure SIP submission for the applicable requirements of the 2008 8-hour ozone NAAQS, with the exception of the PSD permitting requirements for major sources of section 110(a)(2)(C) and (J), the interstate transport requirements of section 110(a)(2)(D)(i)(I) and (II) (prongs 1 through 4), the state board requirements of section 110(a)(2)(E)(ii) and the visibility requirements of 110(a)(2)(J). With respect to Alabama's infrastructure SIP submission related to the provisions pertaining to the PSD permitting requirements for major sources of section 110(a)(2)(C) and (J), the interstate transport requirements of section 110(a)(2)(D)(i)(I) and (II), and the visibility requirements of 110(a)(2)(J), EPA is not proposing any action today regarding these requirements. EPA will act on these portions of Alabama's submission in a separate action. With respect to Alabama's infrastructure SIP submission related to section 110(a)(2)(E)(ii) requirements respecting the section 128 state board requirements, EPA is proposing to disapprove this element of Alabama's submission in today's rulemaking. Finally, EPA notes that this action is not approving any specific rule, but rather proposing that Alabama's already approved SIP meets certain CAA requirements.

[1] In these infrastructure SIP submissions states generally certify evidence of compliance with sections 110(a)(1) and (2) of the CAA through a combination of state regulations and statutes, some of which have been incorporated into the federally-approved SIP. In addition, certain federally-approved, non-SIP regulations may also be appropriate for demonstrating compliance with sections 110(a)(1) and (2). Throughout this rulemaking, unless otherwise indicated, the term ''ADEM Admin. Code r.'' indicates that the cited regulation has been approved into Alabama's federally-approved SIP. The term ''Ala. Code'' refers to Alabama state statutes, which, unless otherwise indicated, are not a part of the federally-approved SIP.

## II. What elements are required under Sections 110(a)(1) and (2)?

Section 110(a) of the CAA requires states to submit SIPs to provide for the implementation, maintenance, and enforcement of a new or revised NAAQS within three years following the promulgation of such NAAQS, or within such shorter period as EPA may prescribe. Section 110(a) imposes the obligation upon states to make a SIP submission to EPA for a new or revised NAAQS, but the contents of that submission may vary depending upon the facts and circumstances. In particular, the data and analytical tools available at the time the state develops and submits the SIP for a new or revised NAAQS affects the content of the submission. The contents of such SIP submissions may also vary depending upon what provisions the state's existing SIP already contains. In the case of the 2008 8-hour ozone NAAQS, states typically have met the basic program elements required in section 110(a)(2) through earlier SIP submissions in connection with the 1997 8-hour ozone NAAQS.

More specifically, section 110(a)(1) provides the procedural and timing requirements for SIPs. Section 110(a)(2) lists specific elements that states must meet for ''infrastructure'' SIP requirements related to a newly established or revised NAAQS. As mentioned above, these requirements include basic SIP elements such as requirements for monitoring, basic program requirements and legal authority that are designed to assure attainment and maintenance of the NAAQS. The requirements of section 110(a)(2) are summarized below and in EPA's September 13, 2013, memorandum entitled ''Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2).'' [2]

- 110(a)(2)(A): Emission Limits and Other Control Measures
- 110(a)(2)(B): Ambient Air Quality Monitoring/Data System

[2] Two elements identified in section 110(a)(2) are not governed by the three year submission deadline of section 110(a)(1) because SIPs incorporating necessary local nonattainment area controls are not due within three years after promulgation of a new or revised NAAQS, but rather due at the time the nonattainment area plan requirements are due pursuant to section 172. These requirements are: (1) Submissions required by section 110(a)(2)(C) to the extent that subsection refers to a permit program as required in part D Title I of the CAA; and (2) submissions required by section 110(a)(2)(I) which pertain to the nonattainment planning requirements of part D, Title I of the CAA. Today's proposed rulemaking does not address infrastructure elements related to section 110(a)(2)(I) or the nonattainment planning requirements of 110(a)(2)(C).

- 110(a)2(C): Programs for Enforcement of Control Measures and for Construction or Modification of Stationary Sources
- 110(a)(2)(D)(i)(I) and (II): Interstate Pollution Transport
- 110(a)(2)(D)(ii): Interstate Pollution Abatement and International Air Pollution
- 110(a)(2)(E): Adequate Resources and Authority, Conflict of Interest, and Oversight of Local Governments and Regional Agencies
- 110(a)(2)(F): Stationary Source Monitoring and Reporting
- 110(a)(2)(G): Emergency Powers
- 110(a)(2)(H): SIP revisions
- 110(a)(2)(I): Plan Revisions for Nonattainment Areas [3]
- 110(a)(2)(J): Consultation with Government Officials, Public Notification, and PSD and Visibility Protection
- 110(a)(2)(K): Air Quality Modeling and Submission of Modeling Data
- 110(a)(2)(L): Permitting fees
- 110(a)(2)(M): Consultation and Participation by Affected Local Entities

## III. What is EPA's approach to the review of infrastructure SIP submissions?

EPA is acting upon the SIP submission from Alabama that address the infrastructure requirements of CAA sections 110(a)(1) and 110(a)(2) for the 2008 8-hour ozone NAAQS. The requirement for states to make a SIP submission of this type arises out of CAA section 110(a)(1). Pursuant to section 110(a)(1), states must make SIP submissions ''within 3 years (or such shorter period as the Administrator may prescribe) after the promulgation of a national primary ambient air quality standard (or any revision thereof),'' and these SIP submissions are to provide for the ''implementation, maintenance, and enforcement'' of such NAAQS. The statute directly imposes on states the duty to make these SIP submissions, and the requirement to make the submissions is not conditioned upon EPA's taking any action other than promulgating a new or revised NAAQS. Section 110(a)(2) includes a list of specific elements that ''[e]ach such plan'' submission must address.

EPA has historically referred to these SIP submissions made for the purpose of satisfying the requirements of CAA sections 110(a)(1) and 110(a)(2) as ''infrastructure SIP'' submissions. Although the term ''infrastructure SIP'' does not appear in the CAA, EPA uses the term to distinguish this particular type of SIP submission from submissions that are intended to satisfy other SIP requirements under the CAA, such as ''nonattainment SIP'' or ''attainment plan SIP'' submissions to address the nonattainment planning requirements of part D of title I of the CAA, ''regional haze SIP'' submissions required by EPA rule to address the visibility protection requirements of CAA section 169A, and nonattainment new source review permit program submissions to address the permit requirements of CAA, title I, part D.

Section 110(a)(1) addresses the timing and general requirements for infrastructure SIP submissions, and section 110(a)(2) provides more details concerning the required contents of these submissions. The list of required elements provided in section 110(a)(2) contains a wide variety of disparate provisions, some of which pertain to required legal authority, some of which pertain to required substantive program provisions, and some of which pertain to requirements for both authority and substantive program provisions.[4] EPA therefore believes that while the timing requirement in section 110(a)(1) is unambiguous, some of the other statutory provisions are ambiguous. In particular, EPA believes that the list of required elements for infrastructure SIP submissions provided in section 110(a)(2) contains ambiguities concerning what is required for inclusion in an infrastructure SIP submission.

The following examples of ambiguities illustrate the need for EPA to interpret some section 110(a)(1) and section 110(a)(2) requirements with respect to infrastructure SIP submissions for a given new or revised NAAQS. One example of ambiguity is that section 110(a)(2) requires that ''each'' SIP submission must meet the list of requirements therein, while EPA has long noted that this literal reading of the statute is internally inconsistent and would create a conflict with the nonattainment provisions in part D of title I of the Act, which specifically address nonattainment SIP requirements.[5] Section 110(a)(2)(I) pertains to nonattainment SIP requirements and part D addresses when attainment plan SIP submissions to address nonattainment area requirements are due. For example, section 172(b) requires EPA to establish a schedule for submission of such plans for certain pollutants when the Administrator promulgates the designation of an area as nonattainment, and section 107(d)(1)(B) allows up to two years, or in some cases three years, for such designations to be promulgated.[6] This ambiguity illustrates that rather than apply all the stated requirements of section 110(a)(2) in a strict literal sense, EPA must determine which provisions of section 110(a)(2) are applicable for a particular infrastructure SIP submission.

Another example of ambiguity within sections 110(a)(1) and 110(a)(2) with respect to infrastructure SIPs pertains to whether states must meet all of the infrastructure SIP requirements in a single SIP submission, and whether EPA must act upon such SIP submission in a single action. Although section 110(a)(1) directs states to submit ''a plan'' to meet these requirements, EPA interprets the CAA to allow states to make multiple SIP submissions separately addressing infrastructure SIP elements for the same NAAQS. If states elect to make such multiple SIP submissions to meet the infrastructure SIP requirements, EPA can elect to act on such submissions either individually or in a larger combined action.[7] Similarly, EPA interprets the CAA to allow it to take action on the individual parts of one larger, comprehensive infrastructure SIP submission for a

[3] As mentioned above, this element is not relevant to today's proposed rulemaking.

[4] For example: Section 110(a)(2)(E)(i) provides that states must provide assurances that they have adequate legal authority under state and local law to carry out the SIP; section 110(a)(2)(C) provides that states must have a SIP-approved program to address certain sources as required by part C of title I of the CAA; and section 110(a)(2)(G) provides that states must have legal authority to address emergencies as well as contingency plans that are triggered in the event of such emergencies.

[5] *See, e.g.,* ''Rule To Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule); Revisions to Acid Rain Program; Revisions to the $NO_X$ SIP Call; Final Rule,'' 70 FR 25162, at 25163–65 (May 12, 2005) (explaining relationship between timing requirement of section 110(a)(2)(D) versus section 110(a)(2)(I)).

[6] EPA notes that this ambiguity within section 110(a)(2) is heightened by the fact that various subparts of part D set specific dates for submission of certain types of SIP submissions in designated nonattainment areas for various pollutants. Note, *e.g.,* that section 182(a)(1) provides specific dates for submission of emissions inventories for the ozone NAAQS. Some of these specific dates are necessarily later than three years after promulgation of the new or revised NAAQS.

[7] *See, e.g.,* ''Approval and Promulgation of Implementation Plans; New Mexico; Revisions to the New Source Review (NSR) State Implementation Plan (SIP); Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) Permitting,'' 78 FR 4339 (January 22, 2013) (EPA's final action approving the structural PSD elements of the New Mexico SIP submitted by the State separately to meet the requirements of EPA's 2008 $PM_{2.5}$ NSR rule), and ''Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Infrastructure and Interstate Transport Requirements for the 2006 $PM_{2.5}$ NAAQS,'' (78 FR 4337) (January 22, 2013) (EPA's final action on the infrastructure SIP for the 2006 $PM_{2.5}$ NAAQS).

given NAAQS without concurrent action on the entire submission. For example, EPA has sometimes elected to act at different times on various elements and sub-elements of the same infrastructure SIP submission.[8]

Ambiguities within sections 110(a)(1) and 110(a)(2) may also arise with respect to infrastructure SIP submission requirements for different NAAQS. Thus, EPA notes that not every element of section 110(a)(2) would be relevant, or as relevant, or relevant in the same way, for each new or revised NAAQS. The states' attendant infrastructure SIP submissions for each NAAQS therefore could be different. For example, the monitoring requirements that a state might need to meet in its infrastructure SIP submission for purposes of section 110(a)(2)(B) could be very different for different pollutants because the content and scope of a state's infrastructure SIP submission to meet this element might be very different for an entirely new NAAQS than for a minor revision to an existing NAAQS.[9]

EPA notes that interpretation of section 110(a)(2) is also necessary when EPA reviews other types of SIP submissions required under the CAA. Therefore, as with infrastructure SIP submissions, EPA also has to identify and interpret the relevant elements of section 110(a)(2) that logically apply to these other types of SIP submissions. For example, section 172(c)(7) requires that attainment plan SIP submissions required by part D have to meet the ''applicable requirements'' of section 110(a)(2). Thus, for example, attainment plan SIP submissions must meet the requirements of section 110(a)(2)(A) regarding enforceable emission limits and control measures and section 110(a)(2)(E)(i) regarding air agency resources and authority. By contrast, it is clear that attainment plan SIP submissions required by part D would not need to meet the portion of section 110(a)(2)(C) that pertains to the PSD program required in part C of title I of the CAA, because PSD does not apply to a pollutant for which an area is designated nonattainment and thus subject to part D planning requirements. As this example illustrates, each type of SIP submission may implicate some elements of section 110(a)(2) but not others.

Given the potential for ambiguity in some of the statutory language of section 110(a)(1) and section 110(a)(2), EPA believes that it is appropriate to interpret the ambiguous portions of section 110(a)(1) and section 110(a)(2) in the context of acting on a particular SIP submission. In other words, EPA assumes that Congress could not have intended that each and every SIP submission, regardless of the NAAQS in question or the history of SIP development for the relevant pollutant, would meet each of the requirements, or meet each of them in the same way. Therefore, EPA has adopted an approach under which it reviews infrastructure SIP submissions against the list of elements in section 110(a)(2), but only to the extent each element applies for that particular NAAQS.

Historically, EPA has elected to use guidance documents to make recommendations to states for infrastructure SIPs, in some cases conveying needed interpretations on newly arising issues and in some cases conveying interpretations that have already been developed and applied to individual SIP submissions for particular elements.[10] EPA most recently issued guidance for infrastructure SIPs on September 13, 2013 (2013 Guidance).[11] EPA developed this document to provide states with up-to-date guidance for infrastructure SIPs for any new or revised NAAQS. Within this guidance, EPA describes the duty of states to make infrastructure SIP submissions to meet basic structural SIP requirements within three years of promulgation of a new or revised NAAQS. EPA also made recommendations about many specific subsections of section 110(a)(2) that are relevant in the context of infrastructure SIP submissions.[12] The guidance also discusses the substantively important issues that are germane to certain subsections of section 110(a)(2). Significantly, EPA interprets sections 110(a)(1) and 110(a)(2) such that infrastructure SIP submissions need to address certain issues and need not address others. Accordingly, EPA reviews each infrastructure SIP submission for compliance with the applicable statutory provisions of section 110(a)(2), as appropriate.

As an example, section 110(a)(2)(E)(ii) is a required element of section 110(a)(2) for infrastructure SIP submissions. Under this element, a state must meet the substantive requirements of section 128, which pertain to state boards that approve permits or enforcement orders and heads of executive agencies with similar powers. Thus, EPA reviews infrastructure SIP submissions to ensure that the state's SIP appropriately addresses the requirements of section 110(a)(2)(E)(ii) and section 128. The 2013 Guidance explains EPA's interpretation that there may be a variety of ways by which states can appropriately address these substantive statutory requirements, depending on the structure of an individual state's permitting or enforcement program (*e.g.,* whether permits and enforcement orders are approved by a multi-member board or by a head of an executive agency). However they are addressed by the state, the substantive requirements of section 128 are necessarily included in EPA's evaluation of infrastructure SIP submissions because section 110(a)(2)(E)(ii) explicitly requires that the state satisfy the provisions of section 128.

As another example, EPA's review of infrastructure SIP submissions with respect to the PSD program requirements in sections 110(a)(2)(C), (D)(i)(II), and (J) focuses upon the structural PSD program requirements contained in part C and EPA's PSD regulations. Structural PSD program requirements include provisions necessary for the PSD program to address all regulated sources and NSR pollutants, including GHGs. By contrast, structural PSD program requirements do not include provisions that are not required under EPA's regulations at 40

[8] On December 14, 2007, the State of Tennessee, through the Tennessee Department of Environment and Conservation, made a SIP revision to EPA demonstrating that the State meets the requirements of sections 110(a)(1) and (2). EPA proposed action for infrastructure SIP elements (C) and (J) on January 23, 2012 (77 FR 3213) and took final action on March 14, 2012 (77 FR 14976). On April 16, 2012 (77 FR 22533) and July 23, 2012 (77 FR 42997), EPA took separate proposed and final actions on all other section 110(a)(2) infrastructure SIP elements of Tennessee's December 14, 2007 submittal.

[9] For example, implementation of the 1997 $PM_{2.5}$ NAAQS required the deployment of a system of new monitors to measure ambient levels of that new indicator species for the new NAAQS.

[10] EPA notes, however, that nothing in the CAA requires EPA to provide guidance or to promulgate regulations for infrastructure SIP submissions. The CAA directly applies to states and requires the submission of infrastructure SIP submissions, regardless of whether or not EPA provides guidance or regulations pertaining to such submissions. EPA elects to issue such guidance in order to assist states, as appropriate.

[11] ''Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2),'' Memorandum from Stephen D. Page, September 13, 2013.

[12] EPA's September 13, 2013, guidance did not make recommendations with respect to infrastructure SIP submissions to address section 110(a)(2)(D)(i)(I). EPA issued the guidance shortly after the U.S. Supreme Court agreed to review the D.C. Circuit decision in *EME Homer City,* 696 F.3d 7 (D.C. Cir. 2012) which had interpreted the requirements of section 110(a)(2)(D)(i)(I). In light of the uncertainty created by ongoing litigation, EPA elected not to provide additional guidance on the requirements of section 110(a)(2)(D)(i)(I) at that time. As the guidance is neither binding nor required by statute, whether EPA elects to provide guidance on a particular section has no impact on a state's CAA obligations.

CFR 51.166 but are merely available as an option for the state, such as the option to provide grandfathering of complete permit applications with respect to the 2012 $PM_{2.5}$ NAAQS. Accordingly, the latter optional provisions are types of provisions EPA considers irrelevant in the context of an infrastructure SIP action.

For other section 110(a)(2) elements, however, EPA's review of a state's infrastructure SIP submission focuses on assuring that the state's SIP meets basic structural requirements. For example, section 110(a)(2)(C) includes, among other things, the requirement that states have a program to regulate minor new sources. Thus, EPA evaluates whether the state has an EPA-approved minor new source review program and whether the program addresses the pollutants relevant to that NAAQS. In the context of acting on an infrastructure SIP submission, however, EPA does not think it is necessary to conduct a review of each and every provision of a state's existing minor source program (*i.e.,* already in the existing SIP) for compliance with the requirements of the CAA and EPA's regulations that pertain to such programs.

With respect to certain other issues, EPA does not believe that an action on a state's infrastructure SIP submission is necessarily the appropriate type of action in which to address possible deficiencies in a state's existing SIP. These issues include: (i) Existing provisions related to excess emissions from sources during periods of startup, shutdown, or malfunction that may be contrary to the CAA and EPA's policies addressing such excess emissions (''SSM''); (ii) existing provisions related to ''director's variance'' or ''director's discretion'' that may be contrary to the CAA because they purport to allow revisions to SIP-approved emissions limits while limiting public process or not requiring further approval by EPA; and (iii) existing provisions for PSD programs that may be inconsistent with current requirements of EPA's ''Final NSR Improvement Rule,'' 67 FR 80186 (December 31, 2002), as amended by 72 FR 32526 (June 13, 2007) (''NSR Reform''). Thus, EPA believes it may approve an infrastructure SIP submission without scrutinizing the totality of the existing SIP for such potentially deficient provisions and may approve the submission even if it is aware of such existing provisions.[13] It is important to note that EPA's approval of a state's infrastructure SIP submission should not be construed as explicit or implicit re-approval of any existing potentially deficient provisions that relate to the three specific issues just described.

EPA's approach to review of infrastructure SIP submissions is to identify the CAA requirements that are logically applicable to that submission. EPA believes that this approach to the review of a particular infrastructure SIP submission is appropriate, because it would not be reasonable to read the general requirements of section 110(a)(1) and the list of elements in 110(a)(2) as requiring review of each and every provision of a state's existing SIP against all requirements in the CAA and EPA regulations merely for purposes of assuring that the state in question has the basic structural elements for a functioning SIP for a new or revised NAAQS. Because SIPs have grown by accretion over the decades as statutory and regulatory requirements under the CAA have evolved, they may include some outmoded provisions and historical artifacts. These provisions, while not fully up to date, nevertheless may not pose a significant problem for the purposes of ''implementation, maintenance, and enforcement'' of a new or revised NAAQS when EPA evaluates adequacy of the infrastructure SIP submission. EPA believes that a better approach is for states and EPA to focus attention on those elements of section 110(a)(2) of the CAA most likely to warrant a specific SIP revision due to the promulgation of a new or revised NAAQS or other factors.

For example, EPA's 2013 Guidance gives simpler recommendations with respect to carbon monoxide than other NAAQS pollutants to meet the visibility requirements of section 110(a)(2)(D)(i)(II), because carbon monoxide does not affect visibility. As a result, an infrastructure SIP submission for any future new or revised NAAQS for carbon monoxide need only state this fact in order to address the visibility prong of section 110(a)(2)(D)(i)(II).

Finally, EPA believes that its approach with respect to infrastructure SIP requirements is based on a reasonable reading of sections 110(a)(1) and 110(a)(2) because the CAA provides other avenues and mechanisms to address specific substantive deficiencies in existing SIPs. These other statutory tools allow EPA to take appropriately tailored action, depending upon the nature and severity of the alleged SIP deficiency. Section 110(k)(5) authorizes EPA to issue a ''SIP call'' whenever the Agency determines that a state's SIP is substantially inadequate to attain or maintain the NAAQS, to mitigate interstate transport, or to otherwise comply with the CAA.[14] Section 110(k)(6) authorizes EPA to correct errors in past actions, such as past approvals of SIP submissions.[15] Significantly, EPA's determination that an action on a state's infrastructure SIP submission is not the appropriate time and place to address all potential existing SIP deficiencies does not preclude EPA's subsequent reliance on provisions in section 110(a)(2) as part of the basis for action to correct those deficiencies at a later time. For example, although it may not be appropriate to require a state to eliminate all existing inappropriate director's discretion provisions in the course of acting on an infrastructure SIP submission, EPA believes that section 110(a)(2)(A) may be among the statutory bases that EPA relies upon in the course of addressing such deficiency in a subsequent action.[16]

## IV. What is EPA's analysis of how Alabama addressed the elements of sections 110(a)(1) and (2) ''infrastructure'' provisions?

Alabama's infrastructure SIP submission addresses the provisions of sections 110(a)(1) and (2) as described below.

1. 110(a)(2)(A) *Emission limits and other control measures:* Several

[13] By contrast, EPA notes that if a state were to include a new provision in an infrastructure SIP submission that contained a legal deficiency, such as a new exemption for excess emissions during SSM events, then EPA would need to evaluate that provision for compliance against the rubric of applicable CAA requirements in the context of the action on the infrastructure SIP.

[14] For example, EPA issued a SIP call to Utah to address specific existing SIP deficiencies related to the treatment of excess emissions during SSM events. See ''Finding of Substantial Inadequacy of Implementation Plan; Call for Utah State Implementation Plan Revisions,'' 74 FR 21639 (April 18, 2011).

[15] EPA has used this authority to correct errors in past actions on SIP submissions related to PSD programs. See ''Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Final Rule,'' 75 FR 82536 (December 30, 2010). EPA has previously used its authority under CAA section 110(k)(6) to remove numerous other SIP provisions that the Agency determined it had approved in error. See, *e.g.,* 61 FR 38664 (July 25, 1996) and 62 FR 34641 (June 27, 1997) (corrections to American Samoa, Arizona, California, Hawaii, and Nevada SIPs); 69 FR 67062 (November 16, 2004) (corrections to California SIP); and 74 FR 57051 (November 3, 2009) (corrections to Arizona and Nevada SIPs).

[16] *See, e.g.,* EPA's disapproval of a SIP submission from Colorado on the grounds that it would have included a director's discretion provision inconsistent with CAA requirements, including section 110(a)(2)(A). *See, e.g.,* 75 FR 42342 at 42344 (July 21, 2010) (proposed disapproval of director's discretion provisions); 76 FR 4540 (Jan. 26, 2011) (final disapproval of such provisions).

regulations within Alabama's SIP are relevant to air quality control regulations. The regulations described below have been federally approved in the Alabama SIP and include enforceable emission limitations and other control measures. ADEM Admin. Code r. 335–3–1–.03—*Ambient Air Quality Standards,* authorizes ADEM to adopt rules for the control of air pollution in order to comply with NAAQS, including those necessary to obtain EPA approval under section 110 of the CAA. This regulation along with ADEM Admin. Code r. 335–3–1–.06—*Compliance Schedule,* set the schedule for compliance with the State's Air Pollution Control rules and regulations to be consistent with the requirements of the CAA. ADEM Admin. Code r. 335–3–1–.05—*Sampling and Testing Methods,* details the authority and means with which ADEM can require testing and emissions verification. EPA has made the preliminary determination that the provisions contained in these regulations and Alabama's practices are adequate to protect the 2008 8-hour ozone NAAQS in the State.

In this action, EPA is not proposing to approve or disapprove any existing State provisions with regard to excess emissions during SSM of operations at a facility. EPA believes that a number of states have SSM provisions which are contrary to the CAA and existing EPA guidance, ''State Implementation Plans: Policy Regarding Excess Emissions During Malfunctions, Startup, and Shutdown'' (September 20, 1999), and the Agency plans to address such state regulations in a separate action.[17] In the meantime, EPA encourages any state having a deficient SSM provision to take steps to correct it as soon as possible.

Additionally, in this action, EPA is not proposing to approve or disapprove any existing State rules with regard to director's discretion or variance provisions. EPA believes that a number of states have such provisions which are contrary to the CAA and existing EPA guidance (52 FR 45109 (November 24, 1987)), and the Agency plans to take action in the future to address such state regulations. In the meantime, EPA encourages any state having a director's discretion or variance provision which is contrary to the CAA and EPA guidance to take steps to correct the deficiency as soon as possible.

2. 110(a)(2)(B) *Ambient air quality monitoring/data system:* ADEM Admin. Code r. 335–3–1–.04—*Monitoring, Records, and Reporting,* requires sources to submit emissions monitoring reports as prescribed by the Director of ADEM. Pursuant to this regulation, these sources collect air monitoring data, quality assure the results, and report the data to EPA. ADEM Admin. Code r. 335–3–1–.05—*Sampling and Testing Methods,* details the authority and means with which ADEM can require testing and emissions verification. ADEM Admin. Code r. 335–3–14–.04—*Air Permits Authorizing Construction in Clean Air: Prevention of Significant Deterioration Permitting (PSD),* describes the State's use of ambient air quality monitoring data for purposes of permitting new facilities and assessing major modifications to existing facilities. Annually, States develop and submit to EPA for approval statewide ambient monitoring network plans consistent with the requirements of 40 CFR parts 50, 53, and 58. The annual network plan involves an evaluation of any proposed changes to the monitoring network, includes the annual ambient monitoring network design plan and a certified evaluation of the agency's ambient monitors and auxiliary support equipment.[18] On June 4, 2013, Alabama submitted its plan to EPA. On November 22, 2013, EPA approved Alabama's monitoring network plan. Alabama's approved monitoring network plan can be accessed at *www.regulations.gov* using Docket ID No. EPA–R04–OAR–2012–0689. EPA has made the preliminary determination that Alabama's SIP and practices are adequate for the ambient air quality monitoring and data systems related to the 2008 8-hour ozone NAAQS.

3. 110(a)(2)(C) *Program for enforcement of control measures including review of proposed new sources:* This element consists of three sub-elements; enforcement, state-wide regulation of new and modified minor sources and minor modifications of major sources; and preconstruction permitting of major sources and major modifications in areas designated attainment or unclassifiable for the subject NAAQS as required by CAA title I part C (*i.e.,* the major source PSD program). ADEM's 2008 8-hour ozone NAAQS infrastructure SIP submission cited a number of SIP provisions to address these requirements. Specifically, the submission cited ADEM Admin. Code r. 335–3–14–.04—*Air Permits Authorizing Construction in Clean Air Areas: Prevention of Significant Deterioration Permitting (PSD)* and ADEM Admin. Code r. 335–3–14–.05—*Air Permits Authorizing Construction in or Near Nonattainment Areas.* Collectively, these provisions of Alabama's SIP regulate the construction of any new major stationary source or any modification at an existing major stationary source in an area designated as nonattainment, attainment or unclassifiable. As discussed further below, in this action EPA is only proposing to approve the enforcement, and the regulation of minor sources and minor modifications aspects of Alabama's section 110(a)(2)(C) infrastructure SIP submission.

*Enforcement:* ADEM's above-described, SIP-approved regulations provide for enforcement of ozone precursor (VOC and $NO_X$) emission limits and control measures and construction permitting for new or modified stationary sources.

*Preconstruction PSD Permitting for Major Sources:* With respect to Alabama's infrastructure SIP submission related to the preconstruction PSD permitting requirements for major sources of section 110(a)(2)(C), EPA is not proposing any action today regarding these requirements and instead will act on this portion of the submission in a separate action.

*Regulation of minor sources and modifications:* Section 110(a)(2)(C) also requires the SIP to include provisions that govern the minor source program that regulates emissions of the 2008 8-hour ozone NAAQS. ADEM Admin. Code r. 334–3–14–.03—*Standards for Granting Permits,* governs the preconstruction permitting of modifications and construction of minor stationary sources.

EPA has made the preliminary determination that Alabama's SIP and practices are adequate for program enforcement of control measures and regulation of minor sources and modifications related to the 2008 8-hour ozone NAAQS.

4. 110(a)(2)(D)(i)(I) and (II) *Interstate Pollution Transport:* Section 110(a)(2)(D)(i) has two components; 110(a)(2)(D)(i)(I) and 110(a)(2)(D)(i)(II). Each of these components have two subparts resulting in four distinct components, commonly referred to as ''prongs,'' that must be addressed in infrastructure SIP submissions. The first two prongs, which are codified in section 110(a)(2)(D)(i)(I), are provisions that prohibit any source or other type of emissions activity in one state from

[17] On February 22, 2013, EPA published a proposed action in the **Federal Register** entitled, ''State Implementation Plans: Response to Petition for Rulemaking; Findings of Substantial Inadequacy; and SIP Calls to Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown, and Malfunction; Proposed Rule.'' *See* 78 FR 12460.

[18] On occasion, proposed changes to the monitoring network are evaluated outside of the network plan approval process in accordance with 40 CFR part 58.

contributing significantly to nonattainment of the NAAQS in another state (''prong 1''), and interfering with maintenance of the NAAQS in another state (''prong 2''). The third and fourth prongs, which are codified in section 110(a)(2)(D)(i)(II), are provisions that prohibit emissions activity in one state from interfering with measures required to prevent significant deterioration of air quality in another state (''prong 3''), or to protect visibility in another state (''prong 4''). With respect to Alabama's infrastructure SIP submission related to the interstate transport requirements of section 110(a)(2)(D)(i)(I) and 110(a)(2)(D)(i)(II) (prongs 1 through 4), EPA is not proposing any action today regarding these requirements and instead will act on these portions of the submission in a separate action.

5. 110(a)(2)(D)(ii) *Interstate and International transport provisions:* Section 110(a)(2)(D)(ii) requires SIPs to include provisions insuring compliance with sections 115 and 126 of the Act, relating to interstate and international pollution abatement. ADEM Admin. Code r. 335–3–14–.04—*Prevention of Significant Deterioration in Permitting* describes how Alabama notifies neighboring states of potential emission impacts from new or modified sources applying for PSD permits. This regulation requires ADEM to provide an opportunity for a public hearing to the public, which includes State or local air pollution control agencies, ''whose lands may be affected by emissions from the source or modification'' in Alabama. Additionally, Alabama does not have any pending obligation under sections 115 and 126 of the CAA. Accordingly, EPA has made the preliminary determination that Alabama's SIP and practices are adequate for insuring compliance with the applicable requirements relating to interstate and international pollution abatement for the 2008 8-hour ozone NAAQS.

6. 110(a)(2)(E) *Adequate resources:* Section 110(a)(2)(E) requires that each implementation plan provide (i) necessary assurances that the State will have adequate personnel, funding, and authority under state law to carry out its implementation plan, (ii) that the State comply with the requirements respecting State Boards pursuant to section 128 of the Act, and (iii) necessary assurances that, where the State has relied on a local or regional government, agency, or instrumentality for the implementation of any plan provision, the State has responsibility for ensuring adequate implementation of such plan provisions. EPA is proposing to approve Alabama's infrastructure SIP submission as meeting the requirements of sub-elements 110(a)(2)(E)(i) and (iii). With respect to sub-element 110(a)(2)(E)(ii) (regarding state boards), EPA is proposing to disapprove this sub-element. EPA's rationale respecting each sub-element is described in turn below.

In support of EPA's proposal to approve sub-elements 110(a)(2)(E)(i) and (iii), ADEM's infrastructure submission demonstrate that it is responsible for promulgating rules and regulations for the NAAQS, emissions standards general policies, a system of permits, fee schedules for the review of plans, and other planning needs. As evidence of the adequacy of ADEM's resources with respect to sub-elements (i) and (iii), EPA submitted a letter to ADEM on April 24, 2014, outlining 105 grant commitments and current status of these commitments for fiscal year 2013. The letter EPA submitted to Alabama can be accessed at *www.regulations.gov* using Docket ID No. EPA–R04–OAR–2012–0689. Annually, states update these grant commitments based on current SIP requirements, air quality planning, and applicable requirements related to the NAAQS. There were no outstanding issues in relation to the SIP for fiscal year 2013, therefore, Alabama's grants were finalized and closed out. EPA has made the preliminary determination that Alabama has adequate resources for implementation of the 2008 8-hour ozone NAAQS. In addition, the requirements of 110(a)(2)(E)(i) and (iii) are met when EPA performs a completeness determination for each SIP submittal. This determination ensures that each submittal provides evidence that adequate personnel, funding, and legal authority under state law has been used to carry out the state's implementation plan and related issues. Alabama's authority is included in all prehearings and final SIP submittal packages for approval by EPA. EPA has made the preliminary determination that Alabama has adequate resources for implementation of the 2008 8-hour ozone NAAQS.

Section 110(a)(2)(E)(ii) requires that the state comply with section 128 of the CAA. Section 128 requires that the SIP provide: (1) The majority of members of the state board or body which approves permits or enforcement orders represent the public interest and do not derive any significant portion of their income from persons subject to permitting or enforcement orders under the CAA; and (2) any potential conflicts of interest by such board or body, or the head of an executive agency with similar powers be adequately disclosed. After reviewing Alabama's SIP, EPA has made the preliminary determination that the State's implementation plan does not contain provisions to comply with section 128 of the Act, and thus Alabama's August 20, 2012, infrastructure SIP submission does not meet the requirements of the Act. While Alabama has state statutes that may address, in whole or in part, requirements related to state boards at the state level, these provisions are not included in the SIP as required by the CAA. Based on an evaluation of the federally-approved Alabama SIP, EPA is proposing to disapprove Alabama's infrastructure SIP submission as meeting the requirements of 110(a)(2)(E)(ii) of the CAA for the 2008 8-hour ozone NAAQS. The submitted provisions which purport to address 110(a)(2)(E)(ii) are severable from the other portions of ADEM's infrastructure SIP submission, therefore, EPA is proposing to disapprove those provisions which relate only to sub-element 110(a)(2)(E)(ii).

7. 110(a)(2)(F) *Stationary source monitoring system:* ADEM's infrastructure SIP submission describes the establishment of requirements for compliance testing by emissions sampling and analysis, and for emissions and operation monitoring to ensure the quality of data in the State. The Alabama infrastructure SIP submission also describes how the major source and minor source emission inventory programs collect emission data throughout the State and ensure the quality of such data. Alabama meets these requirements through ADEM Admin. Code r. 335–3–1–.04—*Monitoring, Records, and Reporting,* and 335–3–12—*Continuous Monitoring Requirements for Existing Sources.* ADEM Admin. Code r. 335–3–1–.04, details how sources are required as appropriate to establish and maintain records; make reports; install, use, and maintain such monitoring equipment or methods and provide periodic emission reports as the regulation requires. These reports and records are required to be compiled, and submitted on forms furnished by the State. Additionally, ADEM Admin. Code r. 335–3–12–.02 requires owners and operators of emissions sources to ''install, calibrate, operate and maintain all monitoring equipment necessary for continuously monitoring the pollutants.'' [19] ADEM

[19] ADEM Admin. Code r. 335–3–12–.02 establishes that data reporting requirements for sources required to conduct continuous monitoring in the state should comply with data reporting requirements set forth at 40 CFR part 51, Appendix P. Section 40 CFR part 51, Appendix P includes that the averaging period used for data reporting should be established by the state to correspond to

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Admin. Code r. 335–3–1–.13—*Credible Evidence,* makes allowances for owners and/or operators to utilize ''any credible evidence or information relevant'' to demonstrate compliance with applicable requirements if the appropriate performance or compliance test had been performed, for the purpose of submitting compliance certification and can be used to establish whether or not an owner or operator has violated or is in violation of any rule or standard. Accordingly, EPA is unaware of any provision preventing the use of credible evidence in the Alabama SIP.

Additionally, Alabama is required to submit emissions data to EPA for purposes of the National Emissions Inventory (NEI). The NEI is EPA's central repository for air emissions data. EPA published the Air Emissions Reporting Rule (AERR) on December 5, 2008, which modified the requirements for collecting and reporting air emissions data (73 FR 76539). The AERR shortened the time states had to report emissions data from 17 to 12 months, giving states one calendar year to submit emissions data. All states are required to submit a comprehensive emissions inventory every three years and report emissions for certain larger sources annually through EPA's online Emissions Inventory System. States report emissions data for the six criteria pollutants and the precursors that form them—nitrogen oxides, $SO_2$, ammonia, lead, carbon monoxide, particulate matter, and VOC. Many states also voluntarily report emissions of hazardous air pollutants. Alabama made its latest update to the 2011 NEI on May 7, 2013. EPA compiles the emissions data, supplementing it where necessary, and releases it to the general public through the Web site *http://www.epa.gov/ttn/chief/eiinformation.html.* EPA has made the preliminary determination that Alabama's SIP and practices are adequate for the stationary source monitoring systems related to the 2008 8-hour ozone NAAQS.

8. 110(a)(2)(G) *Emergency Powers:* This section requires that states demonstrate authority comparable with section 303 of the CAA and adequate contingency plans to implement such authority. ADEM Admin. Code r. 335–3–2—*Air Pollution Emergency,* provides for the identification of air pollution emergency episodes, episode criteria, and emissions reduction plans. Alabama's compliance with section 303 of the CAA and adequate contingency plans to implement such authority is also met by Ala. Code section 22–28–21 *Air Pollution Emergencies.* Ala. Code Section 22–28–21 provides ADEM the authority to order the ''person or persons responsible for the operation or operations of one or more air contaminants sources'' causing ''imminent danger to human health or safety in question to reduce or discontinue emissions immediately.'' The order triggers a hearing no later than 24-hours after issuance before the Environmental Management Commission which can affirm, modify or set aside the Director's order. Additionally, the Governor can, by proclamation, declare, as to all or any part of said area, that an air pollution emergency exists and exercise certain powers in whole or in part, by the issuance of an order or orders to protect the public health. EPA has made the preliminary determination that Alabama's SIP, state laws and practices are adequate to satisfy the infrastructure SIP obligations for emergency powers related to the 2008 8-hour ozone NAAQS. Accordingly, EPA is proposing to approve Alabama's infrastructure SIP submission with respect to section 110(a)(2)(G).

9. 110(a)(2)(H) *Future SIP revisions:* As previously discussed, ADEM is responsible for adopting air quality rules and revising SIPs as needed to attain or maintain the NAAQS. Alabama has the ability and authority to respond to calls for SIP revisions, and has provided a number of SIP revisions over the years for implementation of the NAAQS. ADEM Admin. Code r. 335–1–1–.03—*Organization and Duties of the Commission,*[20] provides ADEM with the authority to establish, adopt, promulgate, modify, repeal and suspend rules, regulations, or environmental standards which may be applicable to Alabama or ''any of its geographic parts.'' Admin. Code r. 335–1–1–.03—*Ambient Air Quality Standards,* provides ADEM the authority to amend, revise, and incorporate the NAAQS into its SIP. EPA has made the preliminary determination that Alabama adequately demonstrates a commitment to provide future SIP revisions related to the 2008 8-hour ozone NAAQS when necessary. Accordingly, EPA is proposing to approve Alabama's infrastructure SIP submission with respect to section 110(a)(2)(H).

10. 110(a)(2)(J) (121 consultation) *Consultation with government officials:* EPA is proposing to approve Alabama's infrastructure SIP submission for the 2008 8-hour ozone NAAQS with respect to the general requirement in section 110(a)(2)(J) to include a program in the SIP that complies with the applicable consultation requirements of section 121 and the public notification requirements of section 127. With respect to Alabama's infrastructure SIP submission related to the preconstruction PSD permitting and visibility protection requirements, EPA is not proposing any action today regarding these requirements and instead will act on these portions of the submission in a separate action. EPA's rationale for applicable consultation requirements of section 121 and the public notification requirements of section 127 is described below.

*110(a)(2)(J) (121 consultation) Consultation with government officials:* ADEM Admin. Code r. 335–3–1–.03—*Ambient Air Quality Standards,* as well as its Regional Haze Implementation Plan (which allows for continued consultation with appropriate state, local, and tribal air pollution control agencies as well as the corresponding Federal Land Managers), provide for consultation with government officials whose jurisdictions might be affected by SIP development activities. Specifically, Alabama adopted state-wide consultation procedures for the implementation of transportation conformity which includes the development of mobile inventories for SIP development. These consultation procedures were developed in coordination with the transportation partners in the State and are consistent with the approaches used for development of mobile inventories for SIPs. Required partners covered by Alabama's consultation procedures include federal, state and local transportation and air quality agency officials. EPA has made the preliminary determination that Alabama's SIP and practices adequately demonstrate consultation with government officials related to the 2008 8-hour ozone NAAQS when necessary.

*110(a)(2)(J) (127 public notification) Public notification:* ADEM Admin. Code r. 335–3–14–.01(7)—*Public Participation,* and 335–3–14–.05(13)—*Public Participation,* and Ala. Code section 22–28–21—*Air Pollution Emergencies,* provides for public notification when air pollution episodes occur. Furthermore, ADEM has several public notice mechanisms in place to notify the public of ozone and other pollutant forecasting. Alabama maintains a public Web site on which daily air quality index forecasts are posted for the Birmingham, Huntsville,

the averaging period specified in the emission test method used to determine compliance with an emission standard for the pollutant/source category in question.

[20] This regulation has not been incorporated into the federally-approved SIP.

and Mobile areas. This Web site can be accessed at: *http://adem.alabama.gov/programs/air/airquality.cnt.* Accordingly, EPA is proposing to approve Alabama's infrastructure SIP submission with respect to section 110(a)(2)(J) public notification.

11. 110(a)(2)(K) *Air quality and modeling/data:* ADEM Admin. Code r 335–3–14–.04—*Prevention of Significant Deterioration Permitting,* of the Alabama SIP specifies that required air modeling be conducted in accordance with 40 CFR part 51, Appendix W ''Guideline on Air Quality Models.'' This regulation provides Alabama with the authority to conduct air quality modeling and report the results of such modeling to EPA. These regulations also demonstrate that Alabama has the authority to provide relevant data for the purpose of predicting the effect on ambient air quality of the 2008 8-hour ozone NAAQS. Additionally, Alabama supports a regional effort to coordinate the development of emissions inventories and conduct regional modeling for several NAAQS, including the 2008 8-hour ozone NAAQS, for the southeastern states. ADEM Admin. Code r 335–3–1–.04—*Monitoring, Records, and Reporting* details how sources are required as appropriate to establish and maintain records; make reports; install, use, and maintain such monitoring equipment or methods and provide periodic emission reports as the regulation requires. These reports and records are required to be compiled, and submitted on forms furnished by the State. Taken as a whole, Alabama's air quality regulations and practices demonstrate that ADEM has the authority to provide relevant data for the purpose of predicting the effect on ambient air quality of any emissions of any pollutant for which a NAAQS had been promulgated, and to provide such information to the EPA Administrator upon request. EPA has made the preliminary determination that Alabama's SIP and practices adequately demonstrate the State's ability to provide for air quality modeling, along with analysis of the associated data, related to the 2008 8-hour ozone NAAQS. Accordingly, EPA is proposing to approve South Carolina's infrastructure SIP submission with respect to section 110(a)(2)(K).

12. 110(a)(2)(L) *Permitting fees:* This section requires the owner or operator of each major stationary source to pay to the permitting authority, as a condition of any permit required under the CAA, a fee sufficient to cover (i) the reasonable costs of reviewing and acting upon any application for such a permit, and (ii) if the owner or operator receives a permit for such source, the reasonable costs of implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action), until such fee requirement is superseded with respect to such sources by the Administrator's approval of a fee program under title V.

ADEM Admin. Code r. 335–1–6—*Application Fees*[21] requires ADEM to charge permit-specific fees to the applicant/source as authorized by State legislation and Ala. Code section 22–22A–5. ADEM thus assures its permitting fee structure is sufficient for the reasonable cost of reviewing and acting upon PSD and NNSR permits. Additionally, Alabama has a fully-approved title V operating permit program—ADEM Admin. Code r. 335–1–7—''*Air Division Operating Permit Fees''*[22]—that covers the cost of implementation and enforcement of PSD and NNSR permits after they have been issued. EPA has made the preliminary determination that Alabama's state rules and practices adequately provide for permitting fees related to the 2008 8-hour ozone NAAQS, when necessary. Accordingly, EPA is proposing to approve Alabama's infrastructure SIP submission with respect to section 110(a)(2)(L).

13. 110(a)(2)(M) *Consultation/participation by affected local entities:* ADEM coordinates with local governments affected by the SIP. Alabama's SIP also includes a description of the public participation process for SIP development. Alabama has consulted with local entities for the development of transportation conformity and has worked with the Federal Land Managers as a requirement of its regional haze rule. More specifically, Alabama adopted State-wide consultation procedures for the implementation of transportation conformity which includes the development of mobile inventories for SIP development and the requirements that link transportation planning and air quality planning in nonattainment and maintenance areas. These consultation and participation procedures have been approved in the Alabama SIP as the non-regulatory provisions: ''Alabama Interagency Transportation Conformity Memorandum of Agreement'' and ''Conformity SIP for Birmingham and Jackson County.'' These provisions were approved on May 11, 2000, and March 26, 2009, respectively. *See* 65 FR 30362 and 74 FR 13118. Required partners covered by Alabama's consultation procedures include federal, state and local transportation and air quality agency officials. The state and local transportation agency officials are most directly impacted by transportation conformity requirements and are required to provide public involvement for their activities including the analysis demonstrating how they meet transportation conformity requirements. EPA has made the preliminary determination that Alabama's SIP and practices adequately demonstrate consultation with affected local entities related to the 2008 8-hour ozone NAAQS when necessary.

## V. Proposed Action

As described above, with the exception of the PSD permitting requirements for major sources of section 110(a)(2)(C) and (J), the interstate transport requirements of section 110(a)(2)(D)(i)(I) and (II) (prongs 1 through 4), the state board requirements of section 110(a)(2)(E)(ii) and the visibility requirements of 110(a)(2)(J), EPA is proposing to approve Alabama's August 20, 2012, SIP submission for the 2008 8-hour ozone NAAQS for the above described infrastructure SIP requirements. EPA is proposing to disapprove section 110(a)(2)(E)(ii) of Alabama's infrastructure submission because the State's implementation plan does not contain provisions to comply with section 128 of the Act, and thus Alabama's August 20, 2012, infrastructure SIP submission does not meet the requirements of the Act. This proposed approval in part and disapproval in part, however, does not include the PSD permitting requirements for major sources of section 110(a)(2)(C) and (J), the interstate transport requirements of section 110(a)(2)(D)(i)(I) and (II) (prongs 1 through 4), and the visibility requirements of section 110(a)(2)(J) and will be addressed by EPA in a separate action.

Under section 179(a) of the CAA, final disapproval of a submittal that addresses a requirement of a CAA Part D Plan or is required in response to a finding of substantial inadequacy as described in CAA section 110(k)(5) (SIP call) starts a sanctions clock. The portion of section 110(a)(2)(E)(ii) provisions (the provisions being proposed for disapproval in today's notice) were not submitted to meet requirements for Part D or a SIP call, and therefore, if EPA takes final action

[21] This regulation has not been incorporated into the federally-approved SIP.

[22] Title V program regulations are federally approved but not incorporated into the federally-approved SIP.

to disapprove this submittal, no sanctions will be triggered. However, if this disapproval action is finalized, that final action will trigger the requirement under section 110(c) that EPA promulgate a FIP no later than 2 years from the date of the disapproval unless the State corrects the deficiency, and EPA approves the plan or plan revision before EPA promulgates such FIP.

**VI. Statutory and Executive Order Reviews**

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. *See* 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 CAA. Accordingly, this proposed 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 proposed 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 CAA; 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, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen dioxide, Particulate Matter, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: January 6, 2015.

**V. Anne Heard,**

*Acting Regional Administrator, Region 4.*

[FR Doc. 2015–00870 Filed 1–20–15; 8:45 am]

BILLING CODE 6560–50–P

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## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[EPA–R01–OAR–2014–0796; FRL–9921–75–Region 1]**

## Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; Prevention of Significant Deterioration Program

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of New Hampshire on November 15, 2012. The submittal proposes to ensure that the State PSD program is consistent with the Final New Source Review (NSR) Improvement Rule issued on December 31, 2002; the Final Rule Governing the Implementation of NSR for Fine Particulate Matter issued on May 16, 2008; and the Final Rule to Establish Increments, Significant Impact Levels (SILs) and a Significant Monitoring Concentration (SMC) issued on October 20, 2010. This action is being taken under the Clean Air Act (CAA).

**DATES:** Written comments must be received on or before February 20, 2015.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA–R01–OAR–2014–0796 by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: mcdonnell.ida@epa.gov.*
3. *Fax:* (617) 918–0653
4. *Mail:* ''Docket Identification Number EPA–R01–OAR–2014–0796'', Ida McDonnell, U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, Air Permits, Toxics, and Indoor Programs Unit, 5 Post Office Square—Suite 100, (Mail code OEP05–2), Boston, MA 02109–3912.
5. *Hand Delivery or Courier:* Deliver your comments to: Ida McDonnell, Manager, Air Permits, Toxics, and Indoor Programs Unit, U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, Air Permits, Toxics and Indoor Programs Unit, 5 Post Office Square—Suite 100, (mail code OEP05–2), Boston, MA 02109–3912. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays.

*Instructions:* Direct your comments to Docket ID No. EPA–R01–OAR–2014–0796. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through *www.regulations.gov,* or email, information that you consider to be CBI or otherwise protected. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

*Docket:* All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.,* 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 in *www.regulations.gov* or in hard copy at Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, Air Permits, Toxics and Indoor Programs Unit, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays.

In addition, copies of the state submittal and EPA's proposed approval and technical support document are also available for public inspection during normal business hours, by appointment at the Air Resources Division, New Hampshire Department of Environmental Services, 6 Hazen Drive, P.O. Box 95, Concord, NH 03302–0095.

**FOR FURTHER INFORMATION CONTACT:** Brendan McCahill, U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, Air Permits, Toxics, and Indoor Programs Unit, 5 Post Office Square—Suite 100, (mail code OEP05–2), Boston, MA 02109–3912, telephone number (617) 918–1652, Fax number (617) 918–0652, email *mccahill.brendan@EPA.GOV.*

**SUPPLEMENTARY INFORMATION:** Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

Organization of this document. The following outline is provided to aid in locating information in this preamble.

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## I. What action is EPA proposing in this document?

On November 15, 2012, the New Hampshire Department of Environmental Services (NH DES) submitted a proposed SIP revision establishing the State's PSD Program under PART Env-A 619, ''Prevention of Significant Deterioration.'' The revision incorporated by reference into state law, at PART Env-A 619, the federal PSD Program codified in the July 1, 2011 edition of 40 CFR 52.21, and the State requested that EPA approve the revision into the State's SIP-approved PSD Program. The State's PSD Program includes provisions to implement the December 31, 2002 Final NSR Improvement Rules (67 FR 80185), the May 16, 2008 Final Rules Governing the Implementation of NSR for Fine Particulate Matter (73 FR 28321), and the October 20, 2010 Final Rule to Establish Increments, SILs and SMC for Fine Particulate Matter (75 FR 64863). The State's PSD program also includes provisions EPA first approved on October 28, 2002 (67 FR 65710) and that continue to apply.

After reviewing the submittal, EPA proposes to approve the NH DES's November 15, 2012 submittal to establish PART Env-A 619 ''Prevention of Significant Deterioration'' into the SIP. PART Env-A 619 will supersede all other versions of the PSD program currently approved in New Hampshire's SIP. EPA's proposed approval is contingent on a letter dated December 9, 2014 from NH DES. As described in the letter, the November 15, 2012 submittal establishes an SMC level for $PM_{2.5}$. SMC is a screening tool used to determine if a source must submit pre-construction air quality monitoring data prior to constructing or modifying a facility. The U.S. Court of Appeals for the District of Columbia vacated provisions promulgated as part of the October 20, 2010 rule to add $PM_{2.5}$ SMCs to SIP-approved PSD programs. On December 9, 2013 (78 FR 73698), EPA issued a Final Rule that revised the existing $PM_{2.5}$ SMC listed in sections 40 CFR 51.166(i)(5)(i)(c) and 52.21(i)(5)(i)(c) to zero micrograms per cubic meter (0 $\mu g/m^3$). The December 9, 2014 letter amends the NH DES request that EPA approve the November 15, 2012 SIP submittal consistent with the Court's decision. The NH DES now considers the SIP submittal to include a $PM_{2.5}$ SMC of 0 $\mu g/m^3$ and by the December 9, 2014 letter, confirms that it will not apply the $PM_{2.5}$ SMC of 4 $\mu g/m^3$ to any pending or future PSD permit actions.

## II. What is the background for New Hampshire's November 15, 2012 SIP submittal?

New Hampshire's proposal to adopt the July 1, 2011 edition of 40 CFR 52.21 into its SIP-approved PSD program involves the addition of several major changes made to the State's PSD program since EPA first approved the state's PSD program on October 28, 2002. More details regarding these rule changes are found in the respective final rulemakings and are summarized below.

The November 15, 2012 SIP submittal also retains the major PSD program provisions first approved into the SIP on October 28, 2002 without alteration or revision. These provisions include requirements to apply Best Available Control Technology (BACT) and to conduct an air quality analysis demonstrating any new emission increase does not violate applicable NAAQS or increment.

### *A. What revisions did EPA make in December 31, 2002?*

EPA issued a Final Rule entitled, ''Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Baseline Emissions Determination, Actual-to-Future-Actual Methodology, Plantwide Applicability Limitations, Clean Units, Pollution Control Projects'' (67 FR 80185, December 31, 2002). The rule made a number of changes to the applicability requirements of the Federal PSD Program including the following:

- A new definition of ''actual emission baseline'' that defines an

emission unit's pre-modification actual emissions;

• New ''Applicability Procedures'' under 40 CFR 51.166(a)(7) that define the test method used to calculate the emission increase from the construction or modification of new or existing emission units;

• The expansion of the ''Actual-to-Projected Actual'' applicability test to determine if projects at non-Electric Utility Steam Generating Units (non-EUSGU) are major modifications. The pre-2002 federal NSR regulations restricted the Actual-to-Projected Actual applicability test to EUSGUs only;

• New procedures requiring sources to monitor, keep records and report emissions emitted from projects at existing emission units if there is a reasonable possibility (as defined in 40 CFR 51.166(r)(6)) that a project that is not a major modification may result in a significant emission increase; and

• The addition of the optional ''Plantwide Applicability Test'' (PAL) for all source categories.

The **Federal Register** (FR) notification for the NSR Improvement rule gave State permitting agencies until January 2, 2006 to submit SIP amendments that implemented the new federal revisions or, if a state permitting agency did not submit any SIP amendments or submitted amendments that differed from the federal rules, a demonstration showing that its existing permitting program or amended permitting program is at least as stringent as EPA's revised program. In addition, federal regulations governing SIP-approved PSD programs at 40 CFR 51.166 ''Prevention of Significant Deterioration of Air Quality'' require that all state plans use the specific definitions as promulgated by EPA. Deviations from the federal wording for each definition will be approved only if the State specifically demonstrates that the submitted definition is more stringent than, or at least as stringent in all respects as, the corresponding federal definition.

The notification for the Final NSR Improvement rule at *http://www.epa.gov/NSR/fr/20021231_80186.pdf* provides a full description of the NSR Improvements, the requirements for SIP submittals, and the final amended Federal rule for SIP-approved PSD programs at 40 CFR 51.166 ''Prevention of Significant Deterioration of Air Quality.''

*B. What revisions did EPA make in May 16, 2008?*

EPA issued a Final Rule governing the implementation of NSR for $PM_{2.5}$. (73 FR 28321, May 16, 2008). The rule includes the new major source applicability threshold level for major sources of $PM_{2.5}$. A source is defined as a major source and subject to the $PM_{2.5}$ PSD requirements if the source is included as one of the specific twenty-eight source categories listed in the current Federal PSD regulations and emits 100 or more tons per year (tpy) of a regulated pollutant or not included on the list and emits 250 or more tpy of a regulated pollutant.

The rule identified the following list of pollutants that contribute to $PM_{2.5}$ formation and a description of whether the pollutant as a precursor to $PM_{2.5}$ is regulated under the PSD program:

• Direct emissions of $PM_{2.5}$—regulated under the PSD program;

• Sulfur dioxide ($SO_2$)—regulated under the PSD program;

• Nitrogen oxides ($NO_X$)—regulated under the PSD program unless state demonstrates that $NO_X$ emissions are not a significant contributor to the formation of $PM_{2.5}$ for an area(s) in the state;

• Volatile organic compounds (VOC)—not regulated under the PSD program unless state demonstrates that VOC emissions are a significant contributor to the formation of $PM_{2.5}$ for an area(s) in the state; and

• Ammonia—not regulated under the PSD program unless state demonstrates that ammonia emissions are a significant contributor to the formation of $PM_{2.5}$ for an area(s) in the state

The rule also identifies the following significant emission rates used to determine if increases in direct emissions of $PM_{2.5}$ or increases in $PM_{2.5}$ precursors at an existing facility result in major modifications and are subject to the PSD program:

• Direct $PM_{2.5}$ emissions—10 tpy
• $SO_2$ emissions—40 tpy
• $NO_X$ emissions—40 tpy
• VOC emissions (if regulated) 40 tpy unless the state demonstrates that a lower rate is appropriate.

*C. What revisions did EPA make in October 20, 2010?*

EPA issued a Final Rule to establish Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC) for the new $PM_{2.5}$ standard. (75 FR 64864, October 20, 2010) This final rule is the mechanism used to estimate significant deterioration of ambient air quality for a pollutant. An increment is the maximum allowable increase in ambient concentrations of a pollutant in an area. Permitting agencies may not issue a PSD permit if modeled impacts from the new or modified source results in increases above the increment. SILs is a screening tool used to determine whether a proposed source's emissions will have a ''significant'' impact on air quality in the area. SMC is a screening tool that may be used to determine if a source must submit to the permitting authority 1 year of pre-construction air quality monitoring data prior to constructing or modifying a facility.

This final rule establishes increments, SILs, and an SMC for $PM_{2.5}$ to facilitate ambient air quality monitoring and modeling under the PSD regulations for areas designated attainment or unclassifiable for $PM_{2.5}$. This rule together with the May 16, 2008 $PM_{2.5}$ rule provides the necessary elements to implement the $PM_{2.5}$ program in any area.

**III. What is EPA's analysis of New Hampshire's proposed SIP revision?**

*A. What requirements did EPA use to approve New Hampshire's SIP submittal?*

Section 110(a)(1) of the CAA requires each state to submit to EPA a plan which provides for the implementation, maintenance and enforcement of each NAAQS. These plans, generally referred to as the SIP, include numerous air quality monitoring, emission inventory, and emission control requirements designed to obtain and maintain the NAAQS within the state. The CAA requires states to adopt SIP revisions into the state regulations and to submit the revisions to EPA for approval. Section 110(l) of the CAA states that EPA shall not approve a revision to the SIP if the revision would interfere with any applicable requirement concerning attainment (of the NAAQS) and reasonable further progress (as defined in CAA section 7501) or any other requirement of the CAA.

In addition, federal regulations governing SIP-approved PSD programs at 40 CFR 51.166 ''Prevention of Significant Deterioration of Air Quality'' require that all state plans use the specific definitions as promulgated by EPA. Deviations from the federal wording for each definition will be approved only if the state specifically demonstrates that the submitted definition is more stringent, or at least as stringent in all respects, as the corresponding federal definition.

*B. What provisions did NH DES include in its November 15, 2012 SIP submittal?*

New Hampshire's SIP submittal added or revised the following provisions to its PSD Program under Env-A 619 *Prevention of Significant Deterioration:*

• Env-A 619.01: Purpose
• Env-A 619.02: Applicability

- Env-A 619.03: PSD Program Requirements
- Env-A 619.04: Owner or Operator Obligations
- Env-A 619.05: Permit Application Requirements
- Env-A 619.06: Designation of Class I and Class II Areas
- Env-A 619.07: Department Review and Public Notice
- Env-A 619.08: Increment Consumption

The following is a description of each section.

Env-A 619.01 *Purpose* defines the purpose of the part to implement the PSD program as set forth in Sections 160 through 169B of the Act and 40 CFR 52.21.

Env-A 619.02 *Applicability* identifies the sources subject to the state PSD program: New major sources or major modifications of a regulated NSR pollutant located in an area designated as attainment or unclassifiable under 107(d)(1) of the act for the regulated NSR pollutant. The section also allows an owner or operator to demonstrate that the program does not apply to a major source or major modification with respect to a particular pollutant if the source or modification is located in an area designated as nonattainment under 107 of the Act for the particular pollutant.

Env-A 619.03 *PSD Program Requirements* adopts the specific provisions under the July 1, 2011 edition of 40 CFR 52.21 needed to implement a SIP-approved PSD program that meets the requirements of Title I of the Act. Except for the definition of ''Baseline actual emissions,'' the NH DES adopted the federal provisions into the state program without revision.

The section includes instructions to replace the term ''administrator'' used in the 40 CFR 52.21 with the term ''department.'' The replacement of ''administrator'' with ''department'' identifies those federal provisions the NH DES intends to implement. The section also includes instructions to retain the term administrator for a list of provisions adopted into the state PSD program but that cannot be implemented by the NH DES.

Env-A 619.04 *Owner or Operator Obligations* includes the following requirements:

- the owner or operator of any new major stationary source or major modification subject to Env-A 619 shall comply with BACT; and
- the owner or operator of an existing major stationary source with a Plantwide applicability limit (PAL) shall comply with the provisions of its PAL.

Env-A 619.05 *Permit Application Requirements* includes references to the state procedures to process permit applications, the information required in applications, specific information for PALs, and procedures for the department to notify federal land managers.

Env-A 619.06 *Designation of Class I and class II Areas* identifies the Class I and Class II areas in New Hampshire.

Env-A 619.07 *Department Review and public notice* identifies the requirements to review permit applications, notify and resolve application deficiencies, and schedules for making final determinations in accordance with criteria set forth in Env-A 607.04 and 40 CFR 52.21(j) through (p). Finally, the section identifies the public notice procedures under Env-A 621.04 for permit issuance including the requirement for a 30-day public notice and comment period and permit appeal procedures under the state judicial review regulations.

Env-A 619.08 *Increment Consumption* requires the state to periodically review pollutant concentration increases over baseline to determine whether ambient air increments have been violated in any PSD area within the state. If a violation is discovered, the NH DES shall submit to EPA a plan for insuring the violation shall be mitigated as soon as possible.

*C. How did the New Hampshire November 15, 2012 SIP submittal meet the new and existing PSD program requirements?*

With the exception of the revision to the definition of ''baseline actual emissions,'' the NH DES's SIP submittal incorporated by reference into State regulations the federal PSD Program definitions and requirements as promulgated under the July 1, 2011 edition of 40 CFR 52.21, without revision. By incorporating the Federal provisions under 40 CFR 52.21 without revision, the state's proposed SIP revision satisfies the existing SIP-approved PSD program requirements approved on October 28, 2002, the December 31, 2002 NSR Improvement Rule, the May 16, 2008 $PM_{2.5}$ NSR Rule and October 20, 2010 $PM_{2.5}$ Increment, SMC and SIL Rule.

In EPA's October 28, 2002 approval of New Hampshire's state PSD program, New Hampshire's regulations included public participation and permit appeal procedural requirements that are specific to the State's permitting programs. The requirements complied with federal procedural requirements including provisions for a public notice and comment period of a minimum of 30 days. These requirements continue to meet federal PSD permit procedural requirements.

EPA's October 30, 2014 Technical Support Document (TSD) for the proposed approval described in this document includes a complete list of federal provisions adopted into the state PSD program, the corresponding state requirements and a description of how the state provision complies with the federal requirements.

*D. How did NH DES demonstrate that the definition for ''Baseline Actual Emissions'' is as stringent as the corresponding federal definition?*

1. Description of State and Federal definition for ''Baseline Actual Emissions''

The ''Baseline actual emissions'' definition is used in all major source applicability tests and defines the actual emissions from a source before the project. The difference between the pre-project ''actual emission baseline'' and the post-project ''projected actual emissions'' determines the emission increase from a project.

The federal definition of ''Baseline actual emissions'' at 40 CFR 52.21(b)(48) and 40 CFR 51.166(b)(47) defines separate baseline emissions calculations for existing electric utility steam generating units (EUSGU) and all other existing emission units other than EUSGU as follows:

- Existing EUSGU: The owner/operator may select any consecutive 24-month period for each pollutant without the need for a demonstration within the 5-year period immediately preceding when the owner/operator begins actual construction of the project. The reviewing authority may allow the use of a different time period upon a determination showing the time period is more representative of normal source operations. A different consecutive 24-month period can be used for each regulated pollutant.
- All other existing emission units: The owner/operator may select any consecutive 24-month period in the 10-year period immediately preceding either the date the owner/operator begins actual construction or the date a completed permit application is received by the reviewing authority for a permit required either under this section or under a plan approved by the administrator, whichever is earlier. No other different time period is allowed. A different consecutive 24-month period can be used for each regulated pollutant.

The NH DES definition tracks the requirements in 40 CFR 52.21(b)(48) except for the following revisions:

- The definition applies to EUSGU and non-EUSGU.
- The owner/operator may select a consecutive 24-month period for each pollutant within a 5-year period without the need for a demonstration.
- The department shall allow the use of a different time period up to 10-years preceding the date when the owner/operator begins actual construction upon adequate demonstration by the applicant that it is more representative of normal source operations.
- The same consecutive 24-month period shall be used for each regulated pollutant.
- The department may allow a different consecutive 24-month period for different pollutants upon a determination that the alternative time period is more representative of normal source operations upon adequate demonstration by the applicant that it is more representative of normal source operations.

2. Description of Demonstration

As noted in the background section, the federal regulations governing SIP-approved PSD Programs at 40 CFR 51.166 ''Prevention of significant deterioration of air quality'' require that all state plans use the specific definitions as promulgated by EPA. Deviations from the federal wording for each definition will be approved only if the State specifically demonstrates that the submitted definition is more stringent, or at least as stringent in all respects, as the corresponding federal definition.

As part of the Final 2002 NSR final rule, EPA prepared a November 21, 2002, ''Supplemental Analysis of the Environmental Impact of the 2002 Final NSR Improvement Rules (Supplemental Analysis).'' The Supplemental Analysis provided a description of the NSR reform rules and an analysis demonstrating that the reform rule's environmental benefits were equivalent to or more stringent than the existing pre-reform rules. For the addition of the definition of ''Baseline actual emissions,'' EPA concluded that the use of a 10 year period to select a baseline is a reasonable period considering the variability of different business cycles. EPA believes the effect from the new definition is small and would not alter the baseline for 90% of the sources. For the remaining 10%, EPA cannot draw general conclusions about how many sources would or would not receive an alternative baseline nor estimate what emission consequences would result. EPA's complete analysis of the definition of ''Baseline Actual Emissions'' can be found at *http://www.epa.gov/nsr/documents/nsr-analysis.pdf.*

The NH DES included as part of their SIP submittal a November 16, 2012 memorandum entitled ''Supplemental Information for SIP Revision Request Parts of Env-A 600, *Statewide Permit System.''* Similar to the EPA's study, the memorandum described the difference between the federal and state ''Baseline actual emissions'' definitions and an emissions study that compares the effects of the state and federal definition on changes to actual sources located in New Hampshire. The NH DES's analysis looked at the federal definition baseline actual emission, the state's default baseline actual emission method (*i.e.,* 24 consecutive months selected from the 5 years preceding actual construction for all regulated pollutants), and the state's baseline emission baseline if the owner/operator could demonstrate normal source operations:

- For 24 consecutive months selected from the 5 to 10 year period preceding actual construction, and
- for different 24 consecutive months selected for different regulated pollutants.

For the majority of changes occurring at any type of source, the state's default baseline actual emissions method resulted in the same or lower baseline emissions as compared to the federal definition. For owner/operators that could demonstrate normal source operations for 24 consecutive months selected from the 5 to 10 year period preceding construction and for different regulated pollutants, the results showed that state's definition resulted in baseline emissions that were equivalent in all cases to the federal definition.

EPA concludes the NH DES's definition is as stringent in all respects as the federal definition. The state definition results in the same emission baseline for new emission units, changes to existing EUSGUs, and changes at existing units that emit one pollutant and with high utilization rates within the last 5 years. For all other changes, the state's definition allows the use of baselines selected outside of 5 years (but before 10-years) and baselines for each regulated pollutant where appropriately demonstrated. As a result, any difference in the application of the state and federal definition on the selection of baseline emissions, if any, would be insignificant and would result in similar PSD applicability decisions, emission limitations or emission control requirements.

## IV. How did New Hampshire's November 15, 2012 SIP submittal comply with the relevant legal decisions issued by the United States Court of Appeals for the District of Columbia and the United States Supreme Court effecting $PM_{2.5}$ SMC and greenhouse gas requirements, respectively?

### *A. $PM_{2.5}$ SMC*

The November 15, 2012 SIP submittal includes requirements to make the State's PSD program comply with the federal PSD program for $PM_{2.5}$ NAAQS. After the NH DES submitted the November 2012 proposed PSD SIP revision to EPA, the U.S. Court of Appeals for the District of Columbia, in *Sierra Club* v. *EPA,* 705 F.3d 458 (2013), vacated the provisions at 40 CFR 51.166(i)(5)(i)(c) and 52.21(i)(5)(i)(c), relating to $PM_{2.5}$ SMC, that were promulgated as part of EPA's 2010 $PM_{2.5}$ PSD rulemaking. (75 FR 64864, October 20, 2010). In a letter dated December 9, 2014, the NH DES amended its November 15, 2012 SIP submittal to clarify that the submittal is no longer intended to include the $PM_{2.5}$ SMC provisions. In addition, the NH DES letter confirms that it will not apply the $PM_{2.5}$ SMC provisions to pending or future PSD permit actions.

### *B. Greenhouse Gas Requirements*

The November 15, 2012 submittal includes requirements that had earlier been approved by EPA into the New Hampshire SIP on March 3, 2012, establishing appropriate emission thresholds for determining which new and modified stationary sources are subject to New Hampshire's PSD permitting requirements for their greenhouse gas (GHG) emissions.

On June 23, 2014, the United States Supreme Court issued a decision addressing the application of PSD permitting requirements to GHG emissions. *Utility Air Regulatory Group* v. *Environmental Protection Agency,* 134 S.Ct. 2427. The Supreme Court said that the EPA may not treat GHGs as an air pollutant for purposes of determining whether a source is a major source required to obtain a PSD permit. The Court also said that the EPA could continue to require that PSD permits, otherwise required based on emissions of pollutants other than GHGs, contain limitations on GHG emissions based on the application of Best Available Control Technology (BACT). In order to act consistently with its understanding of the Court's decision pending further judicial action to effectuate the decision, the EPA is not continuing to apply EPA regulations that would require that SIPs

include permitting requirements that the Supreme Court found impermissible. Specifically, EPA is not applying the requirement that a state's SIP-approved PSD program require that sources obtain PSD permits when GHGs are the only pollutant (i) that the source emits or has the potential to emit above the major source thresholds, or (ii) for which there is a significant emissions increase and a significant net emissions increase from a modification (*e.g.* 40 CFR 51.166(b)(48)(v)). EPA anticipates a need to revise federal PSD rules in light of the Supreme Court opinion. In addition, EPA anticipates that many states will revise their existing SIP-approved PSD programs in light of the Supreme Court's decision. The timing and content of subsequent EPA actions with respect to the EPA regulations and state PSD program approvals are expected to be informed by additional legal process before the United States District Court for the District of Columbia Circuit. At this juncture, EPA is not expecting states to have revised their PSD programs and is only evaluating such submissions to assure that the state's program correctly addresses GHGs consistent with the Supreme Court's decision.

In its December 9, 2014 letter, New Hampshire indicated that it will not implement the GHG requirements as to sources that would be subject to the PSD program solely by virtue of their GHG emissions. New Hampshire indicated that it will not treat GHG as a pollutant for purposes of determining whether a source is a major source required to obtain a PSD permit. However, consistent with the Supreme Court's June 23, 1014 decision, New Hampshire will be implementing the GHG requirements that apply to sources that are subject to the PSD program requirements by virtue of other regulated pollutants. Once EPA revises its regulations to address the Supreme Court's recent GHG decision, the NH DES will revise its rules and submit the revisions to EPA for approval into the SIP.

## V. What action is EPA taking?

EPA proposes to approve the NH DES's November 15, 2012 proposed SIP revision. The proposed SIP revision, as clarified in a letter dated December 9, 2014 from the NH DES, establishes a state PSD program at Env-A 619, ''Prevention of Significant Deterioration'' that meets all requirements for a SIP-approved PSD program under 40 CFR 51.166, section 110 of the CAA, and EPA regulations.

## VI. 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 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 proposed 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 proposed 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.

### List of Subjects in 40 CFR Part 52

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

Dated: December 31, 2014.

**Deborah A Szaro,**

*Acting Regional Administrator, EPA New England.*

[FR Doc. 2015–00872 Filed 1–20–15; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[EPA–R03–OAR–2014–0701; FRL–9921–70–Region 3]**

## Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Infrastructure Requirements for the 2008 Ozone, 2010 Nitrogen Dioxide, and 2010 Sulfur Dioxide National Ambient Air Quality Standards; Approval of Air Pollution Emergency Episode Plan

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve portions of three State Implementation Plan (SIP) revision submittals from the District of Columbia (hereafter ''the District'') pursuant to the Clean Air Act (CAA). Whenever new or revised national ambient air quality standards (NAAQS) are promulgated, the CAA requires states to submit a plan for the implementation, maintenance, and enforcement of such NAAQS. The plan is required to address basic program elements, including, but not limited to, regulatory structure, monitoring, modeling, legal authority, and adequate resources necessary to assure attainment and maintenance of the standards. These elements are referred to as infrastructure requirements. The District has made three separate submittals addressing the infrastructure requirements for the 2008 ozone NAAQS, the 2010 nitrogen dioxide ($NO_2$) NAAQS, and the 2010 sulfur dioxide ($SO_2$) NAAQS. One of the infrastructure submittals also includes the ''Revised Air Quality Emergency Plan for the District of Columbia'' for

satisfying EPA's requirements for air quality emergency episodes. In this rulemaking action, EPA is proposing to approve, in accordance with the requirements of the CAA: The three infrastructure SIP submissions with the exception of the portions of the submittals addressing transport of pollution and the portions of the submittals addressing the Prevention of Significant Deterioration (PSD) permitting requirements; and the District's Air Quality Emergency Plan which also meets EPA's requirements for air pollution prevention contingency plans.

**DATES:** Written comments must be received on or before February 20, 2015.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA–R03–OAR–2014–0701 by one of the following methods:

*A. www.regulations.gov.* Follow the on-line instructions for submitting comments.

*B. Email: fernandez.cristina@epa.gov.*

*C. Mail:* EPA–R03–OAR–2014–0701, Cristina Fernandez, Associate Director, Office of Air Program Planning, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

*D. Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID No. EPA–R03–OAR–2014–0701. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

*Docket:* All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.,* 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 in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the District of Columbia Department of the Environment, Air Quality Division, 1200 1st Street NE., 5th floor, Washington, DC 20002.

**FOR FURTHER INFORMATION CONTACT:** Emlyn Vélez-Rosa, (215) 814–2038, or by email at *velez-rosa.emlyn@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

## I. Background

On March 27, 2008 (73 FR 16436), EPA promulgated a revised NAAQS for ozone based on 8-hour average concentrations. EPA revised the level of the 8-hour ozone NAAQS from 0.08 parts per million (ppm) to 0.075 ppm. On February 9, 2010 (75 FR 6474), EPA established a new 1-hour primary NAAQS for $NO_2$ at a level of 100 parts per billion (ppb), based on a 3-year average of the 98th percentile of the yearly distribution of 1-hour daily maximum concentrations. On June 22, 2010 (75 FR 35520), EPA promulgated a revised NAAQS for the 1-hour primary $SO_2$ at a level of 75 parts per billion (ppb), based on a 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations.

Pursuant to section 110(a)(1) of the CAA, states are required to submit SIPs meeting the applicable requirements of section 110(a)(2) within three years after promulgation of a new or revised NAAQS or within such shorter period as EPA may prescribe. Section 110(a)(2) requires states to address basic SIP elements such as requirements for monitoring, basic program requirements, and legal authority that are designed to assure attainment and maintenance of the NAAQS. Section 110(a) imposes the obligation upon states to make a SIP submission to EPA for a new or revised NAAQS, but the contents of that submission may vary depending upon the facts and circumstances. In particular, the data and analytical tools available at the time the state develops and submits the SIP for a new or revised NAAQS affects the content of the submission. The content of such SIP submission may also vary depending upon what provisions the state's existing SIP already contains.

More specifically, section 110(a)(1) provides the procedural and timing requirements for SIPs. Section 110(a)(2) lists specific elements that states must meet for ''infrastructure'' SIP requirements related to a newly established or revised NAAQS. As mentioned earlier, these requirements include basic SIP elements such as requirements for monitoring, basic program requirements, and legal authority that are designed to assure attainment and maintenance of the NAAQS.

## II. Summary of State Submittals

The District through the District Department of the Environment (DDOE) submitted three separate revisions to its SIP to satisfy the requirements of section 110(a)(2) of the CAA for the different NAAQS. On June 6, 2014, DDOE submitted a SIP revision addressing the infrastructure requirements for the 2010 $NO_2$ NAAQS. On June 13, 2014, DDOE submitted an infrastructure SIP revision for the 2008 ozone NAAQS. On July 17, 2014, DDOE submitted an infrastructure SIP revision for the 2010 $SO_2$ NAAQS. Each of the infrastructure SIP revisions addressed the following infrastructure elements for the applicable NAAQS: Section 110(a)(2)(A), (B), (C), (D)(i)(I), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M) of the CAA. The three infrastructure SIP submittals do not address section 110(a)(2)(I) which pertains to the nonattainment requirements of part D, Title I of the CAA, because this element is not required to be submitted by the 3-year submission deadline of CAA section 110(a)(1) and will be addressed in a separate process, if necessary.

In addition, the June 13, 2014 SIP submittal includes the ''Revised Air Quality Emergency Plan for the District of Columbia,'' which the District is requesting EPA to approve into the SIP to address EPA's requirements for preventing air pollution emergency episodes which are located in 40 CFR

part 51, subpart H and section 110(a)(2)(G) of the CAA. Section 110(a)(2)(G), among other things, requires state SIPs to provide adequate contingency plans to implement a state's authority similar to section 303 of the CAA regarding imminent and substantial endangerment authority. The entire District is part of the National Capital Interstate air quality control region, which is classified as a Priority I region for particulate matter, sulfur oxides ($SO_X$), carbon monoxide (CO), and ozone and as a Priority III region for $NO_2$. *See* 40 CFR 52.471. Therefore, in accordance with 40 CFR part 51, subpart H, the District submitted its Air Quality Emergency Plan with contingency measures for all pollutants, including particulate matter, $SO_X$, CO, and ozone.

## III. EPA's Approach To Review Infrastructure SIPs

EPA is acting upon the District's SIP submissions that addresses the infrastructure requirements of section 110(a)(1) and (2) of the CAA for the 2008 ozone NAAQS, the 2010 $NO_2$ NAAQS, and the 2010 $SO_2$ NAAQS. The requirement for states to make a SIP submission of this type arises out of section 110(a)(1). Pursuant to section 110(a)(1), states must make SIP submissions ''within 3 years (or such shorter period as the Administrator may prescribe) after the promulgation of a national primary ambient air quality standard (or any revision thereof),'' and these SIP submissions are to provide for the ''implementation, maintenance, and enforcement'' of such NAAQS. The statute directly imposes on states the duty to make these SIP submissions, and the requirement to make the submissions is not conditioned upon EPA's taking any action other than promulgating a new or revised NAAQS. Section 110(a)(2) includes a list of specific elements that ''[e]ach such plan'' submission must address.

EPA has historically referred to these SIP submissions made for the purpose of satisfying the requirements of section 110(a)(1) and (2) as ''infrastructure SIP'' submissions. Although the term ''infrastructure SIP'' does not appear in the CAA, EPA uses the term to distinguish this particular type of SIP submission from submissions that are intended to satisfy other SIP requirements under the CAA, such as ''nonattainment SIP'' or ''attainment plan SIP'' submissions to address the nonattainment planning requirements of part D of Title I of the CAA, ''regional haze SIP'' submissions required by EPA rule to address the visibility protection requirements of section 169A of the CAA, and nonattainment new source review permit program submissions to address the permit requirements of CAA, Title I, part D.

Section 110(a)(1) addresses the timing and general requirements for infrastructure SIP submissions and section 110(a)(2) provides more details concerning the required contents of these submissions. The list of required elements provided in section 110(a)(2) contains a wide variety of disparate provisions, some of which pertain to required legal authority, some of which pertain to required substantive program provisions, and some of which pertain to requirements for both authority and substantive program provisions.[1] EPA therefore believes that while the timing requirement in section 110(a)(1) is unambiguous, some of the other statutory provisions are ambiguous. In particular, EPA believes that the list of required elements for infrastructure SIP submissions provided in section 110(a)(2) contains ambiguities concerning what is required for inclusion in an infrastructure SIP submission.

The following examples of ambiguities illustrate the need for EPA to interpret some section 110(a)(1) and section 110(a)(2) requirements with respect to infrastructure SIP submissions for a given new or revised NAAQS. One example of ambiguity is that section 110(a)(2) requires that ''each'' SIP submission must meet the list of requirements therein, while EPA has long noted that this literal reading of the statute is internally inconsistent and would create a conflict with the nonattainment provisions in part D of Title I of the CAA, which specifically address nonattainment SIP requirements.[2] Section 110(a)(2)(I) pertains to nonattainment SIP requirements and part D addresses when attainment plan SIP submissions to address nonattainment area requirements are due. For example, section 172(b) requires EPA to establish a schedule for submission of such plans for certain pollutants when the Administrator promulgates the designation of an area as nonattainment, and section 107(d)(1)(B) allows up to two years or in some cases three years, for such designations to be promulgated.[3] This ambiguity illustrates that rather than apply all the stated requirements of section 110(a)(2) in a strict literal sense, EPA must determine which provisions of section 110(a)(2) are applicable for a particular infrastructure SIP submission.

Another example of ambiguity within section 110(a)(1) and (2) with respect to infrastructure SIPs pertains to whether states must meet all of the infrastructure SIP requirements in a single SIP submission, and whether EPA must act upon such SIP submission in a single action. Although section 110(a)(1) directs states to submit ''a plan'' to meet these requirements, EPA interprets the CAA to allow states to make multiple SIP submissions separately addressing infrastructure SIP elements for the same NAAQS. If states elect to make such multiple SIP submissions to meet the infrastructure SIP requirements, EPA can elect to act on such submissions either individually or in a larger combined action.[4] Similarly, EPA interprets the CAA to allow it to take action on the individual parts of one larger, comprehensive infrastructure SIP submission for a given NAAQS without concurrent action on the entire submission. For example, EPA has sometimes elected to act at different times on various elements and sub-elements of the same infrastructure SIP submission.[5]

[1] For example: Section 110(a)(2)(E)(i) provides that states must provide assurances that they have adequate legal authority under state and local law to carry out the SIP; Section 110(a)(2)(C) provides that states must have a SIP-approved program to address certain sources as required by part C of Title I of the CAA; and section 110(a)(2)(G) provides that states must have legal authority to address emergencies as well as contingency plans that are triggered in the event of such emergencies.

[2] *See, e.g.,* ''Rule To Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule); Revisions to Acid Rain Program; Revisions to the $NO_X$ SIP Call; Final Rule,'' 70 FR 25162, at 25163–65 (May 12, 2005) (explaining relationship between timing requirement of section 110(a)(2)(D) versus section 110(a)(2)(I)).

[3] EPA notes that this ambiguity within section 110(a)(2) is heightened by the fact that various subparts of part D set specific dates for submission of certain types of SIP submissions in designated nonattainment areas for various pollutants. Note, *e.g.,* that section 182(a)(1) provides specific dates for submission of emissions inventories for the ozone NAAQS. Some of these specific dates are necessarily later than three years after promulgation of the new or revised NAAQS.

[4] *See, e.g.,* ''Approval and Promulgation of Implementation Plans; New Mexico; Revisions to the New Source Review (NSR) State Implementation Plan (SIP); Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) Permitting,'' 78 FR 4339 (January 22, 2013) (EPA's final action approving the structural PSD elements of the New Mexico SIP submitted by the State separately to meet the requirements of EPA's 2008 $PM_{2.5}$ NSR rule), and ''Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Infrastructure and Interstate Transport Requirements for the 2006 $PM_{2.5}$ NAAQS,'' 78 FR 4337 (January 22, 2013) (EPA's final action on the infrastructure SIP for the 2006 $PM_{2.5}$ NAAQS).

[5] On December 14, 2007, the State of Tennessee, through the Tennessee Department of Environment and Conservation, made a SIP revision to EPA demonstrating that the State meets the requirements of sections 110(a)(1) and (2). EPA proposed action for infrastructure SIP elements (C) and (J) on January 23, 2012 (77 FR 3213) and took final action

Continued

Ambiguities within section 110(a)(1) and (2) may also arise with respect to infrastructure SIP submission requirements for different NAAQS. Thus, EPA notes that not every element of section 110(a)(2) would be relevant, or as relevant, or relevant in the same way, for each new or revised NAAQS. The states' attendant infrastructure SIP submissions for each NAAQS therefore could be different. For example, the monitoring requirements that a state might need to meet in its infrastructure SIP submission for purposes of section 110(a)(2)(B) could be very different for different pollutants, because the content and scope of a state's infrastructure SIP submission to meet this element might be very different for an entirely new NAAQS than for a minor revision to an existing NAAQS.[6]

EPA notes that interpretation of section 110(a)(2) is also necessary when EPA reviews other types of SIP submissions required under the CAA. Therefore, as with infrastructure SIP submissions, EPA also has to identify and interpret the relevant elements of section 110(a)(2) that logically apply to these other types of SIP submissions. For example, section 172(c)(7) requires attainment plan SIP submissions required by part D to meet the ''applicable requirements'' of section 110(a)(2); thus, attainment plan SIP submissions must meet the requirements of section 110(a)(2)(A) regarding enforceable emission limits and control measures and section 110(a)(2)(E)(i) regarding air agency resources and authority. By contrast, it is clear that attainment plan SIP submissions required by part D would not need to meet the portion of section 110(a)(2)(C) that pertains to the PSD program required in part C of Title I of the CAA, because PSD does not apply to a pollutant for which an area is designated nonattainment and thus subject to part D planning requirements. As this example illustrates, each type of SIP submission may implicate some elements of section 110(a)(2) but not others.

Given the potential for ambiguity in some of the statutory language of section 110(a)(1) and section 110(a)(2), EPA believes that it is appropriate to interpret the ambiguous portions of section 110(a)(1) and section 110(a)(2) in the context of acting on a particular SIP submission. In other words, EPA assumes that Congress could not have intended that each and every SIP submission, regardless of the NAAQS in question or the history of SIP development for the relevant pollutant, would meet each of the requirements, or meet each of them in the same way. Therefore, EPA has adopted an approach under which it reviews infrastructure SIP submissions against the list of elements in section 110(a)(2), but only to the extent each element applies for that particular NAAQS.

Historically, EPA has elected to use guidance documents to make recommendations to states for infrastructure SIPs, in some cases conveying needed interpretations on newly arising issues and in some cases conveying interpretations that have already been developed and applied to individual SIP submissions for particular elements.[7] EPA most recently issued guidance for infrastructure SIPs on September 13, 2013 (2013 Guidance).[8] EPA developed this document to provide states with up-to-date guidance for infrastructure SIPs for any new or revised NAAQS. Within this guidance, EPA describes the duty of states to make infrastructure SIP submissions to meet basic structural SIP requirements within three years of promulgation of a new or revised NAAQS. EPA also made recommendations about many specific subsections of section 110(a)(2) that are relevant in the context of infrastructure SIP submissions.[9] The guidance also discusses the substantively important issues that are germane to certain subsections of section 110(a)(2). EPA interprets section 110(a)(1) and (2) such that infrastructure SIP submissions need to address certain issues and need not address others. Accordingly, EPA reviews each infrastructure SIP submission for compliance with the applicable statutory provisions of section 110(a)(2), as appropriate.

As an example, section 110(a)(2)(E)(ii) is a required element of section 110(a)(2) for infrastructure SIP submissions. Under this element, a state must meet the substantive requirements of section 128, which pertain to state boards that approve permits or enforcement orders and heads of executive agencies with similar powers. Thus, EPA reviews infrastructure SIP submissions to ensure that the state's SIP appropriately addresses the requirements of section 110(a)(2)(E)(ii) and section 128. The 2013 Guidance explains EPA's interpretation that there may be a variety of ways by which states can appropriately address these substantive statutory requirements, depending on the structure of an individual state's permitting or enforcement program (*e.g.,* whether permits and enforcement orders are approved by a multi-member board or by a head of an executive agency). However they are addressed by the state, the substantive requirements of Section 128 are necessarily included in EPA's evaluation of infrastructure SIP submissions because section 110(a)(2)(E)(ii) explicitly requires that the state satisfy the provisions of section 128.

As another example, EPA's review of infrastructure SIP submissions with respect to the PSD program requirements in section 110(a)(2)(C), (D)(i)(II), and (J) focuses upon the structural PSD program requirements contained in part C and EPA's PSD regulations. Structural PSD program requirements include provisions necessary for the PSD program to address all regulated sources and NSR pollutants, including Green House Gases (GHGs). By contrast, structural PSD program requirements do not include provisions that are not required under EPA's regulations at 40 CFR 51.166 but are merely available as an option for the state, such as the option to provide grandfathering of complete permit applications with respect to the 2013 $PM_{2.5}$ NAAQS. Accordingly, the latter optional provisions are types of provisions EPA considers irrelevant in the context of an infrastructure SIP action.

For other section 110(a)(2) elements, however, EPA's review of a state's infrastructure SIP submission focuses

on March 14, 2012 (77 FR 14976). On April 16, 2012 (77 FR 22533) and July 23, 2012 (77 FR 42997), EPA took separate proposed and final actions on all other section 110(a)(2) infrastructure SIP elements of Tennessee's December 14, 2007 submittal.

[6] For example, implementation of the 1997 $PM_{2.5}$ NAAQS required the deployment of a system of new monitors to measure ambient levels of that new indicator species for the new NAAQS.

[7] EPA notes, however, that nothing in the CAA requires EPA to provide guidance or to promulgate regulations for infrastructure SIP submissions. The CAA directly applies to states and requires the submission of infrastructure SIP submissions, regardless of whether or not EPA provides guidance or regulations pertaining to such submissions. EPA elects to issue such guidance in order to assist states, as appropriate.

[8] ''Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2),'' Memorandum from Stephen D. Page, September 13, 2013.

[9] EPA's September 13, 2013, guidance did not make recommendations with respect to infrastructure SIP submissions to address Section 110(a)(2)(D)(i)(I). EPA issued the guidance shortly after the U.S. Supreme Court agreed to review the D.C. Circuit decision in *EME Homer City,* 696 F.3d 7 (D.C. Cir. 2012) which had interpreted the requirements of section 110(a)(2)(D)(i)(I). In light of the uncertainty created by ongoing litigation, EPA elected not to provide additional guidance on the requirements of section 110(a)(2)(D)(i)(I) at that time. As the guidance is neither binding nor required by statute, whether EPA elects to provide guidance on a particular section has no impact on a state's CAA obligations.

on assuring that the state's SIP meets basic structural requirements. For example, section 110(a)(2)(C) includes, *inter alia,* the requirement that states have a program to regulate minor new sources. Thus, EPA evaluates whether the state has an EPA-approved minor new source review program and whether the program addresses the pollutants relevant to that NAAQS. In the context of acting on an infrastructure SIP submission, however, EPA does not think it is necessary to conduct a review of each and every provision of a state's existing minor source program (*i.e.,* already in the existing SIP) for compliance with the requirements of the CAA and EPA's regulations that pertain to such programs.

With respect to certain other issues, EPA does not believe that an action on a state's infrastructure SIP submission is necessarily the appropriate type of action in which to address possible deficiencies in a state's existing SIP. These issues include: (i) Existing provisions related to excess emissions from sources during periods of startup, shutdown, or malfunction that may be contrary to the CAA and EPA's policies addressing such excess emissions (SSM); (ii) existing provisions related to ''director's variance'' or ''director's discretion'' that may be contrary to the CAA because they purport to allow revisions to SIP-approved emissions limits while limiting public process or not requiring further approval by EPA; and (iii) existing provisions for PSD programs that may be inconsistent with current requirements of EPA's ''Final NSR Improvement Rule,'' 67 FR 80186 (December 31, 2002), as amended by 72 FR 32526 (June 13, 2007) (NSR Reform). Thus, EPA believes it may approve an infrastructure SIP submission without scrutinizing the totality of the existing SIP for such potentially deficient provisions and may approve the submission even if it is aware of such existing provisions.[10] It is important to note that EPA's approval of a state's infrastructure SIP submission should not be construed as explicit or implicit re-approval of any existing potentially deficient provisions that relate to the three specific issues just described.

EPA's approach to review of infrastructure SIP submissions is to identify the CAA requirements that are logically applicable to that submission. EPA believes that this approach to the review of a particular infrastructure SIP submission is appropriate, because it would not be reasonable to read the general requirements of section 110(a)(1) and the list of elements in section 110(a)(2) as requiring review of each and every provision of a state's existing SIP against all requirements in the CAA and EPA regulations merely for purposes of assuring that the state in question has the basic structural elements for a functioning SIP for a new or revised NAAQS. Because SIPs have grown by accretion over the decades as statutory and regulatory requirements under the CAA have evolved, they may include some outmoded provisions and historical artifacts. These provisions, while not fully up to date, nevertheless may not pose a significant problem for the purposes of ''implementation, maintenance, and enforcement'' of a new or revised NAAQS when EPA evaluates adequacy of the infrastructure SIP submission. EPA believes that a better approach is for states and EPA to focus attention on those elements of section 110(a)(2) of the CAA most likely to warrant a specific SIP revision due to the promulgation of a new or revised NAAQS or other factors.

For example, EPA's 2013 Guidance gives simpler recommendations with respect to carbon monoxide than other NAAQS pollutants to meet the visibility requirements of section 110(a)(2)(D)(i)(II), because carbon monoxide does not affect visibility. As a result, an infrastructure SIP submission for any future new or revised NAAQS for carbon monoxide need only state this fact in order to address the visibility prong of section 110(a)(2)(D)(i)(II).

Finally, EPA believes that its approach with respect to infrastructure SIP requirements is based on a reasonable reading of section 110(a)(1) and (2) because the CAA provides other avenues and mechanisms to address specific substantive deficiencies in existing SIPs. These other statutory tools allow EPA to take appropriately tailored action, depending upon the nature and severity of the alleged SIP deficiency. Section 110(k)(5) authorizes EPA to issue a ''SIP call'' whenever the Agency determines that a state's SIP is substantially inadequate to attain or maintain the NAAQS, to mitigate interstate transport, or to otherwise comply with the CAA.[11] Section 110(k)(6) authorizes EPA to correct errors in past actions, such as past approvals of SIP submissions.[12] Significantly, EPA's determination that an action on a state's infrastructure SIP submission is not the appropriate time and place to address all potential existing SIP deficiencies does not preclude EPA's subsequent reliance on provisions in section 110(a)(2) as part of the basis for action to correct those deficiencies at a later time. For example, although it may not be appropriate to require a state to eliminate all existing inappropriate director's discretion provisions in the course of acting on an infrastructure SIP submission, EPA believes that section 110(a)(2)(A) may be among the statutory bases that EPA relies upon in the course of addressing such deficiency in a subsequent action.[13]

## IV. Summary of EPA's Rationale for Proposing Approval

In accordance with 40 CFR part 51, appendix V, EPA found that each of the infrastructure SIP submittals is technically incomplete for the portions of the infrastructure elements in section 110(a)(2)(C), (D)(i)(II), (D)(ii), and (J) relating to the permitting program for PSD, because the District has not adequately addressed the requirements of part C of Title I of the CAA for having a SIP-approved PSD program. EPA found the remainder of the SIP submittals to be administratively and technically complete. EPA sent letters to DDOE in July 21, 2014 and November 4, 2014 notifying the District of these determinations for each of the applicable NAAQS.[14] As a result of

[10] By contrast, EPA notes that if a state were to include a new provision in an infrastructure SIP submission that contained a legal deficiency, such as a new exemption for excess emissions during SSM events, then EPA would need to evaluate that provision for compliance against the rubric of applicable CAA requirements in the context of the action on the infrastructure SIP.

[11] For example, EPA issued a SIP call to Utah to address specific existing SIP deficiencies related to the treatment of excess emissions during SSM events. *See* ''Finding of Substantial Inadequacy of Implementation Plan; Call for Utah State Implementation Plan Revisions,'' 74 FR 21639 (April 18, 2011).

[12] EPA has used this authority to correct errors in past actions on SIP submissions related to PSD programs. *See* ''Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Final Rule,'' 75 FR 82536 (December 30, 2010). EPA has previously used its authority under section 110(k)(6) of the CAA to remove numerous other SIP provisions that the Agency determined it had approved in error. *See, e.g.,* 61 FR 38664 (July 25, 1996) and 62 FR 34641 (June 27, 1997) (corrections to American Samoa, Arizona, California, Hawaii, and Nevada SIPs); 69 FR 67062, November 16, 2004 (corrections to California SIP); and 74 FR 57051 (November 3, 2009) (corrections to Arizona and Nevada SIPs).

[13] *See, e.g.,* EPA's disapproval of a SIP submission from Colorado on the grounds that it would have included a director's discretion provision inconsistent with CAA requirements, including section 110(a)(2)(A). *See, e.g.,* 75 FR 42342 at 42344 (July 21, 2010) (proposed disapproval of director's discretion provisions); 76 FR 4540 (January 26, 2011) (final disapproval of such provisions).

[14] Letters regarding EPA's completeness determinations are included in the docket for this rulemaking action.

these incompleteness findings, EPA is not taking rulemaking action on the PSD-related portions of section 110(a)(2)(C), (D)(i)(II), (D)(ii), and (J) for the District's infrastructure SIP submittals for the 2010 $NO_2$ NAAQS, the 2008 ozone NAAQS, and the 2010 $SO_2$ NAAQS, until the District through DDOE submits a SIP to address the PSD permit program requirements of part C of Title I of the CAA.

EPA recognizes, however, that the District of Columbia is already subject to a Federal Implementation Plan (FIP) containing the Federal PSD program [15] to correct the SIP deficiency and that DDOE would not have to take further action for the FIP-based permitting process to continue operating. Thus, EPA anticipates that there will be no adverse consequences to DDOE from these incompleteness findings for the PSD-related portions of section 110(a)(2)(C), (D)(i)(II), (D)(ii), and (J) for the 2008 ozone NAAQS and 2010 $NO_2$ and $SO_2$ NAAQS. Mandatory sanctions would not apply to the District under CAA section 179 because the failure to submit a PSD SIP is neither (1) with respect to a submission that is required under CAA Title I part D, or (2) in response to a SIP call under CAA section 110(k)(5). In addition, EPA is not subject to any further FIP duties from our finding of incompleteness for these SIP submittals because there is already the FIP implementing the Federal PSD program for DDOE which addresses the SIP deficiency.

In addition, EPA is also not taking rulemaking action at this time on the portion of the infrastructure SIP submittals which address section 110(a)(2)(D)(i)(I) for the 2008 ozone NAAQS and the 2010 $NO_2$ and $SO_2$ NAAQS. EPA will take later rulemaking action on these submittals regarding section 110(a)(2)(D)(i)(I). In this rulemaking action, EPA is proposing approval of the remainder of the submittals to address infrastructure requirements for the 2010 $NO_2$ NAAQS, the 2008 ozone NAAQS, and the 2010 $SO_2$ NAAQS. A detailed summary of EPA's review and rationale for proposing to approve these portions of the District's infrastructure SIP submittals may be found in the Technical Support Document (TSD) for this proposed rulemaking action which is available on line at *www.regulations.gov,* Docket ID Number EPA–R03–OAR–2014–0701.

As mentioned previously, on June 13, 2014, the District also submitted a SIP revision addressing EPA's contingency plan requirements in 40 CFR part 51, subpart H (40 CFR 51.150 through 51.153) and in CAA section 110(2)(G). Section 110(a)(2)(G), among other things, requires state SIPs to provide adequate contingency plans to implement the state's authority similar to section 303 of the CAA, regarding imminent and substantial endangerment authority. Pursuant to 40 CFR part 51, subpart H, the District is required to have a contingency plan for particulate matter, $SO_X$, CO, and ozone. EPA notes that there are no applicable requirements under 40 CFR part 51, subpart H for $NO_2$, and consequently no applicable contingency plan requirements under CAA section 110(a)(2)(G) for $NO_2$ for the District, as Priority III regions are not required to have emergency episode plans.

EPA finds that the District's Emergency Plan satisfies the requirements of 40 CFR part 51, subpart H with respect to contingency plans for all applicable pollutants. In this rulemaking action, EPA is proposing to approve into the SIP the ''Revised Air Quality Emergency Plan for the District of Columbia,'' pursuant to section 110 of the CAA, and is also proposing that the three infrastructure SIP submittals for the applicable NAAQS meet the applicable contingency plan requirements in CAA section 110(a)(2)(G) for the 2008 ozone NAAQS, 2010 $NO_2$ NAAQS, and 2010 $SO_2$ NAAQS. A detailed summary of EPA's review and rationale for approving the ''Revised Air Quality Emergency Plan for the District of Columbia'' into the District's SIP because it meets requirements in CAA section 110 and 40 CFR part 51, subpart H is provided in our TSD accompanying this proposed rulemaking action. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

## V. Proposed Action

EPA is proposing to approve the District's infrastructure submittals dated June 6, 2014, June 13, 2014, and July 17, 2014 for the 2010 $NO_2$ NAAQS, the 2008 ozone NAAQS, and the 2010 $SO_2$ NAAQS, respectively, as meeting the requirements of section 110(a)(2) of the CAA, including specifically section 110(a)(2)(A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M) for the three NAAQS with the exception of the requirements related to the PSD permitting program of part C, Title I of the CAA in section 110(a)(2)(C), (D)(i)(II), (D)(ii), and (J), and with the exception of the transport requirement of section 110(a)(2)(D)(i)(I). EPA is not taking action on the portions of the three infrastructure submittals intended to address section 110(a)(2)(D)(i)(I) for transport or on the portions of the three infrastructure SIP submittals addressing the PSD related requirements in section 110(a)(2)(C), (D)(i)(II), (D)(ii), and (J). EPA will take later separate action on section 110(a)(2)(D)(i)(I) of the CAA for transport for the three NAAQS.

EPA is also proposing to approve as a SIP revision the ''Revised Air Quality Emergency Plan for the District of Columbia,'' submitted on June 13, 2014, as it satisfies the requirements of 40 CFR part 51, subpart H for all applicable pollutants and section 110 of the CAA, including specifically section 110(a)(2)(G) for the 2008 ozone NAAQS, the 2010 $NO_2$ NAAQS, and the 2010 $SO_2$ NAAQS.

## VI. Statutory and Executive Order Reviews

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

[15] On August 7, 1980 (45 FR 52676, at 52741), EPA disapproved a number of states SIPs for PSD purposes, including the District and incorporated by reference portions of the Federal PSD provisions in 40 CFR 52.21 into the implementation plans for those states. This FIP was subsequently amended to reflect amendments to the Federal PSD rule on March 10, 2003 (68 FR 11316, at 11322) and December 24, 2003 (68 FR 74483, at 74488). At present, the PSD FIP, incorporated by reference in the District SIP in 40 CFR 52.499, specifically contains the provisions of 40 CFR 52.21, with the exception of paragraph (a)(1).

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 CAA; 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 proposed rulemaking action, pertaining to the District of Columbia's section 110(a)(2) infrastructure requirements for the 2008 ozone, the 2010 $NO_2$, and the 2010 $SO_2$ NAAQS and to the District of Columbia's contingency plan for the prevention of air pollution episodes, 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.

**List of Subjects in 40 CFR Part 52**

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

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

Dated: December 18, 2014.

**William C. Early,**

*Acting Regional Administrator, Region III.*

[FR Doc. 2015–00640 Filed 1–20–15; 8:45 am]

BILLING CODE 6560–50–P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 63**

**[EPA–HQ–OAR–2006–0790; FRL–9919–36–OAR]**

**RIN 2060–AS10**

## National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule; request for public comment.

**SUMMARY:** On February 1, 2013, the Environmental Protection Agency (EPA) finalized amendments to the National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers (Area Source Boilers Rule). Subsequently, the EPA received three petitions for reconsideration of the final rule. The EPA is announcing reconsideration of and requesting public comment on five issues raised in the petitions for reconsideration, as detailed in the **SUPPLEMENTARY INFORMATION** section of this document.

In this action, the EPA is also proposing a limited number of technical corrections and amendments to the final rule to correct inadvertent errors and to clarify some applicability and implementation issues raised by stakeholders subject to the final rule. Also, we propose to delete rule provisions for an affirmative defense for malfunction in light of a recent court decision on the issue.

The EPA is seeking comment only on the five issues being reconsidered, the proposed deletion of the affirmative defense and on the technical corrections and amendments described in the preceding paragraph. The EPA will not respond to any comments addressing any other issues or any other provisions of the final rule.

**DATES:** *Comments.* Comments must be received on or before March 9, 2015, or 30 days after date of public hearing, if later.

*Public Hearing.* If anyone contacts us requesting to speak at a public hearing by January 26, 2015, a public hearing will be held on February 5, 2015. If you are interested in attending the public hearing, contact Ms. Pamela Garrett at (919) 541–7966 to verify that a hearing will be held.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2006–0790, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: a-and-r-docket@epa.gov.*
- *Fax:* (202) 566–1741.
- *Mail:* Environmental Protection Agency, EPA Docket Center (EPA/DC), Mail code: 28221T, Attention Docket ID No. EPA–HQ–OAR–2006–0790, 1200 Pennsylvania Ave. NW., Washington, DC 20460. The EPA requests a separate copy also be sent to the contact person identified below (see **FOR FURTHER INFORMATION CONTACT**).
- *Hand/Courier Delivery:* EPA Docket Center (EPA/DC), Room 3334, EPA WJC West Building, 1301 Constitution Avenue NW., Washington, DC 20004. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID No. EPA–HQ–OAR–2006–0790. The EPA's policy is that all comments received will be included in the public docket without change and may be made available on-line at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption and be free of any defects or viruses.

*Public Hearing:* If anyone contacts the EPA requesting a public hearing by January 26, 2015, the public hearing will be held on February 5, 2015 at the

EPA's campus at 109 T.W. Alexander Drive, Research Triangle Park, North Carolina. The hearing will begin at 10:00 a.m. (Eastern Standard Time) and conclude at 5:00 p.m. (Eastern Standard Time). There will be a lunch break from 12:00 p.m. to 1:00 p.m. Please contact Ms. Pamela Garrett at (919) 541–7966 or at *garrett.pamela@epa.gov* to register to speak at the hearing or to inquire as to whether or not a hearing will be held. The last day to pre-register in advance to speak at the hearing will be February 2, 2015. Additionally, requests to speak will be taken the day of the hearing at the hearing registration desk, although preferences on speaking times may not be able to be fulfilled. If you require the service of a translator or special accommodations such as audio description, please let us know at the time of registration. If you require an accommodation we ask that you pre-register for the hearing, as we may not be able to arrange such accommodations without advance notice. The hearing will provide interested parties the opportunity to present data, views or arguments concerning the proposed action. The EPA will make every effort to accommodate all speakers who arrive and register. Because the hearing is being held at a U.S. government facility, individuals planning to attend the hearing should be prepared to show valid picture identification to the security staff in order to gain access to the meeting room. Please note that the REAL ID Act, passed by Congress in 2005, established new requirements for entering federal facilities. If your driver's license is issued by Alaska, American Samoa, Arizona, Kentucky, Louisiana, Maine, Massachusetts, Minnesota, Montana, New York, Oklahoma, or the state of Washington, you must present an additional form of identification to enter the federal building. Acceptable alternative forms of identification include: Federal employee badges, passports, enhanced driver's licenses and military identification cards. In addition, you will need to obtain a property pass for any personal belongings you bring with you. Upon leaving the building, you will be required to return this property pass to the security desk. No large signs will be allowed in the building, cameras may only be used outside of the building and demonstrations will not be allowed on federal property for security reasons. The EPA may ask clarifying questions during the oral presentations, but will not respond to the presentations at that time. Written statements and supporting information submitted during the comment period will be considered with the same weight as oral comments and supporting information presented at the public hearing.

*Docket:* All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the EPA Docket Center (EPA/DC), Room 3334, EPA WJC West Building, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Air Docket is (202) 566–1742.

**FOR FURTHER INFORMATION CONTACT:** Ms. Mary Johnson, Energy Strategies Group, Sector Policies and Programs Division (D243–01), Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–5025; facsimile number: (919) 541–5450; email address: *johnson.mary@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

*Organization of this Document.* The following outline is provided to aid in locating information in the preamble.

I. General Information
- A. What is the source of authority for the reconsideration action?
- B. What entities are potentially affected by the reconsideration action?
- C. What should I consider as I prepare my comments for the EPA?

II. Background

III. Discussion of the Issues under Reconsideration
- A. Definitions of Startup and Shutdown
- B. Alternative Particulate Matter Standard for New Oil-fired Boilers that Combust Low-sulfur Oil
- C. Establishment of a Subcategory and Separate Requirements for Limited-use Boilers
- D. Establishment of a Provision that Eliminates Further Performance Testing for Particulate Matter for Certain Boilers Based on their Initial Compliance Test
- E. Establishment of a Provision that Eliminates Further Fuel Sampling for Mercury for Certain Coal-fired Boilers Based on their Initial Compliance Demonstration

IV. Technical Corrections and Clarifications

V. Affirmative Defense

VI. Solicitation of Public Comment and Participation

VII. Statutory and Executive Order Reviews
- A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review
- B. Paperwork Reduction Act (PRA)
- C. Regulatory Flexibility Act (RFA)
- D. Unfunded Mandates Reform Act (UMRA)
- E. Executive Order 13132: Federalism
- F. Executive Order 13175: Consultation and Coordination with Indian Tribal Governments
- G. Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks
- H. Executive Order 13211: Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use
- I. National Technology Transfer and Advancement Act (NTTAA)
- J. Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

A red-line version of the regulatory language that incorporates the proposed changes in this action is available in the docket for this action (Docket ID No. EPA–HQ–OAR–2006–0790).

## I. General Information

### *A. What is the source of authority for the reconsideration action?*

The statutory authority for this action is provided by sections 112 and 307(d)(7)(B) of the Clean Air Act (CAA) as amended (42 U.S.C. 7412 and 7607(d)(7)(B)).

### *B. What entities are potentially affected by the reconsideration action?*

Categories and entities potentially regulated by this action include:

| Industry category | NAICS code [a] | Examples of regulated entities |
|---|---|---|
| Any area source facility using a boiler as defined in the final rule. | 321 | Wood product manufacturing. |
| | 11 | Agriculture, greenhouses. |
| | 311 | Food manufacturing. |
| | 327 | Nonmetallic mineral product manufacturing. |
| | 424 | Wholesale trade, nondurable goods. |
| | 531 | Real estate. |

| Industry category | NAICS code [a] | Examples of regulated entities |
|---|---|---|
| | 611 | Educational services. |
| | 813 | Religious, civic, professional, and similar organizations. |
| | 92 | Public administration. |
| | 722 | Food services and drinking places. |
| | 62 | Health care and social assistance. |
| | 22111 | Electric power generation. |

[a] North American Industry Classification System.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. To determine whether your boiler is regulated by this action, you should examine the applicability criteria in 40 CFR 63.11193 of subpart JJJJJJ (National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources). If you have any questions regarding the applicability of this action to a particular entity, consult either the air permitting authority for the entity or your EPA regional representative, as listed in 40 CFR 63.13 of subpart A (General Provisions).

*C. What should I consider as I prepare my comments for the EPA?*

*Submitting CBI.* Do not submit this information to the EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to the EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. Send or deliver information identified as CBI to only the following address: Ms. Mary Johnson, c/o OAQPS Document Control Officer (Room C404–02), U.S. EPA, Research Triangle Park, NC 27711, Attention Docket ID No. EPA–HQ–OAR–2006–0790.

*Docket.* The docket number for this action is Docket ID No. EPA–HQ–OAR–2006–0790.

*World Wide Web (WWW).* In addition to being available in the docket, an electronic copy of this document will be posted on the WWW. Following signature, the EPA will post a copy of this document at *http://www.epa.gov/airquality/combustion/actions.html* and *http://www.epa.gov/ttn/atw/boiler/boilerpg.html.*

## II. Background

The EPA finalized the Area Source Boilers Rule on March 21, 2011 (76 FR 15554). The EPA received eight petitions for reconsideration of the March 2011 rulemaking. On December 23, 2011 (76 FR 80532), the EPA granted the petitions for reconsideration on certain issues, and proposed revisions to the March 2011 final rule in response to the reconsideration petitions and to address four issues the EPA previously identified in the March 21, 2011, action as warranting reconsideration.

On February 1, 2013, the EPA promulgated amendments to the Area Source Boiler Rule (78 FR 7488). Following promulgation of the February 1, 2013, final Area Source Boiler Rule, the EPA received three petitions for reconsideration pursuant to section 307(d)(7)(B) of the CAA. The EPA received a petition dated April 1, 2013, from the American Forest and Paper Association, on their behalf and on behalf of the American Wood Council, National Association of Manufacturers, Biomass Power Association, Corn Refiners Association, National Oilseed Processors Association, Rubber Manufacturers Association, Southeastern Lumber Manufacturers Association and U.S. Chamber of Commerce. The EPA received a petition dated April 2, 2013, from the Council of Industrial Boiler Owners and the American Chemistry Council. Finally, the EPA received a petition dated April 2, 2013, from Earthjustice, on behalf of the Sierra Club, Clean Air Council, Partnership for Policy Integrity, Louisiana Environmental Action Network and Environmental Integrity Project. The petitions are available for review in the rulemaking docket (see document numbers EPA–HQ–OAR–2006–0790–2523, EPA–HQ–OAR–2006–0790–2524 and EPA–HQ–OAR–2006–0790–2525). On August 5, 2013, the EPA issued letters to the petitioners granting reconsideration on five specific issues raised in the petitions for reconsideration and indicating that the agency would issue a **Federal Register** notice regarding the reconsideration process. This action requests comment on the five issues for which the EPA granted reconsideration. Section III of this preamble summarizes these issues and discusses our proposed responses to each issue.

We are also proposing a limited number of clarifying changes and corrections to the final rule. These amendments would clarify some applicability and implementation issues raised by stakeholders subject to the final rule and correct inadvertent errors promulgated in the final rule. Section IV of this preamble describes the clarifying changes and corrections and provides the rationale for these amendments. In addition, we are proposing to amend the final rule to remove the affirmative defense provisions. Section V of this preamble provides the rationale for the change.

## III. Discussion of the Issues Under Reconsideration

The February 1, 2013, amendments, among other things, revised the definitions of ''startup'' and ''shutdown.'' In addition, the amendments established a subcategory and separate requirements for certain boilers that operate on a limited basis. The amendments also established an alternative particulate matter (PM) standard for new oil-fired boilers that combust low-sulfur oil, and new monitoring provisions that eliminate further stack testing for PM and further fuel sampling for mercury (Hg) under certain circumstances based on initial compliance demonstrations. The EPA received petitions for reconsideration with respect to these specific components of the amendments and granted reconsideration of the following five issues on August 5, 2013, to provide an additional opportunity for public comment:

- The definitions of startup and shutdown periods;
- Alternative particulate matter standard for new oil-fired boilers that combust low-sulfur oil;
- Establishment of a subcategory for limited-use boilers and the applicable standards for that subcategory;
- Provision that eliminates further performance testing for particulate

matter for boilers whose initial compliance test shows that its particulate matter emissions are equal to or less than half of the particulate matter emission limit; and

• Provision that eliminates fuel sampling at coal-fired boilers that demonstrate compliance with the mercury emission limit by fuel analysis based on the results of the boiler's initial compliance demonstration.

The reconsideration petitions stated that the public lacked sufficient opportunity to comment on these provisions. Although these provisions were established after consideration of public comments received on the proposed rule, the EPA has granted reconsideration on these issues in order to allow an additional opportunity for comment. These issues are discussed in more detail in the following sections. With regard to the startup and shutdown provisions, the EPA is proposing certain revisions to the definitions of startup and shutdown. The proposed revision to the definition of startup is the addition of an alternate definition of startup.

*A. Definitions of Startup and Shutdown*

The February 1, 2013, final rule revised the definitions of ''startup'' and ''shutdown,'' as proposed on December 23, 2011. In December 2011, we proposed defining ''startup'' as the period between the state of no combustion in the boiler to the period where the boiler first achieves 25-percent load (*i.e.,* a cold start) and ''shutdown'' as the period that begins when a boiler last operates at 25-percent load and ending with a state of no fuel combustion in the boiler. A number of commenters indicated that the proposed load specifications (*i.e.,* 25-percent load) within the definitions of ''startup'' and ''shutdown'' were inconsistent with either safe or normal (proper) operation of the various types of boilers encountered within the source category. As the basis for defining periods of startup and shutdown, a number of commenters suggested alternative load specifications based on the specific considerations of their boilers; other commenters suggested the achievement of various steady-state conditions.

We determined adjustments in the definitions of ''startup'' and ''shutdown'' to be appropriate and, as explained in the preamble to the February 1, 2013, final rule, made adjustments that we believed addressed the comments and were appropriate based on the fact that industrial boilers function to provide steam or, in the case of cogeneration units, electricity; therefore, industrial boilers should be considered subject to applicable standards at all times steam of the proper pressure, temperature, and flow rate is being supplied to a common header system or energy user(s) for use as either process steam or for the cogeneration of electricity. In the February 1, 2013, final rule, startup and shutdown were defined based on the time during which fuel is fired in a boiler for the purpose of supplying steam or heat for heating and/or producing electricity or for any other purpose. We defined startup as the period between either the first-ever firing of fuel in the boiler *or* the firing of fuel in the boiler after a shutdown *and* when the boiler first supplies steam or heat. We defined shutdown as the period between either when none of the steam or heat from the boiler is supplied *or* no fuel is being fired in the boiler, whichever is earlier, *and* when there is no steam and no heat being supplied *and* no fuel being fired in the boiler. The EPA received two petitions asserting that the public lacked an opportunity to comment on the amended startup and shutdown definitions.

We are soliciting comment on the definition of startup and shutdown that were promulgated in the February 1, 2013, final rule, with the clarifying revisions explained below. We are proposing to revise the definitions of startup and shutdown in this reconsideration action as set forth in 40 CFR 63.11237. Petitioners asserted that the final rule's definitions of startup and shutdown were not sufficiently clear. Although the EPA revised the definitions of startup and shutdown included in the February 1, 2013, final rule, in response to comments, we have granted reconsideration on this issue to provide an opportunity for comment on those amended definitions, as well as the adjustments we are now proposing to make to the definitions of startup and shutdown.

1. Startup and Shutdown Periods

Petitioners assert that the terms ''supplying'' and ''or for any other purpose'' in both the startup and shutdown definitions are too open-ended and could be read to mean that steam and heat supplied for uses within the boiler itself will end the startup period or delay onset of the shutdown period. Petitioners explain that many boilers use steam to drive rotating equipment such as feedwater pumps, to preheat feedwater and to operate de-aerators, and that some of these uses (*e.g.,* operating feedwater pumps and preheating feedwater) begin in the early stages of starting a boiler and continue until the boiler is cooled down. Petitioners assert that the terms ''supplying'' and ''or for any other purpose'' in effect limit the use of energy during startup and shutdown periods and inappropriately truncate these periods. Petitioners state that efficient and cost-effective internal uses of steam and heat for operating the boiler should not be discouraged by definitions that necessarily limit the duration of the startup and shutdown periods and that may require costly retrofits to boilers with no commensurate environmental benefit.

2. Startup

In addition to soliciting public comment on the definition of startup contained in the February 1, 2013, final rule, the EPA is proposing to add an alternate definition to the definition of startup that is in the February 1, 2013, final rule. We are proposing to allow sources to use either definition of startup when complying with the startup requirements. As explained in more detail below, under the alternate definition, startup would end 4 hours after the unit begins supplying useful thermal energy.

Specifically, the EPA is proposing the alternate definition to clarify that, in terms of the first-ever firing of fuel, startup begins when fuel is fired for the purpose of supplying useful thermal energy (such as steam or hot water) for heating, cooling, or process purposes or producing electricity and to clarify that startup ends 4 hours after when the boiler makes useful thermal energy. The proposed clarification regarding the end of startup would apply to first-ever startups as well as startups occurring after shutdown events. With regard to when startup begins after a shutdown event, the alternate definition is the same as the definition in the February 1, 2013, final rule. That is, startup begins with the firing of fuel in a boiler for any purpose after a shutdown event.

In this alternate definition, we are proposing the clarification regarding the first-ever firing of fuel to address implementation issues regarding ''pre-startup'' activities that are done as part of installing a new boiler. Under the February 1, 2013, definition of ''startup,'' a new boiler would be considered to have started up, and subject to the rule, when it first fires fuel ''for any purpose.'' However, a newly installed unit needs to be tested to ensure that it was properly installed and will operate as it was designed and that all associated components were also properly installed and will operate as designed. The EPA did not intend for the startup period to begin when a

newly installed unit first fires fuel for testing or other pre-startup purposes because such firing of fuel does not represent normal operation of the unit.

The EPA is also proposing in the alternate definition to replace ''steam and heat'' in the February 1, 2013, definition of startup with ''useful thermal energy.'' This proposed revision would apply to first-ever startups as well as startups after shutdown events and is intended to address the issue raised by petitioners that the language in the February 1, 2013, definition regarding the end of the startup period is ambiguous since once fuel is fired some steam or heat is generated, but not in useful or controllable quantities. The petitioners comment that it takes time for steam to be heated to adequate temperatures and pressures for beneficial use and that steam or heat should not be construed to be supplied until it is of adequate temperature and pressure. The EPA agrees with petitioners that the startup period should not end until such time as fuel is fired resulting in steam or hot water that is useful thermal energy because it takes time for steam to be heated to adequate temperatures and pressures for beneficial use and we believe the appropriate criteria for ending startup in the definition should be when useful steam is supplied. This proposed change doesn't alter the EPA's determination that it is not technically feasible to require stack testing—in particular, to complete the multiple required test runs—during periods of startup and shutdown due to physical limitations and the short duration of startup and shutdown periods.

In order to clarify the term ''useful thermal energy,'' we are proposing to define ''useful thermal energy'' as energy (*i.e.,* steam or hot water) that meets the minimum operating temperature and/or pressure required by any energy use system that uses energy provided by the affected boiler.

The EPA received two petitions for reconsideration of the definition of startup in the February 1, 2013, final rule. Petitioners assert that the amended definition of startup does not account for a wide range of boilers that operationally are still in startup mode even after some steam or heat is supplied to the plant. Petitioners assert that some boilers begin to supply steam or heat for some purposes onsite before they have achieved necessary temperature or load to engage emission controls. Petitioners cite the example where a boiler provides steam to a lumber kiln that is starting up. The boiler must preheat the metal steam lines, which is necessary in cold climates where a rush of steam can cause the metal to expand too quickly, resulting in catastrophic damage. Petitioners point out that, according to the final rule, a boiler supplying even a small amount of steam would no longer be in startup and would be required at that point in time to engage emission controls. Petitioners explain that, according to equipment specifications and established safe boiler operations, a source operator should not engage emission controls until specific parameters are met.

Petitioners state that they previously urged the EPA to revise the startup definition to allow facilities to determine the minimum stable operating load on a unit-specific basis and include the minimum stable operating load and the proper procedures to follow during startup and shutdown in a site-specific plan. Petitioners assert that the amended definition of startup still does not account for the broad range of boiler and fuel types, operational methodologies and facility demands placed on boilers. For this reason, petitioners continue to urge the EPA to adopt a startup definition that allows sources to identify startup periods on a site-specific and unit-specific basis. Petitioners assert that only with this degree of flexibility will the rule account for the multiple design and operational variables of the diverse boiler population regulated in a way that allows safe and effective operation with assurance of compliance with the standard.

Petitioners express that, above all, the boiler operator's primary concern during startup is safety. The startup procedures must ensure that the equipment is brought up to normal operating conditions in a safe manner, and startup ends when the boiler and its controls are fully functional. The end of startup occurs when safe, stable operating conditions are reached, after emissions controls are properly operating. The startup provisions should not include requirements that could affect safe operating practices.

The EPA agrees with petitioners that the startup period should not end until such time that all control devices have reached stable conditions. The EPA has very limited information specifically for industrial boilers on the hours needed for controls to reach stable conditions after the start of supplying useful thermal energy. However, the EPA does have information for electric utility steam generating units (EGUs) on the hours to stable control operation after the start of electricity generation. Using hour-by-hour emissions and operation data for EGUs reported to the agency under the Acid Rain Program, we found that controls used on the best performing 12 percent EGUs reach stable operation within 4 hours after the start of electricity generation.[1] Since the types of controls used on EGUs are similar to those used on industrial boilers and the start of electricity generation is similar to the start of supplying useful thermal energy, we believe that the controls on the best performing industrial boilers would also reach stable operation within 4 hours after the start of supplying useful thermal energy and have included this timeframe in the proposed alternate definition.[2] This conclusion is supported by the very limited information (13 units) the EPA does have on industrial boilers and by information submitted by the Council of Industrial Boiler Owners obtained from an informal survey of its members on the time needed to reach stable conditions during startup.[3]

The EPA is seeking comment on the definition of startup in the February 1, 2013, final rule, as well as this action's proposed revision to the February 1, 2013, definition of startup to include an alternate definition of startup.

3. Shutdown

In this action, the EPA is proposing to revise the definition of shutdown in the February 1, 2013, final rule. Specifically, the EPA is proposing to clarify that shutdown begins when the boiler no longer makes useful thermal energy and ends when the boiler no longer makes useful thermal energy and no fuel is fired in the boiler. The EPA is also proposing to replace ''steam and heat'' in the February 1, 2013, definition of shutdown with ''useful thermal energy'' to address the same issue raised by petitioners regarding the language in the definition of ''startup'' described above. The EPA intended for the shutdown period to begin when fuel is no longer fired for the purpose of creating useful thermal energy.

The EPA received one petition for reconsideration of the definition of

[1] See technical support document titled ''Assessment of Startup Period at Coal-Fired Electric Generating Units—Revised'' in the docket.

[2] It is important to remember that the hour at which startup ends is the hour at which reporting for the purpose of determining compliance begins. Therefore, sources must collect and report operating limit data following the end of startup. These data are used in calculating whether a source is in compliance with the 30-day average operating limits.

[3] See attachments to the following Email messages included in the docket: Robert Bessette, CIBO, to Robert Wayland, EPA, dated May 6, 2014; Amy Marshall, URS, to Jim Eddinger, EPA, dated June 10, 2014; and Reynaldo Forte, EPA, to Jim Eddinger, EPA, dated May 7, 2014.

shutdown in the February 1, 2013, final rule. Petitioners assert that the amended definition of shutdown is problematic for units firing solid fuels on a grate or in a fluidized bed combustor where the residual material in the unit keeps burning after fuel feed to the unit is stopped. Petitioners explain that, in such a case, fuel is still burning (''being fired'') in the unit despite the fact that load reduction is occurring, additional fuel is not being fed and the shutdown process has clearly begun. For this reason, petitioners assert that the shutdown definition should be revised to state that shutdown begins either when none of the steam and heat from the boiler is supplied for heating and/or producing electricity or when fuel is no longer being fed to the boiler, and that shutdown ends when there is both no steam or heat being supplied and no fuel being combusted in the boiler.

The EPA agrees with the petitioners that, for certain types of boilers where the fuel is combusted on a grate or bed, fuel firing may be considered to continue even after fuel feed to the unit is stopped. The EPA intended that the shutdown period would begin when fuel is no longer being fired for the purpose of creating useful thermal energy. Thus, we believe the proposed revisions to the definition of shutdown that address this issue are appropriate.

The EPA is seeking comment on the February 1, 2013, definition of shutdown, as well as the revisions to the definition of shutdown that we are now proposing to make.

*B. Alternative Particulate Matter Standard for New Oil-Fired Boilers That Combust Low-Sulfur Oil*

The February 1, 2013, final rule added a new provision that specifies that new or reconstructed oil-fired boilers with heat input capacity of 10 million Btu per hour (MMBtu/hr) or greater that combust only oil that contains no more than 0.50 weight percent sulfur or a mixture of 0.50 weight percent sulfur oil with other fuels not subject to a PM emission limit under this subpart and that do not use a post-combustion technology (except a wet scrubber) to reduce PM or sulfur dioxide emissions meet generally available control technology (GACT) for PM, providing the type of fuel combusted is monitored and recorded on a monthly basis. After the December 23, 2011, reconsideration proposal, the EPA received a number of comments urging that we provide an exemption from the PM limit for units burning low-sulfur liquid fuel as is provided in subpart Dc of 40 CFR part 60 (Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units), which is also the basis for the PM emission limit to which these new and reconstructed boilers are subject. Commenters asserted that such an exemption is justified since the low sulfur content indicates low PM emissions and that boilers firing low-sulfur liquid fuel should only be subject to a requirement to maintain records documenting the liquid fuel fired. We agreed that burning low-sulfur liquid fuel can be an alternative method of meeting GACT for PM and added the subpart Dc provision that would allow low-sulfur liquid fuel burning boilers currently complying with subpart Dc to use the same compliance approach to meet the Area Source Boiler Rule requirement for PM.

The EPA received a petition asserting that the public lacked an opportunity to comment on the new provision for low-sulfur liquid fuel burning boilers as well as the definition of low-sulfur liquid fuel. Petitioners object to this alternative standard because they assert that the EPA has not shown that burning liquid fuels that qualify as being low-sulfur under the final rule will actually control the urban hazardous air pollutants (HAP) for which the category of sources was listed. Petitioners also assert that the final rule's definition of low-sulfur encompasses liquid fuels with extremely high sulfur content and will allow emissions that exceed the numerical emission limit for PM that the EPA determined was GACT. In addition, petitioners note that the final rule allows use of liquid fuel up to 0.5 percent sulfur by weight, which translates to about 5,000 parts per million (ppm), which they assert is far higher than the generally accepted definition of low sulfur content of 500 ppm.

Although the EPA added the alternative PM standard for new oil-fired boilers that combust low-sulfur oil in the February 1, 2013, final rule in response to comments and these comments related to a proposed rule provision that adopted some, but not all, of the provisions for PM control in 40 CFR part 60, subpart Dc, we have granted reconsideration on this issue to provide an opportunity for comment on the new provision. The EPA requests comment, along with supporting information, on (1) whether and, if so, to what extent burning liquid fuels that qualify as being low-sulfur, as defined under the final rule, would control the urban metal HAP for which the category of sources was listed and for which PM serves as a surrogate (*i.e.,* Hg, arsenic, beryllium, cadmium, lead, chromium, manganese, nickel) and (2) whether the final rule's definition of low-sulfur would allow emissions that exceed the final rule's numerical emission limit for PM.

The EPA also solicits comment on an alternative PM standard for new oil-fired boilers that combust ultra-low-sulfur liquid fuel. The National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines (RICE NESHAP) (78 FR 6674, January 30, 2013) require certain stationary emergency compression ignition RICE to use diesel fuel that meets the specifications of 40 CFR 80.510(b), which require that diesel fuel have a maximum sulfur content of 15 ppm. This fuel is referred to as ultra-low sulfur diesel fuel (ULSD). The RICE NESHAP final rule notes that information provided to the EPA by commenters showed that the use of ULSD will significantly reduce emissions of air toxics, including metallic HAP (*e.g.,* nickel, zinc, lead) (78 FR 6680, January 30, 2013). In addition, the National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters (Boiler maximum achievable control technology (MACT)) (78 FR 7138, January 31, 2013) include a provision for certain boilers or process heaters that combust ultra-low-sulfur liquid fuel. The final rule specifies that if an affected boiler or process heater is in the units designed to burn light liquid subcategory and it combusts ultra-low-sulfur liquid fuel, further performance tests do not need to be conducted if the pollutants measured during the initial compliance performance tests meet the emission limits, providing ongoing compliance with the emissions limits is demonstrated by monitoring and recording the type of fuel combusted on a monthly basis. (See 40 CFR 63.7515(h).) The Boiler MACT defines ultra-low-sulfur liquid fuel as a distillate oil that has less than or equal to 15 ppm sulfur. (See 40 CFR 63.7575.)

Specifically, we request comment on an alternative provision to the February 1, 2013, final rule's alternative PM standard for new oil-fired boilers that combust low-sulfur oil that would specify that new or reconstructed oil-fired boilers with heat input capacity of 10 MMBtu/hr or greater that combust only ultra-low-sulfur liquid fuel meet GACT for PM providing the type of fuel combusted is monitored and recorded on a monthly basis. Under this alternative provision, GACT would not require initial compliance performance testing demonstrating compliance with the PM emission limit because sufficient testing has shown that ULSD contains

low levels of urban metal HAP that we can be assured that this alternative standard is effective. The EPA also requests comment, along with supporting information, on whether, and, if so, to what extent burning ultra-low-sulfur liquid fuels, as described above, would control the urban metal HAP for which the category of sources were listed.

*C. Establishment of a Subcategory and Separate Requirements for Limited-Use Boilers*

The February 1, 2013, final rule established a limited-use boiler subcategory that includes any boiler that burns any amount of solid or liquid fuels and has a federally enforceable average annual capacity factor of no more than 10 percent. The final rule established separate requirements for this subcategory of boilers that operate on a limited basis. In response to the December 23, 2011, reconsideration proposal, several commenters asserted that the EPA should also include a limited-use subcategory in the Area Source Boiler Rule for the same reasons we determined a seasonal boiler subcategory was appropriate. Commenters suggested that we should apply the same 5-year tune-up cycle for limited-use units such as auxiliary boilers that we proposed for seasonally-operated units and small oil-fired units. Commenters explained that in the electric utility industry, auxiliary boilers are typically used to generate the steam necessary to bring a main EGU on line during startup and, since auxiliary boilers are primarily operated during unit startup, operation for many of these boilers is typically very limited and sporadic. Commenters also pointed out that the Boiler MACT includes a limited-use subcategory.

The EPA determined that a limited-use subcategory was appropriate and included a limited-use subcategory along with separate standards in the final Area Source Boiler Rule. Specifically, the final rule specifies that limited-use boilers must complete a tune-up every 5 years. Such boilers are not subject to the emission limits, the energy assessment requirements or the operating limits. In the February 1, 2013, final rule, we stated our belief that establishing a limited-use subcategory was reasonable. First, we pointed out that boilers that operate no more than 10 percent of the year (*i.e.,* a limited-use boiler) would operate for no more than 6 months in between tune-ups on a 5-year tune-up cycle. We further pointed out that the brief period of operations for these limited-use boilers is even less than the number of operating months that seasonal boilers and full-time boilers will operate between tune-ups. Next, we noted that the irregular schedule of operations also makes it difficult to schedule more frequent tune-ups. Finally, we noted that it is technically infeasible to test these limited-use boilers since these units serve as back-up energy sources and their operating schedules can be intermittent and unpredictable.

The EPA received a petition asserting that the public lacked an opportunity to comment on the new limited-use boiler subcategory, as well as the tune-up requirement established for the new subcategory. Petitioners object to the EPA's decision to create a separate subcategory for these boilers and to the EPA's rationale for requiring nothing more than one tune-up every 5 years for these boilers. Specifically, petitioners assert that limited-use boilers differ from other boilers only in that they are operated for fewer total hours over the course of a year and that the EPA has not explained why this is a distinction that justifies differential treatment.

The EPA disagrees with the petitioners' claim that we have not explained why limited-use boilers should have separate regulatory requirements. As described above, we fully explained our rationale for establishing a limited-use boiler subcategory and separate requirements for that subcategory in the February 1, 2013, final rule. However, in consideration of the fact that the public lacked the opportunity to comment on the new subcategory and requirements, we have granted reconsideration to provide an opportunity for public comment on this issue. The EPA requests comment regarding whether the separate requirements for a limited-use boiler subcategory are necessary or appropriate. Commenters should provide detailed information supporting their comment. If, after evaluating all comments and data received on this issue, the EPA determines that amendments to the limited-use boiler subcategory and the separate requirements for that subcategory may be appropriate, we will propose such amendments in a future regulatory action.

*D. Establishment of a Provision That Eliminates Further Performance Testing for Particulate Matter for Certain Boilers Based on Their Initial Compliance Test*

The February 1, 2013, final rule added a new provision that specifies that further PM emissions testing does not need to be conducted if, when demonstrating initial compliance with the PM emission limit, the performance test results show that the PM emissions from the affected boiler are equal to or less than half of the applicable PM emission limit. The EPA believes that inclusion of such a provision promotes good PM performance from new boilers and could also promote new technology development. In such instances, the owner or operator must continue to comply with all applicable operating limits and monitoring requirements to ensure that there are no changes in operation of the boiler or air pollution control equipment that could increase emissions. If the initial performance test results show that the PM emissions are greater than half of the PM emission limit, the owner or operator must conduct subsequent performance tests every 3 years as specified in the final rule. After the December 23, 2011, reconsideration proposal, the EPA received comments asserting that the most effective control strategy for small oil-fired boilers is the tune-up required by the standards and that establishing a PM limit for those boilers between 10 MMBtu/hr and 30 MMBtu/hr just ensures that those boilers will do stack testing demonstrating that the boilers are in compliance without the need for controls; a fact already known. Commenters also asserted that establishing a PM limit imposes a stack test obligation on small facilities with the least resources to deal with the testing. After considering the comments, the EPA did not eliminate or revise the PM limit for new oil-fired boilers with heat input capacity between 10 MMBtu/hr and 30 MMBtu/hr. We did, however, believe that adjustments to the PM performance test frequency, as described above, were appropriate for boilers that demonstrate during their initial performance test that their PM emissions are equal to or less than half of the PM limit. We further stated our belief that the performance test adjustment should not be potentially applicable to only new oil-fired boilers with heat input capacity between 10 MMBtu/hr and 30 MMBtu/hr, but to all new boilers subject to a PM emission limit.

The EPA received a petition asserting that the public lacked an opportunity to comment on the new provision that eliminates further performance testing for PM for certain boilers based on their initial compliance test. Petitioners object to the EPA's decision to exempt sources from PM performance testing indefinitely based on a single performance test showing low emissions. Petitioners assert that because the EPA determined that urban metal HAP emissions should be

controlled through a surrogate limit on PM emissions and that compliance with the PM emission limit should be determined through performance testing, the new provision, which fails to require performance testing to determine compliance, is arbitrary. Petitioners further assert that, because of variability in PM emissions, it is arbitrary to conclude that a source that measures low emissions in one test will have emissions below the limit forever thereafter. Specifically, petitioners assert that emissions of PM from individual sources are likely to be highly variable due to variations in proportions of co-fired fuels within a given subcategory, changes in fuel mix within a given fuel type and changes in fuel suppliers for a given fuel type.

We have granted reconsideration on this issue to provide an opportunity for comment on the new provision. The EPA requests comment, along with supporting information, on the magnitude and range of variability in PM and urban metal HAP emissions from individual boilers. More specifically, we request comment on whether the emissions variability at an individual boiler within a specific subcategory could result in an exceedance of the applicable PM limit by such boiler whose PM emissions are demonstrated to be equal to or less than half of the applicable PM emission limit (*i.e.,* a doubling or more of PM emissions). We also request comment on to what extent a requirement to burn only the fuel types and fuel mixtures used to demonstrate that a boiler's PM emissions are equal to or less than half of the PM limit would limit variability in the boiler's PM emissions.

The EPA also solicits comment on an alternative provision that would specify less frequent performance testing for PM based on the initial compliance test. Specifically, we request comment on an alternative provision that would specify that when demonstrating initial compliance with the PM emission limit, if the performance test results show that the PM emissions from the affected boiler are equal to or less than half of the applicable PM emission limit, additional PM emissions testing would not need to be conducted for 5 years. In such instances, the owner or operator would be required to continue to comply with all applicable operating limits and monitoring requirements to ensure that there are no changes in operation of the boiler or air pollution control equipment that could increase emissions. We request comment on also including a requirement that the owner or operator only burn the fuel types and fuel mixtures used to demonstrate that the PM emissions from the affected boiler are equal to or less than half of the applicable PM emission limit. As long as the performance test results show that the PM emissions from the affected boiler are equal to or less than half of the applicable PM emission limit, the source could continue conducting performance tests every 5 years. If the initial performance test results or results from a subsequent performance test show that the PM emissions are greater than half of the PM emission limit, the owner or operator would be required to conduct subsequent performance tests every 3 years, as specified in the final rule.

*E. Establishment of a Provision That Eliminates Further Fuel Sampling for Mercury for Certain Coal-Fired Boilers Based on Their Initial Compliance Demonstration*

The February 1, 2013, final rule added a new provision that specifies that further fuel analysis sampling does not need to be conducted if, when demonstrating initial compliance with the Hg emission limit based on fuel analysis, the Hg constituents in the fuel or fuel mixture are measured to be equal to or less than half of the Hg emission limit. The EPA believes that inclusion of such a provision promotes use of low-Hg coal. In such instances, the owner or operator must continue to comply with all applicable operating limits and monitoring requirements, which include only burning the fuel types and fuel mixtures used to demonstrate compliance and keeping monthly records of fuel use. When demonstrating initial compliance with the Hg emission limit, if the Hg constituents in the fuel or fuel mixture are greater than half of the Hg emission limit, the owner or operator must conduct quarterly sampling. After the December 23, 2011, reconsideration proposal, the EPA realized that when the performance stack testing frequency was revised from being required on an annual basis in the June 4, 2010 (75 FR 31896) proposed rule to being required on a triennial basis in the March 2011 final rule, we neglected to revise the fuel analysis requirements. The June 2010 proposed rule required a monthly fuel analysis. The February 1, 2013, final rule requires quarterly fuel analysis if, when demonstrating initial compliance with the Hg emission limit, the Hg constituents in the fuel or fuel mixture are greater than half of the Hg emission limit.

The EPA received a petition asserting that the public lacked an opportunity to comment on the new provision that eliminates further fuel sampling for Hg for certain coal-fired boilers based on their initial compliance demonstration. Petitioners object to the EPA's decision to exempt sources from fuel sampling for Hg based on a single fuel analysis. Petitioners assert that because the EPA determined that Hg must be regulated based on the performance of maximum achievable control technology and that compliance with the Hg emission limit can be determined through fuel analysis, the new provision, which fails to require fuel analysis to determine compliance, is arbitrary. Petitioners further assert that the variability in the Hg content of fuels available to coal-fired boilers at area sources is so great that a single fuel analysis cannot show that a source will comply with the standard in perpetuity. Petitioners claim that the February 1, 2013, final rule defines coal-fired boilers subject to the standard broadly and allows sources to burn highly non-homogenous fuels without changing subcategories, which enables a high degree of variability in emissions. Specifically, petitioners note that the final rule allows variation in proportions of fuels co-fired (*i.e.,* coal and biomass), changes in fuel mix within a given fuel type and changes in fuel suppliers for a given fuel type.

We have granted reconsideration on this issue to provide an opportunity for comment on the new provision. The EPA requests comment, along with supporting information, on the magnitude and range of variability in Hg content in coal that is likely to be combusted in an individual boiler. More specifically, we request comment on whether the variability within a specific fuel type or fuel mixture could result in an exceedance of the applicable Hg limit by a boiler in the coal subcategory whose Hg content in their fuel or fuel mixture are demonstrated to be equal to or less than half of the applicable Hg emission limit (*i.e.,* a doubling or more of Hg emissions).

The EPA also solicits comment on an alternative provision that would specify less frequent fuel analysis sampling for Hg based on the initial compliance demonstration. Specifically, we request comment on an alternative provision that would specify that when demonstrating initial compliance with the Hg emission limit based on fuel analysis, if the Hg constituents in the fuel or fuel mixture are measured to be equal to or less than half of the Hg emission limit, additional fuel analysis sampling for Hg would not need to be conducted for 12 months. In such instances, the owner or operator would be required to continue to comply with all applicable operating limits and monitoring requirements, which include

only burning the fuel types and fuel mixtures used to demonstrate compliance and keeping monthly records of fuel use, to ensure that there are no changes in operation of the boiler or air pollution control equipment that could increase emissions. As long as the fuel analysis sampling shows that the Hg constituents in the fuel or fuel mixture are equal to or less than half of the Hg emission limit, the source could continue fuel analysis sampling on an annual basis. If the initial fuel analysis sampling or subsequent fuel analysis sampling show that the Hg emissions are greater than half of the Hg emission limit, the owner or operator would be required to conduct subsequent fuel analysis sampling on a quarterly basis (*i.e.,* every 3 months) as specified in the final rule.

## IV. Technical Corrections and Clarifications

We are proposing several clarifying changes and corrections to the final rule. These proposed changes are described in Table 1 of this preamble.

TABLE 1—MISCELLANEOUS PROPOSED CHANGES AND CORRECTIONS TO 40 CFR PART 63, SUBPART JJJJJJ

| Section of subpart JJJJJJ | Description of proposed correction |
|---|---|
| 40 CFR 63.11195(k) | Revise the language in this paragraph to use the phrase ''as defined in this subpart'' instead of ''covered by subpart UUUUU of this part'' to clarify that fossil fuel-fired EGUs are not subject to the rule. |
| 40 CFR 63.11210(j) | Amend this paragraph to clarify that this provision applies to existing affected boilers that have not operated on any of the fuels subject to subpart JJJJJJ (i.e., ''on solid fossil fuel, biomass, or liquid fuel'') between the rule's effective date and compliance date. |
| 40 CFR 63.11214(a) | Amend this paragraph to clarify that the requirement to submit a signed statement in the Notification of Compliance Status report that indicates that an initial tune-up of the boiler was conducted only applies to owners and operators of existing coal-fired boilers with a heat input capacity of less than 10 MMBtu/hr. |
| 40 CFR 63.11214(b) | Amend this paragraph to clarify that the requirement to submit a signed statement in the Notification of Compliance Status report that indicates that an initial tune-up of the boiler was conducted only applies to owners and operators of existing biomass-fired boilers and existing oil-fired boilers. |
| 40 CFR 63.11214(c) | Amend this paragraph to clarify that the energy assessment is also considered to have been completed if the maximum number of on-site technical hours specified in the definition of energy assessment applicable to the facility has been expended. |
| 40 CFR 63.11220(d) | Amend this paragraph to clarify that this provision applies to existing affected boilers that have not operated on any of the fuels subject to subpart JJJJJJ (i.e., ''on solid fossil fuel, biomass, or liquid fuel'') since the previous compliance demonstration and more than 3 years have passed since the previous compliance demonstration. |
| 40 CFR 63.11221(c) | Amend this paragraph to clarify that data collected during periods of startup and shutdown may not be used in calculations used to report emissions or operating levels. |
| 40 CFR 63.11222(a)(2) | Amend this paragraph to clarify that the requirement to demonstrate that all fuel types and mixtures of fuels burned would result in lower emissions of Hg than the applicable emission limit (if you demonstrate compliance through fuel analysis), or result in lower fuel input of Hg than the maximum values calculated during the last performance stack test (if you demonstrate compliance through performance stack testing) only applies to owners and operators of boilers subject to a Hg emission limit. |
| 40 CFR 63.11224(a)(7) | Amend this paragraph to clarify the oxygen level set point for a source that operates an oxygen trim system but is not required to conduct a carbon monoxide performance stack test. |
| 40 CFR 63.11225(a)(4) | Amend this paragraph to clarify that owners and operators of new boilers subject only to a requirement to conduct a tune-up are not required to prepare and submit a Notification of Compliance Status for the tune-up. |
| 40 CFR 63.11225(b) | Amend this paragraph to clarify that boilers subject only to energy assessment and/or tune-up requirements may submit only a biennial or 5-year compliance report. |
| 40 CFR 63.11225(c)(2)(iv) | Amend this paragraph to include the requirement, as specified in § 63.11210(e), that owners and operators of new oil-fired boilers meeting the low sulfur fuel requirements in § 63.11210(e) must keep records, on a monthly basis, of the type of fuel combusted. |
| 40 CFR 63.11225(e)(1) | Amend this paragraph to clarify the EPA point of contact for submittal of confidential performance test information. |
| 40 CFR 63.11225(g) | Revise the language in this paragraph to (1) use the phrase ''due to a fuel change that results in the boiler meeting the definition of gas-fired boiler, as defined in § 63.11237'' instead of ''due to a change to 100 percent natural gas'' to clarify that boilers switching out of subpart JJJJJJ due to a fuel change are not only those that change to 100-percent natural gas, but include those for which the fuel change results in the boiler meeting the subpart JJJJJJ definition of ''Gas-fired boiler,'' which encompasses those boilers that change to 100-percent natural gas; and (2) clarify that in addition to a permit limit resulting in a boiler becoming subject to the subpart, a permit limit can also result in a boiler no longer being subject to the subpart. |
| 40 CFR 63.11237 | Add the definition of ''Annual capacity factor'' to clarify its meaning within the definition of ''Limited-use boiler.'' |
| | Revise the definition of ''Coal'' to clarify that coal derived liquids are excluded from the definition of ''Coal'' and are considered to be a liquid fuel. |
| | Revise the definition of ''Dry scrubber'' to delete the phrase ''and process heaters.'' |
| | Add the definition of ''Fossil fuel'' to clarify its meaning within the definition of ''Electric utility steam generating unit (EGU).'' |

TABLE 1—MISCELLANEOUS PROPOSED CHANGES AND CORRECTIONS TO 40 CFR PART 63, SUBPART JJJJJJ—Continued

| Section of subpart JJJJJJ | Description of proposed correction |
|---|---|
| | Revise the definition of ''Gas-fired boiler'' to clarify that the 48 hours of liquid fuel usage allowed on an annual calendar basis includes performing maintenance and operator training. This revision clarifies the intent of the liquid fuel usage allowance in that periodic testing, maintenance and operator training activities are all done to ensure that the boiler is capable of operating properly on liquid fuel when needed during periods of gas curtailment, gas supply interruptions or startups. This clarification does not revise the amount of time that liquid fuel can be used on an annual basis, but clarifies when it can be used. |
| | Revise the definition of ''Limited-use boiler'' to delete the word ''average'' to eliminate confusion regarding its use in the definition and maintain consistent terminology within the subpart. |
| | Revise the definition of ''Load fraction'' to clarify how load fraction is determined for a boiler co-firing natural gas with a solid or liquid fuel. |
| | Revise the definition of ''Oxygen trim system'' to include draft controller and to clarify that it is a system that maintains the desired excess air level over its operating load range. |
| Table 1 to subpart JJJJJJ | Revise item 6.b. to add ''(3-run average or 10-day rolling average)'' to be consistent with items 1.c. and 2.c. of Table 1. |
| Table 2 to subpart JJJJJJ | Revise item 16 to clarify that (1) ''operates under an energy management program'' does not mean that the energy management program must be implemented in perpetuity, but, rather, for at least one year between January 1, 2008, and the compliance date specified in § 63.11196; and (2) an energy management program developed according to ENERGY STAR guidelines would also satisfy the requirement. |
| Table 6 to subpart JJJJJJ | Revise item 2.(c) to clarify that ''load fraction'' is as defined in § 63.11237. |

## V. Affirmative Defense

In several prior CAA section 112 and CAA section 129 rules, including this rule, the EPA had included an affirmative defense to civil penalties for violations caused by malfunctions in an effort to create a system that incorporates some flexibility, recognizing that there is a tension, inherent in many types of air regulation, to ensure adequate compliance while simultaneously recognizing that despite the most diligent of efforts, emission standards may be violated under circumstances entirely beyond the control of the source. Although the EPA recognized that its case-by-case enforcement discretion provides sufficient flexibility in these circumstances, it included the affirmative defense to provide a more formalized approach and more regulatory clarity. *See Weyerhaeuser Co.* v. *Costle,* 590 F.2d 1011, 1057–58 (D.C. Cir. 1978) (holding that an informal case-by-case enforcement discretion approach is adequate); but see *Marathon Oil Co.* v. *EPA,* 564 F.2d 1253, 1272–73 (9th Cir. 1977) (requiring a more formalized approach to consideration of ''upsets beyond the control of the permit holder.''). Under the EPA's regulatory affirmative defense provisions, if a source could demonstrate in a judicial or administrative proceeding that it had met the requirements of the affirmative defense in the regulation, civil penalties would not be assessed. Recently, the United States Court of Appeals for the District of Columbia Circuit vacated an affirmative defense in one of the EPA's CAA section 112 regulations. *NRDC* v. *EPA,* 749 F.3d 1055 (D.C. Cir., 2014) (vacating affirmative defense provisions in CAA section 112 rule establishing emission standards for Portland cement kilns). The court found that the EPA lacked authority to establish an affirmative defense for private civil suits and held that under the CAA, the authority to determine civil penalty amounts in such cases lies exclusively with the courts, not the EPA. Specifically, the court found: ''As the language of the statute makes clear, the courts determine, on a case-by-case basis, whether civil penalties are 'appropriate.' '' *See NRDC,* 2014 U.S. App. LEXIS 7281 at *21 (''[U]nder this statute, deciding whether penalties are 'appropriate' . . . is a job for the courts, not EPA.''). In light of *NRDC,* the EPA is proposing to remove the regulatory affirmative defense provision in the current rule.

In the event that a source fails to comply with the applicable CAA section 112 standards as a result of a malfunction event, the EPA would determine an appropriate response based on, among other things, the good faith efforts of the source to minimize emissions during malfunction periods, including preventative and corrective actions, as well as root cause analyses to ascertain and rectify excess emissions. The EPA would also consider whether the source's failure to comply with the CAA section 112 standard was, in fact, ''sudden, infrequent, not reasonably preventable'' and was not instead ''caused in part by poor maintenance or careless operation.'' 40 CFR 63.2 (definition of malfunction).

Further, to the extent the EPA files an enforcement action against a source for violation of an emission standard, the source can raise any and all defenses in that enforcement action and the federal district court will determine what, if any, relief is appropriate. The same is true for citizen enforcement actions. Cf. *NRDC* at 1064 (arguments that violation were caused by unavoidable technology failure can be made to the courts in future civil cases when the issue arises). Similarly, the presiding officer in an administrative proceeding can consider any defense raised and determine whether administrative penalties are appropriate.

## VI. Solicitation of Public Comment and Participation

The EPA seeks full public participation in arriving at its final decisions. The EPA requests public comment on the five issues under reconsideration. At this time, other than the proposed revisions to the startup and shutdown definitions, the EPA is not proposing any specific revisions to the final rule with regard to the five reconsideration issues. Nevertheless, we may retain or rescind the final rule provisions or adopt an alternative discussed above based on comments and information we receive.

Additionally, the EPA is making certain clarifying changes and corrections to the final rule. We are soliciting comment on whether the proposed changes provide the intended accuracy, clarity and consistency. The EPA is also amending the final rule by

removing the affirmative defense provisions. We request comment on all of these proposed changes.

The EPA is seeking comment only on the five issues, the clarifying changes and corrections, and the amendments described above. The EPA will not respond to any comments addressing any other issues or any other provisions of the final rule or any other rule.

## VII. Statutory and Executive Order Reviews

*A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review*

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

*B. Paperwork Reduction Act (PRA)*

This action does not impose any new information collection burden under the PRA. The OMB has previously approved the information collection requirements contained in the existing regulations and has assigned OMB control number 2060–0668. The EPA is not proposing any new information collection activities (*e.g.,* monitoring, reporting, recordkeeping) as part of this action. With this action, the EPA is seeking additional comments on five aspects of the final Area Source Boiler Rule (78 FR 7488, February 1, 2013). We are also proposing a limited number of amendments that would clarify some applicability and implementation issues raised by stakeholders subject to the final rule and correct inadvertent errors promulgated in the final rule.

*C. Regulatory Flexibility Act (RFA)*

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. This action seeks comment on five aspects of the final Area Source Boiler Rule and also proposes a limited number of clarifications and corrections to the final rule.

*D. Unfunded Mandates Reform Act (UMRA)*

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local or tribal governments or the private sector. This action seeks comment on five aspects of the final Area Source Boiler Rule and also proposes a limited number of clarifications and corrections to the final rule.

*E. Executive Order 13132: Federalism*

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. This action seeks comment on five aspects of the final Area Source Boiler Rule and also proposes a limited number of clarifications and corrections to the final rule.

*F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments*

This action does not have tribal implications as specified in Executive Order 13175. This action seeks comment on five aspects of the final Area Source Boiler Rule and also proposes a limited number of clarifications and corrections to the final rule. Thus, Executive Order 13175 does not apply to this action.

*G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks*

The EPA interprets Executive Order 13045 as applying to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it is does not concern an environmental health risk or safety risk.

*H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use*

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

*I. National Technology Transfer and Advancement Act (NTTAA)*

This action does not involve technical standards.

*J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations*

The EPA believes the human health or environmental risk addressed by this action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous populations. This action seeks comment on five aspects of the final Area Source Boiler Rule and also proposes a limited number of clarifications and corrections to the final rule.

**List of Subjects in 40 CFR Part 63**

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: December 1, 2014.

**Gina McCarthy,**

*Administrator.*

For the reasons stated in the preamble, title 40, chapter I, part 63 of the Code of Federal Regulations is proposed to be amended as follows:

## PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

■ 1. The authority citation for part 63 continues to read as follows:

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

### Subpart JJJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources

■ 2. Section 63.11195 is amended by revising paragraph (k) to read as follows:

**§ 63.11195 Are any boilers not subject to this subpart?**

* * * * *

(k) An electric utility steam generating unit (EGU) as defined in this subpart.

■ 3. Section 63.11210 is amended by revising paragraphs (j) introductory text, (j)(1), and (j)(2) to read as follows:

**§ 63.11210 What are my initial compliance requirements and by what date must I conduct them?**

* * * * *

(j) For existing affected boilers that have not operated on solid fossil fuel, biomass, or liquid fuel between the effective date of the rule and the compliance date that is specified for your source in § 63.11196, you must comply with the applicable provisions as specified in paragraphs (j)(1) through (3) of this section.

(1) You must complete the initial compliance demonstration, if subject to the emission limits in Table 1 to this subpart, as specified in paragraphs (a) and (b) of this section, no later than 180 days after the re-start of the affected boiler on solid fossil fuel, biomass, or

liquid fuel and according to the applicable provisions in § 63.7(a)(2).

(2) You must complete the initial performance tune-up, if subject to the tune-up requirements in § 63.11223, by following the procedures described in § 63.11223(b) no later than 30 days after the re-start of the affected boiler on solid fossil fuel, biomass, or liquid fuel.

* * * * *

■ 4. Section 63.11214 is amended by revising paragraphs (a) through (c) to read as follows:

**§ 63.11214 How do I demonstrate initial compliance with the work practice standard, emission reduction measures, and management practice?**

(a) If you own or operate an existing or new coal-fired boiler with a heat input capacity of less than 10 million Btu per hour, you must conduct a performance tune-up according to § 63.11210(c) or (f), as applicable, and § 63.11223(b). If you own or operate an existing coal-fired boiler with a heat input capacity of less than 10 million Btu per hour, you must submit a signed statement in the Notification of Compliance Status report that indicates that you conducted an initial tune-up of the boiler.

(b) If you own or operate an existing or new biomass-fired boiler or an existing or new oil-fired boiler, you must conduct a performance tune-up according to § 63.11210(c) or (f), as applicable, and § 63.11223(b). If you own or operate an existing biomass-fired boiler or existing oil-fired boiler, you must submit a signed statement in the Notification of Compliance Status report that indicates that you conducted an initial tune-up of the boiler.

(c) If you own or operate an existing affected boiler with a heat input capacity of 10 million Btu per hour or greater, you must submit a signed certification in the Notification of Compliance Status report that an energy assessment of the boiler and its energy use systems was completed according to Table 2 to this subpart and that the assessment is an accurate depiction of your facility at the time of the assessment or that the maximum number of on-site technical hours specified in the definition of energy assessment applicable to the facility has been expended.

* * * * *

■ 5. Section 63.11220 is amended by revising paragraph (d) to read as follows:

**§ 63.11220 When must I conduct subsequent performance tests or fuel analyses?**

* * * * *

(d) For existing affected boilers that have not operated on solid fossil fuel, biomass, or liquid fuel since the previous compliance demonstration and more than 3 years have passed since the previous compliance demonstration, you must complete your subsequent compliance demonstration no later than 180 days after the re-start of the affected boiler on solid fossil fuel, biomass, or liquid fuel.

■ 6. Section 63.11221 is amended by revising paragraph (c) to read as follows:

**§ 63.11221 Is there a minimum amount of monitoring data I must obtain?**

* * * * *

(c) You may not use data collected during periods of startup and shutdown, monitoring system malfunctions or out-of-control periods, repairs associated with monitoring system malfunctions or out-of-control periods, or required monitoring system quality assurance or quality control activities in calculations used to report emissions or operating levels. Any such periods must be reported according to the requirements in § 63.11225. You must use all the data collected during all other periods in assessing the operation of the control device and associated control system.

* * * * *

■ 7. Section 63.11222 is amended by revising paragraph (a)(2) to read as follows:

**§ 63.11222 How do I demonstrate continuous compliance with the emission limits?**

(a) * * *

(2) If you have an applicable mercury or PM emission limit, you must keep records of the type and amount of all fuels burned in each boiler during the reporting period. If you have an applicable mercury emission limit, you must demonstrate that all fuel types and mixtures of fuels burned would result in lower emissions of mercury than the applicable emission limit (if you demonstrate compliance through fuel analysis), or result in lower fuel input of mercury than the maximum values calculated during the last performance stack test (if you demonstrate compliance through performance stack testing).

* * * * *

■ 8. Section 63.11224 is amended by revising paragraph (a)(7) to read as follows:

**§ 63.11224 What are my monitoring, installation, operation, and maintenance requirements?**

(a) * * *

(7) You must operate the oxygen analyzer system at or above the minimum oxygen level that is established as the operating limit according to Table 6 to this subpart when firing the fuel or fuel mixture utilized during the most recent CO performance stack test. If your facility is not required to conduct a CO performance stack test, you must set the oxygen level to the oxygen concentration measured during the most recent tune-up to optimize CO to manufacturer's specifications and you must operate the oxygen analyzer system at or above that level. Operation of oxygen trim systems to meet these requirements shall not be done in a manner which compromises furnace safety.

* * * * *

■ 9. Section 63.11225 is amended by revising paragraphs (a)(4) introductory text, (b) introductory text, (c)(2)(iv), (e)(1) and (g) introductory text to read as follows:

**§ 63.11225 What are my notification, reporting, and recordkeeping, requirements?**

(a) * * *

(4) You must submit the Notification of Compliance Status no later than 120 days after the applicable compliance date specified in § 63.11196 unless you own or operate a new boiler subject only to a requirement to conduct a biennial or 5-year tune-up or you must conduct a performance stack test. If you own or operate a new boiler subject to a requirement to conduct a tune-up, you are not required to prepare and submit a Notification of Compliance Status for the tune-up. If you must conduct a performance stack test, you must submit the Notification of Compliance Status within 60 days of completing the performance stack test. You must submit the Notification of Compliance Status in accordance with paragraphs (a)(4)(i) and (vi) of this section. The Notification of Compliance Status must include the information and certification(s) of compliance in paragraphs (a)(4)(i) through (v) of this section, as applicable, and signed by a responsible official.

* * * * *

(b) You must prepare, by March 1 of each year, and submit to the delegated authority upon request, an annual compliance certification report for the previous calendar year containing the information specified in paragraphs (b)(1) through (4) of this section. You must submit the report by March 15 if you had any instance described by paragraph (b)(3) of this section. For boilers that are subject only to the energy assessment requirement and/or a requirement to conduct a biennial or

5-year tune-up according to § 63.11223(a) and not subject to emission limits or operating limits, you may prepare only a biennial or 5-year compliance report as specified in paragraphs (b)(1) and (2) of this section.

* * * * *

(c) * * *

(2) * * *

(iv) For each boiler subject to an emission limit in Table 1 to this subpart, you must keep records of monthly fuel use by each boiler, including the type(s) of fuel and amount(s) used. For each new oil-fired boiler that meets the requirements of § 63.11210(e), you must keep records, on a monthly basis, of the type of fuel combusted.

* * * * *

(e)(1) Within 60 days after the date of completing each performance test (defined in § 63.2) as required by this subpart you must submit the results of the performance tests, including any associated fuel analyses, required by this subpart to EPA's WebFIRE database by using CEDRI that is accessed through EPA's CDX (*www.epa.gov/cdx*). Performance test data must be submitted in the file format generated through use of EPA's Electronic Reporting Tool (ERT) (see *http://www.epa.gov/ttn/chief/ert/index.html*). Only data collected using test methods on the ERT Web site are subject to this requirement for submitting reports electronically to WebFIRE. Owners or operators who claim that some of the information being submitted for performance tests is confidential business information (CBI) must submit a complete ERT file including information claimed to be CBI on a compact disk or other commonly used electronic storage media (including, but not limited to, flash drives) to EPA. The electronic media must be clearly marked as CBI and mailed to U.S. EPA/OAPQS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404–02, 4930 Old Page Rd., Durham, NC 27703. The same ERT file with the CBI omitted must be submitted to EPA via CDX as described earlier in this paragraph. At the discretion of the delegated authority, you must also submit these reports, including CBI, to the delegated authority in the format specified by the delegated authority. For any performance test conducted using test methods that are not listed on the ERT Web site, the owner or operator shall submit the results of the performance test in paper submissions to the Administrator at the appropriate address listed in § 63.13.

* * * * *

(g) If you have switched fuels or made a physical change to the boiler and the fuel switch or change resulted in the applicability of a different subcategory within this subpart, in the boiler becoming subject to this subpart, or in the boiler switching out of this subpart due to a fuel change that results in the boiler meeting the definition of gas-fired boiler, as defined in § 63.11237, or you have taken a permit limit that resulted in you becoming subject to this subpart or no longer being subject to this subpart, you must provide notice of the date upon which you switched fuels, made the physical change, or took a permit limit within 30 days of the change. The notification must identify:

* * * * *

**§ 63.11226 [Removed]**

■ 10. Remove § 63.11226.

■ 11. Section 63.11237 is amended as follows:

■ a. By adding, in alphabetical order, the definitions for ''Annual capacity factor,'' ''Fossil fuel,'' and ''Useful thermal energy.''

■ b. By revising the definitions for ''Coal,'' ''Dry scrubber,'' ''Gas-fired boiler,'' ''Limited-use boiler,'' ''Load fraction,'' ''Oxygen trim system,'' ''Shutdown,'' and ''Startup.''

■ c. By removing the definition of ''Affirmative defense.''

The additions and revisions read as follows:

**§ 63.11237 What definitions apply to this subpart?**

* * * * *

*Annual capacity factor* means the ratio between the actual heat input to a boiler from the fuels burned during a calendar year and the potential heat input to the boiler had it been operated for 8,760 hours during a year at the maximum steady state design heat input capacity.

* * * * *

*Coal* means all solid fuels classifiable as anthracite, bituminous, sub-bituminous, or lignite by the American Society for Testing and Materials in ASTM D388 (incorporated by reference, see § 63.14), coal refuse, and petroleum coke. For the purposes of this subpart, this definition of ''coal'' includes synthetic fuels derived from coal including, but not limited to, solvent-refined coal, coal-oil mixtures, and coal-water mixtures. Coal derived gases and liquids are excluded from this definition.

* * * * *

*Dry scrubber* means an add-on air pollution control system that injects dry alkaline sorbent (dry injection) or sprays an alkaline sorbent (spray dryer) to react with and neutralize acid gas in the exhaust stream forming a dry powder material. Sorbent injection systems used as control devices in fluidized bed boilers are included in this definition. A dry scrubber is a dry control system.

* * * * *

*Fossil fuel* means natural gas, oil, coal, and any form of solid, liquid, or gaseous fuel derived from such material.

* * * * *

*Gas-fired boiler* includes any boiler that burns gaseous fuels not combined with any solid fuels and burns liquid fuel only during periods of gas curtailment, gas supply interruption, startups, or for periodic testing, maintenance, or operator training on liquid fuel. Periodic testing, maintenance, or operator training on liquid fuel shall not exceed a combined total of 48 hours during any calendar year.

* * * * *

*Limited-use boiler* means any boiler that burns any amount of solid or liquid fuels and has a federally enforceable annual capacity factor of no more than 10 percent.

* * * * *

*Load fraction* means the actual heat input of a boiler divided by heat input during the performance test that established the minimum sorbent injection rate or minimum activated carbon injection rate, expressed as a fraction (*e.g.*, for 50 percent load the load fraction is 0.5). For boilers that co-fire natural gas with a solid or liquid fuel, the load fraction is determined by the actual heat input of the solid or liquid fuel divided by heat input of the solid or liquid fuel fired during the performance test (*e.g.*, if the performance test was conducted at 100 percent solid fuel firing, for 100 percent load firing 50 percent solid fuel and 50 percent natural gas, the load fraction is 0.5).

* * * * *

*Oxygen trim system* means a system of monitors that is used to maintain excess air at the desired level in a combustion device over its operating load range. A typical system consists of a flue gas oxygen and/or carbon monoxide monitor that automatically provides a feedback signal to the combustion air controller or draft controller.

* * * * *

*Shutdown* means the period in which cessation of operation of a boiler is initiated for any purpose. Shutdown begins when the boiler no longer makes useful thermal energy (such as steam or hot water) for heating, cooling, or process purposes or generates

electricity, or when no fuel is being fed to the boiler, whichever is earlier. Shutdown ends when the boiler no longer makes useful thermal energy (such as steam or hot water) for heating, cooling, or process purposes or generates electricity, and no fuel is being combusted in the boiler.

* * * * *

*Startup* means:

(1) Either the first-ever firing of fuel in a boiler for the purpose of supplying steam or heat for heating and/or producing electricity, or for any other purpose, or the firing of fuel in a boiler after a shutdown event for any purpose. Startup ends when any of the steam or heat from the boiler is supplied for heating and/or producing electricity, or for any other purpose, or

(2) The period in which operation of a boiler is initiated for any purpose. Startup begins with either the first-ever firing of fuel in a boiler for the purpose of supplying useful thermal energy (such as steam or hot water) for heating, cooling or process purposes, or producing electricity, or the firing of fuel in a boiler for any purpose after a shutdown event. Startup ends four hours after when the boiler makes useful thermal energy (such as steam or hot water) for heating, cooling, or process purposes, or generates electricity, whichever is earlier.

* * * * *

*Useful thermal energy* means energy (*i.e.*, steam or hot water) that meets the minimum operating temperature and/or pressure required by any energy use system that uses energy provided by the affected boiler.

* * * * *

■ 12. Table 1 to subpart JJJJJJ is amended by revising the entry for ''6.'' to read as follows:

TABLE 1 TO SUBPART JJJJJJ OF PART 63—EMISSION LIMITS

| If your boiler is in this subcategory . . . | For the following pollutants . . . | You must achieve less than or equal to the following emission limits, except during periods of startup and shutdown . . . |
|---|---|---|
| * * * | * | * * * |
| 6. Existing coal-fired boilers with heat input capacity of 10 MMBtu/hr or greater that do not meet the definition of limited-use boiler. | a. Mercury | 2.2E–05 lb per MMBtu of heat input. |
| | b. CO | 420 ppm by volume on a dry basis corrected to 3 percent oxygen (3-run average or 10-day rolling average). |

■ 13. Table 2 to subpart JJJJJJ is amended by revising the entry for ''16.'' to read and follows:

TABLE 2 TO SUBPART JJJJJJ OF PART 63—WORK PRACTICE STANDARDS, EMISSION REDUCTION MEASURES, AND MANAGEMENT PRACTICES

| If your boiler is in this subcategory . . . | You must meet the following . . . |
|---|---|
| * * * | * * * |
| 16. Existing coal-fired, biomass-fired, or oil-fired boilers (units with heat input capacity of 10 MMBtu/hr and greater), not including limited-use boilers. | Must have a one-time energy assessment performed by a qualified energy assessor. An energy assessment completed on or after January 1, 2008, that meets or is amended to meet the energy assessment requirements in this table satisfies the energy assessment requirement. Energy assessor approval and qualification requirements are waived in instances where past or amended energy assessments are used to meet the energy assessment requirements. A facility that operated under an energy management program developed according to the ENERGY STAR guidelines for energy management or compatible with ISO 50001 for at least one year between January 1, 2008, and the compliance date specified in § 63.11196 that includes the affected units also satisfies the energy assessment requirement. The energy assessment must include the following with extent of the evaluation for items (1) to (4) appropriate for the on-site technical hours listed in § 63.11237:<br>(1) A visual inspection of the boiler system,<br>(2) An evaluation of operating characteristics of the affected boiler systems, specifications of energy use systems, operating and maintenance procedures, and unusual operating constraints,<br>(3) An inventory of major energy use systems consuming energy from affected boiler(s) and which are under control of the boiler owner or operator,<br>(4) A review of available architectural and engineering plans, facility operation and maintenance procedures and logs, and fuel usage,<br>(5) A list of major energy conservation measures that are within the facility's control, |

TABLE 2 TO SUBPART JJJJJJ OF PART 63—WORK PRACTICE STANDARDS, EMISSION REDUCTION MEASURES, AND MANAGEMENT PRACTICES—Continued

| If your boiler is in this subcategory . . . | You must meet the following . . . |
|---|---|
| | (6) A list of the energy savings potential of the energy conservation measures identified, and<br>(7) A comprehensive report detailing the ways to improve efficiency, the cost of specific improvements, benefits, and the time frame for recouping those investments. |

■ 14. Table 6 to subpart JJJJJJ is amended by revising the entry for ''2.'' to read as follows:

TABLE 6 TO SUBPART JJJJJJ OF PART 63—ESTABLISHING OPERATING LIMITS

| If you have an applicable emission limit for . . . | And your operating limits are based on . . . | You must . . . | Using . . . | According to the following requirements |
|---|---|---|---|---|
| 2. Mercury ..... | Dry sorbent or activated carbon injection rate operating parameters. | Establish a site-specific minimum sorbent or activated carbon injection rate operating limit according to § 63.11211(b). | Data from the sorbent or activated carbon injection rate monitors and the mercury performance stack tests. | (a) You must collect sorbent or activated carbon injection rate data every 15 minutes during the entire period of the performance stack tests;<br>(b) Determine the average sorbent or activated carbon injection rate for each individual test run in the three-run performance stack test by computing the average of all the 15-minute readings taken during each test run.<br>(c) When your unit operates at lower loads, multiply your sorbent or activated carbon injection rate by the load fraction, as defined in § 63.11237, to determine the required injection rate. |

[FR Doc. 2014–30388 Filed 1–20–15; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 721

**[EPA–HQ–OPPT–2013–0225; FRL–9915–63]**

**RIN 2070–AJ99**

## Long-Chain Perfluoroalkyl Carboxylate and Perfluoroalkyl Sulfonate Chemical Substances; Significant New Use Rule

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

**ACTION:** Proposed rule.

**SUMMARY:** Under the Toxic Substances Control Act (TSCA), EPA is proposing to amend a significant new use rule (SNUR) for long-chain perfluoroalkyl carboxylate (LCPFAC) chemical substances by designating as a significant new use manufacturing (including importing) or processing of an identified subset of LCPFAC chemical substances for any use that will not be ongoing after December 31, 2015, and all other LCPFAC chemicals substances for which there are currently no ongoing uses. For this SNUR, EPA is also proposing to make inapplicable the exemption for persons who import LCPFAC chemical substances as part of articles. In addition, EPA is also proposing to amend a SNUR for perfluoroalkyl sulfonate (PFAS) chemical substances that would make inapplicable the exemption for persons who import PFAS chemical substances as part of carpets. Persons subject to these SNURs would be required to notify EPA at least 90 days before commencing such manufacture or processing. The required notifications would provide EPA with the opportunity to evaluate the intended use and, if necessary, an opportunity to protect against potential unreasonable risks from that activity before it occurs.

**DATES:** Comments must be received on or before March 23, 2015.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2013–0225, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be

Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

• *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.

• *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

**FOR FURTHER INFORMATION CONTACT:**

*For technical information contact:* Nicholas Nairn-Birch, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–3668; email address: *nairn-birch.nicholas@epa.gov.*

*For general information contact:* The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

## I. Executive Summary

### *A. Does this action apply to me?*

You may be potentially affected by this action if you manufacture (including import) or process any of the chemical substances covered by this proposed SNUR. The North American Industrial Classification System (NAICS) codes that are identified in this unit are not intended to be exhaustive, but rather provides a guide to help readers determine whether this rule applies to them. Potentially affected entities may include:

• Manufacturers (including importers) of one or more of subject chemical substances (NAICS codes 325 and 324110); *e.g.*, chemical manufacturing and petroleum refineries.

• Fiber, yarn, and thread mills (NAICS code 31311).

• Carpet and rug mills (NAICS code 314110).

• Home furnishing merchant wholesalers (NAICS code 423220).

• Carpet and upholstery cleaning services (NAICS code 561740).

This action may also affect certain entities through pre-existing import certification and export notification rules under TSCA. Persons who import any chemical substance governed by a final SNUR are subject to the TSCA section 13 (15 U.S.C. 2612) import certification requirements and the corresponding regulations at 19 CFR 12.118 through 12.127; see also 19 CFR 127.28. Those persons must certify that the shipment of the chemical substance complies with all applicable rules and orders under TSCA, including any SNUR requirements. The EPA policy in support of import certification appears at 40 CFR part 707, subpart B. In addition, any persons who export or intend to export a chemical substance that is the subject of this proposed rule on or after February 20, 2015 are subject to the export notification provisions of TSCA section 12(b) (15 U.S.C. 2611(b)), (see 40 CFR 721.20), and must comply with the export notification requirements in 40 CFR part 707, subpart D.

To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions in 40 CFR 721.5 and 40 CFR 721.9582. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

### *B. What is the agency's authority for taking this action?*

Section 5(a)(2) of TSCA (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a ''significant new use.'' EPA must make this determination by rule after considering all relevant factors, including those listed in TSCA section 5(a)(2). Once EPA determines that a use of a chemical substance is a significant new use, TSCA section 5(a)(1)(B) requires persons to submit a significant new use notice (SNUN) to EPA at least 90 days before they manufacture or process the chemical substance for that use (15 U.S.C. 2604(a)(1)(B)). As described in Unit V., the general SNUR provisions are found at 40 CFR part 721, subpart A.

### *C. What action is the Agency taking?*

EPA is proposing to amend a SNUR at 40 CFR 721.10536 for LCPFAC chemical substances by designating manufacturing (including importing) or processing of LCPFAC chemical substances listed in Table 1 of this unit for any use that is no longer ongoing after December 31, 2015, as a significant new use; designating manufacturing (including importing) or processing of PFOA or its salts for any use as a significant new use; and designating manufacturing (including importing) or processing of all other LCPFAC chemical substances for any use not ongoing as of the date on which this proposed rule is published as a significant new use. For this SNUR, EPA is also proposing to make the exemption at 40 CFR 721.45(f) inapplicable for persons who import LCPFAC chemical substances listed in Table 1 of this unit and PFOA or its salts as part of articles because exposure would increase if in the future LCPFAC chemical substances, including PFOA, are incorporated in articles and then imported. EPA is also proposing to amend a SNUR at 40 CFR 721.9582 for PFAS chemical substances to make the exemption at 40 CFR 721.45(f) inapplicable for persons who import of PFAS chemical substances as part of carpets. This action is consistent with the purpose of the ''Long-Chain Perfluorinated Chemicals Action Plan'' (2009 Action Plan) published on December 30, 2009 (Ref. 1). EPA is continuing to assess these chemical substances to determine what other actions would be warranted. Before promulgating a final SNUR with respect to uses of LCPFAC chemical substances listed in Table 1 of this unit that are now ongoing, but are expected to be phased out by December 31, 2015, EPA will verify through comments on this action, or by other means, that the proposed significant new uses have indeed ceased. Similarly, before promulgating a final SNUR on LCPFAC chemical substances other than those listed in Table 1 of this unit, EPA will determine based on comments on this action and other means what if any uses are ongoing in making significant new use determinations in the final rule. Persons would be required to notify EPA at least 90 days before commencing manufacture or processing of LCPFAC chemical substances for the designated significant new uses. This proposed SNUR is intended to follow and codify an existing voluntary industry commitment to phase out LCPFAC chemical substances by the end of 2015 (Ref. 2). The objectives and rationale for this proposed SNUR are explained in more detail in Unit III.

TABLE 1—LCPFAC CHEMICAL SUBSTANCES SUBJECT TO REPORTING AFTER DECEMBER 31, 2015

| CAS registry No. (CASRN) | Accession CAS No. | Chemical name |
|---|---|---|
| 507–63–1 | No Accession Number | Octane, 1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8-heptadecafluoro-8-iodo-. |
| 678–39–7 | No Accession Number | 1-Decanol, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-heptadecafluoro-. |
| 865–86–1 | No Accession Number | 1-Dodecanol, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,12-heneicosafluoro-. |
| 2043–53–0 | No Accession Number | Decane, 1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8-heptadecafluoro-10-iodo-. |
| 2043–54–1 | No Accession Number | Dodecane, 1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10-heneicosafluoro-12-iodo-. |
| 17741–60–5 | No Accession Number | 2-Propenoic acid, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11, 12,12,12-heneicosafluorododecyl ester. |
| 27905–45–9 | No Accession Number | 2-Propenoic acid, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-heptadecafluorodecyl ester. |
| 30046–31–2 | No Accession Number | Tetradecane, 1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12-pentacosafluoro-14-iodo-. |
| 39239–77–5 | No Accession Number | 1-Tetradecanol, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,14-pentacosafluoro-. |
| 60699–51–6 | No Accession Number | 1-Hexadecanol, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,15,15,16,16,16-nonacosafluoro-. |
| 65510–55–6 | No Accession Number | Hexadecane, 1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14-nonacosafluoro-16-iodo-. |
| 68187–47–3 | No Accession Number | 1-Propanesulfonic acid, 2-methyl-, 2-[[1-oxo-3-[(.gamma.-.omega.-perfluoro- C4-16-alkyl)thio]propyl]amino] derivs., sodium salts. |
| 68391–08–2 | No Accession Number | Alcohols, C8-14, .gamma.-.omega.-perfluoro. |
| 70969–47–0 | No Accession Number | Thiols, C8-20, .gamma.-.omega.-perfluoro, telomers with acrylamide. |
| 125476–71–3 | No Accession Number | Silicic acid ($H_4SiO_4$), sodium salt (1:2), reaction products with chlorotrimethylsilane and 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-heptadecafluoro-1-decanol. |
| 1078712–88–5 | No Accession Number | Thiols, C4-20, .gamma.-.omega.-perfluoro, telomers with acrylamide and acrylic acid, sodium salts. |
| 1078715–61–3 | No Accession Number | 1-Propanaminium, 3-amino-N-(carboxymethyl)-N,N-dimethyl-, N-[2-[(.gamma.-.omega.-perfluoro-C4-20-a lkyl)thio]acetyl] derivs., inner salts. |
| CBI | 71217 | Polyfluoroalkyl betaine. |
| CBI | 89419 | Modified fluoroalkyl urethane. |
| CBI | 274147 | Perfluorinated polyamine. |

CBI = Confidential Business Information. CAS or CASRN = Chemical Abstracts Service Registry Number.

In this proposed rule, the term LCPFAC refers to the long-chain category of perfluorinated carboxylate chemical substances with perfluorinated carbon chain lengths equal to or greater than seven carbons and less than or equal to 20 carbons. The category of LCPFAC chemical substances also includes the salts and precursors of these perfluorinated carboxylates. See Unit II.A. for the specific definition of the LCPFAC category.

PFOA and its salts are subject to this proposed rule. PFOA and examples of PFOA salts with Chemical Abstract Service Registry Numbers (CASRN) and chemical names are shown in Table 2 of this unit. PFOA and its salts are considered LCPFAC chemical substances. EPA believes all uses of PFOA and its salts were phased out by December 31, 2013.

TABLE 2—PFOA AND EXAMPLES OF ITS SALTS

| CAS registry No. (CASRN) | Chemical name |
|---|---|
| 335–66–0 | Octanoyl fluoride, pentadecafluoro-. |
| 335–67–1 | Octanoic acid, pentadecafluoro- (PFOA). |
| 335–93–3 | Octanoic acid, pentadecafluoro-, silver salt. |
| 335–95–5 | Octanoic acid, pentadecafluoro-, sodium salt. |
| 2395–00–8 | Octanoic acid, pentadecafluoro-, potassium salt. |
| 3825–26–1 | Octanoic acid, pentadecafluoro-, ammonium salt (APFO). |

CAS or CASRN = Chemical Abstracts Service Registry Number.

The PFAS chemical substances for which EPA is modifying an existing SNUR are currently listed in 40 CFR 721.9582(a)(1). All of these chemical substances are collectively referred to in this rule as perfluoroalkyl sulfonates, or PFAS chemical substances. In this proposal, the term PFAS refers to a category of perfluorinated sulfonate chemical substances of any chain length.

EPA will not designate ongoing uses as significant new uses when the final rule is promulgated, except for uses that will be phased out by the end of 2015. Persons who manufacture (including importers) or process any of the chemical substances included in the proposed SNUR for an ongoing use at the time this proposed rule is published would be free to continue without submitting a SNUN. Note, however, that uses not already ongoing as of the publication date of this proposed rule, and ongoing uses that will be phased out by the end of 2015, would not be considered ongoing uses if they later arise, even if they are in existence upon the issuance of a final rule. Furthermore, uses that are ongoing as of the publication date of this proposed rule would not be considered ongoing uses if they have ceased by the date of issuance of a final rule (see Units IV. and VI. for further discussion of what constitutes an ongoing use). Persons who intend to begin or resume commercial manufacture or processing of the chemical substance(s) for a significant new use would have to comply with all applicable SNUN requirements.

The LCPFAC chemical substances identified in Table 1 of this unit are known to have current or recent ongoing uses on the basis of their inclusion in reports submitted to the Agency under the 2012 Chemical Data Reporting (CDR) rule. EPA particularly requests comment on whether any of the current uses of any of the specific chemical substances identified in Table 1 of this unit will continue to be ongoing after December 31, 2015. EPA also requests comment on whether there are currently any ongoing uses, including use as part of articles, of any of the remaining LCPFAC chemical substances that were not identified during the 2012 CDR. Furthermore, EPA requests comment on whether there are any ongoing uses of PFOA or its salts, and whether PFAS chemical substances

are currently imported as part of carpets. EPA would welcome specific documentation of any such ongoing use.

*D. Why is the Agency taking this action?*

These SNURs are necessary to ensure that EPA receives timely advance notice of any future manufacturing (including importing) and processing of these LCPFAC chemical substances for new uses that may produce changes in human and environmental exposures. The rationale and objectives for this SNUR are explained in Unit III.

*E. What are the estimated incremental impacts of this action?*

EPA has evaluated the potential costs of establishing SNUR reporting requirements for potential manufacturers (including importers) and processors of the chemical substances included in this proposed rule. The economic analysis, which is available in the docket, is discussed in Unit IX., and is briefly summarized here.

In the event that a SNUN is submitted, costs are estimated to be less than $8,589 per SNUN submission for large business submitters and $6,189 for small business submitters. These estimates include the cost to prepare and submit the SNUN and the payment of a user fee. In addition, for persons exporting a chemical substance that is the subject of a SNUR, a one-time notice must be provided for the first export or intended export to a particular country, which is estimated to cost less than $100 on average per notification. The proposed rule may also affect firms that plan to import articles that contain LCFPAC chemical substances, because, while not required by the SNUR, these parties may take additional steps to determine whether LCPFAC chemical substances are part of the articles that they are considering to import. In the accompanying Economic Analysis for this proposed SNUR, example steps (and their respective costs) that an importer might take to identify LCPFAC chemicals in articles are provided. These can include gathering information through agreements with suppliers, declarations through databases or surveys, or use of a third party certification system. Additionally, importers may require suppliers to provide certificates of testing analysis of the products or perform their own laboratory testing of certain articles. EPA is unable to predict, however, what, if any, particular steps an importer might take; potential total costs were not estimated.

## II. Chemical Substances Subject to This Proposed Rule

*A. What LCPFAC chemical substances are subject to this proposed SNUR?*

LCPFAC chemical substances are synthetic chemicals that do not occur naturally in the environment. The LCPFAC chemical substances identified in this unit, where $5 < n < 21$ or $6 < m < 21$:

1. $CF_3(CF_2)_n$-COO-M where M = $H^+$ or any other group where a formal dissociation can be made.;
2. $CF_3(CF_2)_n$-CH=$CH_2$.
3. $CF_3(CF_2)_n$-C(=O)-X where X is any chemical moiety.
4. $CF_3(CF_2)_m$-$CH_2$-X where X is any chemical moiety.
5. $CF_3(CF_2)_m$-Y–X where Y = non-S, non-N heteroatom and where X is any chemical moiety.

This category definition of LCPFAC chemical substances, based on the chemical structures in this unit, refers to a group of chemical substances containing PFOA and its higher homologues. The category also includes the salts and precursors of these chemical substances. The precursors may be simple derivatives of PFOA and higher homologues or polymers that contain or may degrade to PFOA or higher homologues. These precursors include long-chain fluorotelomers. LCPFAC chemical substances with greater than 20 perfluorinated carbons can be considered polymers within the polymer exemption under 40 CFR 723.250 because they exceed a molecular weight of 1,000 daltons and contain at least 3 monomer units. As it is not EPA's intent to regulate fluoropolymers in this proposed rule, the LCPFAC category in this proposed rule includes a perfluorinated carbon chain length upper limit of 20.

In this proposed rule, PFOA and its salts includes the chemical substances listed in Table 2 of Unit II. PFOA and its salts are considered LCPFAC chemical substances.

Under this proposed rule, any LCPFAC chemical substance identified by 40 CFR 721.10536(b)(1)(i) through (b)(1)(v) that is intentionally used during fluoropolymer formulation, such as an emulsion stabilizer in aqueous dispersions, would be subject to reporting for the significant new uses described in 40 CFR 721.10536(b)(4)(i) through (b)(4)(iv). For example, ammonium perfluorooctanoate (APFO)—when used as an aqueous dispersion agent in fluoropolymer production—is subject to this SNUR if the final fluoropolymer product is used for a significant new use described in 40 CFR 721.10536(b)(4)(i) through (b)(4)(iv).

*B. What PFAS chemical substances are subject to this proposed SNUR?*

PFAS refers to a category of perfluorinated sulfonate chemical substances of any chain length. The PFAS chemical substances for which EPA is proposing to modify an existing SNUR are currently listed in 40 CFR 721.9582(a)(1).

*C. What are the uses and production levels of LCPFAC chemical substances?*

PFOA, a member of the LCPFAC category, is a synthetic (man-made) chemical that does not occur naturally in the environment. PFOA is manufactured for use primarily as an aqueous dispersion agent as the ammonium salt in the manufacture of fluoropolymers. PFOA can also be produced unintentionally by the degradation of some fluorotelomers, which are not manufactured using PFOA but could degrade to PFOA. DuPont, which was the last company to manufacture (including import) PFOA and its salts in the United States, ceased all production (including import) of PFOA and its salts in 2013 (Ref. 3).

Fluoropolymers provide nonstick surfaces for cookware and other products, are used as molded automotive parts, and have many other applications. Polytetrafluoroethylene (PTFE) is the dominant fluoropolymer, accounting for 58% (by weight) of world fluoropolymer consumption in 2012 (Ref. 4). The United States accounted for 20% of the world consumption of PTFE in 2012 and 40% of the world consumption of other fluoropolymers.

Fluorotelomers, oligomers of tetrafluoroethylene, are relatively small functionalized molecules used to make polymers and surfactants. World-wide production of fluorotelomer-based polymers (FTBP) was estimated at 20 million pounds in 2006. Fluorotelomer monomers and FTBP are included in the LCPFAC category definition as potential LCPFAC precursors (Ref. 5). The United States accounts for more than 50% of world-wide fluorotelomer/FTPB production. Textiles and apparel account for approximately 50% of the volume used (Ref. 1).

In January 2006, EPA launched the 2010/2015 PFOA Stewardship Program (PFOA Stewardship Program) in partnership with eight companies: DuPont, Solvay Solexis, Asahi Glass Company, Daikin America, Inc., Clariant International Ltd., 3M/Dyneon, Arkema Inc., and BASF (formerly Ciba Specialty Chemicals Corporation) (Ref. 2). These companies represent a majority of global

manufacture of LCPFAC chemical substances (Ref. 6). The program set a goal of reducing facility emissions and product content of LCPFAC chemical substances on a global basis by 95%, no later than 2010, and to eliminate emissions and product content of these chemical substances by 2015. With the exception of one manufacturer who has not participated in the PFOA Stewardship Program, these companies accounted for the total volume of LCPFAC chemical substances reported on the 2012 CDR (see Table 2 of Unit I.). Since these chemical substances are proprietary chemicals, they are not expected to be manufactured by any other company. The eight participating companies have informed EPA that they are on track to phase out LCPFAC chemical substances by the end of 2015 (Ref. 7).

Based on the 2012 CDR, there was one additional manufacturer of certain LCPFAC chemical substances who has not participated in the PFOA Stewardship Program. This company manufactures a small volume of LCPFAC chemical substances, compared to the volume of LCPFAC chemical substances manufactured by PFOA Stewardship Program companies, and those chemicals are primarily used in firefighting foams. This company has expressed an interest in participating in the phase out goal of the PFOA Stewardship Program and has already submitted premanufacture notices (PMNs) for chemical substitutes of their current LCPFAC chemical substances. Other than the PFOA Stewardship Program companies and this one company, there were no other companies that reported manufacture (including import) of LCPFAC chemical substances in the 2012 CDR. Any domestic companies still manufacturing LCPFAC chemical substances are most likely obtaining the feedstocks for that manufacturing process from companies participating in the PFOA Stewardship Program. For these companies to continue manufacturing LCPFAC chemical substances, they would need the feedstock and finished LCPFAC chemical substances currently supplied by companies participating in the PFOA Stewardship Program. As the PFOA Stewardship Program member companies phase out their manufacture of those substances and customer demand continues to shift from LCPFAC chemical substances to alternatives, EPA believes that the manufacture of LCPFAC chemical substances by companies not participating in the PFOA Stewardship Programs are likely to cease by December 31, 2015. EPA would like to receive comments addressing the extent to which companies manufacturing specific LCPFAC chemical substances for particular uses are utilizing existing sources that are not dependent on the PFOA Stewardship Program member companies and that are expected to continue after December 31, 2015. Because specific uses of those specific chemical substances would be considered ongoing, they would be outside the scope of the significant new use when finalized.

*D. What are the uses and production levels of PFAS chemical substances?*

The Agency previously determined that the 271 PFAS chemical substances identified in 40 CFR 721.9582(a)(1) were no longer being manufactured for any use in the United States, other than for the uses listed under 40 CFR 721.9582(a)(3), (a)(4), and (a)(5) (Refs. 8 and 9). PFAS chemical substances included in 40 CFR 721.9582 were previously used in a variety of products, which can be divided into three main use categories: Surface treatments, paper protection, and performance chemicals. In the past, PFAS chemical substances in the performance chemicals category were used in a wide variety of specialized industrial, commercial, and consumer applications. Specific applications included firefighting foams, mining and oil well surfactants, acid mist suppressants for metal plating and electronic etching baths, alkaline cleaners, floor polishes, inks, photographic film, denture cleaners, shampoos, chemical intermediates, coating additives, carpet spot cleaners, and as an insecticide in bait stations for ants (Ref. 10). In some instances, PFAS chemical substances are no longer used for the uses listed in 40 CFR 721.9582(a)(3), (a)(4), and (a)(5) as a result of new substitutes developed and production and processing changes implemented by companies to eliminate the need for use of PFAS chemical substances. In addition, since those chemicals are no longer manufactured (including imported) other than for the listed uses, EPA believes that those chemical substances are also no longer processed other than for those listed uses.

*E. What are the potential health and environmental effects of LCPFAC chemical substances?*

The following brief summary of chemistry, environmental fate, exposure pathways, and health and environmental effects of LCPFAC chemical substances is based on the 2009 Action Plan (Ref. 1), references cited in the 2009 Action Plan, and additional selected references published after the 2009 Action Plan.

PFOA is persistent, widely present in humans and the environment, has long half-lives in humans, and can cause adverse effects in laboratory animals, including cancer and developmental and systemic toxicity (Refs. 11, 12, 13, 14, and 15). PFOA precursors, chemicals which degrade or may degrade to PFOA, are also present worldwide in humans and the environment and, in some cases, might be present at higher concentrations than PFOA and be more toxic (Refs. 16, 17, 18, 19, and 20). PFOA higher homologues are chemicals with carbon chain lengths longer than PFOA. Available evidence suggests that toxicity and bioaccumulation appear to be higher for chemical substances with longer carbon chain lengths compared to those with shorter chain lengths (Refs. 21, 22, 23, and 24).

LCPFAC chemical substances have been detected in biota, air, water, dust, and soil samples collected throughout the world. Some LCPFAC chemical substances have the potential for long-range transport. They are transported over long distances by a combination of dissolved-phase ocean and gas-phase atmospheric transport; however, determining which is the predominant transport pathway is complicated by many factors, including the uncertainty over water to atmosphere partitioning. Furthermore, there is evidence that transport and subsequent oxidation of volatile alcohol LCPFAC chemical substance precursors contribute to the levels of LCPFAC chemical substances in the environment.

For a more detailed summary of background information (*e.g.,* chemistry, environmental fate, exposure pathways, and health and environmental effects), as well as references pertaining to LCPFAC chemical substances, please refer to Unit IV. of EPA's initial proposed SNUR on LCPFAC chemical substances published in the **Federal Register** of August 15, 2012 (Ref. 10).

*F. What are the potential health and environmental effects of PFAS chemical substances?*

PFAS chemical substances degrade ultimately to perfluoroalkylsulfonic acid (PFASA), which can exist in the anionic form under environmental conditions. Further degradation of PFASA is not observed under normal environmental conditions. PFASA is highly persistent in the environment and has a tendency to bioaccumulate (Ref. 25). PFASA can continue to be formed by any PFAS

containing chemical substances introduced into the environment.

Studies have found PFAS chemical substances containing 5 to 14 carbons (C5–C14) in the blood of the general human population as well as in wildlife, indicating that exposure to these chemical substances is widespread (Refs. 1, 4, 26, 27, 28, and 29). The widespread presence of PFAS chemical substances in human blood samples nationwide suggests other pathways of exposure, possibly including the release of PFAS from treated articles.

Biological sampling has shown the presence of certain perfluoroalkyl compounds in fish and in fish-eating birds across the United States and in locations in Canada, Sweden, and the South Pacific (Refs. 26 and 27). The wide distribution of the chemical substances in high trophic levels is strongly suggestive of the potential for bioaccumulation and/or bioconcentration.

Based on currently available information, EPA believes that while all PFAS chemical substances are expected to persist, the length of the perfluorinated chain may also have an effect on bioaccumulation and toxicity, which are also characteristics of concern for these chemical substances. PFAS chemical substances with longer carbon chain lengths may be of greater concern than those with shorter chain lengths (Refs. 4, 21, and 22).

The hazard assessment published by the Organization for Economic Cooperation and Development (Ref. 10) concluded that perfluorooctyl sulfonates (PFOS) are persistent, bioaccumulative and toxic to mammalian species. While most studies to date have focused primarily on PFOS, structure-activity relationship analysis indicates that the results of those studies are applicable to the entire category of PFAS chemical substances, which includes PFOS. Available test data have raised concerns about their potential developmental, reproductive, and systemic toxicity (Refs. 1, 16, 26, and 27).

For a more detailed summary of background information (*e.g.,* chemistry, environmental fate, exposure pathways, and health and environmental effects), as well as references pertaining to PFAS chemical substances, please refer to EPA's proposed SNURs on PFAS chemical substances published in the **Federal Register** of October 18, 2000 (Ref. 30), March 11, 2002, and March 10, 2006 (Refs. 26 and 31). Also, refer to the 2009 Action Plan (Ref. 1).

## III. Rationale and Objectives

### *A. Rationale*

EPA is concerned about the effects LCPFAC and PFAS chemical substances may have on human health and the environment. As discussed in Unit II., LCPFAC and PFAS chemical substances are found world-wide in the environment, wildlife, and humans. They are bioaccumulative in wildlife and humans, and are persistent in the environment. They are toxic to laboratory animals, producing reproductive, developmental, and systemic effects in laboratory tests. The exact sources and pathways by which these chemicals move into and through the environment and allow humans and wildlife to become exposed are not fully understood, but are likely to include releases from manufacturing of the chemicals, processing of these chemicals into products, and aging, wear, and disposal of products containing them.

Since the manufacture and processing of LCPFAC chemical substances listed in Table 1 of Unit I. will be discontinued after December 31, 2015, as committed by the principal manufacturers of LCPFAC chemical substances participating in the PFOA Stewardship Program, EPA expects the presence of LCPFAC chemical substances in humans and the environment to decline over time as has been observed in the past when production and use of other persistent chemicals has ceased (Ref. 32). Similarly, EPA expects other LCPFAC chemicals substances to decline as well since the manufacture and processing of those has ceased, as observed by the absence of reporting in the CDR 2012 reporting period. In addition, EPA expects the presence of PFAS chemical substances to decline in humans and the environment since PFAS is no longer imported as part of carpets. EPA is concerned that the manufacturing or processing of these chemical substances for the proposed significant new uses could be reinitiated in the future. If reinitiated, EPA believes that such use would significantly increase the magnitude and duration of exposure to humans and the environment to these chemical substances.

Accordingly, EPA wants the opportunity to evaluate and control, where appropriate, activities associated with those uses, if such manufacturing (including importing) or processing were to start or resume. The required notification provided by a SNUN would provide EPA with the opportunity to evaluate activities associated with a significant new use and an opportunity to protect against unreasonable risks, if any, from exposure to LCPFAC chemical substances.

Consistent with EPA's past practice for issuing SNURs under TSCA section 5(a)(2), EPA's decision to propose a SNUR for a particular chemical use need not be based on an extensive evaluation of the hazard, exposure, or potential risk associated with that use. Rather, the Agency's action is based on EPA's determination that if the use begins or resumes, it may present a risk that EPA should evaluate under TSCA before the manufacturing or processing for that use begins. Since the new use does not currently exist, deferring a detailed consideration of potential risks or hazards related to that use is an effective use of resources. If a person decides to begin manufacturing or processing the chemical for the use, the notice to EPA allows EPA to evaluate the use according to the specific parameters and circumstances surrounding that intended use.

### *B. Objectives*

Based on the considerations in Unit III.A., EPA wants to achieve the following objectives with regard to the significant new use(s) that are designated in this proposed rule:

1. EPA would receive notice of any person's intent to manufacture or process LCPFAC chemical substances, PFOA or its salts, or PFAS chemical substances for the described significant new use before that activity begins.

2. EPA would have an opportunity to review and evaluate data submitted in a SNUN before the notice submitter begins manufacturing or processing these chemical substances for the described significant new use.

3. EPA would be able to regulate prospective manufacturers or processors of these chemical substances before the described significant new use of the chemical substance occurs, provided that regulation is warranted pursuant to TSCA sections 5(e), 5(f), 6, or 7.

## IV. Significant New Use Determination

Section 5(a)(2) of TSCA states that EPA's determination that a use of a chemical substance is a significant new use must be made after consideration of all relevant factors including:

- The projected volume of manufacturing and processing of a chemical substance.
- The extent to which a use changes the type or form of exposure of human beings or the environment to a chemical substance.
- The extent to which a use increases the magnitude and duration of exposure

of human beings or the environment to a chemical substance.

• The reasonably anticipated manner and methods of manufacturing, processing, distribution in commerce, and disposal of a chemical substance.

In addition to these factors enumerated in TSCA section 5(a)(2), the statute authorizes EPA to consider any other relevant factors.

To determine what would constitute a significant new use of the LCPFAC and PFAS chemical substances subject to this proposed rule, as discussed in this unit. EPA considered relevant information about the toxicity of these substances, trends in blood levels, likely human exposures and environmental releases associated with possible uses, and the four factors listed in TSCA section 5(a)(2).

As discussed in Unit III.A., once the manufacture (including import) and processing of LCPFAC chemical substances for these uses discontinue in the United States, exposure will decrease over time. EPA expects their presence in humans and the environment to concomitantly decline over time. If any of the new use of LCPFAC chemical substances were to begin after phasing out, EPA believes that such use could both change the type and form and increase the magnitude and duration of human and environmental exposure to the substances, constituting a significant new use. Based on consideration of the statutory factors discussed herein, EPA has preliminary determined the following uses as significant new uses:

• Manufacturing (including importing) or processing of LCPFAC chemical substances listed in Table 1 of Unit I. for any uses that are no longer ongoing after December 31, 2015.

• Manufacturing (including importing) or processing of PFOA or its salts for any use.

• Manufacturing (including importing) or processing of all other LCPFAC chemical substances for any use not ongoing as of the date on which this proposed rule is published.

EPA's Office of Research and Development has conducted research demonstrating that perfluorinated chemicals contained in articles of commerce can be released from those articles. For instance, one study observed the removal of perfluorinated chemicals from treated carpet as a result of carpet cleaning and showed that perfluorinated chemicals contained in treated carpet could be released to the environment (Ref. 33). A second study indicated that perfluorinated chemicals could be released from treated medical garments with water alone (Ref. 34). LCPFAC chemical substances may be similarly released from related articles. EPA believes that once manufacturing of LCPFAC chemical substances have been phased out, there will be fewer articles containing the chemicals substances in the public domain over time and thus, exposure through articles will decrease over time. EPA believes any new use of LCPFAC chemical substances as part of articles would increase the duration and magnitude of human and environmental exposure to the substances. Based on these considerations, EPA has preliminarily determined that importing LCPFAC chemical substances listed in Table 1 of Unit I. and PFOA or its salts as part of articles both constitutes a significant new use and warrants making the exemption at 40 CFR 721.45(f) inapplicable to importers of articles. However, import of fluoropolymer dispersions and emulsions, and fluoropolymers as part of articles, containing PFOA or its salts was not determined to be a significant new use because this use is currently ongoing and EPA is not making inapplicable any of the standard exemptions at 40 CFR 721.45 for PFOA.

In a previous rule EPA designated all uses of the PFAS chemicals identified in 40 CFR 721.9582 as significant new uses, except the ongoing uses specified in 40 CFR 721.9582 (a)(3) through (a)(5), the Agency believes the manufacture (including import) and processing of any of the PFAS chemical substances subject to this rule has been discontinued, including the importing of these chemical substances as part of carpets. Based on EPA's Office of Research and Development's research and the considerations in the preceding paragraphs (see, *e.g.,* Ref. 30), EPA believes that if the import of carpets containing these chemical substances were to resume, people and the environment could be exposed to these chemical substances in articles. The existing regulation at 40 CFR 721.9582 broadly defined the significant use in a way that encompassed import of these chemical substances as part of carpets, but for clarity EPA is proposing to expressly list import as part of carpets as a significant new use for the chemicals covered by 40 CFR 721.9582, and in light of the referenced considerations, EPA is now proposing to make inapplicable the exemption at 40 CFR 721.45 to importers of these chemical substances as part of articles.

As noted in Unit V., EPA is proposing that the exemption at 40 CFR 721.45(f) remain in effect for persons who process chemical substances as part of articles because existing stocks of articles may still contain LCPFAC or PFAS chemical substances.

Table 3 of this unit is a summary of the dates relevant to EPA's preliminary determinations.

TABLE 3—SIGNIFICANT NEW USES FOR LCPFAC CHEMICAL SUBSTANCES, PFOA AND ITS SALTS, OTHER LCPFAC CHEMICAL SUBSTANCES, AND PFAS CHEMICAL SUBSTANCES

| New use | LCPFAC in Table 1 of Unit I. | PFOA and its salts | Other LCPFAC | PFAS |
|---|---|---|---|---|
| Manufacture or processing for any use ..... | After 12/31/2015 ..... | 1/21/2015 | 1/21/2015 | In effect (see 40 CFR 721.9582). |

LCPFAC = Long-chain perfluoroalkyl carboxylate. PFAS = Perfluoroalkyl sulfonate. PFOA = Perfluorooctanoic acid.

## V. Importers and Processors of These Chemical Substances as Part of Articles

Once the determination of a significant new use under TSCA section 5(a)(2) has been made, EPA may separately determine whether it would be appropriate to make the regulatory exemption for some or all persons who import or process a chemical substance as part of an article (40 CFR 721.45(f)) inapplicable to a SNUR. In this case, EPA believes that the assumption underpinning this exemption, that people and the environment will generally not be exposed to chemical substances as part of articles, does not hold true. See Unit IV. for a discussion of why EPA believes this assumption is incorrect. Thus EPA is proposing to make this exemption inapplicable to importers of the PFAS chemicals identified in 40 CFR 721.9582 as part of carpets and importers of the chemical substances listed in Table 1 and Table 2 of Unit I.C. as part of an article for the corresponding significant new uses. EPA is requesting comment on the

potential for exposure to these chemical substances via these articles and for comments on the ongoing uses of these chemical substances as part of an article. EPA is not proposing to make this exemption inapplicable to processors of these chemical substances as part of an article. EPA previously determined in a prior rulemaking and is not reopening its determination to make this exemption inapplicable to importers of the LCPFAC chemical substances identified in 40 CFR 721.10536(b)(1) as part of carpets.

## VI. Applicability of General Provisions

General provisions for SNURs appear under 40 CFR part 721, subpart A. These provisions describe persons subject to the rule, recordkeeping requirements, exemptions to reporting requirements, and applicability of the rule to uses occurring before the effective date of the final rule. However, EPA is proposing that the exemption at 40 CFR 721.45(f) not apply to persons who import LCPFAC chemicals substances listed in Table 1 of Unit I., PFOA or its salts (See Table 2 of Unit I. for examples of PFOA salts), and PFAS chemicals substances listed in 40 CFR 721.9582. As a result, persons subject to the provisions of this proposed rule would not be exempt from significant new use reporting if they import those LCPFAC chemical substances or PFOA or its salts as part of articles or if they import PFAS chemical substances as part of carpets. However, EPA is also proposing that the exemption at 40 CFR 721.45(f) remain in effect for persons who process chemical substances as part of an article because existing stocks of articles may still contain LCPFAC or PFAS chemical substances. Provisions relating to user fees appear at 40 CFR part 700. According to 40 CFR 721.1(c), persons subject to SNURs must comply with the same notice requirements and EPA regulatory procedures as submitters of PMNs under TSCA section 5(a)(1)(A). In particular, these requirements include the information submissions requirements of TSCA section 5(b) and 5(d)(1), the exemptions authorized by TSCA section 5(h)(1), (h)(2), (h)(3), and (h)(5), and the regulations at 40 CFR part 720. Once EPA receives a SNUN, EPA may take regulatory action under TSCA section 5(e), 5(f), 6, or 7 to control the activities on which it has received the SNUN. If EPA does not take action, EPA is required under TSCA section 5(g) to explain in the **Federal Register** its reasons for not taking action.

Persons who export or intend to export a chemical substance identified in the proposed or final SNUR are subject to the export notification provisions of TSCA section 12(b). The regulations that interpret TSCA section 12(b) appear at 40 CFR part 707, subpart D. In accordance with 40 CFR 707.60(b), this proposed SNUR does not trigger notice of export for articles. Persons who import a chemical substance identified in a final SNUR are subject to the TSCA section 13 import certification requirements, codified at 19 CFR 12.118 through 12.127; see also 19 CFR 127.28. Such persons must certify that the shipment of the chemical substance complies with all applicable rules and orders under TSCA, including any SNUR requirements. The TSCA section 13 import certification requirement applies to articles containing a chemical substance or mixture if so required by the Administrator by a specific rule under TSCA. At this time EPA is not proposing to require import certification for these chemical substances as part of articles. The EPA policy in support of import certification appears at 40 CFR part 707, subpart B.

## VII. Applicability of Rule to Uses Occurring Before Effective Date of the Final Rule

As discussed in the **Federal Register** of April 24, 1990 (55 FR 17376), EPA has decided that the intent of TSCA section 5(a)(1)(B) is best served by designating a use as a significant new use as of the date of publication of the proposed rule rather than as of the effective date of the final rule. If uses begun after publication of the proposed rule were considered ongoing rather than new, it would be difficult for EPA to establish SNUR notice requirements, because a person could defeat the SNUR by initiating the proposed significant new use before the document became final, and then argue that the use was ongoing as of the effective date of the final rule. Thus, persons who begin commercial manufacture or processing of the chemical substance(s) that would be regulated through this proposed rule, if finalized, would have to cease any such activity before the effective date of the rule if and when finalized. To resume their activities, these persons would have to comply with all applicable SNUR notice requirements and wait until the notice review period, including all extensions, expires. Uses arising after the publication of the proposed rule are distinguished from uses that exist at publication of the proposed rule. The former would be new uses, the latter ongoing uses, except that uses that are ongoing as of the publication of the proposed rule would not be considered ongoing uses if they have ceased by the date of issuance of a final rule (as EPA expects for the LCPFAC chemical substances listed in Table 1 of Unit I. and PFOA or its salts). To the extent that additional ongoing uses are found in the course of rulemaking, EPA would exclude those specific chemical substances for those specific uses from the final SNUR. EPA has promulgated provisions to allow persons to comply with the final SNUR before the effective date. If a person were to meet the conditions of advance compliance under 40 CFR 721.45(h), that person would be considered to have met the requirements of the final SNUR for those activities.

## VIII. Test Data and Other Information

EPA recognizes that TSCA section 5 does not usually require developing any particular test data before submission of a SNUN. There are two exceptions:

- Development of test data is required where the chemical substance subject to the SNUR is also subject to a test rule under TSCA section 4 (see TSCA section 5(b)(1)).
- Development of test data may be necessary where the chemical substance has been listed under TSCA section 5(b)(4) (see TSCA section 5(b)(2)).

In the absence of a TSCA section 4 test rule or a TSCA section 5(b)(4) listing covering the chemical substance, persons are required only to submit test data in their possession or control and to describe any other data known to or reasonably ascertainable by them (15 U.S.C. 2604(d); 40 CFR 721.25; and 40 CFR 720.50). However, as a general matter, EPA recommends that SNUN submitters include data that would permit a reasoned evaluation of risks posed by the chemical substance during its manufacture, processing, use, distribution in commerce, or disposal. EPA encourages persons to consult with the Agency before submitting a SNUN. As part of this optional pre-notice consultation, EPA would discuss specific data it believes may be useful in evaluating a significant new use. SNUNs submitted for significant new uses without any test data may increase the likelihood that EPA will take action under TSCA section 5(e) to prohibit or limit activities associated with this chemical.

SNUN submitters should be aware that EPA will be better able to evaluate SNUNs that provide detailed information on:

1. Human exposure and environmental releases that may result from the significant new uses of the chemical substance.
2. Potential benefits of the chemical substance.

3. Information on risks posed by the chemical substances compared to risks posed by potential substitutes.

## IX. SNUN Submissions

EPA recommends that submitters consult with the Agency prior to submitting a SNUN to discuss what data may be useful in evaluating a significant new use. Discussions with the Agency prior to submission can afford ample time to conduct any tests that might be helpful in evaluating risks posed by the substance. According to 40 CFR 721.1(c), persons submitting a SNUN must comply with the same notice requirements and EPA regulatory procedures as persons submitting a PMN, including submission of test data on health and environmental effects as described in 40 CFR 720.50. SNUNs must be submitted on EPA Form No. 7710–25, generated using e-PMN software, and submitted to the Agency in accordance with the procedures set forth in 40 CFR 721.25 and 40 CFR 720.40. e-PMN software is available electronically at *http://www.epa.gov/opptintr/newchems.*

## X. Economic Analysis

### *A. SNUNs*

EPA has evaluated the potential costs of establishing SNUR reporting requirements for potential manufacturers and processors of the chemical substance included in this proposed rule (Ref. 35). In the event that a SNUN is submitted, costs are estimated at approximately $8,589 per SNUN submission for large business submitters and $6,189 for small business submitters. These estimates include the cost to prepare and submit the SNUN, and the payment of a user fee. Businesses that submit a SNUN would be subject to either a $2,500 user fee required by 40 CFR 700.45(b)(2)(iii), or, if they are a small business with annual sales of less than $40 million when combined with those of the parent company (if any), a reduced user fee of $100 (40 CFR 700.45(b)(1)). The costs of submission of SNUNs will not be incurred by any company unless a company decides to pursue a significant new use as defined in this proposed SNUR.

The proposed SNUR would require notification to EPA before the importation of articles containing LCPFAC chemical substances listed in Table 1 of Unit I. or PFOA and its salts. While not required by the proposed SNUR, companies importing articles containing these chemical substances may take additional steps to determine whether these chemical substances are part of the articles they are considering to import. Companies typically have an understanding of the contents of the articles they import or process; however, there may be instances when companies decide to gather additional information about these articles from suppliers if not currently available. EPA believes that the costs associated with such information gathering activities would be minimal for this proposed SNUR because these chemical substances are unlikely to be available for use in articles after December 31, 2015. EPA's complete economic analysis is available in the public docket for this proposed rule (Ref. 35).

### *B. Export Notification*

Under TSCA section 12(b) and the implementing regulations at 40 CFR part 707, subpart D, exporters must notify EPA if they export or intend to export a chemical substance or mixture for which, among other things, a rule has been proposed or promulgated under TSCA section 5. For persons exporting a chemical substance that is the subject of a SNUR, a one-time notice must be provided for the first export or intended export to a particular country. The total costs of export notification will vary by chemical, depending on the number of required notifications (*i.e.,* the number of countries to which the chemical substance is exported). While EPA is unable to make any estimate of the likely number of export notifications for the chemical substance covered in this proposed rule SNUR, as stated in the accompanying EA of this proposed SNUR, the estimated cost of the export notification requirement on a per unit basis is $81.04.

### *C. Import Chemical Substances as Part of an Article*

In proposing to make inapplicable the exemption relating to persons that import certain chemical substances as part of an article, this action may affect firms that plan to import types of articles that may contain the subject chemical substance. Some firms have an understanding of the contents of the articles they import. However, EPA acknowledges that importers of articles may have varying levels of knowledge about the chemical content of the articles that they import. These parties may need to become familiar with the requirements of the proposed rule. And, while not required by the SNUR, these parties may take additional steps to determine whether the subject chemical substances are part of the articles that they are considering to import. This determination may involve activities such as gathering information from suppliers along the supply chain, and/or testing samples of the article itself. Costs vary across the activities chosen and the extent of familiarity a firm has regarding the articles it imports. Cost ranges are presented in the Agency's Economic Analysis for this proposed rule (Ref. 35). Based on available information, EPA believes that article importers that choose to investigate their products would incur costs at the lower end of the ranges presented in the Economic Analysis. For those companies choosing to undertake actions to assess the composition of the articles they import, EPA expects that importers would take actions that are commensurate with the company's perceived likelihood that a chemical substance might be a part of an article, and the resources it has available. Example activities and their costs are provided in the accompanying Economic Analysis of this proposed rule (Ref. 32).

## XI. Alternatives

Before proposing this SNUR, EPA considered the following alternative regulatory actions:

### *A. Promulgate a TSCA Section 8(a) Reporting Rule*

Under a TSCA section 8(a) rule, EPA could, among other things, generally require persons to report information to the Agency when they intend to manufacture or process a listed chemical for a specific use or any use. However, for LCPFAC and PFAS chemical substances, the use of TSCA section 8(a) rather than SNUR authority would have several limitations. First, if EPA were to require reporting under TSCA section 8(a) instead of TSCA section 5(a), EPA would not have the opportunity to review human and environmental hazards and exposures associated with the proposed significant new use and, if necessary, take immediate follow-up regulatory action under TSCA section 5(e) or 5(f) to prohibit or limit the activity before it begins. In addition, EPA may not receive important information from small businesses, because such firms generally are exempt from TSCA section 8(a) reporting requirements. In view of the level of health and environmental concerns about LCPFAC and PFAS chemical substances if used for the proposed significant new use, EPA believes that a TSCA section 8(a) rule for this chemical substance would not meet EPA's regulatory objectives.

*B. Regulate LCPFAC Chemical Substances Under TSCA Section 6*

EPA may regulate under TSCA section 6 if ''the Administrator finds that there is a reasonable basis to conclude that the manufacture, processing, distribution in commerce, use or disposal of a chemical substance or mixture . . . presents or will present an unreasonable risk of injury to health or the environment.'' (TSCA section 6(a)). Given that these chemical substances are believed to be phasing out, EPA concluded that risk management action under TSCA section 6 is not necessary at this time. However, if EPA determines that there are persons who intend to manufacture or process these chemicals, EPA may decide to regulate LCPFAC chemical substances under TSCA section 6. This proposed SNUR would allow the Agency to address the potential risks associated with the proposed significant new use.

## XII. Request for Comment

*A. Do you have comments or information about ongoing uses?*

EPA welcomes comments on any aspect of this proposed SNUR. EPA particularly requests comment on whether any of the current uses of any of the specific LCPFAC chemical substances identified in Table 1 of Unit I. will continue to be ongoing after December 31, 2015, or whether there are any ongoing uses of those identified in Table 2 of Unit I. EPA also requests comment on whether there are currently any ongoing uses, including use as part of articles, of any of the remaining LCPFAC chemical substances that were not identified in the 2012 CDR. EPA would welcome specific documentation of any such ongoing use.

*B. What should I consider as I prepare my comments for EPA?*

1. *Submitting CBI.* It is EPA's policy to include all comments received in the public docket without change or further notice to the commenter and to make the comments available online at *http://www.regulations.gov,* including any personal information provided, unless a comment includes information claimed to be CBI or other information whose disclosure is restricted by statute. Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2, subpart B.

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

## XIII. References

The following is a listing of the documents that are specifically referenced in this document. The docket includes these documents and other information considered by EPA, including documents that are referenced within the documents that are in the docket, even if the referenced document is not physically located in the docket. For assistance in locating these other documents, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.


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3. Rizzuto, Pat. DuPont Ceases PFOA Manufacture, Is on Track to Stop All Uses By End of 2014. *Bloomberg BNA Daily Environmental Report.* December 5, 2013.
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5. Washington, J.W., et al. Degradability of an Acrylate-Linked Fluorotelomer Polymer in Soil. *Environmental Science and Technology.* 43: 6617–6623. 2009.
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8. EPA. Perfluoroalkyl Sulfonates; Significant New Use Rule. Final Rule. **Federal Register** (67 FR 72854, December 9, 2002) (FRL–7279–1).
9. EPA. Perfluoroalkyl Sulfonates; Significant New Use Rule. Final Rule. **Federal Register** (72 FR 57222, October 9, 2007) (FRL–8150–4).
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19. Yoo, H., et al. Concentrations, Distribution and Persistence of Fluorotelomer Alcohols in Sludge-applied Soils Near Decatur, Alabama, USA. *Environmental Science & Technology.* 44: 8397–8402. 2010.
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Lengths in Rats. *Chemico-Biological Interactions.* Volume 134(2), pp. 203–216. 2001.
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27. EPA. Perfluoroalkyl Sulfonates; Significant New Use Rule; Final Rule. **Federal Register** (67 FR 11008, March 11, 2002) (FRL–6823–6).
28. 3M Company. The Science of Organic Fluorochemistry. St. Paul, Minnesota. February 5, 1999.
29. Centers for Disease Control and Prevention. Fourth National Report on Human Exposure to Environmental Chemicals. Updated Tables. March 2013.
30. EPA. Perfluoroalkyl Sulfonates; Significant New Use Rule; Proposed Rule. **Federal Register** (65 FR 62319, October 18, 2000) (FRL–6745–5).
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## XIV. Statutory and Executive Order Reviews

### *A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review*

This proposed SNUR has been designated by the Office of Management and Budget (OMB) as a ''significant regulatory action'' under section 3(f) of Executive Order 12866 (58 FR 51735, October 4, 1993). Accordingly, EPA submitted this proposed action to OMB for review under Executive Order 12866 and 13563 (76 FR 3821, January 21, 2011), and any changes made in response to OMB recommendations are documented in the docket.

### *B. Paperwork Reduction Act (PRA)*

This action would not impose any new information collection burden under PRA, 44 U.S.C. 3501 *et seq.* Burden is defined in 5 CFR 1320.3(b). The information collection activities associated with existing chemical SNURs are already approved by OMB under OMB control number 2070–0038 (EPA ICR No. 1188); and the information collection activities associated with export notifications are already approved by OMB under OMB control number 2070–0030 (EPA ICR No. 0795). If an entity were to submit a SNUN to the Agency, the annual burden is estimated to be less than 100 hours per response, and the estimated burden for an export notifications is less than 1.5 hours per notification. In both cases, burden is estimated to be reduced for submitters who have already registered to use the electronic submission system. Additional burden, estimated to be less than 10 hours, could be incurred where additional recordkeeping requirements are specified under 40 CFR 721.125(a), (b), and (c).

An Agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR part 9, and included on the related collection instrument, or form, if applicable.

### *C. Regulatory Flexibility Act (RFA)*

Pursuant to RFA section 605(b), 5 U.S.C. 601 *et seq.,* I hereby certify that promulgation of this proposed SNUR would not have a significant economic impact on a substantial number of small entities. The rationale supporting this conclusion is as follows.

EPA generally finds that proposed and final SNURs are not expected to have a significant economic impact on a substantial number of small entities (See, *e.g.,* Ref. 36). Since these proposed SNURs would require a person who intends to engage in such activity in the future to first notify EPA by submitting a SNUN, no economic impact would occur unless someone files a SNUN to pursue a significant new use in the future or forgoes profits by avoiding or delaying the significant new use. Although some small entities may decide to engage in such activities in the future, EPA cannot presently determine how many, if any, there may be. However, EPA's experience to date is that, in response to the promulgation of SNURs covering over 1,000 chemical substances, the Agency receives only a handful of notices per year. During the six year period from 2005–2011, only three submitters self-identified as small in their SNUN submission (Ref. 35). EPA believes the cost of submitting a SNUN is relatively small compared to the cost of developing and marketing a chemical new to a firm and that the requirement to submit a SNUN generally does not have a significant economic impact.

A SNUR applies to any person (including small or large entities) who intends to engage in any activity described in the rule as a ''significant new use.'' EPA has preliminarily determined, based in part, on the Agency's market research, that these chemical substances are not being manufactured (including imported) or processed for a significant new use. This preliminary determination also includes importation of these chemical substances as part of articles for the significant new use (Unit IV.).

In addition, given existing regulatory limitations both internationally and within the U.S., industry-wide processes, resources that support companies in understanding and managing their supply chains, and the evidence showing minimal worldwide availability of the LCPFACs regulated under the SNUR, EPA believes that there will be minimal impact to importers of these chemical substances as part of articles from this proposed SNUR. Therefore, based on current knowledge, EPA has preliminarily determined that these uses, including the importation of these chemical substances as part of articles, are not ongoing, and that no small entities presently manufacture for the significant new uses addressed in this proposed rule. EPA will consider

information received during the comment period that might indicate that this preliminary determination is incorrect. The SNUR does not require importers of articles to conduct specific activities to ascertain if they are importing an article that uses a chemical subject to the proposed rule. EPA expects importers would take actions that are commensurate with their perceived likelihood of a chemical substance subject to the SNUR being part of an article, and the resources it has available. EPA has no reason to believe that a firm would voluntarily incur substantial costs to comply with the SNUR, but rather each firm will choose the most efficient route to identify whether it is importing the subject chemical substances in articles.

Therefore, EPA believes that the potential economic impact of complying with this proposed SNUR is not expected to be significant or adversely impact a substantial number of small entities.

*D. Unfunded Mandates Reform Act (UMRA)*

Based on EPA's experience with proposing and finalizing SNURs, State, local, and Tribal governments have not been impacted by these rulemakings, and EPA does not have any reason to believe that any State, local, or Tribal government would be impacted by this proposed rulemaking. As such, the requirements of UMRA sections 202, 203, 204, or 205, 2 U.S.C. 1531–1538, do not apply to this proposed action.

*E. Executive Order 13132: Federalism*

This action would not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999).

*F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments*

This proposed rule does not have Tribal implications because it is not expected to have any effect (*i.e.,* there would be no increase or decrease in authority or jurisdiction) on Tribal governments, on the relationship between the Federal Government and the Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes. Thus, Executive Order 13175 (65 FR 67249, November 9, 2000) does not apply to this proposed rule.

*G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks*

This proposed action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because this proposed action is not intended to address environmental health or safety risks for children.

*H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use*

This proposed rule is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001), because this action is not expected to affect energy supply, distribution, or use.

*I. National Technology Transfer Advancement Act (NTTAA)*

Since this proposed action does not involve any technical standards, section 12(d) of the NTTAA, 15 U.S.C. 272 note, does not apply to this proposed action.

*J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations*

This proposed action does not entail special considerations of environmental justice related issues as delineated by Executive Order 12898 (59 FR 7629, February 16, 1994), because EPA has determined that this proposed action would not have disproportionately high and adverse human health or environmental effects on minority or low-income populations. This proposed action would not affect the level of protection provided to human health or the environment.

**List of Subjects in 40 CFR Part 721**

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: December 18, 2014.

**Wendy C. Hamnett,**

*Director, Office of Pollution Prevention and Toxics.*

Therefore, it is proposed that 40 CFR chapter I be amended as follows:

## PART 721—[AMENDED]

■ 1. The authority citation for part 721 continues to read as follows:

**Authority:** 15 U.S.C. 2604, 2607, and 2625(c).

■ 2. In § 721.9582:

■ a. Redesignate paragraph (a) as (b).

■ b. Add new paragraph (a).

■ c. Revise newly designated paragraph (b)(2)(iv).

■ d. Add paragraph (c).

The amendments read as follows:

**§ 721.9582 Certain perfluoroalkyl sulfonates.**

(a) *Definitions.* The definitions in § 721.3 apply to this section. In addition, the following definition applies:

*Carpet* means a finished fabric or similar product intended to be used as a floor covering. This definition excludes resilient floor coverings such as linoleum and vinyl tile.

(b) * * *

(2) * * *

(iv) Import as part of carpets.

* * * * *

(c) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (c).

(1) *Revocation of certain notification exemptions.* With respect to imports of carpets, the provisions of § 721.45(f) do not apply to this section. A person who imports a chemical substance identified in this section as part of a carpet is not exempt from submitting a significant new use notice. The other provision of § 721.45(f), respecting processing a chemical substance as part of an article, remains applicable.

(2) [Reserved]

■ 3. Revise § 721.10536 to read as follows:

**§ 721.10536 Long-chain perfluoroalkyl carboxylate chemical substances.**

(a) *Definitions.* The definitions in § 721.3 apply to this section. In addition, the following definition applies:

*Carpet* means a finished fabric or similar product intended to be used as a floor covering. This definition excludes resilient floor coverings such as linoleum and vinyl tile.

(b) *Chemical substances and significant new uses subject to reporting.* (1) The chemical substances identified below, where $5 < n < 21$ or $6 < m < 21$, are subject to reporting under this section for the significant new uses described in paragraph (b)(4)(i) and (b)(4)(iv) of this section.

(i) $CF_3(CF_2)_n$-COO M where M = $H^+$ or any other group where a formal dissociation can be made.

(ii) $CF_3(CF_2)_n$-CH=$CH_2$.

(iii) $CF_3(CF_2)_n$-C(=O)-X where X is any chemical moiety.

(iv) $CF_3(CF_2)_m$-$CH_2$-X where X is any chemical moiety.

(v) $CF_3(CF_2)_m$-Y–X where Y = non-S, non-N heteroatom and where X is any chemical moiety.

(2) The chemical substances listed in Table 1 of this paragraph are subject to reporting under this section for the significant new uses described in paragraph (b)(4)(ii) of this section.

TABLE 1—LCPFAC CHEMICAL SUBSTANCES SUBJECT TO REPORTING AFTER DECEMBER 31, 2015

| CAS registry no. (CASRN) | Accession no. | Chemical name |
|---|---|---|
| 507–63–1 | No Accession Number | Octane, 1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8-heptadecafluoro-8-iodo- |
| 678–39–7 | No Accession Number | 1-Decanol, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-heptadecafluoro- |
| 865–86–1 | No Accession Number | 1-Dodecanol, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,12-heneicosafluoro- |
| 2043–53–0 | No Accession Number | Decane, 1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8-heptadecafluoro-10-iodo- |
| 2043–54–1 | No Accession Number | Dodecane, 1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10 ,10-heneicosafluoro-12-iodo- |
| 17741–60–5 | No Accession Number | 2-Propenoic acid, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11, 12,12,12-heneicosafluorododecyl ester |
| 27905–45–9 | No Accession Number | 2-Propenoic acid, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-heptadecafluorodecyl ester |
| 30046–31–2 | No Accession Number | Tetradecane, 1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12-pentacosafluoro-14-iodo- |
| 39239–77–5 | No Accession Number | 1-Tetradecanol, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,14-pentacosafluoro- |
| 60699–51–6 | No Accession Number | 1-Hexadecanol, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,15,15,16,16,16-nonacosafluoro- |
| 65510–55–6 | No Accession Number | Hexadecane, 1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14-nonacosafluoro-16-iodo- |
| 68187–47–3 | No Accession Number | 1-Propanesulfonic acid, 2-methyl-, 2-[[1-oxo-3-[(.gamma.-.omega.-perfluoro- C4–16-alkyl)thio]propyl]amino] derivs., sodium salts |
| 68391–08–2 | No Accession Number | Alcohols, C8–14, .gamma.-.omega.-perfluoro |
| 70969–47–0 | No Accession Number | Thiols, C8–20, .gamma.-.omega.-perfluoro, telomers with acrylamide |
| 125476–71–3 | No Accession Number | Silicic acid ($H_4SiO4$), sodium salt (1:2), reaction products with chlorotrimethylsilane and 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-heptadecafluoro-1-decanol |
| 1078712–88–5 | No Accession Number | Thiols, C4–20, .gamma.-.omega.-perfluoro, telomers with acrylamide and acrylic acid, sodium salts |
| 1078715–61–3 | No Accession Number | 1-Propanaminium, 3-amino-N-(carboxymethyl)-N,N-dimethyl-, N-[2-[(.gamma.-.omega.-perfluoro-C4–20-a lkyl)thio]acetyl] derivs., inner salts |
| CBI | 71217 | Polyfluoroalkyl betaine |
| CBI | 89419 | Modified fluoroalkyl urethane |
| CBI | 274147 | Perfluorinated polyamine |

CBI = Confidential Business Information. CAS or CASRN = Chemical Abstracts Service Registry Number.

(3) The chemical substances identified as perfluorooctanoic acid (PFOA) and its salts, including those listed in Table 2 of this paragraph, are subject to reporting under this section for the significant new uses described in paragraph (b)(4)(iii) of this section.

TABLE 2—PFOA AND EXAMPLES OF ITS SALTS

| CAS registry no. (CASRN) | Chemical name |
|---|---|
| 335–66–0 | Octanoyl fluoride, pentadecafluoro- |
| 335–67–1 | Octanoic acid, pentadecafluoro- (PFOA) |
| 335–93–3 | Octanoic acid, pentadecafluoro-, silver salt |
| 335–95–5 | Octanoic acid, pentadecafluoro-, sodium salt |
| 2395–00–8 | Octanoic acid, pentadecafluoro-, potassium salt |
| 3825–26–1 | Octanoic acid, pentadecafluoro-, ammonium salt (APFO) |

CAS or CASRN = Chemical Abstracts Service Registry Number.

(4) Significant new uses. (i) The significant new use for chemical substances identified in paragraph (b)(1) of this section are: Manufacture (including import) or processing for use as part of carpets or to treat carpets (*e.g.,* for use in the carpet aftercare market).

(ii) The significant new use for chemical substances identified in paragraph (b)(2) of this section are: Manufacture (including import) or processing for any use after December 31, 2015.

(iii) The significant new use for chemical substances identified in paragraph (b)(3) of this section are: Manufacture (including import) or processing for any use. Import of fluoropolymer dispersions and emulsions, and fluoropolymers as part of articles, containing chemical substances identified in paragraph (b)(3) of this section shall not be considered as a significant new use subject to reporting.

(iv) The significant new use for chemical substances identified in paragraph (b)(1) of this section, except for those chemicals identified in Table 1 of paragraph (b)(2) of this section are: Manufacture (including import) or processing for any use other than that use already covered by paragraph (b)(4)(i) of this section.

(c) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (c).

(1) *Revocation of certain notification exemptions.* With respect to imports of carpets, the provisions of § 721.45(f) do not apply to this section. With respect to imports of articles, the provisions of § 721.45(f) also do not apply to a chemical substance identified in paragraphs (b)(2) or (b)(3) of this section. A person who imports a chemical substance identified in paragraph (b)(1) of this section as part of a carpet or who imports a chemical substance identified in paragraphs (b)(2) or (b)(3) of this section as part of an article is not exempt from submitting a significant new use notice. The other

provision of § 721.45(f), respecting processing a chemical substance as part of an article, remains applicable.

(2) [Reserved]

[FR Doc. 2015–00636 Filed 1–20–15; 8:45 am]

BILLING CODE 6560–50–P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

**[MB Docket No. 14–253; RM–11741; DA 15–11]**

### Radio Broadcasting Services; Sagaponack, New York

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a Petition for Rule Making filed by Red Wolf Broadcasting Corporation, proposing to amend the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, by allotting Channel 233A at Sagaponack, New York, as a first local service. A staff engineering analysis indicates that Channel 233A can be allotted to Sagaponack consistent with the minimum distance separation requirements of the Commission's Rules with a site restriction located 3.2 kilometers (2 miles) northwest of the community. The reference coordinates are 40–56–01 NL and 72–18–55 WL.

**DATES:** Comments must be filed on or before March 2, 2015, and reply comments on or before March 17, 2015.

**ADDRESSES:** Secretary, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner as follows: Scott Woodworth, Esq., Edinger Associates PLLC, 1875 I Street NW., Suite 500, Washington, DC 20006.

**FOR FURTHER INFORMATION CONTACT:** Rolanda F. Smith, Media Bureau, (202) 418–2700.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Notice of Proposed Rule Making,* MB Docket No. 14–253, adopted January 8, 2015, and released January 9, 2015. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 12th Street SW., Washington, DC 20554. This document may also be purchased from the Commission's duplicating contractors, Best Copy and Printing, Inc., 445 12th Street SW., Room CY–B402, Washington, DC 20554, telephone 1–800–378–3160 or via email *www.BCPIWEB.com.* This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed 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).

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

**List of Subjects in 47 CFR Part 73**

Radio, Radio broadcasting.

Federal Communications Commission.

**Nazifa Sawez,**

*Assistant Chief, Audio Division, Media Bureau.*

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

## PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336 and 339.

**§ 73.202 [Amended]**

■ 2. Section 73.202(b), the Table of FM Allotments under New York, is amended by adding Sagaponack, Channel 233A.

[FR Doc. 2015–00799 Filed 1–20–15; 8:45 am]

BILLING CODE 6712–01–P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 50 CFR Part 648

**[Docket No. 140904749–4999–01]**

**RIN 0648–BE50**

### Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Standardized Bycatch Reporting Methodology Omnibus Amendment

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS proposes regulations to implement the Standardized Bycatch Reporting Methodology Omnibus Amendment developed by the Mid-Atlantic and New England Fishery Management Councils. This amendment was developed, in part, to respond to a remand by the U.S. District of Columbia Court of Appeals decision in *Oceana* v. *Locke.* The amendment also adds various measures to improve and expand on the Standardized Bycatch Reporting Methodology previously in place. The proposed measures include: A new prioritization process for allocation of observers if agency funding is insufficient; bycatch reporting and monitoring mechanisms; analytical techniques and allocation of at-sea fisheries observers; a performance standard; a review and reporting process; framework adjustment and annual specifications provisions; and provisions for industry-funded observers and observer set-aside programs. In addition to responding to the DC Court of Appeals remand, this action is necessary to re-establish and improve the Standardized Bycatch Reporting Methodology for all 13 Greater Atlantic Region Fishery Management Plans, as required under the Magnuson-Stevens Fishery Conservation and Management Act, after the previous methodology was vacated by the 2011 Court order.

**DATES:** Comments must be received on or before February 20, 2015.

**ADDRESSES:** You may submit comments, identified by NOAA–NMFS–2014–0114, by any one of the following methods:

• Electronic Submissions: Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/*

*#!docketDetail;D=NOAA-NMFS-2014-0114,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

• Mail: John K. Bullard, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope: ''Comments on SBRM Proposed Rule.''

Instructions: All comments received are part of the public record and will generally be posted to *www.regulations.gov* without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

NMFS will accept anonymous comments. Attachments to electronic comments will be accepted via Microsoft Word, Microsoft Excel, WordPerfect, or Adobe PDF file formats only.

Copies of the Standardized Bycatch Reporting Methodology (SBRM) Omnibus Amendment, and of the draft Environmental Assessment and preliminary Regulatory Impact Review (EA/RIR), are available from the Mid-Atlantic Fishery Management Council, 800 North State Street, Suite 201, Dover, DE 19901; and from the New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950. The SBRM Omnibus Amendment and draft EA/RIR is also accessible via the Internet at: *www.greateratlantic.fisheries.noaa.gov.*

**FOR FURTHER INFORMATION CONTACT:** Douglas Potts, Fishery Policy Analyst, 978–281–9341.

**SUPPLEMENTARY INFORMATION:**

## Background

Section 303(a)(11) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires that all Fishery Management Plans (FMPs) ''establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery.'' In 2004, several conservation organizations challenged the approval of two major FMP amendments in the Region: Northeast Multispecies Amendment 13 in *Oceana* v. *Evans,* 2005 WL 555416 (D.D.C. 2005) and Atlantic Sea Scallops Amendment 10 in *Oceana* v. *Evans,* 389, F. Supp. 2d 4 (D.D.C. 2005). In ruling on these suits, the U.S. District Court for the District of Columbia found that the FMPs did not clearly establish an SBRM in the FMPs themselves as required by the Magnuson-Stevens Act, and remanded the amendments back to the agency to fully develop and establish SBRMs as part of these FMPs. In particular, the Court found that the amendments (1) failed to fully evaluate reporting methodologies to assess bycatch, (2) did not mandate an SBRM in the FMPs, and (3) failed to respond to potentially important scientific evidence. In response, the New England and Mid-Atlantic Fishery Management Councils decided to establish SBRMs in all 13 of the FMPS under their jurisdiction and they worked closely with us to develop, adopt, and implement these SBRMs in an omnibus FMP amendment.

The final rule to implement the SBRM Omnibus Amendment was published in the **Federal Register** on January 28, 2008 (73 FR 4736). Following implementation of the SBRM amendment, Oceana, Inc., a conservation organization, challenged the legality of the several aspects of the SBRM, including the broad discretion given to the agency in how to prioritize the allocation of observers when there are insufficient funds to support the full allocation of observers estimated to be required to meet the SBRM performance standard. The U.S. District Court found in favor of the Government on all counts including the prioritization process (*Oceana* v. *Locke,* 725 F. Supp. 2d 46 (D.D.C. 2010)). Plaintiff appealed the decision to the U.S. Court of Appeals for the District of Columbia. The Court of Appeals ruled that the agency did not ''establish'' an SBRM in the FMPs because of the wide discretion the agency had in determining how to allocate observers under the prioritization process (*Oceana* v. *Locke,* 670 F. 3d 1238 (D.C.C. 2011)). The Court of Appeals found that the prioritization process ''grants the Fisheries Service substantial discretion both to invoke and to make allocations according to a non-standardized procedure,'' when unforeseen circumstances are present, most notably lack of agency funds, that do not allow the full allocation of observers estimated to be required to meet the SBRM performance standard. Because of this broad discretion to vary from the SBRM requirements concerning observer allocations, the Appellate Court found that the agency did not actually ''establish'' a standardized methodology as required under the Magnuson-Stevens Act. Based on this finding, the Appellate Court invalidated the SBRM Omnibus Amendment and remanded it to NOAA to address the prioritization process. On December 29, 2011, we published a rule in the **Federal Register** (76 FR 81844) removing all regulations implemented by the January 28, 2008, SBRM final rule.

To address the remand, the Councils, in coordination with us, initiated a revised SBRM amendment to build upon the substantial work previously completed to develop the SBRM and to address the discretion allowed regarding the prioritization process when agency funds are limited. This amendment, adopted by the New England and Mid-Atlantic Councils in April 2014, covers 13 FMPs, 40 managed species, and 14 types of fishing gear. The purpose of the amendment is to: Address the Appellate Court's remand by minimizing the discretion allowed in prioritizing allocation of observers when there are insufficient funds; explain the methods and processes by which bycatch is currently monitored and assessed for fisheries in the region; determine whether these methods and processes need to be modified and/or supplemented; establish standards of precision for bycatch estimation for these fisheries; and, thereby, document the SBRM established for all fisheries managed through the FMPs of the Greater Atlantic Region.

To address these purposes, the SBRM Omnibus Amendment would establish an SBRM comprised of seven elements: (1) The methods by which data and information on discards are collected and obtained; (2) the methods by which the data obtained through the mechanisms identified in element 1 are analyzed and utilized to determine the appropriate allocation of at-sea observers; (3) a performance measure by which the effectiveness of the SBRM can be measured, tracked, and utilized to effectively allocate the appropriate number of observer sea days; (4) a process to provide the Councils with periodic reports on discards occurring in fisheries they manage and on the effectiveness of the SBRM; (5) a measure to enable the Councils to make changes to the SBRM through framework adjustments and/or annual specification packages rather than full FMP amendments; (6) a non-discretionary method to determine the available funding for at-sea observers and a formulaic process for prioritizing at-sea observer coverage allocations to match available funding; and (7) measures to implement consistent, cross-cutting observer service provider approval and certification procedures and to enable the Councils to implement either a requirement for industry-funded observers or an observer set-aside program through a framework adjustment rather than an FMP

amendment. This action proposes to require NMFS comply with the provisions of the SBRM Omnibus Amendment, which would be incorporated by reference in the applicable regulations. Copies of the amendment are available to the public as described in the **ADDRESSES** section of this proposed rule.

*Bycatch Reporting and Monitoring Mechanisms*

This amendment proposes to maintain the existing methods by which data and information on discards occurring in Greater Atlantic Region fisheries is collected and obtained. The SBRM would employ sampling designs developed to minimize bias to the maximum extent practicable. The Northeast Fisheries Observer Program (NEFOP) would serve as the primary mechanism to obtain data on discards in all Greater Atlantic Region commercial fisheries managed under one or more of the regional FMPs. All regional FMPs would continue to require vessels permitted to participate in Federal fisheries to carry an at-sea observer upon request. All data obtained by the NEFOP under this SBRM would be collected according to the techniques and protocols established and detailed in the Fisheries Observer Program Manual and the Biological Sampling Manual. Data collected by the NEFOP would include, but not be limited to, the following items: Vessel name; date/time sailed; date/time landed; steam time; crew size; home port; port landed; dealer name; fishing vessel trip report (FVTR) serial number; gear type(s) used; number/amount of gear; number of hauls; weather; location of each haul (beginning and ending latitude and longitude); species caught; disposition (kept/discarded); reason for discards; and weight of catch. These data would be collected on all species of biological organisms caught by the fishing vessel and brought on board, including species managed under the regional FMPs or afforded protection under the Endangered Species Act or Marine Mammal Protection Act, but also including species of non-managed fish, invertebrates, and marine plants. To obtain information on discards occurring in recreational fisheries subject to a Greater Atlantic FMP, the SBRM would fully incorporate, to the extent practicable and appropriate for the Region, all surveys and data collection mechanisms implemented by NMFS and affected states as part of the Marine Recreational Information Program (MRIP).

*Analytical Techniques and Allocation of At-Sea Fisheries Observers*

This amendment proposes to maintain the existing methods by which the data obtained through the mechanisms included above would be analyzed and utilized to determine the appropriate allocation of at-sea observers across the subject fishing modes, including all managed species and all relevant fishing gear types in the Greater Atlantic Region. At-sea fisheries observers would, to the maximum extent possible and subject to available resources, be allocated and assigned to fishing vessels according to the procedures established through the amendment. All appropriate filters identified in the amendment would be applied to the results of the analysis to determine the observer coverage levels needed to achieve the objectives of the SBRM.

*SBRM Performance Standard*

The amendment proposes to ensure that the data collected under the SBRM are sufficient to produce a coefficient of variation (CV) of the discard estimate of no more than 30 percent, in order to ensure that the effectiveness of the SBRM can be measured, tracked, and utilized to effectively allocate the appropriate number of observer sea days. Each year, the Regional Administrator and the Science and Research Director would, subject to available resources, allocate at-sea observer coverage to the applicable fisheries of the Greater Atlantic Region sufficient to achieve a level of precision (measured as the CV) no greater than 30 percent for each applicable species and/or species group, subject to the use of the filters noted above.

*SBRM Review and Reporting Process*

The amendment proposes to require us to prepare an annual report for the Councils on discards occurring in Greater Atlantic Region fisheries, and to work with the Councils to develop a report every 3 years that evaluates the effectiveness of the SBRM. Once each year, the Science and Research Director would present to the Councils a report on catch and discards occurring in fisheries in the Region, as reported to the NEFOP by at-sea fisheries observers. This annual discard report would include summaries of the trips observed by fishing modes active in the relevant time period, funding issues and other related issues and developments, and projections of coverage across fisheries for the upcoming time period. More detailed information would be provided in tables and figures that address: The number of scheduled observer trips and sea days that were accomplished for each fishing mode and quarter, as well as the number of trips and sea days of industry activity; the kept weight from unobserved quarters and statistical areas summarized by fishing mode; the amount kept and estimated discards of each species by fishing mode; and the relationship between sample size and precision for relevant fishing modes. The specific elements of the discard report may change over time to better meet the needs of the Councils. Every 3 years, the Regional Administrator and the Science and Research Director would appoint appropriate staff to work with staff appointed by the executive directors of the Councils to obtain and review available data on discards and to prepare a report assessing the effectiveness of the SBRM. This report would include: (1) A review of the recent levels of observer coverage in each applicable fishing mode; (2) a review of recent observed encounters with each species in each fishery (or by gear type for turtles), and a summary of observed discards by weight; (3) a review of the CV of the discard information collected for each fishery; (4) a review of recent estimates of the total amount of discards associated with each fishing mode (these estimates may differ from estimates generated and used in stock assessments, as different methods and stratification may be used in each case); (5) an evaluation of the effectiveness of the SBRM at meeting the performance standard for each fishery; (6) a description of the methods used to calculate the reported CVs and to determine observer coverage levels, if the methods used are different from those described and evaluated in this amendment; (7) an updated assessment of potential sources of bias in the sampling program and analyses of accuracy; and (8) an evaluation of the implications of the discard information collected under the SBRM if a fishery did not achieve its performance standard.

*Framework Adjustment and/or Annual Specification Provisions*

The amendment proposes measures to enable the Councils to make changes to certain elements of the SBRM through framework adjustments and/or annual specification packages rather than full FMP amendments. Framework adjustments and annual specification packages would provide for an efficient process to modify aspects of the SBRM if the appropriate Council determines that a change to the SBRM is warranted and needed to address a contemporary management or scientific issue in a

particular FMP. Such changes to the SBRM may include modifications to the CV-based performance standard, the means by which discard data are collected/obtained in the fishery, the stratification (modes) used as the basis for SBRM-related analyses, the process for prioritizing observer sea-day allocations, and reporting on discards or the performance of the SBRM. Such changes may also include the establishment of a requirement for industry-funded observers and/or observer set-aside provisions.

*Prioritization Process*

The amendment proposes to identify the funds that will be made available annually for SBRM, and how to prioritize the available observer sea-days if the funding is insufficient to fully implement the SBRM across all fishing modes. This measure is intended to limit the discretion the agency has in determining when funds are insufficient and how to reallocate observers under insufficient funding scenarios to address the concerns raised by the Court of Appeals in *Oceana* v. *Locke.* Under the new prioritization process, the amount of money available for the SBRM will be the funding allocated to the Region under four specific historically-appropriated observer funding lines (less deductions for management and administrative costs). Of these, the funds made available by Congressional appropriation through the Northeast Fisheries Observers funding line must be dedicated to fund the proposed SBRM. In fiscal years 2011–2014, the Northeast Fisheries Observers funding line made up 53 percent to 59 percent of all observer funds for the Greater Atlantic Region under these four funding lines. Amounts from the other three funding lines are allocated among the fisheries in the five NMFS regions, including the Greater Atlantic Region, to meet observer program needs nationwide. The total amount of the funds allocated for the Greater Atlantic Region from these three funding lines will constitute the remainder of the available SBRM funds. In fiscal year 2014, the amount appropriated under the Northeast Fisheries Observers funding line was $ 6.6 million, and another $ 5.9 million was made available for fisheries in the Greater Atlantic region under the other three funding lines. Funding in fiscal year 2015 for the Greater Atlantic Region under the other three funding lines is expected to be consistent with past allocations of these funds. If the available funding is insufficient to fully fund the SBRM to meet the performance standard, the amendment proposes non-discretionary formulaic processes for prioritizing how the available observer sea-days would be allocated to the various fishing modes to maximize the effectiveness of bycatch reporting and bycatch determinations.

*Industry-Funded Observers and Observer Set-Aside Program Provisions*

The amendment proposes to implement consistent, cross-cutting observer service provider approval and certification procedures and measures to enable the Councils to implement either a requirement for industry-funded observers and/or an observer set-aside program through a framework adjustment, rather than an FMP amendment.

*Corrections and Clarifications*

This action also proposes minor modifications to the regulations under authority granted the Secretary under section 305(d) of the Magnuson-Stevens Act to ensure that FMPs are implemented as intended and consistent with the requirements of the Magnuson-Stevens Act. This action proposes to correct the list of framework provisions under the Atlantic Surfclam and Ocean Quahog FMP at § 648.79(a)(1) to also include, ''the overfishing definition (both the threshold and target levels).'' This text was inadvertently removed from the regulations by the final rule to implement annual catch limits and accountability measures for fisheries managed by the Mid-Atlantic Fishery Management Council (76 FR 60606, September 29, 2011). The regulations at § 648.11(h)(5)(vii) would be revised to remove reference to the requirement that observer service providers must submit raw data within 72 hours. The final rule to implement Framework 19 to the Atlantic Sea Scallop FMP (73 FR 30790, May 29, 2008) incorrectly stated the time an observer service provider has to provide raw data collected by an observer to NMFS, and this correction better reflects the Council's intent for that action.

This action also proposes to implement a consistent deadline for payment of industry-funded observers in the scallop fishery. Currently, there is not a specific due date for payment of industry-funded observers following an observed trip. We are proposing a deadline of 45 days after the end of an observed fishing trip as a due date for payment for all industry-funded observer services rendered in the scallop fishery. We are seeking comments from the fishing industry on this proposed rule specific to the appropriate time period for payment of industry-funded observers.

Pursuant to section 303(c) of the Magnuson-Stevens Act, the Mid-Atlantic and New England Fishery Management Councils have deemed the proposed regulations, with the exception of those noted above as proposed under the Secretary's authority at section 305(d), to be necessary and appropriate for the purpose of implementing the SBRM Omnibus Amendment.

**Classification**

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the SBRM Omnibus Amendment, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

A notice of availability of the Draft EA/RIR, which analyzed the impacts of all the measures under consideration in the SBRM Omnibus Amendment, was published at 79 FR 74056, December 15, 2014.

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

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The proposed rule would modify the regulations at 50 CFR part 648 to require that additional information be prepared by NMFS and provided to the Mid-Atlantic and New England Fishery Management Councils, and authorize said Councils to modify certain elements of the SBRM through the use of framework adjustments and/or annual specifications rather than full FMP amendments. The SBRM Omnibus Amendment establishes a comprehensive methodology that NMFS must follow in determining the appropriate allocations of at-sea fisheries observers and in collecting and analyzing bycatch information in the subject fisheries consistent with a remand by the U.S. Court of Appeals for the District of Columbia in *Oceana* v. *Locke* and the Magnuson-Stevens Act. As such, this proposed rule only addresses a limited number of administrative aspects of the proposed SBRM. These administrative changes are intended to ensure that high quality data are available for use in stock assessments and in management decisions, consistent with section 303(a)(11), National Standards 1 and 2 of the Magnuson-Stevens Act, and the

decision in *Oceana* v. *Locke.* This proposed rule would not directly impose any new burdens or impacts on any small entities, as all affected entities are already subject to the observer requirements stipulated at § 648.11. While this action proposes measures that would enable the Councils to develop industry-funded observer programs and observer set-aside provisions, the potential economic impacts would be evaluated in conjunction with any future proposed actions. Because this action will not impose any burdens or have any direct impacts on any small entities, it will not have a significant economic impact on a substantial number of small entities. As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

**List of Subjects in 50 CFR Part 648**

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: January 15, 2015.

**Samuel D. Rauch III,**

*Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 648 is proposed to be amended as follows:

## PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

**Authority:** 16 U.S.C. 1801 *et seq.*

■ 2. In § 648.11, add paragraph (g)(5)(iii) and revise paragraphs (h) and (i) to read as follows:

### § 648.11 At-sea sea sampler/observer coverage.

* * * * *

(g) * * *

(5) * * *

(iii) Owners of scallop vessels shall pay observer service providers for observer services within 45 days of the end of a fishing trip on which an observer deployed.

* * * * *

(h) *Observer service provider approval and responsibilities*—(1) *General.* An entity seeking to provide observer services must apply for and obtain approval from NMFS following submission of a complete application. A list of approved observer service providers shall be distributed to vessel owners and shall be posted on the NMFS/NEFOP Web site at: *www.nefsc.noaa.gov/femad/fsb/.*

(2) [Reserved]

(3) *Contents of application.* An application to become an approved observer service provider shall contain the following:

(i) Identification of the management, organizational structure, and ownership structure of the applicant's business, including identification by name and general function of all controlling management interests in the company, including but not limited to owners, board members, officers, authorized agents, and staff. If the applicant is a corporation, the articles of incorporation must be provided. If the applicant is a partnership, the partnership agreement must be provided.

(ii) The permanent mailing address, phone and fax numbers where the owner(s) can be contacted for official correspondence, and the current physical location, business mailing address, business telephone and fax numbers, and business email address for each office.

(iii) A statement, signed under penalty of perjury, from each owner or owners, board members, and officers, if a corporation, that they are free from a conflict of interest as described under paragraph (h)(6) of this section.

(iv) A statement, signed under penalty of perjury, from each owner or owners, board members, and officers, if a corporation, describing any criminal conviction(s), Federal contract(s) they have had and the performance rating they received on the contracts, and previous decertification action(s) while working as an observer or observer service provider.

(v) A description of any prior experience the applicant may have in placing individuals in remote field and/or marine work environments. This includes, but is not limited to, recruiting, hiring, deployment, and personnel administration.

(vi) A description of the applicant's ability to carry out the responsibilities and duties of a fishery observer services provider as set out under paragraph (h)(5) of this section, and the arrangements to be used.

(vii) Evidence of holding adequate insurance to cover injury, liability, and accidental death for observers during their period of employment (including during training). Workers' Compensation and Maritime Employer's Liability insurance must be provided to cover the observer, vessel owner, and observer provider. The minimum coverage required is $5 million. Observer service providers shall provide copies of the insurance policies to observers to display to the vessel owner, operator, or vessel manager, when requested.

(viii) Proof that its observers, whether contracted or employed by the service provider, are compensated with salaries that meet or exceed the U.S. Department of Labor (DOL) guidelines for observers. Observers shall be compensated as Fair Labor Standards Act (FLSA) non-exempt employees. Observer providers shall provide any other benefits and personnel services in accordance with the terms of each observer's contract or employment status.

(ix) The names of its fully equipped, NMFS/NEFOP certified, observers on staff or a list of its training candidates (with resumes) and a request for an appropriate NMFS/NEFOP Observer Training class. The NEFOP training has a minimum class size of eight individuals, which may be split among multiple vendors requesting training. Requests for training classes with fewer than eight individuals will be delayed until further requests make up the full training class size.

(x) An Emergency Action Plan (EAP) describing its response to an ''at sea'' emergency with an observer, including, but not limited to, personal injury, death, harassment, or intimidation.

(4) *Application evaluation.* (i) NMFS shall review and evaluate each application submitted under paragraph (h)(3) of this section. Issuance of approval as an observer provider shall be based on completeness of the application, and a determination by NMFS of the applicant's ability to perform the duties and responsibilities of a fishery observer service provider, as demonstrated in the application information. A decision to approve or deny an application shall be made by NMFS within 15 business days of receipt of the application by NMFS.

(ii) If NMFS approves the application, the observer service provider's name will be added to the list of approved observer service providers found on the NMFS/NEFOP Web site specified in paragraph (h)(1) of this section, and in any outreach information to the industry. Approved observer service providers shall be notified in writing and provided with any information pertinent to its participation in the fishery observer program.

(iii) An application shall be denied if NMFS determines that the information provided in the application is not complete or the evaluation criteria are not met. NMFS shall notify the applicant in writing of any deficiencies in the application or information submitted in support of the application. An applicant who receives a denial of his or her application may present additional information to rectify the deficiencies specified in the written

denial, provided such information is submitted to NMFS within 30 days of the applicant's receipt of the denial notification from NMFS. In the absence of additional information, and after 30 days from an applicant's receipt of a denial, an observer provider is required to resubmit an application containing all of the information required under the application process specified in paragraph (h)(3) of this section to be re-considered for being added to the list of approved observer service providers.

(5) *Responsibilities of observer service providers.* (i) An observer service provider must provide observers certified by NMFS/NEFOP pursuant to paragraph (i) of this section for deployment in a fishery when contacted and contracted by the owner, operator, or vessel manager of a fishing vessel, unless the observer service provider refuses to deploy an observer on a requesting vessel for any of the reasons specified at paragraph (h)(5)(viii) of this section.

(ii) An observer service provider must provide to each of its observers:

(A) All necessary transportation, including arrangements and logistics, of observers to the initial location of deployment, to all subsequent vessel assignments, and to any debriefing locations, if necessary;

(B) Lodging, per diem, and any other services necessary for observers assigned to a fishing vessel or to attend an appropriate NMFS/NEFOP observer training class;

(C) The required observer equipment, in accordance with equipment requirements listed on the NMFS/NEFOP Web site specified in paragraph (h)(1) of this section, prior to any deployment and/or prior to NMFS observer certification training; and

(D) Individually assigned communication equipment, in working order, such as a mobile phone, for all necessary communication. An observer service provider may alternatively compensate observers for the use of the observer's personal mobile phone, or other device, for communications made in support of, or necessary for, the observer's duties.

(iii) *Observer deployment logistics.* Each approved observer service provider must assign an available certified observer to a vessel upon request. Each approved observer service provider must be accessible 24 hours per day, 7 days per week, to enable an owner, operator, or manager of a vessel to secure observer coverage when requested. The telephone system must be monitored a minimum of four times daily to ensure rapid response to industry requests. Observer service providers approved under paragraph (h) of this section are required to report observer deployments to NMFS daily for the purpose of determining whether the predetermined coverage levels are being achieved in the appropriate fishery.

(iv) *Observer deployment limitations.* (A) A candidate observer's first four deployments and the resulting data shall be immediately edited and approved after each trip by NMFS/NEFOP prior to any further deployments by that observer. If data quality is considered acceptable, the observer would be certified.

(B) Unless alternative arrangements are approved by NMFS, an observer provider must not deploy any observer on the same vessel for more than two consecutive multi-day trips, and not more than twice in any given month for multi-day deployments.

(v) *Communications with observers.* An observer service provider must have an employee responsible for observer activities on call 24 hours a day to handle emergencies involving observers or problems concerning observer logistics, whenever observers are at sea, stationed shoreside, in transit, or in port awaiting vessel assignment.

(vi) *Observer training requirements.* The following information must be submitted to NMFS/NEFOP at least 7 days prior to the beginning of the proposed training class: A list of observer candidates; observer candidate resumes; and a statement signed by the candidate, under penalty of perjury, that discloses the candidate's criminal convictions, if any. All observer trainees must complete a basic cardiopulmonary resuscitation/first aid course prior to the end of a NMFS/NEFOP Observer Training class. NMFS may reject a candidate for training if the candidate does not meet the minimum qualification requirements as outlined by NMFS/NEFOP minimum eligibility standards for observers as described on the NMFS/NEFOP Web site.

(vii) *Reports*—(A) *Observer deployment reports.* The observer service provider must report to NMFS/NEFOP when, where, to whom, and to what fishery (including Open Area or Access Area for sea scallop trips) an observer has been deployed, within 24 hours of the observer's departure. The observer service provider must ensure that the observer reports back to NMFS its Observer Contract (OBSCON) data, as described in the certified observer training, within 24 hours of landing. OBSCON data are to be submitted electronically or by other means specified by NMFS. The observer service provider shall provide the raw (unedited) data collected by the observer to NMFS within 4 business days of the trip landing.

(B) *Safety refusals.* The observer service provider must report to NMFS any trip that has been refused due to safety issues, *e.g.,* failure to hold a valid USCG Commercial Fishing Vessel Safety Examination Decal or to meet the safety requirements of the observer's pre-trip vessel safety checklist, within 24 hours of the refusal.

(C) *Biological samples.* The observer service provider must ensure that biological samples, including whole marine mammals, sea turtles, and sea birds, are stored/handled properly and transported to NMFS within 7 days of landing.

(D) *Observer debriefing.* The observer service provider must ensure that the observer remains available to NMFS, either in-person or via phone, at NMFS' discretion, including NMFS Office for Law Enforcement, for debriefing for at least 2 weeks following any observed trip. If requested by NMFS, an observer that is at sea during the 2-week period must contact NMFS upon his or her return.

(E) *Observer availability report.* The observer service provider must report to NMFS any occurrence of inability to respond to an industry request for observer coverage due to the lack of available observers by 5 p.m., Eastern Time, of any day on which the provider is unable to respond to an industry request for observer coverage.

(F) *Other reports.* The observer service provider must report possible observer harassment, discrimination, concerns about vessel safety or marine casualty, or observer illness or injury; and any information, allegations, or reports regarding observer conflict of interest or breach of the standards of behavior, to NMFS/NEFOP within 24 hours of the event or within 24 hours of learning of the event.

(G) *Observer status report.* The observer service provider must provide NMFS/NEFOP with an updated list of contact information for all observers that includes the observer identification number, observer's name, mailing address, email address, phone numbers, homeports or fisheries/trip types assigned, and must include whether or not the observer is ''in service,'' indicating when the observer has requested leave and/or is not currently working for an industry funded program.

(H) *Vessel contract.* The observer service provider must submit to NMFS/NEFOP, if requested, a copy of each type of signed and valid contract (including all attachments, appendices, addendums, and exhibits incorporated

into the contract) between the observer provider and those entities requiring observer services.

(I) *Observer contract.* The observer service provider must submit to NMFS/NEFOP, if requested, a copy of each type of signed and valid contract (including all attachments, appendices, addendums, and exhibits incorporated into the contract) between the observer provider and specific observers.

(J) *Additional information.* The observer service provider must submit to NMFS/NEFOP, if requested, copies of any information developed and/or used by the observer provider and distributed to vessels, such as informational pamphlets, payment notification, description of observer duties, etc.

(viii) *Refusal to deploy an observer.* (A) An observer service provider may refuse to deploy an observer on a requesting fishing vessel if the observer service provider does not have an available observer within 48 hours of receiving a request for an observer from a vessel.

(B) An observer service provider may refuse to deploy an observer on a requesting fishing vessel if the observer service provider has determined that the requesting vessel is inadequate or unsafe pursuant to the reasons described at § 600.746.

(C) The observer service provider may refuse to deploy an observer on a fishing vessel that is otherwise eligible to carry an observer for any other reason, including failure to pay for previous observer deployments, provided the observer service provider has received prior written confirmation from NMFS authorizing such refusal.

(6) *Limitations on conflict of interest.* An observer service provider:

(i) Must not have a direct or indirect interest in a fishery managed under Federal regulations, including, but not limited to, a fishing vessel, fish dealer, fishery advocacy group, and/or fishery research;

(ii) Must assign observers without regard to any preference by representatives of vessels other than when an observer will be deployed; and

(iii) Must not solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment, loan, or anything of monetary value from anyone who conducts fishing or fishing related activities that are regulated by NMFS, or who has interests that may be substantially affected by the performance or nonperformance of the official duties of observer providers.

(7) *Removal of observer service provider from the list of approved observer service providers.* An observer service provider that fails to meet the requirements, conditions, and responsibilities specified in paragraphs (h)(5) and (6) of this section shall be notified by NMFS, in writing, that it is subject to removal from the list of approved observer service providers. Such notification shall specify the reasons for the pending removal. An observer service provider that has received notification that it is subject to removal from the list of approved observer service providers may submit written information to rebut the reasons for removal from the list. Such rebuttal must be submitted within 30 days of notification received by the observer service provider that the observer service provider is subject to removal and must be accompanied by written evidence rebutting the basis for removal. NMFS shall review information rebutting the pending removal and shall notify the observer service provider within 15 days of receipt of the rebuttal whether or not the removal is warranted. If no response to a pending removal is received by NMFS, the observer service provider shall be automatically removed from the list of approved observer service providers. The decision to remove the observer service provider from the list, either after reviewing a rebuttal, or if no rebuttal is submitted, shall be the final decision of NMFS and the Department of Commerce. Removal from the list of approved observer service providers does not necessarily prevent such observer service provider from obtaining an approval in the future if a new application is submitted that demonstrates that the reasons for removal are remedied. Certified observers under contract with an observer service provider that has been removed from the list of approved service providers must complete their assigned duties for any fishing trips on which the observers are deployed at the time the observer service provider is removed from the list of approved observer service providers. An observer service provider removed from the list of approved observer service providers is responsible for providing NMFS with the information required in paragraph (h)(5)(vii) of this section following completion of the trip. NMFS may consider, but is not limited to, the following in determining if an observer service provider may remain on the list of approved observer service providers:

(i) Failure to meet the requirements, conditions, and responsibilities of observer service providers specified in paragraphs (h)(5) and (6) of this section;

(ii) Evidence of conflict of interest as defined under paragraph (h)(6) of this section;

(iii) Evidence of criminal convictions related to:

(A) Embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or

(B) The commission of any other crimes of dishonesty, as defined by state law or Federal law, that would seriously and directly affect the fitness of an applicant in providing observer services under this section;

(iv) Unsatisfactory performance ratings on any Federal contracts held by the applicant; and

(v) Evidence of any history of decertification as either an observer or observer provider.

(i) *Observer certification.* (1) To be certified, employees or sub-contractors operating as observers for observer service providers approved under paragraph (h) of this section must meet NMFS National Minimum Eligibility Standards for observers. NMFS National Minimum Eligibility Standards are available at the National Observer Program Web site: *www.nmfs.noaa.gov/op/pds/categories/science_and_technology.html.*

(2) *Observer training.* In order to be deployed on any fishing vessel, a candidate observer must have passed an appropriate NMFS/NEFOP Observer Training course. If a candidate fails training, the candidate shall be notified in writing on or before the last day of training. The notification will indicate the reasons the candidate failed the training. Observer training shall include an observer training trip, as part of the observer's training, aboard a fishing vessel with a trainer. A candidate observer's first four deployments and the resulting data shall be immediately edited and approved after each trip by NMFS/NEFOP, prior to any further deployments by that observer. If data quality is considered acceptable, the observer would be certified.

(3) *Observer requirements.* All observers must:

(i) Have a valid NMFS/NEFOP fisheries observer certification pursuant to paragraph (i)(1) of this section;

(ii) Be physically and mentally capable of carrying out the responsibilities of an observer on board fishing vessels, pursuant to standards established by NMFS. Such standards are available from NMFS/NEFOP Web site specified in paragraph (h)(1) of this section and shall be provided to each approved observer service provider;

(iii) Have successfully completed all NMFS-required training and briefings for observers before deployment, pursuant to paragraph (i)(2) of this section; and

(iv) Hold a current Red Cross (or equivalence) CPR/First Aid certification.

(v) Accurately record their sampling data, write complete reports, and report accurately any observations relevant to conservation of marine resources or their environment.

(4) *Probation and decertification.* NMFS may review observer certifications and issue observer certification probation and/or decertification as described in NMFS policy found on the NMFS/NEFOP Web site specified in paragraph (h)(1) of this section.

(5) *Issuance of decertification.* Upon determination that decertification is warranted under paragraph (i)(4) of this section, NMFS shall issue a written decision to decertify the observer to the observer and approved observer service providers via certified mail at the observer's most current address provided to NMFS. The decision shall identify whether a certification is revoked and shall identify the specific reasons for the action taken. Decertification is effective immediately as of the date of issuance, unless the decertification official notes a compelling reason for maintaining certification for a specified period and under specified conditions. Decertification is the final decision of NMFS and the Department of Commerce and may not be appealed.

* * * * *

■ 3. Add § 648.18 to subpart A to read as follows:

**§ 648.18 Standardized bycatch reporting methodology.**

NMFS shall comply with the Standardized Bycatch Reporting Methodology (SBRM) provisions established in the following fishery management plans by the SBRM Omnibus Amendment, which is incorporated by reference: Atlantic Bluefish; Atlantic Mackerel, Squid, and Butterfish; Atlantic Sea Scallop; Atlantic Surfclam and Ocean Quahog; Atlantic Herring; Atlantic Salmon; Deep-Sea Red Crab; Monkfish; Northeast Multispecies; Northeast Skate Complex; Spiny Dogfish; Summer Flounder, Scup, and Black Sea Bass; and Tilefish.

■ 4. In § 648.22, add paragraph (c)(13) to read as follows:

**§ 648.22 Atlantic mackerel, squid, and butterfish specifications.**

* * * * *

(c) * * *

(13) Changes, as appropriate, to the SBRM, including the coefficient of variation (CV) based performance standard, the means by which discard data are collected/obtained, fishery stratification, the process for prioritizing observer sea-day allocations, reports, and/or industry-funded observers or observer set aside programs.

* * * * *

■ 5. In § 648.25, revise paragraph (a)(1) to read as follows:

**§ 648.25 Atlantic mackerel, squid, and butterfish framework adjustments to management measures.**

(a) * * *

(1) *Adjustment process.* The MAFMC shall develop and analyze appropriate management actions over the span of at least two MAFMC meetings. The MAFMC must provide the public with advance notice of the availability of the recommendation(s), appropriate justification(s) and economic and biological analyses, and the opportunity to comment on the proposed adjustment(s) at the first meeting and prior to and at the second MAFMC meeting. The MAFMC's recommendations on adjustments or additions to management measures must come from one or more of the following categories: Adjustments within existing ABC control rule levels; adjustments to the existing MAFMC risk policy; introduction of new AMs, including sub-ACTs; minimum fish size; maximum fish size; gear restrictions; gear requirements or prohibitions; permitting restrictions; recreational possession limit; recreational seasons; closed areas; commercial seasons; commercial trip limits; commercial quota system, including commercial quota allocation procedure and possible quota set-asides to mitigate bycatch; recreational harvest limit; annual specification quota setting process; FMP Monitoring Committee composition and process; description and identification of EFH (and fishing gear management measures that impact EFH); description and identification of habitat areas of particular concern; overfishing definition and related thresholds and targets; regional gear restrictions; regional season restrictions (including option to split seasons); restrictions on vessel size (LOA and GRT) or shaft horsepower; changes to the SBRM, including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, the process for prioritizing observer sea-day allocations, reports, and/or industry-funded observers or observer set aside programs; any other management measures currently included in the FMP; set aside quota for scientific research; regional management; process for inseason adjustment to the annual specification; mortality caps for river herring and shad species; time/area management for river herring and shad species; and provisions for river herring and shad incidental catch avoidance program, including adjustments to the mechanism and process for tracking fleet activity, reporting incidental catch events, compiling data, and notifying the fleet of changes to the area(s); the definition/duration of 'test tows,' if test tows would be utilized to determine the extent of river herring incidental catch in a particular area(s); the threshold for river herring incidental catch that would trigger the need for vessels to be alerted and move out of the area(s); the distance that vessels would be required to move from the area(s); and the time that vessels would be required to remain out of the area(s). Measures contained within this list that require significant departures from previously contemplated measures or that are otherwise introducing new concepts may require amendment of the FMP instead of a framework adjustment.

* * * * *

■ 6. In § 648.41, revise paragraph (a) to read as follows:

**§ 648.41 Framework specifications.**

(a) *Within season management action.* The New England Fishery Management Council (NEFMC) may, at any time, initiate action to implement, add to or adjust Atlantic salmon management measures to:

(1) Allow for Atlantic salmon aquaculture projects in the EEZ, provided such an action is consistent with the goals and objectives of the Atlantic Salmon FMP; and

(2) Make changes to the SBRM, including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, the process for prioritizing observer sea-day allocations, reports, and/or industry-funded observers or observer set aside programs.

* * * * *

■ 7. In § 648.55, revise paragraphs (f)(39) and (40) and add paragraph (f)(41) to read as follows:

**§ 648.55 Framework adjustments to management measures.**

* * * * *

(f) * * *

(39) Adjusting EFH closed area management boundaries or other associated measures;

(40) Changes to the SBRM, including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, the process for prioritizing observer sea-day allocations, reports, and/or

industry-funded observers or observer set-aside programs; and

(41) Any other management measures currently included in the FMP.

* * * * *

■ 8. In § 648.79, revise paragraph (a)(1) to read as follows:

**§ 648.79 Surfclam and ocean quahog framework adjustments to management measures.**

(a) * * *

(1) *Adjustment process.* The MAFMC shall develop and analyze appropriate management actions over the span of at least two MAFMC meetings. The MAFMC must provide the public with advance notice of the availability of the recommendation(s), appropriate justification(s) and economic and biological analyses, and the opportunity to comment on the proposed adjustment(s) at the first meeting, and prior to and at the second MAFMC meeting. The MAFMC's recommendations on adjustments or additions to management measures must come from one or more of the following categories: Adjustments within existing ABC control rule levels; adjustments to the existing MAFMC risk policy; introduction of new AMs, including sub-ACTs; the overfishing definition (both the threshold and target levels); description and identification of EFH (and fishing gear management measures that impact EFH); habitat areas of particular concern; set-aside quota for scientific research; VMS; OY range; suspension or adjustment of the surfclam minimum size limit; and changes to the SBRM, including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, the process for prioritizing observer sea-day allocations, reports, and/or industry-funded observers or observer set aside programs. Issues that require significant departures from previously contemplated measures or that are otherwise introducing new concepts may require an amendment of the FMP instead of a framework adjustment.

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■ 9. In § 648.90, revise paragraphs (a)(2)(i), (a)(2)(iii), (b)(1)(ii), (c)(1)(i), and (c)(1)(ii) to read as follows:

**§ 648.90 NE multispecies assessment, framework procedures and specifications, and flexible area action system.**

* * * * *

(a) * * *

(2) *Biennial review.* (i) The NE multispecies PDT shall meet on or before September 30 every other year, unless otherwise specified in paragraph (a)(3) of this section, under the conditions specified in that paragraph, to perform a review of the fishery, using the most current scientific information available provided primarily from the NEFSC. Data provided by states, ASMFC, the USCG, and other sources may also be considered by the PDT. Based on this review, the PDT will develop ACLs for the upcoming fishing year(s) as described in paragraph (a)(4) of this section and develop options for consideration by the Council if necessary, on any changes, adjustments, or additions to DAS allocations, closed areas, or other measures necessary to rebuild overfished stocks and achieve the FMP goals and objectives, including changes to the SBRM.

* * * * *

(iii) Based on this review, the PDT shall recommend ACLs and develop options necessary to achieve the FMP goals and objectives, which may include a preferred option. The PDT must demonstrate through analyses and documentation that the options they develop are expected to meet the FMP goals and objectives. The PDT may review the performance of different user groups or fleet sectors in developing options. The range of options developed by the PDT may include any of the management measures in the FMP, including, but not limited to: ACLs, which must be based on the projected fishing mortality levels required to meet the goals and objectives outlined in the FMP for the 12 regulated species and ocean pout if able to be determined; identifying and distributing ACLs and other sub-components of the ACLs among various segments of the fishery; AMs; DAS changes; possession limits; gear restrictions; closed areas; permitting restrictions; minimum fish sizes; recreational fishing measures; describing and identifying EFH; fishing gear management measures to protect EFH; designating habitat areas of particular concern within EFH; and changes to the SBRM, including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, the process for prioritizing observer sea-day allocations, reports, and/or industry-funded observers or observer set aside programs. In addition, the following conditions and measures may be adjusted through future framework adjustments: Revisions to DAS measures, including DAS allocations (such as the distribution of DAS among the four categories of DAS), future uses for Category C DAS, and DAS baselines, adjustments for steaming time, etc.; modifications to capacity measures, such as changes to the DAS transfer or DAS leasing measures; calculation of area-specific ACLs, area management boundaries, and adoption of area-specific management measures; sector allocation requirements and specifications, including the establishment of a new sector, the disapproval of an existing sector, the allowable percent of ACL available to a sector through a sector allocation, and the calculation of PSCs; sector administration provisions, including at-sea and dockside monitoring measures; sector reporting requirements; state-operated permit bank administrative provisions; measures to implement the U.S./Canada Resource Sharing Understanding, including any specified TACs (hard or target); changes to administrative measures; additional uses for Regular B DAS; reporting requirements; the GOM Inshore Conservation and Management Stewardship Plan; adjustments to the Handgear A or B permits; gear requirements to improve selectivity, reduce bycatch, and/or reduce impacts of the fishery on EFH; SAP modifications; revisions to the ABC control rule and status determination criteria, including, but not limited to, changes in the target fishing mortality rates, minimum biomass thresholds, numerical estimates of parameter values, and the use of a proxy for biomass may be made either through a biennial adjustment or framework adjustment; changes to the SBRM, including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, the process for prioritizing observer sea-day allocations, reports, and/or industry-funded observers or observer set aside programs; and any other measures currently included in the FMP.

* * * * *

(b) * * *

(1) * * *

(ii) The Whiting PDT, after reviewing the available information on the status of the stock and the fishery, may recommend to the Council any measures necessary to assure that the specifications will not be exceeded; changes to the SBRM, including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, the process for prioritizing observer sea-day allocations, reports, and/or industry-funded observers or observer set aside programs; as well as changes to the appropriate specifications.

* * * * *

(c) * * *

(1) * * *

(i) After a management action has been initiated, the Council shall develop and analyze appropriate management actions over the span of at least two Council meetings. The Council shall provide the public with advance notice of the availability of both the proposals and the analyses and opportunity to comment on them prior to and at the second Council meeting. The Council's recommendation on adjustments or additions to management measures, other than to address gear conflicts, must come from one or more of the following categories: DAS changes; effort monitoring; data reporting; possession limits; gear restrictions; closed areas; permitting restrictions; crew limits; minimum fish sizes; onboard observers; minimum hook size and hook style; the use of crucifer in the hook-gear fishery; sector requirements; recreational fishing measures; area closures and other appropriate measures to mitigate marine mammal entanglements and interactions; description and identification of EFH; fishing gear management measures to protect EFH; designation of habitat areas of particular concern within EFH; changes to the SBRM, including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, the process for prioritizing observer sea-day allocations, reports, and/or industry-funded observers or observer set aside programs; and any other management measures currently included in the FMP.

(ii) The Council's recommendation on adjustments or additions to management measures pertaining to small-mesh NE multispecies, other than to address gear conflicts, must come from one or more of the following categories: Quotas and appropriate seasonal adjustments for vessels fishing in experimental or exempted fisheries that use small mesh in combination with a separator trawl/grate (if applicable); modifications to separator grate (if applicable) and mesh configurations for fishing for small-mesh NE multispecies; adjustments to whiting stock boundaries for management purposes; adjustments for fisheries exempted from minimum mesh requirements to fish for small-mesh NE multispecies (if applicable); season adjustments; declarations; participation requirements for any of the Gulf of Maine/Georges Bank small-mesh multispecies exemption areas; OFL and ABC values; ACL, TAL, or TAL allocations, including the proportions used to allocate by season or area; small-mesh multispecies possession limits, including in-season AM possession limits; changes to reporting requirements and methods to monitor the fishery; and biological reference points, including selected reference time series, survey strata used to calculate biomass, and the selected survey for status determination; and changes to the SBRM, including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, the process for prioritizing observer sea-day allocations, reports, and/or industry-funded observers or observer set aside programs.

* * * * *

■ 10. In § 648.96, revise paragraph (a)(3)(ii) to read as follows:

**§ 648.96 FMP review, specification, and framework adjustment process.**

(a) * * *

(3) * * *

(ii) The range of options developed by the Councils may include any of the management measures in the Monkfish FMP, including, but not limited to: ACTs; closed seasons or closed areas; minimum size limits; mesh size limits; net limits; liver-to-monkfish landings ratios; annual monkfish DAS allocations and monitoring; trip or possession limits; blocks of time out of the fishery; gear restrictions; transferability of permits and permit rights or administration of vessel upgrades, vessel replacement, or permit assignment; measures to minimize the impact of the monkfish fishery on protected species; gear requirements or restrictions that minimize bycatch or bycatch mortality; transferable DAS programs; changes to the SBRM, including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, the process for prioritizing observer sea-day allocations, reports, and/or industry-funded observers or observer set aside programs; changes to the Monkfish Research Set-Aside Program; and other frameworkable measures included in §§ 648.55 and 648.90.

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■ 11. In § 648.102, add paragraph (a)(10) to read as follows:

**§ 648.102 Summer flounder specifications.**

(a) * * *

(10) Changes, as appropriate, to the SBRM, including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, the process for prioritizing observer sea-day allocations, reports, and/or industry-funded observers or observer set aside programs.

* * * * *

■ 12. In § 648.110, revise paragraph (a)(1) to read as follows:

**§ 648.110 Summer flounder framework adjustments to management measures.**

(a) * * *

(1) *Adjustment process.* The MAFMC shall develop and analyze appropriate management actions over the span of at least two MAFMC meetings. The MAFMC must provide the public with advance notice of the availability of the recommendation(s), appropriate justification(s) and economic and biological analyses, and the opportunity to comment on the proposed adjustment(s) at the first meeting and prior to and at the second MAFMC meeting. The MAFMC's recommendations on adjustments or additions to management measures must come from one or more of the following categories: Adjustments within existing ABC control rule levels; adjustments to the existing MAFMC risk policy; introduction of new AMs, including sub-ACTs; minimum fish size; maximum fish size; gear restrictions; gear requirements or prohibitions; permitting restrictions; recreational possession limit; recreational seasons; closed areas; commercial seasons; commercial trip limits; commercial quota system including commercial quota allocation procedure and possible quota set asides to mitigate bycatch; recreational harvest limit; specification quota setting process; FMP Monitoring Committee composition and process; description and identification of essential fish habitat (and fishing gear management measures that impact EFH); description and identification of habitat areas of particular concern; regional gear restrictions; regional season restrictions (including option to split seasons); restrictions on vessel size (LOA and GRT) or shaft horsepower; operator permits; changes to the SBRM, including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, the process for prioritizing observer sea-day allocations, reports, and/or industry-funded observers or observer set aside programs; any other commercial or recreational management measures; any other management measures currently included in the FMP; and set aside quota for scientific research. Issues that require significant departures from previously contemplated measures or that are otherwise introducing new concepts

may require an amendment of the FMP instead of a framework adjustment.

* * * * *

■ 13. In § 648.122, add paragraph (a)(13) to read as follows:

**§ 648.122 Scup specifications.**

(a) * * *

(13) Changes, as appropriate, to the SBRM, including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, the process for prioritizing observer sea-day allocations, reports, and/or industry-funded observers or observer set aside programs.

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■ 14. In § 648.130, revise paragraph (a)(1) to read as follows:

**§ 648.130 Scup framework adjustments to management measures.**

(a) * * *

(1) *Adjustment process.* The MAFMC shall develop and analyze appropriate management actions over the span of at least two MAFMC meetings. The MAFMC must provide the public with advance notice of the availability of the recommendation(s), appropriate justification(s) and economic and biological analyses, and the opportunity to comment on the proposed adjustment(s) at the first meeting and prior to and at the second MAFMC meeting. The MAFMC's recommendations on adjustments or additions to management measures must come from one or more of the following categories: Adjustments within existing ABC control rules; adjustments to the existing MAFMC risk policy; introduction of new AMs, including sub-ACTs; minimum fish size; maximum fish size; gear restrictions; gear restricted areas; gear requirements or prohibitions; permitting restrictions; recreational possession limits; recreational seasons; closed areas; commercial seasons; commercial trip limits; commercial quota system including commercial quota allocation procedure and possible quota set asides to mitigate bycatch; recreational harvest limits; annual specification quota setting process; FMP Monitoring Committee composition and process; description and identification of EFH (and fishing gear management measures that impact EFH); description and identification of habitat areas of particular concern; regional gear restrictions; regional season restrictions (including option to split seasons); restrictions on vessel size (LOA and GRT) or shaft horsepower; operator permits; changes to the SBRM, including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, the process for prioritizing observer sea-day allocations, reports, and/or industry-funded observers or observer set aside programs; any other commercial or recreational management measures; any other management measures currently included in the FMP; and set aside quota for scientific research.

* * * * *

■ 15. In § 648.142, add paragraph (a)(12) to read as follows:

**§ 648.142 Black sea bass specifications.**

(a) * * *

(12) Changes, as appropriate, to the SBRM, including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, the process for prioritizing observer sea-day allocations, reports, and/or industry-funded observers or observer set aside programs.

* * * * *

■ 16. In § 648.162, add paragraph (a)(9) to read as follows:

**§ 648.162 Bluefish specifications.**

(a) * * *

(9) Changes, as appropriate, to the SBRM, including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, the process for prioritizing observer sea-day allocations, reports, and/or industry-funded observers or observer set aside programs; and

* * * * *

■ 17. In § 648.167, revise paragraph (a)(1) to read as follows:

**§ 648.167 Bluefish framework adjustment to management measures.**

(a) * * *

(1) *Adjustment process.* After a management action has been initiated, the MAFMC shall develop and analyze appropriate management actions over the span of at least two MAFMC meetings. The MAFMC shall provide the public with advance notice of the availability of both the proposals and the analysis and the opportunity to comment on them prior to and at the second MAFMC meeting. The MAFMC's recommendation on adjustments or additions to management measures must come from one or more of the following categories: Adjustments within existing ABC control rule levels; adjustments to the existing MAFMC risk policy; introduction of new AMs, including sub-ACTs; minimum fish size; maximum fish size; gear restrictions; gear requirements or prohibitions; permitting restrictions; recreational possession limit; recreational season; closed areas; commercial season; description and identification of EFH; fishing gear management measures to protect EFH; designation of habitat areas of particular concern within EFH; changes to the SBRM, including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, the process for prioritizing observer sea-day allocations, reports, and/or industry-funded observers or observer set aside programs; and any other management measures currently included in the FMP. Measures that require significant departures from previously contemplated measures or that are otherwise introducing new concepts may require an amendment of the FMP instead of a framework adjustment.

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■ 18. In § 648.200, revise the introductory text of paragraph (b) to read as follows:

**§ 648.200 Specifications.**

* * * * *

(b) *Guidelines.* As the basis for its recommendations under paragraph (a) of this section, the PDT shall review available data pertaining to: Commercial and recreational catch data; current estimates of fishing mortality; discards; stock status; recent estimates of recruitment; virtual population analysis results and other estimates of stock size; sea sampling and trawl survey data or, if sea sampling data are unavailable, length frequency information from trawl surveys; impact of other fisheries on herring mortality; and any other relevant information. The specifications recommended pursuant to paragraph (a) of this section must be consistent with the following:

* * * * *

■ 19. In § 648.206, add paragraph (b)(29) to read as follows:

**§ 648.206 Framework provisions.**

* * * * *

(b) * * *

(29) Changes, as appropriate, to the SBRM, including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, the process for prioritizing observer sea-day allocations, reports, and/or industry-funded observers or observer set aside programs;

* * * * *

■ 20. In § 648.232, add paragraph (a)(6) to read as follows:

**§ 648.232 Spiny dogfish specifications.**

(a) * * *

(6) Changes, as appropriate, to the SBRM, including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, the process for prioritizing observer sea-day allocations, reports, and/or industry-funded observers or observer set aside programs;

* * * * *

■ 21. In § 648.239, revise paragraph (a)(1) to read as follows:

**§ 648.239 Spiny dogfish framework adjustments to management measures.**

(a) * * *

(1) *Adjustment process.* After the Councils initiate a management action, they shall develop and analyze appropriate management actions over the span of at least two Council meetings. The Councils shall provide the public with advance notice of the availability of both the proposals and the analysis for comment prior to, and at, the second Council meeting. The Councils' recommendation on adjustments or additions to management measures must come from one or more of the following categories: Adjustments within existing ABC control rule levels; adjustments to the existing MAFMC risk policy; introduction of new AMs, including sub-ACTs; minimum fish size; maximum fish size; gear requirements, restrictions, or prohibitions (including, but not limited to, mesh size restrictions and net limits); regional gear restrictions; permitting restrictions, and reporting requirements; recreational fishery measures (including possession and size limits and season and area restrictions); commercial season and area restrictions; commercial trip or possession limits; fin weight to spiny dogfish landing weight restrictions; onboard observer requirements; commercial quota system (including commercial quota allocation procedures and possible quota set-asides to mitigate bycatch, conduct scientific research, or for other purposes); recreational harvest limit; annual quota specification process; FMP Monitoring Committee composition and process; description and identification of essential fish habitat; description and identification of habitat areas of particular concern; overfishing definition and related thresholds and targets; regional season restrictions (including option to split seasons); restrictions on vessel size (length and GRT) or shaft horsepower; target quotas; measures to mitigate marine mammal entanglements and interactions; regional management; changes to the SBRM, including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, the process for prioritizing observer sea-day allocations, reports, and/or industry-funded observers or observer set aside programs; any other management measures currently included in the Spiny Dogfish FMP; and measures to regulate aquaculture projects. Measures that require significant departures from previously contemplated measures or that are otherwise introducing new concepts may require an amendment of the FMP instead of a framework adjustment.

* * * * *

■ 22. In § 648.260, revise paragraph (a)(1) to read as follows:

**§ 648.260 Specifications.**

(a) * * *

(1) The Red Crab PDT shall meet at least once annually during the intervening years between Stock Assessment and Fishery Evaluation (SAFE) Reports, described in paragraph (b) of this section, to review the status of the stock and the fishery. Based on such review, the PDT shall provide a report to the Council on any changes or new information about the red crab stock and/or fishery, and it shall recommend whether the specifications for the upcoming year(s) need to be modified. At a minimum, this review shall include a review of at least the following data, if available: Commercial catch data; current estimates of fishing mortality and catch-per-unit-effort (CPUE); discards; stock status; recent estimates of recruitment; virtual population analysis results and other estimates of stock size; sea sampling, port sampling, and survey data or, if sea sampling data are unavailable, length frequency information from port sampling and/or surveys; impact of other fisheries on the mortality of red crabs; and any other relevant information.

* * * * *

■ 23. In § 648.261, revise paragraph (a)(1) to read as follows:

**§ 648.261 Framework adjustment process.**

(a) * * *

(1) In response to an annual review of the status of the fishery or the resource by the Red Crab PDT, or at any other time, the Council may recommend adjustments to any of the measures proposed by the Red Crab FMP, including the SBRM. The Red Crab Oversight Committee may request that the Council initiate a framework adjustment. Framework adjustments shall require one initial meeting (the agenda must include notification of the impending proposal for a framework adjustment) and one final Council meeting. After a management action has been initiated, the Council shall develop and analyze appropriate management actions within the scope identified below. The Council may refer the proposed adjustments to the Red Crab Committee for further deliberation and review. Upon receiving the recommendations of the Oversight Committee, the Council shall publish notice of its intent to take action and provide the public with any relevant analyses and opportunity to comment on any possible actions. After receiving public comment, the Council must take action (to approve, modify, disapprove, or table) on the recommendation at the Council meeting following the meeting at which it first received the recommendations. Documentation and analyses for the framework adjustment shall be available at least 2 weeks before the final meeting.

* * * * *

■ 24. In § 648.292, revise paragraph (a) to read as follows:

**§ 648.292 Tilefish specifications.**

* * * * *

(a) *Annual specification process.* The Tilefish Monitoring Committee shall review the ABC recommendation of the SSC, tilefish landings and discards information, and any other relevant available data to determine if the ACL, ACT, or total allowable landings (TAL) requires modification to respond to any changes to the stock's biological reference points or to ensure that the rebuilding schedule is maintained. The Monitoring Committee will consider whether any additional management measures or revisions to existing measures are necessary to ensure that the TAL will not be exceeded, including changes, as appropriate, to the SBRM. Based on that review, the Monitoring Committee will recommend ACL, ACT, and TAL to the Tilefish Committee of the MAFMC. Based on these recommendations and any public comment received, the Tilefish Committee shall recommend to the MAFMC the appropriate ACL, ACT, TAL, and other management measures for a single fishing year or up to 3 years. The MAFMC shall review these recommendations and any public comments received, and recommend to the Regional Administrator, at least 120 days prior to the beginning of the next fishing year, the appropriate ACL, ACT, TAL, the percentage of TAL allocated to research quota, and any management measures to ensure that the TAL will not be exceeded, for the next fishing year, or up to 3 fishing years. The MAFMC's recommendations must include supporting documentation, as

appropriate, concerning the environmental and economic impacts of the recommendations. The Regional Administrator shall review these recommendations, and after such review, NMFS will publish a proposed rule in the **Federal Register** specifying the annual ACL, ACT, TAL and any management measures to ensure that the TAL will not be exceeded for the upcoming fishing year or years. After considering public comments, NMFS will publish a final rule in the **Federal Register** to implement the ACL, ACT, TAL and any management measures. The previous year's specifications will remain effective unless revised through the specification process and/or the research quota process described in paragraph (e) of this section. NMFS will issue notification in the **Federal Register** if the previous year's specifications will not be changed.

* * * * *

■ 25. In § 648.299, add paragraph (a)(1)(xviii) to read as follows:

**§ 648.299 Tilefish framework specifications.**

(a) * * *

(1) * * *

(xviii) Changes, as appropriate, to the SBRM, including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, the process for prioritizing observer sea-day allocations, reports, and/or industry-funded observers or observer set aside programs;

* * * * *

■ 26. In § 648.320, revise paragraphs (a)(5)(ii) and (iii) and add paragraph (a)(5)(iv) to read as follows:

**§ 648.320 Skate FMP review and monitoring.**

(a) * * *

(5) * * *

(ii) In-season possession limit triggers for the wing and/or bait fisheries;

(iii) Required adjustments to in-season possession limit trigger percentages or the ACL–ACT buffer, based on the accountability measures specified at § 648.323; and

(iv) Changes, as appropriate, to the SBRM, including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, the process for prioritizing observer sea-day allocations, reports, and/or industry-funded observers or observer set aside programs.

* * * * *

■ 27. In § 648.321, revise paragraphs (b)(22) and (23) and add paragraph (b)(24) to read as follows:

**§ 648.321 Framework adjustment process.**

* * * * *

(b) * * *

(22) Reduction of the baseline 25-percent ACL–ACT buffer to less than 25 percent;

(23) Changes to catch monitoring procedures; and

(24) Changes, as appropriate, to the SBRM, including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, the process for prioritizing observer sea-day allocations, reports, and/or industry-funded observers or observer set aside programs.

* * * * *

[FR Doc. 2015–00878 Filed 1–20–15; 8:45 am]

BILLING CODE 3510–22–P

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 50 CFR Part 679

**[Docket No. 141021887–4887–01]**

**RIN 0648–XD587**

### Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; 2015 and 2016 Harvest Specifications for Groundfish

*Correction*

In proposed rule 2014–28633 appearing on pages 72571–72593 in the issue of December 8, 2014, make the following correction:

On page 72586, replace Tables 10, 11, and 12, which are duplicated on page 72587, with the following tables:

BILLING CODE 1505–01–D

TABLE 8–PROPOSED 2015 AND 2016 APPORTIONMENT OF PROHIBITED SPECIES CATCH ALLOWANCES TO NON-TRAWL GEAR, THE CDQ PROGRAM, AMENDMENT 80, AND THE BSAI TRAWL LIMITED ACCESS SECTORS

| PSC species and area[1] | Total non-trawl PSC | Non-trawl PSC remaining after CDQ PSQ[2] | Total trawl PSC | Trawl PSC remaining after CDQ PSQ[2] | CDQ PSQ reserve[2] | Amendment 80 sector[3] | BSAI trawl limited access fishery |
|---|---|---|---|---|---|---|---|
| Halibut mortality (mt) BSAI | 900 | 832 | 3,675 | 3,349 | 393 | 2,325 | 875 |
| Herring (mt) BSAI | n/a | n/a | 2,172 | n/a | n/a | n/a | n/a |
| Red king crab (animals) Zone 1 | n/a | n/a | 97,000 | 86,621 | 10,379 | 43,293 | 26,489 |
| C. opilio (animals) COBLZ | n/a | n/a | 11,185,892 | 9,989,002 | 1,196,890 | 4,909,594 | 3,210,465 |
| C. bairdi crab (animals) Zone 1 | n/a | n/a | 980,000 | 875,140 | 104,860 | 368,521 | 411,228 |
| C. bairdi crab (animals) Zone 2 | n/a | n/a | 2,970,000 | 2,652,210 | 317,790 | 627,778 | 1,241,500 |

[1] Refer to § 679.2 for definitions of zones.

[2] Section 679.21(e)(3)(i)(A)(2) allocates 326 mt of the trawl halibut mortality limit and § 679.21(e)(4)(i)(A) allocates 7.5 percent, or 67 mt, of the non-trawl halibut mortality limit as the PSQ reserve for use by the groundfish CDQ program. The PSQ reserve for crab species is 10.7 percent of each crab PSC limit.

[3] The Amendment 80 program reduced apportionment of the trawl PSC limits by 150 mt for halibut mortality and 20 percent for crab PSC. These reductions are not apportioned to other gear types or sectors.

TABLE 9-PROPOSED 2015 AND 2016 HERRING AND RED KING CRAB SAVINGS SUBAREA PROHIBITED SPECIES CATCH ALLOWANCES FOR ALL TRAWL SECTORS

| Fishery categories | Herring (mt) BSAI | Red king crab (animals) Zone 1 |
|---|---|---|
| Yellowfin sole | 148 | n/a |
| Rock sole/flathead sole/other flatfish [1] | 24 | n/a |
| Greenland turbot/arrowtooth flounder/sablefish[2] | 16 | n/a |
| Rockfish | 11 | n/a |
| Pacific cod | 33 | n/a |
| Midwater trawl pollock | 1,776 | n/a |
| Pollock/Atka mackerel/other species[3,4] | 164 | n/a |
| Red king crab savings subarea non-pelagic trawl gear[5] | n/a | 24,250 |
| Total trawl PSC | 2,172 | 97,000 |

[1]"Other flatfish" for PSC monitoring includes all flatfish species, except for halibut (a prohibited species), arrowtooth flounder, flathead sole, Greenland turbot, Kamchatka flounder, rock sole, and yellowfin sole.

[2]"Arrowtooth flounder" for PSC monitoring includes Kamchatka flounder.

[3]Pollock other than pelagic trawl pollock, Atka mackerel, and "other species" fishery category.

[4]"Other species" for PSC monitoring includes sculpins, sharks, skates, and octopuses.

[5]In October 2014 the Council recommended that the red king crab bycatch limit for non-pelagic trawl fisheries within the RKCSS be limited to 25 percent of the red king crab PSC allowance (see § 679.21(e)(3)(ii)(B)(2)).

[FR Doc. C1–2014–28633 Filed 1–20–15; 8:45 am]

BILLING CODE 1505–01–C

# Notices

Federal Register

Vol. 80, No. 13

Wednesday, January 21, 2015

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

### Emergency Food Assistance Program; Availability of Foods for Fiscal Year 2015

**AGENCY:** Food and Nutrition Service, USDA.

**ACTION:** Notice.

**SUMMARY:** This notice announces the surplus and purchased foods that the Department expects to make available for donation to States for use in providing nutrition assistance to the needy under The Emergency Food Assistance Program (TEFAP) in Fiscal Year (FY) 2015. The foods made available under this notice must, at the discretion of the State, be distributed to eligible recipient agencies (ERAs) for use in preparing meals and/or for distribution to households for home consumption.

**DATES:** *Effective Date:* October 1, 2014.

**FOR FURTHER INFORMATION CONTACT:** Jeramia Garcia, Policy Branch, Food Distribution Division, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Alexandria, Virginia 22302–1594; or telephone (703) 305–2662.

**SUPPLEMENTARY INFORMATION:** In accordance with the provisions set forth in the Emergency Food Assistance Act of 1983 (EFAA), 7 U.S.C. 7501, *et seq.,* and the Food and Nutrition Act of 2008, 7 U.S.C. 2036, the Department makes foods available to States for use in providing nutrition assistance to those in need through TEFAP. In accordance with section 214 of the EFAA, 7 U.S.C. 7515, 60 percent of each State's share of TEFAP foods is based on the number of people with incomes below the poverty level within the State and 40 percent on the number of unemployed persons within the State. State officials are responsible for establishing the network through which the foods will be used by ERAs in providing nutrition assistance to those in need, and for allocating foods among those ERAs. States have full discretion in determining the amount of foods that will be made available to ERAs for use in preparing meals and/or for distribution to households for home consumption.

The types of foods the Department expects to make available to States for distribution through TEFAP in FY 2015 are described below.

#### Surplus Foods

Surplus foods donated for distribution under TEFAP are Commodity Credit Corporation (CCC) foods purchased under the authority of section 416 of the Agricultural Act of 1949, 7 U.S.C. 1431 (section 416) and foods purchased under the surplus removal authority of section 32 of the Act of August 24, 1935, 7 U.S.C. 612c (section 32). The types of foods typically purchased under section 416 include dairy, grains, oils, and peanut products. The types of foods purchased under section 32 include meat, poultry, fish, vegetables, dry beans, juices, and fruits.

Approximately $74.7 million in surplus foods acquired in FY 2014 are being delivered to States in FY 2015. These foods include applesauce, blueberries, chicken leg quarters, dehydrated potatoes, grape and orange juice, raisins, and salmon. Other surplus foods may be made available to TEFAP throughout the year. The Department would like to point out that food acquisitions are based on changing agricultural market conditions; therefore, the availability of foods is subject to change.

#### Purchased Foods

In accordance with section 27 of the Food and Nutrition Act of 2008, 7 U.S.C. 2036, the Secretary is directed to purchase $327 million worth of foods in FY 2015 for distribution through TEFAP. These foods are made available to States in addition to those surplus foods which otherwise might be provided to States for distribution under TEFAP.

For FY 2015, the Department anticipates purchasing the following foods for distribution through TEFAP: Fresh and dehydrated potatoes, frozen apple slices, applesauce, dried plums, raisins, frozen ground beef, pouched chicken, frozen whole chicken, frozen ham, frozen catfish, frozen turkey roast, lima beans, black-eye beans, garbanzo beans, great northern beans, light red kidney beans, pinto beans, lentils, egg mix, shell eggs, peanut butter, roasted peanuts, low-fat cheese, 1 percent, ultra high temperature fluid milk, vegetable oil, low-fat bakery flour mix, egg noodles, white and yellow corn grits, whole grain oats, macaroni, spaghetti, whole grain rotini, whole grain spaghetti and whole grain macaroni, white and brown rice, corn flakes, wheat bran flakes, oat cereal, rice cereal, corn cereal, corn and rice cereal, and shredded whole wheat cereal; the following canned items: Low sodium blackeye beans, low sodium green beans, low sodium light red kidney beans, low sodium refried beans, low sodium vegetarian beans, low sodium carrots, low sodium cream corn, no salt added whole kernel corn, low sodium peas, low sodium sliced potatoes, no salt added pumpkin, reduced sodium cream of chicken soup, reduced sodium cream of mushroom soup, low sodium tomato soup, low sodium vegetable soup, low sodium spaghetti sauce, low sodium spinach, sweet potatoes with extra light syrup, no salt added diced tomatoes, low sodium tomato sauce, low sodium mixed vegetables, unsweetened applesauce, apricots with extra light syrup, mixed fruit with extra light syrup, cling peaches with extra light syrup, pears with extra light syrup, beef, beef stew, pork, salmon and kosher salmon; and the following bottled juices: Unsweetened apple juice, unsweetened cherry apple juice, unsweetened cran-apple juice, unsweetened grape juice, unsweetened grapefruit juice, unsweetened orange juice, and unsweetened tomato juice.

The amounts of each item purchased will depend on the prices the Department must pay, as well as the quantity of each item requested by the States. Changes in agricultural market conditions may result in the availability of additional types of foods or the non-availability of one or more types listed above.

Dated: January 14, 2015.

**Audrey Rowe,**

*Administrator, Food and Nutrition Service.*

[FR Doc. 2015–00879 Filed 1–20–15; 8:45 am]

BILLING CODE 3410–30–P

## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

### Summer Food Service Program 2015 Reimbursement Rates

**AGENCY:** Food and Nutrition Service, USDA.

**ACTION:** Notice.

**SUMMARY:** This notice informs the public of the annual adjustments to the reimbursement rates for meals served in the Summer Food Service Program for Children. These adjustments address changes in the Consumer Price Index, as required under the Richard B. Russell National School Lunch Act. The 2015 reimbursement rates are presented as a combined set of rates to highlight simplified cost accounting procedures. The 2015 rates are also presented individually, as separate operating and administrative rates of reimbursement, to show the effect of the Consumer Price Index adjustment on each rate.

**DATES:** Effective Date: January 1, 2015.

**FOR FURTHER INFORMATION CONTACT:** Tina Namian, Policy and Program Development Division, Child Nutrition Programs, Food and Nutrition Service, United States Department of Agriculture, 3101 Park Center Drive, Suite 1206, Alexandria, Virginia 22302; or phone 703–305–2590.

**SUPPLEMENTARY INFORMATION:** The Summer Food Service Program (SFSP) is listed in the Catalog of Federal Domestic Assistance under No. 10.559 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V, and final rule-related notice published at 48 FR 29114, June 24, 1983.)

In accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3518, no new recordkeeping or reporting requirements have been included that are subject to approval from the Office of Management and Budget.

This notice is not a rule as defined by the Regulatory Flexibility Act, 5 U.S.C. 601–612, and thus is exempt from the provisions of that Act. Additionally, this notice has been determined to be exempt from formal review by the Office of Management and Budget under Executive Order 12866.

#### Definitions

The terms used in this notice have the meaning ascribed to them under 7 CFR part 225 of the SFSP regulations.

#### Background

This notice informs the public of the annual adjustments to the reimbursement rates for meals served in SFSP. In accordance with sections 12(f) and 13, 42 U.S.C. 1760(f) and 1761, of the Richard B. Russell National School Lunch Act (NSLA) and SFSP regulations under 7 CFR part 225, the United States Department of Agriculture announces the adjustments in SFSP payments for meals served to participating children during calendar year 2015.

The 2015 reimbursement rates are presented as a combined set of rates to highlight simplified cost accounting procedures. Reimbursement is based solely on a ''meals times rates'' calculation, without comparison to actual or budgeted costs. Sponsors receive reimbursement that is determined by the number of reimbursable meals served multiplied by the combined rates for food service operations and administration. However, the combined rate is based on separate operating and administrative rates of reimbursement, each of which is adjusted differently for inflation.

#### Calculation of Rates

The combined rates are constructed from individually authorized operating and administrative reimbursements. Simplified procedures provide flexibility, enabling sponsors to manage their reimbursements to pay for any allowable cost, regardless of the cost category. Sponsors remain responsible, however, for ensuring proper administration of the Program, while providing the best possible nutritional benefit to children. The operating and administrative rates are calculated separately. However, the calculations of adjustments for both cost categories are based on the same set of changes in the *Food Away From Home* series of the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the United States Department of Labor. They represent a 2.9 percent increase in this series for the 12 month period, from November 2013 through November 2014 (from 244.97 in November 2013 to 251.987 in November 2014).

#### Table of 2015 Reimbursement Rates

Presentation of the 2015 maximum per meal rates for meals served to children in SFSP combines the results from the calculations of operational and administrative payments, which are further explained in this notice. The total amount of payments to State agencies for disbursement to SFSP sponsors will be based upon these adjusted combined rates and the number of meals of each type served. These adjusted rates will be in effect from January 1, 2015, through December 31, 2015.

SUMMER FOOD SERVICE PROGRAM 2015 REIMBURSEMENT RATES (COMBINED)

| Per meal rates in whole or fractions of U.S. dollars | All states except Alaska and Hawaii | | Alaska | | Hawaii | |
|---|---|---|---|---|---|---|
| | Rural or self-prep sites | All other types of sites | Rural or self-prep sites | All other types of sites | Rural or self-prep sites | All other types of sites |
| Breakfast | 2.0775 | 2.0375 | 3.3750 | 3.3100 | 2.4300 | 2.3825 |
| Lunch or Supper | 3.6450 | 3.5875 | 5.9100 | 5.8150 | 4.2650 | 4.1950 |
| Snack | 0.8650 | 0.8450 | 1.4025 | 1.3700 | 1.0100 | 0.9875 |

#### Operating Rates

The portion of the SFSP rates for operating costs is based on payment amounts set in section 13(b)(1) of the NSLA, 42 U.S.C. 1761(b)(1). They are rounded down to the nearest whole cent, as required by section 11(a)(3)(B) of the NSLA, 42 U.S.C. 1759a(a)(3)(B).

SUMMER FOOD SERVICE PROGRAM OPERATING COMPONENT OF 2015 REIMBURSEMENT RATES

| Operating rates in U.S. dollars, rounded down to the nearest whole cent | All states except Alaska and Hawaii | Alaska | Hawaii |
|---|---|---|---|
| Breakfast | 1.89 | 3.07 | 2.21 |
| Lunch or Supper | 3.30 | 5.35 | 3.86 |
| Snack | 0.77 | 1.25 | 0.90 |

**Administrative Rates**

The administrative cost component of the reimbursement is authorized under section 13(b)(3) of the NSLA, 42 U.S.C. 1761(b)(3). Rates are higher for sponsors of sites located in rural areas and for ''self-prep'' sponsors that prepare their own meals, at the SFSP site or at a central facility, instead of purchasing them from vendors. The administrative portion of SFSP rates are adjusted, either up or down, to the nearest quarter-cent.

SUMMER FOOD SERVICE PROGRAM ADMINISTRATIVE COMPONENT OF 2015 REIMBURSEMENT RATES

| Administrative rates in U.S. dollars, adjusted, up or down, to the nearest quarter-cent | All states except Alaska and Hawaii | | Alaska | | Hawaii | |
|---|---|---|---|---|---|---|
| | Rural or self-prep sites | All other types of sites | Rural or self-prep sites | All other types of sites | Rural or self-prep sites | All other types of sites |
| Breakfast | 0.1875 | 0.1475 | 0.3050 | 0.2400 | 0.2200 | 0.1725 |
| Lunch or Supper | 0.3450 | 0.2875 | 0.5600 | 0.4650 | 0.4050 | 0.3350 |
| Snack | 0.0950 | 0.0750 | 0.1525 | 0.1200 | 0.1100 | 0.0875 |

**Authority:** Sections 9, 13, and 14, Richard B. Russell National School Lunch Act, 42 U.S.C. 1758, 1761, and 1762a, respectively.

Dated: January 14, 2015.

**Audrey Rowe,**

*Administrator.*

[FR Doc. 2015–00877 Filed 1–20–15; 8:45 am]

BILLING CODE 3410–30–P

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

**[S–3–2015]**

### Foreign-Trade Zone 245—Decatur, Illinois, Application for Subzone, Thyssenkrupp Presta Danville, LLC, Danville, Illinois

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Economic Development Corporation of Decatur & Macon County, grantee of FTZ 245, requesting subzone status for the facility of Thyssenkrupp Presta Danville, LLC (Thyssenkrupp Presta), located in Danville, Illinois. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally docketed on January 14, 2015.

The proposed subzone (42.6 acres) is located at 75 Walz Creek Drive, Danville, Vermilion County. The applicant has indicated that a notification of proposed production activity will be submitted. Any such notification will be published separately for public comment. The proposed subzone would be subject to the existing activation limit of FTZ 245.

In accordance with the Board's regulations, Elizabeth Whiteman of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is March 2, 2015. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to March 17, 2015.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's Web site, which is accessible via *www.trade.gov/ftz.*

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Whiteman at *Elizabeth.Whiteman@trade.gov* or (202) 482–0473.

Dated: January 14, 2015.

**Andrew McGilvray,**

*Executive Secretary.*

[FR Doc. 2015–00937 Filed 1–20–15; 8:45 am]

BILLING CODE 3510–DS–P

## DEPARTMENT OF COMMERCE

### International Trade Administration

### Application(s) for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, as amended by Pub. L. 106–36; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be postmarked on or before February 10, 2015. Address written comments to Statutory Import Programs Staff, Room 3720, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5:00 p.m. at the U.S. Department of Commerce in Room 3720.

Docket Number: 14–031. Applicant: Harvard University, 11 Oxford St., Cambridge, MA 02138. Instrument: Electron Microscope. Manufacturer: JEOL Ltd., Japan. Intended Use: The instrument will be used to examine the

properties of materials and physics associated with nanoscale materials systems, such as semi-conducting systems found in computers and electronic devices fabricated from carbon, silicon, silicon-oxide, germanium and metals such as copper, gold, platinum, aluminum, aluminum oxide and ruthenium. The properties studied will include materials composition chemical analysis, electronic band structure, density of states and dopant atoms distribution. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: November 17, 2014.

Docket Number: 14–032. Applicant: New Mexico Institute of Mining and Technology, 801 Leroy Place, Socorro, NM 87801. Instrument: DelayLine Trolley (DLT). Manufacturer: University of Cambridge/Cavendish Lab, United Kingdom. Intended Use: The instrument will be used within the Magdalena Ridge Observatory Interferometer (MROI) to equalize path lengths traveled by the light from a target object, via the telescopes, to the point where interference takes place, by acting as a continuously movable retro-reflector. Each trolley moves continuously within an evacuated pipe in order to introduce the optical path delay appropriate for the target, time of observation, and inter-telescope separations in use. For most of the sky to be accessible, a delay range approximately equal to the longest inter-telescope separation must be available, requiring an unprecedented monolithic delay line length of almost 200m. The instrument is essentially a cat's-eye assembly that is flexure-mounted and voice coil actuated on a motorized wheeled carriage, which runs directly on the inner surface of the delay line pipe, not on pre-installed rails. Its position is precisely measured by a laser metrology system and computer controlled so as to introduce the appropriate optical path compensation as a function of time. The following specifications are required for the research: a focus on model-independent imaging as opposed to astrometric or precision phase or visibility measurement, a wavelength of operation that covers both the visible and near infrared, between 600 nm and 2400 nm, accommodation for baseline lengths as long as 250m, a concern for polarization fidelity in the image, and a requirement to reach a limiting group-delay tracking magnitude of H=14 to allow observations of extragalactic targets while tracking on the science object rather than a nearby reference star. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: November 14, 2014.

Docket Number: 14–033. Applicant: University of South Carolina School of Medicine, 6439 Garner's Ferry Road, Columbia, SC 29208. Instrument: Electron Microscope. Manufacturer: JEOL Ltd., Japan. Intended Use: The instrument will be used to examine the ultrastructural changes in cells and tissues in response to a disease process and subsequent treatment of the disease through a variety of protocols, in biomedical research samples such as heart, colon, and skeletal muscle, to study cardiovascular disease, cancer and inflammation. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: November 26, 2014.

Docket Number: 14–034. Applicant: National Institutes of Health, 50 South Dr., Bldg. 50, Rm. 1517, Bethesda, MD 20892–8025. Instrument: Falcon II Direct Detection Camera. Manufacturer: FEI Company, the Netherlands. Intended Use: The instrument will be used in cryo-electron microscopy experiments, to visualize biological specimens suspended in vitreous ice involving recording electron micrographs of the highest possible quality and subjecting them to digital image analysis to elicit the maximum amount of structural information and interpretation, taking into account all pertinent complimentary data. Sensor specifications required for this research include a pixel size of ~14 μm which predicates a magnification of ~100 kx, optimal performance as measured by Detective Quantum Efficiency at a typical dose rate of 10–20 e/pixel/second, and protection of the sensor against accidental high-dose exposures to the microscope's electron beam. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: December 19, 2014.

Docket Number: 14–036. Applicant: University of Michigan, 109 Zina Pitcher Place, Ann Arbor, Michigan 48109–2200. Instrument: Electron Microscope. Manufacturer: JEOL Ltd., Japan. Intended Use: The instrument will be used to study tissue and cells to assist in the understanding of cancer cells, morphology, and general histochemical analysis, using diffraction analysis of organic compounds. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: December 19, 2014.

Docket Number: 14–037. Applicant: University of Arizona, 1629 E. University Blvd., Tucson, AZ 85721. Instrument: Electron Microscope. Manufacturer: FEI Company, Czech Republic. Intended Use: The instrument will be used to characterize the structural and compositional properties of a wide variety of materials including meteorites, samples of the moon, solar cell structures, polymers, thin-film semiconductors and other technologically relevant materials, in order to determine the origins of our solar system and the moon and the underlying physics of technologically relevant materials for solar cells and optical devices. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: December 19, 2014.

Docket Number: 14–038. Applicant: University of North Dakota, 243 Centennial Drive, Stop 8153, Grand Forks, ND 58202–8153. Instrument: Electron Microscope. Manufacturer: FEI Company, Czech Republic. Intended Use: The instrument will be used to understand ore mineralogy and texture from upstream ore characterization and metallurgical testing to mineral and drilling processing, as well as to create digital mineral and texture maps of cores, rocks, soil and sediment. The instrument will provide surficial topo-morphological image analysis, lithotype, porosity characteristics and texture properties, accompanying quantitative chemical composition analysis made possible by the equipped EDS detector. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: December 23, 2014.

Docket Number: 15–001. Applicant: University of Kentucky, 177 Anderson Tower, Lexington, KY 40506–0046. Instrument: Electron Microscope. Manufacturer: FEI Company, Czech Republic. Intended Use: The instrument will be used to characterize the structure and morphology of materials such as metals and alloys, ceramic materials, polymers, and biological samples. The instrument includes a Focused Ion Beam (FIB) column for milling away material and achieving

high spatial precision (2.5nm resolution for the FIB beam), as well as cutting cross-sectional trenches into samples for characterization of the internal structure. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: January 5, 2015.

Dated: January 13, 2015.

**Gregory W. Campbell,**

*Director of Subsidies Enforcement, Enforcement and Compliance.*

[FR Doc. 2015–00936 Filed 1–20–15; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### Proposed Information Collection; Comment Request; STORMREADY®, STORMREADY/TSUNAMIREADY™, AND STORMREADY® SUPPORTER Application Forms

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted on or before March 23, 2015.

**ADDRESSES:** Direct all written comments 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*).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Donna Franklin, (301) 427–9305 or *chris.maier@noaa.gov.*

**SUPPLEMENTARY INFORMATION:**

#### I. Abstract

StormReady and TsunamiReady are voluntary programs offered as a means of providing guidance and incentive to officials interested in improving their respective hazardous weather operations. The StormReady Application Form, Tsunami-Ready Application Form and TsunamiReady/StormReady Application Form are used by localities to apply for initial StormReady or TsunamiReady and StormReady recognition and renewal of that recognition every six years. The government will use the information collected to determine whether a community has met all of the criteria to receive StormReady and/or TsunamiReady recognition. In addition, businesses, schools, non-profit organizations and other non-governmental entities often establish severe weather safety plans and actively promote severe weather safety awareness activities but may not have the resources necessary to fulfill all the eligibility requirements to achieve the full StormReady recognition. These entities may apply through the StormReady Supporter program for recognition.

#### II. Method of Collection

Applications may be faxed, mailed or emailed.

#### III. Data

*OMB Control Number:* 0648–0419.

*Form Number(s):* None.

*Type of Review:* Regular submission (extension of a currently approved information collection).

*Affected Public:* Business or other for-profit organizations; not for profit institutions; state, local and tribal governments.

*Estimated Number of Respondents:* 265.

*Estimated Time per Response:* Initial applications, 2 hours; renewal applications, 1 hour.

*Estimated Total Annual Burden Hours:* 505.

*Estimated Total Annual Cost to Public:* $130 in recordkeeping/reporting costs.

#### IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 15, 2015.

**Glenna Mickelson,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 2015–00888 Filed 1–20–15; 8:45 am]

**BILLING CODE 3510–KE–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XD457**

### Atlantic Highly Migratory Species; Atlantic Shark Management Measures; 2015 Research Fishery

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of intent; request for applications.

**SUMMARY:** NMFS announces its second request for applications for the 2015 shark research fishery from commercial shark fishermen with directed or incidental shark limited access permits. In this second request, NMFS is specifically requesting applications only from commercial shark fishermen who are fishing or plan to fish in the Gulf of Mexico fishing region. The shark research fishery allows for the collection of fishery-dependent and biological data for future stock assessments to meet the shark research objectives of the Agency. The only commercial vessels authorized to land sandbar sharks are those participating in the shark research fishery. Shark research fishery permittees may also land other large coastal sharks (LCS), small coastal sharks (SCS), and pelagic sharks. Commercial shark fishermen who are interested in participating in the shark research fishery need to submit a completed Shark Research Fishery Permit Application in order to be considered.

**DATES:** Shark Research Fishery Applications must be received no later than 5 p.m., local time, on February 5, 2015.

**ADDRESSES:** Please submit completed applications to the HMS Management Division at:

- *Mail:* Attn: Guý DuBeck, HMS Management Division (F/SF1), NMFS, 1315 East-West Highway, Silver Spring, MD 20910.
- *Fax:* (301) 713–1917.

For copies of the Shark Research Fishery Permit Application, please write to the HMS Management Division at the address listed above, call (301) 427–8503 (phone), or fax a request to (301) 713–1917. Copies of the Shark Research Fishery Application are also available at the HMS Web site at *http://www.nmfs.noaa.gov/sfa/hms/index.htm.* Additionally, please be advised that your application may be released under the Freedom of Information Act.

**FOR FURTHER INFORMATION CONTACT:** Karyl Brewster-Geisz, Delisse Ortiz, or Guý DuBeck, at (301) 427–8503 (phone) or (301) 713–1917 (fax).

**SUPPLEMENTARY INFORMATION:** The Atlantic shark fisheries are managed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The 2006 Consolidated HMS Fishery Management Plan (FMP) is implemented by regulations at 50 CFR part 635.

The shark research fishery was established, in part, to maintain time series data for stock assessments and to meet NMFS' research objectives. Since the shark research fishery was established in 2008, the research fishery has allowed for: The collection of fishery dependent data for current and future stock assessments; the operation of cooperative research to meet NMFS' ongoing research objectives; the collection of updated life-history information used in the sandbar shark (and other species) stock assessment; the collection of data on habitat preferences that might help reduce fishery interactions through bycatch mitigation; and the evaluation of the utility of the mid-Atlantic closed area on the recovery of dusky sharks and collection of hook-timer and pop-up satellite archival tag (PSAT) information to determine at-vessel and post-release mortality of dusky sharks.

On October 31, 2014 (79 FR 64750), NMFS published a notice requesting applications for participation in the 2015 shark research fishery from commercial shark fishermen. NMFS received a total of seven applications, six of which were qualified participants distributed among four fishing regions: North Carolina, the east coast of Florida, the Florida Keys, and the South Atlantic. All six qualified applicants were selected to participate in the 2015 shark research fishery. However, none of the qualified applicants were located in the Gulf of Mexico fishing region. Given the need to collect information that will both aid future stock assessments and management measures in the Gulf of Mexico fishing region, NMFS is providing a second notice requesting applications from commercial shark fishermen who fish or plan to fish in the Gulf of Mexico region for participation in the 2015 shark research fishery. The October 2014 notice contains the relevant information about the shark research fishery application process, research objectives, selection criteria, and available quota, which remain applicable and are incorporated except as modified herein. The application deadline is being adjusted as specified in this notice to allow for additional applications. This notice also provides additional information about meetings and procedures for applicants selected through this second call for applications. For other background details, applicants should refer to the October 2014 notice.

The shark research fishery permit(s) issued to the fisherman fishing in the Gulf of Mexico region will have the same permit conditions as those issued in the other fishing regions. Those conditions will be discussed in a Captain's Meeting to be held in early January 2015 and announced in another notice.

In order to participate in the shark research fishery, commercial shark fishermen need to submit a completed Shark Research Fishery Application by the deadline noted above (see **DATES**) showing that the vessel and owner(s) meet the specific criteria outlined below.

## Research Objectives

The shark research fishery objectives were specified in the October 31, 2014 (79 FR 64750) notice requesting applications for participation in the 2015 shark research fishery from commercial shark fishermen and continue to apply.

## Selection Criteria

The shark research fishery selection criteria were specified in the October 31, 2014 (79 FR 64750) notice requesting applications for participation in the 2015 shark research fishery from commercial shark fishermen and continue to apply, except that applications are requested only from commercial fishermen who fish or plan to fish in the Gulf of Mexico fishing region.

## Selection Process

The shark research fishery selection process was specified in the October 31, 2014 (79 FR 64750) notice requesting applications for participation in the 2015 shark research fishery from commercial shark fishermen and applies here except as specified herein.

Once the selection process is complete, NMFS will notify the selected applicants and issue the shark research fishery permits. The shark research fishery permits will be valid only in calendar year 2015. NMFS held mandatory permit holders' meetings before observers were placed on vessels in both 2013 (78 FR 14515; March 6, 2013) and 2014 (79 FR 12155; March 4, 2014). NMFS intends to hold another such meeting again in January 2015 for commercial fishermen who have already been selected and issued a 2015 shark research fishery permit. Applicants selected for the Gulf of Mexico fishing region through this notice are encouraged to call in and listen to the discussion. Once the selected participant(s) from the Gulf of Mexico region has been issued a 2015 shark research fishery permit, NMFS will contact them to discuss the research objectives and protocols of the 2015 shark research fishery to minimize any delays in collecting information in the Gulf of Mexico fishing region and to update them with information from permit holders' meeting as appropriate. Once the fishery starts, the shark research fishery permit holders must contact the NMFS observer coordinator to arrange the placement of a NMFS-approved observer for each shark research trip.

A shark research fishery permit will only be valid for the vessel and owner(s) and terms and conditions listed on the permit, and, thus, cannot be transferred to another vessel or owner(s). Issuance of a shark research permit does not guarantee that the permit holder will be assigned a NMFS-approved observer on any particular trip. Rather, issuance indicates that a vessel may be issued a NMFS-approved observer for a particular trip, and on such trips, may be allowed to harvest Atlantic sharks, including sandbar sharks, in excess of the retention limits described in 50 CFR 635.24(a). These retention limits will be based on available quota, number of vessels participating in the 2015 shark research fishery, the research objectives set forth by the shark board, the extent of other restrictions placed on the vessel, and may vary by vessel and/or location. When not operating under the auspices of the shark research fishery, the vessel would still be able to land LCS, SCS, and pelagic sharks subject to existing retention limits on trips without a NMFS-approved observer.

NMFS annually invites commercial shark permit holders (directed and incidental) to submit an application to participate in the shark research fishery.

Permit applications can be found on the HMS Management Division's Web site at *http://www.nmfs.noaa.gov/sfa/hms/index.htm* or by calling (301) 427–8503. Final decisions on the issuance of a shark research fishery permit will depend on the submission of all required information by the deadline (see **DATES**), and NMFS' review of applicant information as outlined above. The 2015 shark research fishery will start after the opening of the shark fishery and under available quotas as published in a separate **Federal Register** final rule.

Dated: January 14, 2015.

**Emily H. Menashes,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2015–00808 Filed 1–20–15; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### U.S. Court of Appeals for the Armed Forces Code Committee; Meeting

**ACTION:** Notice of Public Meeting.

**SUMMARY:** This notice announces the forthcoming public meeting of the Code Committee.

**FOR FURTHER INFORMATION CONTACT:** William A. DeCicco, Clerk of Court, United States Court of Appeals for the Armed Forces, 450 E Street NW., Washington, DC 20442–0001, telephone (202) 761–1448.

**SUPPLEMENTARY INFORMATION:** The Code Committee was established by Article 146(a), Uniform Code of Military Justice, 10 U.S.C. 946(a), to be held at the Courthouse of the United States Court of Appeals for the Armed Forces, 450 E Street NW., Washington, DC 20442–0001, at 10:00 a.m. on Tuesday, March 3, 2015. The agenda for this meeting will include consideration of proposed changes to the Uniform Code of Military Justice and the Manual for Courts-Martial, United States, and other matters relating to the operation of the Uniform Code of Military Justice throughout the Armed Forces.

Dated: January 14, 2015.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2015–00829 Filed 1–20–15; 8:45 am]

**BILLING CODE 5001–06–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

**[Docket ID DoD–2015–OS–0003]**

### Privacy Act of 1974; System of Records

**AGENCY:** Defense Contract Audit Agency, DoD.

**ACTION:** Notice to amend a System of Records.

**SUMMARY:** The Defense Contract Audit Agency is amending system of records notice, RDCAA 590.8, entitled ''DCAA Management Information System (DMIS)'' in its existing inventory of record systems subject to the Privacy Act of 1974, as amended. This system is used to provide managers, supervisors, and team members with timely, on-line information regarding audit requirements, programs, and performance.

**DATES:** Comments will be accepted on or before February 20, 2015. This proposed action will be effective on the date following the end of the comment period unless comments are received which result in a contrary determination.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

- Federal Rulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- Mail: Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** Mr. Keith Mastromichalis, DCAA FOIA/Privacy Act Management Analyst, 8725 John J. Kingman Road, Suite 2135, Fort Belvoir, VA 22060–6219, Telephone number: (703) 767–1022

**SUPPLEMENTARY INFORMATION:** The Defense Contract Audit Agency systems of records notices subject to the Privacy Act of 1974, as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or from the Defense Privacy and Civil Liberties Division Web site at *http://dpcld.defense.gov/.* The proposed changes to the record systems being amended are set forth below. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: January 15, 2015.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

**RDCAA 590.8**

**SYSTEM NAME:**

DCAA Management Information System (DMIS) (March 5, 2013, 78 FR 14284).

**CHANGES:**

* * * * *

**SYSTEM LOCATION:**

Delete entry and replace with ''Defense Contract Audit Agency, 8725 John J. Kingman Road, Suite 2135, Fort Belvoir, VA 22060–6219.''

* * * * *

**SYSTEM MANAGER(S) AND ADDRESS:**

Delete entry and replace with ''Chief, Information Technology Division, Defense Contract Audit Agency, 8725 John J. Kingman Road, Suite 2135, Fort Belvoir, VA 22060–6219.''

**NOTIFICATION PROCEDURES:**

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Information Technology Division, System Design and Development Branch, Defense Contract Audit Agency, 8725 John J. Kingman Road, Suite 2135, Fort Belvoir, VA 22060–6219.

Individuals must furnish name, Social Security Number, approximate date of record, and geographic area in which consideration was requested for record to be located and identified.

Official mailing addresses are published as an appendix to the DCAA's compilation of systems notices.''

**RECORD ACCESS PROCEDURES:**

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Information Technology Division, Defense Contract Audit Agency, 8725 John J. Kingman Road, Suite 2135, Fort Belvoir, VA 22060–6219.

Individuals must furnish name, Social Security Number, approximate date of record, and geographic area in which consideration was requested for record to be located and identified.''

* * * * *

[FR Doc. 2015–00892 Filed 1–20–15; 8:45 am]

BILLING CODE 5001–06–P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

**[Docket ID DoD–2015–OS–0002]**

### Privacy Act of 1974; System of Records

**AGENCY:** Defense Finance and Accounting Office, DoD.

**ACTION:** Notice to amend a System of Records.

**SUMMARY:** The Defense Finance and Accounting Service proposes to amend a system of records, T1025, entitled ''Mentoring Program'' in its inventory of record systems subject to the Privacy Act of 1974, as amended. This system provides DFAS civilian employees with an automated mentoring system which will match mentees with potential mentors based on mentee need and mentor capabilities and experience. The system will facilitate the tracking and management of the DFAS mentoring relationship.

**DATES:** Comments will be accepted on or before February 20, 2015. This proposed action will be effective on the date following the end of the comment period unless comments are received which result in a contrary determination.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

• Federal Rulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.

• Mail: Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** Mr. Gregory L. Outlaw, Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–HKC/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150 or at (317) 212–4591.

**SUPPLEMENTARY INFORMATION:** The Defense Finance and Accounting Service notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or from the Defense Privacy and Civil Liberties Division Web site at *http://dpcld.defense.gov/.*

Dated: January 15, 2015.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

**T1025**

**SYSTEM NAME:**

Mentoring Program (July 12, 2013, 78 FR 41917).

**CHANGES:**

* * * * *

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Delete entry and replace with ''Individual's full name, email address, work phone, location, organization, job series and grade, years of experience at DFAS and total years of work experience.''

* * * * *

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Delete entry and replace with ''In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, these records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD Blanket Routine Uses published at the beginning of the DFAS compilation of record system notices may apply to this system.''

* * * * *

**RETENTION AND DISPOSAL:**

Delete entry and replace with ''Destroy when 5 years old or when superseded or obsolete, whichever is sooner.''

* * * * *

[FR Doc. 2015–00889 Filed 1–20–15; 8:45 am]

BILLING CODE 5001–06–P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

**[Docket ID: DoD–2015–OS–0001]**

### Privacy Act of 1974; System of Records

**AGENCY:** Defense Finance and Accounting Service, DoD.

**ACTION:** Notice to add a new System of Records.

**SUMMARY:** The Defense Finance and Accounting Service proposes to add a new system of records, T7347, entitled ''Adoption Reimbursement System'' to its inventory of record systems subject to the Privacy Act of 1974, as amended. The Adoption Reimbursement System is a web-based application used to input and approve military adoption reimbursement claims. This system will facilitate account maintenance, enable updates for multiple adoptions and make accurate payments.

**DATES:** Comments will be accepted on or before February 20, 2015. This proposed action will be effective the day following the end of the comment period unless comments are received which result in a contrary determination.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

* *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

* *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

*Instructions:* All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** Mr. Gregory Outlaw, Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–HKC/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150 or at (317) 510–4591.

**SUPPLEMENTARY INFORMATION:** The Defense Finance and Accounting Service notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been

published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or from the Defense Privacy and Civil Liberties Office at *http://dpcld.defense.gov.*

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on December 9, 2014, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: January 15, 2015.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

**T7347**

**SYSTEM NAME:**

Adoption Reimbursement System

**SYSTEM LOCATION:**

Defense Finance and Accounting Service-Cleveland, 1240 East 9th Street, Cleveland, OH 44199–2055.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Active Duty members of the Army, Navy, Air Force and Marine Corps.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Individual's full name, Social Security Number (SSN), marital status, pay grade, branch of service, amount paid member, address, country, in service spouse, and bank account number. If the ''in service spouse'' option is chosen, then the spouse's Social Security Number (SSN), full name, and branch of service is included.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

10 U.S.C. Code 1052, Adoption Expenses: Reimbursement; (DoDFMR) 7000.14–R, Volume 7A, Chapter 4, Department of Defense Financial Management Regulation, Reimbursement of Adoption Expenses; DoDI 1341.9, DoD Adoption Reimbursement Policy; 5 U.S.C. 301, Departmental Regulation; and E.O. 9397 (SSN), as amended.

**PURPOSE(S):**

The Adoption Reimbursement System is a web-based application used to input and approve military adoption reimbursement claims. The records facilitate account maintenance, enable updates for multiple adoptions and make accurate payments.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, these records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To the Federal Reserve banks to distribute payments made through the direct deposit system to financial organizations or their processing agents authorized by individuals to receive and deposit payments in their accounts.

The DoD Blanket Routine Uses published at the beginning of the DFAS compilation of systems of records notices may also apply to this system.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Electronic storage media and paper copies.

**RETRIEVABILITY:**

Retrieved by name and/or SSN.

**SAFEGUARDS:**

Records are maintained in a controlled facility. Physical entry is restricted by the use of locks, guards, and is accessible only to authorized personnel. Access to records is limited to person(s) responsible for servicing the record in performance of their official duties and who are properly screened and cleared for need-to-know. A System Authorization Access Request (SAAR) must be submitted and screened before any access is approved. Access to computerized data is restricted by passwords, which are changed according to agency security policy.

**RETENTION AND DISPOSAL:**

Records are cut off at the end of the fiscal year and destroyed 6 years and 3 months after the later of either closure of appropriate account or liquidation of all obligations in the closed account.

**SYSTEM MANAGER(S) AND ADDRESS:**

System Manager, Defense Finance and Accounting Service-Cleveland, 1240 East 9th Street, Cleveland, OH 44199–2055.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine whether information about themselves is contained in this record system should address written inquiries to the Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–ZCF/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150.

Requests should contain individual's full name, SSN for verification, current address to reply, and provide a reasonable description of what they are seeking.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to information about themselves contained in this record system should address written inquiries to Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–ZCF/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150.

Requests should contain individual's full name, SSN for verification, current address to reply, and telephone number.

**CONTESTING RECORD PROCEDURES:**

The Defense Finance and Accounting Service (DFAS) rules for accessing records, for contesting contents and appealing initial agency determinations are published in Defense Finance and Accounting Service Regulation 5400.11–R, 32 CFR 324; or may be obtained from the Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–ZCF/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150.

**RECORD SOURCE CATEGORIES:**

From the individual.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

[FR Doc. 2015–00884 Filed 1–20–15; 8:45 am]

BILLING CODE 5001–06–P

## DEPARTMENT OF DEFENSE

### Department of the Air Force

### U.S. Air Force Scientific Advisory Board; Notice of Meeting

**AGENCY:** Air Force Scientific Advisory Board, Department of the Air Force, DoD.

**ACTION:** Meeting Notice.

**SUMMARY:** Under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150, the Department of Defense announces that the United States Air Force (USAF) Scientific Advisory Board (SAB) Winter Board meeting will take place on 27 January 2015 at the Secretary of the Air Force Technical and Analytical Support

Conference Center, 1550 Crystal Drive, Arlington, VA 22202. The meeting will occur from 8:00 a.m.–4:30 p.m. on Tuesday, 27 January 2015. The sessions open to the *general public* will be held from 8:00 a.m. to 8:45 a.m. and 10:00 a.m. to 12:00 p.m. on 27 January 2014. The purpose of this Air Force Scientific Advisory Board quarterly meeting is to officially commence FY15 SAB studies, which consist of: (1) Cyber Vulnerabilities of Embedded Systems on Air And Space Systems, (2) Enhanced Utility of Unmanned Air Vehicles In Contested and Denied Environments, (3) Utility of Quantum Systems for the Air Force. In accordance with 5 U.S.C. 552b, as amended, and 41 CFR 102–3.155, a number of sessions of the USAF SAB Winter Board meeting will be closed to the public because they will discuss classified information and matters covered by section 5 U.S.C. 552b(c)(1).

Any member of the public that wishes to attend this meeting or provide input to the USAF SAB must contact the Designated Federal Officer at the phone number or email address listed below at least five working days prior to the meeting date. Please ensure that you submit your written statement in accordance with 41 CFR 102–3.140(c) and section 10(a)(3) of the Federal Advisory Committee Act. Statements being submitted in response to the agenda mentioned in this notice must be received by the Designated Federal Officer at the address listed below at least five (5) calendar days prior to the meeting commencement date. The Designated Federal Officer will review all timely submissions and respond to them prior to the start of the meeting identified in this notice. Written statements received after this date may not be considered by the USAF SAB until the next scheduled meeting.

**FOR FURTHER INFORMATION CONTACT:** The USAF SAB Executive Director and Designated Federal Officer, Lt Col Tilghman Rittenhouse at, *tilghman.l.rittenhouse.mil@mail.mil* or 240–612–5502, or the meeting organizer Major Mike Rigoni at, *michael.j.rigoni.mil@mail.mil* or 240–612–5504, United States Air Force Scientific Advisory Board, 1500 West Perimeter Road, Ste. #3300, Joint Base Andrews, MD 20762. Air Force Federal Register Liaison Officer.

**Henry Williams,**

*Acting Air Force Federal Register Liaison Officer, Civ, Department of the Air Force.*

[FR Doc. 2015–00840 Filed 1–20–15; 8:45 am]

**BILLING CODE 5001–10–P**

## DEPARTMENT OF DEFENSE

### Department of the Army; Corps of Engineers

### Inland Waterways Users Board Meeting Notice

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of open Federal advisory committee meeting.

**SUMMARY:** The Department of the Army is publishing this notice to announce the following Federal advisory committee meeting of the U.S. Army Corps of Engineers, Inland Waterways Users Board (Board). This meeting is open to the public. For additional information about the Board, please visit the committee's Web site at *http://www.iwr.usace.army.mil/Missions/Navigation/InlandWaterwaysUsersBoard.aspx.*

**DATES:** The Army Corps of Engineers, Inland Waterways Users Board will meet from 9:00 a.m. to 1:00 p.m. on February 25, 2015. Public registration will begin at 8:15 a.m.

**ADDRESSES:** The Board meeting will be conducted at the Sheraton Birmingham Hotel, 2101 Richard Arrington Jr. Boulevard North, Birmingham, AL 35203 at 205–324–5000, or *http://www.sheratonbirmingham.com.*

**FOR FURTHER INFORMATION CONTACT:** Mr. Mark R. Pointon, the Designated Federal Officer (DFO) for the committee, in writing at the Institute for Water Resources, U.S. Army Corps of Engineers, ATTN: CEIWR–GM, 7701 Telegraph Road, Casey Building, Alexandria, VA 22315–3868; by telephone at 703–428–6438; and by email at *Mark.Pointon@usace.army.mil.* Alternatively, contact Mr. Kenneth E. Lichtman, the Alternate Designated Federal Officer (ADFO), in writing at the Institute for Water Resources, U.S. Army Corps of Engineers, ATTN: CEIWR–GW, 7701 Telegraph Road, Casey Building, Alexandria, VA 22315–3868; by telephone at 703–428–8083; and by email at *Kenneth.E.Lichtman@usace.army.mil.*

**SUPPLEMENTARY INFORMATION:** The committee meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

*Purpose of the Meeting:* The Board is chartered to provide independent advice and recommendations to the Secretary of the Army on construction and rehabilitation project investments on the commercial navigation features of the inland waterways system of the United States. At this meeting, the Board will receive briefings and presentations regarding the investments, projects and status of the inland waterways system of the United States and conduct discussions and deliberations on those matters. The Board is interested in written and verbal comments from the public relevant to these purposes.

*Proposed Agenda:* At this meeting the agenda will include the status of funding for inland navigation projects and studies, the status of the Inland Waterways Trust Fund, the status and path forward for the Olmsted Locks and Dam Project, status and path forward for the Locks and Dams 2, 3, and 4 Monongahela River Project, Chickamauga Lock Project Efficient Funding, an update on the Inland Marine Transportation System (IMTS) Investment Program (Capital Projects Business Model), Lock Performance Monitoring System (LPMS) Data and Lock Outage Reporting Process, Inner Harbor Navigation Canal Lock Financial Data, and the Board's 2014 Annual Report.

*Availability of Materials for the Meeting.* A copy of the agenda or any updates to the agenda for the February 25, 2015 meeting will be available at the meeting. The final version will be provided at the meeting. All materials will be posted to the Web site after the meeting.

*Public Accessibility to the Meeting:* Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.1 65, and subject to the availability of space, this meeting is open to the public. Registration of members of the public who wish to attend the meeting will begin at 8:15 a.m. on the day of the meeting. Seating is limited and is on a first-to-arrive basis. Attendees will be asked to provide their name, title, affiliation, and contact information to include email address and daytime telephone number at registration. Any interested person may attend the meeting, file written comments or statements with the committee, or make verbal comments from the floor during the public meeting, at the times, and in the manner, permitted by the committee, as set forth below.

*Special Accommodations:* The meeting venue is fully handicap accessible, with wheelchair access. Individuals requiring special accommodations to access the public meeting or seeking additional information about public access procedures, should contact Mr. Pointon,

the committee DFO, or Mr. Lichtman, the ADFO, at the email addresses or telephone numbers listed in the **FOR FURTHER INFORMATION CONTACT** section, at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

*Written Comments or Statements:* Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may submit written comments or statements to the Board about its mission and/or the topics to be addressed in this public meeting. Written comments or statements should be submitted to Mr. Pointon, the committee DFO, or Mr. Lichtman, the committee ADFO, via electronic mail, the preferred mode of submission, at the addresses listed in the **FOR FURTHER INFORMATION CONTACT** section in the following formats: Adobe Acrobat or Microsoft Word. The comment or statement must include the author's name, title, affiliation, address, and daytime telephone number. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the committee DFO or ADFO at least five (5) business days prior to the meeting so that they may be made available to the Board for its consideration prior to the meeting. Written comments or statements received after this date may not be provided to the Board until its next meeting. Please note that because the Board operates under the provisions of the Federal Advisory Committee Act, as amended, all written comments will be treated as public documents and will be made available for public inspection.

*Verbal Comments:* Members of the public will be permitted to make verbal comments during the Board meeting only at the time and in the manner allowed herein. If a member of the public is interested in making a verbal comment at the open meeting, that individual must submit a request, with a brief statement of the subject matter to be addressed by the comment, at least three (3) business days in advance to the committee DFO or ADFO, via electronic mail, the preferred mode of submission, at the addresses listed in the **FOR FURTHER INFORMATION CONTACT** section. The committee DFO and ADFO will log each request to make a comment, in the order received, and determine whether the subject matter of each comment is relevant to the Board's mission and/or the topics to be addressed in this public meeting. A 15-minute period near the end of meeting will be available for verbal public comments. Members of the public who have requested to make a verbal comment and whose comments have been deemed relevant under the process described above, will be allotted no more than three (3) minutes during this period, and will be invited to speak in the order in which their requests were received by the DFO and ADFO.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

[FR Doc. 2015–00831 Filed 1–20–15; 8:45 am]

**BILLING CODE 3720–58–P**

## DEPARTMENT OF EDUCATION

**[Docket No.: ED–2015–ICCD–0007]**

## Agency Information Collection Activities; Comment Request; Reaffirmation Agreement

**AGENCY:** Office of Postsecondary Education (OPE), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), ED is proposing a new information collection.

**DATES:** Interested persons are invited to submit comments on or before March 23, 2015.

**ADDRESSES:** Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2015–ICCD–0007 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E103, Washington, DC 20202.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Beth Grebeldinger, 202–377–4018.

**SUPPLEMENTARY INFORMATION:** The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

*Title of Collection:* Reaffirmation Agreement.

*OMB Control Number:* 1845–NEW.

*Type of Review:* A new information collection.

*Respondents/Affected Public:* Individuals or Households.

*Total Estimated Number of Annual Responses:* 14,440.

*Total Estimated Number of Annual Burden Hours:* 1,115.

*Abstract:* The HEA provides for a maximum amount that a borrower can receive per year and in total. If a borrower receives more than one of these maximum amounts, the borrower is rendered ineligible for further title IV aid (including Federal Pell Grants, Federal Supplemental Educational Opportunity Grants, Federal Work-Study, and Teacher Education Assistance for Higher Education (TEACH) Grants) unless the borrower repays the excess amount or agreed to repay the excess amount according to the terms and conditions of the promissory note that the borrower signed. Agreeing to repay the excess amount according to the terms and conditions of the promissory note that the borrower signed is called ''reaffirmation'', which is the subject of this collection.

Dated: January 14, 2015.

**Kate Mullan,**

*Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.*

[FR Doc. 2015–00788 Filed 1–20–15; 8:45 am]

BILLING CODE 4000–01–P

## DEPARTMENT OF ENERGY

### State Energy Advisory Board; Notice of Open Teleconference

**AGENCY:** Office of Energy Efficiency and Renewable Energy, Department of Energy.

**ACTION:** Notice of Open Teleconference.

**SUMMARY:** This notice announces a teleconference call of the State Energy Advisory Board (STEAB). The Federal Advisory Committee Act (Pub. L. 92–463; 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

**DATES:** Thursday, February 19th 2015 from 3:30 p.m. to 4:00 p.m. (ET). To receive the call-in number and passcode, please contact the Board's Designated Federal Officer at the address or phone number listed below.

**FOR FURTHER INFORMATION CONTACT:** Monica Neukomm, Policy Advisor, Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585. Phone number 202–287–5189, and email *moinca.neukomm@ee.doe.gov.*

**SUPPLEMENTARY INFORMATION:**

*Purpose of the Board:* To make recommendations to the Assistant Secretary for the Office of Energy Efficiency and Renewable Energy regarding goals and objectives, programmatic and administrative policies, and to otherwise carry out the Board's responsibilities as designated in the State Energy Efficiency Programs Improvement Act of 1990 (Pub. L. 101–440).

*Tentative Agenda:* Receive STEAB Task Force updates on action items and revised objectives for FY 2015, discuss follow-up discussion opportunities and engagement with EERE staff who participated in the January meeting, discuss upcoming FY 2015 Board meetings, and receive updates on member activities within their states.

*Public Participation:* The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Monica Neukomm at the address or telephone number listed above. Requests to make oral comments must be received five days prior to the meeting; reasonable provision will be made to include requested topic(s) on the agenda. The Chair of the Board is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

*Minutes:* The minutes of the meeting will be available for public review and copying within 60 days on the STEAB Web site at: *www.steab.org.*

Issued at Washington, DC, on January 14, 2015.

**LaTanya R. Butler,**

*Deputy Committee Management Officer.*

[FR Doc. 2015–00895 Filed 1–20–15; 8:45 am]

BILLING CODE 6450–01–P

## DEPARTMENT OF ENERGY

### Quadrennial Technology Review Framing Document

**AGENCY:** Office of the Under Secretary for Science and Energy, Quadrennial Technology Review Task Force, Department of Energy.

**ACTION:** Notice of availability and request for public comment.

**SUMMARY:** The U.S. Department of Energy (DOE or Department) has initiated the second Quadrennial Technology Review (QTR). The DOE–QTR–2015 Framing Document has been developed as a principle means of facilitating stakeholder engagement in the QTR process. The framing document describes the Nation's energy landscape and challenges, important research, development, demonstration and deployment (RDD&D) opportunities across energy supply and end-uses in working towards addressing U.S. energy-linked economic, environmental, and national security challenges. The insight gained from QTR process will provide essential information for decision-makers as they develop funding decisions, approaches to public-private partnerships, and other strategic actions over the next five years.

**DATES:** Written comments should be submitted on or before February 20, 2015.

**ADDRESSES:** A copy of the framing document can be found at *http://www.energy.gov/qtr.*

Comments may be submitted electronically to: *DOE-QTR2015@hq.doe.gov* or by U.S. mail to the Office of the Under Secretary of Science and Energy, S–4, QTR Meeting Comments, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585–0121.

**FOR FURTHER INFORMATION CONTACT:** Dr. Sam Baldwin, S–4, U.S. Department of Energy, Office of the Under Secretary for Science and Energy, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–0927. Email: *DOE-QTR2015@hq.doe.gov.*

**SUPPLEMENTARY INFORMATION:** The nation faces serious energy-linked economic, environmental, and security challenges. Addressing these challenges requires an aggressive plan for our science and energy enterprise while ensuring that America maintains its leadership in a broad range of science and technology activities. These activities include basic and applied research in the physical sciences, developing the next generation of computational technology and developing and maintaining world class scientific user facilities. The output of the QTR process will be coordinated with the Quadrennial Energy Review (QER). These planning products will build and extend existing strategic, program and budget planning activities within the Science and Energy offices and are expected to inform ongoing budget discussions.

The QTR 2015, focusing on DOE energy technology RDD&D activities, builds upon the first QTR in 2011, and complements the work of the QER, which focuses on government-wide energy policy. The 2011 QTR was developed in response to the Report to the President on ''Accelerating the Pace of Change in Energy Technologies through an Integrated Federal Energy Policy'' by the President's Council of Advisors on Science and Technology. The first QTR defined a framework for understanding and discussing energy system challenges, established a set of priorities for the Department, and explained to stakeholders the roles of DOE and the national laboratories, the broader government, the private sector, academia, and innovation in energy transformation.

QTR 2015 will describe the nation's energy landscape and the dramatic changes that have taken place in the last four years. Specifically, it will begin by building on the first QTR and identifying what has changed in the technologies reviewed within it since 2011. It will then identify the RDD&D activities, opportunities, and pathways forward to help address our national energy challenges. QTR 2015 will approach the analysis from a strong systems perspective, it will explore the integration of science and energy technology RDD&D, it will examine cross-cutting technology RDD&D, and it

will conduct an integrated analysis of RDD&D opportunities.

The Department of Energy has the largest role in the Federal Government in conducting energy RDD&D. Many other executive departments and agencies also play important roles in developing and implementing energy RDD&D. In addition, non-Federal actors are crucial contributors to energy RDD&D.

*Submitting comments via email.* Any contact information provided in your email submission will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). Your contact information will be publicly viewable if you include it in the comment itself or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Otherwise, persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information in a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. If you submit via mail or hand delivery/courier, please provide all items on a CD, if feasible, in which case it is not necessary to submit printed copies. No telefacsimiles (faxes) will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, written in English, and are free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

*Confidential Business Information.* Pursuant to *10 CFR 1004.11,* any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email, postal mail, or hand delivery/courier two well-marked copies: One copy of the document marked ''confidential'' including all the information believed to be confidential, and one copy of the document marked ''non-confidential'' with the information believed to be confidential deleted. Submit these documents via email or on a CD, if feasible. DOE will make its own determination about the confidential status of the information and treat it according to its determination. Confidential information should be submitted to the Confidential QTR email address: *DOE-QTR2015-Confidential@hq.doe.gov.*

Factors of interest to DOE when evaluating requests to treat submitted information as confidential include: (1) A description of the items; (2) whether and why such items are customarily treated as confidential within the industry; (3) whether the information is generally known by or available from other sources; (4) whether the information has previously been made available to others without obligation concerning its confidentiality; (5) an explanation of the competitive injury to the submitting person which would result from public disclosure; (6) when such information might lose its confidential character due to the passage of time; and (7) why disclosure of the information would be contrary to the public interest. It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

Issued in Washington, DC on January 13, 2015.

**Michael L. Knotek,**

*Deputy Under Secretary for Science and Energy, Office of the Under Secretary for Science and Energy.*

[FR Doc. 2015–00893 Filed 1–20–15; 8:45 am]

**BILLING CODE 6450–01–P**

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

**Filings Instituting Proceedings**

*Docket Numbers:* RP15–334–000.

*Applicants:* Iroquois Gas Transmission System, L.P.

*Description:* Section 4(d) rate filing per 154.204: 01/13/15 Negotiated Rates—ConEdison Energy Inc. (HUB) 2275–89 to be effective 1/12/2015.

*Filed Date:* 1/13/15.

*Accession Number:* 20150113–5033.

*Comments Due:* 5 p.m. ET 1/26/15.

*Docket Numbers:* RP15–335–000.

*Applicants:* Kern River Gas Transmission Company.

*Description:* Section 4(d) rate filing per 154.204: 2015 Third Revised Volume No. 1 Title Page Change to be effective 1/14/2015.

*Filed Date:* 1/13/15.

*Accession Number:* 20150113–5041.

*Comments Due:* 5 p.m. ET 1/26/15.

*Docket Numbers:* RP15–336–000.

*Applicants:* Northern Natural Gas Company.

*Description:* Section 4(d) rate filing per 154.204: 20150113 Contact Information Change to be effective 1/14/2015.

*Filed Date:* 1/13/15.

*Accession Number:* 20150113–5063.

*Comments Due:* 5 p.m. ET 1/26/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 14, 2015.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2015–00796 Filed 1–20–15; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. EL00–95–281]**

### San Diego Gas & Electric Company v. Sellers of Energy and Ancillary Services Into Markets Operated by the California Independent System Operator Corporation and the California Power Exchange; Notice of Compliance Filing

Take notice that on January 9, 2015, APX, Inc. submitted a compliance filing pursuant to the Commission's Opinion No. 536.[1]

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

*Comment Date:* 5:00 p.m. Eastern Time on January 30, 2015.

Dated: January 12, 2015.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2015–00805 Filed 1–20–15; 8:45 am]

BILLING CODE 6717–01–P

[1] *San Diego Gas & Elec. Co.* v. *Sellers of Energy and Ancillary Services Into Markets Operated by the California Independent System Operator and the California Power Exchange.,* 149 FERC ¶ 61,116 (2014) (Opinion No. 536).

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. EL00–95–281]**

### San Diego Gas & Electric Company v. Sellers of Energy and Ancillary Services Into Markets Operated by the California Independent System Operator Corporation and the California Power Exchange; Notice of Compliance Filing

Take notice that on January 9, 2015, Illinova Energy Partners, Inc. submitted a compliance filing pursuant to the Commission's Opinion No. 536.[1]

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

*Comment Date:* 5:00 p.m. Eastern Time on January 30, 2015.

Dated: January 12, 2015.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2015–00806 Filed 1–20–15; 8:45 am]

BILLING CODE 6717–01–P

[1] *San Diego Gas & Elec. Co.* v. *Sellers of Energy and Ancillary Services Into Markets Operated by the California Independent System Operator and the California Power Exchange.,* 149 FERC ¶ 61,116 (2014) (Opinion No. 536).

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. EL00–95–281]**

### San Diego Gas & Electric Company v. Sellers of Energy and Ancillary Services Into Markets Operated by the California Independent System Operator Corporation and the California Power Exchange; Notice of Compliance Filing

Take notice that on January 9, 2015, MPS Merchant Services, Inc. submitted a compliance filing pursuant to the Commission's Opinion No. 536.[1]

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for electronic review in the Commission's Public Reference Room in Washington,

[1] *San Diego Gas & Elec. Co.* v. *Sellers of Energy and Ancillary Services Into Markets Operated by the California Independent System Operator and the California Power Exchange.,* 149 FERC ¶ 61,116 (2014) (Opinion No. 536).

DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

*Comment Date:* 5:00 p.m. Eastern Time on January 30, 2015.

Dated: January 12, 2015.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2015–00804 Filed 1–20–15; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. EL00–95–281**

### San Diego Gas & Electric Company v. Sellers of Energy and Ancillary Services Into Markets Operated by the California Independent System Operator Corporation and the California Power Exchange; Notice of Compliance Filing

Take notice that on January 12, 2015, Koch Energy Trading, Inc. submitted a compliance filing pursuant to the Commission's Opinion No. 536.[1]

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

*Comment Date:* 5:00 p.m. Eastern Time on February 2, 2015.

Dated: January 12, 2015.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2015–00803 Filed 1–20–15; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Sunshine Act Meeting Notice

**DATES:** January 15, 2015.

The following notice of meeting is published pursuant to section 3(a) of the government in the Sunshine Act (Pub. L. 94–409), 5 U.S.C. 552b:

**AGENCY HOLDING MEETING:** Federal Energy Regulatory Commission.

**DATE AND TIME:** January 22, 2015 10:00 a.m.

**PLACE:** Room 2C, 888 First Street NE., Washington, DC 20426.

**STATUS:** OPEN.

**MATTERS TO BE CONSIDERED:** Agenda.

* NOTE—Items listed on the agenda may be deleted without further notice.

**CONTACT PERSON FOR MORE INFORMATION:** Kimberly D. Bose, Secretary, Telephone (202) 502–8400.

For a recorded message listing items struck from or added to the meeting, call (202) 502–8627.

This is a list of matters to be considered by the Commission. It does not include a listing of all documents relevant to the items on the agenda. All public documents, however, may be viewed on line at the Commission's Web site at *http://www.ferc.gov* using the eLibrary link, or may be examined in the Commission's Public Reference Room.

1012TH—MEETING, REGULAR MEETING

[January 22, 2015, 10:00 am]

| Item No. | Docket No. | Company |
|---|---|---|
| | | **ADMINISTRATIVE** |
| A–1 | AD02–1–000 | Agency Business Matters. |
| A–2 | AD02–7–000 | Customer Matters, Reliability, Security and Market Operations. |
| A–3 | AD14–3–000 | Coordination Across the PJM/MISO Seam. |
| | | **ELECTRIC** |
| E–1 | ER13–1922–000 | Duke Energy Carolinas, LLC. |
| | | Duke Energy Florida, Inc. |
| | ER13–1929–000 | Florida Power & Light Company. |
| | ER13–1932–000 | Tampa Electric Company. |
| | NJ13–11–000 | Orlando Utilities Commission. |
| | ER13–1928–000 | Duke Energy Carolinas, LLC. |
| | | Duke Energy Progress, Inc. |
| | ER13–1930–000 | Louisville Gas and Electric Company. |
| | ER13–1940–000 | Ohio Valley Electric Corporation. |
| | ER13–1941–000 | Alabama Power Company. |

[1] *San Diego Gas & Elec. Co.* v. *Sellers of Energy and Ancillary Services Into Markets Operated by the California Independent System Operator and the California Power Exchange.,* 149 FERC ¶ 61,116 (2014) (Opinion No. 536).

1012TH—MEETING, REGULAR MEETING—Continued

[January 22, 2015, 10:00 am]

| Item No. | Docket No. | Company |
|---|---|---|
| | ER13–1935–000 | South Carolina Electric & Gas Company. |
| E–2 | ER13–1923–000 | Midcontinent Independent System Operator, Inc. |
| | ER13–1928–000 | Duke Energy Carolinas, LLC |
| | | Duke Energy Progress, Inc. |
| | ER13–1930–000 | Louisville Gas and Electric Company. |
| | ER13–1940–000 | Ohio Valley Electric Corporation. |
| | ER13–1941–000 | Alabama Power Company. |
| | ER13–1945–000 | Midcontinent Independent System Operator, Inc. |
| | ER13–1955–000 | Entergy Services, Inc. |
| | ER13–1956–000 | Cleco Power LLC. |
| | (not consolidated). | |
| E–3 | ER13–1927–000 | PJM Interconnection, L.L.C. |
| | | Duquesne Light Company. |
| | ER13–1936–000 | PJM Interconnection, L.L.C. |
| | ER13–1928–000 | Duke Energy Carolinas, LLC. |
| | | Duke Energy Progress, Inc. |
| | ER13–1930–000 | Louisville Gas and Electric Company. |
| | ER13–1940–000 | Ohio Valley Electric Corporation. |
| | ER13–1941–000 | Alabama Power Company. |
| E–4 | PL15–3–000 | Policy Statement on Hold Harmless Commitments. |
| E–5 | RM14–8–000 | Protection System Maintenance Reliability Standard. |
| E–6 | OMITTED. | |
| E–7 | EL15–6–000 | PáTu Wind Farm LLC v. Portland General Electric Company. |
| | QF06–17–002 | PáTu Wind Farm, LLC. |
| E–8 | ER13–1864–000 | Southwest Power Pool, Inc. |
| E–9 | ER13–2376–002 | Midcontinent Independent System Operator, Inc. |
| | | Northern Indiana Public Service Company. |
| E–10 | ER13–2375–002 | Midcontinent Independent System Operator, Inc. |
| | | Southern Indiana Gas & Electric Company. |
| E–11 | ER13–2379–001 | Midcontinent Independent System Operator, Inc. |
| | ER13–2376–001 | Midcontinent Independent System Operator, Inc. |
| | | Northern Indiana Public Service Company. |
| | ER13–2375–001 | Midcontinent Independent System Operator, Inc. |
| | | Southern Indiana Gas & Electric Company. |
| | EL12–35–002 | Midwest Independent Transmission System Operator, Inc. |
| | | ALLETE, Inc. |
| | | Ameren Illinois Company. |
| | | Ameren Transmission Company of Illinois. |
| | | American Transmission Company, LLC. |
| | | Big Rivers Electric Corporation. |
| | | Board of Water, Electric and Communications. |
| | | Trustees of the City of Muscatine, Iowa. |
| | | Central Minnesota Municipal Power Agency. |
| | | City of Columbia, Missouri, Water & Light Company. |
| | | City Water, Light & Power (Springfield, Illinois). |
| | | Duke Energy Indiana, Inc. |
| | | Dairyland Power Cooperative. |
| | | Entergy Services, Inc. |
| | | Great River Energy. |
| | | Hoosier Energy Rural Electric Cooperative, Inc. |
| | | Indiana Municipal Power Agency. |
| | | Indianapolis Power & Light Company. |
| | | International Transmission Company. |
| | | ITC Midwest, LLC. |
| | | Michigan Electric Transmission Company, LLC. |
| | | Michigan Public Power Agency. |
| | | Michigan South Central Power Agency. |
| | | MidAmerican Energy Company. |
| | | Missouri River Energy Services. |
| | | Montana-Dakota Utilities Company. |
| | | Montezuma Municipal Light & Power. |
| | | Municipal Electric Utility of the City of Cedar Falls, Iowa. |
| | | Muscatine Power and Water. |
| | | Northern States Power Company, a Minnesota Corporation. |
| | | Northern States Power Company, a Wisconsin Corporation. |
| | | Northwestern Wisconsin Electric Company. |
| | | Otter Tail Power Company. |
| | | Southern Illinois Power Cooperative. |
| | | Southern Minnesota Municipal Power Agency. |
| | | Tipton Municipal Utilities. |

1012TH—MEETING, REGULAR MEETING—Continued

[January 22, 2015, 10:00 am]

| Item No. | Docket No. | Company |
|---|---|---|
| | | Wabash Valley Power Association, Inc. |
| | | Wolverine Power Supply Cooperative, Inc. |
| E–12 ... | ER13–2379–002 | Midcontinent Independent System Operator, Inc. |
| | ER13–2379–003. | |
| E–13 ... | ER10–1791–003 | Midwest Independent Transmission System Operator, Inc. |
| E–14 ... | ER14–1681–001 | Illinois Municipal Electric Agency. |
| E–15 ... | ER14—503–002 | PJM Interconnection, L.L.C. |
| E–16 ... | ER13–107–006 | South Carolina Gas & Electric Company. |
| | ER13–107–007. | |
| E–17 ... | ER13–187–006 | Midwest Independent Transmission System Operator, Inc. and the MISO Transmission Owners. |
| | ER13–187–007. | |
| | ER13–187–008. | |
| | ER13–187–009. | |
| | ER13–186–004 | Midwest Independent Transmission System Operator, Inc. and the MISO Transmission Owners. |
| | ER13–89–003 | MidAmerican Energy Company and Midwest Independent Transmission System Operator, Inc. |
| | ER13–84–002 | Cleco Power LLC. |
| | ER13–95–002 | Entergy Arkansas, Inc. |
| E–18 ... | ER13–198–003 | PJM Interconnection, L.L.C. |
| | ER13–198–004. | |
| | ER13–195–002 | Indicated PJM Transmission Owners. |
| | ER13–90–003 | PJM Interconnection, L.L.C. |
| | | Public Service Electric and Gas Company. |
| | ER13–90–004 | PJM Interconnection, L.L.C. |
| | | Pennsylvania Electric Company. |
| E–19 ... | OMITTED. | |
| E–20 ... | EL14–83–000 | NM Neptune, LLC. |
| | **GAS** | |
| G–1 .... | RP15–23–001 | Transwestern Pipeline Company, LLC. |
| | **HYDRO** | |
| H–1 .... | P–14512–001 | KC Pittsfield, LLC. |
| H–2 .... | P–14612–001 | New Summit Hydro, LLC. |
| H–3 .... | P–2610–010 | Northern States Power Company. |
| H–4 .... | P–14613–001 | Green Energy Storage Corporation. |

**Kimberly D. Bose,**

*Secretary.*

A free webcast of this event is available through *www.ferc.gov.* Anyone with Internet access who desires to view this event can do so by navigating to *www.ferc.gov's* Calendar of Events and locating this event in the Calendar. The event will contain a link to its webcast. The Capitol Connection provides technical support for the free webcasts. It also offers access to this event via television in the DC area and via phone bridge for a fee. If you have any questions, visit *www.CapitolConnection.org* or contact Danelle Springer or David Reininger at 703–993–3100.

Immediately following the conclusion of the Commission Meeting, a press briefing will be held in the Commission Meeting Room. Members of the public may view this briefing in the designated overflow room. This statement is intended to notify the public that the press briefings that follow Commission meetings may now be viewed remotely at Commission headquarters, but will not be telecast through the Capitol Connection service.

[FR Doc. 2015–00953 Filed 1–16–15; 11:15 am]

BILLING CODE P

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OECA–2014–0057; FRL–9920–09–OEI]**

## Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Wood Furniture Manufacturing Operations (Renewal)

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

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency has submitted an information collection request (ICR), ''NESHAP for Wood Furniture Manufacturing Operations (40 CFR part 63, subpart JJ) (Renewal)'' (EPA ICR No. 1716.09, OMB Control No. 2060–0324) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq*). This is a proposed extension of the ICR, which is currently approved through January 31, 2015. Public comments were previously requested via the **Federal Register** (79 FR 30117) on May 27, 2014 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

**DATES:** Additional comments may be submitted on or before February 20, 2015.

**ADDRESSES:** Submit your comments, referencing Docket ID Number EPA–

HQ–OECA–2014–0057, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

**FOR FURTHER INFORMATION CONTACT:** Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

**SUPPLEMENTARY INFORMATION:** Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: *http://www.epa.gov/dockets.*

*Abstract:* The potential respondents are owners or operators of any existing or new affected source with wood furniture manufacturing operations. There are an estimated 406 existing major sources and 450 existing incidental/area sources subject to the Wood Furniture Manufacturing NESHAP. The affected source is any wood furniture manufacturing facility that is engaged, either in part or in whole, in the manufacture of wood furniture or wood furniture components and that is located at a plant site that is a major source as defined in 40 CFR part 63.2, excluding sources that meet the criteria established in § 63.800(a), (b), and (c) of the Wood Furniture Manufacturing NESHAP.

*Form Numbers:* None.

*Respondents/affected entities:* Owners and operators of wood furniture manufacturing facilities.

*Respondent's obligation to respond:* Mandatory (40 CFR part 63, subpart JJ).

*Estimated number of respondents:* 856 (total).

*Frequency of response:* Initially, occasionally, quarterly, semiannually, and annually.

*Total estimated burden:* 66,235 hours (per year). Burden is defined at 5 CFR 1320.3(b).

*Total estimated cost:* $6,509,219 (per year), which includes $24,600 annualized capital and/or operation & maintenance costs.

*Changes in the Estimates:* There is an increase of 17,045 hours in the total estimated respondent burden as currently identified in the OMB Inventory of Approved Burdens. The active (previous) ICR added the burden from the existing final rule (ICR No. 1716.06) and the rule amendment (ICR No. 1716.08), but did not update the number of affected major sources subject to the existing rule to reflect the most recent information received at the time by the Agency. In this ICR, we have addressed this inconsistency by updating the burden calculations to reflect the appropriate number of major sources. This correction resulted in the observed increase in respondent burden.

There is an increase in the O&M cost as compared to the active (previous) ICR. This increase also is the result of updating calculations to reflect the appropriate number of major sources.

**Courtney Kerwin,**

*Acting-Director, Collection Strategies Division.*

[FR Doc. 2015–00865 Filed 1–20–15; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OPP–2014–0009; FRL–9921–02]**

## Pesticide Product Registrations; Receipt of Applications for New Active Ingredients

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

**ACTION:** Notice.

**SUMMARY:** EPA has received applications to register pesticide products containing active ingredients not included in any currently registered pesticide products. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

**DATES:** Comments must be received on or before February 20, 2015.

**ADDRESSES:** Submit your comments, identified by the docket identification (ID) number and the File Symbol of interest as shown in the body of this document, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.* Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

**FOR FURTHER INFORMATION CONTACT:** Jennifer McLain, Antimicrobials Division (AD) (7510P), main telephone number: (703) 305–7090, email address: *ADFRNotices@epa.gov;* or Robert McNally, Biopesticides and Pollution Prevention Division (BPPD) (7511P), main telephone number: (703) 305–7090, email address: *BPPDFRNotices@epa.gov.* The mailing address for each contact person is: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each application summary.

**SUPPLEMENTARY INFORMATION:**

### I. General Information

*A. Does this action apply to me?*

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

*B. What should I consider as I prepare my comments for EPA?*

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

## II. Registration Applications

EPA has received applications to register pesticide products containing active ingredients not included in any currently registered pesticide products. Pursuant to the provisions of FIFRA section 3(c)(4) (7 U.S.C. 136a(c)(4)), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by EPA on these applications.

1. *File Symbol:* 52991–GN. *Docket ID number:* EPA–HQ–OPP–2014–0843. *Applicant:* Bedoukian Research, Inc., 21 Finance Dr., Danbury, CT 06810. *Product name:* Bedoukian Serricornin Technical Pheromone. *Active ingredient:* Pheromone/Insecticide—Serricornin at 63%. *Proposed use:* Mating disruption pheromone to control cigarette beetles (*Lasioderma serricorne*). Contact: BPPD.

2. *File Symbol:* 53575–UL. *Docket ID number:* EPA–HQ–OPP–2014–0892. *Applicant:* Pacific Biocontrol Corporation, 575 Viewridge Dr., Angwin, CA 94508. *Product name:* Isomate® FBW Ring. *Active ingredient:* Straight-chain lepidopteran pheromone (SCLP)—(*E,E*)-8,10-Dodecadien-1-yl acetate at 88.93%. *Proposed use:* Mating disruptant for the Filbertworm (*Cydia latiferreana*) in pome fruits, pomegranates, and tree nut crops (*e.g.,* hazelnuts). Contact: BPPD.

3. *File Symbol:* 69553–L. *Docket ID number:* EPA–HQ–OPP–2014–0559. *Applicant:* SciReg Inc., 12733 Director's Loop, Woodbridge, VA 22192 (on behalf of Andermatt Biocontrol AG, Stahlermatten 6 CH–6146, Grossdietwil, Switzerland). *Product name:* Rhizovital 42. *Active ingredient:* Fungicide—*Bacillus amyloliquefaciens* strain FZB42 at 50%. *Proposed use:* For use against soil-borne diseases on all food commodities, ornamentals, and turf. Contact: BPPD.

4. *File Symbol:* 71840–RA. *Docket ID number:* EPA–HQ–OPP–2014–0520. *Applicant:* BASF Corporation, 26 Davis Dr., Research Triangle Drive, NC 27709. *Product name:* BroadBand™. *Active ingredient:* Insecticide and miticide—*Beauveria bassiana* strain PPRI 5339 at 4.3%. *Proposed use:* For control of aphids, mites, thrips, and whitefly in or on fruits, herbs, nuts, ornamentals, and vegetables grown in greenhouses and glasshouses. Contact: BPPD.

5. *File Symbol:* 71840–RL. *Docket ID number:* EPA–HQ–OPP–2012–0962. *Applicant:* BASF Corporation, 26 Davis Dr., Research Triangle Drive, NC 27709. *Product name: Trichoderma asperelloides* strain JM41R Technical. *Active ingredient:* Fungicide—*Trichoderma asperelloides* strain JM41R at 100.0%. *Proposed use:* For manufacturing of *Trichoderma asperelloides* strain JM41R pesticide products. **Note:** In the **Federal Register** of January 16, 2013 (78 FR 3422) (FRL–9375–6), EPA announced receipt of this application to register a pesticide product containing the active ingredient *Trichoderma fertile* strain JM41R. Since that time, the applicant provided additional data on the identity of the active ingredient in this pesticide product to EPA. After reviewing these data, EPA now considers the correct identity of the active ingredient in this pesticide product to be *Trichoderma asperelloides* strain JM41R and not *Trichoderma fertile* strain JM41R. In order to give the public an opportunity to comment on this new information, EPA is republishing its receipt of this application with an updated and accurate description. Contact: BPPD.

6. *File Symbol:* 71840–RT. *Docket ID number:* EPA–HQ–OPP–2014–0520. *Applicant:* BASF Corporation, 26 Davis Dr., Research Triangle Drive, NC 27709. *Product name: Beauveria bassiana* strain PPRI 5339 Technical. *Active ingredient:* Insecticide and miticide—*Beauveria bassiana* strain PPRI 5339 at 96.0%. *Proposed use:* For manufacturing of *Beauveria bassiana* strain PPRI 5339 pesticide products. Contact: BPPD.

7. *File Symbol:* 71840–RU. *Docket ID number:* EPA–HQ–OPP–2012–0962. *Applicant:* BASF Corporation, 26 Davis Dr., Research Triangle Drive, NC 27709. *Product name:* TrichoPlus™ Biofungicide. *Active ingredient:* Fungicide—*Trichoderma asperelloides* strain JM41R at 5.5%. *Proposed use:* For control of diseases (*e.g., Sclerotinia* and *Fusarium*) found in soil and growing media that is used in greenhouses. **Note:** In the **Federal Register** of January 16, 2013 (78 FR 3422) (FRL–9375–6), EPA announced receipt of this application to register a pesticide product containing the active ingredient *Trichoderma fertile* strain JM41R. Since that time, the applicant provided additional data on the identity of the active ingredient in this pesticide product to EPA. After reviewing these data, EPA now considers the correct identity of the active ingredient in this pesticide product to be *Trichoderma asperelloides* strain JM41R and not *Trichoderma fertile* strain JM41R. In order to give the public an opportunity to comment on this new information, EPA is republishing its receipt of this application with an updated and accurate description. Contact: BPPD.

8. *File Symbol:* 84059–EA. *Docket ID number:* EPA–HQ–OPP–2014–0901. *Applicant:* Marrone Bio Innovations, 2121 Second St., Suite B–107, Davis, CA 95618. *Product name:* MBI–601 EP. *Active ingredient:* Nematicide and fungicide—Sterile grain inoculated with *Muscodor albus* strain SA–13 at 100%. *Proposed use:* For control of nematodes and soil-borne diseases in agricultural and home garden soils. Contact: BPPD.

9. *File Symbol:* 90457–R. *Docket ID number:* EPA–HQ–OPP–2014–0721. *Applicant:* Reactive Surfaces, LTD., LLP, 300 West Ave., Suite 1316, Austin, TX 78701. *Product name:* ProteCoat. *Active ingredient:* Antimicrobial—AMP–7 Peptide at 80.85%. *Proposed use:* To protect materials or substances from microbial deterioration or discoloration. Contact: AD.

10. *File Symbol:* 90809–E. *Docket ID number:* EPA–HQ–OPP–2014–0897. *Applicant:* Technology Sciences Group, Inc., 712 Fifth St., Suite A, Davis, CA 95616 (on behalf of EctoPharma Ltd., Dunsdale Rd., Selkirk, TD7 5EB, United Kingdom). *Product name:* Biodiol™ Bioinsecticide. *Active ingredient:* Insecticide—1,2-Octanediol at 20.00%. *Proposed Use:* For use on growing crops and plants in agricultural, non-agricultural, and residential use sites to control chewing, biting, and sucking insect pests. Contact: BPPD.

11. *File Symbol:* 90809–R. *Docket ID number:* EPA–HQ–OPP–2014–0897. *Applicant:* Technology Sciences Group, Inc., 712 Fifth St., Suite A, Davis, CA 95616 (on behalf of EctoPharma Ltd., Dunsdale Rd., Selkirk, TD7 5EB, United Kingdom). *Product name:* 1,2-Octanediol Technical. *Active ingredient:*

Insecticide—1,2-Octanediol at 100.0%. *Proposed use:* For manufacturing of 1,2-Octanediol pesticide products. Contact: BPPD.

**Authority:** 7 U.S.C. 136 *et seq.*

Dated: January 9, 2015.

**Robert McNally,**

*Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.*

[FR Doc. 2015–00862 Filed 1–20–15; 8:45 am]

BILLING CODE 6560–50–P

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Agency Information Collection Activities: Proposed Collection Renewal; Comment Request (3064–0124)

**AGENCY:** Federal Deposit Insurance Corporation (FDIC).

**ACTION:** Notice and request for comment.

**SUMMARY:** The FDIC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the renewal of an existing information collection, as required by the Paperwork Reduction Act of 1995. Currently, the FDIC is soliciting comment on renewal of the information collection described below.

**DATES:** Comments must be submitted on or before March 23, 2015.

**ADDRESSES:** Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *http://www.FDIC.gov/regulations/laws/federal/.*
- *Email: comments@fdic.gov.* Include the name of the collection in the subject line of the message.
- *Mail:* Gary A. Kuiper, Counsel, (202.898.3877), MB–3074, or John Popeo, Counsel, (202.898.6923), MB–3007, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Gary A. Kuiper or John Popeo, at the FDIC address above.

**SUPPLEMENTARY INFORMATION:**

#### Proposal To Renew the Following Currently-Approved Collection of Information

1. *Title:* Notification of Changes of Insured Status.

*OMB Number:* 3064–0124.

*Affected Public:* Insured depository institutions.

*Estimated Number of Respondents:* 285 (certifications) and 6 (depositor notices).

*Estimated Time per Response:* 15 minutes (certifications); 1 hour (depositor notices).

*Frequency of Response:* On occasion.

*Total estimated annual burden:* 77.25 hours.

*General Description of Collection:* The collection involves the certification that insured depository institutions provide the FDIC when they completely assume deposit liabilities from another insured depository institution, and a notification that insured depository institutions provide to the FDIC when they seek to voluntarily terminate their insured status.

*Request for Comment*

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, this 15th day of January 2015.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**

*Executive Secretary.*

[FR Doc. 2015–00869 Filed 1–20–15; 8:45 am]

BILLING CODE 6714–01–P

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Agency Information Collection Activities: Proposed Collection Renewal; Comment Request (3064–0163)

**AGENCY:** Federal Deposit Insurance Corporation (FDIC).

**ACTION:** Notice and request for comment.

**SUMMARY:** The FDIC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the renewal of an existing information collection, as required by the Paperwork Reduction Act of 1995. Currently, the FDIC is soliciting comment on renewal of the information collection described below.

**DATES:** Comments must be submitted on or before March 23, 2015.

**ADDRESSES:** Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *http://www.FDIC.gov/regulations/laws/federal/.*
- *Email: comments@fdic.gov* Include the name of the collection in the subject line of the message.
- *Mail:* Gary A. Kuiper, Counsel, (202.898.3877), MB–3074 or John Popeo, Counsel, (202.898.6923), MB–3007, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Gary A. Kuiper or John Popeo, at the FDIC address above.

**SUPPLEMENTARY INFORMATION:**

#### Proposal To Renew the Following Currently-Approved Collection of Information

1. *Title:* Qualified Financial Contracts.

*OMB Number:* 3064–0163.

*Affected Public:* Insured depository institutions.

*Estimated Number of Respondents:* 190 (recordkeeping/reporting); 20 (application).

*Estimated Time per Response:* 64 hours (24 hours, reporting); 40 hours (recordkeeping); 30 minutes (application).

*Frequency of Response:* On occasion.

*Estimated Total Annual Burden:* 12,160 hours (recordkeeping/reporting); 10 hours (application).

*Total Annual Burden:* 12,170 hours.

*General Description of Collection:* This collection consists of reporting and recordkeeping requirements for qualified financial contracts (QFCs) held by insured depository institutions in troubled condition.

*Request for Comment*

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, this 15th day of January 2015.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**

*Executive Secretary.*

[FR Doc. 2015–00868 Filed 1–20–15; 8:45 am]

**BILLING CODE 6714–01–P**

## FEDERAL RESERVE SYSTEM

### Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

**AGENCY:** Board of Governors of the Federal Reserve System.

**SUMMARY:** Notice is hereby given of the final approval of proposed information collections by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.16 (OMB Regulations on Controlling Paperwork Burdens on the Public). Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

**FOR FURTHER INFORMATION CONTACT:** Federal Reserve Board Acting Clearance Officer—John Schmidt—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW.,Washington, DC 20503.

*Final approval under OMB delegated authority of the extension for three years, without revision, of the following information collections:*

1. *Report title:* Applications for Subscription to, Adjustment in the Holding of, and Cancellation of Federal Reserve Bank Stock.

*Agency form number:* FR 2030, FR 2030a, FR 2056, FR 2086, FR 2086a, FR 2087.

*OMB control number:* 7100–0042.

*Frequency:* On occasion.

*Reporters:* National, State Member, and Nonmember banks.

*Estimated annual reporting hours:* FR 2030: 2 hours; FR 2030a: 1 hour; FR 2056: 667 hours; FR 2086: 23 hours; FR 2086a: 40 hours; FR 2087: 1 hour.

*Estimated average hours per response:* .5 hours.

*Number of respondents:* FR 2030: 4; FR 2030a: 2; FR 2056: 1,333; FR 2086: 45; FR 2086a: 79; FR 2087: 1.

*General description of report:* These information collections are mandatory.

- FR 2030 and FR 2030a: Section 2 of the Federal Reserve Act [12 U.S.C. 222 and 282] and Sections 9 and 11(a) of the Federal Reserve Act [12 U.S.C. 248(a) and 321];
- FR 2056: Section 5 of the Federal Reserve Act [12 U.S.C. 287] and Sections 11(a) and (i) of the Federal Reserve Act [12 U.S.C. 248(a) and (i)];
- FR 2086: Section 5 of the Federal Reserve Act [12 U.S.C. 287] and Sections 11(a) and (i) of the Federal Reserve Act [12 U.S.C. 248(a) and (i)];
- FR 2086a: Section 9 of the Federal Reserve Act [12 U.S.C. 321], Section 5 of the Federal Reserve Act [12 U.S.C. 287], and Section 11(a) of the Federal Reserve Act [12 U.S.C. 248(a)]; and
- FR 2087: Section 6 of the Federal Reserve Act [12 U.S.C. 288] and Sections 11(a) and (i) of the Federal Reserve Act [12 U.S.C. 248 (a) and (i)].

The information solicited in these application forms is not considered confidential, but applicants may request that parts of the forms be kept confidential. Any request for confidential treatment of information must be accompanied by a detailed justification for confidentiality. For example, a justification for confidential treatment of business information under exemption 4 of the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)(4), should demonstrate that substantial harm would result from public release of the information. Submissions of these forms may also be exempt under exemption 6 of FOIA, 5. U.S.C. 552(b)(6), if a submitter identifies information of a personal nature the disclosure of which would result in a clearly unwarranted invasion of personal privacy. Additionally, exemption 8 of FOIA, 5 U.S.C. 552(b)(8) may apply to the extent the reported information is contained in or related to examination reports. Each request for confidentiality that is received by a submitter of these forms will need to be reviewed on a case-by-case basis.

*Abstract:* These application forms are required by the Federal Reserve Act and Regulation I. These forms must be used by a new or existing member bank (including a national bank) to request the issuance, and adjustment in, or cancellation of Federal Reserve Bank stock. The forms must contain certain certifications by the applicants, as well as certain other financial and shareholder data that is needed by the Federal Reserve to process the request.

*Current Actions:* On October 17, 2014, the Federal Reserve published a notice in the **Federal Register** (79 FR 62442) requesting public comment for 60 days on the extension, without revision, of this information collection. The comment period for this notice expired on December 16, 2014. The Federal Reserve did not receive any comments. The information collection will be extended for three years, without revision, as proposed.

2. *Report title:* Application for Membership in the Federal Reserve System.

*Agency form number:* FR 2083, 2083A, 2083B, and 2083C.

*OMB control number:* 7100–0046.

*Frequency:* On occasion.

*Reporters:* Newly organized banks that seek to become state member banks, or existing banks or savings institutions that seek to convert to state member bank status.

*Estimated annual reporting hours:* 184 hours.

*Estimated average hours per response:* 4 hours.

*Number of respondents:* 46.

*General description of report:* This information collection is mandatory (Section 9 of the Federal Reserve Act [12 U.S.C. 321, 322, and 333]). The information solicited in this application form is not considered confidential, but applicants may request that parts of the form be kept confidential. Any request for confidential treatment of information must be accompanied by a detailed justification for confidentiality. For example, a justification for confidential treatment of business information under exemption 4 of the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)(4), should demonstrate that substantial harm would result from public release of the information. Submissions of this form may also be exempt under exemption 6 of FOIA, 5. U.S.C. 552(b)(6), if a submitter identifies information of a personal nature the disclosure of which would result in a clearly unwarranted invasion of personal privacy. Additionally, exemption 8 of FOIA, 5 U.S.C. 552(b)(8) may apply to the extent the reported information is contained in or related to examination reports. Each request for confidentiality that is received by a submitter of this form will need to be reviewed on a case-by-case basis.

*Abstract:* The application for membership is a required one-time submission that collects the information necessary for the Federal Reserve to evaluate the statutory criteria for admission of a new or existing state bank into membership in the Federal Reserve System. The application collects managerial, financial, and structural data.

*Current Actions:* On October 17, 2014, the Federal Reserve published a notice in the **Federal Register** (79 FR 62442) requesting public comment for 60 days on the extension, without revision, of this information collection. The comment period for this notice expired on December 16, 2014. The Federal Reserve did not receive any comments. The information collection will be extended for three years, without revision, as proposed.

3. *Report titles:* Registration Statement for Persons Who Extend Credit Secured by Margin Stock (Other Than Banks, Brokers, or Dealers); Deregistration Statement for Persons Registered Pursuant to Regulation U; Statement of Purpose for an Extension of Credit Secured by Margin Stock by a Person Subject to Registration under Regulation U; Annual Report; Statement of Purpose for an Extension of Credit by a Creditor; and Statement of Purpose for an Extension of Credit Secured by Margin Stock.

*Agency form numbers:* FR G–1, FR G–2, FR G–3, FR G–4, FR T–4, FR U–1.

*OMB control numbers:* 7100–0011: FR G–1, FR G–2, FR G–4; 7100–0018: FR G–3; 7100–0019: FR T–4; 7100–0115: FR U–1.

*Frequency:* FR G–1, FR G–2, FR G–3, FR T–4, and FR U–1: on occasion; FR G–4: annual.

*Reporters:* Individuals and businesses.

*Estimated annual reporting hours:* 245 hours.

*Estimated average hours per response:* FR G–1: 2.5 hours; FR G–2: 15 minutes; FR G–3: 10 minutes; FR G–4: 2.0 hours; FR T–4: 10 minutes; FR U–1: 10 minutes.

*Number of respondents:* FR G–1: 52; FR G–2: 25; FR G–3: 6; FR G–4: 12; FR T–4: 4; FR U–1: 4.

*General description of reports:* This information collection is mandatory (15 U.S.C. 78g). In addition, the FR T–4 is required by Section 220.6 of Regulation T (12 CFR 220.6), the FR U–1 is required by Sections 221.3(c)(1)(i) and (2)(i) of Regulation U (12 CFR 221.3(c)(1)(i) and (2)(i)), and the FR G–1, G–2, G–3, and G–4 are required by Sections 221.3(b)(1), (2), and (3), and (c)(1)(ii) and (2)(ii) of Regulation U (12 CFR 221.3(b)(1), (2), and (3), and (c)(1)(ii) and (2)(ii)).

The FR G–1 and FR G–4 collect financial information, including a balance sheet, from nonbank lenders subject to Regulation U. Some of these lenders may be individuals or nonbank entities that do not make this information publicly available; release could therefore cause substantial harm to the competitive position of the respondent or result in an unwarranted invasion of personal privacy. In those cases, the information could be withheld under Exemption 4 or Exemption 6 of FOIA, 5 U.S.C. 552(b)(4) and (6), respectively. Confidentiality determinations must be made on a case by case basis. Because the FR T–4, FR U–1, and FR G–3 are not submitted to the Federal Reserve System, and the FR G–2 does not contain any information considered to be confidential, no confidentiality determination is necessary for these reports.

*Abstract:* The Securities Exchange Act of 1934 authorizes the Federal Reserve to regulate securities credit extended by brokers and dealers, banks, and other lenders. The purpose statements, FR T–4, FR U–1, and FR G–3, are recordkeeping requirements for brokers and dealers, banks, and other lenders, respectively, to document the purpose of their loans secured by margin stock. Margin stock is defined as (1) stocks that are registered on a national securities exchange or any over-the-counter security designated for trading in the National Market System, (2) debt securities (bonds) that are convertible into margin stock, and (3) shares of most mutual funds. Lenders other than brokers and dealers and banks must register and deregister with the Federal Reserve using the FR G–1 and FR G–2, respectively, and they must file an annual report (FR G–4) while registered. The Federal Reserve uses the data to identify lenders subject to Regulation U, to verify their compliance with the regulation, and to monitor margin credit.

*Current Actions:* On October 17, 2014, the Federal Reserve published a notice in the **Federal Register** (79 FR 62442) requesting public comment for 60 days on the extension, without revision, of these information collections. The comment period for this notice expired on December 16, 2014. The Federal Reserve received one comment letter from a banker. The commenter recommended revising the FR U–1 report to remove the attestation requirement in Part III when the response to Question #2 of Part I ''Will any part of this credit be used to purchase or carry margin stock?'' is ''No''. The Federal Reserve believes the commenter misunderstands Question #2 of Part I, which asks the purpose of the loan, not whether the loan is secured by margin stock. A completed and signed FR U–1 is only required when the loan is secured, directly or indirectly, by margin stock. The Federal Reserve will extend the information collections for three years, without revision, as proposed.

Board of Governors of the Federal Reserve System, January 15, 2015.

**Robert deV. Frierson,**

*Secretary of the Board.*

[FR Doc. 2015–00859 Filed 1–20–15; 8:45 am]

BILLING CODE 6210–01–P

## FEDERAL RESERVE SYSTEM

### Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than February 4, 2015.

A. Federal Reserve Bank of Richmond (Adam M. Drimer, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528:

1. *P. Byron DeFoor,* Ooltewah, Tennessee; to acquire voting shares of AB&T Financial Corporation, and thereby indirectly acquire voting shares of Alliance Bank & Trust Company, both in Gastonia, North Carolina.

B. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Rebecca A. Schepker, as trustee of the Rebecca A. Schepker Revocable Trust; Ronald J. Schepker, as trustee of the Ronald J. Schepker Revocable Trust, both of Columbia, Missouri; Kathleen M. Wix, Salisbury, Missouri; Jacob W. Widmer, Moberly, Missouri; Jessica L. Schepker, Kansas City, Missouri; Mary E. Schepker, Columbia, Missouri; and Kristen N. Schepker,* Columbia, Missouri; as members of the Schepker Family Group acting in concert, to acquire voting shares of Widmer Bancshares, Inc., and thereby indirectly acquire voting shares of The Merchants and Farmers Bank of Salisbury, both in Salisbury, Missouri.

Board of Governors of the Federal Reserve System, January 15, 2015.

**Michael J. Lewandowski,**

*Associate Secretary of the Board.*

[FR Doc. 2015–00863 Filed 1–20–15; 8:45 am]

**BILLING CODE 6210–01–P**

## FEDERAL RESERVE SYSTEM

### Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage *de novo,* or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 13, 2015.

A. Federal Reserve Bank of St. Louis (Yvonne Sparks, Community Development Officer) P.O. Box 442, St. Louis, Missouri 63166–2034:

1. *Renasant Corporation,* Tupelo, Mississippi; to acquire through merger, 100 percent of the voting shares of Heritage Financial Group, Inc., and indirectly acquire HeritageBank of the South, both in Albany, Georgia, and thereby indirectly engage in operating a savings association, pursuant to section 225.28(b)(4)(ii).

Board of Governors of the Federal Reserve System, January 15, 2015.

**Michael J. Lewandowski,**

*Associate Secretary of the Board.*

[FR Doc. 2015–00864 Filed 1–20–15; 8:45 am]

**BILLING CODE 6210–01–P**

## FEDERAL TRADE COMMISSION

### Revised Jurisdictional Thresholds for Section 7a of the Clayton Act

**AGENCY:** Federal Trade Commission.

**ACTION:** Notice.

**SUMMARY:** The Federal Trade Commission announces the revised thresholds for the Hart-Scott-Rodino Antitrust Improvements Act of 1976 required by the 2000 amendment of Section 7A of the Clayton Act.

**DATES:** Effective February 20, 2015.

**FOR FURTHER INFORMATION CONTACT:** Robert Jones, Federal Trade Commission, Bureau of Competition, Premerger Notification Office, 400 7th Street SW., Room #5301, Washington, DC 20024, Phone (202) 326–3100.

**SUPPLEMENTARY INFORMATION:** Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by the Hart-Scott-Rodino Antitrust Improvements Act of 1976, Public Law 94–435, 90 Stat. 1390 (''the Act''), requires all persons contemplating certain mergers or acquisitions, which meet or exceed the jurisdictional thresholds in the Act, to file notification with the Commission and the Assistant Attorney General and to wait a designated period of time before consummating such transactions. Section 7A(a)(2) requires the Federal Trade Commission to revise those thresholds annually, based on the change in gross national product, in accordance with Section 8(a)(5). Note that while the filing fee thresholds are revised annually, the actual filing fees are not similarly indexed and, as a result, have not been adjusted for inflation in over a decade. The new thresholds, which take effect 30 days after publication in the **Federal Register**, are as follows:

| Subsection of 7A | Original threshold (million $) | Adjusted threshold (million $) |
|---|---|---|
| 7A(a)(2)(A) | $200 | $305.1 |
| 7A(a)(2)(B)(i) | 50 | 76.3 |
| 7A(a)(2)(B)(i) | 200 | 305.1 |
| 7A(a)(2)(B)(ii)(i) | 10 | 15.3 |
| 7A(a)(2)(B)(ii)(i) | 100 | 152.5 |
| 7A(a)(2)(B)(ii)(II) | 10 | 15.3 |
| 7A(a)(2)(B)(ii)(II) | 100 | 152.5 |
| 7A(a)(2)(B)(ii)(III) | 100 | 152.5 |
| 7A(a)(2)(B)(ii)(III) | 10 | 15.3 |

| Subsection of 7A | Original threshold (million $) | Adjusted threshold (million $) |
|---|---|---|
| Section 7A note: Assessment and Collection of Filing Fees [1] (3)(b)(1) | 100 | 152.5 |
| Section 7A note: Assessment and Collection of Filing Fees (3)(b)(2) | 100 | 152.5 |
| Section 7A note: Assessment and Collection of Filing Fees (3)(b)(2) | 500 | 762.7 |
| Section 7A note: Assessment and Collection of Filing Fees (3)(b)(3) | 500 | 762.7 |

Any reference to these thresholds and related thresholds and limitation values in the HSR rules (16 CFR parts 801–803) and the Antitrust Improvements Act Notification and Report Form and its Instructions will also be adjusted, where indicated by the term ''(as adjusted)'', as follows:

| Original threshold | Adjusted threshold (million $) |
|---|---|
| $10 million | $15.3 |
| $50 million | 76.3 |
| $100 million | 152.5 |
| $110 million | 167.8 |
| $200 million | 305.1 |
| $500 million | 762.7 |
| $1 billion | 1,525.3 |

By direction of the Commission.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 2015–00933 Filed 1–20–15; 8:45 am]

BILLING CODE 6750–01–P

## FEDERAL TRADE COMMISSION

### Revised Jurisdictional Thresholds for Section 8 of the Clayton Act

**AGENCY:** Federal Trade Commission.

**ACTION:** Notice.

**SUMMARY:** The Federal Trade Commission announces the revised thresholds for interlocking directorates required by the 1990 amendment of Section 8 of the Clayton Act. Section 8 prohibits, with certain exceptions, one person from serving as a director or officer of two competing corporations if two thresholds are met. Competitor corporations are covered by Section 8 if each one has capital, surplus, and undivided profits aggregating more than $10,000,000, with the exception that no corporation is covered if the competitive sales of either corporation are less than $1,000,000. Section 8(a)(5) requires the Federal Trade Commission to revise those thresholds annually, based on the change in gross national product. The new thresholds, which take effect immediately, are $31,084,000 for Section 8(a)(1), and $3,108,400 for Section 8(a)(2)(A).

**DATES:** Effective January 21, 2015.

**FOR FURTHER INFORMATION CONTACT:** James F. Mongoven, Federal Trade Commission, Bureau of Competition, Office of Policy and Coordination, (202) 326–2879.

**Authority:** 15 U.S.C. 19(a)(5).

By direction of the Commission.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 2015–00929 Filed 1–20–15; 8:45 am]

BILLING CODE 6750–01–P

[1] Public Law 106–553, Sec. 630(b) amended Sec. 18a note.

## GENERAL SERVICES ADMINISTRATION

**[Notice–MG–2014–04; Docket No. 2014–0002; Sequence No. 25]**

### GSA's Analysis of the Alignment of LEED v4 With Federal Green Building Requirements

**AGENCY:** Office of Federal High-Performance Green Buildings; Office of Government-wide Policy (OGP), General Services Administration (GSA).

**ACTION:** Request for information.

**SUMMARY:** GSA is seeking public input on its analysis of the latest version of the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED v4) green building certification system and its alignment with Federal green building requirements. GSA is also seeking public input on several questions related to the Government's use of LEED v4 and future GSA reviews of green building certification systems.

GSA used the findings from its supplemental review to consult with other Federal agencies in the EISA 436(h) Interagency Ad-hoc Discussion Group (Interagency Discussion Group) on the Federal Government's use of LEED v4. GSA will be using the deliberations from the Interagency Discussion Group as well as public input from this **Federal Register** notice and a to-be-scheduled public listening session to augment GSA's October 25, 2013 recommendation to the Secretary of Energy. The information being asked for in this notice is not for the purpose of a proposed GSA rulemaking or a GSA regulation.

**DATES:** Interested parties should submit written comments by one of the methods shown below on or before March 23, 2015 to be considered in the formation of GSA's updated recommendation to the Secretary of Energy.

**ADDRESSES:** Submit comments in response to Notice–MG–2014–04 by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching for ''Notice–MG–2014–04''. Select the link ''Comment Now'' that corresponds with ''Notice–MG–2014–04''. Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Notice–MG–2014–04'' on your attached document.
- *Fax:* 202–501–4067.
- *Email: bryan.steverson@gsa.gov.*
- *Mail:* General Services Administration, Regulatory Secretariat (MVCB), ATTN: Ms. Flowers, 1800 F Street NW., Washington, DC 20405.

*Instructions:* Please submit comments only and cite Notice–MG–2014–04, in all correspondence related to this case. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. Visit *http://www.gsa.gov/gbcertificationreview* for more information.

**FOR FURTHER INFORMATION CONTACT:** Mr. Bryan Steverson, Program Advisor, GSA Sustainability and Green Buildings, at telephone 202–501–6115 or email *bryan.steverson@gsa.gov.*

**SUPPLEMENTARY INFORMATION:**

*Request For Public Input:* GSA is seeking public input on questions that arose during the Interagency Discussion Group meetings:

1. GSA is seeking public input on what LEED v4 credits agencies should consider focusing on. In its 2013 recommendations, GSA recommended that agencies should focus on achieving those credits or points that align with federal green building requirements. In discussions with the Interagency Discussion Group, agencies believed

that GSA should avoid making recommendations on specific credits agencies would be required to pursue if using LEED v4, and that any credit prioritization or requirement should be left up to the discretion of each department or agency. The Ad-hoc Discussion Group also believed GSA should develop guidance that maps LEED v4 credits to federal green building requirements in order to inform agencies as to those credits that agencies could achieve to determine conformance with federal green building requirements.

2. While several agencies, GSA included, have had subject matter experts participate on technical committees and other advisory roles for green building certification systems in either their development or implementation, how else can the Federal Government better contribute and collaborate with green building certification system owners to ensure that the Federal Government's voice is heard in both the system development process and in the overall effort to push the built-environment to be more sustainable?

In order to improve future green building certification system reviews, GSA would like to seek public input on several questions on how to strengthen the analysis and improve GSA's review process:

3. While GSA believes its analysis provides a good source of information for other agencies and the public at large, GSA would like input on where GSA's future certification system reviews could be stronger. In its supplemental analysis of LEED v4, GSA used the same criteria and methodology as it used in its 2012 green building certification system study. GSA had this analysis peer reviewed by other federal agencies, private sector high performance green building experts and notable members of academia as well as the U.S. Green Building Council.

4. GSA is seeking public input on other ways to visually illustrate certification system alignment with Federal green building requirements. During the peer review process for GSA's supplemental analysis of LEED v4, several peer reviewers suggested GSA should revisit how it visually illustrates certification system alignment with Federal green building requirements in Table 1 (page vii) and Table 3–1 (page 3–6) of the report (available at *http://www.gsa.gov/gbcertificationreview*). The tables show several differently shaded circles that are defined as follows:

Full Circle—Federal requirement met automatically because certification system includes prerequisite that fully aligns with the Federal requirement;

Three-quarters circle—Certification system has a credit that meets the Federal requirement;

Half-circle—Certification system has a credit that is related to, but not specifically aligned with, the Federal requirement;

Empty circle—Federal requirement is not an identified component within the certification system.

5. GSA is seeking comment on how GSA and the Federal Government can better carry out its responsibilities in Section 436(h) of EISA, and do so in ''real-time''. During GSA's 2012 review of green building certification systems, both Green Globes and LEED were in the process of being revised. GSA's recommendation number five (from GSA's October 25, 2013 letter to the Secretary of Energy) suggested that a process be established to keep current with revisions to green building certification systems and to review certification systems once they have been released to the public. While GSA still believes this process is critical in staying current with the evolving green building certification system marketplace, the reviews GSA conducts have proven to be time-consuming, and, in some cases, have overlapped with a release of a new version to a certification system not part of that current review.

**Background**

GSA is seeking public input on its analysis of LEED v4 and its alignment with Federal green building requirements. Section 436(h) of the Energy Independence and Security Act of 2007 (EISA, Pub. L. 110–140) requires the Director of GSA's Office of Federal High-Performance Green Buildings to evaluate green building certification systems every five years and to identify a system and certification level that ''will be most likely to encourage a comprehensive and environmentally sound approach to the certification of green federal buildings''. EISA requires the GSA Administrator to provide a recommendation to the Secretary of Energy, who then consults with the Secretary of Defense and the GSA Administrator, to identify the system(s) appropriate for use in the Federal sector.

In October 2013, GSA recommended that agencies, if they choose to use a green building certification system, use one of two certification systems as best suited to agency missions and portfolio needs: The Green Building Initiative's Green Globes and USGBC's LEED v2009. GSA submitted additional recommendations on how the Government should stay involved with green building certification systems as they evolve over time, including the establishment of a process to keep current with revisions to green building certification systems.

In November 2013, the USGBC released an updated version of LEED, LEED v4, for use in the marketplace. In keeping with its recommendation, GSA completed a supplemental review of LEED v4 in August 2014 and focused the analysis on LEED v4 BD+C: New Construction, LEED v4 O+M: Existing Buildings, and LEED v4 ID+C: Commercial Interiors. GSA considered this review a supplement to its previous 2012 study (found at *http://www.gsa.gov/gbcertificationreview*) and used the same criteria and methodology in its evaluation of LEED v4. While no recommendations are offered in the supplemental study, the analysis shows that LEED v4 aligns well with Federal green building requirements. For a copy of the analysis and associated appendices, please visit *http://www.gsa.gov/gbcertificationreview.*

In recognition that there was a high level of interest in the green building certification system review, both within and outside the Federal sector, GSA asked the Department of Energy (DOE) and the Department of Defense (DoD) to co-chair an Interagency Discussion Group to discuss the Federal Government's use of LEED v4. The Interagency Discussion Group included representatives from major Federal real estate portfolio holders, including GSA, the DoD, the DOE, the Department of Agriculture (USDA), the Environmental Protection Agency (EPA), the Department of State (DOS), the Department of Health and Human Services (DHHS), the Department of Interior (DOI), the Department of Veterans Affairs (VA), and the Department of Justice (DOJ). The Interagency Discussion Group met two times in September and October 2014 to discuss the Federal Government's potential use of LEED v4, credits within LEED v4 that agencies should focus on, and the need for guidance that maps LEED v4 credits to Federal green building requirements.

It should be noted that on October 14, 2014, the U.S. DOE published its final rule that formally identifies criteria that green building certification systems must meet in order to be used by the Federal Government. This GSA request for information is not for the purposes of that final rulemaking, but to inform GSA on its related responsibilities to study green building certification systems and recommend ones to the DOE that may fit within the framework

of the final rule. DOE's final rule can be found at *http://www.regulations.gov* (docket number EE–RM/STD–02–112 or RIN number 1904–AC13).

Dated: January 13, 2015.

**Kevin Kampschroer,**

*Federal Director, Office of Federal High-Performance Green Buildings, Office of Government-wide Policy, U.S. General Services Administration.*

[FR Doc. 2015–00861 Filed 1–20–15; 8:45 am]

BILLING CODE 6820–14–P

## GOVERNMENT ACCOUNTABILITY OFFICE

### Medicare Payment Advisory Commission Nominations

**AGENCY:** Government Accountability Office (GAO).

**ACTION:** Notice on letters of nomination.

**SUMMARY:** The Balanced Budget Act of 1997 established the Medicare Payment Advisory Commission (MedPAC) and gave the Comptroller General responsibility for appointing its members. For appointments to MedPAC that will be effective May 1, 2015, I am announcing the following: Letters of nomination and resumes should be submitted by March 13, 2015 to ensure adequate opportunity for review and consideration of nominees prior to the appointment of new members.

**ADDRESSES:**

Email: *MedPACappointments@gao.gov*

Mail: U.S. GAO, Attn: MedPAC Appointments, 441 G Street NW., Washington, DC 20548

**FOR FURTHER INFORMATION CONTACT:** GAO Office of Public Affairs, (202) 512–4800.

42 U.S.C. 1395b–6.

**Gene L. Dodaro,**

*Comptroller General of the United States.*

[FR Doc. 2015–00759 Filed 1–20–15; 8:45 am]

BILLING CODE 1610–02–M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Public Meeting of the Presidential Commission for the Study of Bioethical Issues

**AGENCY:** Presidential Commission for the Study of Bioethical Issues, Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services,

**ACTION:** Notice of meeting.

**SUMMARY:** The Presidential Commission for the Study of Bioethical Issues (the Commission) will conduct its twentieth meeting on February 5–6, 2015. At this meeting, the Commission will conclude discussions related to the BRAIN Initiative and ongoing work in neuroscience, and begin discussions about the ethical considerations and implications of public health emergency response with a focus on the current Ebola virus disease epidemic.

**DATES:** The meeting will take place Thursday, February 5, 2015, from 9 a.m. to approximately 5:30 p.m., and Friday, February 6, 2015, from 9 a.m. to approximately 12 p.m.

**ADDRESSES:** Hamilton Crowne Plaza Hotel, 1001 14th St. NW., Washington, DC 20005.

**FOR FURTHER INFORMATION CONTACT:** Hillary Wicai Viers, Communications Director, Presidential Commission for the Study of Bioethical Issues, 1425 New York Avenue NW., Suite C–100, Washington, DC 20005. Telephone: 202–233–3960. Email: *Hillary.Viers@bioethics.gov.* Additional information may be obtained at *www.bioethics.gov.*

**SUPPLEMENTARY INFORMATION:** Pursuant to the Federal Advisory Committee Act of 1972, Public Law 92–463, 5 U.S.C. app. 2, notice is hereby given of the twentieth meeting of the Commission. The meeting will be open to the public with attendance limited to space available. The meeting will also be webcast at *www.bioethics.gov.*

Under authority of Executive Order 13521, dated November 24, 2009, the President established the Commission. The Commission is an expert panel of not more than 13 members who are drawn from the fields of bioethics, science, medicine, technology, engineering, law, philosophy, theology, or other areas of the humanities or social sciences. The Commission advises the President on bioethical issues arising from advances in biomedicine and related areas of science and technology. The Commission seeks to identify and promote policies and practices that ensure scientific research, health care delivery, and technological innovation are conducted in a socially and ethically responsible manner.

The main agenda items for the Commission's twentieth meeting are to discuss the BRAIN Initiative and ongoing work in neuroscience, and the ethical considerations and implications of public health emergency response with a focus on the current Ebola virus disease epidemic. The draft meeting agenda and other information about the Commission, including information about access to the webcast, will be available at *www.bioethics.gov.*

The Commission welcomes input from anyone wishing to provide public comment on any issue before it. Respectful debate of opposing views and active participation by citizens in public exchange of ideas enhances overall public understanding of the issues at hand and conclusions reached by the Commission. The Commission is particularly interested in receiving comments and questions during the meeting that are responsive to specific sessions. Written comments will be accepted at the registration desk and comment forms will be provided to members of the public in order to write down questions and comments for the Commission as they arise. To accommodate as many individuals as possible, the time for each question or comment may be limited. If the number of individuals wishing to pose a question or make a comment is greater than can reasonably be accommodated during the scheduled meeting, the Commission may make a random selection.

Written comments will also be accepted in advance of the meeting and are especially welcome. Please address written comments by email to *info@bioethics.gov,* or by mail to the following address: Public Commentary, Presidential Commission for the Study of Bioethical Issues, 1425 New York Avenue NW., Suite C–100, Washington, DC 20005. Comments will be made publicly available, including any personally identifiable or confidential business information that they contain. Trade secrets should not be submitted.

Anyone planning to attend the meeting who needs special assistance, such as sign language interpretation or other reasonable accommodations, should notify Esther Yoo by telephone at (202) 233–3960, or email at *Esther.Yoo@bioethics.gov* in advance of the meeting. The Commission will make every effort to accommodate persons who need special assistance.

Dated: January 5, 2015.

**Lisa M. Lee,**

*Executive Director, Presidential Commission for the Study of Bioethical Issues.*

[FR Doc. 2015–00801 Filed 1–20–15; 8:45 am]

BILLING CODE 4150–28–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Agency for Healthcare Research and Quality

### Notice of Proposed Changes for the Consumer Assessment of Healthcare Providers and Systems (CAHPS) Clinician & Group Survey

**AGENCY:** Agency for Healthcare Research and Quality (AHRQ), HHS.

**ACTION:** Notice of request for public comments.

**SUMMARY:** The Agency for Healthcare Research and Quality (AHRQ) seeks comments on proposed changes to the CAHPS Clinician & Group (CG–CAHPS) Survey, including the Patient-Centered Medical Home (PCMH) Item Set. The CG–CAHPS survey is a product of the CAHPS program, which is funded and administered by AHRQ. AHRQ works closely with a consortium of public and private research organizations to develop and maintain surveys and tools to advance patient-centered care. AHRQ proposes these revisions in order to enhance the survey usability and functionality. AHRQ will implement these changes and release a new version of the CG–CAHPS Survey, Version 3.0. in 2015.

**DATES:** AHRQ encourages submission of comments via email because postal mail addressed to AHRQ is subject to delay due to security screening. Please submit email comments to: *CAHPS1@westat.com* and write ''CAHPS Proposed Changes'' on the subject line.

If filing comments on paper, write ''CAHPS Proposed Changes'' on the comments and on the envelope, and mail them to: Christine Crofton, Ph.D., AHRQ CAHPS Program Director, Center for Quality Improvement and Patient Safety, Agency for Healthcare Research and Quality, 540 Gaither Road, Rockville, MD 20850.

Comments on this notice must be received no later than 5 p.m. EST on February 20, 2015. AHRQ will remove all commenter identifying information from the comments and will not provide individual responses. AHRQ will provide a summary of the comments and actions taken as a result of those comments. The summary document will be posted on the AHRQ CAHPS Web site *https://cahps.ahrq.gov/index.html* no later than 45 days after the closing of the comment period.

**FOR FURTHER INFORMATION CONTACT:** Christine Crofton, Ph.D., AHRQ CAHPS Program Director, Center for Quality Improvement and Patient Safety, Agency for Healthcare Research and Quality, 540 Gaither Road, Rockville, MD 20850, Email: *Christine.Crofton@AHRQ.hhs.gov,* Phone: (301) 427–1323.

**ADDRESSES:** Information about the CAHPS Program—including background information, surveys, and tools—can be found on the AHRQ CAHPS Web site at *https://cahps.ahrq.gov/index.html.*

**SUPPLEMENTARY INFORMATION:**

## Background

Through its CAHPS program, AHRQ has been advancing the research and practice of patient-centered care (CAHPS® is a registered trademark of the Agency for Healthcare Research and Quality). The goals of the CAHPS program are: (1) To develop standardized surveys that organizations can use to collect comparable information on patients' experiences with care, and (2) to generate tools and resources to support the dissemination and use of comparative survey results to inform the public about and improve health care quality. The CAHPS® surveys assess quality of care from the patient point of view in their use of health plans as well as various ambulatory and institutional settings, including physician practices, hospitals, and nursing homes. The surveys address a range of health care services and provide results that address the various needs of health care consumers, purchasers, health plans developers, providers, and policymakers.

The CAHPS Consortium—which includes two AHRQ grantees (RAND Corporation and Yale School of Public Health), Westat (a support contractor), and AHRQ staff—are responsible for the research and development work necessary to produce CAHPS instruments, survey protocols, analysis tools, and reporting guidance. The consortium plays a critical role in educating and supporting organizations that use CAHPS products and data.

## Proposed Changes

AHRQ is proposing changes to the CG–CAHPS Core Survey, including the PCMH Item Set. These proposals are based on feedback from survey users and other stakeholders.

The following principles have guided the changes to the survey and item set: (a) Minimizing the burden of surveys on patients and providers and to ensure consistency across multiple mandates for patient experience surveying by developing a single core survey; (b) balancing suggestions to shorten the survey with requests to add content—such as a measure of care coordination—while retaining the core topic areas of access, communication, office staff interactions, and a provider rating; and (c) maximizing the reliability of the CG–CAHPS reporting measures by grounding all recommended changes in analyses of relevant data. The proposed changes aim to balance the importance of the measures to patients and stakeholders with the reliability and validity of the measures.

Listed below is an overview of the proposed changes to the CG–CAHPS Survey, including the PCMH Item Set. Further details about the specific changes by composite measure and at the item level can be found on the AHRQ CAHPS Web site at: *https://cahps.ahrq.gov/surveys-guidance/cg/about/proposed-cg-update.html.*

## Changes to CG–CAHPS Survey

Survey reference time period: AHRQ proposes changing the reference time period of the CG–CAHPS Survey from ''In the last 12 months'' to ''In the last six months.'' Rationale: This change will make the survey consistent with the survey versions being implemented by the Centers for Medicare & Medicaid Services (CMS), including the ACO CAHPS Survey and the CAHPS Survey for the Physician Quality Reporting System (PQRS). A study that randomized patients to a 12-month or 6-month survey version yielded similar CAHPS scores at the practice site level.

Access composite measure: AHRQ proposes reducing the number of items in this composite measure from five items to three items: ''Got urgent care appointment'', ''Got appointment for checkup or routine care'', and ''Got answer to medical question the same day.'' Rationale: These items are important to patients and stakeholders, have good reliability, and include multiple aspects of access.

Communication composite measure: AHRQ proposes reducing the number of items in this composite measure from six items to four items: ''Explains things in a way that is easy to understand'', ''Listens carefully'', ''Shows respect for what you have to say'', and ''Spends enough time.'' Rationale: The proposed four-item composite is consistent with the communication measure in the CAHPS Health Plan Survey.

Care Coordination composite measure: Care coordination is an important aspect of patient experience that is commonly assessed by CAHPS surveys. The goal was to develop a care coordination composite measure that could be standardized across CAHPS surveys. According to an article by Ron D. Hays *et al,* the CAHPS Medicare Survey includes a 10-item measure, but a shorter measure may make standardization more likely. The full

article published in 2013 in Medical Care Research and Review is available at *http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3959996/.* Given the importance of care coordination for stakeholders and patients, AHRQ proposes to add a composite measure to the CG–CAHPS core survey. Since two of the items are already part of the core survey, this new composite requires the addition of only one item to the core survey.

The new three-item care coordination composite would consist of ''Follow up on test results'' (from the CG–CAHPS core survey), ''Knows important information about medical history'' (from the CG–CAHPS core survey), and ''Provider talked about all prescription medicines being taken'' (from the PCMH Item Set).

With these changes, including the addition of the care coordination measure, the final core CG–CAHPS Survey will be reduced from 34 items to 31 items.

**Patient-Centered Medical Home (PCMH) Item Set**

The PCMH Item Set is a collection of supplemental items that ask about experiences with the domains of a medical home. The combination of the core CG–CAHPS Survey with the PCMH Item Set constitutes the CAHPS PCMH Survey. The PCMH Survey has been used by the National Committee for Quality Assurance (NCQA) as part of its PCMH Recognition Program (see below, Related Efforts). AHRQ proposes the following changes to the PCMH Item Set.

Shared decision making: AHRQ proposes moving three items to the general set of supplemental items. Rationale: The items require large sample sizes to achieve acceptable unit-level reliability.

Self-management support: AHRQ proposes retaining two items. Rationale: While reliability estimates were mixed for different data sets, stakeholders have deemed these items critical to PCMH Item Set.

Attention to mental or emotional health: AHRQ proposes retaining one item ''Things that cause worry or stress'' and moving the other two items—''Depression screening'' and ''Personal or family problems''—to the general set of supplemental items. Rationale: AHRQ agrees with NCQA's view that three items are not necessary to capture comprehensiveness. The retained item is most correlated with the overall composite.

Information on getting care on evenings, weekends, and holidays: AHRQ proposes retaining this item, which is also regarded by NCQA's stakeholders as critical for inclusion for PCMH Item Set.

Getting care on evenings, weekends, and holidays: AHRQ proposes moving this item to the general set of supplemental items. Rationale: The number of responses in most practice-based surveys is insufficient to achieve reliability.

Days wait for urgent care: AHRQ proposes moving this item to the general set of supplemental items. Rationale: AHRQ supports NCQA's proposal regarding this item.

Reminders between visits: AHRQ proposes moving this item to the general set of supplemental items. Rationale: AHRQ supports NCQA's proposal regarding this item.

Care coordination items: The PCMH Item Set includes two items related to care coordination. These items did not combine to form a composite measure. As noted above, AHRQ proposes moving the item ''Provider talked about all the prescription medicines being taken'' into the core survey for the new measure of care coordination. AHRQ also proposes changing the current, ''Yes-No response'', scale for this item to a, ''Never/Sometimes/Usually/Always'' frequency response, scale. The second item, ''Provider informed and up-to-date on care from specialists'' would remain in the PCMH Item Set.

**Related Efforts**

AHRQ has been working closely with the CMS, our Federal partner in the CAHPS Consortium, throughout this process to achieve alignment with the CAHPS Survey for ACOs and the CAHPS for PQRS Survey. For specific questions about these surveys, contact the ACO CAHPS team at *acocahps@hcqis.org* or 1–855–472–4746 or the PQRS CAHPS team at *pqrscahps@hcqis.org.*

As noted, NCQA currently uses the CAHPS PCMH Survey as part of its PCMH Recognition Program. NCQA has issued a separate proposal for changes to the survey that may be used for the PCMH program in the future. For specific questions about the use of the PCMH Survey by NCQA, contact their customer support at (888) 275–7585 or *customersupport@ncqa.org.*

Dated: January 13, 2015.

**Richard Kronick,**

*AHRQ Director.*

[FR Doc. 2015–00767 Filed 1–20–15; 8:45 am]

BILLING CODE 4160–90–M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Agency for Healthcare Research and Quality

### Scientific Information Request on Imaging for Pretreatment Staging of Small Cell Lung Cancer

**AGENCY:** Agency for Healthcare Research and Quality (AHRQ), HHS.

**ACTION:** Request for scientific information submissions.

**SUMMARY:** The Agency for Healthcare Research and Quality (AHRQ) is seeking scientific information submissions from the public. Scientific information is being solicited to inform our review of Imaging for Pretreatment Staging of Small Cell Lung Cancer, which is currently being conducted by the AHRQ's Evidence-based Practice Centers (EPC) Programs. Access to published and unpublished pertinent scientific information will improve the quality of this review. AHRQ is conducting this systematic review pursuant to Section 902(a) of the Public Health Service Act, 42 U.S.C. 299a(a).

**DATES:** Submission Deadline on or before February 20, 2015.

**ADDRESSES:**

*Online submissions: http://effectivehealthcare.AHRQ.gov/index.cfm/submit-scientific-information-packets/.* Please select the study for which you are submitting information from the list to upload your documents.

*Email submissions: SIPS@epc-src.org.*

**Print Submissions**

*Mailing Address*

Portland VA Research Foundation, Scientific Resource Center, ATTN: Scientific Information Packet Coordinator, PO Box 69539, Portland, OR 97239.

*Shipping Address (FedEx, UPS, etc.)*

Portland VA Research Foundation, Scientific Resource Center, ATTN: Scientific Information Packet Coordinator, 3710 SW U.S. Veterans Hospital Road, Mail Code: R&D 71, Portland, OR 97239.

**FOR FURTHER INFORMATION CONTACT:** Ryan McKenna, *Telephone:* 503–220–8262 ext. 58653 or *Email: SIPS@epc-src.org.*

**SUPPLEMENTARY INFORMATION:** The Agency for Healthcare Research and Quality has commissioned the Evidence-based Practice Centers (EPC) Programs to complete a review of the evidence for Imaging for Pretreatment Staging of Small Cell Lung Cancer.

The EPC Program is dedicated to identifying as many studies as possible that are relevant to the questions for each of its reviews. In order to do so, we are supplementing the usual manual and electronic database searches of the literature by requesting information from the public (*e.g.,* details of studies conducted). We are looking for studies that report on Imaging for Pretreatment Staging of Small Cell Lung Cancer, including those that describe adverse events. The entire research protocol, including the key questions, is also available online at: *http://effectivehealthcare.ahrq.gov/search-for-guides-reviews-and-reports/?pageaction=displayproduct&productID=2020.*

This notice is to notify the public that the EPC Program would find the following information on Imaging for Pretreatment Staging of Small Cell Lung Cancer helpful:

- A list of completed studies that your organization has sponsored for this indication. In the list, please indicate whether results are available on ClinicalTrials.gov along with the ClinicalTrials.gov trial number.
- For completed studies that do not have results on ClinicalTrials.gov, please provide a summary, including the following elements: study number, study period, design, methodology, indication and diagnosis, proper use instructions, inclusion and exclusion criteria, primary and secondary outcomes, baseline characteristics, number of patients screened/eligible/enrolled/lost to follow-up/withdrawn/analyzed, effectiveness/efficacy, and safety results.
- A list of ongoing studies that your organization has sponsored for this indication. In the list, please provide the ClinicalTrials.gov trial number or, if the trial is not registered, the protocol for the study including a study number, the study period, design, methodology, indication and diagnosis, proper use instructions, inclusion and exclusion criteria, and primary and secondary outcomes.
- Description of whether the above studies constitute ALL Phase II and above clinical trials sponsored by your organization for this indication and an index outlining the relevant information in each submitted file.

Your contribution will be very beneficial to the EPC Program. The contents of all submissions will be made available to the public upon request. Materials submitted must be publicly available or can be made public. Materials that are considered confidential; marketing materials; study types not included in the review; or information on indications not included in the review cannot be used by the EPC Program. This is a voluntary request for information, and all costs for complying with this request must be borne by the submitter.

The draft of this review will be posted on AHRQ's EPC Program Web site and available for public comment for a period of 4 weeks. If you would like to be notified when the draft is posted, please sign up for the email list at: *http://effectivehealthcare.AHRQ.gov/index.cfm/join-the-email-list1/.*

The systematic review will answer the following questions. This information is provided as background. AHRQ is not requesting that the public provide answers to these questions. The entire research protocol, is available online at: *http://effectivehealthcare.ahrq.gov/search-for-guides-reviews-and-reports/?pageaction=displayproduct&productID=2020.*

**The Key Questions**

*Question 1*

What are the test concordance and comparative accuracy of imaging tests (MDCT, PET/CT, MRI, PET/MRI, EBUS, EUS, bone scintigraphy) for the pretreatment staging of small cell lung cancer?

- Test concordance
- Sensitivity
- Specificity
- Positive Predictive Value
- Negative Predictive Value
- Positive Likelihood Ratio
- Negative Likelihood Ratio

*Question 2*

When used for the pretreatment staging of small cell lung cancer, what is the comparative effectiveness of imaging tests (MDCT, PET/CT, MRI, PET/MRI, EBUS, EUS, bone scintigraphy) on later outcomes?

- Choice of treatment (*e.g.,* surgery, chemotherapy, radiation)
- Timeliness of treatment
- Tumor response
- Harms due to overtreatment or undertreatment
- Survival
- Quality of life

*Question 3*

To what extent are the following factors associated with the comparative accuracy or effectiveness of imaging tests (MDCT, PET/CT, MRI, PET/MRI, EBUS, EUS, bone scintigraphy) when used for the pretreatment staging of small cell lung cancer?

- comorbidities
- body habitus
- tumor characteristics

PICOTS (Population, Intervention, Comparator, Timing, Setting)

Population(s)

Adults with diagnosed SCLC or combined SCLC

**Interventions**

- Any of the following imaging tests when used for pretreatment staging:
  - MDCT
  - PET/CT
  - MRI
  - PET/MRI
  - EBUS
  - EUS
  - Bone scintigraphy

**Comparators**

- Single test (one of the above) vs. single test (another one of the above)
- Single test (one of the above) vs. single test (a specific variant of the same modality)
- Single test (one of the above) vs. multiple tests (more than one of the above)
- Multiple test (more than one of the above) vs. other multiple tests (more than one of the above)
- Test comparisons for patients with comorbid illnesses vs. those without (KQ3)
- Test comparisons at different levels of body habitus (KQ3)
- Test comparisons for different tumor characteristics (KQ3)

**Outcomes**

- Intermediate outcomes
  - Test concordance (the percentage of patients for whom two imaging tests give the same result or different results)
  - Sensitivity (KQ1 and KQ3) (separately for different potions of the anatomy such as mediastinal lymph nodes, brain, etc.)
  - Specificity (KQ1 and KQ3) (separately for different potions of the anatomy such as mediastinal lymph nodes, brain, etc.)
  - Timeliness of treatment (KQ2 and KQ3)
  - Choice of treatment (KQ2 and KQ3)
  - Tumor response (KQ2 and KQ3)
- Patient-centered outcomes
  - Survival (KQ2 and KQ3)
  - Quality of life (KQ2 and KQ3)
  - Harms due to overtreatment or undertreatment (KQ2 and KQ3)

**Timing**

- For test concordance: no minimum follow-up
- For accuracy: no minimum follow-up
- For timeliness of treatment, timing is the outcome itself
- For choice of treatment, no minimum follow-up

- For tumor response, no minimum follow-up
- For harms due to overtreatment or undertreatment, no minimum follow-up
- For survival and quality of life, at least six months minimum follow-up

**Setting**

Any setting.

Dated: December 29, 2014.

**Richard Kronick,**

*AHRQ Director.*

[FR Doc. 2015–00762 Filed 1–20–15; 8:45 am]

**BILLING CODE 4160–90–M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Agency for Healthcare Research and Quality

### Scientific Information Request on Treatments for Fecal Incontinence

**AGENCY:** Agency for Healthcare Research and Quality (AHRQ), HHS

**ACTION:** Request for scientific information submissions.

**SUMMARY:** The Agency for Healthcare Research and Quality (AHRQ) is seeking scientific information submissions from the public. Scientific information is being solicited to inform our review of Treatments for Fecal Incontinence, which is currently being conducted by the AHRQ's Evidence-based Practice Centers (EPC) Programs. Access to published and unpublished pertinent scientific information will improve the quality of this review. AHRQ is conducting this systematic review pursuant to Section 902(a) of the Public Health Service Act, 42 U.S.C. 299a(a).

**DATES:** Submission Deadline on or before February 20, 2015.

**ADDRESSES:**

*Online submissions: http://effectivehealthcare.AHRQ.gov/index.cfm/submit-scientific-information-packets/.* Please select the study for which you are submitting information from the list to upload your documents.

*Email submissions: SIPS@epc-src.org.*

*Print submissions:*

*Mailing Address:*

Portland VA Research Foundation, Scientific Resource Center, ATTN: Scientific Information Packet Coordinator, PO Box 69539, Portland, OR 97239.

*Shipping Address (FedEx, UPS, etc.):*

Portland VA Research Foundation, Scientific Resource Center, ATTN: Scientific Information Packet Coordinator, 3710 SW U.S. Veterans Hospital Road, Mail Code: R&D 71, Portland, OR 97239.

**FOR FURTHER INFORMATION CONTACT:** Ryan McKenna, Telephone: 503–220–8262 ext. 58653 or Email: *SIPS@epc-src.org.*

**SUPPLEMENTARY INFORMATION:**

The Agency for Healthcare Research and Quality has commissioned the Evidence-based Practice Centers (EPC) Programs to complete a review of the evidence for Treatments for Fecal Incontinence.

The EPC Program is dedicated to identifying as many studies as possible that are relevant to the questions for each of its reviews. In order to do so, we are supplementing the usual manual and electronic database searches of the literature by requesting information from the public (*e.g.,* details of studies conducted). We are looking for studies that report on Treatments for Fecal Incontinence, including those that describe adverse events. The entire research protocol, including the key questions, is also available online at: *http://effectivehealthcare.AHRQ.gov/search-for-guides-reviews-and-reports/?pageaction=display product&productID=2013.*

This notice is to notify the public that the EPC Program would find the following information on Treatments for Fecal Incontinence (FI) helpful:

- A list of completed studies that your organization has sponsored for this indication. In the list, please indicate whether results are available on *ClinicalTrials.gov* along with the *ClinicalTrials.gov* trial number.
- For completed studies that do not have results on ClinicalTrials.gov, please provide a summary, including the following elements: study number, study period, design, methodology, indication and diagnosis, proper use instructions, inclusion and exclusion criteria, primary and secondary outcomes, baseline characteristics, number of patients screened/eligible/enrolled/lost to follow-up/withdrawn/analyzed, effectiveness/efficacy, and safety results.
- A list of ongoing studies that your organization has sponsored for this indication. In the list, please provide the ClinicalTrials.gov trial number or, if the trial is not registered, the protocol for the study including a study number, the study period, design, methodology, indication and diagnosis, proper use instructions, inclusion and exclusion criteria, and primary and secondary outcomes.
- Description of whether the above studies constitute all Phase II and above clinical trials sponsored by your organization for this indication and an index outlining the relevant information in each submitted file.

Your contribution will be very beneficial to the EPC Program. The contents of all submissions will be made available to the public upon request. Materials submitted must be publicly available or can be made public. Materials that are considered confidential; marketing materials; study types not included in the review; or information on indications not included in the review cannot be used by the EPC Program. This is a voluntary request for information, and all costs for complying with this request must be borne by the submitter.

The draft of this review will be posted on AHRQ's EPC Program Web site and available for public comment for a period of 4 weeks. If you would like to be notified when the draft is posted, please sign up for the email list at: *http://effectivehealthcare.AHRQ.gov/index.cfm/join-the-email-list1/.*

The systematic review will answer the following questions. This information is provided as background. AHRQ is not requesting that the public provide answers to these questions. The entire research protocol, is available online at: *http://effectivehealthcare.AHRQ.gov/search-for-quides-reviews-and-reports/?pageaction=displayproduct&product ID=2013.*

**The Key Questions**

*Key Question 1*

What is the comparative effectiveness of treatments to improve quality of life and continence and lessen the severity of FI in affected adults?

*Key Question 2*

What adverse effects are associated with specific treatments for adults with FI?

**PICOTS**

The PICOTS Framework (Population, Intervention, Comparator, Outcomes, Timing, Setting) will be identified for each key question.

**Population**

We will include adults with FI and classify them within the etiologic categories listed below, and by adult age groups (geriatric versus other). Whenever possible, we will examine treatment effects within etiologic subgroups of adults, since affected individuals are highly heterogeneous and not all treatments are feasible for specific subgroups. Patients with FI due to spinal cord injury will be separately evaluated. Adults with fistulas will be excluded. The possible associations of

treatments and etiologic subgroups are shown in Appendix A of the research protocol.

*Potential Subgroups Include:*

- Structural (damage or variants)
  - Anal sphincter
    - Injury (often due to episiotomy): from muscle damage and/or nerve damage
    - Damage from surgery (for hemorrhoids or cancer [after anal, rectal or colon resection]) or underlying systemic condition (such as scleroderma)
  - Pelvic floor
    - Weakening (atrophy), prolapse (pelvic organs, rectal), or stretching (chronic constipation)
  - Rectal
    - Post-radiation (mainly for prostate and rectal cancer)
    - Rectal filling and storage problems
    - Hemorrhoids
    - Rectocele
  - Congenital malformations (anorectal, anal sphincter)
- Alterations in gastrointestinal motility or fecal texture (due to conditions or ingestibles)
  - Crohn's disease, ulcerative colitis, irritable bowel syndrome
  - Medications
  - Autoimmune disorders (such as systemic lupus erythematosus)
- Neurogenic etiologies
  - Nerve injury to pelvic floor
  - Spinal cord injury, spina bifida
  - Traumatic brain injury
  - Stroke
  - Neurodegenerative diseases (such as multiple sclerosis, multiple system atrophy, Shy-Drager syndrome, etc.)
- Multiple
  - Any combination of above etiologies
- Unknown
  - FI etiology(ies) unknown or not reported

**Interventions**

We will include FDA-approved treatments for FI and FDA-approved medications used off-label (not specifically approved for the treatment of FI) and available for use in the United States. Interventions that do not require FDA approval and are used in the United States will be included. Since a number of treatments that are not FDA-approved are commonly used in Europe, the following additional specifications will apply:

- If the device is FDA approved for an indication and is used off label for FI, we will include the studies (*e.g.,* rectal irrigation).
- If a device is FDA approved under a certain brand name for FI (*e.g.,* anal plugs), and there are studies that compare it to other brands approved only in Europe, we will include those studies.

Colostomy, treatments for diarrhea (not FI), and laxatives used to treat stool impaction will be excluded.

- Nonsurgical
  - Functional enhancement therapies (muscle training/biofeedback/electrostimulation):
    - Pelvic floor muscle training exercises (PFMT)
    - PFMT with biofeedback (using electrical or ultrasound sensors) EMG
    - PFMT with biofeedback, plus electrostimulation
  - Dietary modifications: Fiber, probiotic supplements, other
  - Medications: such as
    - Antidiarrheal or constipating drugs (such as loperamide hydrochloride [*e.g.,* Imodium®], diphenoxylate plus atropine [*e.g.,* Lomoti1®], codeine)
    - Sphincter function enhancers (topical phenylepinephrine gel, sodium valproate)
    - Other bowel-affecting drugs: Anticholinergics (hyoscyamine sulfate), tricyclic agents (amitriptyline, imipramine)
  - Behavior modification
  - Stool consistency management
  - Devices: anal plugs
  - Rectal irrigation
  - Injections of local biocompatible tissue-bulking agent (into the anal canal walls)
    - Dextranomer in stabilized sodium hyaluronate (Solesta®)
- Surgical
  - Implanted neurostimulation (sacral nerve stimulators)
  - Radiofrequency anal sphincter remodeling (SECCA)—(may be in-office procedure)
  - Anal sphincter repair (sphincteroplasty or muscle transposition)
  - Sphincter replacement (artificial anal sphincter)
  - Surgical correction of condition that led to FI (such as rectal prolapse, hemorrhoids, or rectocele)
- Combined treatments: any combination

**Comparators**

All other treatment options, alone or in combination. Where available, trials with placebo or sham controls will be included.

**Outcomes**

The review will focus on patient-important outcomes as listed below. Intermediate outcomes, such as physiologic measures of sphincter function (electromyography (EMG) recruitment, direct EMG [pudendal nerve terminal motor latency test], anorectal manometry, defecography, etc.), will not be examined due to the lack of correlation with patient-important outcomes.

*Key Question 1 (Final health outcomes)*

- Quality of Life (multiple scales, such as the Fecal Incontinence Quality of Life [FIQL],25 Gastrointestinal Quality of Life Index, or the Medical Outcomes Survey 36-item health survey (SF–36), others)
- Reduced frequency of incontinence episodes (bowel diaries, episode counts, etc.)
- Reduced severity of incontinence (volume and type of leakage; the use of coping behaviors): multiple scales such as the Fecal Incontinence Severity Index [FISI], Jorge/Wexner (Cleveland Clinic) Incontinence Score, Vaizey/St. Mark's Hospital incontinence score, Pescatori, Miller Incontinence Score, and others.
- Urgency
- Emotional and psychological outcomes (fear, shame, embarrassment, depression, humiliation, anger, etc.): FIQL subscales, Euro-QoL 5D (anxiety/depression subscale)
- Change (reduction) in coping behaviors relative to FI management
- Social activity
- Sexual function

*Key Question 2 (Adverse effects of specific treatments)*

- Pain: abdominal, other
- Worsening of FI (frequency, severity)
- Constipation and/or diarrhea
- Other gastrointestinal symptoms (such as cramping, bloating, etc.)
- Difficulty evacuating bowels
- Headache
- Nausea
- Change in appetite
- Local dermatitis
- Surgical complications (infection, revision surgery, etc.)
- Negative emotional/psychological effects (depression, anger, etc.)
- Other adverse effect(s) related to treatment (skin breakdown, urinary tract infection, etc.)

**Timing**

Duration of follow up: Since FI is a chronic condition, studies with at least 3 months of follow up after treatment initiation are the main focus of the review. However, since some interventions may have only short follow up (such as medications or

dietary interventions), we will include all studies that otherwise meet the selection criteria to allow us to make overarching comments about the status of the FI treatment-outcomes literature in the final report.

**Setting**

Any setting (community dwelling, long-term care, other).

Dated: December 30, 2014.

**Richard Kronick,**

*AHRQ Director.*

[FR Doc. 2015–00764 Filed 1–20–15; 8:45 am]

BILLING CODE 4160–90–M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

### Proposed Information Collection Activity; Comment Request

**Proposed Projects**

*Title:* Performance Measures for Community-Centered Healthy Marriage, Pathways to Responsible Fatherhood and Community-Centered Responsible Fatherhood Ex-Prisoner Reentry grant programs.

*OMB No.:* 0970–0365—Reinstatement with changes of a previously approved collection.

*Description:* The Office of Family Assistance (OFA), Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), intends to request approval from the Office of Management and Budget (OMB) to renew OMB Form 0970–0365 for the collection of performance measures from grantees for the Community-Centered Healthy Marriage, Pathways to Responsible Fatherhood and Community-Centered Responsible Fatherhood Ex-Prisoner Reentry discretionary grant programs. The performance measure data obtained from the grantees will be used by OFA to report on the overall performance of these grant programs.

Data will be collected from all 60 Community-Centered Healthy Marriage, 54 Pathways to Responsible Fatherhood and 5 Community-Centered Responsible Fatherhood Ex-Prisoner Reentry grantees in the OFA programs. Grantees will report on program and participant outcomes in such areas as participants' improvement in knowledge skills, attitudes, and behaviors related to healthy marriage and responsible fatherhood. Grantees will be asked to input data for selected outcomes for activities funded under the grants. Grantees will extract data from program records and will report the data twice yearly through an on-line data collection tool. Training and assistance will be provided to grantees to support this data collection process.

*Respondents:* Office of Family Assistance Funded Community-Centered Healthy Marriage, Pathways to Responsible Fatherhood and Community-Centered Responsible Fatherhood Ex-Prisoner Reentry Grantees.

ANNUAL BURDEN ESTIMATES

| Instrument | Number of respondents | Number of responses per respondent | Average burden hours per response | Total annual burden hours |
|---|---|---|---|---|
| Performance measure reporting form (for private sector affected public) | 110 | 2 | 0.8 | 176 |
| Performance measure reporting form (for State, local, and tribal government affected public) | 9 | 2 | 0.8 | 14 |
| Estimated Total Annual Burden Hours | | | | 190 |

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

**Robert Sargis,**

*Reports Clearance Officer.*

[FR Doc. 2015–00809 Filed 1–20–15; 8:45 am]

BILLING CODE 4184–01–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. FDA–2008–N–0500]**

### Agency Information Collection Activities; Proposed Collection; Comment Request; Requirements on Content and Format of Labeling for Human Prescription Drug and Biological Products

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of

information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection provisions of FDA's requirements on content and format of labeling for human prescription drug and biological products.

**DATES:** Submit either electronic or written comments on the collection of information by March 23, 2015.

**ADDRESSES:** Submit electronic comments on the collection of information to *http://www.regulations.gov.* Submit written comments on the collection of information to the Division of Dockets Management (HFA 305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

**FOR FURTHER INFORMATION CONTACT:** FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

**SUPPLEMENTARY INFORMATION:** Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

**Requirements on Content and Format of Labeling for Human Prescription Drug and Biological Products (OMB Control Number 0910–0572)—Extension**

FDA's regulations governing the format and content of labeling for human prescription drug and biological products were revised in the **Federal Register** of January 24, 2006 (71 FR 3922), to require that the labeling of new and recently approved products contain highlights of prescribing information, a table of contents for prescribing information, reordering of certain sections, minor content changes, and minimum graphical requirements. These revisions were intended to make it easier for health care practitioners to access, read, and use information in prescription drug labeling; to enhance the safe and effective use of prescription drug products; and to reduce the number of adverse reactions resulting from medication errors due to misunderstood or incorrectly applied drug information.

Currently, § 201.56 (21 CFR 201.56) requires that prescription drug labeling contain certain information in the format specified in either § 201.57 (21 CFR 201.57) or § 201.80 (21 CFR 201.80), depending on when the drug was approved for marketing. Section 201.56(a) sets forth general labeling requirements applicable to all prescription drugs. Section 201.56(b) specifies the categories of new and more recently approved prescription drugs subject to the revised content and format requirements in §§ 201.56(d) and 201.57. Section 201.56(c) sets forth the schedule for implementing these revised content and format requirements. Section 201.56(e) specifies the sections and subsections, required and optional, for the labeling of older prescription drugs not subject to the revised format and content requirements.

Section 201.57(a) requires that prescription drug labeling for new and more recently approved prescription drug products include ''Highlights of Prescribing Information''. Highlights provides a concise extract of the most important information required under § 201.57(c) (the Full Prescribing Information (FPI)), as well as certain additional information important to prescribers. Section 201.57(b) requires a table of contents to prescribing information, entitled ''Full Prescribing Information: Contents,'' consisting of a list of each heading and subheading along with its identifying number to facilitate health care practitioners' use of labeling information. Section 201.57(c) specifies the contents of the FPI. Section 201.57(d) mandates the minimum specifications for the format of prescription drug labeling and establishes minimum requirements for key graphic elements such as bold type, bullet points, type size, and spacing.

Older drugs not subject to the revised labeling content and format requirements in § 201.57 are subject to labeling requirements at § 201.80. Section 201.80(f)(2) requires that within 1 year, any FDA-approved patient labeling be referenced in the ''Precautions'' section of the labeling of older products and either accompany or be reprinted immediately following the labeling.

*Annual Burden for Prescription Drug Labeling Design, Testing, and Submitting to FDA for New Drug Applications (NDAs) and Biologics License Applications (BLAs) (§§ 201.56 and 201.57).* New drug product applicants must: (1) Design and create prescription drug labeling containing ''Highlights'', ''Contents'', and FPI, (2) test the designed labeling (*e.g.,* to ensure that the designed labeling fits into carton-enclosed products), and (3) submit it to FDA for approval. Based on the projected data used in the January 24, 2006, final rule, FDA estimates that it takes applicants approximately 3,349 hours to design, test, and submit prescription drug labeling to FDA as part of an NDA or a BLA under the revised regulations. Currently, approximately 131 applicants submit approximately 196 new applications (NDAs and BLAs) to FDA annually, totaling 656,404 hours.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

| 21 CFR Part | Number of respondents | Number of responses per respondent | Total annual responses | Average burden per response | Total hours |
|---|---|---|---|---|---|
| Labeling Requirements in §§ 201.56 and 201.57 | 131 | 1.5 | 196 | 3,349 | 656,404 |

Dated: January 13, 2015.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2015–00761 Filed 1–20–15; 8:45 am]

BILLING CODE 4164–01–P

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Service Administration

### Advisory Committee on Training in Primary Care Medicine and Dentistry Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (92), notice is hereby given of the following meeting:

*Name:* Advisory Committee on Training in Primary Care Medicine and Dentistry (ACTPCMD).

*Dates and Times:* February 6, 2015 (10:00 a.m.–4:00 p.m.)

*Place:* Webinar and Conference Call Format.

*Status:* The meeting will be open to the public.

*Purpose:* The ACTPCMD provides advice and recommendations on a broad range of issues relating to grant programs authorized by sections 222 and 749 of the Public Health Service Act, as amended by section 5103(d) and re-designated by section 5303 of the Patient Protection and Affordable Care Act of 2010.

The ACTPCMD members will discuss health literacy and patient engagement for inclusion in the 12th ACTPCMD Report. The report will be submitted to the Secretary of the Department of Health and Human Services; the Committee on Health, Education, Labor, and Pensions of the Senate; and the Committee on Energy and Commerce of the House of Representatives.

*Agenda:* The ACTPCMD agenda provides opportunity for members to discuss health literacy and patient engagement for inclusion in the 12th ACTPCMD Report. An official agenda will be available 2 days prior to the meeting on the HRSA Web site (*http://www.hrsa.gov/advisorycommittees/bhpradvisory/actpcmd/index.html*). Agenda items are subject to change as priorities dictate.

*Public Comment:* Requests to make oral comments or provide written comments to the ACTPCMD should be sent to Dr. Joan Weiss, Designated Federal Official, using the address and phone number below. Individuals who plan to participate on the conference call or webinar should notify Dr. Weiss at least 3 days prior to the meeting, using the address and phone number below. Members of the public will have the opportunity to provide comments. Interested parties should refer to the meeting subject as the HRSA Advisory Committee on Training in Primary Care Medicine and Dentistry.

The conference call-in number is 800–369–1867. The passcode is: 8803797. The webinar link is *https://hrsa.connectsolutions.com/actpcmd/.*

**FOR FURTHER INFORMATION CONTACT:** Anyone requesting information regarding the ACTPCMD should contact Dr. Joan Weiss, Designated Federal Official within the Bureau of Health Workforce, Health Resources and Services Administration, in one of three ways: 1) Send a request to the following address: Dr. Joan Weiss, Designated Federal Official, Bureau of Health Workforce, Health Resources and Services Administration, Parklawn Building, Room 12C–05, 5600 Fishers Lane, Rockville, Maryland 20857; 2) call (301) 443–0430; or 3) send an email to *jweiss@hrsa.gov.*

**Jackie Painter,**

*Acting Director, Division of Policy and Information Coordination.*

[FR Doc. 2015–00841 Filed 1–20–15; 8:45 am]

BILLING CODE 4165–15–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Service Administration

### Advisory Committee on Interdisciplinary, Community-Based Linkages; Notice of Meeting

In accordance with section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of the following meeting:

*Name:* Advisory Committee on Interdisciplinary, Community-Based Linkages (ACICBL).

*Dates And Times:* January 28, 2015 (10:00 a.m.–4:00 p.m.).

*Place:* Webinar and Conference Call Format.

*Status:* The meeting will be open to the public.

*Purpose:* The members of the ACICBL will discuss the legislatively mandated 15th Annual Report to the Secretary of Health and Human Services and Congress. The Committee members will discuss programmatic recommendations for each of the programs under Title VII Part D.

The programs under Title VII Part D include: 750—General Provisions; 751—Area Health Education Centers; 752—Continuing Education Support for Health Professionals Serving in Underserved Communities; 753—Education and Training Related to Geriatrics; 754—Quentin N. Burdick Program for Rural Interdisciplinary Training; 755—Allied Health and Other Disciplines; 756—Mental and Behavioral Health Education and Training Grants; 757—Advisory Committee on Interdisciplinary, Community-Based Linkages; and 759—Program for Education and Training in Pain Care. The logistical challenges of scheduling this meeting hindered an earlier publication of this meeting notice.

*Agenda:* The ACICBL agenda includes an opportunity for members to discuss the content of the 15th Annual Report and to listen to expert presentations to develop the report. The agenda will be available 2 days prior to the meeting on the Heath Resources and Services Administration (HRSA) Web site (*http://www.hrsa.gov/advisorycommittees/bhpradvisory/acicbl/acicbl.html*). Agenda items are subject to change as priorities dictate.

*Public Comment:* Requests to make oral comments or provide written comments to the ACICBL should be sent to Dr. Joan Weiss, Designated Federal Official, using the address and phone number below. Individuals who plan to participate on the conference call or webinar should notify Dr. Weiss at least 3 days prior to the meeting, using the

address and phone number below. Members of the public will have the opportunity to provide comments. Interested parties should refer to the meeting subject as the HRSA Advisory Committee on Interdisciplinary, Community-Based Linkages.

The conference call-in number is 800–369–1867. The passcode is: 8803797. The webinar link is *https://hrsa.connectsolutions.com/acicbl/.*

**FOR FURTHER INFORMATION CONTACT:** Anyone requesting information regarding the ACICBL should contact Dr. Joan Weiss, Designated Federal Official within the Bureau of Health Workforce, Health Resources and Services Administration, in one of three ways: 1) send a request to the following address: Dr. Joan Weiss, Designated Federal Official, Bureau of Health Workforce, Health Resources and Services Administration, Parklawn Building, Room 12C–05, 5600 Fishers Lane, Rockville, Maryland 20857; 2) call (301) 443–0430; or 3) send an email to *jweiss@hrsa.gov.*

**Jackie Painter,**

*Acting Director, Division of Policy and Information Coordination.*

[FR Doc. 2015–00842 Filed 1–20–15; 8:45 am]

**BILLING CODE 4165–15–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute of General Medical Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of General Medical Sciences Special Emphasis Panel; IDeA–CTR Meeting.

*Date:* February 11, 2015.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

*Contact Person:* Lisa A. Newman, SCD, Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3As.19K, Bethesda, MD 20892–4874, 301–594–2704, *newmanla2@mail.nih.gov.*

*Name of Committee:* National Institute of General Medical Sciences Special Emphasis Panel; PharmGKB R24 Review.

*Date:* February 13, 2015.

*Time:* 1:00 p.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Natcher Building, 45 Center Drive, Room 3An.18, Bethesda, MD 20892–6200, (Telephone Conference Call).

*Contact Person:* Brian R. Pike, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3An.18, Bethesda, MD 20892–6200, 301–594–3907, *pikbr@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: January 14, 2015.

**Melanie J. Gray,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015–00824 Filed 1–20–15; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute on Drug Abuse Special Emphasis Panel; Avenir Award Program for Research on Substance Abuse and HIV/AIDS (DP2).

*Date:* March 9, 2015.

*Time:* 9:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hilton Garden Inn Bethesda, 7301 Waverly Street, Bethesda, MD 20814.

*Contact Person:* Hiromi Ono, Ph.D., Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 4238, MSC 9550, Bethesda, MD 20892, 301–402–6020, *hiromi.ono@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: January 14, 2015.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015–00815 Filed 1–20–15; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Heart, Lung, and Blood Institute Special Emphasis Panel; MRI Myocardial Biopsy Forceps.

*Date:* February 13, 2015.

*Time:* 3:00 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate contract proposals.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Room 7180, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Tony L Creazzo, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7180, Bethesda, MD 20892–7924, 301–435–0725, *creazzotl@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: January 14, 2015.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015–00818 Filed 1–20–15; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute on Drug Abuse Special Emphasis Panel; Mobile Technologies Extending Reach of Primary Care for Substance-Use-Disorders (2242).

*Date:* February 3–4, 2015.

*Time:* 9:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate contract proposals.

*Place:* Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852,

*Contact Person:* Lyle Furr, Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 4227, MSC 9550, 6001 Executive Boulevard, Bethesda, MD 20892–9550, (301) 435–1439, *lf33c.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: January 14, 2015.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015–00816 Filed 1–20–15; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Mental Health Special Emphasis Panel; Confirmatory Efficacy Clinical Trials of Non-Pharmacological Interventions for Mental Disorders.

*Date:* February 9, 2015.

*Time:* 11:00 a.m. to 12:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

*Contact Person:* Marcy Ellen Burstein, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH Neuroscience Center, 6001 Executive Blvd., Room 6143, MSC 9606, Bethesda, MD 20892–9606, 301–443–9699, *bursteinme@mail.nih.gov.*

*Name of Committee:* National Institute of Mental Health Special Emphasis Panel; Global K Award.

*Date:* February 13, 2015.

*Time:* 12:00 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

*Contact Person:* Karen Gavin-Evans, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH Neuroscience Center, 6001 Executive Boulevard, Room 6153, MSC 9606, Bethesda, MD 20892, 301–451–2356, *gavinevanskm@mail.nih.gov.*

*Name of Committee:* National Institute of Mental Health Special Emphasis Panel; Early Phase Clinical Trials.

*Date:* February 18, 2015.

*Time:* 8:30 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* David I. Sommers, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, National Institutes of Health, 6001 Executive Blvd., Room 6154, MSC 9606, Bethesda, MD 20892–9606, 301–443–7861, *dsommers@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: January 14, 2015.

**Carolyn A. Baum,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015–00823 Filed 1–20–15; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Social Psychology, Personality and Interpersonal Processes.

*Date:* February 6, 2015.

*Time:* 10:30 a.m. to 11:30 a.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Le Meridien Delfina Santa Monica, 530 Pico Boulevard, Santa Monica, CA 90405.

*Contact Person:* Lee S Mann, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3224, MSC 7808, Bethesda, MD 20892, (301) 435–0677, *mannl@csr.nih.gov.*

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; PAR Panel: Genomic and Genetic Analyses of Xenopus.

*Date:* February 6, 2015.

*Time:* 2:30 p.m. to 5:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Richard Panniers, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2212, MSC 7890, Bethesda, MD 20892, (301) 435–1741, *pannierr@csr.nih.gov.*

*Name of Committee:* Cell Biology Integrated Review Group; Cellular Signaling and Regulatory Systems Study Section.

*Date:* February 9–10, 2015.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hotel Kabuki, 1625 Post Street, San Francisco, CA 94115.

*Contact Person:* Elena Smirnova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5187, MSC 7840, Bethesda, MD 20892, 301–357–9112, *smirnove@csr.nih.gov.*

*Name of Committee:* Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Neurotransporters, Receptors, and Calcium Signaling Study Section.

*Date:* February 12–13, 2015.

*Time:* 8:00 a.m. to 12:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Pier 2620 Hotel-Fisherman's Wharf, 2620 Jones Street, San Francisco, CA 94133.

*Contact Person:* Peter B Guthrie, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4182, MSC 7850, Bethesda, MD 20892, (301) 435–1239, *guthriep@csr.nih.gov.*

*Name of Committee:* Population Sciences and Epidemiology Integrated Review Group; Neurological, Aging and Musculoskeletal Epidemiology Study Section.

*Date:* February 12–13, 2015.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Torrance Marriott South Bay, 3635 Fashion Way, Torrance, CA 90503.

*Contact Person:* Heidi B Friedman, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1012A, MSC 7770, Bethesda, MD 20892, 301–435–1721, *hfriedman@csr.nih.gov.*

*Name of Committee:* Oncology 2—Translational Clinical Integrated Review Group; Chemo/Dietary Prevention Study Section.

*Date:* February 12–13, 2015.

*Time:* 8:00 a.m. to 10:00 a.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Sheraton Hotel Silver Spring, 8777 Georgia Avenue, Silver Spring, MD 20910.

*Contact Person:* Sally A Mulhern, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6198, MSC 7804, Bethesda, MD 20892, (301) 408–9724, *mulherns@csr.nih.gov.*

*Name of Committee:* Oncology 2—Translational Clinical Integrated Review Group; Drug Discovery and Molecular Pharmacology Study Section.

*Date:* February 12–13, 2015.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* The Dupont Circle Hotel, 1500 New Hampshire Avenue NW., Washington, DC 20036.

*Contact Person:* Jeffrey Smiley, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6194, MSC 7804, Bethesda, MD 20892, 301–594–7945, *smileyja@csr.nih.gov.*

*Name of Committee:* Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Synapses, Cytoskeleton and Trafficking Study Section.

*Date:* February 12–13, 2015.

*Time:* 8:00 a.m. to 12:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Lorien Hotel & Spa, 1600 King Street, Alexandria, VA 22314.

*Contact Person:* Christine A Piggee, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4186, MSC 7850, Bethesda, MD 20892, 301–435–0657, *christine.piggee@nih.gov.*

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; PAR Panel: Mouse Models for Translational Research.

*Date:* February 13, 2015.

*Time:* 12:00 p.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* The Dupont Circle Hotel, 1500 New Hampshire Avenue NW., Washington, DC 20036.

*Contact Person:* Jeffrey Smiley, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6194, MSC 7804, Bethesda, MD 20892, 301–594–7945, *smileyja@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: January 14, 2015.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015–00822 Filed 1–20–15; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Peer Review Meeting.

*Date:* February 4, 2015.

*Time:* 11:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate contract proposals.

*Place:* National Institutes of Health, Room 3E61, 5601 Fishers Lane, Rockville, MD 20892, (Telephone Conference Call).

*Contact Person:* Raymond R. Schleef, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892–7616, 301–451–3679, *schleefrr@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: January 14, 2015.

**David Clary,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015–00812 Filed 1–20–15; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Molecular and Cellular Endocrinology Study Section.

*Date:* February 10–11, 2015.

*Time:* 8:00 a.m. to 12:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hotel Palomar, 2121 P Street NW., Washington, DC 20037.

*Contact Person:* John Bleasdale, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6170 MSC 7892, Bethesda, MD 20892, 301–435–4514, *bleasdaleje@csr.nih.gov.*

*Name of Committee:* Immunology Integrated Review Group; Innate Immunity and Inflammation Study Section.

*Date:* February 12–13, 2015.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Ritz-Carlton Hotel at Pentagon City, 1250 South Hayes Street, Arlington, VA 22202.

*Contact Person:* Tina McIntyre, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4202, MSC 7812, Bethesda, MD 20892, 301–594–6375, *mcintyrt@csr.nih.gov*.

*Name of Committee:* Bioengineering Sciences & Technologies Integrated Review Group; Instrumentation and Systems Development Study Section.

*Date:* February 18–19, 2015.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* El Tropicano Riverwalk Hotel, 110 Lexington Avenue, San Antonio, TX 78205.

*Contact Person:* Kathryn Kalasinsky, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5158 MSC 7806, Bethesda, MD 20892, 301–402–1074, *kalasinskyks@mail.nih.gov*.

*Name of Committee:* Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Synthetic and Biological Chemistry B Study Section.

*Date:* February 18–19, 2015.

*Time:* 8:30 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Handlery Union Square Hotel, 351 Geary Street, San Francisco, CA 94102.

*Contact Person:* Kathryn M Koeller, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4166, MSC 7806, Bethesda, MD 20892, 301–435–2681, *koellerk@csr.nih.gov*.

*Name of Committee:* Genes, Genomes, and Genetics Integrated Review Group; Genomics, Computational Biology and Technology Study Section.

*Date:* February 18–19, 2015.

*Time:* 11:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

*Contact Person:* Barbara J Thomas, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2218, MSC 7890, Bethesda, MD 20892, 301–435–0603, *bthomas@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: January 14, 2015.

**David Clary,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015–00814 Filed 1–20–15; 8:45 am]

**BILLING CODE 4140–01–P**

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute on Drug Abuse Special Emphasis Panel; SEP II: Multi-site Clinical Trials.

*Date:* January 22, 2015.

*Time:* 3:30 p.m. to 4:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

*Contact Person:* Susan O. McGuire, Ph.D., Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Blvd., Room 4245, Rockville, MD 20852, 301–435–1426, *mcguireso@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: January 14, 2015.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015–00817 Filed 1–20–15; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Cancer Institute; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Cancer Advisory Board.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

A portion of the meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Cancer Advisory Board.

*Date:* February 12, 2015.

*Open:* 9:00 a.m. to 10:00 a.m.

*Agenda:* Program reports and presentations; business of the Board.

*Closed:* 10:00 a.m. to 10:30 a.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 9000 Rockville Pike, Building 31, C Wing, 6th Floor, Conference Room 10, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Paulette S. Gray, Ph.D., Executive Secretary, National Cancer Institute, National Institutes of Health, 9609 Medical Center Drive, Room 7W–444, Bethesda, MD 20892, (240) 276–6340, *grayp@dea.nci.nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *http://deainfo.nci.nih.gov/* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology

Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: January 13, 2015.

**Melanie J. Gray,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015–00826 Filed 1–20–15; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Center for Advancing Translational Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Center for Advancing Translational Sciences Special Emphasis Panel; SBIR Simple and Robust Progress Analyzer.

*Date:* March 30, 2015.

*Time:* 8:00 a.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892.

*Contact Person:* Barbara J. Nelson, Ph.D., Scientific Review Officer, Office of Grants Management & Scientific Review, National Center for Advancing Translational Sciences (NCATS), National Institutes of Health, 6701 Democracy Blvd., Room 1080, 1 Dem. Plaza, Bethesda, MD 20892–4874, 301–435–0806, *nelsonbj@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.350, B—Cooperative Agreements; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: January 14, 2015.

**David Clary,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015–00813 Filed 1–20–15; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Cancer Institute Special Emphasis Panel; Use of Mobile Innovations Related to Patient Outcomes.

*Date:* February 26, 2015.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate contract proposals.

*Place:* Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Ellen K. Schwartz, EDD, Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W264, Bethesda, MD 20892–8329, 240–276–6384, *schwarel@mail.nih.gov.*

*Name of Committee:* National Cancer Institute Special Emphasis Panel; Omnibus SEP–1 Review.

*Date:* March 3–4, 2015.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Doubletree Hotel Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Zhiqiang Zou, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W242, Rockville, MD 20850, 240–276–6372, *zouzhiq@mail.nih.gov*.

*Name of Committee:* National Cancer Institute Special Emphasis Panel; Omnibus SEP–15 Review.

*Date:* March 18, 2015.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Cancer Institute Shady Grove Campus, 9609 Medical Center Drive, Rockville, MD 20850, (Telephone Conference Call).

*Contact Person:* Shakeel Ahmad, Ph.D., Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W122, Bethesda, MD 20892–8328, 240–276–6349 *ahmads@mail.nih.gov*.

*Name of Committee:* National Cancer Institute Special Emphasis Panel; Omnibus SEP–8 Review.

*Date:* March 23–24, 2015.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Ellen K. Schwartz, EDD, Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W264, Bethesda, MD 20892–8329, 240–276–6384 *schwarel@mail.nih.gov*.

*Name of Committee:* National Cancer Institute Special Emphasis Panel; Omnibus SEP–13 Review.

*Date:* March 24, 2015.

*Time:* 9:00 a.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Cancer Institute Shady Grove Campus, 9609 Medical Center Drive, Rockville, MD 20850, (Telephone Conference Call).

*Contact Person:* Caterina Bianco, MD, Ph.D., Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W610, Bethesda, MD 20892–8329, 240–276–6459 *biancoc@mail.nih.gov*.

Information is also available on the Institute's/Center's home page: *http://deainfo.nci.nih.gov/advisory/sep/sep.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: January 14, 2015.

**Melanie J. Gray,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015–00825 Filed 1–20–15; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Heart, Lung, and Blood Institute Special Emphasis Panel; Defibrillating Device for MRI Procedures.

*Date:* February 11, 2015.

*Time:* 3:00 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate contract proposals

*Place:* National Institutes of Health, 6701 Rockledge Drive, Room 7192, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Giuseppe Pintucci, Ph.D. Scientific Review Officer, Office of Scientific Review/DERA National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7192, Bethesda, MD 20892, 301–435–0287, *Pintuccig@nhlbi.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: January 14, 2015.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015–00820 Filed 1–20–15; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Mycobacterial genetics, biochemistry and drug discovery and development.

*Date:* January 22, 2015.

*Time:* 1:30 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Tera Bounds, DVM, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3214, MSC 7808, Bethesda, MD 20892, 301–435–2306, *boundst@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: January 14, 2015.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015–00821 Filed 1–20–15; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Heart, Lung, and Blood Initial Review Group; NHLBI Mentored Clinical and Basic Science Review Committee.

*Date:* February 19–20, 2015.

*Time:* 10:30 a.m. to 12:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* The Westin Crystal City, 1800 Jefferson Davis Highway, Arlington, VA 22202.

*Contact Person:* Keith A. Mintzer, Ph.D. Scientific Review Officer, Office of Scientific Review/DERA National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7186, Bethesda, MD 20892–7924, 301–594–7947, *mintzerk@nhlbi.nih.gov*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: January 14, 2015.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015–00819 Filed 1–20–15; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### Prospective Grant of Start-up Exclusive License: Scopolamine for the Treatment of Depression and Anxiety

**AGENCY:** National Institutes of Health, HHS.

**ACTION:** Notice.

**SUMMARY:** This is notice, in accordance with 35 U.S.C. 209 and 37 CFR part 404, that the National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of a Start-Up Exclusive Patent License to Biohaven Pharmaceuticals Holding Company having its principal place of business in New Haven, Connecticut. The contemplated license would be for the inventions claimed in U.S. Utility Patent Number 8,859,585, issued October 14, 2014 (filed May 25, 2005), PCT Patent Application Number PCT/US2006/19335, filed May 18, 2006, U.S. Patent Application Number 14/478,442, filed September 5, 2014, European Patent Number 1896025, issued December 28, 2011 (and validated in Germany, France, and the United Kingdom), and Canadian Patent Number 2610025, issued July 22, 2014 (filed May 28, 2006). In addition, inventions claimed in any future applications claiming priority to or benefit of these patents and patent applications would also be subject to any license granted pursuant to this Notice.

The patent rights in this invention have been assigned to the Government of the United States of America. The territory of the prospective Start-Up Exclusive Patent License Agreement may be worldwide and the field of use may be limited to use of scopolamine

for treatment of neuropsychiatric indications.

**DATES:** Only written comments and/or applications for a license that are received by the NIH Office of Technology Transfer on or before February 5, 2015 will be considered.

**ADDRESSES:** Requests for a copy of the patent application, inquiries, comments and other materials relating to the contemplated Start-Up Exclusive license should be directed to: Susan Ano, Ph.D., Branch Chief, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852–3804; Telephone: (301) 435–5515; Facsimile: (301) 402–0220; Email: *anos@mail.nih.gov.*

**SUPPLEMENTARY INFORMATION:**

The subject invention describes the use of scopolamine for the treatment of depression, including major depressive disorder. Scopolamine is a known compound that has been employed in the treatment of nausea and motion sickness, as well as in conjunction with analgesics but the suitability of scopolamine for treating depression was unrecognized prior to this invention.

An important feature of scopolamine, as a treatment for depression, is its fast-acting nature. Currently available treatments can be ineffective in certain depression patients and typically do not show an effect in any patient until four weeks after first administration. However, preclinical data suggests that scopolamine has a rapid, wide-ranging and long lasting effect. This feature makes scopolamine highly desirable as a new treatment for depression.

The prospective Start-Up Exclusive License Agreement is being considered under the small business initiative launched on October 1, 2011 and complies with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404. The prospective exclusive license may be granted unless within fifteen (15) days from the date of this published notice, the NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404. Complete applications for a license in the prospective field of use that are filed in response to this notice will be treated as objections to the grant of the contemplated Start-Up Exclusive Patent License. Comments and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: January 13, 2015.

**Richard U. Rodriguez,**

*Acting Director, Office of Technology Transfer, National Institutes of Health.*

[FR Doc. 2015–00811 Filed 1–20–15; 8:45 am]

**BILLING CODE 4140–01–P**

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Substance Abuse and Mental Health Services Administration

### Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

**Proposed Project: Substance Abuse and Mental Health Data Archive (SAMHDA) Data Portal Applications—In Use Without Approval**

The Substance Abuse and Mental Health Administration (SAMHSA), Center for Behavioral Health Statistics and Quality (CBHSQ) funded the SAMHDA contract to promote the access and use of the nation's substance abuse and mental health data on December 3rd, 1997. This includes public-use data files, file documentation, and access to restricted-use data files to support a better understanding of this critical area of public health. As a part of the SAMHDA initiative, the Data Portal was created and launched in January of 2013. The Data Portal provides researchers that need access to restricted-use data remote access to confidential data via a virtual desktop from a secure, approved location. Completions of an application process and project approval are required for Data Portal access. The information being collected in this needs assessment will provide CBHSQ the information required to determine whether a researcher is qualified to obtain access to the Data Portal, and restricted-use data collected under the Confidential Information Protection and Statistical Efficiency Act (CIPSEA).

*Description of Forms:* Applications will include 18 questions and require the submission of CV's. The application asks for information including the name of the organization that the researcher belongs to, name, title and contact information of the researcher and all subsequent researchers on the team, summaries of each applicants experience with restricted data and their CV's, descriptions of the proposed research projects and methodology, what data is being requested and why, and any potential restricted variables that may be requested.

*Description of Respondents:* The respondent universe for this data collection effort is researchers with a need for access to CBHSQ restricted-use data. These data include the National Survey on Drug Use and Health (NSDUH), the Drug Abuse Warning Network (DAWN), and NSDUH/DAWN supplement data. Respondents are researchers that have a need and want to provide this information. There are open calls for applications that occur 2 times a year, and applications are accepted during a month long period. Anyone may apply.

TABLE 1—ANNUAL BURDEN ESTIMATE

| Form name | Number of respondents | Annual responses per respondent | Total annual responses | Hours per response | Total annual hour burden |
|---|---|---|---|---|---|
| Data Portal Application Needs Assessment ..... | 100 | 1 | 100 | 5 | 500 |

Send comments to Summer King, SAMHSA Reports Clearance Officer, Room 2–1057, One Choke Cherry Road, Rockville, MD 20857 or email her a copy at *summer.king@samhsa.hhs.gov.* Written comments should be received by March 23, 2015.

**Summer King,**

*Statistician.*

[FR Doc. 2015–00843 Filed 1–20–15; 8:45 am]

**BILLING CODE 4162–20–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Substance Abuse and Mental Health Services Administration

### Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

**Proposed Project: National Evaluation of the Comprehensive Community Mental Health Services for Children and Their Families Program: Phase VI (OMB No. 0930–0307)—Revision**

The Substance Abuse and Mental Health Services Administration (SAMHSA), Center of Mental Health Services is responsible for the national evaluation of the Comprehensive Community Mental Health Services for Children and Their Families Program (Children's Mental Health Initiative—CMHI) that will collect data on child mental health outcomes, family life, and service system development. Data will be collected on nine (9) service systems, and approximately 2,106 children and families and providers/administrators, using 26 instruments. Data collection will be decreased by 26,960 hours due to program changes resulting from the closing of 19 communities funded in FY 2009 that no longer require data collection and data collection for the Sector and Comparison Study.

Data collection for this evaluation will be conducted over the next 3-year period. Child and family outcomes of interest will be collected at intake and at 6-month follow-up. The individual families will participate in the study for the remaining 12 months. The outcome measures include the following: Child symptomatology and functioning, family functioning, satisfaction, and caregiver strain. The service system data will be collected every 6 months during the remaining 3 years of the evaluation. Service utilization and cost data will be tracked and submitted to the national evaluation every 6 months using two tools—the Flex Fund Tool and the Services and Costs Data Tool—to estimate average cost of treatment per child, distribution of costs, and allocation of costs across service categories. Service delivery and system variables of interest include the following: Maturity of system of care development in funded system of care communities, adherence to the system of care program model, and client service experience. Internet-based technology such as data entry and management tools will be used in this evaluation. The measures of the national evaluation address annual Congressional reporting requirements of the program's authorizing legislation, and the national outcome measures for mental health programs as currently established by SAMHSA.

*Changes:*

The previously approved Phase VI evaluation is composed of six core study components: (1) The System of Care Assessment that documents the development of systems of care through site visits conducted every 12–18 months; (2) the Cross-Sectional Descriptive Study that collects descriptive data on all children and families who enter the CMHS-funded systems of care throughout the funding period; (3) the Child and Family Outcome Study that collects data longitudinally on child clinical and functional status, and family outcomes; (4) the Service Experience Study that collects data on family experience and satisfaction with services from a sample of children and families; (5) the Services and Costs Study that assesses the costs and cost-effectiveness of system of care services; and (6) the Sustainability Study, as well as and three special studies: the Alumni Networking Study, the Continuous Quality Improvement (CQI) Initiative Evaluation, and the Sector and Comparison Study. Earlier revisions eliminated one of the core studies, the Sustainability Study, and two of the special studies: the Alumni Networking Study and the Continuous Quality Improvement (CQI) Initiative Evaluation.

This revision requests the elimination of the Sector and Comparison Study. The eliminated studies have provided data to the program and are no longer needed. The Sector and Comparison Study was conducted with a subsample of the FY 2008-funded CA awardees, which are not included in this revision.

The average annual respondent burden is estimated below. The estimate reflects the average number of respondents in each respondent category, the average number of responses per respondent per year, the average length of time it will take to complete each response, and the total average annual burden for each category of respondent, and for all categories of respondents combined.

TABLE 1—ESTIMATE OF RESPONDENT BURDEN

| Instrument | Respondent | Number of respondents | Total average number of responses per respondent | Hours per response | Total burden hours |
|---|---|---|---|---|---|
| *System of Care Assessment* | | | | | |
| Interview Guides A–I, L–S | Key site informants | 207 | 1 | 1.00 | 207 |
| *Child and Family Outcome Study* | | | | | |
| Caregiver Information Questionnaire, Revised—Intake (CIQ–R–I). | Caregiver | 1,099 | 1 | 0.37 | 407 |
| Caregiver Information Questionnaire, Revised—Follow-Up (CIQ–R–F). | Caregiver | 1,099 | 1 | 0.28 | 308 |
| Caregiver Strain Questionnaire (CGSQ) | Caregiver | 1,099 | 2 | 0.17 | 374 |
| Child Behavior Checklist (CBCL)/Child Behavior Checklist 1½–5/6–18. | Caregiver | 1,099 | 2 | 0.33 | 725 |
| Education Questionnaire, Revision 2 (EQ–R2) | Caregiver | 1,099 | 2 | 0.33 | 725 |
| Living Situations Questionnaire (LSQ) | Caregiver | 1,099 | 2 | 0.08 | 176 |
| Behavioral and Emotional Rating Scale—Second Edition, Parent Rating Scale (BERS–2C). | Caregiver | 1,781 | 2 | 0.17 | 606 |
| Columbia Impairment Scale (CIS) | Caregiver | 1,989 | 2 | 0.08 | 318 |
| Parenting Stress Index (PSI) | Caregiver | 536 | 2 | 0.08 | 86 |
| Deveraux Early Childhood Assessment (DECA) | Caregiver | 504 | 2 | 0.08 | 81 |
| Preschool Behavioral and Emotional Rating Scale—Second Edition, Parent Rating Scale (PreBERS). | Caregiver | 504 | 2 | 0.10 | 101 |
| Delinquency Survey—Revised (DS–R) | Youth | 1,504 | 2 | 0.13 | 391 |
| Behavioral and Emotional Rating Scale—Second Edition, Youth Rating Scale (BERS–2Y). | Youth | 1,504 | 2 | 0.17 | 511 |
| GAIN Quick—R: Substance Problem Scale | Youth | 1,504 | 2 | 0.08 | 241 |
| Substance Use Survey, Revised (SUS–R) | Youth | 1,504 | 2 | 0.10 | 301 |
| Revised Children's Manifest Anxiety Scales, Second Edition (RCMAS–2). | Youth | 1,504 | 2 | 0.07 | 211 |
| Reynolds Adolescent Depression Scale, Second Edition (RADS–2). | Youth | 1,504 | 2 | 0.05 | 150 |
| Youth Information Questionnaire, Revised—Baseline (YIQ–R–I). | Youth | 1,504 | | 0.25 | 376 |
| Youth Information Questionnaire, Revised—Follow-Up (YIQ–R–F). | Youth | 1,504 | | 0.25 | 376 |
| *Service Experience Study* | | | | | |
| Multi-Sector Service Contacts, Revised—Intake (MSSC–R–I). | Caregiver | 2,257 | 1 | 0.25 | 564 |
| Multi-Sector Service Contacts, Revised—Follow-Up (MSSC–R–F). | Caregiver | 2,257 | 2 | 0.25 | 1,129 |
| Cultural Competence and Service Provision Questionnaire, Revised (CCSP–R). | Caregiver | 2,257 | 1 | 0.13 | 293 |
| Youth Services Survey—Family (YSS–F) | Caregiver | 2,257 | 1 | 0.12 | 271 |
| Youth Services Survey (YSS) | Youth | 1,504 | 1 | 0.08 | 120 |
| *Services and Costs Study* | | | | | |
| Flex Funds Data Dictionary/Tool | Local programming staff compiling/entering administrative data on children/youth. | 275 | 3 | 0.03 | 25 |
| Services and Costs Data Dictionary/Data Entry Application. | Local evaluator, staff at partner agencies, and programming staff compiling/entering service and cost records on children/youth. | 2,257 | 20 | 0.05 | 2,257 |

SUMMARY OF ANNUALIZED BURDEN ESTIMATES FOR 1 YEAR

| | Number of distinct respondents | Number of responses per respondent | Total annual burden (hours) |
|---|---|---|---|
| Caregivers | 2,257 | 1.5 | 9,059 |

SUMMARY OF ANNUALIZED BURDEN ESTIMATES FOR 1 YEAR—Continued

| | Number of distinct respondents | Number of responses per respondent | Total annual burden (hours) |
|---|---|---|---|
| Youth | 1,504 | 1.6 | 2,682 |
| Providers/Administrators | 275 | 24.0 | 1,333 |
| Total Summary | 4,036 | 27 | 13,074 |

Send comments to Summer King, SAMHSA Reports Clearance Officer, Room 2–1057, One Choke Cherry Road, Rockville, MD 20857 *OR* email her a copy at *summer.king@samhsa.hhs.gov*. Written comments should be received by March 23, 2015.

**Summer King,**

*Statistician.*

[FR Doc. 2015–00844 Filed 1–20–15; 8:45 am]

**BILLING CODE 4162–20–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Docket ID: FEMA–2014–0032]**

### Fee Schedule for Processing Requests for Map Changes, for Flood Insurance Study Backup Data, and for National Flood Insurance Program Map and Insurance Products

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** This notice contains the revised fee schedules for processing certain types of requests for changes to National Flood Insurance Program (NFIP) maps, for processing requests for Flood Insurance Study (FIS) technical and administrative support data, and for processing requests for particular NFIP map and insurance products. The changes in the fee schedules will allow FEMA to reduce further the expenses to the NFIP by recovering more fully the costs associated with processing conditional and final map change requests; retrieving, reproducing, and distributing technical and administrative support data related to FIS analyses and mapping; and producing, retrieving, and distributing particular NFIP map and insurance products.

**DATES:** The revised fee schedules are effective for all requests dated February 20, 2015, or later.

The revised fee schedule for map changes is effective for all requests dated February 20, 2015, or later. The revised fee schedule supersedes the current fee schedule, which was established on January 13, 2010.

The revised fee schedule for requests for FIS backup data also is effective for all requests dated February 20, 2015, or later. The revised fee schedule supersedes the current fee schedule, which was established on January 13, 2010.

The revised fee schedule for requests for particular NFIP map and insurance products, which are available through the FEMA Map Service Center (MSC), is effective for all requests, including but not limited to hardcopy, on-line, and telephone requests received on or after February 20, 2015. The revised fee schedule supersedes the current fee schedule, which was established on January 13, 2010.

**FOR FURTHER INFORMATION CONTACT:** John Magnotti, Hydraulic Engineer, Data and Dissemination Management Branch, Risk Analysis Division, 500 C Street SW., Washington, DC 20472; by telephone at (202) 646–3932 or by facsimile at (202) 646–2787 (not toll-free calls); or by email at *John.Magnotti@fema.dhs.gov*.

**SUPPLEMENTARY INFORMATION:** This notice contains the revised fee schedules for processing certain types of requests for changes to National Flood Insurance Program (NFIP) maps, requests for Flood Insurance Study (FIS) technical and administrative support data, and requests for particular NFIP map and insurance products.

*Evaluations Performed.* To develop the revised fee schedule for conditional and final map change requests and letter of determination review requests, FEMA evaluated the actual costs of reviewing and processing requests for Conditional Letters of Map Amendment (CLOMAs), Conditional Letters of Map Revision Based on Fill (CLOMR-Fs), Conditional Letters of Map Revision (CLOMRs), Letters of Map Revision Based on Fill (LOMR-Fs), Letters of Map Revision (LOMRs), and Letters of Determination Review (LODRs).

To develop the revised fee schedule requests for FIS technical and administrative support data, FEMA evaluated the actual costs of reviewing, reproducing, and distributing archived data in seven categories. These categories are discussed in more detail below.

To develop the revised fee schedule for requests for particular NFIP map and insurance products, FEMA decided to eliminate fees for digital product downloads and to discontinue its distribution of paper-based products, as well as products on digital media (*i.e.* compact disc). This decision was based on the re-architecture of the Map Service Center (MSC), which allows for the online downloading of larger datasets. The products covered by this notice are discussed in detail below.

*Periodic Evaluations of Fees.* A primary component of the fees is the prevailing private-sector rates charged to FEMA for labor and materials. Because these rates and the actual review and processing costs may vary from year to year, FEMA will evaluate the fees periodically and publish revised fee schedules, when needed, as notices in the **Federal Register**.

### Fee Schedule for Requests for Conditional Letters of Map Amendment and Conditional and Final Letters of Map Revision Based on Fill

Based on a review of actual cost data for Fiscal Years 2010, 2011, 2012, and 2013, FEMA established the following review and processing fees, which are to be submitted with all requests:

| LOMC Type | Proposed fee | Proposed online submission fee |
|---|---|---|
| Single-lot/single-structure CLOMA and CLOMR–F | $600 | $500 |
| Single-lot/single-structure LOMR–F | 525 | 425 |

| LOMC Type | Proposed fee | Proposed online submission fee |
|---|---|---|
| Single-lot/single-structure LOMR–F based on as-built information (CLOMR–F previously issued by FEMA) | 425 | 325 |
| Multiple-lot/multiple-structure CLOMA | 800 | 700 |
| Multiple-lot/multiple-structure CLOMR–F and LOMR-F | 900 | 800 |
| Multiple-lot/multiple-structure LOMR-F based on as-built information (CLOMR–F previously issued by FEMA) | 800 | 700 |

Note that for digital submissions, the fees for these products have been reduced by $100, since the costs for handling, scanning, and transportation will be lower. The higher costs associated with handling, scanning, and transportation of hardcopy submissions will continue to be recovered.

**Fee Schedule for Requests for Letters of Determination Review**

Based on a review of actual cost data for Fiscal Years 2010, 2011, 2012, and 2013, FEMA established the following review and processing fee for requests for Letters of Determination Review, which is to be submitted with all requests:

| Product type | Proposed fee |
|---|---|
| LODR | $80 |

**Fee Schedule for Requests for Conditional Letters of Map Revision**

Based on a review of actual cost data for Fiscal Years 2010, 2011, 2012, and 2013, FEMA established the following review and processing fees, which are to be submitted with all requests that are not otherwise exempted under 44 CFR 72.5 and/or the Homeowner Flood Insurance Affordability Act of 2014, Public Law 113–89, section 22, Mar. 21, 2014, 128 Stat. 1028, 42 U.S.C. 4101e.:

| LOMC Type | Proposed fee | Proposed online submission fee |
|---|---|---|
| CLOMR based on new hydrology, bridge, culvert, channel, or any combination thereof | $6,750 | $6,500 |

Note that for digital submissions, the fee for this product has been reduced by $250, since the costs for handling, scanning, and transportation will be lower. The higher costs associated with handling, scanning, and transportation of hardcopy submissions will continue to be recovered.

**Fees for Conditional Letters of Map Revision Based on a Levee, Berm, or Other Structural Measure**

Based on a review of actual cost data for Fiscal Years 2010, 2011, 2012, and 2013, FEMA has established $7,250 as the initial fee for requests for CLOMRs based on a levee, berm, or other structural measure. For digital submissions, the fees for this product have been reduced by $250, since the costs for handling, scanning, and transportation will be lower. The higher costs associated with handling, scanning, and transportation of hardcopy submissions will continue to be recovered. FEMA will also continue to recover the remainder of the review and processing costs by invoicing the requester before issuing a determination letter, consistent with current practice. The prevailing private-sector labor rate charged to FEMA ($60 per hour) will continue to be used to calculate the total fees to be submitted to FEMA.

| LOMC Type | Proposed fee | Proposed online submission fee |
|---|---|---|
| CLOMR based on a levee, berm, or other structural measure | $7,250 (plus $60/h) | $7,000 (plus $60/h). |

Note that for digital submissions, the fee for this product has been reduced by $250, since the costs for handling, scanning, and transportation will be lower. The higher costs associated with handling, scanning, and transportation of hardcopy submissions will continue to be recovered.

**Fee Schedule for Requests for Letters of Map Revisions**

Based on a review of actual cost data for Fiscal Years 2010, 2011, 2012, and 2013, FEMA established the following review and processing fees, which are to be submitted with all requests that are not otherwise exempted under 44 CFR 72.5 and/or the Homeowner Flood Insurance Affordability Act of 2014, Public Law 113–89, section 22, Mar. 21, 2014, 128 Stat. 1028, 42 U.S.C. 4101e. Requesters must submit the review and processing fees shown below with requests for LOMRs dated February 20, 2015, or later that are not based on structural measures on alluvial fans.

| LOMC Type | Proposed fee | Proposed online submission fee |
|---|---|---|
| LOMR based on a bridge, culvert, channel, hydrology, or combination thereof | $8,250 | $8,000 |
| LOMR based on as-built information submitted as a follow-up to a CLOMR | 8,250 | 8,000 |

Note that for digital submissions the fees have been reduced by $250 for these products since there will be less handling, scanning, and transportation costs on these products. The higher costs associated with handling, scanning, and transportation of hardcopy submissions will continue to be recovered.

**Fees for Final Letters of Map Revision Based on a Levee, Berm, or Other Structural Measure**

Based on a review of actual cost data for Fiscal Years 2010, 2011, 2012, and 2013, FEMA has established $9,250 as the initial fee for requests for LOMRs based on levee, berm, or other structural measure. For digital submissions, the fees for this product have been reduced by $250, since the costs for handling, scanning, and transportation will be lower. The higher costs associated with handling, scanning, and transportation of hardcopy submissions will continue to be recovered. FEMA will also continue to recover the remainder of the review and processing costs by invoicing the requester before issuing a determination letter, consistent with current practice. The prevailing private-sector labor rate charged to FEMA ($60 per hour) will continue to be used to calculate the total fees to be submitted to FEMA.

| LOMC Type | Proposed fee | Proposed online submission fee |
|---|---|---|
| LOMR based on a levee, berm, or other structural measure | $9,250 (plus $60/h) | $9,000 (plus $60/h). |

Note that for digital submissions, the fee for this product has been reduced by $250, since the costs for handling, scanning, and transportation will be lower. The higher costs associated with handling, scanning, and transportation of hardcopy submissions will continue to be recovered.

**Fees for Conditional and Final Letters of Map Revision Based on Structural Measures on Alluvial Fans**

Based on a review of actual cost data for Fiscal Years 2010, 2011, 2012, and 2013, FEMA has established $7,250 as the initial fee for requests for CLOMRs and LOMRs based on structural measures on alluvial fans. For digital submissions, the fees for these products have been reduced by $250, since the costs for handling, scanning, and transportation will be lower. The higher costs associated with handling, scanning, and transportation of hardcopy submissions will continue to be recovered. FEMA will also continue to recover the remainder of the review and processing costs by invoicing the requester before issuing a determination letter, consistent with current practice. The prevailing private-sector labor rate charged to FEMA ($60 per hour) will continue to be used to calculate the total fees to be submitted to FEMA.

| LOMC Type | Proposed fee | Proposed online submission fee |
|---|---|---|
| CLOMR based on structural measures on alluvial fans | $7,250 (plus $60/h) | $7,000 (plus $60/h). |
| LOMR based on structural measures on alluvial fans | $7,250 (plus $60/h) | $7,000 (plus $60/h). |

Note that for digital submissions the fees have been reduced by $250 for these products since there will be less handling, scanning, and transportation costs on these products. The higher costs associated with handling, scanning, and transportation of hardcopy submissions will continue to be recovered.

**Fees for the Mapping of Physical Map Revisions (PMRs)**

Based on a review of actual cost data for Fiscal Years 2010, 2011, 2012, and 2013, FEMA has established $8,250 as the initial fee for requests to process the review of PMRs. Additional fee of $2,500 per panel is required to create the mapping for the PMR. Requesters must submit the review and processing fees shown below with requests for PMRs dated February 20, 2015, or later that are not based on structural measures on alluvial fans.

| PMR Type | Proposed fee | Proposed online submission fee |
|---|---|---|
| PMR based on a bridge, culvert, channel, hydrology, or combination thereof | $8,250 plus $2,500/panel. | $8,000 plus $2,500/panel. |
| PMR based on as-built information submitted as a follow-up to a CLOMR | $8,250 plus $2,500/panel. | $8,000 plus $2,500/panel. |

Note that for digital submissions the fees have been reduced by $250 for these products since there will be less handling, scanning, and transportation costs on these products. The higher costs associated with handling, scanning, and transportation of hardcopy submissions will continue to be recovered.

**Fees for Mapping of Physical Map Revisions Based on a Levee, Berm, or Other Structural Measure**

Based on a review of actual cost data for Fiscal Years 2010, 2011, 2012, and 2013, FEMA has established $9,250 as the initial fee for requests to process the review of PMRs based on levee, berm, or other structural measure. Additional fee of $2,500 per panel is required to create the mapping for the PMR. For digital submissions, the fees for this product have been reduced by $250, since the costs for handling, scanning, and transportation will be lower. The higher costs associated with handling, scanning, and transportation of hardcopy submissions will continue to be recovered. FEMA will also continue to recover the remainder of the review and processing costs by invoicing the requester before issuing a determination letter, consistent with current practice. The prevailing private-sector labor rate charged to FEMA ($60 per hour) will continue to be used to calculate the total fees to be submitted to FEMA.

| PMR Type | Proposed fee | Proposed online submission fee |
|---|---|---|
| PMR based on a levee, berm, or other structural measure | $9,250 (plus $60/h) plus $2,500/panel. | $9,000 (plus $60/h) plus $2,500/panel. |

Note that for digital submissions, the fee for this product has been reduced by $250, since the costs for handling, scanning, and transportation will be lower. The higher costs associated with handling, scanning, and transportation of hardcopy submissions will continue to be recovered.

**Fees for Physical Map Revision Based on Structural Measures on Alluvial Fans**

Based on a review of actual cost data for Fiscal Years 2010, 2011, 2012, and 2013, FEMA has established $7,250 as the initial fee for requests to process the review of PMRs based on structural measures on alluvial fans. Additional fee of $2,500 per panel is required to create the mapping for the PMR. For digital submissions, the fees for these products have been reduced by $250, since the costs for handling, scanning, and transportation will be lower. The higher costs associated with handling, scanning, and transportation of hardcopy submissions will continue to be recovered. FEMA will also continue to recover the remainder of the review and processing costs by invoicing the requester before issuing a determination letter, consistent with current practice. The prevailing private-sector labor rate charged to FEMA ($60 per hour) will continue to be used to calculate the total fees to be submitted to FEMA.

| PMR Type | Proposed fee | Proposed online submission fee |
|---|---|---|
| PMR based on structural measures on alluvial fans | $7,250 (plus $60/h) plus $2,500/panel. | $7,000 (plus $60/h) plus $2,500/panel. |

Note that for digital submissions the fees have been reduced by $250 for these products since there will be less handling, scanning, and transportation costs on these products. The higher costs associated with handling, scanning, and transportation of hardcopy submissions will continue to be recovered.

**Fee Schedule for Flood Insurance Study Backup Data**

Non-exempt requesters of FIS technical and administrative support data must submit the fees shown below with requests dated February 20, 2015, or later. These fees are based on the complete recovery costs to FEMA for retrieving, reproducing, and distributing the data, as well as maintaining the library archives, and for collecting and depositing fees. Based on a review of actual cost data for Fiscal Years 2010, 2011, 2012, and 2013, FEMA established the following review and processing fees from the February 20, 2015, fee schedule, which are to be submitted with all requests.

All entities except the following will be charged for requests for FIS technical and administrative support data:

- Private architectural-engineering firms under contract to FEMA to perform or evaluate studies and restudies;
- Federal agencies involved in performing studies and restudies for FEMA (*i.e.,* U.S. Army Corps of Engineers, U.S. Geological Survey, Natural Resources Conservation Service, and Tennessee Valley Authority);
- Communities that have supplied the Digital Line Graph base to FEMA and request the Digital Line Graph data (Category 6 below);
- Communities that request data during the statutory 90-day appeal period for an initial or revised FIS for that community;
- Mapped participating communities that request data at any time other than during the statutory 90-day appeal period, provided the data are requested for use by the community and not a third-party user; and
- State NFIP Coordinators, provided the data requested are for use by the State NFIP Coordinators and not a third-party user.

FEMA has established seven categories into which requests for FIS backup data are separated. These categories are:

(1) *Category 1*—Paper copies, microfiche, or diskettes of hydrologic and hydraulic backup data for current or historical FISs;

(2) *Category 2*—Paper or mylar copies of topographic mapping developed during FIS process;

(3) *Category 3*—Paper copies or microfiche of survey notes developed during FIS process;

(4) *Category 4*—Paper copies of individual Letters of Map Change (LOMCs);

(5) *Category 5*—Paper copies of Preliminary Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map panels;

(6) *Category 6*—Computer tapes or CD–ROMs of Digital Line Graph files, Digital FIRM files, or Digital LOMR attachment files; and

(7) *Category 7*—Computer diskettes and user's manuals for FEMA computer programs.

FEMA established a flat non-refundable fee of $300 for non-exempt requesters of FIS technical and administrative support data to initiate a request under Categories 1, 2, and 3 above. This fee covers the costs of 4 hours of research and retrieval. For larger requests that require more than 4 hours of research, additional hours will be charged at $40 per hour. If the data requested are available and the request is not cancelled, the final fee is calculated as a sum of the standard per-product charge plus a per-case surcharge of $93, designed to recover the cost of library maintenance and archiving. The total costs of processing requests in Categories 1, 2, and 3 will vary based on the complexity of the research involved in retrieving the data and the volume and medium of the data to be reproduced and distributed. The initial flat fee will be applied against the total costs to process the request, and FEMA will invoice the requester for the balance plus the per-case surcharge before the data are provided. No data will be provided to a requester until all required fees have been paid.

No initial fee is required to initiate a request for data under Categories 4 through 7. Requesters will be notified by telephone about the availability of the data and the fees associated with the requested data.

As with requests for data under Categories 1, 2, and 3, no data will be provided to requesters until all required fees are paid. A flat user fee for each of these categories of requests, shown below, will continue to be required.

Request Under Category 4 (First Letter)

$40

Request Under Category 4 (Each additional letter) $10
Request Under Category 5 (First panel) $35
Request Under Category 5 (Each additional panel) $2
Request Under Category 6 (per county/digital LOMR attachment shapefiles) $150
Request Under Category 7 (per copy) $25

**Fee Schedule for Map and Insurance Products**

The MSC distributes a variety of NFIP map and insurance products to a wide range of customers, including Federal, State, and local government officials; real estate professionals; insurance providers; appraisers; builders; land developers; design engineers; surveyors; lenders; homeowners; and other private citizens.

FEMA decided to eliminate fees for digital product downloads and discontinue its distribution of paper-based products, as well as products on digital media (*i.e.* compact disc). This decision was based on the re-architecture of the MSC, which allows for the online downloading of larger datasets. All of the products produced by the program will be housed online through the MSC. By making this change, FEMA will no longer have any costs for reproduction, shipping, and handling of digital media, except for the very limited fee-exempt distribution to communities affected by map changes. FEMA will also have virtually no variable costs associated with public distribution of products. Whether one customer downloads a digital flood map or thousands download it, FEMA's costs are essentially the same. Some fixed IT costs are associated with building and maintaining the MSC systems; however, FEMA has a statutory mandate to make the flood data products available for free to a large percentage of the customer base. As a result, virtually no costs can be directly attributed to a specific delivery of a product to a specific customer.

For more information on the map and insurance products available from the MSC, interested parties are invited to visit the MSC Web site at *http://msc.fema.gov.*

**Payment Submission Requirements**

Fee payments for non-exempt requests must be made in advance of services being rendered. These payments shall be made in the form of a check, money order, or by credit card payment. Checks and money orders must be made payable, in U.S. funds, to the *National Flood Insurance Program.*

FEMA will deposit all fees collected to the National Flood Insurance Fund, which is the source of funding for providing these services.

**Authority:** 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376; 44 CFR part 72; Homeowner Flood Insurance Affordability Act of 2014.

Dated: December 4, 2014.

**Roy Wright,**

*Deputy Associate Administrator for Mitigation, Federal Insurance and Mitigation Administration, Department of Homeland Security.*

[FR Doc. 2015–00904 Filed 1–20–15; 8:45 am]

BILLING CODE 9110–12–P

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

**[1651–0006]**

### Agency Information Collection Activities: Application and Approval to Manipulate, Examine, Sample or Transfer

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security.

**ACTION:** 30-Day notice and request for comments; extension of an existing collection of information.

**SUMMARY:** U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Application and Approval to Manipulate, Examine, Sample or Transfer Goods (Form 3499). This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours or to the information collected. This document is published to obtain comments from the public and affected agencies.

**DATES:** Written comments should be received on or before February 20, 2015 to be assured of consideration.

**ADDRESSES:** Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

**SUPPLEMENTARY INFORMATION:** This proposed information collection was previously published in the **Federal Register** (79 FR 65233) on November 3, 2014, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10. CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3507). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden, including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

*Title:* Application and Approval to Manipulate, Examine, Sample or Transfer Goods.

*OMB Number:* 1651–0006.

*Form Number:* Form 3499.

*Abstract:* CBP Form 3499, *''Application and Approval to Manipulate, Examine, Sample or Transfer Goods'',* is used as an application to perform various operations on merchandise located at a CBP approved bonded facility. This form is filed by importers, consignees, transferees, or owners of merchandise, and is subject to approval by the port director. The data requested on this

form identifies the merchandise for which action is being sought and specifies what operation is to be performed. This form may also be approved as a blanket application to manipulate goods for a period of up to one year for a continuous or repetitive manipulation. CBP Form 3499 is provided for by 19 CFR 19.8 and is accessible at: *http://forms.cbp.gov/pdf/CBP_Form_3499.pdf.*

*Current Actions:* CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information collected.

*Type of Review:* Extension (without change).

*Affected Public:* Businesses.

*Estimated Number of Responses:* 151,140.

*Estimated Time per Response:* 6 minutes.

*Estimated Total Annual Burden Hours:* 15,114.

Dated: January 14, 2015.

**Tracey Denning,**

*Agency Clearance Officer, U.S. Customs and Border Protection.*

[FR Doc. 2015–00830 Filed 1–20–15; 8:45 am]

**BILLING CODE 9111–14–P**

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

**[1651–0016]**

### Agency Information Collection Activities: Certificate of Origin

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security.

**ACTION:** 30-Day notice and request for comments; extension of an existing collection of information.

**SUMMARY:** U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Certificate of Origin (CBP Form 3229). This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours or to the information collected. This document is published to obtain comments from the public and affected agencies.

**DATES:** Written comments should be received on or before February 20, 2015 to be assured of consideration.

**ADDRESSES:** Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

**SUPPLEMENTARY INFORMATION:** This proposed information collection was previously published in the **Federal Register** (79 FR 64826) on October, 31 2014, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10. CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3507). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden, including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

*Title:* Certificate of Origin.

*OMB Number:* 1651–0016.

*Form Number:* Form 3229.

*Abstract:* CBP Form 3229, Certificate of Origin, is used by shippers and importers to declare that goods being imported into the United States are produced or manufactured in a U.S. insular possession from materials grown, produced or manufactured in such possession. This form includes a list of the foreign materials included in the goods, and their description and value. CBP Form 3229 is used as documentation for goods entitled to enter the U.S. free of duty. This form is authorized by General Note 3(a) (iv) of the Harmonized Tariff Schedule of the United States (19 U.S.C. 1202) and is provided for by 19 CFR part 7.3. CBP Form 3229 is accessible at *http://forms.cbp.gov/pdf/CBP_Form_3229.pdf.*

*Action:* CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to CBP Forms 3229.

*Type of Review:* Extension (without change).

*Affected Public:* Businesses.

*Estimated Number of Respondents:* 113.

*Estimated Number of Annual Responses per Respondent:* 20.

*Estimated Number of Total Annual Responses:* 2,260.

*Estimated Time per Response:* 22 minutes.

*Estimated Annual Burden Hours:* 814.

Dated: January 14, 2015.

**Tracey Denning,**

*Agency Clearance Officer, U.S. Customs and Border Protection.*

[FR Doc. 2015–00828 Filed 1–20–15; 8:45 am]

**BILLING CODE 9111–14–P**

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

**[Docket No. USCBP–2014–0035]**

### Advisory Committee on Commercial Operations of U.S. Customs and Border Protection (COAC)

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security (DHS).

**ACTION:** Committee Management; Notice of Federal Advisory Committee Meeting.

**SUMMARY:** The Advisory Committee on Commercial Operations of U.S. Customs and Border Protection (COAC) will meet on February 11, 2015, in San Francisco, CA. The meeting will be open to the public.

**DATES:** The Advisory Committee on Commercial Operations of U.S. Customs and Border Protection (COAC) will meet on Wednesday, February 11, 2015, from 8:00 a.m. to 12:00 p.m. PST. Please note that the meeting may close early if the committee has completed its business.

*Pre-Registration:* Meeting participants may attend either in person or via

webinar after pre-registering using a method indicated below:

• For members of the public who plan to attend the meeting in person, please register either online at *https://apps.cbp.gov/te_reg/index.asp?w=34;* by email to *tradeevents@dhs.gov;* or by fax to 202–325–4290 by 5:00 p.m. EST on February 6, 2015. You must register prior to the meeting in order to attend the meeting in person.

• For members of the public who plan to participate via webinar, please register online at *https://apps.cbp.gov/te_reg/index.asp?w=35* by 5:00 p.m. EST on February 6, 2015.

Feel free to share this information with other interested members of your organization or association.

Members of the public who are pre-registered and later require cancellation, please do so in advance of the meeting by accessing one (1) of the following links: *https://apps.cbp.gov/te_reg/cancel.asp?w=34* to cancel an in person registration, or *https://apps.cbp.gov/te_reg/cancel.asp?w=35* to cancel a webinar registration.

**ADDRESSES:** The meeting will be held at the Embassy Suites San Francisco Airport-South San Francisco at 250 Gateway Boulevard, Grand Ballroom, San Francisco, CA 94080.

All visitors to the Embassy Suites Hotel should proceed through the main lobby to the Grand Ballroom. There will be signage posted directing visitors to the location of the Grand Ballroom.

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Ms. Wanda Tate, Office of Trade Relations, U.S. Customs and Border Protection at (202) 344–1661 as soon as possible.

To facilitate public participation, we are inviting public comment on the issues to be considered by the committee prior to the formulation of recommendations as listed in the ''Agenda'' section below.

Comments must be submitted in writing no later than February 4, 2015, and must be identified by Docket No. USCBP–2014–0035, and may be submitted by *one* of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

• *Email: Tradeevents@dhs.gov.* Include the docket number in the subject line of the message.

• *Fax:* (202) 325–4290.

• *Mail:* Ms. Wanda Tate, Office of Trade Relations, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Room 3.5A, Washington, DC 20229.

*Instructions:* All submissions received must include the words ''Department of Homeland Security'' and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided. Do not submit personal information to this docket.

*Docket:* For access to the docket or to read background documents or comments, go to *http://www.regulations.gov* and search for Docket Number USCBP–2014–0035. To submit a comment, see the link on the Regulations.gov Web site for ''How do I submit a comment?'' located on the right hand side of the main site page.

There will be multiple public comment periods held during the meeting on February 11, 2015. Speakers are requested to limit their comments to two (2) minutes or less to facilitate greater participation. Contact the individual listed below to register as a speaker. Please note that the public comment period for speakers may end before the time indicated on the schedule that is posted on the CBP Web page, *http://www.cbp.gov/trade/stakeholder-engagement/coac,* at the time of the meeting.

**FOR FURTHER INFORMATION CONTACT:** Ms. Wanda Tate, Office of Trade Relations, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Room 3.5A, Washington, DC 20229; telephone (202) 344–1440; facsimile (202) 325–4290.

**SUPPLEMENTARY INFORMATION:** Notice of this meeting is given under the *Federal Advisory Committee Act,* 5 U.S.C. Appendix. The Advisory Committee on Commercial Operations of U.S. Customs and Border Protection (COAC) provides advice to the Secretary of Homeland Security, the Secretary of the Treasury, and the Commissioner of U.S. Customs and Border Protection (CBP) on matters pertaining to the commercial operations of CBP and related functions within Department of Homeland Security and the Department of the Treasury.

## Agenda

The Advisory Committee on Commercial Operations of U.S. Customs and Border Protection (COAC) will hear from the following project leaders and subcommittees on the topics listed below and then will review, deliberate, provide observations, and formulate recommendations on how to proceed on those topics:

1. The Exports Subcommittee: Review and discuss the status of the Air Manifest sub-work group and the findings of the Commodity Licensing sub-work group, which represents two of the seven planned sub-workgroups formed under the Export Process Work Group (EPWG), and the continued collaboration between the Bureau of Industry and Security's Federal Advisory Committee, the President's Export Council Subcommittee on Export Administration (PECSEA).

2. The One U.S. Government at the Border (1USG) Subcommittee: Review, discuss findings and present recommendations of the Process and Messaging Working Group. Update to COAC on the Status of U.S. Government Hold Authority. Subcommittee Closeout Report and update on status of 13th Term recommendations.

3. The Trade Enforcement and Revenue Collection Subcommittee: Update and present a recommendation of the Intellectual Property Rights (IPR) Voluntary Disclosure working group, present recommendations of the Anti-Dumping/Countervailing Duty (AD/CVD) Working Group, and report on the Bonds Working Group's discussions on e-bonds.

4. The Trusted Trader Subcommittee: Update and discuss the Customs-Trade Partnership Against Terrorism (C–TPAT) Exporter Entity and the Trusted Trader Program pilot.

5. The Trade Modernization Subcommittee: Updates and discussion on Automated Commercial Environment (ACE), Centers of Excellence and Expertise, as well as Role of the Customs Broker activities will take place. Recommendations are expected to be presented regarding CBP regulating how Customs Brokers can confirm the bonafide nature of an importer, what metrics CBP can report regarding the deployment of Centers of Excellence and Expertise, and recommendations regarding the development of a Simplified Entry Summary.

6. The Global Supply Chain Subcommittee: Updates and discussion regarding the Beyond the Border activities with Canada and 21st Century activities with Mexico will take place.

Dated: January 15, 2015.

**Maria Luisa Boyce,**

*Senior Advisor for Private Sector Engagement, Office of Trade Relations.*

[FR Doc. 2015–00874 Filed 1–20–15; 8:45 am]

BILLING CODE 9111–14–P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

**[FWS–HQ–MB–2015–N011; 91100–3740–GRNT 7C]**

### Meeting Announcement: North American Wetlands Conservation Council

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

**ACTION:** Notice of teleconference.

**SUMMARY:** The North American Wetlands Conservation Council (Council) will meet via telephone to select North American Wetlands Conservation Act (NAWCA) U.S. small grant proposals for recommendation to the Migratory Bird Conservation Commission (Commission). This teleconference is open to the public, and interested persons may present oral or written statements.

**DATES:** The teleconference is scheduled for February 25, 2015, at 2 p.m. If you are interested in presenting information at this public meeting, contact the acting Council Coordinator no later than February 20, 2015.

**ADDRESSES:** Because this is a conference call, there is no meeting venue. Participants should call the toll-free number 866–692–4541; when prompted, enter participant passcode 51659890.

**FOR FURTHER INFORMATION CONTACT:** Michael Kreger, Acting Council Coordinator, by phone at 703–358–1784; by email at *dbhc@fws.gov*; or by U.S. mail at U.S. Fish and Wildlife Service, 5275 Leesburg Pike MS: MB, Falls Church, Virginia 22041.

**SUPPLEMENTARY INFORMATION:**

### About the Council

In accordance with NAWCA (Pub. L. 101–233, 103 Stat. 1968, December 13, 1989, as amended), the State-private-Federal Council meets to consider wetland acquisition, restoration, enhancement, and management projects for recommendation to, and final funding approval by, the Commission.

### About NAWCA

The North American Wetlands Conservation Act of 1989 provides matching grants to organizations and individuals who have developed partnerships to carry out wetlands conservation projects in the United States, Canada, and Mexico. These projects must involve long-term protection, restoration, and/or enhancement of wetlands and associated uplands habitats for the benefit of all wetlands-associated migratory birds. Project proposal due dates, application instructions, and eligibility requirements are available on the NAWCA Web site at *http://www.fws.gov/birdhabitat/Grants/NAWCA*.

### Public Input

| If you wish to: | You must contact the Acting Council Coordinator (see **FOR FURTHER INFORMATION CONTACT**) no later than |
|---|---|
| (1) Listen to Council Meeting. | February 25, 2015. |
| (2) Submit written information or questions before the Council meeting for consideration during the meeting. | February 20, 2015. |

*Submitting Written Information or Questions*

Interested members of the public may submit relevant information or questions for the Council to consider during the public meeting. If you wish to submit a written statement, so that the information may be made available to the Council for their consideration prior to this meeting, you must contact the acting Council Coordinator by the date above. Written statements must be supplied to the acting Council Coordinator in both of the following formats: One hard copy with original signature, and one electronic copy via email (acceptable file formats are Adobe Acrobat PDF, MS Word, MS PowerPoint, or rich text file).

*Giving an Oral Presentation*

Individuals or groups requesting to make an oral presentation at the meetings will be limited to 2 minutes per speaker, with no more than a total of 10 minutes for all speakers. Interested parties should contact the acting Council Coordinator by the date above, in writing (preferably via email; see **FOR FURTHER INFORMATION CONTACT**), to be placed on the public speaker list. Nonregistered public speakers will not be considered during the Council meeting. Registered speakers who wish to expand upon their oral statements, or those who had wished to speak but could not be accommodated on the agenda, are invited to submit written statements to the Council within 30 days following the meeting.

### Meeting Minutes

Summary minutes of the Council meeting will be maintained by the acting Council Coordinator at the address under **FOR FURTHER INFORMATION CONTACT**. Meeting notes will be available by contacting the acting Council Coordinator within 30 days following the meeting. Personal copies may be purchased for the cost of duplication.

**Michael Johnson,**

*Deputy Assistant Director, Migratory Birds.*

[FR Doc. 2015–00849 Filed 1–20–15; 8:45 am]

**BILLING CODE 4310–55–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

**[FWS–HQ–MB–2015–N012; 91100–3740–GRNT 7C]**

### Meeting Announcement: Neotropical Migratory Bird Conservation Advisory Group

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

**ACTION:** Notice of teleconference.

**SUMMARY:** The Advisory Group for the Neotropical Migratory Bird Conservation Act (NMBCA) grants program (Advisory Group) will meet via telephone to follow up on agenda items from the December 10, 2014, meeting and to discuss strategic direction of the NMBCA program and Advisory Group. This teleconference is open to the public, and interested persons may present oral or written statements.

**DATES:** The teleconference is scheduled for March 18, 2015, at 1 p.m. If you are interested in presenting information at this public meeting, contact the Advisory Group Coordinator no later than March 12, 2015.

**ADDRESSES:** Although this meeting is conference call, local Advisory Group members may convene at U.S. Fish and Wildlife Service Headquarters, 5275 Leesburg Pike, Falls Church, Virginia 22041. Participants should call the toll-free number 866–692–4541; when prompted, enter participant passcode 51659890.

**FOR FURTHER INFORMATION CONTACT:** Michael Kreger, Acting Advisory Group Coordinator, by phone at 703–358–1784; by email at *dbhc@fws.gov;* or by U.S. mail at U.S. Fish and Wildlife Service, 5275 Leesburg Pike MS: MB, Falls Church, Virginia 22041.

**SUPPLEMENTARY INFORMATION:**

### About the Advisory Group

In accordance with NMBCA (Pub. L. 106–247, 114 Stat. 593, July 20, 2000), the Advisory Group typically meets once a year to discuss the strategic direction and management of the NMBCA program and provide advice to

the Director of the Fish and Wildlife Service.

**About NMBCA**

The Neotropical Migratory Bird Conservation Act of 2000 promotes long-term conservation of Neotropical migratory birds and their habitats through a competitive grants program by promoting partnerships and local conservation efforts, and achieving habitat protection in 36 countries. The goals of NMBCA include perpetuating healthy bird populations, providing financial resources for bird conservation, and fostering international cooperation. Because the greatest conservation need is south of the U.S. border, the Act requires that at least 75 percent of NMBCA funding supports projects outside the United States.

Project proposal due dates, application instructions, and eligibility requirements are available on the NMBCA Web site at *http://www.fws.gov/birdhabitat/Grants/NMBCA.*

PUBLIC INPUT

| If you wish to: | You must contact the Acting Advisory Group Coordinator (see **FOR FURTHER INFORMATION CONTACT**) no later than: |
|---|---|
| (1) Participate in the Advisory Group conference call | March 17, 2015. |
| (2) Submit written information or questions before the Advisory Group conference call for consideration during the call | March 12, 2015. |

*Submitting Written Information or Questions*

Interested members of the public may submit relevant information or questions for the Advisory Group to consider during the public meeting. If you wish to submit a written statement, so that the information may be made available to the Advisory Group for their consideration prior to this meeting, you must contact the Acting Advisory Group Coordinator by the date above. Written statements must be supplied to the Acting Advisory Group Coordinator in both of the following formats: One hard copy with original signature, and one electronic copy via email (acceptable file formats are Adobe Acrobat PDF, MS Word, MS PowerPoint, or rich text file).

*Giving an Oral Presentation*

Individuals or groups requesting to make an oral presentation at the meetings will be limited to 2 minutes per speaker, with no more than a total of 20 minutes for all speakers. Interested parties should contact the Acting Advisory Coordinator by the date above, in writing (preferably via email; see **FOR FURTHER INFORMATION CONTACT**), to be placed on the public speaker list. Nonregistered public speakers will not be considered during the Advisory Group meeting. Registered speakers who wish to expand upon their oral statements, or those who had wished to speak but could not be accommodated on the agenda, are invited to submit written statements to the Advisory Group within 30 days following the meeting.

**Meeting Minutes**

Summary minutes of the Advisory Group meeting will be maintained by the Acting Advisory Group Coordinator at the address under **FOR FURTHER INFORMATION CONTACT**. Meeting notes will be available by contacting the Acting Advisory Group Coordinator within 30 days following the meeting. Personal copies may be purchased for the cost of duplication.

**Michael Johnson,**

*Deputy Assistant Director, Migratory Birds.*

[FR Doc. 2015–00851 Filed 1–20–15; 8:45 am]

**BILLING CODE 4310–55–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

**[FWS–R4–ES–2015–N006; 40120–1112–0000–F2]**

### Receipt of Applications for Endangered Species Permits

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

**ACTION:** Notice.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species. With some exceptions, the Endangered Species Act (ESA) prohibits activities with listed species unless a Federal permit is issued that allows such activities. The ESA requires that we invite public comment before issuing these permits.

**DATES:** We must receive written data or comments on the applications at the address given below by *February 20, 2015.*

**ADDRESSES:** Documents and other information submitted with the applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, GA 30345 (Attn: David Dell, Permit Coordinator).

**FOR FURTHER INFORMATION CONTACT:** Karen Marlowe, 10(a)(1)(A) Permit Coordinator, telephone 205–726–2667; facsimile 205–726–2479.

**SUPPLEMENTARY INFORMATION:** The public is invited to comment on the following applications for permits to conduct certain activities with endangered and threatened species under section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and our regulations in the Code of Federal Regulations (CFR) at 50 CFR 17. This notice is provided under section 10(c) of the Act.

If you wish to comment, you may submit comments by any one of the following methods. You may mail comments to the Fish and Wildlife Service's Regional Office (see **ADDRESSES** section) or send them via electronic mail (email) to: *permitsR4ES@fws.gov.* Please include your name and return address in your email message. If you do not receive a confirmation from the Fish and Wildlife Service that we have received your email message, contact us directly at the telephone number listed above (see **FOR FURTHER INFORMATION CONTACT**). Finally, you may hand-deliver comments to the Fish and Wildlife Service office listed above (see **ADDRESSES**).

Before including your address, telephone number, email address, or

other personal identifying information in your comments, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comments to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Permit Applications**

*Permit Application Number: TE 48576B–0*

Applicant: Carson Wood, Hampstead, North Carolina

The applicant requests authorization to take (monitor nests, capture, band, radio-tag, release, install artificial cavities, install restrictor plates, and salvage dead birds) endangered red-cockaded woodpeckers (*Picoides borealis*) for the purpose of consultations with private and public land owners in North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Arkansas.

*Permit Application Number: TE 48582B–0*

Applicant: Kim Romano, Ecological Solutions, Woodstock, Georgia

The applicant requests authorization to take (enter hibernacula or maternity roost caves, salvage dead bats, capture with mist nets or harp traps, handle, identify, collect hair samples, band, radio tag, light-tag, and wing-punch) Indiana bats (*Myotis sodalis*), gray bats (*Myotis grisescens*), and northern long-eared bats (*Myotis septentrionalis*) while conducting presence/absence surveys and studies to document habitat use throughout the species' respective ranges.

*Permit Application Number: TE 059008–8*

Applicant: Christian Crow, CCR Environmental, Atlanta, Georgia

The applicant requests renewal of existing authorization to capture, identify, and release 140 species of mussel, fish, snail, crayfish, reptiles, and amphibians; and to harass 6 bird species for presence/absence surveys throughout the species' ranges in Georgia, Tennessee, Alabama, Arkansas, Mississippi, Kentucky, Louisiana, Florida, North Carolina, and South Carolina

*Permit Application Number: TE 02344A–1*

Applicant: Donald Fortenbery, Mainstream Commercial Divers, Inc., Murray, Kentucky

The applicant requests authorization to take (collect, handle, and release) 16 mussel species while conducting presence/absence surveys in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin.

*Permit Application Number: TE 237549–1*

Applicant: Gina Hancock, the Nature Conservancy TN, Nashville, Tennessee

The applicant requests renewed authorization to take (enter hibernacula or maternity roost caves, salvage dead bats, capture with mist nets or harp traps, handle, identify, collect hair samples, band, radio-tag, light-tag, and wing-punch) Indiana bats (*Myotis sodalis*) and gray bats (*Myotis grisescens*), and an amendment to include authorization to take (same activities as above) northern long-eared bat (*Myotis septentrionalis*) for purposes of conducting presence/absence surveys, studies to document habitat use, and population monitoring in Alabama, Georgia, Kentucky, Tennessee, Mississippi, North Carolina, and Virginia.

*Permit Application Number: TE 237548–1*

Applicant: Tom Counts, Tuscumbia, Alabama

The applicant requests renewal and amendment of his current permit to add authorization to take (enter hibernacula, salvage dead bats, capture with mist nets or harp traps, handle, identify, collect hair samples, band, radio-tag, and wing-punch) northern long-eared bats (*Myotis septentrionalis*) and continue such activities with Indiana bats (*Myotis sodalis*) and gray bats (*Myotis grisescens*) for purposes of conducting presence/absence surveys, studies to document habitat use, and population monitoring in Alabama.

*Permit Application Number: TE 48833A–1*

Applicant: Brian Carver, Tennessee Technical University, Cookeville, Tennessee

The applicant requests authorization to take (capture, handle, radio-tag, and release) Indiana bats (*Myotis sodalis*) and gray bats (*Myotis grisescens*) for the purpose of conducting presence/absence surveys, studies to document habitat use, and population monitoring in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Missouri, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia.

*Permit Application Number: TE 807672–16*

Applicant: Joseph Carter, Dr. J.H. Carter III & Associates Inc., Southern Pines, North Carolina

The applicant requests renewed authorization to take (harass) red-cockaded woodpeckers (*Picoides borealis*) for the purposes of constructing and monitoring artificial nest cavities and restrictors; for capturing, banding, and translocation of birds; and for monitoring populations and nest cavities in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, Virginia.

*Permit Application Number: TE 117405–3*

Applicant: Brenda Brickhouse, Tennessee Valley Authority, Knoxville, Tennessee

The applicant requests an amendment to their current permit to add authorization to take the following endangered species of wildlife and remove and reduce to possession the following endangered species of plants for purposes of conducting presence/absence surveys, studies to document habitat use, and population monitoring in Alabama, Georgia, Kentucky, Tennessee, Mississippi, North Carolina, and Virginia: Northern long-eared bat (*Myotis septentrionalis*), Cumberland darter (*Etheostoma susanae*), rush darter (*Etheostoma phytophilum*), marbled darter (*Etheostoma marmorpinnum*), tuxedo darter (*Etheostoma lemniscatum*), Citico darter (*Etheostoma sitikuense*), chucky madtom (*Noturus crypticus*), Laurel dace (*Phoxinus saylori*), Georgia pigtoe (*Pleurobema hanleyianum*), slabside pearlshell (*Pleuronaia dolabelloides*), fluted kidneyshell (*Ptychobranchus subtentum*), rayed bean (*Villosa fabalis*), sheepnose (*Plethobasus cyphyus*), snuffbox (*Epioblasma triquetra*), spectaclecase (*Cumberlandia monodonta*), interrupted rocksnail (*Leptoxis foremani*), rough hornsnail (*Pleurocera foremani*), whorled sunflower (*Helianthus verticillatus*), Short's bladderpod (*Physaria globosa*), and gladecress (*Leavenworthia crassa*).

*Permit Application Number: TE 48049B–0*

Applicant: Kathryn Cunningham, Richmond, Kentucky

The applicant requests authorization to take (enter hibernacula or maternity roost caves, salvage dead bats, capture with mist nets or harp traps, handle, identify, band, and radio tag) Indiana bats (*Myotis sodalis*), gray bats (*Myotis grisescens*) northern long-eared bats (*Myotis septentrionalis*), and Virginia big-eared bats (*Corynorhinus townsendii virginianus*) for the purpose of conducting presence/absence surveys, throughout the species' respective ranges.

*Permit Application Number: TE 142806–1*

Applicant: James Cox, Tall Timbers Research Station, Tallahassee, Florida

The applicant requests renewed authorization to take (capture, band, translocate) red-cockaded woodpeckers (*Picoides borealis*) for the purposes of monitoring populations and nest cavities in Florida and Georgia.

*Permit Application Number: TE 008077–2*

Applicant: John Palis, Jonesboro, Illinois

The applicant requests renewed authorization to take (capture, mark, release, recapture, photograph) frosted flatwoods salamanders (*Ambystoma cingulatum*) and reticulated flatwoods salamanders (*Ambystoma bishopi*) while improving amphibian breeding habitat and conducting presence/absence surveys in Georgia, Florida, and South Carolina.

*Permit Application Number: TE 020890–4*

Applicant: Shaun Williamson, U.S. Forest Service, Jackson, Mississippi

The applicant requests renewed authorization to take (capture, handle, band, translocate, installation of artificial nest cavities and restriction plates) red-cockaded woodpeckers (*Picoides borealis*) for the purposes of monitoring populations and nest cavities in Mississippi.

*Permit Application Number: TE 22570A–1*

Applicant: Rick Schwartz, Nashville Zoo, Nashville, Tennessee

The applicant requests renewed authorization to take (capture, identify, translocate, release) the Nashville crayfish (*Orconectes shoupi*) while conducting presence/absence studies, population estimates and monitoring, captive propagation, age class determination, and relocation/reintroduction activities in Tennessee.

*Permit Application Number: TE 34882A–1*

Applicant: Mark Bailey, Andalusia, Alabama

The applicant requests renewed authorization to take (harass) the endangered red-cockaded woodpecker (*Picoides borealis*) during the construction and monitoring of artificial roost cavities and restrictors; take (capture, identify, release) flatwoods salamander (*Ambystoma cingulatum*), flattened musk turtle (*Sternotherus depressus*), eastern indigo snake (*Drymarchon corais couperi*), Mississippi gopher frog (*Rana sevosa*), and red hills salamander (*Phaeognathus hubrichti*) while conducting presence and absence surveys; and take (capture, relocate, radio-tag, release) the gopher tortoise (*Gopherus polyphemus*) while conducting translocation activities throughout the species' respective ranges.

*Permit Application Number: TE 065948–2*

Applicant: Douglas Upton, Mississippi Dept. of Environmental Quality, Jackson, Mississippi

The applicant requests renewed authorization to take (harass) Cumberland combshell (*Epioblasma brevidens*), southern combshell (*Epioblasma penita*), orange-nacre mucket (*Lampsilis perovalis*), black clubshell (*Pleurobema curtum*), southern clubshell (*Pleurobema decisum*), flat pigtoe (*Pleurobema marshalli*), ovate clubshell (*Pleurobema perovatum*), heavy pigtoe (*Pleurobema taitianum*), inflated heelsplitter (*Potamilus inflatus*), stirrupshell (*Quadrula stapes*), bayou darter (*Etheostoma rubrum*) and gulf sturgeon (*Acipenser oxyrinchus desotoi*), while conducting biological surveys to determine the condition of various water bodies throughout the State of Mississippi.

*Permit Application Number: TE 53149B–0*

Applicant: Hans Otto, Omaha, Nebraska

The applicant requests authorization to take (enter hibernacula or maternity roost caves, salvage dead bats, capture with mist nets or harp traps, handle, identify, collect hair and tissue samples, band, radio tag, pit-tag, light-tag, and wing-punch) Indiana bats (*Myotis sodalis*), northern long-eared bats (*Myotis septentrionalis),*Virginia big-eared bats (*Corynorhinus townsendii virginianus*), and Ozark big-eared bats (*Corynorhinus townsendii ingens*) for the purpose of conducting presence/absence surveys, studies to document habitat use, and population monitoring throughout the species' respective ranges.

*Permit Application Number: TE 206872–6*

Applicant: Joy O'Keefe, Indiana State University, Terre Haute, Indiana

The applicant requests an amendment to her current permit to add authorization to take (enter hibernacula, conduct exits counts at roosts, salvage dead bats, capture with mist nets or harp traps, handle, identify, collect hair and tissue samples, band, radio-tag, pit-tag, light-tag, wing-punch, and selectively euthanize for white-nose syndrome surveillance) northern long-eared bats (*Myotis septentrionalis*), in addition to the already authorized Indiana bats (*Myotis sodalis*), Virginia big-eared bats (*Corynorhinus townsendii virginianus*), and gray bats (*Myotis grisescens*) for the purposes of conducting presence/absence surveys, studies to document habitat use, and population monitoring throughout the species' respective ranges.

*Permit Application Number: TE 81756A–1*

Applicant: Jason Robinson, Lexington, Kentucky

The applicant requests an amendment to his current permit to expand the location of authorized activities for the Indiana bat (*Myotis sodalis*) to include all States throughout the species' range and to authorize take (enter hibernacula, salvage dead bats, capture with mist nets or harp traps, handle, identify, band, and radio tag) of northern long-eared bats (*Myotis septentrionalis)* for recovery-related research throughout the species' range.

*Permit Application Number: TE 53906B–0*

Applicant: James Austin, University of Florida, Gainesville, Florida

The applicant requests authorization to take (capture, mark, release, recapture, and ear clip) Perdido Key beach mouse (*Peromyscus polionotus trissyllepsis*), Alabama beach mouse (*Peromyscus polionotus ammobates*), Santa Rosa beach mouse (*Peromyscus polionotus leucocephalus*), Choctawhatchee beach mouse (*Peromyscus polionotus allophrys*), St. Andrew beach mouse (*Peromyscus polionotus peninsularis*), Southeastern

beach mouse (*Peromyscus polionotus niveiventris*), and Anastasia beach mouse (*Peromyscus polionotus phasma*) for the purposes of estimating abundance, studying habitat selection and movement behavior, and conducting studies on genetic diversity and connectivity in Alabama and Florida.

*Permit Application Number: TE 53910B–0*

Applicant: Teresa Porter, Salem College, Winston-Salem, North Carolina

The applicant requests authorization to take (capture with mist nets and wing-punch) Indiana bats (*Myotis sodalis*), northern long-eared bats (*Myotis septentrionalis*), and gray bats (*Myotis grisescens*) in the Piedmont region of North Carolina for the purposes of conducting presence/absence surveys and analysis of anti-microbial skin proteins for white-nose syndrome surveillance.

*Permit Application Number: TE 37492B–0*

Applicant: Anthony Grow, Millington, Tennessee

The applicant requests authorization to take (capture with mist nets, band, and radio-tag) Indiana bats (*Myotis sodalis*), northern long-eared bats (*Myotis septentrionalis*), and gray bats (*Myotis grisescens*) throughout these species' ranges for the purpose of conducting presence/absence surveys.

*Permit Application Number: TE 102292–10*

Applicant: Jeremy Jackson, Jackson Environmental Consulting Service, Richmond, Kentucky

The applicant requests renewal and an amendment to his current permit to expand the location of authorized activities for the Indiana bat (*Myotis sodalis*), gray bat (*Myotis grisescens*), and Virginia big-eared bat (*Corynorhinus townsendii virginianus*) to include the states of Mississippi and Georgia, and to authorize take (enter hibernacula, salvage dead bats, capture with mist nets or harp traps, handle, identify, band, radio tag, light-tag, collect hair samples, wing-punch, and selectively euthanize for white-nose syndrome testing) of northern long-eared bats (*Myotis septentrionalis*) for recovery-related research throughout the species' range.

*Permit Application Number: TE 009638–10*

Applicant: Timothy Compton, Appalachian Technical Services, Wise, Virginia

The applicant requests an amendment to his current permit to authorize take (capture with mist nets or harp traps, handle, identify, band, and radio tag) of northern long-eared bats (*Myotis septentrionalis*) and to authorize take (hand-seining, netting, and electroshocking) of the duskytail darter (*Etheostoma percnurum*) and Cumberland darter (*Etheostoma susanae*) for presence/absence surveys throughout the species' ranges.

*Permit Application Number: TE 697819–4*

Applicant: Leopoldo Miranda, Assistant Regional Director–Ecological Services, U.S. Fish and Wildlife Service, Atlanta, Georgia

The applicant requests an amendment to his current permit to authorize all U.S. Fish and Wildlife Service (Service) biological staff, official volunteers, and designated agents of the Service in the Southeast Region (Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Commonwealth of Puerto Rico, and U.S. Virgin Islands) to take or remove and reduce to possession all listed, proposed, and candidate species in the Southeast Region to enhance propagation or survival or conduct scientific research aimed at the conservation of the species in accordance with the mission of the Service to promote recovery of endangered and threatened species and all other applicable laws and regulations.

*Permit Application Number: TE 077175–3*

Applicant: Troy Best, Auburn University, Auburn, Alabama

The applicant requests renewal and an amendment to his current permit to authorize take (enter hibernacula, salvage dead bats, capture with mist nets or harp traps, handle, identify, band, radio tag, light-tag, collect hair samples, wing-punch, and selectively euthanize for white-nose syndrome testing) of northern long-eared bats (*Myotis septentrionalis*) for recovery-related research in Alabama.

Dated: January 13, 2015.

**Leopoldo Miranda,**

*Acting Deputy Regional Director, Southeast Region.*

[FR Doc. 2015–00855 Filed 1–20–15; 8:45 am]

**BILLING CODE 4310–55–P**

## DEPARTMENT OF THE INTERIOR

## U.S. Geological Survey

**[GX14LQ00DXG0200]**

## Agency Information Collection Activities: Request for Comments on the Classification of Biogeomorphic Attributes and Imagery of Coastal Habitats

**AGENCY:** U.S. Geological Survey (USGS), Interior.

**ACTION:** Notice of a new information collection, classification of biogeomorphic attributes and imagery of coastal habitats.

**SUMMARY:** We (the U.S. Geological Survey) are notifying the public that we have submitted to the Office of Management and Budget (OMB) the information collection request (ICR) described below. To comply with the Paperwork Reduction Act of 1995 (PRA) and as part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other Federal agencies to take this opportunity to comment on this ICR.

**DATES:** To ensure that your comments on this ICR are considered, OMB must receive them on or before February 20, 2015.

**ADDRESSES:** Please submit written comments on this information collection directly to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs, Attention: Desk Officer for the Department of the Interior, via email: (*OIRA_SUBMISSION@omb.eop.gov*); or by fax (202) 395–5806; and identify your submission with 'OMB Control Number 1028—NEW Classification of biogeomorphic attributes and imagery of coastal habitats'. Please also forward a copy of your comments and suggestions on this information collection to the Information Collection Clearance Officer, U.S. Geological Survey, 12201 Sunrise Valley Drive MS 807, Reston, VA 20192 (mail); (703) 648–7195 (fax); or *gs-info_collections@usgs.gov* (email). Please reference 'OMB Information Collection 1028—NEW: Classification of biogeomorphic attributes and imagery of coastal habitats' in all correspondence.

**FOR FURTHER INFORMATION CONTACT:** E. Robert Thieler, Woods Hole Coastal and

Marine Science Center, U.S. Geological Survey, 384 Woods Hole Rd., Woods Hole, MA 02543 (mail); 508–457–2350 (phone); or *rthieler@usgs.gov* (email). You may also find information about this ICR at *www.reginfo.gov.*

**SUPPLEMENTARY INFORMATION:**

## I. Abstract

The information collection will be done by trained and vetted personnel to record information about habitats on coastal beaches and the environment surrounding them. It will collect geographic location information, date and time of observation, site identification information, photographic images, and includes a simple biogeomorphic landscape classification of geomorphologic and vegetation characteristics surrounding nest sites. Federal and non-federal partners are the targeted users, Personally Identifiable Information (PII) will not be collected.

The data collected will be used as input into research models of habitat utilization by beach-dependent species—primarily shorebirds. Model outputs will be used to understand habitat availability and utilization in the future as the coast evolves in response to climate and sea-level change. This information can be used to inform land and species management decisions.

The USGS office leading the program is the Woods Hole Coastal and Marine Science Center, in collaboration with the USGS Center for Integrated Data Analytics, and the U.S. Fish and Wildlife Service.

## II. Data

*OMB Control Number:* 1028—NEW.

*Title:* Classification of biogeomorphic attributes and imagery of coastal habitats.

*Type of Request:* Approval of new information collection.

*Respondent Obligation:* None (participation is voluntary).

*Frequency of Collection:* Data will be collected on an occasional basis, typically during the active growing and breeding season (May–September).

*Description of Respondents:* Employees of non-governmental organizations, non-federal cooperators/collaborators (*e.g.,* academic scientists, resource managers), State, or local entities (state agencies, counties, towns).

*Estimated Total Number of Annual Responses:* There will be 100 new training responses with 4000 observation responses.

*Estimated Time per Response:* We estimate that training will require 20 minutes per person one time. Recording observations will take 5 minutes per person at each site.

*Estimated Annual Burden Hours:* 364.

*Estimated Reporting and Recordkeeping ''Non-Hour Cost'' Burden:* There are no ''non-hour cost'' burdens associated with this collection of information.

*Public Disclosure Statement:* The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

*Comments:* On September 12, 2014, we published a **Federal Register** notice (79 FR 54742) announcing that we would submit this ICR to OMB for approval and soliciting comments. The comment period closed on November 12, 2014. We received no comments.

## III. Request for Comments

We again invite comments concerning this ICR as to: (a) Whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) how to enhance the quality, usefulness, and clarity of the information to be collected; and (d) how to minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this notice are a matter of public record. Before including your personal mailing address, phone number, email address, or other personally identifiable information in your comment, you should be aware that your entire comment, including your personally identifiable information, may be made publicly available at any time. While you can ask the OMB in your comment to withhold your personal identifying information from public review, we cannot guarantee that it will be done.

**Walter A. Barnhardt,**

*Director, Woods Hole Coastal and Marine Science Center.*

[FR Doc. 2015–00795 Filed 1–20–15; 8:45 am]

BILLING CODE 4311–AM–P

# DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

[14XL LLIDI01000.L12320000.AL0000. LVRDID130000 241A 4500073664]

## Proposed Information Collection, OMB Control Number 1004–XXXX

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** 60-day notice and request for comments.

**SUMMARY:** The Bureau of Land Management (BLM) will ask the Office of Management and Budget (OMB) to approve the information collection (IC) described below. In compliance with the Paperwork Reduction Act of 1995, we invite the general public and other Federal agencies to comment on this IC. We may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number.

**DATES:** Please submit your comments on this IC by March 23, 2015.

**ADDRESSES:** You may submit your comments by mail, fax, or electronic mail. *Mail:* U.S. Department of the Interior, Bureau of Land Management, 1849 C St. NW., Washington, DC 20240. *Fax:* to Jean Sonneman at (202) 912–7102. *Electronic mail: jesonnem@blm.gov.* Regardless of the form of your comments, please indicate ''*Attention:* 1004–XXXX.''

**FOR FURTHER INFORMATION CONTACT:** Shannon Bassista, Upper Snake Field Office, at (208) 524–7552 (commercial or FTS) or email at *sbassista@blm.gov.* Persons who use telecommunication devices for the deaf may call the Federal Information Relay Service (FIRS) at 800–877–8339 to contact Mrs. Bassista. The FIRS is available 24 hours a day, 7 days a week, to leave a message for Mrs. Bassista. You will receive a reply during normal business hours. You may also contact Mrs. Bassista to obtain a copy, at no cost, of the regulations that authorize this collection of information.

**SUPPLEMENTARY INFORMATION:**

## I. Abstract

The Department of the Interior, BLM, is requesting OMB approval to collect information from visitors to the St. Anthony Sand Dunes (SASD) planning area, located in eastern Idaho on public lands administered under the Medicine Lodge Resource Management Plan (RMP). The information collected will determine changes in visitor characteristics, including demographics, usage, user conflicts and perspectives toward management programs and

facilities. The planning area includes lands designated as a Wilderness Study Area, a Special Recreation Management Area (SRMA) and an Area of Critical Environmental Concern (ACEC). Most recreational use occurs on the 25 percent of the project planning area that has these special designations. The BLM Planning for Recreation and Visitor Services Handbook states that SRMAs may need to develop additional guidance in a Recreation Area Management Plan (RAMP) for addressing complex implementation issues not specifically addressed in the RMP for an area. In this case, information collected at the SASD will provide guidance when writing a RAMP that will provide specific direction for on-the-ground implementation of the RMP.

In 2013, a site-specific study was conducted by the University of Idaho and the BLM at the BLM-managed Egin Lakes Campground, which is located within the SRMA and ACEC. This study collected data on visitor demographics, visitor views on facilities and resource conditions, and visitor expectations for the campground and the surrounding area. The proposed visitor use survey will supplement the 2013 data with additional information on subjects such as existing and proposed management actions, issuance of Special Recreation Permits, conflicts between visitors, and travel management issues. For this new information collection, the University of Idaho will serve as the lead investigator and utilize a similar approach as in the previous study. Methods include administering onsite questionnaires to visitors on a stratified random sampling basis and distributing mail-back questionnaires (with an online option) to identified interests in the area (for example, local elected officials, recreation and environmental groups, and visitors whose contact information we gathered during 2014). The questionnaire will ask respondents about user conflicts, observable resource impacts, attitudes toward various resource values, sources of information about the campground sites, perspectives on facilities, commercial activities and associated management, and basic demographic data including level of education, age, and organizational affiliations. The survey will be conducted during the summer season (May through October), when visitation rates are highest.

## II. Data

*OMB Control Number:* 1004–XXXX.

*Title:* Visitor Use Survey.

*Frequency:* On occasion.

*Description of Respondents:* Visitors and recreationists.

*Respondents' obligation:* Voluntary.

*Estimated Reporting and Recordkeeping ''Hour'' Burden:* The estimated reporting burden for this collection is 845 responses and 211 hours. The following table details the individual components and estimated hour burdens of this collection.

| Activity | Estimated number of respondents | Estimated number of responses per respondent | Completion time per response (minutes) | Total burden hours |
|---|---|---|---|---|
| On-site visitors: on-site, mail or on-line questionnaires | 420 | 1 | 15 | 105 |
| Mail or online questionnaire to identified interests | 425 | 1 | 15 | 106 |
| Totals | 845 | | | 211 |

## III. Request for Comments

OMB regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act (44 U.S.C. 3501–3521), require that interested members of the public and affected agencies be provided an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d) and 1320.12(a)). The BLM will request that the OMB approve this information collection activity for a 3-year term. Comments are invited on: (1) The need for the collection of information for the performance of the functions of the agency; (2) The accuracy of the agency's burden estimates; (3) Ways to enhance the quality, utility and clarity of the information collection; and (4) Ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information. A summary of the public comments received will accompany the BLM's submission of the information collection request to OMB. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Jean Sonneman,**

*Information Collection Clearance Officer, Bureau of Land Management.*

[FR Doc. 2015–00883 Filed 1–20–15; 8:45 am]

BILLING CODE 4310–GG–P

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

**[LLNM950000 L13110000.BX0000 15XL1109PF]**

## Notice of Filing of Plats of Survey, New Mexico

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Filing of Plats of Survey.

**SUMMARY:** The plats of survey described below are scheduled to be officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico, thirty (30) calendar days from the date of this publication.

**FOR FURTHER INFORMATION CONTACT:** These plats will be available for inspection in the New Mexico State Office, Bureau of Land Management, 301 Dinosaur Trail, Santa Fe, New Mexico. Copies may be obtained from this office upon payment. Contact Victoria Aguilar at 505–954–2097, or by email at *vaguilar@blm.gov,* for assistance. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours.

**SUPPLEMENTARY INFORMATION:** The Indian Meridian, Oklahoma (OK): The plat representing the dependent resurvey and survey in Township 5 South, Range 9 West, of the Indian Meridian, accepted January 14, 2015, for Group 225 OK.

These plats are scheduled for official filing 30 days from the notice of publication in the **Federal Register**, as provided for in the BLM Manual Section 2097—Opening Orders. Notice from this

office will be provided as to the date of said publication. If a protest against a survey, in accordance with 43 CFR 4.450–2, of the above plats is received prior to the date of official filing, the filing will be stayed pending consideration of the protest.

A plat will not be officially filed until the day after all protests have been dismissed and become final or appeals from the dismissal affirmed.

A person or party who wishes to protest against any of these surveys must file a written protest with the Bureau of Land Management New Mexico State Director stating that they wish to protest.

A statement of reasons for a protest may be filed with the Notice of Protest to the State Director or the statement of reasons must be filed with the State Director within thirty (30) days after the protest is filed.

**Robert A. Casias,**

*Acting Branch Chief, Cadastral Survey.*

[FR Doc. 2015–00848 Filed 1–20–15; 8:45 am]

**BILLING CODE 4310–FB–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[LLORW00000–L10200000.MJ0000–15XL1109AF; HAG 15–0064]**

### Notice of Public Meeting

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of public meeting.

**SUMMARY:** In accordance with the Federal Land Policy Management Act and the Federal Advisory Committee Act, the Bureau of Land Management's (BLM) Eastern Washington Resource Advisory Council (RAC) will meet as indicated below.

**DATES:** The RAC will meet on Monday, February 9, 2015, from 10:00 a.m.–4:00 p.m. at the Washington State Potato Commission, 108 S. Interlake Road, Moses Lake, WA 98837. The meeting agenda will include updates of the Eastern Washington Resource Management Plan, personnel changes occurring on the Spokane District, an upcoming nomination period, and a discussion about the long term mission of the RAC and its inclusion in the Spokane District's land use planning decisions. The meeting will include a public comment period.

**FOR FURTHER INFORMATION CONTACT:** Robert St. Clair, BLM Spokane District, 1103 N. Fancher Rd., Spokane Valley, WA 99212, (509) 536–1297, or *rstclair@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** The 15 member Eastern Washington RAC was chartered to provide information and advice regarding the management of public lands in Eastern Washington. Members represent an array of stakeholder interests in the lands and resources in that region. On February 9, 2015 at 10:15 a.m., members of the public will have the opportunity to make comments to the Eastern Washington RAC. All advisory committee meetings are open to the public. Depending on the number of persons wishing to comment, the length of comments may be limited. The public may send written comments to the RAC at the BLM Spokane District Office, Attn. Eastern Washington RAC, 1103 N. Fancher Rd., Spokane Valley, WA 99212. Before including your address, phone number, email address, or other personal identifying information in your comments, please be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. The BLM appreciates all comments.

**Daniel C. Picard,**

*Spokane District Manager.*

[FR Doc. 2015–00854 Filed 1–20–15; 8:45 am]

**BILLING CODE 4310–33–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[LLORB00000.L17110000.PH0000.LXSS020H0000.15XL1109AF; HAG15–0062]**

### Steens Mountain Advisory Council; Meetings

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Public Meeting.

**SUMMARY:** In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, and the U.S. Department of the Interior, Bureau of Land Management (BLM), the Steens Mountain Advisory Council (SMAC) will meet as indicated below:

**DATES:** January 29, 2015 from 10 a.m. to 4 p.m. and January 30, 2015 from 8:30 a.m. to 1 p.m., at the Bureau of Land Management (BLM) Burns District Office, 28910 Highway 20 West, Hines, Oregon. Daily sessions may end early if all business items are accomplished ahead of schedule.

**FOR FURTHER INFORMATION CONTACT:** Tara Martinak, Public Affairs Specialist, BLM Burns District Office, 28910 Highway 20 West, Hines, Oregon 97738, (541) 573–4519, or email *tmartina@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1(800) 877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** The SMAC was initiated August 14, 2001, pursuant to the Steens Mountain Cooperative Management and Protection Act of 2000 (Pub. L. 106–399). The SMAC provides representative counsel and advice to the BLM regarding new and unique approaches to management of the land within the bounds of the Steens Mountain Cooperative Management and Protection Area; recommends cooperative programs and incentives for landscape management that meet human needs; and advises the BLM on maintenance and improvement of the ecological and economic integrity of the area. Agenda items for the January 29–30 session may include a discussion on the Steens Mountain Comprehensive Recreation Plan subalternative B and obscure routes analysis; an update regarding the Sage Grouse Resource Plan Amendments and the Fire and Invasives Assessment Team progress; a potential brainstorming session on creative solutions to implement the Steens Management Cooperative Management and Protection Act; a potential discussion on juniper marketing and development opportunities; and, regular business items such as approving the previous meeting's minutes, member round-table, the Designated Federal Official's update, and planning the next meeting's agenda. A public comment period will be available each day of each meeting. The public is welcome to attend all sessions. Unless otherwise approved by the SMAC Chair, the public comment period will last no longer than 30 minutes, and each speaker may address

the SMAC for a maximum of five minutes.

**Brendan Cain,**

*Burns District Manager.*

[FR Doc. 2015–00847 Filed 1–20–15; 8:45 am]

BILLING CODE 4310–P

## DEPARTMENT OF THE INTERIOR

## National Park Service

**[NPS–WASO–NRNHL–17393; PPWOCRADI0, PCU00RP14.R50000]**

## National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before December 20, 2014. Pursuant to section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation. Comments may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service,1201 Eye St. NW., 8th floor, Washington, DC 20005; or by fax, 202–371–6447. Written or faxed comments should be submitted by February 5, 2015. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: December 24, 2014.

**Alexandra Lord,**

*Acting Chief, National Register of Historic Places/National Historic Landmarks Program.*

**ARIZONA**

**Pima County**

Shrine of Santa Rita in the Desert, 13260 E. Colossal Cave Rd., Vail, 14001231

**ARKANSAS**

**Sebastian County**

Fishback Neighborhood Historic District (Boundary Increase), Roughly bounded by Rogers & Dodson Aves., S. 24th, S. 26th & J Sts., Fort Smith, 14001232

**CALIFORNIA**

**Los Angeles County**

Thomas, Franklin Rosborough ''Frank'', House, 758 Flintridge Ave., La Canada Flintridge, 14001233

**Marin County**

Mount Tamalpais Mountain Theater, (National-State Cooperative Program and the CCC in California State Parks MPS), 3801 Panoramic Hwy., Mill Valley, 14001234

**COLORADO**

**Jefferson County**

Bradford, Robert Boyles, Property, Address Restricted, Morrison, 14001235

**DISTRICT OF COLUMBIA**

**District of Columbia**

Chesapeake and Ohio Canal National Historical Park Historic District, (Boundary Increase), N. bank of Potomac R. from Georgetown, DC, to Cumberland, MD, Washington, 14001236

**MINNESOTA**

**Steele County**

Owatonna Commercial Historic District, Roughly bounded by N. Cedar Ave., W. & E. Broadway, W. Bridge & W. Main Sts., Owatonna, 14001237

**MISSOURI**

**Jackson County**

Grand Avenue Garage, 718 Grand Ave., Kansas City, 14001238

Westport High School, (Kansas City, Missouri School District Pre-1970 MPS), 315 E. 39th St., Kansas City, 14001239

**NEW HAMPSHIRE**

**Cheshire County**

Hutchinson House, 400 Alstead Center Rd., Alstead, 14001240

**Rockingham County**

New Castle Congregational Church, 65 Main St., New Castle, 14001241

**SOUTH CAROLINA**

**Charleston County**

Standard Oil Company Headquarters, 1600 Meeting St., Charleston, 14001243

**Richland County**

Federal Land Bank Building, 1401 Hampton St., Columbia, 14001242

**WASHINGTON**

**Mason County**

Cushman Hydroelectric Project Historic District, 21451 N. US 101, Hoodsport, 14001244

**Walla Walla County**

YMCA Building—Walla Walla, 28 S. Spokane St., Walla Walla, 14001245

[FR Doc. 2015–00832 Filed 1–20–15; 8:45 am]

BILLING CODE 4312–51–P

## DEPARTMENT OF THE INTERIOR

## National Park Service

**[NPS–WASO–NRNHL–17369; PPWOCRADI0, PCU00RP14.R50000]**

## National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before December 13, 2014. Pursuant to section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation. Comments may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service,1201 Eye St. NW., 8th floor, Washington, DC 20005; or by fax, 202–371–6447. Written or faxed comments should be submitted by February 5, 2015. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: December 23, 2014.

**J. Paul Loether,**

*Chief, National Register of Historic Places/National Historic Landmarks Program.*

**ALASKA**

**Kodiak Island Borough-Census Area**

Woody Island Historic Archaeological District, Address Restricted, Kodiak, 14001196

**ARKANSAS**

**Carroll County**

Shady Grove Delmar Church and School, Cty. Rd. 933, 1.4 mi. w. of Delmar, Delmar, 14001197

**Greene County**

St. Mary's Catholic Church, 301 W. Highland, Paragould, 14001198

**Hempstead County**

Hope Girl Scout Little House, (New Deal Recovery Efforts in Arkansas MPS) NE. corner of Jones St. & Fair Park, Hope, 14001199

**Johnson County**

Ozone School, 14137 AR 21, Ozone, 14001200

**Pulaski County**

Elias, Barney L., House, 335 Goshen Ave., North Little Rock, 14001201

**Sebastian County**

Camp Chaffee Historic District (Boundary Increase), (World War II Home Front Efforts in Arkansas, MPS) Roughly bounded by Ward Ave., RR spur, Taylor Ave. & Terry St., Fort Smith, 14001202

**Washington County**

Skillern House, 3470 E. Skillern Rd., Fayetteville, 14001203

**CALIFORNIA**

**San Diego County**

San Diego Fire Department Shops at Station 6, 1572 Columbia St., San Diego, 14001204

**San Mateo County**

Vollers, Amelia, House, 353 N. Claremont St., San Mateo, 14001205

**DISTRICT OF COLUMBIA**

**District of Columbia**

First Church of Christ, Scientist, 1770 Euclid St. NW., Washington, 14001206

George Washington University—Old West End Historic District, Between F, I, 19th & 23rd Sts. NW. & Virginia Ave. NW., Washington, 14001207

**GEORGIA**

**Fulton County**

Alberta Drive—Mathieson Drive—West Shadowlawn Avenue Historic District, Roughly centered on W. Shadowlawn Ave., Alberta & Mathieson Drs., Atlanta, 14001208

**ILLINOIS**

**Kane County**

Ford, Sam and Ruth Van Sickle, House, 404 S. Edgelawn Dr., Aurora, 14001210

**IOWA**

**Marion County**

Tuttle, Thomas F. and Nancy, House, 608 Lincoln St., Pella, 14001209

**KANSAS**

**Riley County**

Young Buck Site, Address Restricted, Manhattan, 14001211

**MINNESOTA**

**Ramsey County**

3M Administration Building, 777 Forest St., St. Paul, 14001212

**NEW YORK**

**Chemung County**

Mount Saviour Monastery, 231, 121, 122 Monastery & 65, 212 Fisher Hill Rds., Pine City, 14001213

**Nassau County**

Cobble Villa, 657 Laurelton Blvd., Long Beach, 14001214

**Niagara County**

Pound—Hitchens House, 325 Summit St., Lockport, 14001215

**Onondaga County**

Hanover Square Historic District (Boundary Increase), E. Water, E. Genesee & E. Washington Sts., Syracuse, 14001217

**Orleans County**

Boxwood Cemetery, 3717 N. Gravel Rd., Medina, 14001216

**Rockland County**

House at 352 Piermont Avenue, 352 Piermont Ave., Piermont, 14001218

**Suffolk County**

Booth, Mary Louise, Girlhood House, E. Main St., Yaphank, 14001219

**PENNSYLVANIA**

**Chester County**

Mount Zion A.M.E. Church, 380 N. Fairfield Rd., Tredyffrin Township, 14001220

**SOUTH CAROLINA**

**Sumter County**

Lincoln High School, 20–26 Council St., Sumter, 14001221

**TENNESSEE**

**Davidson County**

Grand Ole Opry House, 2804 Opryland Dr., Nashville, 14001222

**Haywood County**

College Hill Historic District (Boundary Increase), (Brownsville, Tennessee MPS) Roughly Bounded by N. Wilson Ave., Haralson, Margin & Cherry Sts., Brownsville, 14001223

Dunbar—Carver Historic District, (Brownsville, Tennessee MPS) Along E. Jefferson St. & roughly bounded by Anderson Ave., E. Main St. & RR tracks, Brownsville, 14001224

Jefferson Street Historic District, (Brownsville, Tennessee MPS) Roughly bounded by Margin & E. Main Sts., S. Jackson & Washington Aves., Brownsville, 14001225

North Washington Historic District, (Brownsville, Tennessee MPS) Roughly bounded by N. Wilson & Park Aves., Thomas & E. Main Sts., Brownsville, 14001226

**TEXAS**

**Dallas County**

Mayflower Building, 411 N. Akard St., Dallas, 14001227

**Midland County**

Midland Tower, 223 W. Wall St., Midland, 14001228

**WISCONSIN**

**Brown County**

Gutknecht, Edwin and Jennie, House, 603 S. Michigan St., De Pere, 14001229

Heyrman, Henry and Mary, House, 403 S. Michigan St., De Pere, 14001230

A request for removal has been made for the following resource:

**ARKANSAS**

**Washington County**

Bariola Farm, 329 Ardemagni Rd., Tontitown, 92000096

[FR Doc. 2015–00833 Filed 1–20–15; 8:45 am]

BILLING CODE 4312–51–P

## DEPARTMENT OF JUSTICE

**[OMB Number 1121–NEW]**

## Agency Information Collection Activities: Proposed eCollection eComments Requested; Proposed Study Entitled "National Baseline Study Examining Violence Against Indian Women Living in Tribal Communities"

**AGENCY:** National Institute of Justice, U.S. Department of Justice.

**ACTION:** 30-Day notice.

**SUMMARY:** The Department of Justice (DOJ), Office of Justice Programs, National Institute of Justice, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. This proposed information collection was previously published in the **Federal Register** Volume 79, Number 166, page 51192 on August 27, 2014, allowing for a 60 day comment period.

**DATES:** The purpose of this notice is to allow for an additional 30 days for public comment until February 20, 2015.

**FOR FURTHER INFORMATION CONTACT:** If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Christine Crossland, National Institute of Justice, Office of Research & Evaluation, 810 Seventh Street NW., Washington, DC 20531 (overnight 20001) or via email at *NIJ_NationalBaselineStudy@usdoj.gov.* Written comments and/or suggestions can also be directed to the Office of Management and Budget, Officer of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or send to *OIRA_submission@omb.eop.gov.*

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning

the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the National Institute of Justice, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Evaluate whether, and if so how, the quality, utility, and clarity of the information to be collected can be enhanced; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

**Overview of This Information Collection**

(1) *Type of Information Collection:* New survey.

(2) *The Title of the Form/Collection:* National Baseline Study Examining Violence Against Indian Women Living in Tribal Communities.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The applicable component within the U.S. Department of Justice is the National Institute of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Title IX, Section 904(a) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005), Public Law 109–162 (codified at 42 U.S.C. 3796gg–10 note), as amended by Section 907 of the Violence Against Women Reauthorization Act, Pub. L. 113–4, mandates that the National Institute of Justice (NIJ), in consultation with the U.S. Department of Justice's Office on Violence Against Women (OVW), conduct a National Baseline Study (NBS) on violence against American Indian (AI) and Alaska Native (AN) women living in tribal communities. NIJ's NBS will examine violence against AI and AN women (including domestic violence, dating violence, sexual assault, and stalking) and identify factors that place AI and AN women at risk for victimization and propose recommendations to improve effectiveness of these responses. NIJ's NBS survey was designed to: (1) Provide an accurate reporting of violence against AI and AN women in tribal communities; (2) provide reliable, valid estimates of the scope of the problem; and (3) identify barriers to and possible solutions for dealing with these significant public safety issues.

The NBS will be conducted in geographically dispersed tribal communities across the U.S. (lower 48 and Alaska) using a NIJ-developed sampling strategy for which the primary aim is to provide an accurate *national* victimization rate of violence against adult AI and AN women specifically living in tribal communities. This information collection is a one-time information collection and is expected to take approximately twenty-four months from the time the first participant is enrolled until the last survey is administered.

The NBS is critical to quantifying the magnitude of violence and victimization in tribal communities and understanding service needs. At the end of this study, the NBS is expected to produce a deeper understanding of the issues faced by Native American women living in Indian Country and Alaska Native villages and help formulate public policies and prevention strategies to decrease the incidence of violent crimes against AI and AN women.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated range of burden for respondents is expected to be between 30 minutes to 1.5 hours for completion. Based on instrument testing results, we expect an average of 60 minutes per respondent. The following factors were considered when creating the burden estimate: The estimated total number of sites (40), households within sites (25), and respondents within households (1.5) in the sampling plan for a total of 1,500 expected respondents. NIJ estimates that nearly all of the approximately 1,500 respondents will fully complete the questionnaire.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 1,500 hours. It is estimated that each of the 1,500 respondents will take 1 hour to complete a questionnaire (1,500 respondents × 1 hour = 1,500 hours). We estimate a 24-month data collection period, with approximately half of the interviews completed each year, or an annualized burden of 750 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E.405B, Washington, DC 20530.

Dated: January 15, 2015.

**Jerri Murray,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2015–00853 Filed 1–20–15; 8:45 am]

BILLING CODE 4410–18–P

## DEPARTMENT OF JUSTICE

**[OMB Number 1140–0024]**

## Agency Information Collection Activities; Proposed eCollection eComments Requested; Report of Firearms Transaction—Demand 2

**AGENCY:** Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice

**ACTION:** 60-day notice.

**SUMMARY:** The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

**DATES:** Comments are encouraged and will be accepted for 60 days until March 23, 2015.

**FOR FURTHER INFORMATION CONTACT:** If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Helen Koppe at *fipb-informationcollection@atf.gov*.

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Evaluate whether and if so how the quality, utility, and clarity of the

information to be collected can be enhanced; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection 1140–0024:

1 *Type of Information Collection:* Extension of an existing collection.

2 *The Title of the Form/Collection:* Report of Firearms Transaction—Demand 2.

3 *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: ATF F 5300.5.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4 *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other: None.

Abstract: The information collection documents transactions of firearms for law enforcement purposes. ATF uses the information to determine that the transaction is in accordance with laws and regulations, and establishes the person(s) involved in the transactions.

5 *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 1,322 respondents will take 30 minutes to complete the form.

6 *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 2,644 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E–405B, Washington, DC 20530.

Dated: January 15, 2015.

**Jerri Murray,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2015–00852 Filed 1–20–15; 8:45 am]

**BILLING CODE 4410–FY–P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed First Amendment to Consent Decree Under the Clean Air Act

On January 14, 2015, the Department of Justice lodged a proposed first amendment to a consent decree with the United States District Court for the Southern District of Ohio in the lawsuit entitled *United States, et al.* v. *INEOS ABS (USA) Corporation, et al.,* Civil Action No. 1:09–CV–00545.

Under the original 2010 consent decree, INEOS ABS (USA) Corporation (''INEOS'') agreed to undertake numerous measures to come into compliance with various environmental statutes and regulations at its facility in Addyston, Ohio, including certain measures designed to control hazardous air pollutant emissions from the facility's flare and volatile organic compound emissions from equipment leaks. Since the entry of the original consent decree, issues involving the implementation of and compliance with certain consent decree provisions have arisen. Under the proposed First Amendment, INEOS will comply with a final limit of the net heating value in its flare gas that will ensure 99% control efficiency at the flare, which is the control efficiency requirement in the facility's permit. INEOS also will pay a penalty of $240,000 for alleged violations of certain leak detection and repair (''LDAR'') provisions of the original decree (which are based on regulations promulgated under the Clean Air Act, 42 U.S.C. §§ 7401, *et seq.*).

The publication of this notice opens a period of public comment on the first amendment. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States, et al.* v. *INEOS ABS (USA) Corporation, et al.,* D.J. Ref. No. 90–5–2–1–09264. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

| To submit comments: | Send them to: |
|---|---|
| By e-mail ..... | *pubcomment-ees.enrd@usdoj.gov* |
| By mail ..... | Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611. |

During the public comment period, the first amendment may be examined and downloaded at this Department of Justice Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the first amendment upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check in the amount of $ 10.25 (25 cents per page reproduction cost) payable to the United States Treasury.

**Randall M. Stone,**

*Acting Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 2015–00886 Filed 1–20–15; 8:45 am]

**BILLING CODE 4410–15–P**

## DEPARTMENT OF JUSTICE

### Amended Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

This Notice amends and replaces the original notice published on January 8, 2015, 80 FR 1049. On January 2, 2015, the Department of Justice lodged a proposed Consent Decree in *United States and the State of Arkansas* v. *The City of Fort Smith, Arkansas,* Civil Action No. 14–cv–02266–PKH in the United States District Court for the Western District of Arkansas. Notice is hereby given that, for a period of 30 days, the United States will receive public comments on the proposed Consent Decree.

The United States and the State filed an amended complaint against Fort Smith on the same date. The amended complaint alleges that Fort Smith discharged untreated wastewater from Fort Smith's sanitary sewer collection system to waters of the United States and the State on numerous occasions, and that Fort Smith failed to comply with certain terms and conditions of its National Pollutant Discharge Elimination System permits, in violation of Sections 301 and 402 of the Clean Water Act, 33 U.S.C. 1311 and 1342.

Under the settlement, Fort Smith will implement various injunctive measures to achieve full compliance with the Clean Water Act and eliminate sanitary system overflows over an anticipated 12 year period. The injunctive measures to be undertaken by Fort Smith include conducting a comprehensive inspection of its collection system for condition defects, increasing capacity of sewer lines, where needed, repairing, rehabilitating or replacing sewer lines with significant defects, upgrading

pump stations, and developing and implementing a ''capacity, management, operation and maintenance plan'' to further reduce the incidence of sanitary sewer overflows. Information provided by Fort Smith indicates that the work is expected to cost $255 million in current dollars, plus the cost of routine operation and maintenance. Fort Smith will also implement a Supplemental Environmental Project aimed at assisting qualified low income residential property owners to repair or replace defective private service lines which connection to its collection system, valued at $400,000. Fort Smith will also pay a civil penalty of to the United States of $300,000.

The publication of this amended notice restarts a 30 day period for public comment on the proposed Consent Decree. Comments are now due 30 days from the publication of this amended notice. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and the State of Arkansas* v. *The City of Fort Smith, Arkansas,* (Civil Action No. 14–cv–02266), D.J. Ref. No. 90–5–1–1–08677. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

| *To submit comments:* | *Send them to:* |
|---|---|
| By email | *pubcomment-ees.enrd@usdoj.gov.* |
| By mail | Assistant Attorney General, U.S. DOJ–ENRD, P.O. Box 7611, Washington, DC 20044–7611. |

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ–ENRD, P.O. Box 7611, Washington, DC 20044–7611. Please enclose a check or money order for $30.25 (25 cents per page reproduction cost) payable to the United States Treasury.

**Thomas P. Carroll,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 2015–00827 Filed 1–20–15; 8:45 am]

**BILLING CODE 4410–15–P**

## LIBRARY OF CONGRESS

### Copyright Royalty Board

**[Docket No. 15–0005–CRB–AU]**

### Notice of Intent To Audit

**AGENCY:** Copyright Royalty Board, Library of Congress.

**ACTION:** Public notice.

**SUMMARY:** The Copyright Royalty Judges announce receipt of a notice of intent to audit the 2011, 2012, and 2013 statements of account submitted by Live365, Inc. concerning the royalty payments it made pursuant to two statutory licenses.

**FOR FURTHER INFORMATION CONTACT:** LaKeshia Keys, Program Specialist, by telephone at (202) 707–7658 or by email at *crb@loc.gov*.

**SUPPLEMENTARY INFORMATION:** The Copyright Act, title 17 of the United States Code, grants to copyright owners of sound recordings the exclusive right to perform publicly sound recordings by means of certain digital audio transmissions, subject to certain limitations. Specifically, the right is limited by two statutory licenses. The section 114 license allows nonexempt noninteractive digital subscription services and eligible nonsubscription services to perform publicly sound recordings by means of digital audio transmissions. 17 U.S.C. 114(f). The second license allows a service to make any necessary ephemeral reproductions to facilitate the digital transmission of the sound recording, including transmissions to business establishments.[1] 17 U.S.C. 112(e).

Licensees may operate under these licenses provided they pay the royalty fees and comply with the terms set by the Copyright Royalty Judges. The rates and terms for the section 112 and 114 licenses are set forth in 37 CFR part 380. As part of the terms set for these licenses, the Judges designated SoundExchange, Inc. as the Collective, *i.e.,* the organization charged with collecting the royalty payments and statements of account submitted by eligible nonsubscription services such as Commercial Webcasters and by eligible nonexempt noninteractive digital subscription services such as Business Establishment Services and distributing the royalties to the copyright owners and performers entitled to receive them under the section 112 and 114 licenses. 37 CFR 380.4(b)(1) and 384.4(b)(1). As the designated Collective, SoundExchange may conduct a single audit of a licensee for any calendar year to verify royalty payments. SoundExchange must first file with the Judges a notice of intent to audit a licensee and deliver the notice to the licensee to be audited. 37 CFR 380.6(c) and 384.6(c).

On December 23, 2014, SoundExchange filed with the Judges a notice of intent to audit Live365, Inc. for the years 2011, 2012, and 2013.

Sections 380.6(c) and 384.6(c) require the Judges to publish notice in the **Federal Register** within 30 days of receipt of a notice announcing the Collective's intent to conduct an audit. Today's notice fulfills this requirement with respect to SoundExchange's intent to audit Live365, Inc. filed on December 23, 2014.

Dated: January 13, 2015.

**Suzanne M. Barnett,**

*Chief Copyright Royalty Judge.*

[FR Doc. 2015–00698 Filed 1–20–15; 8:45 am]

**BILLING CODE 1410–72–P**

[1] Subject to the limitations set forth in section 114(d)(1)(C)(iv).

## LIBRARY OF CONGRESS

### Copyright Royalty Board

**[Docket No. 15–0004–CRB–AU]**

### Notice of Intent To Audit

**AGENCY:** Copyright Royalty Board, Library of Congress.

**ACTION:** Public notice.

**SUMMARY:** The Copyright Royalty Judges announce receipt of two notices of intent to audit the 2011, 2012, and 2013 statements of account submitted by iHeartMedia, Inc. and CBS Radio Inc. concerning royalty payments each made pursuant to two statutory licenses.

**FOR FURTHER INFORMATION CONTACT:** LaKeshia Keys, Program Specialist, by telephone at (202) 707–7658 or by email at *crb@loc.gov.*

**SUPPLEMENTARY INFORMATION:** The Copyright Act, title 17 of the United States Code, grants to copyright owners

of sound recordings the exclusive right to perform publicly sound recordings by means of certain digital audio transmissions, subject to certain limitations. Specifically, the right is limited by two statutory licenses. The section 114 license allows nonexempt noninteractive digital subscription services and eligible nonsubscription services to perform publicly sound recordings by means of digital audio transmissions. 17 U.S.C. 114(f). The section 112 license allows a service to make necessary ephemeral reproductions to facilitate the digital transmission of the sound recording. 17 U.S.C. 112(e).

Licensees may operate under these licenses provided they pay the royalty fees and comply with the terms set by the Copyright Royalty Judges. The rates and terms for the section 112 and 114 licenses are set forth in 37 CFR parts 380–384. As part of the terms set for these licenses, the Judges designated SoundExchange, Inc. as the Collective, *i.e.,* the organization charged with collecting the royalty payments and statements of account submitted by eligible nonsubscription services such as, among others, Broadcasters, and distributing the royalties to copyright owners and performers entitled to receive them. 37 CFR 380.13(b)(1). As the designated Collective, SoundExchange may conduct a single audit of a licensee for any calendar year to verify royalty payments. SoundExchange must first file with the Judges a notice of intent to audit a licensee and deliver the notice to the licensee to be audited. 37 CFR 380.15(c).

On December 23, 2014, SoundExchange filed with the Judges two separate notices of intent to audit iHeartMedia, Inc. and CBS Radio Inc. for the years 2011, 2012, and 2013.

Section 380.15(c) requires the Judges to publish notice in the **Federal Register** within 30 days of receipt of a notice announcing the Collective's intent to conduct an audit. Today's notice fulfills this requirement with respect to SoundExchange's intent to audit iHeartMedia, Inc. and CBS Radio Inc. filed on December 23, 2014.

Dated: January 13, 2015.

**Suzanne M. Barnett,**

*Chief Copyright Royalty Judge.*

[FR Doc. 2015–00692 Filed 1–20–15; 8:45 am]

BILLING CODE 1410–72–P

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

**[NARA–2015–022]**

## Records Schedules; Availability and Request for Comments

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Notice of availability of proposed records schedules; request for comments.

**SUMMARY:** The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. They authorize the preservation of records of continuing value in the National Archives of the United States and the destruction, after a specified period, of records lacking administrative, legal, research, or other value. Notice is published for records schedules in which agencies propose to destroy records not previously authorized for disposal or reduce the retention period of records already authorized for disposal. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

**DATES:** Requests for copies must be received in writing on or before February 20, 2015. Once the appraisal of the records is completed, NARA will send a copy of the schedule. NARA staff usually prepare appraisal memorandums that contain additional information concerning the records covered by a proposed schedule. These, too, may be requested and will be provided once the appraisal is completed. Requesters will be given 30 days to submit comments.

**ADDRESSES:** You may request a copy of any records schedule identified in this notice by contacting Records Management Services (ACNR) using one of the following means:

*Mail:* NARA (ACNR), 8601 Adelphi Road, College Park, MD 20740–6001.

*Email: request.schedule@nara.gov.*

*FAX:* 301–837–3698.

Requesters must cite the control number, which appears in parentheses after the name of the agency which submitted the schedule, and must provide a mailing address. Those who desire appraisal reports should so indicate in their request.

**FOR FURTHER INFORMATION CONTACT:** Margaret Hawkins, Director, Records Management Services (ACNR), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001. Telephone: 301–837–1799. Email: *request.schedule@nara.gov.*

**SUPPLEMENTARY INFORMATION:** Each year Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval. These schedules provide for the timely transfer into the National Archives of historically valuable records and authorize the disposal of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

The schedules listed in this notice are media neutral unless specified otherwise. An item in a schedule is media neutral when the disposition instructions may be applied to records regardless of the medium in which the records are created and maintained. Items included in schedules submitted to NARA on or after December 17, 2007, are media neutral unless the item is limited to a specific medium. (See 36 CFR 1225.12(e).)

No Federal records are authorized for destruction without the approval of the Archivist of the United States. This approval is granted only after a thorough consideration of their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and whether or not they have historical or other value.

Besides identifying the Federal agencies and any subdivisions requesting disposition authority, this public notice lists the organizational unit(s) accumulating the records or indicates agency-wide applicability in the case of schedules that cover records that may be accumulated throughout an agency. This notice provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction). It also includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit

level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it too includes information about the records. Further information about the disposition process is available on request.

**Schedules Pending**

1. Department of the Army, Agency-wide (DAA–AU–2015–0002, 1 item, 1 temporary item). Master files of an electronic information system that contains weapons acquisition data to include design information and life cycle support plans.

2. Department of Defense, Office of the Secretary of Defense (DAA–0330–2014–0017, 3 items, 3 temporary items). Master files of an electronic information system that contains records relating to employee assistance programs including call center recordings, referrals, and non-medical counseling files.

3. Department of Defense, Office of the Secretary of Defense (DAA–0330–2014–0019, 2 items, 2 temporary items). Records of the Pentagon Force Protection Agency to include master files of an electronic information system that contains records on individuals involved in criminal or non-criminal incidents including personal identifiers, information on security violations, and inquiries into incidents.

4. Department of Defense, Office of the Secretary of Defense (DAA–0330–2014–0021, 1 item, 1 temporary item). Master files of an electronic information system that contains records on individuals registered in the job priority placement program including personal identifiers, contact information, and information concerning occupational experience, job preference, and duty locations.

5. Department of Homeland Security, U.S. Secret Service (DAA–0087–2014–0001, 6 items, 4 temporary items). Video surveillance recordings and protective tracking operations data for facilities protected by the agency. Proposed for permanent retention are recordings and data associated with assassination attempts.

6. Department of Justice, U.S. Marshals Service (DAA–0527–2013–0007, 4 items, 3 temporary items). Office of General Counsel records including civil litigation files and supporting documentation for legal opinions. Proposed for permanent retention are legal opinion files.

7. Department of the Navy, Judge Advocate General (DAA–0428–2014–0002, 1 item, 1 temporary item). Master files of an electronic information system used to track and manage case files.

8. Department of the Navy, U.S. Marine Corps (DAA–0127–2013–0005, 1 item, 1 temporary item). Master files of an electronic information system that contains records used for readiness reporting and planning purposes.

9. Department of the Navy, U.S. Marine Corps (DAA–0127–2013–0027, 1 item, 1 temporary item). Master files of an electronic information system used to support force management and planning.

10. Department of the Navy, U.S. Marine Corps (DAA–0127–2014–0014, 1 item, 1 temporary item). Master files of an electronic information system used for surveillance of bases, including digital video recordings and personnel information.

11. Department of the Navy, U.S. Marine Corps (DAA–0127–2014–0016, 1 item, 1 temporary item). Master files of an electronic information system used to identify, facilitate, and track the recovery process for wounded and injured medical patients.

12. Department of the Navy, U.S. Marine Corps (DAA–0127–2014–0023, 2 items, 1 temporary item). Master files of an electronic information system used to manage and track entrants to the Marine Corps Marathon. Proposed for permanent retention are statistical records on race winners.

13. National Archives and Records Administration, Office of the Federal Register (DAA–0064–2014–0002, 7 items, 7 temporary items). Paper and electronic documents submitted for publication in the **Federal Register**.

14. Peace Corps, Overseas Posts (N1–490–12–4, 11 items, 11 temporary items). Records of the Medical Office including routine administrative files, medical records for volunteers, and medical reports regarding general health interest items for volunteers.

15. Railroad Retirement Board, Agency-wide (DAA–0184–2013–0001, 10 items, 10 temporary items). Records relating to the administration of field services, including records of opinions and protests, statistical reports, audit reports, motor vehicle reports, and space reports.

Dated: January 13, 2015.

**Paul M. Wester, Jr.,**

*Chief Records Officer for the U.S. Government.*

[FR Doc. 2015–00875 Filed 1–20–15; 8:45 am]

**BILLING CODE 7515–01–P**

## NUCLEAR REGULATORY COMMISSION

**[Docket No. 50–131; NRC–2012–0141]**

## U.S. Department of Veterans Affairs Alan J. Blotcky Reactor Facility

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** License amendment application; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) reviewed an application by the U.S. Department of Veterans Affairs at the Nebraska-Western Iowa Health Care System Omaha Division (Omaha VAMC, or the licensee) for amendment of Facility Operating License No. R–57 for the Alan J. Blotcky Reactor Facility (AJBRF) in Omaha, Nebraska. The application requested NRC approval of the AJBRF Decommissioning Plan (DP).

**DATES:** Notice of amendment to Facility Operating License No. R–57 given on January 21, 2015.

**ADDRESSES:** Please refer to Docket ID NRC–2012–0141 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2012–0141. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** section.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

**FOR FURTHER INFORMATION CONTACT:** Theodore Smith, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6721; email: *Theodore.Smith@nrc.gov.*

**SUPPLEMENTARY INFORMATION:**

The AJBRF was operated by the Omaha VAMC to support nuclear medicine and research programs conducted at the Omaha VAMC medical center. Between 1959 and 1965, the facility was funded as a national laboratory and employed approximately 30 people. The AJBRF was primarily used for neutron activation of biological samples, but was also used for training Fort Calhoun Station nuclear power reactor operators.

By letters dated September 21, 2004, August 15, 2011, March 8, 2012, May 21, 2014, and November 12, 2014, (ADAMS Accession Nos. ML042740512, ML11255A334, ML12075A202, ML14150A404, and ML14335A597, respectively), Omaha VAMC submitted to the NRC an application for amendment of Facility Operating License No. R–57 for AJBRF. The application requested NRC approval of the AJBRF DP.

Pursuant to § 50.82(b)(5) of Title 10 of the *Code of Federal Regulations* (10 CFR), the AJBRF DP was noticed in the **Federal Register** on June 20, 2012 (77 FR 37074). The **Federal Register** notice provided opportunity for the public to provide comments, request a hearing, and petition for leave to intervene. No comments or other responses were received. The proposed DP contains additional information but has not changed substantially since the DP was noticed in 2012; therefore, a new notice was not required. Specifically, the release criteria were updated to refer to Inspection and Enforcement Circular 81–07.

Pursuant to 10 CFR 50.82(b)(5), the NRC staff has concluded that the proposed AJBRF demonstrates that the decommissioning will be performed in accordance with the regulations of 10 CFR part 50 and will not be inimical to the common defense and security or to the health and safety of the public. The NRC staff's conclusions have been documented in a Safety Evaluation Report (ADAMS Accession No. ML14318A906). Therefore, the NRC has approved the AJBRF DP by amending Facility Operating License No. R–57.

Dated at Rockville, Maryland, this 8th day of January 2015.

For the Nuclear Regulatory Commission.

**Andrew Persinko,**

*Deputy Director, Division of Decommissioning, Uranium Recovery, and Waste Programs, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 2015–00923 Filed 1–20–15; 8:45 am]

**BILLING CODE 7590–01–P**

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## NUCLEAR REGULATORY COMMISSION

**[Docket No. 50–397; NRC–2014–0010; NRC–2014–0189]**

## Energy Northwest, Columbia Generating Station

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** License amendment application; withdrawal by applicant.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) has granted the request of Energy Northwest (the licensee) to withdraw its application dated October 2, 2013, as supplemented by letters dated June 19 and November 17, 2014, for a proposed amendment to Renewed Facility Operating License No. NPF–21. The proposed amendment would have revised the Technical Specifications (TS) for the Columbia Generating Station to incorporate TS Task Force (TSTF) Traveler TSTF–493, Revision 4, ''Clarify Application of Setpoint Methodology for LSSS [limiting safety system settings] Functions,'' Option A.

**DATES:** Notice of withdrawal of license amendment application given on January 21, 2015.

**ADDRESSES:** Please refer to Docket IDs NRC–2014–0010 and NRC–2014–0189 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket IDs NRC–2014–0010 and NRC–2014–0189. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- NRC's Agencywide Documents Access and Management System (ADAMS): You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.
- NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

**FOR FURTHER INFORMATION CONTACT:** Andrea E. George, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1081, email: *Andrea.George@nrc.gov.*

**SUPPLEMENTARY INFORMATION:** The NRC has granted the request of Energy Northwest to withdrawal its application dated October 2, 2013, as supplemented by letters dated June 19 and November 17, 2014 (ADAMS Accession Nos. ML13284A063, ML14188B450, and ML14335A320, respectively), for a proposed amendment to the Columbia Generating Station's TS, located in Benton County, Washington. The proposed change would have revised the TS to incorporate TSTF–493, Revision 4, Option A, by adding footnotes to certain TS Surveillance Requirements. The availability of this TS improvement was announced in the **Federal Register** on May 11, 2010 (75 FR 26294).

The NRC published a Biweekly Notice in the **Federal Register** on January 21, 2014 (79 FR 3415), that gave notice that this proposed amendment was under consideration by the NRC. Due to an increase in scope of the proposed amendment from an application supplement, the amendment was republished in a Biweekly Notice in the **Federal Register** on August 19, 2014 (79 FR 49107). However, by letter dated December 9, 2014 (ADAMS Accession No. ML14349A494), the licensee requested to withdraw the proposed amendment.

Dated at Rockville, Maryland, this 13th day of January 2015.

For the Nuclear Regulatory Commission.

**Andrea E. George,**

*Project Manager, Plant Licensing Branch IV–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. 2015–00927 Filed 1–20–15; 8:45 am]

**BILLING CODE 7590–01–P**

## SECURITIES AND EXCHANGE COMMISSION

### Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Tuesday, January 20, 2015 at 10 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), (9)(ii) and (10), permit consideration of the scheduled matter at the Closed Meeting.

Commissioner Stein, as duty officer, voted to consider the items listed for the Closed Meeting in closed session, and determined that no earlier notice thereof was possible.

The subject matter of the Closed Meeting will be: Institution and settlement of an administrative proceeding.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551–5400.

Dated: January 15, 2015.

**Brent J. Fields,**

*Secretary.*

[FR Doc. 2015–00925 Filed 1–16–15; 11:15 am]

**BILLING CODE 8011–01–P**

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## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–74057/January 15, 2015]**

### Order Making Fiscal Year 2015 Annual Adjustments to Transaction Fee Rates

### I. Background

Section 31 of the Securities Exchange Act of 1934 (''Exchange Act'') requires each national securities exchange and national securities association to pay transaction fees to the Commission.[1] Specifically, Section 31(b) requires each national securities exchange to pay to the Commission fees based on the aggregate dollar amount of sales of certain securities (''covered sales'') transacted on the exchange.[2] Section 31(c) requires each national securities association to pay to the Commission fees based on the aggregate dollar amount of covered sales transacted by or through any member of the association other than on an exchange.[3]

Section 31 of the Exchange Act requires the Commission to annually adjust the fee rates applicable under Sections 31(b) and (c) to a uniform adjusted rate.[4] Specifically, the Commission must adjust the fee rates to a uniform adjusted rate that is reasonably likely to produce aggregate fee collections (including assessments on security futures transactions) equal to the regular appropriation to the Commission for the applicable fiscal year.[5]

The Commission is required to publish notice of the new fee rates under Section 31 not later than 30 days after the date on which an Act making a regular appropriation for the applicable fiscal year is enacted.[6] On December 16, 2014, the President signed the Consolidated and Further Continuing Appropriations Act, 2015, providing $1,500,000,000 in funds to the SEC for fiscal year 2015.

### II. Fiscal Year 2015 Annual Adjustment to the Fee Rate

The new fee rate is determined by (1) subtracting the sum of fees estimated to be collected prior to the effective date of the new fee rate[7] and estimated assessments on security futures transactions to be collected under Section 31(d) of the Exchange Act for all of fiscal year 2015[8] from an amount equal to the regular appropriation to the Commission for fiscal year 2015, and (2) dividing the difference by the estimated aggregate dollar amount of sales for the remainder of the fiscal year following the effective date of the new fee rate.

The regular appropriation to the Commission for fiscal year 2015 is $1,500,000,000. The Commission estimates that it will collect $614,005,586 in fees for the period prior to the effective date of the new fee rate and $58,863 in assessments on round turn transactions in security futures products during all of fiscal year 2015.[9] Using a methodology for estimating the aggregate dollar amount of sales for the remainder of fiscal year 2015 (developed after consultation with the CBO and OMB), the Commission estimates that the aggregate dollar amount of covered sales for the remainder of fiscal year 2015 to be $48,121,838,283,138.

As described above, the uniform adjusted rate is computed by dividing the residual fees to be collected of $885,935,551 by the estimate of the aggregate dollar amount of covered sales for the remainder of fiscal year 2015 of $48,121,838,283,138. This results in a uniform adjusted rate for fiscal year 2015 of $18.40 per million.[10]

### III. Effective Date of the Uniform Adjusted Rate

Under Section 31(j)(4)(A) of the Exchange Act, the fiscal year 2015 annual adjustments to the fee rates applicable under Sections 31(b) and (c) of the Exchange Act shall take effect on the later of October 1, 2014, or 60 days after the date on which a regular appropriation to the Commission for fiscal year 2015 is enacted.[11] The regular appropriation to the Commission for fiscal year 2015 was enacted on December 16, 2014, and accordingly, the new fee rates applicable under Sections 31(b) and (c) of the Exchange Act will take effect on February 14, 2015.

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[1] 15 U.S.C. 78ee.

[2] 15 U.S.C. 78ee(b).

[3] 15 U.S.C. 78ee(c).

[4] In some circumstances, the SEC also must make a mid-year adjustment to the fee rates applicable under Sections 31(b) and (c).

[5] 15 U.S.C. 78ee(j)(1) (the Commission must adjust the rates under Sections 31(b) and (c) to a ''uniform adjusted rate that, when applied to the baseline estimate of the aggregate dollar amount of sales for such fiscal year, is reasonably likely to produce aggregate fee collections under [Section 31] (including assessments collected under [Section 31(d)]) that are equal to the regular appropriation to the Commission by Congress for such fiscal year.'').

[6] 15 U.S.C. 78ee(g).

[7] The sum of fees to be collected prior to the effective date of the new fee rate is determined by applying the current fee rate to the dollar amount of covered sales prior to the effective date of the new fee rate. The exchanges and FINRA have provided data on the dollar amount of covered sales through November 30, 2014. To calculate the dollar amount of covered sales from that date to the effective date of the new fee rate, the Division is using the same methodology it developed in consultation with the Congressional Budget Office (''CBO'') and the Office of Management and Budget (''OMB'') to estimate the dollar amount of covered sales in prior fiscal years. An explanation of the methodology appears in Appendix A.

[8] The Division is using the same methodology it has used previously to estimate assessments on security futures transactions to be collected in fiscal year 2015. An explanation of the methodology appears in Appendix A.

[9] The estimate of fees to be collected prior to the effective date of the new fee rate is determined by applying the current fee rate to the dollar amount of covered sales prior to the effective date of the new fee rate.

[10] Appendix A shows the purely arithmetic process of calculating the fiscal year 2015 annual adjustment. The appendix also includes the data used by the Commission in making this adjustment.

[11] 15 U.S.C. 78ee(j)(4)(A).

## IV. Conclusion

Accordingly, pursuant to Section 31 of the Exchange Act,

*It is hereby ordered* that the fee rates applicable under Sections 31(b) and (c) of the Exchange Act shall be $18.40 per $1,000,000 effective on February 14, 2015.

By the Commission.

**Brent J. Fields,**

*Secretary.*

## Appendix A

This appendix provides the formula for determining the annual adjustment to the fee rates applicable under Sections 31(b) and (c) of the Exchange Act for fiscal year 2015. Section 31 of the Exchange Act requires the fee rates to be adjusted so that it is reasonably likely that the Commission will collect aggregate fees equal to its regular appropriation for fiscal year 2015.

To make the adjustment, the Commission must project the aggregate dollar amount of covered sales of securities on the securities exchanges and certain over-the-counter markets over the course of the year. The fee rate equals the ratio of the Commission's regular appropriation for fiscal year 2015 (less the sum of fees to be collected during fiscal year 2015 prior to the effective date of the new fee rate and aggregate assessments on security futures transactions during all of fiscal year 2015) to the estimated aggregate dollar amount of covered sales for the remainder of the fiscal year following the effective date of the new fee rate.

For 2015, the Commission has estimated the aggregate dollar amount of covered sales by projecting forward the trend established in the previous decade. More specifically, the dollar amount of covered sales was forecasted for months subsequent to November 2014, the last month for which the Commission has data on the dollar volume of covered sales.[12]

The following sections describe this process in detail.

### A. Baseline Estimate of the Aggregate Dollar Amount of Covered Sales for Fiscal Year 2015.

First, calculate the average daily dollar amount of covered sales (ADS) for each month in the sample (November 2004–November 2014). The monthly total dollar amount of covered sales (exchange plus certain over-the-counter markets) is presented in column C of Table A.

Next, calculate the change in the natural logarithm of ADS from month to month. The average monthly percentage growth of ADS over the entire sample is 0.0068 and the standard deviation is 0.123. Assuming the monthly percentage change in ADS follows a random walk, calculating the expected monthly percentage growth rate for the full sample is straightforward. The expected monthly percentage growth rate of ADS is 1.44%.

Now, use the expected monthly percentage growth rate to forecast total dollar volume. For example, one can use the ADS for November 2014 ($276,290,217,978) to forecast ADS for December 2014 ($280,278,562,848 = $276,290,217,978 × 1.0144).[13] Multiply by the number of trading days in December 2014 (22) to obtain a forecast of the total dollar volume for the month ($6,166,128,382,663). Repeat the method to generate forecasts for subsequent months.

The forecasts for total dollar volume of covered sales are in column G of Table A. The following is a more formal (mathematical) description of the procedure:

1. Divide each month's total dollar volume (column C) by the number of trading days in that month (column B) to obtain the average daily dollar volume (ADS, column D).

2. For each month t, calculate the change in ADS from the previous month as $\Delta_t = \log(ADS_t/ADS_{t-1})$, where log (x) denotes the natural logarithm of x.

3. Calculate the mean and standard deviation of the series $\{\Delta_1, \Delta_2, \ldots, \Delta_{120}\}$. These are given by $\mu = 0.0068$ and $\sigma = 0.123$, respectively.

4. Assume that the natural logarithm of ADS follows a random walk, so that $\Delta_s$ and $\Delta_t$ are statistically independent for any two months s and t.

5. Under the assumption that $\Delta_t$ is normally distributed, the expected value of $ADS_t/ADS_{t-1}$ is given by $\exp(\mu + \sigma^2/2)$, or on average $ADS_t = 1.0144 \times ADS_{t-1}$.

6. For December 2014, this gives a forecast ADS of 1.0144 × $276,290,217,978 = $280,278,562,848. Multiply this figure by the 22 trading days in December 2014 to obtain a total dollar volume forecast of $6,166,128,382,663.

7. For January 2015, multiply the December 2014 ADS forecast by 1.0144 to obtain a forecast ADS of $284,324,480,857. Multiply this figure by the 20 trading days in January 2015 to obtain a total dollar volume forecast of $5,686,489,617,137.

8. Repeat this procedure for subsequent months.

### B. Using the Forecasts From A To Calculate the New Fee Rate

1. Use Table A to estimate fees collected for the period 10/1/14 through 2/13/15. The projected aggregate dollar amount of covered sales for this period is $27,783,058,208,169. Actual and projected fee collections at the current fee rate of 0.0000221 are $614,005,586.

2. Estimate the amount of assessments on security futures products collected from 10/1/14 through 9/30/15 to be $58,863 by projecting a 1.44% monthly increase from a base of $4,707 in November 2014.

3. Subtract the amounts $614,005,586 and $58,863 from the target offsetting collection amount set by Congress of $1,500,000,000 leaving $885,935,551 to be collected on dollar volume for the period 2/14/15 through 9/30/15.

4. Use Table A to estimate dollar volume for the period 2/14/15 through 9/30/15. The estimate is $48,121,838,283,138. Finally, compute the fee rate required to produce the additional $885,935,551 in revenue. This rate is $885,935,551 divided by $48,121,838,283,138 or 0.00001841026.

5. Round the result to the seventh decimal point, yielding a rate of .0000184 (or $18.40 per million).

**Table A. Baseline estimate of the aggregate dollar amount of sales.**

| **Fee rate calculation.** | |
|---|---|
| a. Baseline estimate of the aggregate dollar amount of sales, 10/01/2014 to 01/31/2015 ($Millions) | 24,898,770 |
| b. Baseline estimate of the aggregate dollar amount of sales, 02/01/2015 to 02/13/2015 ($Millions) | 2,884,288 |
| c. Baseline estimate of the aggregate dollar amount of sales, 02/14/2015 to 02/28/2015 ($Millions) | 2,595,859 |
| d. Baseline estimate of the aggregate dollar amount of sales, 03/01/2015 to 09/30/2015 ($Millions) | 45,525,979 |
| e. Estimated collections in assessments on security futures products in fiscal year 2015 ($Millions) | 0.059 |
| f. Implied fee rate (($1,500,000,000 - $22.10*(a+b) - e) / (c+d) | $18.40 |

## Data

[12] To determine the availability of data, the Commission compares the date of the appropriation with the date the transaction data are due from the exchanges (10 business days after the end of the month). If the business day following the date of the appropriation is equal to or subsequent to the date the data are due from the exchanges, the Commission uses these data. The appropriation was signed on December 16, 2014. The first business day after this date was December 17, 2014. Data for November were due from the exchanges on December 12. So the Commission used November 2014 and earlier data to forecast volume for December 2014 and later months.

[13] The value 1.0144 has been rounded. All computations are done with the unrounded value.

| Month (A) | Number of trading days in month (B) | Total dollar amount of sales (C) | Average daily dollar amount of sales (ADS) (D) | Change in natural logarithm of ADS (E) | Forecast ADS (F) | Forecast total dollar amount of sales (G) |
|---|---|---|---|---|---|---|
| Nov-04 | 21 | 2,577,513,374,160 | 122,738,732,103 | - | | |
| Dec-04 | 22 | 2,673,532,981,863 | 121,524,226,448 | −0.010 | | |
| Jan-05 | 20 | 2,581,847,200,448 | 129,092,360,022 | 0.060 | | |
| Feb-05 | 19 | 2,532,202,408,589 | 133,273,810,978 | 0.032 | | |
| Mar-05 | 22 | 3,030,474,897,226 | 137,748,858,965 | 0.033 | | |
| Apr-05 | 21 | 2,906,386,944,434 | 138,399,378,306 | 0.005 | | |
| May-05 | 21 | 2,697,414,503,460 | 128,448,309,689 | −0.075 | | |
| Jun-05 | 22 | 2,825,962,273,624 | 128,452,830,619 | 0.000 | | |
| Jul-05 | 20 | 2,604,021,263,875 | 130,201,063,194 | 0.014 | | |
| Aug-05 | 23 | 2,846,115,585,965 | 123,744,155,912 | −0.051 | | |
| Sep-05 | 21 | 3,009,640,645,370 | 143,316,221,208 | 0.147 | | |
| Oct-05 | 21 | 3,279,847,331,057 | 156,183,206,241 | 0.086 | | |
| Nov-05 | 21 | 3,163,453,821,548 | 150,640,658,169 | −0.036 | | |
| Dec-05 | 21 | 3,090,212,715,561 | 147,152,986,455 | −0.023 | | |
| Jan-06 | 20 | 3,573,372,724,766 | 178,668,636,238 | 0.194 | | |
| Feb-06 | 19 | 3,314,259,849,456 | 174,434,728,919 | −0.024 | | |
| Mar-06 | 23 | 3,807,974,821,564 | 165,564,122,677 | −0.052 | | |
| Apr-06 | 19 | 3,257,478,138,851 | 171,446,217,834 | 0.035 | | |
| May-06 | 22 | 4,206,447,844,451 | 191,202,174,748 | 0.109 | | |
| Jun-06 | 22 | 3,995,113,357,316 | 181,596,061,696 | −0.052 | | |
| Jul-06 | 20 | 3,339,658,009,357 | 166,982,900,468 | −0.084 | | |
| Aug-06 | 23 | 3,410,187,280,845 | 148,269,012,211 | −0.119 | | |
| Sep-06 | 20 | 3,407,409,863,673 | 170,370,493,184 | 0.139 | | |
| Oct-06 | 22 | 3,980,070,216,912 | 180,912,282,587 | 0.060 | | |
| Nov-06 | 21 | 3,933,474,986,969 | 187,308,332,713 | 0.035 | | |
| Dec-06 | 20 | 3,715,146,848,695 | 185,757,342,435 | −0.008 | | |
| Jan-07 | 20 | 4,263,986,570,973 | 213,199,328,549 | 0.138 | | |
| Feb-07 | 19 | 3,946,799,860,532 | 207,726,308,449 | −0.026 | | |
| Mar-07 | 22 | 5,245,051,744,090 | 238,411,442,913 | 0.138 | | |
| Apr-07 | 20 | 4,274,665,072,437 | 213,733,253,622 | −0.109 | | |
| May-07 | 22 | 5,172,568,357,522 | 235,116,743,524 | 0.095 | | |
| Jun-07 | 21 | 5,586,337,010,802 | 266,016,048,133 | 0.123 | | |
| Jul-07 | 21 | 5,938,330,480,139 | 282,777,641,911 | 0.061 | | |
| Aug-07 | 23 | 7,713,644,229,032 | 335,375,836,045 | 0.171 | | |
| Sep-07 | 19 | 4,805,676,596,099 | 252,930,347,163 | −0.282 | | |
| Oct-07 | 23 | 6,499,651,716,225 | 282,593,552,879 | 0.111 | | |
| Nov-07 | 21 | 7,176,290,763,989 | 341,728,131,619 | 0.190 | | |
| Dec-07 | 20 | 5,512,903,594,564 | 275,645,179,728 | −0.215 | | |
| Jan-08 | 21 | 7,997,242,071,529 | 380,821,051,025 | 0.323 | | |
| Feb-08 | 20 | 6,139,080,448,887 | 306,954,022,444 | −0.216 | | |
| Mar-08 | 20 | 6,767,852,332,381 | 338,392,616,619 | 0.098 | | |
| Apr-08 | 22 | 6,150,017,772,735 | 279,546,262,397 | −0.191 | | |
| May-08 | 21 | 6,080,169,766,807 | 289,531,893,657 | 0.035 | | |
| Jun-08 | 21 | 6,962,199,302,412 | 331,533,300,115 | 0.135 | | |
| Jul-08 | 22 | 8,104,256,787,805 | 368,375,308,537 | 0.105 | | |
| Aug-08 | 21 | 6,106,057,711,009 | 290,764,652,905 | −0.237 | | |
| Sep-08 | 21 | 8,156,991,919,103 | 388,428,186,624 | 0.290 | | |
| Oct-08 | 23 | 8,644,538,213,244 | 375,849,487,532 | −0.033 | | |
| Nov-08 | 19 | 5,727,998,341,833 | 301,473,596,939 | −0.221 | | |
| Dec-08 | 22 | 5,176,041,317,640 | 235,274,605,347 | −0.248 | | |
| Jan-09 | 20 | 4,670,249,433,806 | 233,512,471,690 | −0.008 | | |
| Feb-09 | 19 | 4,771,470,184,048 | 251,130,009,687 | 0.073 | | |
| Mar-09 | 22 | 5,885,594,284,780 | 267,527,012,945 | 0.063 | | |
| Apr-09 | 21 | 5,123,665,205,517 | 243,984,057,406 | −0.092 | | |
| May-09 | 20 | 5,086,717,129,965 | 254,335,856,498 | 0.042 | | |
| Jun-09 | 22 | 5,271,742,782,609 | 239,624,671,937 | −0.060 | | |
| Jul-09 | 22 | 4,659,599,245,583 | 211,799,965,708 | −0.123 | | |
| Aug-09 | 21 | 4,582,102,295,783 | 218,195,347,418 | 0.030 | | |
| Sep-09 | 21 | 4,929,155,364,888 | 234,721,684,042 | 0.073 | | |
| Oct-09 | 22 | 5,410,025,301,030 | 245,910,240,956 | 0.047 | | |
| Nov-09 | 20 | 4,770,928,103,032 | 238,546,405,152 | −0.030 | | |
| Dec-09 | 22 | 4,688,555,303,171 | 213,116,150,144 | −0.113 | | |
| Jan-10 | 19 | 4,661,793,708,648 | 245,357,563,613 | 0.141 | | |
| Feb-10 | 19 | 4,969,848,578,023 | 261,570,977,791 | 0.064 | | |
| Mar-10 | 23 | 5,563,529,823,621 | 241,892,601,027 | −0.078 | | |
| Apr-10 | 21 | 5,546,445,874,917 | 264,116,470,234 | 0.088 | | |
| May-10 | 20 | 7,260,430,376,294 | 363,021,518,815 | 0.318 | | |
| Jun-10 | 22 | 6,124,776,349,285 | 278,398,924,967 | −0.265 | | |
| Jul-10 | 21 | 5,058,242,097,334 | 240,868,671,302 | −0.145 | | |
| Aug-10 | 22 | 4,765,828,263,463 | 216,628,557,430 | −0.106 | | |

| Month (A) | Number of trading days in month (B) | Total dollar amount of sales (C) | Average daily dollar amount of sales (ADS) (D) | Change in natural logarithm of ADS (E) | Forecast ADS (F) | Forecast total dollar amount of sales (G) |
|---|---|---|---|---|---|---|
| Sep-10 | 21 | 4,640,722,344,586 | 220,986,778,314 | 0.020 | | |
| Oct-10 | 21 | 5,138,411,712,272 | 244,686,272,013 | 0.102 | | |
| Nov-10 | 21 | 5,279,700,881,901 | 251,414,327,710 | 0.027 | | |
| Dec-10 | 22 | 4,998,574,681,208 | 227,207,940,055 | −0.101 | | |
| Jan-11 | 20 | 5,043,391,121,345 | 252,169,556,067 | 0.104 | | |
| Feb-11 | 19 | 5,114,631,590,581 | 269,191,136,346 | 0.065 | | |
| Mar-11 | 23 | 6,499,355,385,307 | 282,580,668,926 | 0.049 | | |
| Apr-11 | 20 | 4,975,954,868,765 | 248,797,743,438 | −0.127 | | |
| May-11 | 21 | 5,717,905,621,053 | 272,281,220,050 | 0.090 | | |
| Jun-11 | 22 | 5,820,079,494,414 | 264,549,067,928 | −0.029 | | |
| Jul-11 | 20 | 5,189,681,899,635 | 259,484,094,982 | −0.019 | | |
| Aug-11 | 23 | 8,720,566,877,109 | 379,155,081,613 | 0.379 | | |
| Sep-11 | 21 | 6,343,578,147,811 | 302,075,149,896 | −0.227 | | |
| Oct-11 | 21 | 6,163,272,963,688 | 293,489,188,747 | −0.029 | | |
| Nov-11 | 21 | 5,493,906,473,584 | 261,614,593,980 | −0.115 | | |
| Dec-11 | 21 | 5,017,867,255,600 | 238,946,059,790 | −0.091 | | |
| Jan-12 | 20 | 4,726,522,206,487 | 236,326,110,324 | −0.011 | | |
| Feb-12 | 20 | 5,011,862,514,132 | 250,593,125,707 | 0.059 | | |
| Mar-12 | 22 | 5,638,847,967,025 | 256,311,271,228 | 0.023 | | |
| Apr-12 | 20 | 5,084,239,396,560 | 254,211,969,828 | −0.008 | | |
| May-12 | 22 | 5,611,638,053,374 | 255,074,456,972 | 0.003 | | |
| Jun-12 | 21 | 5,121,896,896,362 | 243,899,852,208 | −0.045 | | |
| Jul-12 | 21 | 4,567,519,314,374 | 217,500,919,732 | −0.115 | | |
| Aug-12 | 23 | 4,621,597,884,730 | 200,939,038,467 | −0.079 | | |
| Sep-12 | 19 | 4,598,499,962,682 | 242,026,313,825 | 0.186 | | |
| Oct-12 | 21 | 5,095,175,588,310 | 242,627,408,967 | 0.002 | | |
| Nov-12 | 21 | 4,547,882,974,292 | 216,565,855,919 | −0.114 | | |
| Dec-12 | 20 | 4,744,922,754,360 | 237,246,137,718 | 0.091 | | |
| Jan-13 | 21 | 5,079,603,817,496 | 241,885,896,071 | 0.019 | | |
| Feb-13 | 19 | 4,800,663,527,089 | 252,666,501,426 | 0.044 | — | — |
| Mar–13 | 20 | 4,917,701,839,870 | 245,885,091,993 | −0.027 | | |
| Apr-13 | 22 | 5,451,358,637,079 | 247,789,028,958 | 0.008 | | |
| May-13 | 22 | 5,681,788,831,869 | 258,263,128,721 | 0.041 | | |
| Jun-13 | 20 | 5,623,545,462,226 | 281,177,273,111 | 0.085 | | |
| Jul-13 | 22 | 5,083,861,509,754 | 231,084,614,080 | −0.196 | | |
| Aug-13 | 22 | 4,925,611,193,095 | 223,891,417,868 | −0.032 | | |
| Sep-13 | 20 | 4,959,197,626,713 | 247,959,881,336 | 0.102 | | |
| Oct-13 | 23 | 5,928,804,028,970 | 257,774,088,216 | 0.039 | | |
| Nov-13 | 20 | 5,182,024,612,049 | 259,101,230,602 | 0.005 | | |
| Dec-13 | 21 | 5,265,282,994,173 | 250,727,761,627 | −0.033 | | |
| Jan-14 | 21 | 5,808,700,114,288 | 276,604,767,347 | 0.098 | | |
| Feb-14 | 19 | 6,018,926,931,054 | 316,785,627,950 | 0.136 | | |
| Mar-14 | 21 | 6,068,617,342,988 | 288,981,778,238 | −0.092 | | |
| Apr-14 | 21 | 6,013,948,953,528 | 286,378,521,597 | −0.009 | | |
| May-14 | 21 | 5,265,594,447,318 | 250,742,592,729 | −0.133 | | |
| Jun-14 | 21 | 5,159,506,989,669 | 245,690,809,032 | −0.020 | | |
| Jul-14 | 22 | 5,364,099,567,460 | 243,822,707,612 | −0.008 | | |
| Aug-14 | 21 | 5,075,332,147,677 | 241,682,483,223 | −0.009 | | |
| Sep-14 | 21 | 5,507,943,363,243 | 262,283,017,297 | 0.082 | | |
| Oct-14 | 23 | 7,796,638,035,879 | 338,984,262,430 | 0.257 | | |
| Nov-14 | 19 | 5,249,514,141,576 | 276,290,217,978 | −0.205 | | |
| Dec-14 | 22 | | | | 280,278,562,848 | 6,166,128,382,663 |
| Jan–15 | 20 | | | | 284,324,480,857 | 5,686,489,617,137 |
| Feb–15 | 19 | | | | 288,428,803,091 | 5,480,147,258,736 |
| Mar–15 | 22 | | | | 292,592,372,637 | 6,437,032,198,017 |
| Apr–15 | 21 | | | | 296,816,044,750 | 6,233,136,939,740 |
| May–15 | 20 | | | | 301,100,687,030 | 6,022,013,740,599 |
| Jun–15 | 22 | | | | 305,447,179,604 | 6,719,837,951,283 |
| Jul–15 | 22 | | | | 309,856,415,301 | 6,816,841,136,632 |
| Aug–15 | 21 | | | | 314,329,299,842 | 6,600,915,296,676 |
| Sep–15 | 21 | | | | 318,866,752,018 | 6,696,201,792,368 |

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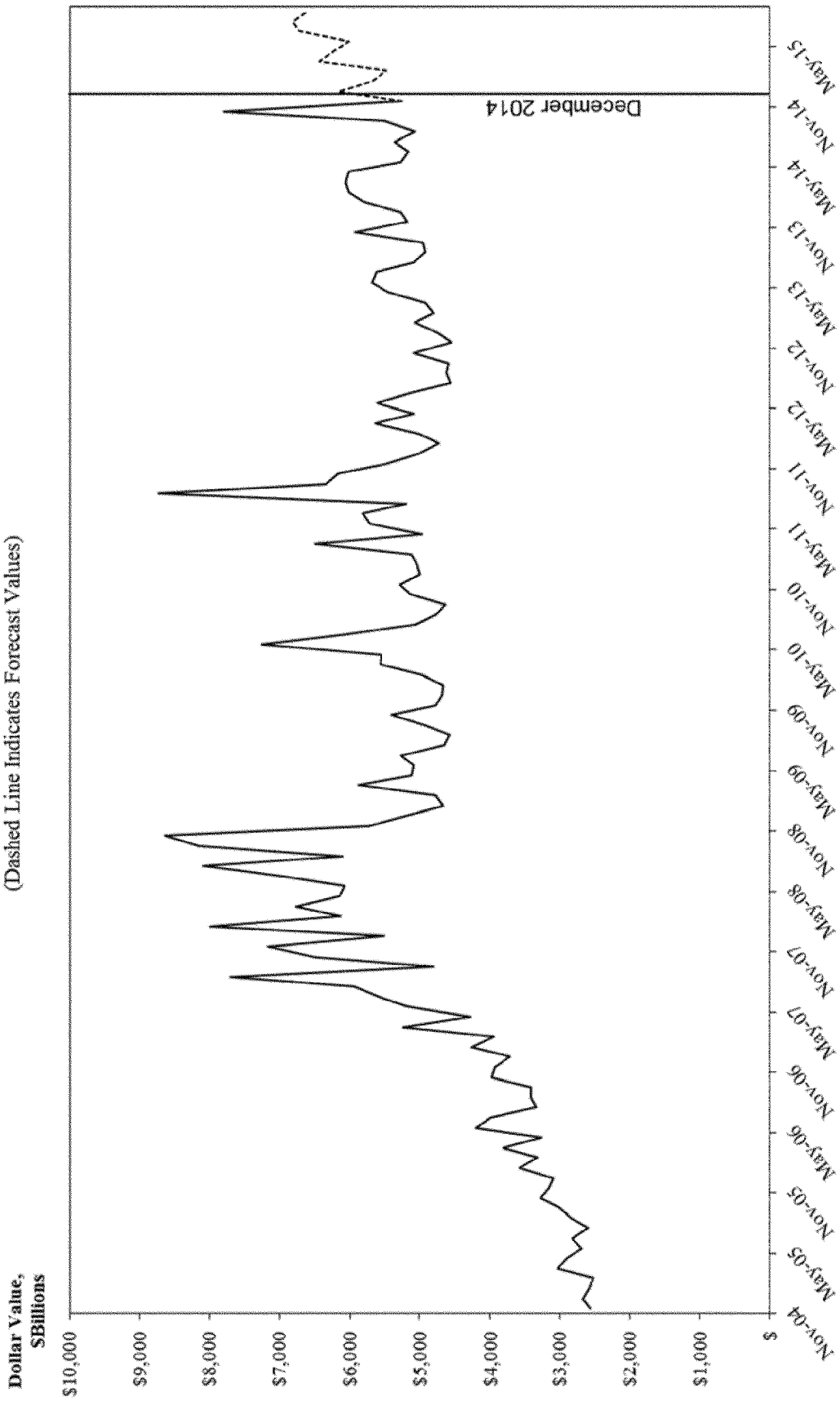
**Figure A.**

Aggregate Dollar Amount of Sales Subject to Exchange Act Sections 31(b) and 31(c)[1]

Methodology Developed in Consultation With OMB and CBO

(Dashed Line Indicates Forecast Values)




[1]Forecasted line is not smooth because the number of trading days varies by month.

[FR Doc. 2015–00858 Filed 1–20–15; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–74051; File No. SR–NYSE–2014–59]**

## Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change Amending Rule 13 and Related Rules Governing Order Types and Modifiers, as Modified by Partial Amendment No. 1

January 14, 2015.

On November 14, 2014, New York Stock Exchange LLC (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend Exchange Rule 13 and other Exchange rules governing order types and order modifiers. The proposed rule change was published in the **Federal Register** on December 4, 2014.[3] On December 22, 2014, the Exchange submitted Partial Amendment No. 1 to the Commission and filed the Partial Amendment No. 1 to the public comment file.[4] The Commission has received no other comment on the proposal.

Section 19(b)(2) of the Act[5] provides that, within 45 days of the publication of the notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The Commission is extending this 45-day time period.

The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change, as modified by Partial Amendment No. 1. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[6] designates March 4, 2015, as the date by which the Commission should either approve or disapprove or institute proceedings to determine whether to disapprove the proposed rule change (File Number SR–NYSE–2014–59).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

**Brent J. Fields,**

*Secretary.*

[FR Doc. 2015–00836 Filed 1–20–15; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 73703 (December 4, 2014), 79 FR 72039.

[4] *See* letter from Martha Redding, Chief Counsel, New York Stock Exchange, to Kevin M. O'Neill, Deputy Secretary, Commission, dated December 22, 2014.

[5] 15 U.S.C. 78s(b)(2).

[6] *Id.*

[7] 17 CFR 200.30–3(a)(31).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–74049; File No. SR–FINRA–2015–001]**

## Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Expiration Date of FINRA Rule 0180 (Application of Rules to Security-Based Swaps)

January 14, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 7, 2015, Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by FINRA. FINRA has designated the proposed rule change as constituting a ''non-controversial'' rule change under paragraph (f)(6) of Rule 19b–4 under the Act,[3] which renders the proposal effective upon receipt of this filing by the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FINRA is proposing to extend the expiration date of FINRA Rule 0180 (Application of Rules to Security-Based Swaps) to February 11, 2016. FINRA Rule 0180 temporarily limits, with certain exceptions, the application of FINRA rules with respect to security-based swaps.

The text of the proposed rule change is available on FINRA's Web site at *http://www.finra.org,* at the principal office of FINRA and at the Commission's Public Reference Room.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

On July 1, 2011, the SEC issued an Order granting temporary exemptive relief (the ''Temporary Exemptions'') from compliance with certain provisions of the Exchange Act in connection with the revision, pursuant to Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act (the ''Dodd-Frank Act''),[4] of the Exchange Act definition of ''security'' to encompass security-based swaps.[5] Consistent with the Commission's action, on July 8, 2011, FINRA filed for immediate effectiveness FINRA Rule 0180,[6] which, with certain exceptions, is intended to temporarily limit the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

[4] Public Law 111–203, 124 Stat. 1376 (2010).

[5] *See* Securities Exchange Act Release No. 64795 (July 1, 2011), 76 FR 39927 (July 7, 2011) (Order Granting Temporary Exemptions Under the Securities Exchange Act of 1934 in Connection With the Pending Revision of the Definition of ''Security'' To Encompass Security-Based Swaps, and Request for Comment) (the ''Exemptive Release''). The term ''security-based swap'' is defined in Section 761 of the Dodd-Frank Act. *See also* Securities Exchange Act Release No. 67453 (July 18, 2012), 77 FR 48207 (August 13, 2012) (Further Definition of ''Swap,'' ''Security-Based Swap,'' and ''Security-Based Swap Agreement''; Mixed Swaps; Security-Based Swap Agreement Recordkeeping).

[6] *See* Securities Exchange Act Release No. 64884 (July 14, 2011), 76 FR 42755 (July 19, 2011) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change; File No. SR–FINRA–2011–033) (''FINRA Rule 0180 Notice of Filing''). *See also* Securities Exchange Act Release No. 71287 (January 10, 2014), 79 FR 2924 (January 16, 2014) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change; File No. SR–FINRA–2014–001) (extending the expiration date of FINRA Rule 0180 to February 11, 2015).

application of FINRA rules[7] with respect to security-based swaps, thereby helping to avoid undue market disruptions resulting from the change to the definition of ''security'' under the Act.[8]

The Commission, noting the need to avoid a potential unnecessary disruption to the security-based swap market in the absence of an extension of the Temporary Exemptions, and the need for additional time to consider the potential impact of the revision of the Exchange Act definition of ''security'' in light of ongoing Commission rulemaking efforts under Title VII of the Dodd-Frank Act, issued an Order which extended and refined the applicable expiration dates for the previously granted Temporary Exemptions.[9] The Commission previously noted that extending the Temporary Exemptions would facilitate a coordinated consideration of these issues with the relief provided pursuant to FINRA Rule 0180.[10] In establishing Rule 0180, and in extending the rule's expiration date, FINRA noted its intent, pending the implementation of any SEC rules and guidance that would provide greater regulatory clarity in relation to security-based swap activities, to align the expiration date of FINRA Rule 0180 with the termination of relevant provisions of the Temporary Exemptions.[11]

The Commission's rulemaking and development of guidance in relation to security-based swap activities is ongoing. As such, FINRA believes it is appropriate and in the public interest, in light of the Commission's goals as set forth in the Exemptive Release and the Temporary Exemptions Extension Release, to extend FINRA Rule 0180 for a limited period, to February 11, 2016, so as to avoid undue market disruptions resulting from the change to the definition of ''security'' under the Act. As noted in the FINRA Rule 0180 Notice of Filing, FINRA will amend the expiration date of Rule 0180 in subsequent filings as necessary such that the expiration date will be coterminous with the termination of relevant provisions of the Temporary Exemptions.

FINRA has filed the proposed rule change for immediate effectiveness. FINRA is proposing that the implementation date of the proposed rule change will be February 11, 2015.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[12] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. FINRA believes that the proposed rule change would further the purposes of the Act because, consistent with the goals set forth by the Commission in the Exemptive Release and in the Temporary Exemptions Extension Release, the proposed rule change will help to avoid undue market disruption that could result if FINRA Rule 0180 expires before the implementation of any SEC rules and guidance that would provide greater regulatory clarity in relation to security-based swap activities.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. FINRA believes that the proposed rule change would prevent undue market disruption that would otherwise result if security-based swaps were, by virtue of the expansion of the Act's definition of ''security'' to encompass security-based swaps, subject to the application of all FINRA rules before the implementation of any SEC rules and guidance that would provide greater regulatory clarity in relation to security-based swap activities. FINRA believes that, by extending the expiration of FINRA Rule 0180, the proposed rule change will serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

Written comments were neither solicited nor received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[13] and Rule 19b–4(f)(6) thereunder.[14]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of

[7] The current FINRA rulebook consists of: (1) FINRA Rules; (2) NASD Rules; and (3) rules incorporated from NYSE (''Incorporated NYSE Rules''). While the NASD Rules generally apply to all FINRA members, the Incorporated NYSE Rules apply only to those members of FINRA that are also members of the NYSE. The FINRA Rules apply to all FINRA members, unless such rules have a more limited application by their terms. For more information about the rulebook consolidation process, *see Information Notice,* March 12, 2008 (Rulebook Consolidation Process).

[8] In its Exemptive Release, the Commission noted that the relief is targeted and does not include, for instance, relief from the Act's antifraud and anti-manipulation provisions. FINRA has noted that FINRA Rule 0180 is similarly targeted. For instance, paragraph (a) of FINRA Rule 0180 provides that FINRA rules shall not apply to members' activities and positions with respect to security-based swaps, except for FINRA Rules 2010 (Standards of Commercial Honor and Principles of Trade), 2020 (Use of Manipulative, Deceptive or Other Fraudulent Devices), 3310 (Anti-Money Laundering Compliance Program) and 4240 (Margin Requirements for Credit Default Swaps). *See also* paragraphs (b) and (c) of FINRA Rule 0180 (addressing the applicability of additional rules) and FINRA Rule 0180 Notice of Filing.

[9] *See* Securities Exchange Act Release No. 71485 (February 5, 2014), 79 FR 7731 (February 10, 2014) (Order Extending Temporary Exemptions Under the Securities Exchange Act of 1934 in Connection With the Revision of the Definition of ''Security'' to Encompass Security-Based Swaps, and Request for Comment) (''Temporary Exemptions Extension Release'') stating that, for those expiring Temporary Exemptions ''that are not directly linked to pending security-based swap rulemakings, the Commission is extending the expiration date until the earlier of such time as the Commission issues an order or rule determining whether any continuing exemptive relief is appropriate for security-based swap activities with respect to any of these Exchange Act provisions or until three years following the effective date of this Order.'' The Temporary Exemptions Extension Release further stated that for each expiring Temporary Exemption ''that is related to pending security-based swap rulemakings, the Commission is extending the expiration date until the compliance date for the related security-based swap-specific rulemaking.'' *See also* Securities Exchange Act Release No. 71482 (February 5, 2014), 79 FR 7570 (February 10, 2014) (Extension of Exemptions for Security-Based Swaps) (extending the expiration dates in interim final rules that provide exemptions under the Securities Act of 1933 (the ''Securities Act''), the Exchange Act, and the Trust Indenture Act of 1939 for those security-based swaps that prior to July 16, 2011 were security-based swap agreements and are defined as ''securities'' under the Securities Act and the Exchange Act as of July 16, 2011 due solely to the provisions of Title VII of the Dodd-Frank Act).

[10] *See* Securities Exchange Act Release No. 68864 (February 7, 2013), 78 FR 10218 (February 13, 2013) (Order Extending Temporary Exemptions Under the Securities Exchange Act of 1934 in Connection With the Revision of the Definition of ''Security'' to Encompass Security-Based Swaps, and Request for Comment).

[11] *See* note 6 *supra.*

[12] 15 U.S.C. 78*o*–3(b)(6).

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6).

investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–FINRA–2015–001 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–FINRA–2015-001. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of FINRA. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–FINRA–2015–001 and should be submitted on or before February 11, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

**Brent J. Fields,**

*Secretary.*

[FR Doc. 2015–00834 Filed 1–20–15; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–74053; File No. SR–ICC–2015–001]**

## Self-Regulatory Organizations; ICE Clear Credit LLC; Notice of Filing of Proposed Rule Change To Revise ICC End-of-Day Price Discovery Policies and Procedures

January 14, 2015.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder[2] notice is hereby given that on January 5, 2015, ICE Clear Credit LLC (''ICC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared primarily by ICC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The principal purpose of the proposed rule change is to revise the ICC End-of-Day Price Discovery Policies and Procedures to incorporate enhancements to its price discovery process. This revision does not require any changes to the ICC Rules.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. ICC has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of these statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

ICC proposes revising the ICC End-of-Day Price Discovery Policies and Procedures to incorporate enhancements to its price discovery process.

ICC believes such revisions will facilitate the prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts, and transactions for which it is responsible. The proposed revisions are described in detail as follows.

ICC currently utilizes a ''cross and lock'' algorithm as part of its price discovery process. Under this algorithm, standardized bids and offers derived from Clearing Participant (''CP'') submissions are matched by sorting them from highest to lowest and lowest to highest levels, respectively. This sorting process pairs the CP submitting the highest bid price with the CP submitting the lowest offer price, the CP submitting the second highest bid price with the CP submitting the second-lowest offer price, and so on. The algorithm then identifies crossed and/or locked markets. Crossed markets are the CP pairs generated by the sorting and ranking process for which the bid price of one CP is above the offer price of the matched CP. The algorithm identifies locked markets, where the bid and the offer are equal, in a similar fashion.

Whenever there are crossed and/or locked matched markets, the algorithm applies a set of rules designed to identify standardized submissions that are ''obvious errors.'' The algorithm sets a high bid threshold equal to the preliminary end-of-day (''EOD'') level plus one EOD bid offer width (''BOW''), and a low offer threshold equal to the preliminary EOD level minus one EOD BOW. The algorithm considers a CP's standardized submission to be an ''obvious error'' if the bid is higher than the high bid threshold, or the offer is lower than the low offer threshold.

CP pairs identified by the algorithm as crossed or locked markets are required from time to time, under the End-of-Day Price Discovery Policies and Procedures, to enter into cleared trades with each other as part of the ICC EOD price discovery process (''Firm Trade''). Currently, ICC excludes standardized submissions it identifies as obvious errors from Firm Trades and does not use these submissions in its determination of published EOD levels.

ICC proposes implementing consequences for CPs providing price discovery submissions deemed to be

[15] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

obvious errors. Effectively, ICC is extending the process for determining Firm Trades to include all standardized submissions, including those classified as obvious errors. ICC will effectively execute its current EOD algorithm twice, initially in the same way it does today, by eliminating obvious errors, to generate the final EOD levels, and again, without excluding obvious errors, to generate Firm Trades and reversing transactions.[3]

To limit the potential exposure created through Firm Trades that include a bid or offer from an obvious error submission, ICC will adjust trade prices, where appropriate, to fall within a predefined band on either side of the EOD price such that the potential profit or loss (''P/L'') realized by unwinding the trade at the EOD level is capped.

To prevent CPs from receiving Firm Trades with large P/L impact in Index instruments that are less actively traded, and therefore more difficult and/or more expensive to manage the associated risk, ICC will have the ability to automatically generate reversing transactions at the EOD level for specific Index instruments (*i.e.,* for specific index risk sub-factors as defined by specific combinations of index/sub-index and series) based on liquidity.[4] Currently, reversing transactions are only available for Single Name instruments. There are no changes to ICC's Clearing Rules as a result of these changes.

Section 17A(b)(3)(F) of the Act[5] requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions, and to the extent applicable, derivative agreements, contracts and transactions and to comply with the provisions of the Act and the rules and regulations thereunder. ICC believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to ICC, in particular, to section 17A(b)(3)(F),[6] because ICC believes that the proposed rule change will assure the prompt and accurate clearance and settlement of securities transactions, derivatives agreements, contracts, and transactions, as the proposed revisions enhance ICC's price discovery process, by ensuring traders are accountable for all price discovery submissions to ICC, not just those submissions nearer to ICC's final EOD level. As such, the proposed change is designed to promote the prompt and accurate clearance and settlement of securities transactions, derivatives agreements, contracts, and transactions within the meaning of section 17A(b)(3)(F) of the Act.[7]

*B. Self-Regulatory Organization's Statement on Burden on Competition*

ICC does not believe the proposed rule change would have any impact, or impose any burden, on competition. The enhancements to ICC's price discovery process apply uniformly across all market participants. Therefore, ICC does not believe the proposed rule change imposes any burden on competition that is inappropriate in furtherance of the purposes of the Act.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

Written comments relating to the proposed rule change have not been solicited or received. ICC will notify the Commission of any written comments received by ICC.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) As to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–ICC–2015–001 on the subject line.

*Paper Comments*

Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ICC–2015–001. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings will also be available for inspection and copying at the principal office of ICE Clear Credit and on ICE Clear Credit's Web site at *https://www.theice.com/clear-credit/regulation.*

All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ICC–2015–001 and should be submitted on or before February 11, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

**Brent J. Fields,**

*Secretary.*

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**BILLING CODE 8011–01–P**

[3] A reversing transaction is a second Firm Trade with identical attributes to the initial Firm Trade, but with the buyer and seller counterparties reversed, and at that day's EOD price rather than the original Firm Trade price.

[4] The ICC Risk Department, in conjunction with the ICC Trading Advisory Committee, specifies the index risk sub-factors that are eligible for automatic reversing transactions.

[5] 15 U.S.C. 78q–1(b)(3)(F).

[6] *Id.*

[7] *Id.*

[8] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–74052; File No. SR–BATS–2015–02]**

## Self-Regulatory Organizations; BATS Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees for Use of BATS Exchange, Inc.

January 14, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 2, 2015, BATS Exchange, Inc. (the ''Exchange'' or ''BATS'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend the fee schedule applicable to Members[5] and non-members of the Exchange pursuant to BATS Rules 15.1(a) and (c). Changes to the fee schedule pursuant to this proposal are effective upon filing.

The text of the proposed rule change is available at the Exchange's Web site at *http://www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange proposes to modify the ''Options Pricing'' section of its fee schedule effective immediately, in order to modify pricing charged by the Exchange's options platform (''BATS Options'') including adding a new tier within the Professional, Firm, and Market Maker Penny Pilot Add Volume Tiers, a new Market Maker Penny Pilot Add Volume Tier, and several corresponding changes, as further described below.

The Exchange proposes to add a new Non-Customer Take Volume Tier. Currently, the Exchange charges $0.48 per contract for a Professional,[6] Firm,[7] or Market Maker[8] order in a Penny Pilot Security[9] that removes liquidity from BATS Options under fee code PP, or, where the Member meets the requirements of the existing Non-Customer Take Volume Tier under footnote 3, *i.e.* has an ADV[10] equal to or greater than 1.00% of average TCV,[11] $0.47 per contract for a Professional, Firm, or Market Maker order in a Penny Pilot Security that removes liquidity from BATS Options. The Exchange proposes to add an additional Non-Customer Take Volume Tier to footnote 3 of the fee schedule that will charge $0.45 per contract for Professional, Firm, and Market Maker orders in a Penny Pilot Security that removes liquidity from BATS Options where the Member: (1) Has an ADAV[12] equal to or greater than 1.00% of average TCV; and (2) has an ADV equal to or greater than 2.00% of average TCV.

The Exchange is also proposing to add a new Market Maker Penny Pilot Add Volume Tier. Currently, the Exchange provides a $0.40 per contract rebate for a Market Maker order in a Penny Pilot Security that adds liquidity to BATS Options under fee code PM. The Exchange proposes to add a Market Maker Penny Pilot Tier under footnote 6 of the fee schedule that will provide a $0.42 per contract rebate for Market Maker orders in a Penny Pilot Security that adds liquidity to BATS Options where the Member: (1) Has an ADAV equal to or greater than 1.00% of average TCV; and (2) has an ADV equal to or greater than 2.00% of average TCV.

Finally, the Exchange proposes to make several corresponding changes to the fee schedule to reflect the proposed changes above. Specifically, the Exchange is proposing to add the fee and rebate proposed above to the Standard Rates chart on the fee schedule, to add footnote six to fee code PM, and to title the current Non-Customer Take Volume Tier in footnote 3 as ''Non-Customer Take Volume Tier 1'' in order to reflect the addition of the second tier proposed above.

The Exchange proposes to implement the amendments to its fee schedule effective immediately.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6 of the Act.[13] Specifically, the Exchange believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,[14] in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and other persons using any facility or system which the Exchange operates or controls. The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues or providers of routing services if they deem fee levels to be excessive.

Volume-based rebates and fees such as the ones currently maintained on BATS Options as well as the new Non-Customer Take Volume Tier 2 and the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] A Member is defined as ''any registered broker or dealer that has been admitted to membership in the Exchange.'' *See* Exchange Rule 1.5(n).

[6] ''Professional'' applies to any transaction identified by a Member as such pursuant to Exchange Rule 16.1.

[7] ''Firm'' applies to any transaction identified by a Member for clearing in the Firm range at the OCC.

[8] ''Market Maker'' applies to any transaction identified by a Member for clearing in the Market Maker range at the OCC.

[9] ''Penny Pilot Securities'' are those issues quoted pursuant to Exchange Rule 21.5, Interpretation and Policy .01.

[10] ''ADV'' means average daily volume calculated as the number of contracts added or removed, combined, per day.

[11] ''TCV'' means total consolidated volume calculated as the volume reported by all exchanges to the consolidated transaction reporting plan for the month for which the fees apply, excluding volume on any day that the Exchange experiences an Exchange System Disruption and on any day with a scheduled early market close.

[12] ''ADAV'' means average daily added volume calculated as the number of contracts added.

[13] 15 U.S.C. 78f.

[14] 15 U.S.C. 78f(b)(4).

new Market Maker Penny Pilot Add Volume Tier proposed herein, have been widely adopted by equities and options exchanges and are equitable because they are open to all Members on an equal basis and provide additional benefits or discounts that are reasonably related to the value to an exchange's market quality associated with higher levels of market activity, such as higher levels of liquidity provision and/or growth patterns, and introduction of higher volumes of orders into the price and volume discovery processes. Further, the Exchange believes the proposed Non-Customer Take Volume Tier 2 is a reasonable and equitable allocation of fees and rebates because the requirement that the Member has an ADAV equal to or greater than 1.00% of average TCV combined with the requirement that a Member achieve an ADV of equal to or greater than 2.00% of average TCV will provide such enhancements in market quality on BATS Options by incentivizing increased participation on BATS Options. This is especially true as compared to Non-Customer Take Volume Tier 1, which has no ADAV component, meaning that Non-Customer Take Volume Tier 2 will act to incentivize Members to add liquidity on BATS Options in order to receive further reduced fees. Similarly, the Exchange believes that the new Market Maker Penny Pilot Add Volume Tier is a reasonable and equitable allocation of fees and rebates it will incentivize Members to both add and remove liquidity from the Exchange in order to meet the ADV and ADAV thresholds required to receive the enhanced rebates.

The Exchange notes that it is not proposing to modify any existing tiers, but rather to add new tiers that will provide Members with additional ways to receive higher rebates or pay lower fees. As such, under the proposal a Member will receive either the same or a higher rebate or be charged either the same or a lower fee than they would today. Accordingly, the Exchange believes that the proposed additions to the Exchange's tiered pricing structure and incentives are not unfairly discriminatory because they will, except as noted below, apply uniformly to all Members and are consistent with the overall goals of enhancing market quality on BATS Options which also benefits all Members. The Exchange believes that restricting the availability of the proposed rebates in Penny Pilot Securities associated with the Market Maker Add Volume Tier to Market Maker orders is reasonable and equitably allocated as well as not unreasonably discriminatory because Market Makers are subject to additional regulatory requirements not applicable for Professional and Firm orders and such Market maker orders are not currently eligible for certain enhanced rebate tiers available to Professional and Firm orders under the Professional and Firm Penny Pilot Add Volume Tiers. The Exchange notes that all non-Customer orders (*i.e.,* Professional, Firm and Market Maker orders) will be eligible for the reduced fees proposed as under the Non-Customer Take Volume Tier 2.

The Exchange reiterates that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels to be excessive or providers of routing services if they deem fee levels to be excessive.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. With respect to the proposed new tiered rebates, the Exchange does not believe that any such changes burden competition, but instead, enhance competition, as they are intended to increase the competitiveness of and draw additional volume to BATS Options. The Exchange also believes the proposed tiers would further enhance competition because they are similar to pricing tiers currently available on both the Exchange and other exchanges. As stated above, the Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if the deem fee structures to be unreasonable or excessive.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [15] and paragraph (f)(2) of Rule 19b–4 thereunder.[16] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BATS–2015–02 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BATS–2015–02. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing will also be available for

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f)(2).

inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BATS–2015–02 and should be submitted on or before February 11, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

**Brent J. Fields,**

*Secretary.*

[FR Doc. 2015–00837 Filed 1–20–15; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–74050; File No. SR–BYX–2015–01]**

## Self-Regulatory Organizations; BATS Y-Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees for Use of BATS Y-Exchange, Inc.

January 14, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 2, 2015, BATS Y-Exchange, Inc. (the ''Exchange'' or ''BYX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend the fee schedule applicable to Members[3] and non-members of the Exchange pursuant to BYX Rules 15.1(a) and (c). Changes to the fee schedule pursuant to this proposal are effective upon filing.

The text of the proposed rule change is available at the Exchange's Web site at *http://www.batstrading.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange proposes to modify its fee schedule effective immediately in order to: (1) adopt pricing for the Exchange's historical market data; (2) adopt physical connection fees; and (3) add Membership Fees.

*Historical Market Data*

The Exchange proposes to begin charging a fee for providing historical data to data recipients upon request. The Exchange currently provides historical data upon request on an ad hoc basis, but proposes to begin charging a fee due to the infrastructure costs of storing and providing such data. As proposed, the Exchange will begin to charge for the following three products through either of these distribution methods: (1) Historical top of book data from the Exchange's TOP data feed (''Historical TOP Data''), (2) historical data from the Exchange's PITCH data feed (''Historical PITCH Data''), and (3) historical transaction data from the Exchange's Last Sale Feed (''Historical Last Sale Data''), which are described in Exchange Rule 11.22(h). The Exchange notes that the same historical data products are offered for a fee by other market centers, including BATS Exchange, Inc. (''BZX''), which are offered for the same prices as those proposed herein.[4]

The proposed cost of user-accessible BYX Historical TOP Data, BYX Historical PITCH Data or BYX Historical Last Sale Data is $500 per month of data accessed by any individual user. The Exchange's databases will contain up to 90 days of data at any point in time. For data that the Exchange provides on an external hard drive to a market participant the proposed cost is $2,500 per 1 terabyte (TB) drive generated by the Exchange. Each of the proposed costs set forth above applies per data product. For instance, an individual user that obtained access to BYX Historical Top Data would pay $500 for access to a particular month's data, and if that user also wanted access to BYX Historical Last Sale Data, the individual user would need to pay another $500 for such access. Similarly, a market participant would pay $2,500 for an external hard drive containing BYX Historical TOP Data that fits on a 1 TB drive (internal use only); such participant would have to pay separately for a 1 TB drive containing BYX Historical Last Sale Data or BYX Historical PITCH Data.

*Membership Fees*

The Exchange is also proposing to charge an Annual Membership Fee for Members of the Exchange of $2,500, which will support their Exchange membership for the calendar year. The fee will be charged per Member firm. Beginning in January 2015, the Exchange plans to charge an Annual Membership Fee which will be assessed on all Members as of a date determined by the Exchange in January of each year. For any month in which a firm is approved for membership with the Exchange after the January renewal period, the Annual Membership Fee will be pro-rated beginning on the date on which membership is approved and based on the number of remaining trading days in that year. The fee will be assessed in the month following membership approval. For example, if a firm applies and is accepted for membership with the Exchange on February 15, 2015, the new Member will be assessed a pro-rated Annual Membership Fee for the period beginning on February 15 through the end of 2015. The fee will be assessed in the next month's billing cycle, which in this case, would be March 2015. Such fees will be non-refundable. However, where a Member is pending a voluntary termination of rights as a Member pursuant to Rule 2.8 prior to the date any Annual Membership Fee for a given year will be assessed (*i.e.,* January 1, 2015) and the Member does not utilize the facilities of the Exchange while such voluntary termination of rights is pending, then the Member will not be obligated to pay the Annual Membership Fee. The Exchange believes this to be appropriate because there is

[17] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] A Member is defined as ''any registered broker or dealer that has been admitted to membership in the Exchange.'' *See* Exchange Rule 1.5(n).

[4] *See* Securities Exchange Act Release No. 61885 (April 9, 2010), 75 FR 20018 (April 16, 2010) (SR–BATS–2010–002).

ordinarily a 30 day waiting period before such resignation shall take effect.

*Physical Connection Fees*

The Exchange is also proposing to adopt fees for physical connections that are identical to those charged by BZX. The Exchange currently maintains a presence in two third-party data centers: (i) The primary data center where the Exchange's business is primarily conducted on a daily basis, and (ii) a secondary data center, which is predominantly maintained for business continuity purposes. The Exchange does not currently charge any fees for physical connections to the Exchange. The Exchange currently offers both 1G and 10G connections and both are available at the primary and secondary data centers as well as through points of presence (''PoPs'').

The Exchange proposes to charge physical connection fees on a monthly basis as follows: $1,000/month for any 1G physical port to connect to the Exchange in the primary or secondary data center; $2,000/month for any 1G physical port to connect to the Exchange in any data center where the Exchange maintains a PoP other than the Exchange's primary or secondary data center; $2,500/month for any 10G physical port to connect to the Exchange in the primary or secondary data center; and $5,000/month for any 10G physical port to connect to the Exchange in any data center where the Exchange maintains a PoP other than the Exchange's primary or secondary data center. The proposed fees for PoP connectivity is [sic] higher than the fees for connectivity in the Exchange's primary and secondary data centers due to the increased infrastructure costs of maintaining the PoP, including the necessary connectivity maintained by the Exchange from such PoP to the Exchange's data centers. Similarly, the proposed fees for 10G connectivity is [sic] higher than the fees for 1G connectivity due to the further infrastructure costs associated with providing the additional bandwidth for 10G physical ports. The Exchange is also proposing to pass through in full any fees or costs in excess of $1,000 incurred by the Exchange to complete a cross-connect. The Exchange does not anticipate that passing through these expenses will affect many of the Exchange's constituents, because the majority of cross-connect completions cost less than $1,000. For this reason, the Exchange proposes to pass-through the charges associated with cross-connect completions that cost more than $1,000 rather than to subsidize these expensive completions by charging an installation fee for all completions regardless of their cost.

The Exchange proposes to implement the amendments to its fee schedule effective January 2, 2015.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6 of the Act.[5] Specifically, the Exchange believes that the proposed rule change is consistent with Sections 6(b)(4) of the Act and 6(b)(5) of the Act,[6] in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and other persons using any facility or system which the Exchange operates or controls. The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive.

The Exchange believes that charging fees for providing historical data is reasonable and equitable because these products are completely optional in that no consumer is required to purchase any of them and only those consumers that deem such products to be of sufficient overall value and usefulness will purchase them. To the extent that customers do purchase the data products, the revenue generated will offset the Exchange's fixed costs of operating and regulating a highly efficient and reliable platform for the trading of U.S. equities. It will also help the Exchange cover its costs in developing and running that platform, as well as ongoing infrastructure costs. The Exchange believes that these fees are non-discriminatory in that they are optional and apply uniformly to all data recipients irrespective of each recipient's relationship to the Exchange (*e.g.,* Member, non-Member data recipient, etc.).

The Exchange also believes that assessing an Annual Membership Fee provides an equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. The Exchange makes all services and products subject to these fees available on a non-discriminatory basis to similarly situated recipients. The Exchange believes that the Annual Membership Fee is a reasonable and equitable method of ensuring that its fees fund a greater portion of the cost of regulating activity on the Exchange, and that even after assessing these fees, the overall cost of Exchange membership is reasonable as compared with the costs of membership in other SROs.[7] The Exchange believes that the proposed addition of an Annual Membership Fee is non-discriminatory in that it applies uniformly to all Members.

Finally, the Exchange believes that the proposed changes to adopt fees for physical connections are reasonable and equitable in that the proposal will help the Exchange to cover increasing infrastructure costs associated with maintaining the primary and secondary data centers as well as the PoPs. Further, such proposed pricing is identical to those fees charged by BZX.[8] To that end, the Exchange believes that the proposed fees for physical connections to the Exchange are reasonable and equitable in that they are in the same range as analogous fees charged by other such exchanges. In addition, maintaining similar pricing to that of BZX is reasonable because it will be easy to understand for all Members of the Exchange that are also members of BZX. The Exchange believes that the proposed addition of physical connection fees is non-discriminatory in that it applies uniformly to all market participants that seek physical access to the Exchange.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. To the contrary, the Exchange believes that the proposed changes will allow the Exchange to compete more ably with other execution venues by charging competitive prices for both physical connectivity and historical data, which will allow the Exchange to more effectively operate and update the infrastructure associated with such offerings, which the Exchange believes will, in the long term, allow the Exchange to provide more desirable offerings to its customers in connectivity, historical data, and otherwise.

[5] 15 U.S.C. 78f.

[6] 15 U.S.C. 78f(b)(4) and (5).

[7] *See, e.g.,* NASDAQ Rule 7001(a) (assessing an [sic] $3,000 annual membership fee); *see also* New York Stock Exchange Price List 2015, at *https://www.nyse.com/publicdocs/nyse/markets/nyse/NYSE_Price_List.pdf* (assessing a $40,000 annual trading license fee for the first two licenses held by a member organization).

[8] *See* BZX Fee Schedule.

The Exchange's proposed membership fees will be lower than the cost of membership on other exchanges,[9] and therefore, may stimulate intramarket competition by attracting additional firms to become Members on the Exchange. In addition, membership fees are subject to competition from other exchanges. Accordingly, if the changes proposed herein are unattractive to market participants, it is likely the Exchange will see a decline in membership and/or trading activity as a result. The proposed fee change will not impact intermarket competition because it will apply to all Members equally. As stated above, the Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if the [sic] deem fee structures, including Annual Membership Fees, to be unreasonable or excessive.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[10] and paragraph (f) of Rule 19b–4 thereunder.[11] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BYX–2015–01 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BYX–2015–01. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BYX–2015–01, and should be submitted on or before February 11, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

**Brent J. Fields,**

*Secretary.*

[FR Doc. 2015–00835 Filed 1–20–15; 8:45 am]

**BILLING CODE 8011–01–P**

[9] *See* supra note 7.

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f).

[12] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–74055; File No. SR–CME–2015–001]**

## Self-Regulatory Organizations; Chicago Mercantile Exchange Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Related to Clearing of Certain iTraxx Europe Index Untranched CDS Contracts on Indices Administered by Markit

January 14, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 5, 2015, Chicago Mercantile Exchange Inc. (''CME'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared primarily by CME. CME filed the proposal pursuant to Section 19(b)(3)(A) of the Act,[3] and Rule 19b–4(f)(4)(ii)[4] thereunder, so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The purpose of the proposed changes to CME's clearing rules (the ''CDS Product Rules'') is to enable CME to offer clearing of certain iTraxx Europe index untranched CDS contracts on indices administered by Markit (''iTraxx Contracts''). All capitalized terms not defined herein shall have the meaning given to them in the CDS Product Rules.

CME is submitting the proposed amendments to the iTraxx Chapters (as defined in Item II.A. below) to become effective immediately, subject to receiving all regulatory approvals.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, CME included statements concerning the purpose and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(4)(ii).

in Item IV below. CME has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

CME is registered as a Derivatives Clearing Organization (''DCO'') with the Commodity Futures Trading Commission (''CFTC'') and offers clearing services for many different futures and swaps products, including certain CDS index products. Currently, CME offers clearing of (i) the Markit CDX North American Investment Grade Index Series 8 and forward and (ii) the Markit CDX North American High Yield Index Series 13 and forward ((i) and (ii) collectively, the ''CDX Contracts'').

The primary purpose and effect of the proposed changes to the CDS Product Rules that are described in this filing is to enable CME to offer clearing of iTraxx Contracts under CME's authority to act as a DCO. iTraxx Contracts have similar terms to CDX Contracts currently cleared by CME. Accordingly, the proposed rules largely mirror the CME rules for CDX Contracts, with certain modifications that reflect the differing underlying reference entities, different standard currencies and other logistical differences in how the markets and documentation for iTraxx Contracts operate. The iTraxx Contracts reference the iTraxx Europe index, the current series of which consists of 125 European corporate reference entities. The credit protection offered by iTraxx Contracts and any Restructuring European Single Name CDS Contract consistent with market convention and widely used standard terms documentation, can be triggered by credit events including failure to pay, bankruptcy, restructuring and, in respect of transactions that will reference the 2014 ISDA Definitions (such transactions, ''2014 Definitions Transactions'') governmental intervention. iTraxx Contracts will be denominated in Euro.

CME notes that, upon the occurrence of a restructuring credit event with respect to a reference entity that is a component of an iTraxx Contract, such reference entity will be ''spun out'' and maintained as a separate single-name CDS contract (a ''Restructuring European Single Name CDS Contract'') until settlement. If neither of the counterparties elects to trigger settlement, the positions in the Restructuring European Single Name CDS Contract will be maintained at CME until maturity of the index or the occurrence of a subsequent credit event for the same reference entity. However, CME will not permit market participants to increase, close out or otherwise affect the size of a position in a Restructuring European Single Name CDS Contract (other than due to the occurrence of a credit event, default management process, close out of a defaulting customer's positions, or withdrawal from clearing membership in accordance with CME rules) [5] and CME has included language in its proposed rule change to this effect. CME notes that it may impose an increase or decrease in the position of a Restructuring European Single Name CDS Contract through its default management process under applicable CME rules.[6]

To the extent that a Restructuring European Single Name CDS Contract is created, CME will either (i) obtain any relief needed to permit a clearing member to maintain customer money, securities, and property received by the clearing member to margin, guarantee, or secure customer positions in cleared CDS Contracts, which include both swaps and security-based swaps, in a segregated account established and maintained in accordance with Section 4d(f) of the Commodity Exchange Act (''CEA'') and the rules thereunder for the purpose of clearing such positions under a programme to comingle and portfolio margin CDS, or (ii) will hold customer positions in Restructuring European Single Name CDS Contracts and any margin in connection with such Restructuring European Single Name CDS Contracts in segregated accounts or take any other action required in order to comply with the provisions of the Exchange Act or any order or relief thereunder.

(i) Description of Proposed CME Rule Changes

CME is proposing to amend its CDS Product Rules by amending Chapter 801 and adding new Chapters 800: Part B, 804: Part B, 805: Part C, 806: Part B and Appendix 805: Part B (collectively, the ''iTraxx Chapters''). CME is also proposing to add new Chapters 805: Part B, 806: Part A and Appendix 805: Part A (together, the ''2014 iTraxx Chapters'').

CME also proposes to make corresponding changes to its CDS Manual of Operations to provide for the clearance of iTraxx Contracts. Specifically, amendments have been made where CDX Contracts are described as the only CDS Contracts which CME clears and a deletion has been made to reflect that Restructuring will be a credit event for iTraxx Contracts. Also, a reference which relates to outdated aspects of the CDS risk model is proposed to be deleted.

CME will update its list of products eligible for clearing, which is available on its Web site at *http://www.cmegroup.com/trading/cds/cleared-cds-product-specs.xls,* to incorporate the additional cleared products. Upon Commission approval, CME intends to provide for the clearance of the following European Indices: Markit iTraxx Europe Main 3Y: Series 17 and all subsequent Series, up to and including the current on-the-run Series, Markit iTraxx Europe Main 5Y: Series 17 and all subsequent Series, up to and including the current on-the-run Series, Markit iTraxx Europe Main 7Y: Series 17 and all subsequent Series, up to and including the current on-the-run Series, Markit iTraxx Europe Main 10Y: Series 17 and all subsequent Series, up to and including the current on-the-run Series, and Markit iTraxx Europe Crossover 5Y: Series 17 and all subsequent Series, up to and including the current on-the-run Series.

Certain iTraxx Contracts which CME proposes to clear will, following the implementation date of the 2014 ISDA Definitions, be bifurcated such that certain component transactions will continue to reference the 2003 Credit Derivatives Definitions published by ISDA, as supplemented in 2009 (the ''2003 ISDA Definitions'') (such transactions, ''2003 Definitions Transactions''), and certain other component transactions will be 2014 Definitions Transactions. Consistent with CME's treatment of CDS products with different product terms, CME will position iTraxx Component Transactions that do not incorporate the same set of credit derivatives definitions as separate cleared CDS Contracts upon the occurrence of a restructuring credit event in respect of such iTraxx Component Transactions. As a result of the above mentioned bifurcation, CME proposes to split Chapters 800, 804 and 805 of its current rules into separate sub-parts and to introduce a new Chapter 806 and a new Appendix to Chapter 805 (each of which will also be split into sub-parts) to allow for the separate treatment of iTraxx Component Transactions depending on whether such transactions are 2014 Definitions Transactions or 2003 Definitions Transactions.

[5] Currently, those rules are CME Rules 230, 8H10, 8H14, 8H26, 8H27, 8H802, 8H913, and 8H975.

[6] Currently, those rules are CME Rules 230, 8H10, 8H14, 8H26, 8H27, 8H802, and 8H975.

The computation of the spread risk, interest rate risk, and liquidity and concentration risk components in CME's risk model framework is described in CME's proposed rule change to revise its risk model for CDS (the ''CDS Risk Model'') [7] and will be agnostic to whether the 2003 ISDA Definitions or the 2014 ISDA Definitions are applicable, therefore allowing risk offsets across iTraxx Component Transactions that refer to the same reference entity but that do not incorporate the same set of credit derivatives definitions. No risk offsets will be provided for computation of idiosyncratic risk requirements for iTraxx Component Transactions which refer to the same reference entity but that do not incorporate the same set of credit derivatives definitions. The applicability of the post credit event risk requirement will be based on whether a credit event occurs by reference to the relevant credit derivatives definitions (2003 ISDA Definitions or the 2014 ISDA Definitions) and the relevant transaction type that is applicable to an iTraxx Component Transaction. The post credit event risk requirement will be computed on a net notional basis for a particular reference entity within an iTraxx index where a Credit Event has been determined under the relevant credit derivatives definitions.

(a) Chapter 800 (Credit Default Swaps: Part B)

CME proposes to add a sub-part to Chapter 800 entitled ''Credit Default Swaps: Part B.'' Chapter 800: Part B provides the meanings of capitalized terms that are used but not defined within the proposed rules and the location of the meanings of any terms used in the proposed rules but not defined within Chapter 800: Part B. In addition, CME has included CME Rule 80002.B (Interpretation), which provides for the interpretation of certain contractual terms used within the proposed rules, and CME Rule 80003.B (Notices and Clearing House System Failures), which provides for how notices are to be provided by, or to, CME and also for the extension of applicable deadlines for the delivery of notices if CME, or any of its clearing members, is unable to deliver or receive notices due to a failure of the relevant CME internal system. CME notes that CME Rule 80002.B and CME Rule 80003.B (each as described in the aforementioned sentence) are substantially similar to CME Rule 80002 and CME Rule 80003, respectively, that are provided in the currently published Chapter 800.

(b) Chapter 801 (CDS Contracts)

CME proposes to amend Chapter 801 (CDS Contracts) to include in CME Rule 80103.C (Eligible CDS) an additional provision which describes when an iTraxx Contract will be eligible for clearing and other conforming, clarification changes and drafting improvements.

(c) Chapter 804 (CME CDS Risk Committee: Part B)

CME proposes to add a sub-part to Chapter 804 entitled ''CME CDS Risk Committee: Part B'' to apply only in connection with 2003 Definitions Transactions. Chapter 804: Part B will not contain any iTraxx specific provisions, but will be created in anticipation of the currently published Chapter 804 being updated to operate in conjunction with the 2014 ISDA Definitions. Chapter 804: Part B is substantially similar to the currently published Chapter 804 with the exception that Chapter 804: Part B grants an additional authority to the CDS RC to determine matters of contractual interpretation relevant to market standard documentation incorporated into the terms of a CDS Contract. In addition, modifications have been made in order to ensure alignment of the CDS Product Rules with the current market practices (as proposed by ISDA) to clarify the circumstances under which the CDS RC may make such determinations to avoid determinations that are inconsistent with DC determinations, and other conforming, clarification changes and drafting improvements.

(d) Chapter 805 (CME CDS Physical Settlement: Part B), Chapter 805 (CME CDS Physical Settlement: Part C) and CDS Participant Provisions Appendix

CME proposes to add two sub-parts to Chapter 805 entitled ''CME CDS Physical Settlement: Part B'' and ''CME CDS Physical Settlement: Part C.'' CME notes that it is anticipated that the currently published Chapter 805 will be amended and referred to as ''Part A'' as part of CME's amendments to its CDS Product Rules to incorporate the 2014 ISDA Definitions, but that such amendments will not take into account the required iTraxx specific changes that would need to be made to Chapter 805 in order for CME to clear iTraxx Contracts. Chapter 805: Part B will apply only in connection with 2014 Definitions Transactions and Chapter 805: Part C will apply only in connection with 2003 Definitions Transactions. In general, both Chapter 805: Part B and Chapter 805: Part C provide for the physical settlement process that will apply as the fallback settlement method with respect to iTraxx Contracts and Restructuring European Single Name CDS Contracts in circumstances where auction settlement does not apply. The substance of the new provisions is based on the fallback physical settlement provisions that apply for CDX Contracts, with some additional features addressing the product terms particular to iTraxx Contracts and some further clarification and detail in light of the increased likelihood of physical settlement being applicable to iTraxx Contracts and Restructuring European Single Name CDS Contracts. These additional features are described in further detail below.

CME Rules 80502.B.A and 80502.C.A (Matched Pair Notice) provide additional detail in relation to the matching process. The additions do not substantively alter the CDS Product Rules but rather, seek to provide greater clarity with respect to the current matching process and how such process will work in respect of iTraxx Contracts.

CME Rules 80502.B.C and 80502.C.D (Notices) have been updated to provide additional detail around the notice procedures in light of the more complex notice requirements following a restructuring credit event with respect to an iTraxx Component Transaction or a Restructuring European Single Name CDS Contract. As a result of the more complex notice requirements, CME proposes to insert in CME Rule 80502.B.D and 80502.C.E (Disputes as to Notices) a more comprehensive dispute process in relation to the effective delivery of notices to preserve more accurately the economic effect of the delivery of certain notices.

CME Rule 80503.B and 80503.C (Physical Settlement of Non DVP Obligations) provide greater clarity with respect to the timing of the delivery of Non DVP Obligations and payment of the related portion of the Physical Settlement Amount. In addition, the allocation of any expenses incurred in connection with physical settlement is now expressly contemplated.

CME Rule 80507.B and 80507.C (Clearing House Guarantee of Matched Pair CDS Contracts) and CME Rule 80508.B and 80508.C (Failure to Perform Under Matched Pair CDS Contracts) have been updated to align the matching process with the general physical settlement provisions of CME as set out in Chapter 7 (Delivery Facilities and Procedures).

[7] *See* Securities Exchange Act Release No. 34–73849 (Dec. 16, 2014), 79 FR 76428 (Dec. 22, 2014) (SR–CME–2014–51).

CME also proposes to add an Appendix to Chapter 805 which will be split into two sub-parts. Appendix: Part A will apply only in connection with 2014 Definitions Transactions and Appendix: Part B will apply only in connection with 2003 Definitions Transactions. The Appendix primarily sets out provisions dealing with physical settlement and the delivery of notices between clearing members and their customers. The provisions are intended to facilitate the delivery of notices and physical settlement. The Appendix is intended to apply to all CDS contracts; however, the provisions are for the convenience of the clearing members and their customers and will not bind CME. The Appendix includes provisions addressing (i) the timing of the delivery of physical notices in a chain of transactions between the clearing house, the clearing members and their customers, (ii) when notices, requests or instructions between a clearing member and its customer are effective, (iii) the delivery of deliverable obligations between a clearing member and its customer, (iv) circumstances where a fallback to cash settlement will be deemed to apply, (v) buy-in of bonds not delivered and the circumstances around the effective delivery of a buy-in notice, and (vi) alternative procedures relating to loans not delivered and the circumstances around the effective delivery of an alternative loan buyer notice. The Appendix will only be relevant to CME CDS Physical Settlement, and not when auction settlement applies and is therefore unlikely to be applicable to settlement in most cases.

(e) Chapter 806 (iTraxx Europe Index Untranched CDS Contracts: Part A) and Chapter 806 (iTraxx Europe Index Untranched CDS Contracts: Part B)

CME proposes to add Chapter 806 which will be split into two sub-parts entitled ''iTraxx Europe Index Untranched CDS Contracts: Part A'' and Chapter 806 ''iTraxx Europe Index Untranched CDS Contracts: Part B.'' Chapter 806: Part A will apply only in connection with 2014 Definitions Transactions and Chapter 806: Part B will apply only in connection with 2003 Definitions Transactions.

CME Rules 80601.A and 80601.B (Scope of Chapter) set forth the applicable standard terms relevant for iTraxx Component Transactions and where the terms and conditions for Restructuring European Single Name CDS Contracts are set out. Further, it is clarified that unless a restructuring credit event occurs, no iTraxx Component Transaction will be fungible with a European single name CDS contract.

CME Rules 80602.A and 80602.B (Contract Terms) reflect or incorporate the basic contract specifications for iTraxx Contracts and Restructuring European Single Name CDS Contracts and are substantially similar to CME Rule 80202 (Contract Terms) for CDX Contracts. Similarly CME Rules 80603.A and 80603.B (Contract Modifications) are substantially similar to CME Rule 80203 (Contract Modifications) for CDX Contracts, except for conforming changes.

In addition, CME Rule 80604.A and 80604.B (Restructuring) have been added to reflect the fact that restructuring is a credit event for iTraxx Contracts and Restructuring European Single Name CDS Contracts, that governmental intervention is a credit event for certain 2014 Definitions Transactions, and that Restructuring European Single Name CDS Contracts may be created. In addition, CME has inserted (i) a notice delivery procedure to address the delivery of restructuring credit event notices and notices to exercise movement options, (ii) a process to separate any matched restructuring pairs following an announcement that a restructuring credit event did not in fact occur, (iii) provisions relating to the identification of the reference obligation for a Restructuring European Single Name CDS Contract, (iv) a comprehensive dispute process in relation to the effective delivery of restructuring credit event notices and notices to exercise movement options that are delivered directly (not via DTCC), and (v) a procedure for CME to communicate certain information received from DTCC, or from its clearing members, as applicable, to the relevant clearing members via reports.

(ii) CDS Risk Model

CME has submitted to the Commission, pursuant to Section 19(b)(3)(A) of the Exchange Act[8] and Rule 19b–4(f)(4)(ii)[9] thereunder, the proposed CDS Risk Model, for the purposes of enabling CME to offer clearing of additional CDS instruments, including iTraxx Contracts, within the CDS Risk Model.[10]

2. *Statutory Basis*

CME has identified iTraxx Contracts as products that have become increasingly important for market participants to manage risk with respect to European corporate and financial entities' credit risk. CME believes the proposed changes to its CDS Product Rules are consistent with the requirements of the Exchange Act including Section 17A of the Exchange Act.[11] The proposed changes which will facilitate CME's clearance of iTraxx Contracts would expand CME's CDS index product offering and would therefore provide investors with an expanded range of derivatives products for clearing. CME notes that the facilitation of clearance of iTraxx Contracts is of particular importance as the CFTC has determined that iTraxx Contracts that are subject to a 5Y or 10Y tenor are subject to mandatory clearing under Section 2(h) of the CEA.[12] As such, the proposed changes are designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivatives agreements, contracts, and transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, and, in general, to protect investors and the public interest consistent with Section 17A(b)(3)(F) of the Exchange Act.[13]

*B. Self-Regulatory Organization's Statement on Burden on Competition*

CME does not believe that the proposed rule change would have any impact, or impose any burden, on competition. On the contrary, the clearance of iTraxx Contracts will promote competition since some of CME's competitors, including ICE Clear Credit LLC, ICE Clear Europe Limited and LCH.Clearnet S.A., already offer clearing of iTraxx Contracts. CME will therefore be able to provide market participants with an expanded choice for clearing iTraxx Contracts.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

CME has not solicited, and does not intend to solicit, comments regarding this proposed rule change. CME has not received any unsolicited written comments from interested parties.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective upon filing pursuant to Section

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(4)(ii).

[10] *See supra* note 7.

[11] 15 U.S.C. 78q–1.

[12] 7 U.S.C. 2(h).

[13] 15 U.S.C. 78q–1(b)(3)(F).

19(b)(3)(A)[14] of the Act and Rule 19b–4(f)(4)(ii)[15] thereunder.

CME asserts that this proposal constitutes a change in an existing service of CME that (a) primarily affects the clearing operations of CME with respect to products that are not securities, including futures that are not security futures, and swaps that are not security-based swaps or mixed swaps, and forwards that are not security forwards; and (b) does not significantly affect any securities clearing operations of CME or any rights or obligations of CME with respect to securities clearing or persons using such securities-clearing service, which renders the proposed change effective upon filing. CME believes that the proposal does not significantly affect any securities clearing operations of CME because CME recently filed a proposed rule change that clarified that CME has decided not to clear security-based swaps, except in a very limited set of circumstances.[16] The rule filing reflecting CME's decision not to clear security-based swaps removed any ambiguity concerning CME's ability or intent to perform the functions of a clearing agency with respect to security-based swaps. Therefore, this proposal will not have an effect on any securities clearing operations of CME.

At any time within 60 days of the filing of the proposed change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*), or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–CME–2015–001 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC, 20549–1090.

All submissions should refer to File Number SR–CME–2015–001. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of CME and on CME's Web site at *http://www.cmegroup.com/market-regulation/rule-filings.html.*

All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–CME–2015–001 and should be submitted on or before February 11, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

**Brent J. Fields,**

*Secretary.*

[FR Doc. 2015–00839 Filed 1–20–15; 8:45 am]

BILLING CODE 8011–01–P

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(4)(ii).

[16] *See* Securities Exchange Act Release No. 34–73615 (Nov. 17, 2014), 79 FR 69545 (Nov. 21, 2014) (SR–CME–2014–49). The only exception is with regards to Restructuring European Single Name CDS Contracts created following the occurrence of a Restructuring Credit Event in respect of an iTraxx Component Transaction. The clearing of Restructuring European Single Name CDS Contracts will be a necessary byproduct after such time that CME begins clearing iTraxx Contracts.

[17] 17 CFR 200.30–3(a)(12).

## SELECTIVE SERVICE SYSTEM

### Forms Submitted to the Office of Management and Budget for Extension of Clearance

**AGENCY:** Selective Service System.

**ACTION:** Notice.

The following forms have been submitted to the Office of Management and Budget (OMB) for extension of clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35):

**SSS Form 1**

*Title:* The Selective Service System Registration Form.

*Purpose:* Is used to register men and establish a data base for use in identifying manpower to the military services during a national emergency.

*Respondents:* All 18-year-old males who are United States citizens and those male immigrants residing in the United States at the time of their 18th birthday are required to register with the Selective Service System.

*Frequency:* Registration with the Selective Service System is a one-time occurrence.

*Burden:* A burden of two minutes or less on the individual respondent.

Copies of the above identified form can be obtained upon written request to the Selective Service System, Reports Clearance Officer, 1515 Wilson Boulevard, Arlington, Virginia 22209–2425.

Written comments and recommendations for the proposed extension of clearance of the form should be sent within 30 days of the publication of this notice to the Selective Service System, Reports Clearance Officer, 1515 Wilson Boulevard, Arlington, Virginia 22209–2425.

A copy of the comments should be sent to the Office of Information and Regulatory Affairs, Attention: Desk Officer, Selective Service System, Office of Management and Budget, New Executive Office Building, Room 3235, Washington, DC 20503.

Dated: January 14, 2015.

**Lawrence Romo,**

*Director.*

[FR Doc. 2015–00845 Filed 1–20–15; 8:45 am]

BILLING CODE 8015–01–P

## SELECTIVE SERVICE SYSTEM

### Forms Submitted to the Office of Management and Budget for Extension of Clearance

**AGENCY:** Selective Service System.

**ACTION:** Notice.

The following forms have been submitted to the Office of Management and Budget (OMB) for extension of clearance in compliance with the

Paperwork Reduction Act (44 U.S.C. 35):

**SSS FORMS 2, 3A, 3B and 3C**

*Title:* Selective Service System Change of Information, Correction/Change Form, and Registration Status Forms.

*Purpose:* To ensure the accuracy and completeness of the Selective Service System registration data.

*Respondents:* Registrants are required to report changes or corrections in data submitted on the SSS Form 1.

*Frequency:* When changes in a registrant's name or address occur.

*Burden:* A burden of two minutes or less on the individual respondent.

Copies of the above identified forms can be obtained upon written request to the Selective Service System, Reports Clearance Officer, 1515 Wilson Boulevard, Arlington, Virginia 22209–2425.

Written comments and recommendations for the proposed extension of clearance of the form should be sent within 30 days of the publication of this notice to the Selective Service System, Reports Clearance Officer, 1515 Wilson Boulevard, Arlington, Virginia 22209–2425.

A copy of the comments should be sent to the Office of Information and Regulatory Affairs, Attention: Desk Officer, Selective Service System, Office of Management and Budget, New Executive Office Building, Room 3235, Washington, DC 20503.

Dated: January 14, 2015.

**Lawrence Romo,**

*Director.*

[FR Doc. 2015–00846 Filed 1–20–15; 8:45 am]

**BILLING CODE 8015–01–P**

## SOCIAL SECURITY ADMINISTRATION

**[Docket No. SSA–2014–0070]**

## Monitoring Reviews for Certain Representative Payees

**AGENCY:** Social Security Administration.

**ACTION:** Notice; request for comments.

**SUMMARY:** We are requesting information from the public regarding how we should conduct periodic onsite reviews of certain representative payees under Titles II, VIII, and XVI of the Social Security Act (Act) and how we can improve the representative payee program. We are seeking this information to decide whether and how we should make any changes to the representative payee program to further protect our beneficiaries from misuse of their benefits by representative payees.

**DATES:** To ensure that your comments are considered, we must receive them no later than March 9, 2015.

**ADDRESSES:** You may submit comments by any one of three methods—Internet, fax, or mail. Do not submit the same comments multiple times or by more than one method. Regardless of which method you choose, please state that your comments refer to Docket No. SSA–2014–0070 so that we may associate your comments with the correct document.

Caution: You should be careful to include in your comments only information that you wish to make publicly available. We strongly urge you not to include in your comments any personal information, such as Social Security numbers or medical information.

1. *Internet:* We strongly recommend that you submit your comments via the Internet. Please visit the Federal eRulemaking portal at *http://www.regulations.gov.* Use the *Search* function to find docket number SSA–2014–0070. The system will issue you a tracking number to confirm your submission. You will not be able to view your comment immediately because we must post each comment manually. It may take up to a week for your comment to be viewable.

2. *Fax:* Fax comments to (410) 966–2830.

3. *Mail:* Address your comments to the Office of Regulations and Reports Clearance, Social Security Administration, 3100 West High Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235–6401.

Comments are available for public viewing on the Federal eRulemaking portal at *http://www.regulations.gov* or in person, during regular business hours, by arranging with the contact person identified below.

**FOR FURTHER INFORMATION CONTACT:** Eric Ice, Office of Income Security Programs, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235–6401, (410) 966—3233. For information on eligibility or filing for benefits, call our national toll-free number, 1–800–772–1213 or TTY 1–800–325–0778, or visit our Internet site, Social Security Online, at *http://www.socialsecurity.gov.*

**SUPPLEMENTARY INFORMATION:**

### Background

A representative payee is a third party who manages the Social Security benefits or Supplemental Security Income (SSI) payments of a beneficiary [1] to meet the beneficiary's needs for food, clothing, and shelter. After meeting the beneficiary's basic needs, the representative payee must conserve any remaining Social Security benefits or payments for the beneficiary's future use. We presume that a legally competent adult beneficiary is capable of managing or directing someone else to manage his or her benefits, unless there are indicators or evidence to the contrary. We are required to pay children under age 15 and legally-incompetent adult beneficiaries through representative payees.

We monitor representative payees' fiduciary performance in several ways. For certain representative payees, one of the ways we monitor their fiduciary performance is through our periodic onsite review process. The Act requires us to use onsite reviews for:

- All fee-for-service representative payees;
- all organizational representative payees serving 50 or more beneficiaries or recipients; and
- all individual representative payees serving 15 or more beneficiaries or recipients. In addition, we also use onsite reviews for state mental hospitals.[2]

We also conduct discretionary site reviews of representative payees beyond those required by the Act. The site reviews help us determine whether representative payees are performing their duties and responsibilities satisfactorily and complying with our rules. The reviews include:

- A face-to-face interview with the representative payee and, in most cases, a visit to the representative payee's location;
- interviews with a sample of beneficiaries represented by the representative payee;
- examination of financial records; and
- examination of supporting documentation.

When we uncover problems during the reviews, we resolve the problems with the representative payee and remind the representative payee about his or her duties and responsibilities. Sometimes during site reviews, we uncover poor performance or misuse of funds by a representative payee. When we are unable to resolve a major performance issue with a representative payee, we remove the representative payee and find a new representative payee for the affected beneficiaries, or pay the beneficiaries directly.

[1] In this notice, we use the term ''beneficiary'' to include a beneficiary under Title II of the Act, a beneficiary under Title VIII of the Act, and an SSI recipient under Title XVI of the Act.

[2] 42 U.S.C. 405(j)(3) and 1383(a)(2)(C); 42 U.S.C. 405(j)(6)(A) and 1383(a)(2)(G).

**Request for Comments**

To identify ways we may enhance our periodic onsite review process and improve the representative payee program, we are asking for your comments on the following questions.

(1) Besides those representative payees that the Act requires us to review, what representative payees should we include in our site review process? What criteria should we use to select representative payees for review?

(2) What data sources should we consider when we select which representative payees to review, and which of these data sources should we use to detect improper use of beneficiary payments?

(3) What tools or processes should we use to hold our representative payees accountable for their responsibilities?

(4) How can we reduce the likelihood of mismanagement or misuse of a beneficiary's payments?

(5) Currently, when we do a site review we focus on how a representative payee manages a beneficiary's funds. Should our reviews focus on any other issues?

(6) What ideas do you have to improve the representative payee program overall?

Please see the information under **ADDRESSES** earlier in this document for methods to give us your comments. We will not respond to your comments, but we will consider them as we review our policies and instructions to determine if we should revise or update them.

Dated: January 13, 2015.

**Carolyn W. Colvin,**

*Acting Commissioner of Social Security.*

[FR Doc. 2015–00931 Filed 1–20–15; 8:45 am]

**BILLING CODE 4191–02–P**

## DEPARTMENT OF STATE

**[Public Notice 9006]**

## 2014 Fiscal Transparency Report

**AGENCY:** Department of State.

**ACTION:** Notice.

**SUMMARY:** The Department of State hereby presents the findings from the FY 2014 fiscal transparency review process in its Fiscal Transparency Report. This report describes the minimum requirements of fiscal transparency developed by the Department of State in consultation with other relevant federal agencies, identifies governments that are potential beneficiaries of FY 2014 foreign assistance funds, assesses those that did not meet the minimum fiscal transparency requirements, and indicates whether those governments made significant progress towards meeting the requirements.

**Fiscal Transparency**

Fiscal transparency is a critical element of effective public financial management, helps in building market confidence, and sets the stage for economic sustainability. Transparency also provides a window into government budgets for citizens of any country, helping them to hold their leadership accountable. The Department of State's fiscal transparency review process assesses whether governments meet minimum requirements of fiscal transparency. The review includes an assessment of the transparency of processes for administering government contracts and licenses for natural resource extraction.

Annual reviews of the fiscal transparency of governments that receive U.S. assistance help ensure U.S. taxpayer money is used appropriately and to sustain a dialogue with governments to improve their fiscal performance, leading to greater macroeconomic stability and better development outcomes.

Section 7031(b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (Div. K, Pub. L. 113–76) (''the Act'') requires the Secretary to develop, for each government receiving assistance appropriated by the Act, minimum requirements of fiscal transparency, in consultation with heads of other relevant federal agencies, and to make a determination of ''significant'' or ''no significant progress'' in meeting the minimum requirements of fiscal transparency for each government that did not meet the minimum requirements. Through authority delegated from the Secretary, the Deputy Secretary of State for Management and Resources made those determinations for FY 2014.

This report describes the minimum requirements of fiscal transparency developed by the Department, identifies whether governments met the requirements, and indicates whether those governments that did not meet the minimum requirements made significant progress toward meeting them. The report includes a description as to how those governments fell short of the minimum requirements, outlines any significant progress being made toward meeting the minimum requirements, and provides specific recommendations of short and long-term steps such governments should take to improve fiscal transparency. The report also outlines the process followed by the Department in completing the assessments and describes how funds appropriated by the FY 2014 and earlier appropriations acts are being used to support fiscal transparency.

**Fiscal Transparency Review Process and Criteria**

The Department reviewed its minimum requirements of fiscal transparency in consultation with other relevant federal agencies, and updated and strengthened its review criteria. In determining which governments were subject to fiscal transparency assessments and inclusion in the report, the Department identified those governments it anticipated would receive bilateral allocations of assistance appropriated by the Act based upon a review of the Congressional Budget Justification for FY 2014, and in consultation with the Department's Office of U.S. Foreign Assistance Resources, as well as the Department's regional and functional bureaus.[1]

The Department then assessed the fiscal transparency of the 140 governments identified as potential recipients of bilateral allocations of assistance from FY 2014 foreign assistance funds, determined whether the minimum requirements were met, and identified any measures those governments had implemented to make significant progress towards meeting the requirements.

In conducting the FY 2014 review, the Department assessed the fiscal transparency of governments as of January 17, 2014, the date the Act, which mandated this review, became law. In reaching a determination, the Department considered information from U.S. embassies and consulates, other U.S. government agencies, international organizations such as the IMF and multilateral development banks, and civil society organizations. U.S. diplomatic missions consulted with foreign government officials, NGOs, international organizations, and civil society to obtain information for these assessments.

**Minimum Requirements of Fiscal Transparency**

Subsection 7031(b)(2) of the Act provides that the minimum requirements of fiscal transparency developed by the Department are

[1] This included governments that received government-to-government assistance and or assistance to be provided through implementing partners. Additional governments may receive assistance through regional or global programs, but the governments identified in the report represent the vast majority of foreign assistance recipients.

requirements ''consistent with those in subsection [7031](a)(1)'' and the public disclosure of:

• National budget documentation (to include receipts and expenditures by ministry), and

• government contracts and licenses for natural resource extraction (to include bidding and concession allocation practices).

The FY 2014 fiscal transparency review process evaluated whether governments receiving U.S. foreign assistance publicly disclosed budget documents including receipts and expenditures by ministry. The review process also evaluated whether the government has an independent supreme audit institution or similar institution that carries out a yearly verification of financial statements to ensure they meet internationally accepted accounting principles. The review further assessed the existence and public disclosure of criteria and procedures for awarding government contracts and licenses for natural resource extraction, including bidding and concession allocation practices. The Department applied the following criteria in assessing whether governments met the minimum requirements of fiscal transparency.

Budget information should be:

• *Substantially Complete:* Budget documents should provide a substantially full picture of a government's revenue streams, including natural resource revenues, and planned expenditures. Budget documents should include allocations to and earnings from significant state-owned enterprises. A published budget that does not include significant cash or non-cash resources, including foreign aid or the balances of special accounts or off-budget accounts, would not be considered substantially complete. Budget documents should also include expenditures to support royal families or offices where such expenditures represent a significant budgetary outlay. The review process recognizes that military and/or intelligence budgets are often not publicly available for national security reasons.

• *Reliable:* Budget documents and related data are considered reliable if they are accurate and disseminated on time. Actual receipts and expenditures should be reasonably correlated to the budget plan, and significant departures from planned receipts and expenditures should be explained in supplementary budget documents and publicly disclosed in a timely manner. Financial statements should meet internationally accepted accounting principles. The executed budget should be audited on a regular and timely basis by an independent supreme audit institution, and the results of such audits should be made public.

• *Publicly Available:* Budget documents should be broadly available online, at government offices or libraries, on request from the ministry, or for purchase at a nominal fee at a government office. Publicly available budgets should include receipts and expenditures broken down by ministry. Information on government debt obligations should be publicly available.

Natural resource extraction contracting and licensing procedures should be:

• *Transparent:* The criteria and procedures for the contracting and licensing of natural resource exploitation should be publicly available and codified in law or regulation. Procedures used to award contracts and licenses in practice should be consistent with the country's legal requirements. The basic parameters of concessions and contracts should be made publicly available after the decision. Such information should include the geographic area covered by the contract or license, the resource being developed, the duration of the contract, and the company to which the contract or license is awarded.

The Department recognizes the specific circumstances and practices of fiscal transparency differ among governments. The review process takes a tailored approach in evaluating governments while ensuring minimum fiscal transparency requirements are met in order to enable meaningful participation of the public in the budgeting process.

**Fiscal Transparency Innovation Fund**

Section 7031(b)(4) of the Act recommended that not less than $10 million appropriated under title III of the Act be made available for programs and activities to improve budget transparency and to support civil society organizations that promote fiscal transparency. With this recommendation in mind, the Department and USAID have created the Fiscal Transparency Innovation Fund (FTIF). FTIF supports programs and activities that assist countries improve their public financial management and fiscal transparency standards, and NGOs that promote budget transparency. The Bureau of Economic and Business Affairs and USAID's Bureau for Economic Growth, Education, and the Environment (E3) solicit and award funds in accordance with established guidelines. FY 2014 funding to be used for FTIF was notified in November, but has not been obligated or expended.

The Department utilized $5 million in FY 2013 authorized funds to support 11 projects in the following countries: Chad, Democratic Republic of the Congo, Gabon, Guinea, Haiti, Malawi, Nicaragua, Niger, and Somalia, as well as one regional project in North Africa and one global project to benchmark public procurement systems. The projects furthered efforts by government and civil society to improve the state of fiscal transparency and public financial management practices, and improve public awareness and involvement in the expenditure of public resources. Examples of projects included $542,000 to the Department of Treasury's Office of Technical Assistance to support improved budgetary practices in Gabon and $200,000 to the Institute of Strategic Studies and Public Policy in Nicaragua to support civil society participation in the budget process.

The Department intends to use FY 2014 FTIF funds to support projects to enhance: (1) Governments' capacity to develop and execute comprehensive, reliable, and transparent budgets; (2) citizens' visibility into state expenditure and revenue programs; and (3) citizens' ability to advocate for specific issues related to government budgets and budget processes.

**Conclusions of Review Process**

The Department concluded that, of the 140 governments that were potential beneficiaries of foreign assistance and were evaluated pursuant to the Act, 50 did not meet the minimum requirements of fiscal transparency. Of these, eleven governments made significant progress toward meeting the minimum requirements of fiscal transparency.

The Department assessed the following governments as meeting the minimum requirements of fiscal transparency for FY 2014: Albania, Angola, Armenia, Argentina, The Bahamas, Belize, Benin, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Cabo Verde, Chile, Colombia, Costa Rica, Cote d'Ivoire, Croatia, Czech Republic, Djibouti, Ecuador, El Salvador, Estonia, Georgia, Ghana, Greece, Guatemala, Guyana, Honduras, Hungary, India, Indonesia, Iraq, Israel, Jamaica, Jordan, Kenya, Kosovo, Kyrgyzstan, Latvia, Lesotho, Liberia, Lithuania, Macedonia, Malaysia, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Moldova, Mongolia, Montenegro, Morocco, Mozambique, Namibia, Nepal, Pakistan, Palestinian Authority, Panama, Papua New Guinea, Paraguay,

Peru, Philippines, Poland, Portugal, Romania, Rwanda, Samoa, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Sri Lanka, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Uganda, Uruguay, Vietnam, and Zambia.

The following table lists those governments that were found not to meet the minimum requirements of fiscal transparency and identifies whether the governments made significant progress toward meeting those requirements:

| Governments assessed pursuant to the act as not meeting minimum requirements of fiscal transparency for FY 2014 | Significant progress | No significant progress |
|---|---|---|
| Afghanistan | | X |
| Algeria | | X |
| Azerbaijan | | X |
| Bahrain | | X |
| Bangladesh | | X |
| Burkina Faso | | X |
| Burma | X | |
| Burundi | | X |
| Cambodia | X | |
| Cameroon | X | |
| Central African Republic | | X |
| Chad | X | |
| China | | X |
| Comoros | X | |
| Congo, Democratic Republic of the | X | |
| Congo, Republic of the | | X |
| Dominican Republic | | X |
| Egypt | | X |
| Ethiopia | X | |
| Fiji | | X |
| Gabon | | X |
| Gambia, The | | X |
| Guinea | X | |
| Guinea-Bissau | | X |
| Haiti | | X |
| Kazakhstan | | X |
| Laos | X | |
| Lebanon | | X |
| Libya | | X |
| Madagascar | | X |
| Malawi | | X |
| Maldives | | X |
| Nicaragua | | X |
| Niger | X | |
| Nigeria | | X |
| Oman | | X |
| Sao Tome and Principe | X | |
| Saudi Arabia | | X |
| Somalia | | X |
| South Sudan | | X |
| Sudan | | X |
| Suriname | | X |
| Swaziland | | X |
| Tajikistan | | X |
| Tanzania | | X |
| Turkmenistan | | X |
| Ukraine | | X |
| Uzbekistan | | X |
| Yemen | | X |
| Zimbabwe | | X |

**Government by Government Assessments**

This section describes areas where such governments fell short of the Department's minimum requirements of fiscal transparency, and includes specific recommendations of short and long-term steps such governments should take to improve fiscal transparency. For those countries found to have made significant progress toward meeting the minimum requirements, the section also includes a brief description of such progress. Note that correcting previously identified deficiencies was a necessary but not sufficient condition for meeting the minimum requirements of fiscal transparency.

*Afghanistan:* Despite significant improvements in recent years, revenue data is still considered unreliable. Financial allocations to, and earnings from, significant state-owned enterprises need to be clearly accounted for in public documents. While laws governing the award of contracts and licenses for natural resource extraction are publicly available, improvement is needed in how well they are followed. Afghanistan's fiscal transparency would be enhanced if the supreme audit institution were to audit the budget, including all line ministries.

*Algeria:* Algeria's published budget does not include information on

receipts, expenditures, and balances of special treasury accounts, a persistent weakness for fiscal transparency in Algeria. Algeria's fiscal transparency would be enhanced by disclosing such financial flows as part of the published budget. In addition, budget reliability would be improved with an annual verification of revenues and expenditures by an independent supreme audit institution that can certify such financial statements meet internationally accepted accounting principles.

*Azerbaijan:* While Azerbaijan has taken steps to ensure revenues from resource extraction are generally transparent, the government's criteria for awarding licenses for natural resources extraction are not made public. Outside the area of natural resource extraction, there is little publicly available information about the financial relationships between significant state-owned enterprises and the government. Azerbaijan's fiscal transparency would be enhanced by making public the criteria for awarding licenses for natural resource extraction, and publishing information on the relationships between state-owned enterprises and the government.

*Bahrain:* Bahrain does not disclose the expenditures of the royal family in its publicly available budget. Bahrain's fiscal transparency would be enhanced by publicly disclosing royal family expenditures in its budget.

*Bangladesh:* While the independence of Bangladesh's supreme audit institution is enshrined in the constitution, the supreme audit institution has not produced and made publicly available timely and comprehensive year-end evaluations of the government's accounts. This deficiency diminishes the reliability of the budget and accountability to the public. Bangladesh's fiscal transparency would be enhanced by working to ensure the supreme audit institution annually audits the central government budget and makes its findings publicly available.

*Burkina Faso:* While budget documents are available to the public and summaries are published online, financial allocations to significant state-owned enterprises are not reflected in budget documents. Burkina Faso's fiscal transparency would be enhanced by using the opportunity provided by the formation of a new government to make further progress and improve budget documents to more fully include allocations to and earnings from state-owned enterprises.

*Burma:* Burma does not yet have comprehensive and institutionalized procedures for budget execution, monitoring, and reporting, which has caused official fiscal data to be incomplete. Also, the supreme audit institution did not publish annual audits to verify revenues and expenditures. Nonetheless, Burma has made significant progress in improving fiscal transparency in recent years. This progress includes increasingly robust participation by parliament in the budget drafting process and several high-profile tenders that have been lauded for their fairness and transparency. These tenders follow the issuance by the president's office of a directive in April 2013 providing government ministries with standardized guidelines on conducting and awarding public tenders. Burma's fiscal transparency would be enhanced by putting in place clear and comprehensive procedures for budget management, monitoring and reporting, and conducting and making public annual audits of budget execution.

*Burundi:* While expenditures are broken down by ministry and are included in the publicly available budget, budget documents do not provide reliable information about revenues. Basic data regarding contracts for natural resource extraction is legally available to any interested party, however, the Ministry of Mines and Energy does not consistently honor requests for information, and it is not clear whether Burundi follows its law and regulations for natural resource contracts. Burundi's fiscal transparency would be enhanced by providing a full and reliable accounting of all of its revenues and expenditures in its budgetary documents, making public basic data regarding contracts for natural resource extraction, and improving transparency regarding procedures in granting licenses for natural resource extraction.

*Cambodia:* While Cambodia publishes a reasonably detailed budget, shortcomings in fiscal transparency constrain public participation in the budget process. Furthermore, the supreme audit institution has failed to publish timely annual audit reports. Cambodia has made significant progress in fiscal transparency during the past few years, in part by making the budget more comprehensive and accessible. The Ministry of Economy and Finance produced a Budget in Brief and made it available online. Cambodia's fiscal transparency would be further enhanced by continuing to ensure all government revenues are reflected in the budget and conducting and making public timely annual audits of the government's budget execution.

*Cameroon:* Cameroon's budget does not provide data on all significant government expenditures, most notably state subsidies and allocations to significant state-owned enterprises. In addition, the country's supreme audit institution is not sufficiently independent. Cameroon made significant progress in 2013 on budget execution by establishing budget execution follow-up committees at national, regional, divisional, and local council levels, with participation by civil society groups. Cameroon's fiscal transparency would be enhanced if the central government budget provided transparency regarding all major government expenditures and the head of the supreme audit institution were not subject to executive authority or influence.

*Central African Republic:* Following the seizure of power by the Seleka rebel alliance on March 24, 2013, and continuing through the review period, the government was unable to carry out normal functions because of the security situation and political crisis. When made possible by circumstances, the Central African Republic's fiscal transparency would be enhanced by drafting a budget and following normal budgeting procedures.

*Chad:* While budget information is publicly available, the high degree of extra-budgetary spending indicates the budget is not substantially complete. Chad made significant progress in developing transparency regulations and governance standards, moving forward on conducting a post-execution review of the budget, and strengthening public financial management by working on limiting extra-budgetary expenditures. The government also created a Web site publishing budget and public financial information. Chad's fiscal transparency would be enhanced by improving its budgetary process and reducing extra-budgetary spending by implementing the 2014 Organic Finance Law reforms and ensuring ministry-level budget staff are appointed and trained to increase public financial management capacity across the government.

*China:* While China publishes annual budget documents, the government does not disclose all financial allocations to and earnings from numerous significant state-owned enterprises. Also, although the supreme audit institution audits all national government entities, including ministries and state-owned enterprises, it cannot be considered an independent agency, as it directly reports to China's State Council and is one of 25 ministries and commissions under the State Council's direct supervision. China's

fiscal transparency would be enhanced by explicitly detailing financial allocations to and earnings from state-owned enterprises and taking steps to increase the independence of the supreme audit institution.

*Comoros:* Comoros' budget includes relevant revenues and expenditures, including allocations to and earnings from significant state-owned enterprises and natural resource extraction; however, budgets are not always followed, and may be changed with little to no legislative oversight. Budget documents are not readily available to the public. Technical assistance on budget execution from the IMF is ongoing, and Comoros has made significant progress in improving budget execution. Comoros' fiscal transparency would be enhanced by improving budget execution and oversight and making provisions for budget documents to be publicly available.

*Congo, Democratic Republic of the (DRC):* Despite a public and open process for preparation, dissemination, and parliamentary debate of the budget, receipts and expenditures, broken down by ministry, are not substantially complete and reliable. The budget does not accurately reflect revenues from extractive industries. The criteria for awarding extractive contracts have not been codified. The country's supreme audit institution is not sufficiently independent, is insufficiently funded and trained, and does not conduct yearly comprehensive audits of spending. Significant progress has been made to improve the process by which salaries are paid to increase transparency and effectiveness in this area of budget execution. The DRC made significant progress in natural resource transparency with the publishing of information on existing natural resource contracts. The DRC's fiscal transparency would be enhanced by increasing the capacity and independence of the supreme audit institution, increasing transparency regarding the process and outcomes for awarding natural resource concessions, contracts, and licenses, and providing complete and reliable accounting of receipts and expenditures.

*Congo, Republic of the:* The Republic of the Congo's budget includes significant gaps, relating both to petroleum revenues and to government expenditures. Debt obligations are not fully disclosed, and audits are not conducted in a timely manner. The Republic of the Congo's fiscal transparency would be enhanced by improving the completeness and reliability of its budget reporting, including disclosing sovereign debt obligations, and conducting audits in a timely manner.

*Dominican Republic:* The Dominican Republic's budget lacks detail for large portions of spending by the Office of the Presidency, which accounts for nine percent of central government expenditure. Autonomous and decentralized institutions, and even some ministries, do not fully report revenue and expenditures during budget implementation, but only at the end of the accounting year. The Dominican Republic's fiscal transparency would be enhanced by taking additional steps to improve the completeness and timeliness of its budget, particularly for the Office of the Presidency.

*Egypt:* Egypt's published budget does not disclose income and expenditures information for significant state-owned enterprises or presidential expenses. The process for awarding natural resource revenue contracts and the basic terms of natural resource concessions are also not publicly disclosed. Egypt's fiscal transparency would be enhanced by implementing reporting of state-owned enterprise finances and making public the process for awarding natural resource contracts and licenses and the basic terms of those contracts, such as to whom licenses have been awarded, covering which resources, and for what length of time.

*Ethiopia:* While Ethiopia's budget documents are publicly available, they are not yet substantially complete due to the lack of information on the fiscal impact of significant state-owned enterprises. Additionally, the government's general processes for awarding natural resource concessions, contracts, and licenses are opaque. Ethiopia made significant progress in improving state-owned enterprise financial reporting during the review period by increasing in practice the oversight role played by the legislature in state-owned enterprise management and standardizing its contract award process. Ethiopia's fiscal transparency would be enhanced by including allocations to and earnings from state-owned enterprises in its budget and financial statements in both consolidated and stand-alone forms, providing disclosures of natural resource information in its budget, and providing more information to the public about the process and outcomes for awarding governmental contracts, licenses, and natural resource concessions.

*Fiji:* During the review period, Fiji's publicly available budget documents did not provide a substantially full picture of the country's revenues and expenditures because of the lack of explanatory narratives. In addition, Fiji's failure to release the Auditor General's Report since 2008 undermined the public's ability to effectively monitor the budgetary process and negatively impacted the budget's reliability. Fiji's fiscal transparency would be enhanced by making public annual audit reports, along with comprehensive budgetary documents, including budget narratives.

*Gabon:* Gabon's budget reliability is lacking. The supreme audit institution has been unable to complete verification of annual revenues and expenditures on a timely basis because of a lack of information from the government. The public does not have sufficient information about the budget. As of the close of the review period, Gabon has yet to make a complete 2014 budget publicly available. In addition, Gabon lacks transparency and reliability in government contracting and project financing. Gabon's fiscal transparency would be enhanced by ensuring timely publication of the supreme audit institution's yearly verification of the annual financial statement.

*Gambia, The:* The Gambia does not include earnings from and allocations to significant state-owned enterprises in the general budget documents, although this information is available to the National Assembly after the fact. Additionally, the requirements for awarding natural resource exploration rights are not publicly available, and information on contracts or awards, including the identity of the party holding the rights, is not made available to the public. The Gambia's fiscal transparency would be enhanced by increasing transparency on how natural resources contracts are reviewed and what has been awarded, as well as increasing transparency regarding revenues from and allocations to state-owned enterprises.

*Guinea:* Guinea does not make the budget accessible to the general public. The government also lacks a supreme audit institution. Guinea has not made the criteria for natural resource licensing tenders public and the budget does not provide information on revenues from significant state-owned enterprises, including those from natural resources. However, the government has made significant progress in making natural resource revenues transparent by making basic information on all current mining concessions public. Guinea's fiscal transparency would be enhanced by creating an independent supreme audit institution, making the budget publicly accessible, making public the criteria for natural resource licensing tenders, and

providing a comprehensive and reliable accounting of all revenues.

*Guinea-Bissau:* Guinea-Bissau's budget process was not reliable during the review period, as a large amount of unbudgeted expenditure occurred, and fiscal controls were insufficient. The new government of Guinea-Bissau's fiscal transparency would be enhanced by using this window of opportunity to implement comprehensive public financial management reforms.

*Haiti:* Although Haiti's budget is publicly available, the country's process for granting natural resource contracts lacks transparency and information on natural resources contracts is not published. Haiti's budget process does not consistently follow the country's established timetable and does not include earnings from significant state-owned enterprises. Haiti's fiscal transparency would be enhanced by improving the transparency of its system governing natural resource contracts, more closely following its budget timetable, and improving reporting for state-owned enterprises.

*Kazakhstan:* While the budget is publicly available, information on allocations to and revenues from significant state-owned enterprises is not included. Estimated to produce approximately 40 percent of GDP, state-owned enterprises are believed to account for a sizeable portion of the government's allocations and revenues. Kazakhstan's fiscal transparency would be enhanced by including allocations to and revenue from state-owned enterprises in its budget.

*Laos:* While Laos' budget is publicly available, some key budget documents were not published in a timely fashion. One quarter of government spending occurred outside of the National Assembly's authorized budget. Limited budgetary information was publicly available on state-owned enterprise finances and the process used to award natural resource contracts is generally not transparent or accessible by the public. The government made significant progress in strengthening the role of the supreme audit institution. Laos' fiscal transparency would be enhanced by publishing key budget documents in a timely manner, ensuring government spending is subject to parliamentary oversight, capturing allocations to and earnings from state-owned enterprises in the budget, and improving transparency and legal frameworks regarding the process for awarding natural resource concessions.

*Lebanon:* Lebanon does not disclose financing or assistance in-kind received from foreign sources in its budget. Lebanon's budget also does not include transfers to or earnings from significant state-owned enterprises. Lebanon's budget data remain unreliable and its budgets are not subject to annual comprehensive audits. Lebanon's fiscal transparency would be enhanced by reporting all foreign financing and assistance and including detailed information for state-owned enterprises, public institutions, and all ministries in its budget. Lebanon's fiscal transparency would further be enhanced by establishing annual audits of its budget execution by an independent supreme audit institution.

*Libya:* Libya's national budget does not include expenditures managed by the Ministry of Planning, and there is no verification by an independent supreme audit institution that annual receipts and expenditures meet internationally accepted accounting principles. Libya's fiscal transparency would be enhanced by including all expenditures in the annual budget approved by Libya's parliament and ensuring financial statements are verified by an independent supreme audit institution.

*Madagascar:* The former government of Madagascar did not follow procedures outlined under domestic law for making awards of extractive industry contracts, nor did the former government publish results in a consistent manner. Additionally, budget documents under the former government did not match actual spending, and follow-up reporting of actual receipts and expenditures was inconsistent and inadequate. Madagascar's supreme audit institution has not published a report since 2006. Madagascar's fiscal transparency would be enhanced by improving its extractives contracting procedures and providing information on outcomes to the public. Madagascar's fiscal transparency would be further enhanced by improving budgeting processes.

*Malawi:* While Malawi's budget documents are substantially complete, the supreme audit institution lacks full independence and a clear reporting structure. Revenue from state-owned enterprises and natural resources is included in the budget. However, the government's procedures for awarding contracts and licenses for natural resource extraction are not regularly publicly available, and, once awarded, the basic information of such contracts and licenses is not routinely made available to the public. As Malawi develops its emerging extractive industry sector, it needs to improve transparency with regard to contracts and licenses. Malawi's fiscal transparency would be enhanced by addressing potential inconsistencies between its Constitution and the relevant statutory law regarding the supreme audit institution's reporting structure.

*Maldives:* While Maldives' budget is publicly available and provides a substantially complete picture of the country's revenue and expenditures, the figures are not always reliable. The independent supreme audit institution does not conduct and make public year-end audits of the central government budget. Maldives' fiscal transparency would be enhanced by continuing to improve its public financial management. Maldives' fiscal transparency would be further enhanced if the supreme audit institution were to conduct and make publicly available year-end audits of the central government budget.

*Nicaragua:* Nicaragua's budget does not provide information on substantial financial support provided to the government by Venezuela. The reporting on allocations to and earnings from significant state-owned enterprises also lacks detail. Nicaragua's fiscal transparency would be enhanced by fully reporting off-budget support provided to the government and improving reporting on allocations to and earnings from state-owned enterprises.

*Niger:* Niger's central budget is not substantially complete because it does not reflect earnings of significant state-owned enterprises or revenues and debt associated with oil production. The government made significant progress in 2013 with the first release of oil revenue numbers and the first audit of the oil industry. Niger's fiscal transparency would be enhanced by ensuring the budget includes all revenue and expenditures, including natural resources.

*Nigeria:* While Nigeria's budgetary process meets and in many ways exceeds many elements of the Department's minimum requirements in budgetary areas, Nigeria does not meet the Department's overall minimum requirements due to concerns in the natural resources sector. While the criteria for awarding natural resource extraction concessions is made public, actual practices are opaque and do not appear to always conform to the criteria. Significant off-budget spending on fuel subsidies is also of concern. Additionally, while the Finance Ministry publishes aggregate revenues, lack of transparency in the revenues and expenditures of Nigeria's flagship oil and gas sector state-owned enterprise, the Nigerian National Petroleum Corporation (NNPC), impedes Nigeria's overall fiscal transparency. Nigeria's

fiscal transparency would be enhanced by conducting a full audit, to international standards, of NNPC. The Petroleum Industry Bill, once implemented, could partially address the transparency concerns in the oil and gas sector. Nigeria's fiscal transparency would be further enhanced by moving off-budget spending on budget.

*Oman:* Oman does not disclose the expenditures of the royal family in its publicly available budget. Oman's fiscal transparency would be enhanced by publicly disclosing royal family expenditures in its budget.

*Sao Tome and Principe:* While Sao Tome and Principe's budget can be considered substantially complete, its budget documents do not currently comply with internationally accepted accounting principles. Sao Tome and Principe publishes periodic reports throughout the year evaluating the budget execution, though it does not publish an end-of-year report. While Sao Tome and Principe was not assessed in previous reports, the government has made significant progress on fiscal transparency, including passing legislation in recent years requiring all payments to government agencies over five dollars to be made directly at the Central Bank and all salary payments to civil servants be paid directly to employees' bank accounts. Sao Tome and Principe's fiscal transparency would be enhanced by adopting internationally accepted accounting principles for public financial documents and producing and making public an annual report on overall budget execution.

*Saudi Arabia:* Saudi Arabia does not publish a detailed annual budget that discloses revenues and expenditures broken down by ministry. While Saudi Arabia discloses the contribution of natural resource revenues to the budget in an annual IMF report, it does not publish such data in its publicly available budget, nor does it disclose the expenditures of the royal family in the publicly available budget. Saudi Arabia's fiscal transparency would be enhanced by publishing such a budget. Saudi Arabia's fiscal transparency would be further enhanced if the supreme audit institution were to publish an annual verification that revenues and expenditures were carried out in accordance with internationally accepted accounting principles.

*Somalia:* Partly due to a severe lack of institutional capacity and funds, Somalia does not have an effective public financial management system. Ministries do not follow budget procedures. Somalia does not have an effective, functioning, independent supreme audit institution. The government does not make basic information about the results of concessions or natural resource contracts available. Somalia's fiscal transparency would be enhanced by implementing comprehensive public financial management reforms.

*South Sudan:* South Sudan's budget execution is unreliable, with some ministries overspending while others spend less than allocated. Fiscal activities are not subject to effective internal oversight and safeguards, and the supreme audit institution has not published a report on the budget in several years. Additionally, while the 2012 Petroleum Act requires the government to make information on tenders, licensing, and petroleum agreements publicly available, it is not clear those requirements have been carried out in practice. South Sudan's fiscal transparency would be enhanced by implementing comprehensive public financial management reforms and making available information on tenders, licensing, and petroleum agreements.

*Sudan:* Publicly available budget documents do not provide a full picture of Sudan's revenues and expenditures, including natural resource revenues. There are no procedures in place allowing for parliamentary review of the allocations to and earnings from significant state-owned enterprises, particularly those operated by the security services. Sudan's fiscal transparency would be enhanced by providing a full accounting of the allocations to and earnings from state-owned enterprises and allowing for legislative oversight of expenditures of the security services.

*Suriname:* Suriname does not fully report on the financial performance of some significant state-owned enterprise and related government transfers. The executive branch often fails to provide Suriname's supreme audit institution with sufficient information to conduct thorough oversight. The government does not disclose information about how it awards natural resource contracts and licenses, nor does it disclose basic information on awards granted. Suriname's fiscal transparency would be enhanced by improving the transparency and reporting of natural resource contracts, providing more robust reporting for state-owned enterprises, and strengthening its auditing function.

*Swaziland:* Swaziland's budget lacks transparency with regard to allocations to and earnings from significant state-owned enterprises and with regard to natural resource revenues. Additionally, Swaziland does not have a functioning, independent supreme audit institution, and there are concerns about off-budget spending. Swaziland's fiscal transparency would be enhanced by ensuring that all revenues and expenditures are reflected in the budget, including natural resource revenues and allocations to, or earnings from, state-owned enterprises.

*Tajikistan:* Tajikistan's budget is not substantially complete, and revenues and expenditures are not broken down by ministry. Tajikistan's fiscal transparency would be enhanced by publishing a detailed budget, carrying out audits of yearly expenditures by an independent supreme audit institution, and engaging the public in the budget process.

*Tanzania:* Tanzania has used pension funds to support off-budget projects through loans that have at times not been included in the country's debt obligations. In addition, Tanzania's procedures for awarding contracts and licenses for natural resource extraction are not clear. Tanzania's fiscal transparency would be enhanced by clearly publicizing and following procedures for awarding contracts and licenses for natural resource extraction and by including all governmental expenditures and debt obligations in the budget.

*Turkmenistan:* The budget is not substantially complete, nor does it provide a breakdown of revenue and expenditures by individual ministry. No information on allocations from the budget to significant state-owned enterprises is disclosed. Turkmenistan's fiscal transparency would be enhanced by making this information publicly available. Turkmenistan's fiscal transparency would be further enhanced by disclosing proceeds from the sale of oil and natural gas, which constitute the majority of the government's revenues, and making public the process for awarding government contracts and licenses for natural resources.

*Ukraine:* While Ukraine's national budget and budget execution reports are readily available to the public, the former government of Ukraine did not include quasi-fiscal activities in the energy sector in the state budget. The audit agency was not permitted to review government revenues or the financials of significant state-owned enterprises. Criteria for natural resource tenders, aside from production sharing agreements for oil and gas, were not made public. Ukraine's fiscal transparency would be enhanced by including quasi-fiscal energy sector activities in the budget, allowing the audit agency to review revenues of the

government and the financials of state-owned enterprises, and making public the criteria for all natural resource tenders.

*Uzbekistan:* The budget process is not transparent, as budget discussions in the legislative branch are not open to the public. Only a general overview of the budget is publicly available; a breakdown of revenues and expenditures by ministry is not disclosed. Information on revenue from the extraction and sale of natural resources is not available to the public. While criteria for awarding natural resource contracts are publicly available, the process of awarding contracts in practice is not transparent. Uzbekistan's fiscal transparency would be enhanced by making the budget publicly available. Uzbekistan's fiscal transparency would be further enhanced by providing information on revenue from the extraction and sale of natural resources and ensuring the process of awarding contracts is transparent.

*Yemen:* Yemen's annual budget lacks sufficient information regarding allocations to and revenue from significant state-owned enterprises. The supreme audit institution does not publish its annual verifications that statements of revenues and expenditures meet internationally accepted accounting principles. Yemen's fiscal transparency would be enhanced by providing sufficient detail in the section of the budget devoted to state-owned enterprises. Yemen's fiscal transparency would be further enhanced if the supreme audit institution were to make such audits public each year.

*Zimbabwe:* Zimbabwe's budget lacks transparency with regard to financial flows to and from significant state-owned enterprises and with regard to natural resource revenues, including mining contracts. Zimbabwe's fiscal transparency would be enhanced by improving transparency in its budget management, including greater transparency on the country's debts, and including a substantially complete picture of natural resource revenues in the budget. Zimbabwe's fiscal transparency would be further enhanced by making public the criteria and process for awarding natural resource contracts and licenses and the basic terms of those contracts, such as to whom licenses have been awarded, which resources are covered, and the length of the contract or license.

Dated: December 31, 2014.

**Heather Higginbottom,**

*Deputy Secretary of State for Management and Resources, Department of State.*

[FR Doc. 2015–00792 Filed 1–20–15; 8:45 am]

BILLING CODE 4710–07–P

## DEPARTMENT OF STATE

**[Public Notice 9009]**

### Culturally Significant Objects Imported for Exhibition Determinations: ''Staging the Ukrainian Avant-Garde of the 1910s and 1920s'' Exhibition

**SUMMARY:** Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the objects to be included in the exhibition ''Staging the Ukrainian Avant-Garde of the 1910s and 1920s,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at The Ukrainian Museum, New York, NY, from on or about February 7, 2015, until on or about September 13, 2015, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** For further information, including lists of the exhibit objects, contact Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6467). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: January 14, 2015.

**Kelly Keiderling,**

*Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.*

[FR Doc. 2015–00899 Filed 1–20–15; 8:45 am]

BILLING CODE 4710–05–P

## DEPARTMENT OF STATE

**[Public Notice 9008]**

### In the Matter of the Designation of 'Abdallah al-Ashqar Also Known as Abdallah al-Ashqar; Also Known as Abdullah al-Ashqar; Also Known as 'Abdallah al-'Ashqar; Also Known as Abdullah Jihad al-Ashqar; Also Known as 'Abdallah Jihad Musa al-Ashqar; Also Known as Abdullah Jihad al Ashqar; Also Known as Abu al Muhtasib al Maqdisi; Also Known as Muhandes al-Tawhid; Also Known as Muhandis al-Tawhid; Also Known as Abu al Muhtasib; Also Known as Abu-al-Muhtasib al-Maqdisi; Also Known as Abu-Hajir; Also Known as Abdallah Ashkar as a Specially Designated Global Terrorist Pursuant to Section 1(b) of Executive Order 13224, as Amended

Acting under the authority of and in accordance with section 1(b) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, and Executive Order 13284 of January 23, 2003, I hereby determine that the individual known as 'Abdallah al-Ashqar, also known as Abdallah al-Ashqar, also known as Abdullah al-Ashqar, also known as 'Abdallah al-'Ashqar, also known as Abdullah Jihad al-Ashqar, also known as 'Abdallah Jihad Musa al-Ashqar, also known as Abdullah Jihad al Ashqar, also known as Abu al Muhtasib al Maqdisi, also known as Muhandes al-Tawhid, also known as Muhandis al-Tawhid, also known as Abu al Muhtasib, also known as Abu-al-Muhtasib al-Maqdisi, also known as Abu-Hajir, also known as Abdallah Ashkar, committed, or poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of Executive Order 13224 that ''prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously,'' I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register.**

Dated: *January 8, 2015.*

**John F. Kerry,**

*Secretary of State.*

[FR Doc. 2015–00908 Filed 1–20–15; 8:45 am]

**BILLING CODE 4710–AD–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

### Buy America Waiver Notification

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice.

**SUMMARY:** This notice provides information regarding the FHWA's finding that a Buy America waiver is appropriate for the use of non-domestic Mobile Harbor Crane with 100 tons minimum capacity for the Virginia Ports Authority.

**DATES:** The effective date of the waiver is January 22, 2015.

**FOR FURTHER INFORMATION CONTACT:** For questions about this notice, please contact Mr. Gerald Yakowenko, FHWA Office of Program Administration, (202) 366–1562, or via email at *gerald.yakowenko@dot.gov.* For legal questions, please contact Mr. Jomar Maldonado, FHWA Office of the Chief Counsel, (202) 366–1373, or via email at *Jomar.Maldonado@dot.gov.* Office hours for the FHWA are from 8:00 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

#### Electronic Access

An electronic copy of this document may be downloaded from the Federal Register's home page at: *http://www.archives.gov* and the Government Printing Office's database at: *http://www.access.gpo.gov/nara.*

#### Background

The FHWA's Buy America policy in 23 CFR 635.410 requires a domestic manufacturing process for any steel or iron products (including protective coatings) that are permanently incorporated in a Federal-aid construction project. The regulation also provides for a waiver of the Buy America requirements when the application would be inconsistent with the public interest or when satisfactory quality domestic steel and iron products are not sufficiently available. This notice provides information regarding the FHWA's finding that a Buy America waiver is appropriate in procurement of non-domestic Mobile Harbor Crane, 100 tons minimum capacity for the Virginia Ports Authority.

In accordance with Division A, section 122 of the ''Consolidated and Further Continuing Appropriations Act, 2012'' (Pub. L. 112–55), the FHWA published a notice of intent to issue a waiver on its Web site for non-domestic Mobile Harbor Crane with 100 tons minimum capacity (*http://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=100*) on October 8th. The FHWA received no comments in response to the publication. During the 15-day comment period, the FHWA conducted additional nationwide review to locate potential domestic manufacturers of Mobile Harbor Crane with 100 tons minimum capacity. Based on all the information available to the agency, the FHWA concludes that there are no domestic manufacturers of the Mobile Harbor Crane with 100 tons minimum capacity

In accordance with the provisions of section 117 of the SAFETEA–LU Technical Corrections Act of 2008 (Pub. L. 110–244, 122 Stat. 1572), the FHWA is providing this notice as its finding that a waiver of Buy America requirements is appropriate. The FHWA invites public comment on this finding for an additional 15 days following the effective date of the finding. Comments may be submitted to the FHWA's Web site via the link provided to the Virginia waiver page noted above.

**(Authority:** 23 U.S.C. 313; Pub. L. 110–161, 23 CFR 635.410)

Dated: January 9, 2015.

**Gregory G. Nadeau,**

*Acting Administrator, Federal Highway Administration.*

[FR Doc. 2015–00850 Filed 1–20–15; 8:45 am]

**BILLING CODE 4910–22–P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

**[Docket No. DOT–MARAD 2015—0006]**

### Agency Requests for Renewal of a Previously Approved Information Collection(s): Effective U.S. Control (EUSC)/Parent Company

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Maritime Administration (MARAD) invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The purpose of the collection is to aid in identifying oceangoing vessels that may be both useful and available to the Department of Defense for deploying U.S. military equipment (such as tanks and other tracked and wheeled vehicles) and the full range of supplies (including petroleum products and fuel) necessary to sustain a force in a foreign theater of operations. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995, Public Law 104–13.

**DATES:** Written comments should be submitted by March 23, 2015.

**ADDRESSES:** You may submit comments [identified by Docket No. DOT–MARAD–2015–0006] through one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Russ Krause, 202–366–1031, Division of Sealift Operations and Emergency Response, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC, 20590.

**SUPPLEMENTARY INFORMATION:** *OMB Control Number:* 2133–0511.

*Title:* Effective U.S. Control/Parent Company.

*Form Numbers:* N/A.

*Type of Review:* Renewal of an information collection.

*Background:* The Effective U.S. Control (EUSC)/Parent Company collection consists of an inventory of foreign-registered vessels owned by U.S. citizens. Specially, the collection consists of responses from vessel owners verifying or correcting vessel ownership data and characteristics found in commercial publications. The information obtained could be vital in a national or international emergency and is essential to the logistical support planning operations conducted by Maritime Administration officials.

*Respondents:* U.S. citizens who own foreign-registered vessels.

*Number of Respondents:* 60.

*Frequency:* Annually.

*Number of Responses:* 60.

*Total Annual Burden:* 30 Hours.

*Public Comments Invited:* You are asked to comment on any aspect of this information collection, including (a) whether the proposed collection of information is necessary for the Department's performance; (b) the accuracy of the estimated burden; (c)

ways for the Department to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

**Authority:** The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1:93.

Dated: January 13, 2015.

**Julie P. Agarwal,**

*Secretary, Maritime Administration.*

[FR Doc. 2015–00909 Filed 1–20–15; 8:45 am]

**BILLING CODE 4910–81–P**

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## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

**[Docket No. DOT–MARAD–2015–0005]**

### Agency Requests for Renewal of a Previously Approved Information Collection(s): Regulations for Making Excess or Surplus Federal Property Available to the U.S. Merchant Marine Academy, State Maritime Academies and Non-Profit Maritime Training Facilities

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Maritime Administration (MARAD) invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995, Public Law 104–13.

**DATES:** Written comments should be submitted by March 23, 2015.

**ADDRESSES:** You may submit comments [identified by Docket No. DOT–MARAD–2015–0005] through one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Deveeda Midgette, (202) 366–2354, Office of Sealift Support, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 2133–0504.

*Title:* Regulations for Making Excess or Surplus Federal Property Available to the U.S. Merchant Marine Academy, State Maritime Academies and Non-Profit Maritime Training Facilities.

*Form Numbers:* None.

*Type of Review:* Renewal of an information collection.

*Background:* The Maritime Administration requires approved maritime training institutions seeking excess or surplus government property to provide a statement of need/justification prior to acquiring the property. This information is needed by MARAD to determine compliance with applicable statutory requirements regarding surplus government property.

*Respondents:* Maritime training institutions such as the U.S. Merchant Marine Academy, State Maritime Academies and non-profit maritime institutions.

*Number of Respondents:* 10.

*Frequency:* Occasionally.

*Number of Responses:* 40.

*Total Annual Burden:* 40.

*Public Comments Invited:* You are asked to comment on any aspect of this information collection, including (a) whether the proposed collection of information is necessary for the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

**Authority:** The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1:93.

Dated: January 13, 2015.

**Julie P. Agarwal,**

*Secretary, Maritime Administration.*

[FR Doc. 2015–00912 Filed 1–20–15; 8:45 am]

**BILLING CODE 4910–81–P**

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## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

**[Docket No. MARAD–2015 0003]**

### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel ExIT; Invitation for Public Comments

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Notice.

**SUMMARY:** As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before February 20, 2015.

**ADDRESSES:** Comments should refer to docket number MARAD–2015–0003. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov*. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov*.

**FOR FURTHER INFORMATION CONTACT:** Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email: *Linda.Williams@dot.gov*.

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel ExIT is:

*Intended Commercial Use of Vessel:* ''This is a trawler type powerboat that I would like to charter one or two times per week. Typical charters would be coastal cruises, sunset cruises and harbor cruises. Charters will not include dive, fishing or overnight charters.''

*Geographic Region:* ''California''

The complete application is given in DOT docket MARAD–2015–0003 at *http://www.regulations.gov*. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a

waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

**Privacy Act**

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By order of the Maritime Administrator.

Dated: January 5, 2015.

**Julie P. Agarwal,**

*Secretary, Maritime Administration.*

[FR Doc. 2015–00901 Filed 1–20–15; 8:45 am]

BILLING CODE 4910–81–P

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

**[Docket No. MARAD–2015–0001]**

### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel TRIUMPH; Invitation for Public Comments

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Notice.

**SUMMARY:** As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before February 20, 2015.

**ADDRESSES:** Comments should refer to docket number MARAD–2015–0001. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

**FOR FURTHER INFORMATION CONTACT:** Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel TRIUMPH is:

*Intended Commercial Use of Vessel:* ''Crewed pleasure charters''

*Geographic Region:* ''Massachusetts, Florida, Georgia, South Carolina, North Carolina, Virginia, Maryland, Delaware, New Jersey, New York, New Hampshire, Maine.''

The complete application is given in DOT docket MARAD–2015–0001 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

**Privacy Act**

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: January 5, 2015.

**Julie P. Agarwal,**

*Secretary, Maritime Administration.*

[FR Doc. 2015–00902 Filed 1–20–15; 8:45 am]

BILLING CODE 4910–81–P

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

**[Docket No. MARAD–2015 0004]**

### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel CDA1; Invitation for Public Comments

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Notice.

**SUMMARY:** As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before February 20, 2015.

**ADDRESSES:** Comments should refer to docket number MARAD–2015–0004. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

**FOR FURTHER INFORMATION CONTACT:** Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel CDA1 is:

*Intended Commercial Use of Vessel:* ''Intent is to run near coastal charters for

SCUBA diving and fishing. Most trips will be within 35 miles of safe harbor.''

*Geographic Region:* ''North Carolina.''

The complete application is given in DOT docket MARAD–2015–0004 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

**Privacy Act**

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: January 5, 2015.

**Julie P. Agarwal,**

*Secretary, Maritime Administration.*

[FR Doc. 2015–00898 Filed 1–20–15; 8:45 am]

**BILLING CODE 4910–81–P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

**[Docket No. MARAD–2015–0002]**

### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel JOSIAHS REACH; Invitation for Public Comments

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Notice.

**SUMMARY:** As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before February 20, 2015.

**ADDRESSES:** Comments should refer to docket number MARAD–2015–0002. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

**FOR FURTHER INFORMATION CONTACT:** Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel JOSIAHS REACH is:

*Intended Commercial Use of Vessel:* Nautical tourism on the Puerto Rico Island. The service we want to develop is a Sailing Charter with crew (Catamaran Leopard 43) for day trips as well as overnight.

*Geographic Region:* ''Puerto Rico.''

The complete application is given in DOT docket MARAD–2015–0002 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

**Privacy Act**

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: January 5, 2015.

**Julie P. Agarwal,**

*Secretary, Maritime Administration.*

[FR Doc. 2015–00897 Filed 1–20–15; 8:45 am]

**BILLING CODE 4910–81–P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

**[U.S. DOT Docket No. NHTSA–2014–0126]**

### Reports, Forms, and Record Keeping Requirements

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Request for public comment on proposed collection of information.

**SUMMARY:** Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatements of previously approved collections.

This document describes one collection of information for which NHTSA intends to seek OMB approval.

**DATES:** Comments must be received on or before March 23, 2015.

**ADDRESSES:** You may submit comments identified by DOT Docket ID Number NHTSA–[docket number] using any of the following methods:

*Electronic submissions:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

*Mail:* Docket Management Facility, M–30, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.

*Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9

a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Fax:* 1–202–493–2251.

*Instructions:* Each submission must include the Agency name and the Docket number for this Notice. Note that all comments received will be posted without change to *http://www.regulations.gov* including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:** Dr. Amanda M. Kelley, Contracting Officer's Representative, Office of Behavioral Safety Research (NTI–132), National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., W46–495, Washington, DC 20590. Dr. Kelley's phone number is 202–366–7394 and her email address is *Amanda.Kelley@dot.gov.*

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulations (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

(i) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) how to enhance the quality, utility, and clarity of the information to be collected; and

(iv) how to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks public comment on the following proposed collection of information:

*Title:* Evaluation of Correct Child Restraint System Installations.

*Type of Request:* New information collection requirement.

*OMB Clearance Number:* None.

*Form Number:* NHTSA Forms 1265, 1266, 1267.

*Requested Expiration Date of Approval:* 3 years from date of approval.

*Summary of the Collection of Information*—The National Highway Traffic Safety Administration (NHTSA) proposes to conduct individual data collection session with 150 participants. Each session will require participants to complete a set of questionnaires including: A risk appraisal assessment tool specific to motor vehicle crash and injury risks; a measure of invincibility beliefs; and a demographics questionnaire. Then each participant will be instructed to install a CRS (rear-facing, forward facing, high-back booster, no-back booster) for each of the four child-size dummies (16-month-old, 3-year-old, 6-year-old, and 8-year-old) into one of the four vehicle types (SUV, compact SUV, mini-van, sedan) provided. By providing the participant with the age, height, and weight of the child, and asking the participant to select the appropriate CRS to install, NHTSA will immediately address whether the parent has selected the best restraint type for each child's age and physical dimensions. No verbal instructions on how to use the CRS features or vehicle features will be provided. Participants will be instructed to complete each installation by securing a child-size doll in the CRS. Participants will complete a total of 4 installations.

The order of installations for a given participant will be randomized with respect to CRS type, vehicle type, and child's age/weight/height in order to preclude any effects of sequence and control for any learning or fatigue that might take place. In addition, the CRS within each CRS type (easier, more challenging) and the vehicle type will vary across participants.

After each installation, various types of objective and subjective measures will be collected. Together, these measures will describe how the participant used the CRS system, what problems were encountered, errors identified, how acceptable the system was to the user, and the degree of confidence each participant exhibited with correctly installing the CRS to the vehicle and securing the child in the CRS. Participants will convey this information by responding to a series of ratings and open-ended questions regarding the ease of installation and challenges related to usability of the CRS system, the CRS manual, and the vehicle features and vehicle manual.

Each CRS installation will be video-taped using electronic equipment. Any and all personally identifiable information will be separated from data collected. Also, all identifying information collected during initial scheduling will be separated from collected information, kept on a secure server in password protected files, and discarded when no longer needed. Access to this information will be limited. All information collected during the sessions will be summarized using generic categories and summary statistics.

*Description of the Need for the Information and Proposed Use of the Information*—The National Highway Traffic Safety Administration (NHTSA) was established by the Highway Safety Act of 1970 (23 U.S.C. 101) to carry out a Congressional mandate to reduce the mounting number of deaths, injuries, and economic losses resulting from motor vehicle crashes on the Nation's highways. As part of this statutory mandate, NHTSA is authorized to conduct research as a foundation for the development of motor vehicle standards and traffic safety programs.

Motor vehicle crashes are a leading cause of death to children in the United States. In 2012 a total of 952 children younger than 13 years died in motor vehicle traffic crashes, and two-thirds of these fatalities occurred among children riding in passenger vehicles. The National Highway Traffic Safety Administration (NHTSA), recommends that all children ages 12 and under be properly buckled in an age- and size-appropriate car seat, booster seat, or seat belt in the rear seat. Currently, there are four types of child restraint systems designed for children: Infant, convertible, combination, and belt-positioning booster seats. Each system is designed to protect a child within a given height and weight category in the event of a crash. Child safety seat (CSS) use reduces the risk for death to infants (aged <1 year) by 71%; and to toddlers (aged 1–4 years) by 54% in passenger vehicles. Booster seat use reduces the risk for serious injury by 45% for children aged 4–8 years when compared with seat belt use alone. Infant, convertible, and combination seats are secured to the vehicle seat using the vehicle's seat belt system or the vehicle's LATCH system, and the child is secured to the seat using the CRS's harness system. Conversely, combination and booster seats provide a transition from the child safety seat with its internal harness to the vehicle lap/shoulder belt by repositioning the child so that the vehicle's seat belt system holds both the child and the booster in place.

While child restraint use has increased over the years, many children are still fatally injured as a result of motor vehicles crashes. One possible explanation for this occurrence could be the large number of child passengers

who are either riding unrestrained in vehicles, improperly placed in a CRS, or prematurely graduated to an adult vehicle seat belt system. A NHTSA survey, the National Child Restraint Use Special Study, conducted in 2011, observed and interviewed a nationally representative sample of drivers with child passengers (NHTSA, 2012). The most prevalent installation errors identified in this survey were: Incorrect harness routing slot used, improper harness clip position, loose CRS installation, loose harness straps, and improper lap belt placement. Other potential installation errors may include: Improper routing of the vehicle's seat belt system or lower LATCH straps, and twisting of the seat belt or LATCH. While these errors can be classified as improper installation and/or securement errors, researchers have also identified errors related to caregivers selecting the correct CRS for the children's ages, heights, and weights.

Evaluating the causes of the various selection and installation errors can be challenging. That is, one or more factors may contribute to any one type of installation error. There are numerous CRS makes and models marketed to the consumer, each with its own installation procedures/manual. In addition, vehicle manufacturers design vehicle restraint systems and vehicle seats that are incompatible with various CRSs. New vehicles are continually introduced to the fleet, and CRSs continue to evolve each year. Finally, there is a never-ending flow of new parents/caregivers who need to be educated on child passenger safety. Despite their inexperience, new parents may overestimate their own accuracy in selecting and securely installing a CRS to the vehicle and securing the child in the CRS.

While it might be hard to control for some factors, such as the continuing flow of new parents, and the number and variety of vehicles and CRSs, others might be more easily examined. For example, among the large variety of CRS designs, CRS and vehicle labeling, vehicle seating attachments, and manual designs and instructions, there may be ways to better convey information to the caregivers. In addition, specific features or designs that minimize installation errors could improve the ease of use for CRS for the parent or caregiver. In an effort to reduce the number of errors, NHTSA is undertaking a study to gain some insight into the causes of errors related to selecting and installing CRSs. To accomplish this, NHTSA will evaluate installation performance and caregiver confidence in both experienced and novice CRS users and determine which factors contribute to both installation and securement errors and to determine what factors related to the CRS, vehicle, and user confidence contribute to errors. Identifying these causal factors that contribute to errors related to selecting and installing CRSs, as well as those factors that contribute to accurately selecting and properly installing CRSs for both novice and experienced users, will be the first step in increasing the safety of child passengers in moving vehicles. In addition, overall findings can be made available to CRS manufacturers and vehicle manufacturers related to improvements to specific CRS and vehicle design features that may foster a better fit in the vehicles and securement for children.

*Description of the Likely Respondents (Including Estimated Number, and Proposed Frequency of Response to the Collection of Information)*—Under this proposed effort, a total of 150 individuals evenly distributed among experienced and novice CRS users. ''Experienced'' users will be defined as individuals who regularly care for a child under the age of 4 years, transport the child in a vehicle at least twice a week, and also have installed any CRS a minimum of five times in the past 6 months. ''Novice'' users are defined as individuals who do not regularly transport children and have not installed a CRS in the past 6 months.

NHTSA estimates that each session will last 120 minutes. Each participant will complete four installations, resulting in 600 total installations distributed across vehicle type, CRS type, and child's age, weight, and height. Each CRS installation will be video recorded. Prior to installing the CRS's, participants will complete a set of questionnaires including a risk appraisal assessment tool specific to motor vehicle crash and injury risks, an invincibility beliefs index, and demographics.

Throughout the project, the privacy of all participants will be protected. Personally-identifiable information (names, telephone numbers, email addresses, etc.) will be kept separate from the data collected, and will be stored in restricted folders on secure password protected servers that are only accessible to study staff who have need to access such information. In addition, all data collected from participants will be reported in aggregate, and participant names will not be used in any reports resulting from this project. Rigorous de-identification procedures will be used during summary and feedback stages to ensure no officers will be identified through reconstructive means.

*Estimate of the Total Annual Reporting and Record Keeping Burden Resulting from the Collection of Information*—NHTSA estimates that the total time for each respondent to participate in the data collection effort will likely not be more than 2 hours. Staff estimates that the travel time for participants will not be more than 30 minutes one-way. Therefore, a maximum of 3 hours of burden will be placed on any one participant. The duration of the study for each participant will be 3 hours, or a total of 450 hours for the 150 participants. The participants will not incur any reporting cost from the information collection. The participants also will not incur any record keeping burden or record keeping cost from the information collection.

**Authority:** 44 U.S.C. Section 3506(c)(2)(A)

Dated: January 15, 2015.

**Jeff Michael,**

*Associate Administrator, Research and Program Development.*

[FR Doc. 2015–00810 Filed 1–20–15; 8:45 am]

**BILLING CODE 4910–59–P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

**[U.S. DOT Docket No. NHTSA–2014–0127]**

### Reports, Forms, and Record Keeping Requirements

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Request for public comment on proposed collection of information.

**SUMMARY:** Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatements of previously approved collections.

This document describes the collection of information for which NHTSA intends to seek OMB approval.

**DATES:** Comments must be received on or before March 23, 2015.

**ADDRESSES:** You may submit comments identified by DOT Docket ID Number NHTSA–2014–0127 using any of the following methods:

*Electronic submissions:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

*Mail:* Docket Management Facility, M–30, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.

*Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. Fax: 1–(202) 493–2251.

*Instructions:* Each submission must include the Agency name and the Docket number for this Notice. Note that all comments received will be posted without change to *http://www.regulations.gov* including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:** Dr. J. Stephen Higgins, Contracting Officer's Technical Representative, Office of Behavioral Safety Research (NTI–132), National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., W46–474, Washington, DC 20590. Dr. Higgins' phone number is (202) 366–3976 and his email address is *james.higgins@dot.gov.*

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulations (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following: (i) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (ii) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) How to enhance the quality, utility, and clarity of the information to be collected; and (iv) How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. In compliance with these requirements, NHTSA asks public comment on the following proposed collection of information:

**Characterizing Ambulance Driver Training in EMS Systems**

*Type of Request*—New information collection requirement.

*OMB Clearance Number*—None.

*Form Number*—NHTSA 1186.

*Requested Expiration Date of Approval*—3 years from date of approval.

*Summary of the Collection of Information*—In order to characterize ambulance driver training across the United States, the National Highway Traffic Safety Administration (NHTSA) proposes to collect information from EMS agencies providing ambulance services and State offices responsible for overseeing training, licensing, and regulation of EMS agencies and their drivers. NHTSA is interested in learning about what types of driver training are required, when the training is required (new drivers, continuing education, etc.), how driving incidents (crashes, moving violations, etc.) impact driving privileges, initial qualification standards (age, number of years with license, driving record, etc.), and other related topics. Participation in the study will be voluntary and will only include State level agency representatives and representatives from EMS agencies that offer ambulance services. Data collection will be in the form of semi-structured interviews in-person or over the phone of contacts at State offices and an Internet-based survey of EMS agencies providing ambulance services. EMS agencies will be contacted via email, mail, or phone with a link to the Internet survey. State offices will be contacted via email or phone to participate in the semi-structured interviews.

*Description of the Need for the Information and Proposed Use of the Information*— NHTSA has the responsibility for making driving safer by ensuring that drivers commit the fewest errors possible and by attempting to render the residual errors that are committed benign. Not all drivers, however, face the same level of risk on the road or the same task demands. Emergency vehicle operators must deal with critical time demands, large vehicles, and numerous potential and unavoidable distractions inherent in the response to emergencies.

Operator training is one method that human factors professionals have used in virtually all domains to reduce human error and thereby increase the safety of operations. Although emergency vehicle training for ambulance drivers has been repeatedly identified as an important step in the safety system, the current situation with respect to ambulance driver training in the United States is not well characterized. This project will document the types of driver training offered, when this training is required, how driving incidents impact driving privileges, initial qualification standards, and other related topics discovered throughout the course of the study. The results of this project will assist NHTSA in determining the current state of ambulance driver training which will help the Agency determine if additional research and development on the topic are warranted.

*Description of the Likely Respondents (Including Estimated Number, and Proposed Frequency of Response to the Collection of Information)*—The participant groups being sought include representatives from up to 21,283 EMS agencies across the United States and representatives from State offices for the 50 States and Washington DC Participants from EMS agencies will be recruited via email to respond to an Internet-based survey. The survey will be completed a single time by one representative from the solicited agencies. Approximately 153 semi-structured interviews (up to 3 per State and Washington DC since multiple offices may be responsible for various aspects of ambulance driver training and regulation) will be conducted via telephone with personnel from State offices. The total sample size has the potential to be 21,436 participants.

*Estimate of the Total Annual Reporting and Record Keeping Burden Resulting from the Collection of Information*—The 153 conversations with State personnel will average approximately 60 minutes in length including introduction, demographics, ambulance driver training/licensing requirements, training course description and content review, and conclusion. The estimated completion time for the Internet-based survey of EMS agency representatives is 30 minutes per agency. The total estimated annual burden if all solicited participants respond is 10,794.50 hours. Participants will incur no costs and no record keeping burden from the information collection.

**Authority:** 44 U.S.C. Section 3506(c)(2)(A).

Dated: January 14, 2015.

**Jeff Michael,**

*Associate Administrator, Research and Program Development.*

[FR Doc. 2015–00807 Filed 1–20–15; 8:45 am]

BILLING CODE 4910–59–P

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

### Notice of Application for Modification of Special Permit

**AGENCY:** Office of Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** List of application for modification of special permits.

**SUMMARY:** In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Requests for modification of special permits (*e.g.* to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) are described in footnotes to the application number. Application numbers with the suffix ''M'' denote a modification request. These applications have been separated from the new application for special permits to facilitate processing.

**DATES:** Comments must be received on or before February 5, 2015.

*Address Comments To:* Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

**FOR FURTHER INFORMATION CONTACT:** Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington DC or at *http://regulations.gov.*

This notice of receipt of applications for modification of special permit is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on January 8, 2015.

**Donald Burger,**

*Chief, General Approvals and Permits.*

MODIFICATION SPECIAL PERMITS

| Application No. | Docket No. | Applicant | Regulation(s) affected | Nature of special permit thereof |
|---|---|---|---|---|
| 7945–M | | Pacific Scientific Company, Simi Valley, CA. | 49 CFR 173.304(a)(1); 175.3. | To modify the special permit to exempt sufficient outage when cylinders are full. |
| 10427–M | | Astrotech Space Operations, Inc., Titusville, FL. | 49 CFR 173.61(a), 173.301(g), 173.302(a), 173.336, and 177.848(d). | To modify the special permit to authorize additional launch vehicles and increase the amount of Anhydrous ammonia to 120 pounds. |
| 11253–M | | DPC Industries, Inc., Houston, TX. | 49 CFR 172.101, Special Provision B14; 173.315, Notes 4, 24. | To modify the special permit to add an additional cargo tank. |
| 12084–M | | Honeywell International, Inc., Morristown, NJ. | 49 CFR 180.209 | To modify the special permit to authorize an additional hazardous material. |
| 12116–M | | Proserv UK Ltd., East Tullos, Aberdeen. | 49 CFR 178.36 | To modify the special permit to authorize use of a stronger and more corrosion resistant material to be used to manufacture certain parts of the cylinders. |
| 12748–M | | Lockheed Martin Space Systems Company, Santa Cruz, CA. | 49 CFR 178.601(a) | To modify the special permit to authorize additional hazardous materials. |
| 12929–M | | Western International Gas & Cylinders, Inc. (Western), Bellville, TX. | 49 CFR 173.301(j)(1) | To modify the special permit to change the refill requirements. |
| 14301–M | | Gascon (Pty) Ltd., Elsied River, South Africa. | 49 CFR 178.274(b), 178.276(b)(1). | To modify the special permit to authorize manufacture of UN portable tanks in accordance with ASME Section VIII Division 2, latest edition. |
| 14625–M | | Sun & Skin Care Research, Inc.. Cocoa, FL | 49 CFR 173.306(a)(3)(v) | To modify the special permit to include the use of DOT–2P aluminum cans. |
| 14779–M | | Corrosion Companies Inc., Washougal, WA. | 49 CFR 107.503(b) and (c), 173.241, 173.242, 173.243 and 173.345. | To modify the special permit to increase the tank capacity to 8500 gallons. |
| 15071–M | | Orbital Sciences Corporation, Dulles, VA. | 49 CFR 173.62(c) | To modify the special permit to authorize cargo aircraft only. |
| 15716–M | | Department of Energy, Washington, DC. | 49 CFR 173.310 | To modify the special permit to authorize an additional material. |
| 15744–M | | Praxair Distribution, Inc., Danbury, CT. | 49 CFR 180.205; 180.209 | To modify the special permit to exempt the notation ''DOT–SP'' 15744 on shipping papers. |
| 15773–M | | Roche Molecular Systems, Inc., Branchburg, NJ. | 49 CFR 173.242(e)(1) | To modify the special permit to authorize bulk packaging. |
| 15848–M | | Ambri, Inc., Cambridge, MA. | 49 CFR 173.222(c)(1) | To modify the special permit to authorize cargo vessel. |

Billing Code: 4909–60

[FR Doc. 2015–00705 Filed 1–20–15; 8:45 am]

BILLING CODE M

## DEPARTMENT OF THE TREASURY

### Alcohol and Tobacco Tax and Trade Bureau

**[Docket No. TTB–2015–0001]**

### Proposed Information Collections; Comment Request (No. 50)

**AGENCY:** Alcohol and Tobacco Tax and Trade Bureau (TTB); Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of our continuing effort to reduce paperwork and respondent burden, and as required by the Paperwork Reduction Act of 1995, we invite comments on the proposed or continuing information collections listed below in this notice.

**DATES:** We must receive your written comments on or before March 23, 2015.

**ADDRESSES:** As described below, you may send comments on the information collections listed in this document using the ''Regulations.gov'' online comment form for this document, or you may send written comments via U.S. mail or hand delivery. TTB no longer accepts public comments via email or fax.

- *http://www.regulations.gov:* Use the comment form for this document posted within Docket No. TTB–2015–0001 on ''Regulations.gov,'' the Federal e-rulemaking portal, to submit comments via the Internet;
- *U.S. Mail:* Michael Hoover, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005.
- *Hand Delivery/Courier in Lieu of Mail:* Michael Hoover, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Suite 200–E, Washington, DC 20005.

Please submit separate comments for each specific information collection listed in this document. You must reference the information collection's title, form or recordkeeping requirement number, and OMB number (if any) in your comment.

You may view copies of this document, the information collections listed in it and any associated instructions, and all comments received in response to this document within Docket No. TTB–2015–0001 at *http://www.regulations.gov.* A link to that docket is posted on the TTB Web site at *http://www.ttb.gov/forms/comment-on-form.shtml.* You may also obtain paper copies of this document, the information collections described in it and any associated instructions, and any comments received in response to this document by contacting Michael Hoover at the addresses or telephone number shown below.

**FOR FURTHER INFORMATION CONTACT:** Michael Hoover, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005; telephone 202–453–1039, ext. 135; or email *informationcollections@ttb.gov* (please *do not* submit comments on this notice to this email address).

**SUPPLEMENTARY INFORMATION:**

#### Request for Comments

The Department of the Treasury and its Alcohol and Tobacco Tax and Trade Bureau (TTB), as part of their continuing effort to reduce paperwork and respondent burden, invite the general public and other Federal agencies to comment on the proposed or continuing information collections listed below in this notice, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Comments submitted in response to this notice will be included or summarized in our request for Office of Management and Budget (OMB) approval of the relevant information collection. All comments are part of the public record and subject to disclosure. Please do not include any confidential or inappropriate material in your comments.

We invite comments on: (a) Whether this information collection is necessary for the proper performance of the agency's functions, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the information collection's burden; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the information collection's burden on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide the requested information.

#### Information Collections Open for Comment

Currently, we are seeking comments on the following forms, recordkeeping requirements, or questionnaires:

*OMB Control Number:* 1513–0007.

*TTB Form Numbers:* TTB F 5130.9 and TTB F 5130.26.

*Abstract:* The Internal Revenue Code (IRC) requires brewers to file periodic reports of their brewing and associated operations. Brewers that anticipate an annual tax liability of $50,000 or more with respect to beer must use TTB F 5130.9 to file monthly operational reports. Brewers that reasonably expect to be liable for not more than $50,000 in taxes with respect to beer in the preceding calendar year and during the current calendar year may use either TTB F 5130.9 or the simplified TTB F 5130.26 to file quarterly operational reports. TTB uses these reports to determine whether the brewer's operations are in compliance with the requirements of Federal law and regulations. We also use this information to assist us in determining whether the brewer pays the proper Federal excise taxes in a timely and accurate manner.

*Current Actions:* We are submitting this information collection as a revision of this collection as last approved by OMB for six months in October 2014. We are removing from this information collection older versions of TTB F 5130.9 and TTB F 5130.26 used by brewers to report operational activities that occurred prior to 2015, and we are retaining the revised versions of TTB F 5130.9 and TTB F 5130.26 that brewers will use to report operational activities occurring on and after January 1, 2015. In addition, we are revising the number of respondents and the total annual burden hours to reflect an increase in the number of respondents.

*Type of Review:* Revision of a currently approved collection.

*Affected Public:* Businesses or other for-profits.

*Estimated Number of Respondents:* 3,200.

*Estimated Total Annual Burden Hours:* 12,636.

*Title:* Application and Permit To Ship Liquors and Articles of Puerto Rican Manufacture Taxpaid to the United States.

*OMB Number:* 1513–0008.

*TTB Form Number:* TTB F 5170.7.

*Abstract:* Industry members use TTB F 5170.7 to document the shipment of taxpaid Puerto Rican distilled spirits and other alcohol products to the United States. Puerto Rican and U.S. Treasury Department officials review the form to certify that the products are either taxpaid or tax deferred under appropriate bond. This serves as a method of protecting the revenue.

*Current Actions:* TTB is submitting this information collection for extension purposes only. The information collection, estimated number of

respondents, and the estimated total annual burden hours remain unchanged.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Businesses or other for-profits.

*Estimated Number of Respondents:* 20.

*Estimated Total Annual Burden Hours:* 100.

*Title:* Withdrawal of Spirits, Specially Denatured Spirits, or Wines for Exportation.

*OMB Number:* 1513–0037.

*TTB Form Number:* TTB F 5100.11.

*Abstract:* Exporters complete TTB F 5100.11 to report the withdrawal of spirits, denatured spirits, and wines from internal revenue bonded premises, without payment of tax, for direct exportation, for transfer to a foreign trade zone, Customs manufacturer's bonded warehouse or Customs bonded warehouse, or for use as supplies on vessels or aircraft.

*Current Actions:* TTB is submitting this information collection as a revision. The data collected on the form remains unchanged. However, we are clarifying the form's instructions for Item 1. Also, we are updating the number of respondents and the total annual burden hours to reflect a decrease in the number of respondents and a decrease in the time that it takes to complete the form.

*Type of Review:* Revision of a currently approved collection.

*Affected Public:* Businesses or other for-profits.

*Estimated Number of Respondents:* 150.

*Estimated Total Annual Burden Hours:* 1,500.

*Title:* Application for Operating Permit Under 26 U.S.C. 5171(d).

*OMB Number:* 1513–0040.

*TTB Form Number:* TTB F 5110.25.

*Abstract:* Applicants that wish to engage in the production, warehousing, or bottling of alcohol for industrial use, or that wish to warehouse bulk distilled spirits for non-industrial use without bottling, use TTB F 5110.25 to apply for an operating permit, as required by the Internal Revenue Code at 26 U.S.C. 5171(d). TTB National Revenue Center personnel use the information provided on this form to identify the applicant, the location of the business, the types of activities to be conducted, and the qualifications of the applicant.

*Current Actions:* TTB is submitting this collection as a revision. The form remains unchanged. However, we are updating the number of respondents and the total annual burden hours to reflect an increase in the number of respondents.

*Type of Review:* Revision of a currently approved collection.

*Affected Public:* Businesses or other for-profits.

*Estimated Number of Respondents:* 100.

*Estimated Total Annual Burden Hours:* 25.

*Title:* Drawback on Distilled Spirits Exported.

*OMB Number:* 1513–0042.

*TTB Form Numbers:* TTB F 5110.30.

*Abstract:* Persons who export distilled spirits use TTB F 5110.30 to claim a drawback of the Federal alcohol excise taxes already paid in the United States. The form describes the claimant, the tax-paid spirits export, the amount of tax to be refunded, and a certification by the U.S. Government agent attesting to exportation.

*Current Actions:* TTB is submitting this collection as a revision. The form remains unchanged. However, we are updating the number of respondents and the total annual burden hours to reflect a decrease in the number of responses.

*Type of Review:* Revision of a currently approved collection.

*Affected Public:* Businesses or other for-profits.

*Estimated Number of Respondents:* 50.

*Estimated Total Annual Burden Hours:* 1,200.

*Title:* Application and Permit To Ship Puerto Rican Spirits to the United States Without Payment of Tax.

*OMB Number:* 1513–0043.

*TTB Form Numbers:* TTB F 5110.31.

*Abstract:* TTB F 5110.31 is used by industry members to ship Puerto Rican distilled spirits in bulk into the United States without payment of tax. The form identifies the person in Puerto Rico shipping the spirits, from where shipments are to be made, the person in the U.S. receiving the spirits, and the amount of spirits to be shipped.

*Current Actions:* TTB is submitting this information collection for extension purposes only. The information collection, estimated number of respondents, and the estimated total annual burden hours remain unchanged.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Businesses or other for-profits.

*Estimated Number of Respondents:* 20.

*Estimated Total Annual Burden Hours:* 750.

**Angela Jeffries,**

*Acting Director, Regulations and Rulings Division.*

[FR Doc. 2015–00857 Filed 1–20–15; 8:45 am]

BILLING CODE 4810–31–P

## DEPARTMENT OF VETERANS AFFAIRS

**[OMB Control No. 2900–NEW]**

## Agency Information Collection; Supporting Statement for VA Preparedness Communications Survey

**AGENCY:** Veterans Health Administration, Department of Veterans Affairs.

**ACTION:** Under OMB Review.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

**DATES:** Written comments and recommendations on the proposed collection of information should be received on or before February 20, 2015.

**ADDRESSES:** Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900—(Supporting Statement for VA Preparedness Communications Survey)'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

**FOR FURTHER INFORMATION CONTACT:** Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900––(Supporting Statement for VA Preparedness Communications Survey)'' in any correspondence.

**SUPPLEMENTARY INFORMATION:**

*Titles:* VA Preparedness Communications Survey.

*OMB Control Number:* 2900–NEW.

*Type of Review:* New Collection Request.

*Abstract:* This collection is being conducted by the Veterans Emergency Management Evaluation Center at the request of the Department of Veterans Affairs (VA), Veterans Health Administration (VHA), Office of Emergency Management (OEM) to support current and future operations. VA does not currently have a natural disaster preparedness plan to communicate with patients and ensure their continuity of care. The proposed study will support VA/VHA Office of Emergency Management operations by assessing how best to communicate news of medical facility closures to patients during and after a natural disaster. The proposed survey will support this effort by providing VA stakeholders with high-quality information to inform the development of a disaster preparedness communication plan to reach Veterans with different communication needs.

*Affected Public:* Individuals or households.

*Estimated Total Annual Burden:* 86,033.

*Estimated Average Burden per Respondent:* 10 minutes.

*Frequency of Response:* Yearly.

*Estimated Number of Respondents:* 2,272.

Dated: January 15, 2015.

By direction of the Secretary.

**Crystal Rennie,**

*VA Clearance Officer, U.S. Department of Veterans Affairs.*

[FR Doc. 2015–00881 Filed 1–20–15; 8:45 am]

**BILLING CODE 8320–01–P**

## DEPARTMENT OF VETERANS AFFAIRS

### Secretary of Veterans Affairs Advisory Committee Chairs Summit; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2 that the Secretary of Veterans Affairs will host a Secretary of Veterans Affairs Advisory Committee Chairs Summit on March 13, 2015, at the Department of Veterans Affairs Central Office, 810 Vermont Avenue NW., Washington, DC. The Summit will be held in the Sonny Montgomery Conference Room 230 and will convene at 11:00 a.m. and adjourn at 12:30 p.m. The meeting is open to the public. Anyone attending must show a valid photo ID to building security and be escorted to the meeting. Please allow 15 minutes before the meeting begins for this process.

The purpose of the Summit is to enhance the trusting relationship between the Secretary and VA's Advisory Committee Chairs, which is built on collaboration, I-Care, and the Secretary's vision of MyVA.

The group will feature remarks from the Secretary and discussion with him and the Committee Chairs. Attendees will include VA's Chief of Staff and other senior leadership as well as the Designated Federal Officer of each Committee. The discussion will focus on strategic advisory committee complexities, such as producing reasonable and actionable recommendations.

Although there will be no time for public comment at the meeting, interested individuals may submit a 1–2 page statement through March 27, 2015, to Jeffrey Moragne, Director, Advisory Committee Management Office (00AC), 810 Vermont Avenue NW., Washington, DC 20420, or by email at *VA.Advisory.Cmte@va.gov.* Any member of the public seeking additional information should contact Mr. Moragne at (202) 266–4660.

Dated: January 15, 2015.

**Rebecca Schiller,**

*Federal Advisory Committee Management Officer.*

[FR Doc. 2015–00887 Filed 1–20–15; 8:45 am]

**BILLING CODE 8320–01–P**

# FEDERAL REGISTER

Vol. 80 Wednesday,

No. 13 January 21, 2015


Part II

## Environmental Protection Agency

40 CFR Part 60

Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units; Proposed Rules

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 60**

**[EPA–HQ–OAR–2003–0119; FRL–9919–27–OAR]**

**RIN 2060–AR11**

## Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** On February 7, 2013, the Environmental Protection Agency (EPA) promulgated its final response to petitions for reconsideration of the final new source performance standards (NSPS) and emission guidelines (EG) for commercial and industrial solid waste incineration (CISWI) units that were promulgated on March 21, 2011. Following promulgation of the February 2013 final action, the Administrator received petitions for reconsideration that identified issues that petitioners maintain require additional reconsideration and/or warrant further opportunity for public comment. In this action, the EPA is granting reconsideration on four provisions of the February 2013 final NSPS and EG for CISWI units. In addition, the EPA identified regulatory provisions that require clarification and editorial correction to address inconsistencies and errors in the final rules. The proposed amendments provide additional clarity and improve the implementation of the February 2013 final CISWI standards, but do not have any environmental, energy or economic impacts associated with the proposed action.

**DATES:** *Comments.* Comments must be received on or before March 9, 2015, or 30 days after date of public hearing, if later.

*Public Hearing.* If anyone contacts us requesting to speak at a public hearing by January 26, 2015, a public hearing will be held on February 5, 2015. If you are interested in attending the public hearing, contact Ms. Virginia Hunt at (919) 541–0832 to verify that a hearing will be held.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2003–0119, by one of the following methods:

- *www.regulations.gov*: Follow the on-line instructions for submitting comments.
- *Email: a-and-r-docket@epa.gov.*
- *Fax:* (202) 566–1741.
- *Mail:* EPA Docket Center (EPA/DC), Mailcode: 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460. The EPA requests a separate copy also be sent to the contact person identified below (see **FOR FURTHER INFORMATION CONTACT**).
- *Hand Delivery:* EPA Docket Center, Room 3334, EPA WJC West Building, 1301 Constitution Avenue NW., Washington, DC. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID No. EPA–HQ–OAR–2003–0119. The EPA's policy is that all comments received will be included in the public docket without change and may be made available on-line at *www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *www.regulations.gov*, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption and be free of any defects or viruses.

*Public Hearing:* If anyone contacts the EPA requesting a public hearing by January 26, 2015, the public hearing will be held on February 5, 2015 at the EPA's campus at 109 T.W. Alexander Drive, Research Triangle Park, North Carolina. The hearing will begin at 1:00 p.m. (Eastern Standard Time) and conclude at 5:00 p.m. (Eastern Standard Time). Please contact Ms. Virginia Hunt at 919–541–0832 or at *hunt.virginia@epa.gov* to register to speak at the hearing or to inquire as to whether or not a hearing will be held. The last day to pre-register to speak at the hearing will be February 2, 2015. Additionally, requests to speak will be taken the day of the hearing at the hearing registration desk, although preferences on speaking times may not be able to be fulfilled. If you require the service of a translator or special accommodations such as audio description, please let us know at the time of registration. If you require an accommodation we ask that you pre-register for the hearing, as we may not be able to arrange such accommodations without advance notice. The hearing will provide interested parties the opportunity to present data, views or arguments concerning the proposed action. The EPA will make every effort to accommodate all speakers who arrive and register. Because these hearing are being held at U.S. government facilities, individuals planning to attend the hearing should be prepared to show valid picture identification to the security staff in order to gain access to the meeting room. Please note that the REAL ID Act, passed by Congress in 2005, established new requirements for entering federal facilities. If your driver's license is issued by Alaska, American Samoa, Arizona, Kentucky, Louisiana, Maine, Massachusetts, Minnesota, Montana, New York, Oklahoma or the state of Washington, you must present an additional form of identification to enter the federal building. Acceptable alternative forms of identification include: Federal employee badges, passports, enhanced driver's licenses and military identification cards. In addition, you will need to obtain a property pass for any personal belongings you bring with you. Upon leaving the building, you will be required to return this property pass to the security desk. No large signs will be allowed in the building, cameras may only be used outside of the building and demonstrations will not be allowed on federal property for security reasons. The EPA may ask clarifying questions during the oral presentations, but will not respond to the presentations at that time. Written statements and supporting information submitted during the comment period will be considered with the same weight as oral comments and supporting information presented at the public hearing. Again a hearing will not be held unless requested.

*Docket:* All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information

whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the EPA Docket Center (EPA/DC), WJC West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Air Docket is (202) 566–1742.

**FOR FURTHER INFORMATION CONTACT:** For further information, contact Ms. Toni Jones, Fuels and Incineration Group, Sector Policies and Programs Division (E143–05), Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–0316; fax number: (919) 541–3470; email address: *jones.toni@epa.gov.*

**SUPPLEMENTARY INFORMATION:** *Acronyms and Abbreviations.* The following acronyms and abbreviations are used in this document.

Btu British Thermal Unit
CAA Clean Air Act
CBI Confidential Business Information
Cd Cadmium
CEMS Continuous Emissions Monitoring Systems
CFR Code of Federal Regulations
CISWI Commercial and Industrial Solid Waste Incineration
CO Carbon Monoxide
$CO_2$ Carbon Dioxide
dscm Dry Standard Cubic Meter
EG Emission Guidelines
EJ Environmental Justice
EPA U.S. Environmental Protection Agency
ERU Energy Recovery Unit
ESP Electrostatic Precipitator
FVF Fuel Variability Factor
HCl Hydrogen Chloride
Hg Mercury
ICR Information Collection Request
MACT Maximum Achievable Control Technology
mg/dscm Milligrams per Dry Standard Cubic Meter
mmBtu/hr Million British Thermal Units per Hour
NAICS North American Industrial Classification System
NESHAP National Emission Standards for Hazardous Air Pollutants
ng/dscm Nanograms per Dry Standard Cubic Meter
NHSM Non-Hazardous Secondary Material(s)
$NO_X$ Nitrogen Oxides
NSPS New Source Performance Standards
NTTAA National Technology Transfer and Advancement Act
OAQPS Office of Air Quality Planning and Standards
OMB Office of Management and Budget
Pb Lead
PM Particulate Matter
ppm Parts Per Million
ppmv Parts Per Million by Volume
ppmvd Parts Per Million by Dry Volume
PS Performance Specification
RCRA Resource Conservation and Recovery Act
RIN Regulatory Information Number
SBA Small Business Administration
$SO_2$ Sulfur Dioxide
SSM Startup, Shutdown, and Malfunction
The Court United States Court of Appeals for the District of Columbia Circuit
TTN Technology Transfer Network
ug/dscm Micrograms per Dry Standard Cubic Meter
UMRA Unfunded Mandates Reform Act
U.S.C. United States Code
VCS Voluntary Consensus Standards
WWW World Wide Web

## Does this action apply to me?

Categories and entities potentially affected by the proposed action are those that operate CISWI units. The NSPS and EG, hereinafter referred to as ''standards,'' for CISWI affect the following categories of sources:

| Category | NAICS [a] Code | Examples of potentially regulated entities |
|---|---|---|
| Any industrial or commercial facility using a solid waste incinerator. | 211, 212, 486 | Mining, oil and gas exploration operations; pipeline operators. |
| | 221 | Utility providers. |
| | 321, 322, 337 | Manufacturers of wood products; manufacturers of pulp, paper and paperboard; manufacturers of furniture and related products. |
| | 325, 326 | Manufacturers of chemicals and allied products; manufacturers of plastics and rubber products. |
| | 327 | Manufacturers of cement; nonmetallic mineral product manufacturing. |
| | 333, 336 | Manufacturers of machinery; manufacturers of transportation equipment. |
| | 423, 44, | Merchant wholesalers, durable goods; retail trade. |

[a] North American Industrial Classification System

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by the proposed action. To determine whether your facility would be affected by the proposed action, you should examine the applicability criteria in 40 CFR 60.2010 of subpart CCCC, 40 CFR 60.2505 of subpart DDDD and 40 CFR 241. If you have any questions regarding the applicability of the proposed action to a particular entity, contact the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

## What should I consider as I prepare my comments to the EPA?

*Submitting CBI.* Do not submit information that you consider to be CBI electronically through *http://www.regulations.gov*, or email. For comments on the CISWI reconsideration and proposal, send or deliver information identified as CBI to only the following address: Mr. Roberto Morales, c/o OAQPS Document Control Officer (Room C404–02), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attn: Docket ID No. EPA–HQ–OAR–2003–0119.

Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to the EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. If you submit a disk or CD–ROM that does not contain CBI, mark the outside of the disk or CD–ROM clearly that it does not contain CBI. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

**How do I obtain a copy of this document and other related information?**

The docket number for the proposed action regarding the CISWI NSPS (40 CFR part 60, subpart CCCC) and EG (40 CFR part 60, subpart DDDD) is Docket ID No. EPA–HQ–OAR–2003–0119.

*World Wide Web*

In addition to being available in the docket, an electronic copy of the proposed action is available on the World Wide Web (WWW) through the Technology Transfer Network (TTN) Web. Following signature, the EPA posted a copy of the proposed action at *http://www.epa.gov/ttn/atw/129/ciwi/ciwipg.html.* The TTN provides information and technology exchange in various areas of air pollution control.

*Organization of this Document.* The following outline is provided to aid in locating information in this preamble.

I. General Information
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1. 2000 CISWI New Source Applicability Clarification for Incinerators and Air Curtain Incinerators
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H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use
I. National Technology Transfer and Advancement Act
J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

## I. General Information

### *A. Background Information*

On March 21, 2011, the EPA promulgated revised NSPS and EG for CISWI units (*i.e.,* solid waste incineration units located at commercial or industrial facilities). Following that action, the Administrator received petitions for reconsideration that identified certain issues that warranted further opportunity for public comment. In response to the petitions, the EPA reconsidered and requested comment on several provisions of the February 2011 final NSPS and EG for commercial and industrial solid waste incineration units. The EPA published the proposed revisions to the NSPS and EG for commercial and industrial solid waste units on December 23, 2011 (76 FR 80452).

On February 7, 2013, the EPA promulgated the final reconsidered NSPS and EG for CISWI units (78 FR 9112). The final rule made some revisions to the December 2011 proposed reconsideration rule in response to comments and additional information received. Following that action, the EPA again received petitions for reconsideration. These petitions stated certain provisions should be reconsidered and that the public lacked sufficient opportunity to comment on some of the provisions contained in the final 2013 CISWI rule. In this action, the EPA is reconsidering and requesting comment on four provisions of the 2013 final NSPS and EG for CISWI units. Additionally, the EPA is proposing clarifying changes and corrections to the final rule, some of which are raised in petitions for reconsideration of the 2013 CISWI rule. The EPA is also proposing to amend the final rule by removing the affirmative defense provision. The EPA continues to evaluate the remaining issues raised in the petitions for reconsideration. For a more detailed background and additional information on how this rule is related to other CAA combustion rules issued under section 112 and the Resource Conservation and Recovery Act (RCRA) definition of solid waste, refer to prior notices (76 FR 15704, 78 FR 9112).

### *B. Actions We Are Taking*

In this notice, we are granting reconsideration of, and requesting comment on, certain issues raised by Petitioners in their petitions for reconsideration on the 2013 CISWI rule. These provisions are: (1) Definition of ''CEMS data during startup and shutdown periods;'' (2) particulate matter (PM) limit for the waste-burning kiln subcategory; (3) fuel variability factor (FVF) for coal-burning energy recovery units; and (4) the definition of kiln. Additionally, the EPA proposes to clarify certain applicability provisions relating to incinerator units and air curtain incinerator units subject to the 2000 CISWI NSPS and to correct various typographical errors identified in the rule as published in the *Code of Federal Regulations (CFR).* The EPA is also proposing to amend the final rule by removing the affirmative defense provision. Sections D and F of this preamble summarize these issues and present the proposed revisions necessary to address each issue.

We are seeking public comment only on the issues specifically identified in this action. We will not respond to any comments addressing other aspects of the 2013 CISWI final rule or any other rulemakings.

### *C. Discussion of Issues for Reconsideration*

This section of the preamble contains the EPA's basis for reconsidering the provisions we identify in this proposed rule. We solicit comment on the four issues discussed in this section and the proposed technical corrections and clarifications discussed in Section D of this preamble.

#### 1. Definition of ''CEMS Data During Startup and Shutdown Periods''

Today's proposal requests comments on the definition of ''CEMS data during startup and shutdown'' contained in the February 2013 final rule. As background, the 2011 CISWI final rule contained continuous emissions monitoring system (CEMS) monitoring requirements for carbon monoxide (CO) from new sources, including a provision that mandated a 7 percent oxygen correction. After the 2011 CISWI final rule was published, petitioners indicated that correcting CO concentration measurements to 7 percent oxygen is problematic during startup and shutdown periods when the flue gas oxygen content approaches the oxygen content of ambient air, especially with regard to the energy recovery unit (ERU) subcategory. Oxygen contents relatively close to ambient air are often maintained during combustion unit startup and shutdown in order to safely operate the unit, but, as a result, the corrected CO values during these periods are artificially inflated due to the oxygen correction calculation. Petitioners presented data that demonstrated how these inflated data points drive the 30-day rolling average values beyond the emission limit.

To resolve this issue, the EPA determined that the 7 percent oxygen correction would not be required for CEMS data collected during periods of startup and shutdown. Based on data submitted for coal-burning ERUs, a new definition of ''CEMS data during startup and shutdown'' was proposed in the December 2011 reconsideration proposal that referred to the data collected during the first 4 hours of operation of an energy recovery unit starting up from a cold start and the hour of operation following the cessation of waste material being fed to the unit during shutdown.

The EPA received comments on the proposed definition expressing concern that the time limits included in the definition may not accurately represent all CISWI unit types. Further, commenters argued that the same logic should apply for all CEMS-measured emission limits, not just CO. They explained that, even though CEMS is a compliance alternative rather than a requirement for most CISWI standards, other air regulations and permit requirements may require the units to continue to monitor emissions using CEMS data. Therefore, in the February 2013 CISWI final rule, the definition was revised to include all pollutants measured with a CEMS, expanded to include a separate definition for waste-burning kilns, and the 4-hour and 1-hour time limits in the definition were removed. The EPA defined the end of the startup period and the beginning of the shutdown period as the introduction and cessation of waste fed to the unit, respectively. Information available for the best performing units demonstrates their typical operation and supports the idea that startup and shutdown periods be defined by the introduction and cessation of waste being fed to the units. Furthermore, for the incinerator, small remote incinerator, and the ERU subcategories, the startup period was limited to 48 hours and the shutdown period limited to 24 hours.

After the February 2013 CISWI final rule was promulgated, the EPA received petitions stating that stakeholders did not have the opportunity to comment on the final definition, especially the clause that defines the beginning and ending of these periods as the introduction and cessation, respectively, of waste material being fed to the combustor. Petitioners argued that, with the inclusion of the provision ending startup when waste is added to the unit, the end of startup will occur too early because units that combust waste often introduce waste before steady state operations to transition from startup fuel to waste and other primary fuel combustion. For this reason, the petitioners argued that the EPA should extend the startup period duration to include the period of time when sources are transitioning to waste combustion from the startup fuel. We are taking comment on whether the definition should be revised to extend the startup period to include this transitional period of combustor operation. In addition, the EPA requests that commenters suggest provisions that would ensure adequate application of the CEMS data during startup and shutdown definition, such as maximum allowable time limits after introduction of waste, if the agency were to allow solid waste combustion during startup.

2. PM Limit for the Waste-burning Kiln Subcategory

The February 2013 CISWI final rule included PM limits for new and existing waste-burning kilns in the NSPS and EG, respectively. Petitioners have requested reconsideration of these emission limits, stating that they did not have the opportunity to review and comment on the data used to calculate the 2013 emission limits.

As background, the March 2011 CISWI final rule promulgated PM emissions limits of 6.2 milligrams per dry standard cubic meter (mg/dscm) for existing units, and 2.5 mg/dscm for new units, both corrected to 7 percent oxygen. In an action parallel to the March 21, 2011, final CISWI rule, the EPA promulgated a final rule that identifies the standards and procedures for identifying whether non-hazardous secondary materials (NHSM) are or are not solid waste when used as fuels or ingredients in combustion units. The EPA defines the NHSM that are solid waste under RCRA in the final ''Identification of Non-Hazardous Secondary Materials That Are Solid Waste'' rulemaking. The RCRA definition of solid waste is integral in defining the CISWI source category. Commercial and industrial units that combust solid waste are subject to standards issued pursuant to CAA section 129, rather than to standards issued pursuant to CAA section 112 that would otherwise be applicable to such units (*e.g.,* boilers, process heaters and cement kilns). Cement kilns combusting solid waste are waste-burning kilns subject to CISWI, not the otherwise applicable national emission standards for hazardous air pollutants (NESHAP). Following promulgation of the 2011 CISWI rule, the EPA again analyzed the materials being combusted in the entire national inventory of Portland cement kilns in light of the revisions to the NHSM rule, and made revisions to the CISWI waste-burning kiln inventory. When kilns were added to the inventory and their emissions data considered, the resulting NSPS and EG PM emission limits proposed in the December 2011 reconsideration were less stringent than those established in the March 2011 CISWI final rule.

Following the December 2011 reconsideration proposal, the EPA learned that one of the kilns in the CISWI inventory was no longer burning waste, and another kiln that was not thought to be burning waste materials was doing so. The CISWI waste-burning kiln inventory was revised during the period between proposal and final to reflect these changes, and the database updated to include emissions data for the new unit, as well as some additional test reports obtained for units within the inventory. The EPA calculated the MACT floors after making the appropriate revisions to the inventory and the new NSPS and EG PM emission limits were more stringent than those proposed in the December 2011 reconsideration proposal. Table 1, below, tracks the progression of the waste-burning kiln PM limits from the March 2011 final rule through the February 2013 final rule.

Throughout the CISWI rulemaking process from March 2011 through February 2013, the EPA used the same calculation methodology (*i.e.,* the upper prediction limit calculated from a population of individual test runs) to establish the emission limits for waste-burning kilns. However, the data set used in these calculations has changed and grown over this period of time as the agency has revised the CISWI inventory based on information submitted to the agency by the regulated community. As a result, a petitioner has suggested that the current PM emission data set for waste-burning kilns is robust enough to warrant using 3-run emission test averages as the data population rather than the individual test runs. According to the commenter, using this approach to calculate emission limits would result in PM emission limits that are different than those of the February 2013 CISWI final rule. The calculated PM emission limits using the test averages are also presented in Table 1 for comparison.

In the context of MACT analyses, emission test averages or individual test run data can be used to determine emissions variability of best performers. We typically use individual test runs, but for categories with data from 15 or more sources, which would provide at least 45 test runs, we may choose to use test averages. In these larger datasets, the use of test averages or test runs is

expected to make very little difference in the calculated level of the standard. In today's proposal, the EPA is soliciting comment on the data set used in the February 2013 final rule, as well as whether this data set now warrants a different calculation approach due to its size or other factors. See the memoranda titled ''Potential Emission Limits Calculation Analyses for Waste-burning Kilns and Coal ERUs,'' ''Approach for Applying the Upper Prediction Limit to Limited Datasets,'' and ''Use of the Upper Prediction Limit for Calculating MACT Floors'' in the CISWI docket for more details.

TABLE 1—WASTE-BURNING KILN PM EMISSION LIMITS FROM MARCH 2011 FINAL RULE THROUGH PETITIONER'S CURRENT SUGGESTION

| Source type (units) | March 2011 Final Rule | December 2011 Proposed Rule | February 2013 Final Rule | Test average-based calculated limits |
|---|---|---|---|---|
| New Sources (mg/dscm) [a] | 2.5 | 8.9 | 2.2 | 4.9 |
| Existing Sources (mg/dscm) [a] | 6.2 | 9.2 | 4.6 | 13.5 |

[a] corrected to 7 percent oxygen ($O_2$).

3. FVF for Coal-burning Energy Recovery Units

In the preamble to the 2013 final CISWI rule, we explained the methodology used to establish the final emission limits, which relied almost exclusively on direct emissions measurements. A petitioner expressed concern that the derivation of the CISWI limits for the coal-fired ERU subcategory should take into account the variable constituent levels in coal and urged the EPA to incorporate fuel variability into the emission limit calculations for coal-fired ERUs as was done in the Boiler MACT for coal-fired boilers.

The petitioner contended that the EPA's emissions dataset for coal ERUs is very limited for the fuel-dependent pollutants hydrogen chloride (HCl), lead (Pb), cadmium (Cd), mercury (Hg), and sulfur dioxide ($SO_2$), and that emission standards based on stack test and CEMS data alone are too stringent to be met reliably because of the inherent variability of the coal. Specifically, they noted that emission standards were based solely on one stack test for Cd, Pb and HCl, two stack tests for Hg and 7 days of CEMS data for $SO_2$, emphasizing the short-term nature of these data. They argued that coal has variable levels of each of these contaminants, referencing historical fuel data previously submitted to the agency during the public comment period.

Further, the petitioner expressed their concern that EPA based its decision in the 2013 final rule on inaccurate assumptions about the three Eastman boilers in the coal-fired ERU subcategory. This concern stemmed from an error in the EPA's response to Eastman's previous comments regarding the proposal, which mistakenly stated that for some pollutants, the best performers were not Eastman units. While this statement was true at the time of proposal, two significant changes were made regarding the coal-burning ERU subcategory in finalizing the 2013 final rule: (1) The EPA determined it would be appropriate to subcategorize solid fuel ERUs into coal-burning and biomass-burning for HCl and Hg as well as the other pollutants; and (2) the only other facility having emissions data for a coal-burning ERU confirmed that the secondary materials combusted in their unit met the legitimacy criteria for a fuel, and therefore the unit was removed from the CISWI inventory. With these changes implemented, the top performer for every pollutant became one of the three Eastman units.

For the 2013 final rule, the EPA's rationale for rejecting comments calling for the incorporation of a FVF in the emission limit calculations for coal-burning ERUs was based on the following points: (1) The subcategorization of biomass-burning and coal-burning ERUs for all nine pollutants ensures that the limits account for differences in units designed to burn coal or biomass; (2) the EPA has fuel variability data for only one facility within the coal-fired ERU subcategory, so the resulting FVF may not be reflective of the materials being combusted by other sources within the subcategory; and, (3) the EPA's analyses indicated that variability was adequately accounted for because the best performing sources in the coal-fired ERU (ERU solids (coal)) subcategory are able to meet the final emission limits. The petitioner objected to the EPA's assertion that the best performers met all of the final emission limits, emphasizing that units may not be able to consistently meet the standards. While they acknowledged that limits set for Cd, Pb and Hg may already account for contaminant variability (because Pb and Hg are controlled by electrostatic precipitators (ESPs) and Cd is rarely detected in their coal supplies), they argue that emissions of $SO_2$ and HCl from the best performers are not controlled and are entirely dependent on sulfur and chlorine content of the fuel. This same petitioner also contended that the data the EPA used to establish the final rule nitrogen oxide ($NO_X$) emission limit for the best-performing unit in the coal-fired ERU subcategory does not reflect this unit's actual performance accurately, since it reflects only periods of waste combustion in the analysis. The petitioner noted that this unit, as well as the other coal-fired ERUs at this facility, operate for extended periods of time in a non-waste burning mode. As a remedy, the petitioner suggested that the EPA use data from both waste-burning and non-waste burning periods for the best-performing unit to establish maximum achievable control technology (MACT) floor emission limits, stating that these will more accurately reflect actual operating conditions for this unit. The petitioner subsequently provided the EPA additional longer-term $NO_X$ CEMS data for the best-performing unit (reflecting coal-only and waste combustion periods of operation) which could be used to provide a larger data set on which to base the $NO_X$ emission limit calculations.

We are, therefore, requesting comments and supporting data regarding the need to establish a FVF for the ERU solids (coal) subcategory, including stack test data from coal-only periods of operation in our emission limit calculations, and whether the EPA should re-evaluate the $NO_X$ emission limit by using the additional CEMS data provided for the best performing unit. Table 2 presents a comparison of the 2013 final rule emission limits for existing coal ERUs and what the emission limit calculation results are when all data available (*i.e.,* waste and coal-only modes of operation), FVF calculation techniques and the

additional CEMS data provided by the petitioner are used in conjunction to calculate the emission limits. See the memorandum, ''Potential Emission Limits Calculation Analyses for Waste-burning Kilns and Coal ERUs,'' in the CISWI docket for more details.

TABLE 2—EXISTING COAL ERU EMISSION LIMITS FROM FEBRUARY 2013 FINAL RULE AND BASED ON FVF PLUS ADDITIONAL CEMS DATA

| Pollutant (units) | February 2013 final rule emission limit [a] | Potential emission limit using additional data and FVF [a] |
|---|---|---|
| Cadmium (Cd) (mg/dscm) | 0.0095 | 0.0017 [b] |
| Hydrogen Chloride (HCl) (ppmv) | 13 | 58 [c] |
| Mercury (Hg) (mg/dscm) | 0.016 | 0.013 [b] |
| Lead (Pb) (mg/dscm) | 0.14 | 0.057 [c] |
| Particulate Matter (PM filterable) (mg/dscm) | 160 | 130 [b] |
| Nitrogen Oxides (NOx) (ppmv) | 340 | 460 [b] |

[a] All emission limits are expressed as concentrations corrected to 7 percent $O_2$.
[b] Unable to calculate FVF, potential emission limit reflects use of additional data for coal-only mode of operation.
[c] Based on maximum ratio in dataset to calculate FVF. If average ratios were used instead, HCl potential emission limit would be 19 (parts per million by volume) ppmv and Pb would be 0.047 mg/dscm.

4. Definition of Kiln

In today's rule, the EPA is also revising the definition of ''kiln'' and adding definitions of ''in-line raw mill'' and ''in-line coal mill'' to further clarify the boundaries of the waste-burning kiln and to remain consistent with similar revisions made in the Portland Cement NESHAP. Since the in-line raw mill and in-line coal mill are part of the kiln, the kiln emission limits also apply to the exhaust of the in-line raw mill and in-line coal mill. For more background on this issue, the EPA discussed at length in the preamble to the proposed Portland Cement NESHAP a potential regulatory regime to cover situations where a portion of the kiln exhaust is ducted to the coal mill. See 77 FR 42383–85; see also the regulatory text at 77 FR 42398, 42402–06, 42408–09.

For waste-burning kilns, we have adopted language in the definition of ''kiln'' to make it consistent with that of the Portland Cement NESHAP. The terms ''in-line raw mill'' and ''in-line coal mill'' are included in this definition, and, therefore, are also being added to the definitions within the CISWI rule.

In addition to the definitional amendments, we are also proposing a compliance demonstration and on-going monitoring method for waste-burning kilns that combine emission streams from the in-line raw mill and in-line coal mill and exhaust through multiple stacks. This approach allows sources to measure pollutant concentrations and flows from each of the stacks (*i.e.,* kiln, alkali bypass, and in-line coal mill, as applicable) and calculate a flow-weighted average kiln stack concentration that must be met in order to be in compliance with the CISWI waste-burning kiln emission limits. These provisions are modeled upon similar provisions and equations found in the Portland Cement NESHAP, and should streamline compliance demonstrations for waste-burning kilns that combine streams prior to discharge to the atmosphere through one or more stacks. These proposed calculation method and measurement location options are found in 40 CFR 60.2145 and 40 CFR 60.2710. We request comments on these definitional and calculation method changes to demonstrating compliance for waste-burning kilns that combine streams prior to discharge to the atmosphere through one or more stacks.

*D. Technical Corrections and Clarifications*

In today's rule, we are also proposing some changes to the final rule to correct minor typographical errors and clarify some portions that may have been unclear. This section of the preamble summarizes these corrections and clarifications.

1. 2000 CISWI New Source Applicability Clarification for Incinerators and Air Curtain Incinerators

Following promulgation of the February 2013 CISWI final rule, the EPA received questions regarding the continued applicability of the 2000 CISWI NSPS for units that are subject to the 2000 CISWI NSPS as they are transitioned from the 2000 NSPS to the February 2013 EG with which they will eventually be required to comply. The 2000 CISWI NSPS are the same as the 2000 CISWI EG and limited in applicability to the incinerator subcategory and air curtain incinerators so only these types of CISWI units being regulated in the February 2013 CISWI final rules are affected by the applicability issue. The EPA intended, consistent with the statute and our stated intent (see 76 FR 15711, March 21, 2011), to continue to regulate these units as ''new'' sources under the 2000 NSPS, and then regulate them as ''existing'' sources under the more stringent EG once these units were covered under an approved state plan or federal plan that implements the February 2013 CISWI final EG. The language in the February 7, 2013 NSPS at 40 CFR 60.2105 and the title of Table 1 to 40 CFR part 60, subpart CCCC make the EPA's intent to do so evident. However, the applicability section in 40 CFR 60.2015 omitted the applicability provisions for incinerators and air curtain incinerators that are subject to the 2000 CISWI NSPS. In today's proposal, the EPA is proposing additional language in 40 CFR 60.2015(a) and 40 CFR 60.2105(b) that clarifies that these incinerators and air curtain incinerators remain ''new'' units regulated under the 2000 NSPS until such time that an approved state plan or federal plan implements the February 2013 EG for those unit, at which time such units will be subject to the 2013 EG to the extent those limits are more stringent than the 2000 CISWI NSPS limits.

2. Typographical Errors and Corrections

The following items are typographical errors in the final rule that we are proposing to correct in today's proposal:

- References in § 60.2020(e), § 60.2020(f), § 60.2555(e), and § 60.2555(f) were changed from ''. . . paragraphs (e)(1) through (3) . . .'' to ''. . . paragraphs (e)(1) through (4) . . .''.

• Restructured § 60.2060 to add paragraph (b) that clarifies waste management plan submittal timeline for CISWI units that commence reconstruction or modification after August 7, 2013.

• References in §§ 60.2020(i) and 60.2245 were revised to include § 60.2242 in addition to §§ 60.2245 through 60.2260 (*i.e.,* clarifies that air curtain incinerators burning wood waste, clean lumber, and/or yard waste must obtain title V permits).

• References in §§ 60.2555(i) and 60.2810 were revised to include § 60.2805 in addition to §§ 60.2810 through 60.2870(*i.e.,* clarifies that air curtain incinerators burning wood waste, clean lumber, and/or yard waste must obtain title V permits).

• References in § 60.2110(i)(2)(i)(D) and § 60.2675(i)(2)(i)(D) were changed from ''. . . paragraphs (i)(2)(i) through (iv) . . .'' to ''. . . paragraphs (i)(2)(i)(A) through (i)(2)(i)(C) . . .''.

• Two references in the definitions of terms for Equation 3 in § 60.2110(i)(2)(iv) were revised. For the 'z' term, ''(2)(a)'' was corrected to ''(2)(i)'', and for the 'R' term, ''Equation 3'' was corrected to ''Equation 2''.

• Two references in the definitions of terms for Equation 3 in § 60.2675(i)(2)(iv) were revised. For the 'z' term, ''(2)(a)'' was corrected to ''(2)(i)'', and for the 'R' term, ''Equation 3'' was corrected to ''Equation 2''.

• The language in § 60.2140(c) and § 60.2705(c) were revised to include the phrase ''commence or recommence combusting'' to be parallel to the same terminology in § 60.2140(b) and § 60.2705(b), respectively.

• Extra spaces were removed from §§ 60.2145(v) and 60.2710(v).

• The reference in § 60.2145(w)(1) was changed from ''§ 60.2675'' to ''§ 60.2140''.

• The references in § 60.2145(x)(1) were changed from ''. . . § 60.2145(l) and (x)(1)(i) through (iii) . . .'' to ''. . . paragraphs (l) and (x)(1)(i) through (x)(1)(iii) . . .''

• The references in § 60.2710(x)(1) were changed from ''. . . § 60.2710(l) and (x)(1)(i) through (iii) . . .'' to ''. . . paragraphs (l) and (x)(1)(i) through (x)(1)(iii) . . .''

• Language in § 60.2145(x)(1)(iii), § 60.2165(r)(1)(iii), § 60.2710(x)(1)(iii) and § 60.2730(r)(1)(iii) was revised to clarify the PM continuous parameter monitoring system (CPMS) detection limit. The phrase ''of no greater than'' was changed to ''increments no greater than''.

• Provisions for PM CPMS in both subparts were revised to also clarify the output signals from digital monitoring devices and remove ''lb/Mmbtu'' typographical errors.

• The reference in § 60.2165(q)(1) was changed from ''§ 60.2675'' to ''§ 60.2140''.

• Text in § 60.2165(q)(3) was corrected from ''. . . paragraph (q)(4) or this section . . .'' to ''. . . paragraph (q)(4) of this section . . .''.

• The title of 40 CFR part 60, subpart CCCC Table 1 was revised to clarify that these emission limits apply to incinerators that were subject to the 2000 CISWI rule provisions.

• The dates paragraphs (a)(1) and (2) of § 60.2535 from the 2000 CISWI rule were omitted in the current CFR version of the rule, and have been reinserted.

• Added text in § 60.2525(b) and § 60.2535(b) to clarify applicability for incinerators and air curtain incinerators that were reconstructed or modified on or after June 1, 2001, but no later than August 7, 2013.

• Revised the language of § 60.2550(b) to reflect the August 7, 2013 date for purposes of applicability with 40 CFR part 60, subpart CCCC.

• The text ''over 10 MMBtu/hr but less than 250 MMBtu/hr annual average heat input rates'' was added to § 60.2730(m) for clarification and consistency.

• The definition of chemical recovery unit in § 60.2265 was revised to be consistent with the definition provided in § 60.2875. The following text was added: ''A chemical recovery unit is not an incinerator, a waste-burning kiln, an energy recovery unit or a small, remote incinerator under this subpart.''

• Clarifying language was added to the HCl row of 40 CFR part 60, subpart DDDD Table 8. Compliance method text was changed from ''. . . if a wet scrubber is not used'' to ''. . . if a wet scrubber or dry scrubber is not used.''

• Text in § 60.2165(o) was corrected from ''. . . you must use a continuous automated sampling system. . .'' to ''. . . you may substitute use of a continuous automated sampling system for the carbon monoxide annual performance test.''

• Revise the definition of ''Oxygen trim system'' to include draft controller and to clarify that it is a system that maintains the desired excess air level over the operating load range.

• Revise the definition of ''Reconstruction'' in both subparts to reflect the correct criterion that reconstruction begins on or after August 7, 2013.

• Renumbered equations in 40 CFR part 60, subpart DDDD to be in sequence within the subpart instead of being a continuation with 40 CFR part 60, subpart CCCC.

• Revised paragraphs §§ 60.2030(c), 60.2210(h), 60.2220(d), 60.2235, 60.2770(h), 60.2780(d) and 60.2795 to reflect the most recent electronic reporting guidance available and to further clarify reporting requirements.

3. Clarifications

Since publication of the February 7, 2013 final CISWI rule, the EPA has received some stakeholder questions and requests for clarification on certain rule provisions. We are not proposing regulatory language changes for the following items, but are providing some clarification to these questions:

• Mass balance as operating limits for units without certain control devices—A stakeholder has asked for clarification on whether a mass balance could be used as an operating parameter, and whether this must be measured as a 30-day rolling average instead of taking a monthly sample. Furthermore, the stakeholder also asked whether the material balance allows them to waive annual stack testing. The EPA disagrees that mass balance operating parameters replace annual stack testing. Stack testing and operating parameters work in tandem to ensure ongoing compliance with the standards. We do, however, accept that mass balance could be an allowable operating parameter in cases where no control device is needed to meet the pollutant's specific emission limit applicable to the unit. We also point out that any source may request a different averaging time that is appropriate for their source and operating parameter as provided for in 40 CFR 60.2115.

• Clarification on who the ''EPA Administrator'' is and who to contact for requests for averaging times, qualifying facility notifications, etc. We have received questions on how to contact the Administrator to submit notifications, reports and requests. The contact information is given in the General Provisions, under 40 CFR 60.4, and has addresses listed by EPA Regional Offices.

*E. Environmental, Energy and Economic Impacts*

Today's action requests comment on some provisions and makes technical and clarifying corrections, but does not propose substantive changes to the February 7, 2013, final CISWI rule (78 FR 9112). As such, there are no environmental, energy or economic impacts associated with today's proposed action. The impacts associated with the CISWI rule were discussed in detail in the February 7, 2013, final CISWI rule document.

*F. Affirmative Defense for Violation of Emission Standards During Malfunction*

In several prior CAA section 112 and CAA section 129 rules, including this rule, the EPA included an affirmative defense to civil penalties for violations caused by malfunctions in an effort to create a system that incorporates some flexibility, recognizing that there is a tension, inherent in many types of air regulation, to ensure adequate compliance while simultaneously recognizing that despite the most diligent of efforts, emission standards may be violated under circumstances entirely beyond the control of the source. Although the EPA recognized that its case-by-case enforcement discretion provides sufficient flexibility in these circumstances, it included the affirmative defense to provide a more formalized approach and more regulatory clarity. *See Weyerhaeuser Co.* v. *Costle,* 590 F.2d 1011, 1057–58 (D.C. Cir. 1978) (holding that an informal case-by-case enforcement discretion approach is adequate); *but see Marathon Oil Co.* v. *EPA,* 564 F.2d 1253, 1272–73 (9th Cir. 1977) (requiring a more formalized approach to consideration of ''upsets beyond the control of the permit holder.''). Under the EPA's regulatory affirmative defense provisions, if a source could demonstrate in a judicial or administrative proceeding that it had met the requirements of the affirmative defense in the regulation, civil penalties would not be assessed. Recently, the United States Court of Appeals for the District of Columbia Circuit vacated an affirmative defense in one of the EPA's CAA section 112 regulations. *NRDC* v. *EPA,* 749 F.3d 1055 (D.C. Cir., 2014) (vacating affirmative defense provisions in CAA section 112 rule establishing emission standards for Portland cement kilns). The Court found that the EPA lacked authority to establish an affirmative defense for private civil suits and held that under the CAA, the authority to determine civil penalty amounts in such cases lies exclusively with the courts, not the EPA. Specifically, the Court found: ''As the language of the statute makes clear, the courts determine, on a case-by-case basis, whether civil penalties are 'appropriate.''' *See NRDC,* 2014 U.S. App. LEXIS 7281 at *21 (''[U]nder this statute, deciding whether penalties are 'appropriate' . . . is a job for the courts, not EPA.''). In light of *NRDC,* the EPA is proposing to remove the regulatory affirmative defense provision in the current rule.

In the event that a source fails to comply with the applicable CAA section 129 standards as a result of a malfunction event, the EPA would determine an appropriate response based on, among other things, the good faith efforts of the source to minimize emissions during malfunction periods, including preventative and corrective actions, as well as root cause analyses to ascertain and rectify excess emissions. The EPA would also consider whether the source's failure to comply with the CAA section 129 standard was, in fact, ''sudden, infrequent, not reasonably preventable'' and was not instead ''caused in part by poor maintenance or careless operation.'' 40 CFR 60.2 (definition of malfunction).

Further, to the extent the EPA files an enforcement action against a source for violation of an emission standard, the source can raise any and all defenses in that enforcement action and the federal district court will determine what, if any, relief is appropriate. The same is true for citizen enforcement actions. Cf. *NRDC* at 1064 (arguments that violations were caused by unavoidable technology failure can be made to the courts in future civil cases when the issue arises). Similarly, the presiding officer in an administrative proceeding can consider any defense raised and determine whether administrative penalties are appropriate.

**II Statutory and Executive Order Reviews**

*A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review*

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

*B. Paperwork Reduction Act*

This action does not impose an information collection burden under the PRA. This action is believed to result in no changes to the information collection requirements of the February 2013 final CISWI rule, so that the information collection estimate of project cost and hour burden from the final CISWI rule have not been revised. However, the Office of Managment and Budget (OMB) has previously approved the information collection activities contained in the existing regulations (40 CFR part 60, subparts CCCC and DDDD) under the provisions of the Paperwork Reduction Act (PRA), 44 U.S.C. 3501, *et seq.,* and EPA Information Collection Request (ICR) number 2384.05 for subpart CCCC, 40 CFR part 60 and EPA ICR number 2385.05 for subpart DDDD have been assigned. The OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9.

*C. Regulatory Flexibility Act*

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedures Act (APA) or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. (SISNOSE). Small entities include small businesses, small organizations and small governmental jurisdictions.

For purposes of assessing the impacts of this action on small entities, small entity is defined as: (1) A small business as defined by the Small Business Administration's regulations at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise that is independently owned and operated and is not dominant in its field.

After considering the economic impacts of this proposed rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule. This proposed rule will not impose any new requirements on any entities because it does not impose any additional regulatory requirements relative to those specified in the February 2013 final CISWI rule. The February 2013 final CISWI rule was certified as not having a significant economic impact on a substantial number of small entities. We have therefore concluded that this action will have no net regulatory burden for all directly regulated small entities.

*D. Unfunded Mandates Reform Act*

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This rule proposes amendments to the February 2013 final CISWI rule provisions, but they are mainly clarifications to existing rule

language to aid in implementation, or are being made to maintain consistency with other, more recent, regulatory actions. Therefore, the action imposes no enforceable duty on any state, local or tribal governments or the private sector. Therefore, this rule is not subject to the requirements of sections 202 or 205 of UMRA.

This action seeks comment on specific aspects of the final rule for CISWI units and proposes minor changes to the rule to correct and clarify implementation issues raised by stakeholders.

*E. Executive Order 13132: Federalism*

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states or on the distribution of power and responsibilities among the various levels of government.

*F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments*

This action does not have tribal implications, as specified in Executive Order 13175, (65 FR 67249; November 9, 2000). The EPA is not aware of any CISWI in Indian country or owned or operated by Indian tribal governments. The CISWI aspects of this rule may, however, invoke minor indirect tribal implications to the extent that entities generating solid wastes on tribal lands could be affected. Thus, Executive Order 13175 does not apply to this action.

The EPA specifically solicits additional comment on this proposed action from tribal officials.

*G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks*

The EPA interprets Executive Order 13045 as applying to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

*H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use*

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

*I. National Technology Transfer and Advancement Act*

This rulemaking does not involve technical standards.

*J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations*

The EPA believes the human health or environmental risk addressed by this action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous populations because it does not affect the level of protection provided to human health or the environment. The proposed corrections do not relax the control measures on sources regulated by the February 2013 final CISWI rule, and, therefore, will not cause emissions increases from these sources. The February 2013 final CISWI rule will reduce emissions of all the listed toxics emitted from this source, thereby helping to further ensure against any disproportionately high and adverse human health or environmental effects on minority or low-income populations.

**List of Subjects in 40 CFR Part 60**

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances.

Dated: December 1, 2014.

**Gina McCarthy,**

*Administrator.*

For the reasons stated in the preamble, the Environmental Protection Agency proposes to amend title 40, chapter I, of the Code of Federal Regulations as follows:

## PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

■ 1. The authority citation for part 60 continues to read as follows:

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

■ 2. Part 60 is amended by revising subpart CCCC to read as follows:

### Subpart CCCC—Standards of Performance for Commercial and Industrial Solid Waste Incineration Units

Sec.

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Table 3 to Subpart CCCC of Part 60—Toxic Equivalency Factors
Table 4 to Subpart CCCC of Part 60—Summary of Reporting Requirements
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Table 8 to Subpart CCCC of Part 60—Emission Limitations for Small, Remote Incinerators That Commenced Construction After June 4, 2010, Or That Commenced Reconstruction or Modification After August 7, 2013

## Subpart CCCC—Standards of Performance for Commercial and Industrial Solid Waste Incineration Units

### Introduction

#### § 60.2000 What does this subpart do?

This subpart establishes new source performance standards for commercial and industrial solid waste incineration (CISWI) units.

#### § 60.2005 When does this subpart become effective?

This subpart takes effect on August 7, 2013. Some of the requirements in this subpart apply to planning the CISWI unit (*i.e.,* the preconstruction requirements in §§ 60.2045 and 60.2050). Other requirements such as the emission limitations and operating limits apply after the CISWI unit begins operation.

### Applicability

#### § 60.2010 Does this subpart apply to my incineration unit?

Yes, if your incineration unit meets all the requirements specified in paragraphs (a) through (c) of this section.

(a) Your incineration unit is a new incineration unit as defined in § 60.2015.

(b) Your incineration unit is a CISWI unit as defined in § 60.2265.

(c) Your incineration unit is not exempt under § 60.2020.

#### § 60.2015 What is a new incineration unit?

(a) A new incineration unit is an incineration unit that meets any of the criteria specified in paragraph (a)(1) through (a)(3) of this section.

(1) A CISWI unit that commenced construction after June 4, 2010.

(2) A CISWI unit that commenced reconstruction or modification after August 7, 2013.

(3) Incinerators and air curtain incinerators, as defined in this subpart, that commenced construction after November 30, 1999, but no later than June 4, 2010, or that commenced reconstruction or modification on or after June 1, 2001, but no later than August 7, 2013, are considered new incineration units and remain subject to the applicable requirements of this subpart until the units become subject to the requirements of an approved state plan or federal plan that implements subpart DDDD of this part (Emission Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units).

(b) This subpart does not affect your CISWI unit if you make physical or operational changes to your incineration unit primarily to comply with subpart DDDD of this part (Emission Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units). Such changes do not qualify as reconstruction or modification under this subpart.

#### § 60.2020 What combustion units are exempt from this subpart?

This subpart exempts the types of units described in paragraphs (a), (c) through (i) and (n) of this section, but some units are required to provide notifications. Air curtain incinerators are exempt from the requirements in this subpart except for the provisions in §§ 60.2242, 60.2250, and 60.2260.

(a) *Pathological waste incineration units.* Incineration units burning 90 percent or more by weight (on a calendar quarter basis and excluding the weight of auxiliary fuel and combustion air) of pathological waste, low-level radioactive waste, and/or chemotherapeutic waste as defined in § 60.2265 are not subject to this subpart if you meet the two requirements specified in paragraphs (a)(1) and (2) of this section.

(1) Notify the Administrator that the unit meets these criteria.

(2) Keep records on a calendar quarter basis of the weight of pathological waste, low-level radioactive waste, and/or chemotherapeutic waste burned, and the weight of all other fuels and wastes burned in the unit.

(b) [Reserved]

(c) *Municipal waste combustion units.* Incineration units that are subject to subpart Ea of this part (Standards of Performance for Municipal Waste Combustors); subpart Eb of this part (Standards of Performance for Large Municipal Waste Combustors); subpart Cb of this part (Emission Guidelines and Compliance Time for Large Municipal Combustors); subpart AAAA of this part

(Standards of Performance for Small Municipal Waste Combustion Units); or subpart BBBB of this part (Emission Guidelines for Small Municipal Waste Combustion Units).

(d) *Medical waste incineration units.* Incineration units regulated under subpart Ec of this part (Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996) or subpart Ce of this part (Emission Guidelines and Compliance Times for Hospital/Medical/Infectious Waste Incinerators).

(e) *Small power production facilities.* Units that meet the three requirements specified in paragraphs (e)(1) through (4) of this section.

(1) The unit qualifies as a small power-production facility under section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C)).

(2) The unit burns homogeneous waste (not including refuse-derived fuel) to produce electricity.

(3) You submit documentation to the Administrator notifying the EPA that the qualifying small power production facility is combusting homogenous waste.

(4) You maintain the records specified in § 60.2175(w).

(f) *Cogeneration facilities.* Units that meet the three requirements specified in paragraphs (f)(1) through (4) of this section.

(1) The unit qualifies as a cogeneration facility under section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)).

(2) The unit burns homogeneous waste (not including refuse-derived fuel) to produce electricity and steam or other forms of energy used for industrial, commercial, heating, or cooling purposes.

(3) You submit documentation to the Administrator notifying the Agency that the qualifying cogeneration facility is combusting homogenous waste.

(4) You maintain the records specified in § 60.2175(x).

(g) *Hazardous waste combustion units.* Units for which you are required to get a permit under section 3005 of the Solid Waste Disposal Act.

(h) *Materials recovery units.* Units that combust waste for the primary purpose of recovering metals, such as primary and secondary smelters.

(i) *Air curtain incinerators.* Air curtain incinerators that burn only the materials listed in paragraphs (i)(1) through (3) of this section are only required to meet the requirements under § 60.2242 and under ''Air Curtain Incinerators'' (§§ 60.2245 through 60.2260).

(1) 100 percent wood waste.

(2) 100 percent clean lumber.

(3) 100 percent mixture of only wood waste, clean lumber, and/or yard waste.

(j)–(l) [Reserved]

(m) *Sewage treatment plants.* Incineration units regulated under subpart O of this part (Standards of Performance for Sewage Treatment Plants).

(n) *Sewage sludge incineration units.* Incineration units combusting sewage sludge for the purpose of reducing the volume of the sewage sludge by removing combustible matter that are subject to subpart LLLL of this part (Standards of Performance for Sewage Sludge Incineration Units) or subpart MMMM of this part (Emission Guidelines for Sewage Sludge Incineration Units).

(o) *Other solid waste incineration units.* Incineration units that are subject to subpart EEEE of this part (Standards of Performance for Other Solid Waste Incineration Units) or subpart FFFF of this part (Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units).

### § 60.2030 Who implements and enforces this subpart?

(a) This subpart can be implemented and enforced by the U.S. Environmental Protection Agency (EPA), or a delegated authority such as your state, local, or tribal agency. If the EPA Administrator has delegated authority to your state, local, or tribal agency, then that agency (as well as EPA) has the authority to implement and enforce this subpart. You should contact your EPA Regional Office to find out if this subpart is delegated to your state, local, or tribal agency.

(b) In delegating implementation and enforcement authority of this subpart to a state, local, or tribal agency, the authorities contained in paragraph (c) of this section are retained by the EPA Administrator and are not transferred to the state, local, or tribal agency.

(c) The authorities that will not be delegated to state, local, or tribal agencies are specified in paragraphs (c)(1) through (4) and (c)(6) through (11) of this section.

(1) Approval of alternatives to the emission limitations in table 1 of this subpart and operating limits established under § 60.2110.

(2) Approval of major alternatives to test methods.

(3) Approval of major alternatives to monitoring.

(4) Approval of major alternatives to recordkeeping and reporting.

(5) [Reserved]

(6) The requirements in § 60.2115.

(7) The requirements in § 60.2100(b)(2).

(8) Approval of alternative opacity emission limits in § 60.2105 under § 60.11(e)(6) through (e)(8).

(9) Performance test and data reduction waivers under § 60.2125(j), § 60.8(b)(4) and (5).

(10) Determination of whether a qualifying small power production facility or cogeneration facility under § 60.2020(e) or (f) is combusting homogenous waste.

(11) Approval of an alternative to any electronic reporting to the EPA required by this subpart.

### § 60.2035 How are these new source performance standards structured?

These new source performance standards contain the eleven major components listed in paragraphs (a) through (k) of this section.

(a) Preconstruction siting analysis.

(b) Waste management plan.

(c) Operator training and qualification.

(d) Emission limitations and operating limits.

(e) Performance testing.

(f) Initial compliance requirements.

(g) Continuous compliance requirements.

(h) Monitoring.

(i) Recordkeeping and reporting.

(j) Definitions.

(k) Tables.

### § 60.2040 Do all eleven components of these new source performance standards apply at the same time?

No. You must meet the preconstruction siting analysis and waste management plan requirements before you commence construction of the CISWI unit. The operator training and qualification, emission limitations, operating limits, performance testing and compliance, monitoring, and most recordkeeping and reporting requirements are met after the CISWI unit begins operation.

## Preconstruction Siting Analysis

### § 60.2045 Who must prepare a siting analysis?

(a) You must prepare a siting analysis if you plan to commence construction of an incinerator after December 1, 2000.

(b) You must prepare a siting analysis for CISWI units that commenced construction after June 4, 2010, or that commenced reconstruction or modification after August 7, 2013.

(c) You must prepare a siting analysis if you are required to submit an initial application for a construction permit under 40 CFR part 51, subpart I, or 40 CFR part 52, as applicable, for the

reconstruction or modification of your CISWI unit.

### § 60.2050 What is a siting analysis?

(a) The siting analysis must consider air pollution control alternatives that minimize, on a site-specific basis, to the maximum extent practicable, potential risks to public health or the environment. In considering such alternatives, the analysis may consider costs, energy impacts, nonair environmental impacts, or any other factors related to the practicability of the alternatives.

(b) Analyses of your CISWI unit's impacts that are prepared to comply with state, local, or other federal regulatory requirements may be used to satisfy the requirements of this section, provided they include the consideration of air pollution control alternatives specified in paragraph (a) of this section.

(c) You must complete and submit the siting requirements of this section as required under § 60.2190(c) prior to commencing construction.

## Waste Management Plan

### § 60.2055 What is a waste management plan?

A waste management plan is a written plan that identifies both the feasibility and the methods used to reduce or separate certain components of solid waste from the waste stream in order to reduce or eliminate toxic emissions from incinerated waste.

### § 60.2060 When must I submit my waste management plan?

(a) You must submit a waste management plan prior to commencing construction.

(b) For CISWI units that commence reconstruction or modification after August 7, 2013, you must submit a waste management plan prior to the commencement of modification or reconstruction.

### § 60.2065 What should I include in my waste management plan?

A waste management plan must include consideration of the reduction or separation of waste-stream elements such as paper, cardboard, plastics, glass, batteries, or metals; or the use of recyclable materials. The plan must identify any additional waste management measures and implement those measures the source considers practical and feasible, considering the effectiveness of waste management measures already in place, the costs of additional measures, the emissions reductions expected to be achieved, and any other environmental or energy impacts they might have.

## Operator Training and Qualification

### § 60.2070 What are the operator training and qualification requirements?

(a) No CISWI unit can be operated unless a fully trained and qualified CISWI unit operator is accessible, either at the facility or can be at the facility within 1 hour. The trained and qualified CISWI unit operator may operate the CISWI unit directly or be the direct supervisor of one or more other plant personnel who operate the unit. If all qualified CISWI unit operators are temporarily not accessible, you must follow the procedures in § 60.2100.

(b) Operator training and qualification must be obtained through a state-approved program or by completing the requirements included in paragraph (c) of this section.

(c) Training must be obtained by completing an incinerator operator training course that includes, at a minimum, the three elements described in paragraphs (c)(1) through (3) of this section.

(1) Training on the eleven subjects listed in paragraphs (c)(1)(i) through (xi) of this section.

(i) Environmental concerns, including types of emissions.

(ii) Basic combustion principles, including products of combustion.

(iii) Operation of the specific type of incinerator to be used by the operator, including proper startup, waste charging, and shutdown procedures.

(iv) Combustion controls and monitoring.

(v) Operation of air pollution control equipment and factors affecting performance (if applicable).

(vi) Inspection and maintenance of the incinerator and air pollution control devices.

(vii) Actions to prevent and correct malfunctions or to prevent conditions that may lead to malfunctions.

(viii) Bottom and fly ash characteristics and handling procedures.

(ix) Applicable federal, state, and local regulations, including Occupational Safety and Health Administration workplace standards.

(x) Pollution prevention.

(xi) Waste management practices.

(2) An examination designed and administered by the instructor.

(3) Written material covering the training course topics that may serve as reference material following completion of the course.

### § 60.2075 When must the operator training course be completed?

The operator training course must be completed by the later of the three dates specified in paragraphs (a) through (c) of this section.

(a) Six months after your CISWI unit startup.

(b) December 3, 2001.

(c) The date before an employee assumes responsibility for operating the CISWI unit or assumes responsibility for supervising the operation of the CISWI unit.

### § 60.2080 How do I obtain my operator qualification?

(a) You must obtain operator qualification by completing a training course that satisfies the criteria under § 60.2070(b).

(b) Qualification is valid from the date on which the training course is completed and the operator successfully passes the examination required under § 60.2070(c)(2).

### § 60.2085 How do I maintain my operator qualification?

To maintain qualification, you must complete an annual review or refresher course covering, at a minimum, the five topics described in paragraphs (a) through (e) of this section.

(a) Update of regulations.

(b) Incinerator operation, including startup and shutdown procedures, waste charging, and ash handling.

(c) Inspection and maintenance.

(d) Prevention and correction of malfunctions or conditions that may lead to malfunction.

(e) Discussion of operating problems encountered by attendees.

### § 60.2090 How do I renew my lapsed operator qualification?

You must renew a lapsed operator qualification by one of the two methods specified in paragraphs (a) and (b) of this section.

(a) For a lapse of less than 3 years, you must complete a standard annual refresher course described in § 60.2085.

(b) For a lapse of 3 years or more, you must repeat the initial qualification requirements in § 60.2080(a).

### § 60.2095 What site-specific documentation is required?

(a) Documentation must be available at the facility and readily accessible for all CISWI unit operators that addresses the ten topics described in paragraphs (a)(1) through (10) of this section. You must maintain this information and the training records required by paragraph (c) of this section in a manner that they can be readily accessed and are suitable for inspection upon request.

(1) Summary of the applicable standards under this subpart.

(2) Procedures for receiving, handling, and charging waste.

(3) Incinerator startup, shutdown, and malfunction procedures.

(4) Procedures for maintaining proper combustion air supply levels.

(5) Procedures for operating the incinerator and associated air pollution control systems within the standards established under this subpart.

(6) Monitoring procedures for demonstrating compliance with the incinerator operating limits.

(7) Reporting and recordkeeping procedures.

(8) The waste management plan required under §§ 60.2055 through 60.2065.

(9) Procedures for handling ash.

(10) A list of the wastes burned during the performance test.

(b) You must establish a program for reviewing the information listed in paragraph (a) of this section with each incinerator operator.

(1) The initial review of the information listed in paragraph (a) of this section must be conducted within 6 months after the effective date of this subpart or prior to an employee's assumption of responsibilities for operation of the CISWI unit, whichever date is later.

(2) Subsequent annual reviews of the information listed in paragraph (a) of this section must be conducted not later than 12 months following the previous review.

(c) You must also maintain the information specified in paragraphs (c)(1) through (3) of this section.

(1) Records showing the names of CISWI unit operators who have completed review of the information in § 60.2095(a) as required by § 60.2095(b), including the date of the initial review and all subsequent annual reviews.

(2) Records showing the names of the CISWI operators who have completed the operator training requirements under § 60.2070, met the criteria for qualification under § 60.2080, and maintained or renewed their qualification under § 60.2085 or § 60.2090. Records must include documentation of training, the dates of the initial and refresher training, and the dates of their qualification and all subsequent renewals of such qualifications.

(3) For each qualified operator, the phone and/or pager number at which they can be reached during operating hours.

#### § 60.2100 What if all the qualified operators are temporarily not accessible?

If all qualified operators are temporarily not accessible (*i.e.,* not at the facility and not able to be at the facility within 1 hour), you must meet one of the two criteria specified in paragraphs (a) and (b) of this section, depending on the length of time that a qualified operator is not accessible.

(a) When all qualified operators are not accessible for more than 8 hours, but less than 2 weeks, the CISWI unit may be operated by other plant personnel familiar with the operation of the CISWI unit who have completed a review of the information specified in § 60.2095(a) within the past 12 months. However, you must record the period when all qualified operators were not accessible and include this deviation in the annual report as specified under § 60.2210.

(b) When all qualified operators are not accessible for 2 weeks or more, you must take the two actions that are described in paragraphs (b)(1) and (2) of this section.

(1) Notify the Administrator of this deviation in writing within 10 days. In the notice, state what caused this deviation, what you are doing to ensure that a qualified operator is accessible, and when you anticipate that a qualified operator will be accessible.

(2) Submit a status report to the Administrator every 4 weeks outlining what you are doing to ensure that a qualified operator is accessible, stating when you anticipate that a qualified operator will be accessible and requesting approval from the Administrator to continue operation of the CISWI unit. You must submit the first status report 4 weeks after you notify the Administrator of the deviation under paragraph (b)(1) of this section. If the Administrator notifies you that your request to continue operation of the CISWI unit is disapproved, the CISWI unit may continue operation for 90 days, then must cease operation. Operation of the unit may resume if you meet the two requirements in paragraphs (b)(2)(i) and (ii) of this section.

(i) A qualified operator is accessible as required under § 60.2070(a).

(ii) You notify the Administrator that a qualified operator is accessible and that you are resuming operation.

### Emission Limitations and Operating Limits

#### § 60.2105 What emission limitations must I meet and by when?

(a) You must meet the emission limitations for each CISWI unit, including bypass stack or vent, specified in table 1 of this subpart or tables 5 through 8 of this subpart by the applicable date in § 60.2140. You must be in compliance with the emission limitations of this subpart that apply to you at all times.

(b) An incinerator or air curtain incinerator that commenced construction after November 30, 1999, but no later than June 4, 2010, or that commenced reconstruction or modification on or after June 1, 2001 but no later than August 7, 2013, must continue to meet the emission limits in table 1 of this subpart for units in the incinerator subcategory and § 60.2250 of this subpart for air curtain incinerators until the units become subject to the requirements of an approved state plan or federal plan that implements subpart DDDD of this part (Emission Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units).

#### § 60.2110 What operating limits must I meet and by when?

(a) If you use a wet scrubber(s) to comply with the emission limitations, you must establish operating limits for up to four operating parameters (as specified in table 2 of this subpart) as described in paragraphs (a)(1) through (4) of this section during the initial performance test.

(1) Maximum charge rate, calculated using one of the two different procedures in paragraph (a)(1)(i) or (ii), as appropriate.

(i) For continuous and intermittent units, maximum charge rate is 110 percent of the average charge rate measured during the most recent performance test demonstrating compliance with all applicable emission limitations.

(ii) For batch units, maximum charge rate is 110 percent of the daily charge rate measured during the most recent performance test demonstrating compliance with all applicable emission limitations.

(2) Minimum pressure drop across the wet particulate matter scrubber, which is calculated as the lowest 1-hour average pressure drop across the wet scrubber measured during the most recent performance test demonstrating compliance with the particulate matter emission limitations; or minimum amperage to the wet scrubber, which is calculated as the lowest 1-hour average amperage to the wet scrubber measured during the most recent performance test demonstrating compliance with the particulate matter emission limitations.

(3) Minimum scrubber liquid flow rate, which is calculated as the lowest 1-hour average liquid flow rate at the inlet to the wet acid gas or particulate matter scrubber measured during the most recent performance test demonstrating compliance with all applicable emission limitations.

(4) Minimum scrubber liquor pH, which is calculated as the lowest 1-hour average liquor pH at the inlet to the wet acid gas scrubber measured during the most recent performance test demonstrating compliance with the HCl emission limitation.

(b) You must meet the operating limits established during the initial performance test 60 days after your CISWI unit reaches the charge rate at which it will operate, but no later than 180 days after its initial startup.

(c) If you use a fabric filter to comply with the emission limitations, you must operate each fabric filter system such that the bag leak detection system alarm does not sound more than 5 percent of the operating time during a 6-month period. In calculating this operating time percentage, if inspection of the fabric filter demonstrates that no corrective action is required, no alarm time is counted. If corrective action is required, each alarm shall be counted as a minimum of 1 hour. If you take longer than 1 hour to initiate corrective action, the alarm time shall be counted as the actual amount of time taken by you to initiate corrective action.

(d) If you use an electrostatic precipitator to comply with the emission limitations, you must measure the (secondary) voltage and amperage of the electrostatic precipitator collection plates during the particulate matter performance test. Calculate the average electric power value (secondary voltage × secondary current = secondary electric power) for each test run. The operating limit for the electrostatic precipitator is calculated as the lowest 1-hour average secondary electric power measured during the most recent performance test demonstrating compliance with the particulate matter emission limitations.

(e) If you use activated carbon sorbent injection to comply with the emission limitations, you must measure the sorbent flow rate during the performance testing. The operating limit for the carbon sorbent injection is calculated as the lowest 1-hour average sorbent flow rate measured during the most recent performance test demonstrating compliance with the mercury emission limitations. For energy recovery units, when your unit operates at lower loads, multiply your sorbent injection rate by the load fraction, as defined in this subpart, to determine the required injection rate (*e.g.,* for 50 percent load, multiply the injection rate operating limit by 0.5).

(f) If you use selective noncatalytic reduction to comply with the emission limitations, you must measure the charge rate, the secondary chamber temperature (if applicable to your CISWI unit), and the reagent flow rate during the nitrogen oxides performance testing. The operating limits for the selective noncatalytic reduction are calculated as the highest 1-hour average charge rate, lower secondary chamber temperature, and lowest reagent flow rate measured during the most recent performance test demonstrating compliance with the nitrogen oxides emission limitations.

(g) If you use a dry scrubber to comply with the emission limitations, you must measure the injection rate of each sorbent during the performance testing. The operating limit for the injection rate of each sorbent is calculated as the lowest 1-hour average injection rate or each sorbent measured during the most recent performance test demonstrating compliance with the hydrogen chloride emission limitations. For energy recovery units, when your unit operates at lower loads, multiply your sorbent injection rate by the load fraction, as defined in this subpart, to determine the required injection rate (*e.g.,* for 50 percent load, multiply the injection rate operating limit by 0.5).

(h) If you do not use a wet scrubber, electrostatic precipitator, or fabric filter to comply with the emission limitations, and if you do not determine compliance with your particulate matter emission limitation with a particulate matter CEMS, you must maintain opacity to less than or equal to 10 percent opacity (1-hour block average).

(i) If you use a PM CPMS to demonstrate compliance, you must establish your PM CPMS operating limit and determine compliance with it according to paragraphs (i)(1) through (5) of this section.

(1) Determine your operating limit as the average PM CPMS output value recorded during the performance test or at a PM CPMS output value corresponding to 75 percent of the emission limit if your PM performance test demonstrates compliance below 75 percent of the emission limit. You must verify an existing or establish a new operating limit after each repeated performance test. You must repeat the performance test annually and reassess and adjust the site-specific operating limit in accordance with the results of the performance test.

(i) Your PM CPMS must provide a 4–20 milliamp output, or digital equivalent, and the establishment of its relationship to manual reference method measurements must be determined in units of milliamps.

(ii) Your PM CPMS operating range must be capable of reading PM concentrations from zero to a level equivalent to at least two times your allowable emission limit. If your PM CPMS is an auto-ranging instrument capable of multiple scales, the primary range of the instrument must be capable of reading PM concentration from zero to a level equivalent to two times your allowable emission limit.

(iii) During the initial performance test or any such subsequent performance test that demonstrates compliance with the PM limit, record and average all milliamp or digital, output values from the PM CPMS for the periods corresponding to the compliance test runs (*e.g.,* average all your PM CPMS output values for three corresponding 2-hour Method 5I test runs).

(2) If the average of your three PM performance test runs are below 75 percent of your PM emission limit, you must calculate an operating limit by establishing a relationship of PM CPMS signal to PM concentration using the PM CPMS instrument zero, the average PM CPMS output values corresponding to the three compliance test runs, and the average PM concentration from the Method 5 or performance test with the procedures in (i)(1)through (5) of this section.

(i) Determine your instrument zero output with one of the following procedures:

(A) Zero point data for *in-situ* instruments should be obtained by removing the instrument from the stack and monitoring ambient air on a test bench.

(B) Zero point data for extractive instruments should be obtained by removing the extractive probe from the stack and drawing in clean ambient air.

(C) The zero point can also can be established obtained by performing manual reference method measurements when the flue gas is free of PM emissions or contains very low PM concentrations (*e.g.,* when your process is not operating, but the fans are operating or your source is combusting only natural gas) and plotting these with the compliance data to find the zero intercept.

(D) If none of the steps in paragraphs (i)(2)(i)(A) through (i)(2)(i)(C) of this section are possible, you must use a zero output value provided by the manufacturer.

(ii) Determine your PM CPMS instrument average in milliamps, or the digital equivalent, and the average of your corresponding three PM compliance test runs, using equation 1.

$$\bar{x} = \frac{1}{n}\sum_{i=1}^{n} X_i, \bar{y} = \frac{1}{n}\sum_{i=1}^{n} Y_i \qquad \text{(Eq. 1)}$$

Where:

$X_i$ = the PM CPMS output data points for the three runs constituting the performance test,

$Y_i$ = the PM concentration value for the three runs constituting the performance test, and

n = the number of data points.

(iii) With your instrument zero expressed in milliamps, or the digital equivalent, your three run average PM CPMS milliamp value, or its digital equivalent, and your three run average PM concentration from your three compliance tests, determine a relationship of mg/dscm per milliamp or digital signal equivalent with equation 2.

$$R = \frac{Y_i}{(X_i - z)} \qquad \text{(Eq. 2)}$$

Where:

R = the relative mg/dscm per milliamp or digital equivalent for your PM CPMS,

$Y_i$ = the three run average mg/dscm PM concentration,

$X_i$ = the three run average milliamp or digital signal output from you PM CPMS, and

z = the milliamp or digital signal equivalent of your instrument zero determined from (2)(i).

(iv) Determine your source specific 30-day rolling average operating limit using the mg/dscm per milliamp or digital value from equation 2 in equation 3, below. This sets your operating limit at the PM CPMS output value corresponding to 75 percent of your emission limit.

$$O_l = z + \frac{0.75(L)}{R} \qquad \text{(Eq. 3)}$$

Where:

$O_l$ = the operating limit for your PM CPMS on a 30-day rolling average, in milliamps or their digital signal equivalent.

L = your source emission limit expressed in mg/dscm,

z = your instrument zero in milliamps or the digital equivalent, determined from (2)(i), and

R = the relative mg/dscm per milliamp or digital signal output equivalent for your PM CPMS, from equation 2.

(3) If the average of your three PM compliance test runs is at or above 75 percent of your PM emission limit you must determine your operating limit by averaging the PM CPMS milliamp or digital signal output corresponding to your three PM performance test runs that demonstrate compliance with the emission limit using equation 4 and you must submit all compliance test and PM CPMS data according to the reporting requirements in paragraph (i)(5) of this section.

$$O_h = \frac{1}{n}\sum_{i=1}^{n} X_i \qquad \text{(Eq. 4)}$$

Where:

$X_i$ = the PM CPMS data points for all runs i,

n = the number of data points, and

$O_h$ = your site specific operating limit, in milliamps or digital signal equivalent.

(4) To determine continuous compliance, you must record the PM CPMS output data for all periods when the process is operating and the PM CPMS is not out-of-control. You must demonstrate continuous compliance by using all quality-assured hourly average data collected by the PM CPMS for all operating hours to calculate the arithmetic average operating parameter in units of the operating limit (*e.g.,* milliamps or digital signal bits, PM concentration, raw data signal) on a 30-day rolling average basis.

(5) For PM performance test reports used to set a PM CPMS operating limit, the electronic submission of the test report must also include the make and model of the PM CPMS instrument, serial number of the instrument, analytical principle of the instrument (*e.g.,* beta attenuation), span of the instruments primary analytical range, milliamp or digital signal value equivalent to the instrument zero output, technique by which this zero value was determined, and the average milliamp or digital signals corresponding to each PM compliance test run.

**§ 60.2115 What if I do not use a wet scrubber, fabric filter, activated carbon injection, selective noncatalytic reduction, an electrostatic precipitator, or a dry scrubber to comply with the emission limitations?**

If you use an air pollution control device other than a wet scrubber, activated carbon injection, selective noncatalytic reduction, fabric filter, an electrostatic precipitator, or a dry scrubber or limit emissions in some other manner, including material balances, to comply with the emission limitations under § 60.2105, you must petition the EPA Administrator for specific operating limits to be established during the initial performance test and continuously monitored thereafter. You must submit the petition at least sixty days before the performance test is scheduled to begin. Your petition must include the five items listed in paragraphs (a) through (e) of this section.

(a) Identification of the specific parameters you propose to use as additional operating limits.

(b) A discussion of the relationship between these parameters and emissions of regulated pollutants, identifying how emissions of regulated pollutants change with changes in these parameters and how limits on these

parameters will serve to limit emissions of regulated pollutants.

(c) A discussion of how you will establish the upper and/or lower values for these parameters which will establish the operating limits on these parameters.

(d) A discussion identifying the methods you will use to measure and the instruments you will use to monitor these parameters, as well as the relative accuracy and precision of these methods and instruments.

(e) A discussion identifying the frequency and methods for recalibrating the instruments you will use for monitoring these parameters.

## Performance Testing

### § 60.2125 How do I conduct the initial and annual performance test?

(a) All performance tests must consist of a minimum of three test runs conducted under conditions representative of normal operations.

(b) You must document that the waste burned during the performance test is representative of the waste burned under normal operating conditions by maintaining a log of the quantity of waste burned (as required in § 60.2175(b)(1)) and the types of waste burned during the performance test.

(c) All performance tests must be conducted using the minimum run duration specified in table 1 of this subpart or tables 5 through 8 of this subpart.

(d) Method 1 of appendix A of this part must be used to select the sampling location and number of traverse points.

(e) Method 3A or 3B of appendix A of this part must be used for gas composition analysis, including measurement of oxygen concentration. Method 3A or 3B of appendix A of this part must be used simultaneously with each method.

(f) All pollutant concentrations, except for opacity, must be adjusted to 7 percent oxygen using equation 5 of this section:

$$C_{adj} = C_{meas} (20.9-7)/(20.9-\%O_2) \qquad \text{(Eq. 5)}$$

Where:

$C_{adj}$ = pollutant concentration adjusted to 7 percent oxygen;

$C_{meas}$ = pollutant concentration measured on a dry basis;

(20.9–7) = 20.9 percent oxygen − 7 percent oxygen (defined oxygen correction basis);

20.9 = oxygen concentration in air, percent; and

$\%O_2$ = oxygen concentration measured on a dry basis, percent.

(g) You must determine dioxins/furans toxic equivalency by following the procedures in paragraphs (g)(1) through (4) of this section.

(1) Measure the concentration of each dioxin/furan tetra-through octa-chlorinated isomer emitted using EPA Method 23 at 40 CFR part 60, appendix A–7.

(2) Quantify isomers meeting identification criteria 2, 3, 4, and 5 in Section 5.3.2.5 of Method 23, regardless of whether the isomers meet identification criteria 1 and 7. You must quantify the isomers per Section 9.0 of Method 23. (Note: You may reanalyze the sample aliquot or split to reduce the number of isomers not meeting identification criteria 1 or 7 of Section 5.3.2.5.)

(3) For each dioxin/furan (tetra-through octa-chlorinated) isomer measured in accordance with paragraph (g)(1) and (2) of this section, multiply the isomer concentration by its corresponding toxic equivalency factor specified in table 3 of this subpart.

(4) Sum the products calculated in accordance with paragraph (g)(3) of this section to obtain the total concentration of dioxins/furans emitted in terms of toxic equivalency.

(h) Method 22 at 40 CFR part 60, appendix A–7 of this part must be used to determine compliance with the fugitive ash emission limit in table 1 of this subpart or tables 5 through 8 of this subpart.

(i) If you have an applicable opacity operating limit, you must determine compliance with the opacity limit using Method 9 at 40 CFR part 60, appendix A–4 of this part, based on three 1-hour blocks consisting of ten 6-minute average opacity values, unless you are required to install a continuous opacity monitoring system, consistent with §§ 60.2145 and 60.2165.

(j) You must determine dioxins/furans total mass basis by following the procedures in paragraphs (j)(1) through (3) of this section.

(1) Measure the concentration of each dioxin/furan tetra-through octa-chlorinated isomer emitted using EPA Method 23 at 40 CFR part 60, appendix A–7.

(2) Quantify isomers meeting identification criteria 2, 3, 4, and 5 in Section 5.3.2.5 of Method 23, regardless of whether the isomers meet identification criteria 1 and 7. You must quantify the isomers per Section 9.0 of Method 23. (Note: You may reanalyze the sample aliquot or split to reduce the number of isomers not meeting identification criteria 1 or 7 of Section 5.3.2.5.)

(3) Sum the quantities measured in accordance with paragraphs (j)(1) and (2) of this section to obtain the total concentration of dioxins/furans emitted in terms of total mass basis.

### § 60.2130 How are the performance test data used?

You use results of performance tests to demonstrate compliance with the emission limitations in table 1 of this subpart or tables 5 through 8 of this subpart.

## Initial Compliance Requirements

### § 60.2135 How do I demonstrate initial compliance with the emission limitations and establish the operating limits?

You must conduct a performance test, as required under §§ 60.2125 and 60.2105 to determine compliance with the emission limitations in table 1 of this subpart or tables 5 through 8 of this subpart, to establish compliance with any opacity operating limit in § 60.2110, to establish the kiln-specific emission limit in § 60.2145(y), as applicable, and to establish operating limits using the procedures in §§ 60.2110 or 60.2115. The performance test must be conducted using the test methods listed in table 1 of this subpart or tables 5 through 8 of this subpart and the procedures in § 60.2125. The use of the bypass stack during a performance test shall invalidate the performance test. You must conduct a performance evaluation of each continuous monitoring system within 60 days of installation of the monitoring system.

### § 60.2140 By what date must I conduct the initial performance test?

(a) The initial performance test must be conducted within 60 days after your CISWI unit reaches the charge rate at which it will operate, but no later than 180 days after its initial startup.

(b) If you commence or recommence combusting a solid waste at an existing combustion unit at any commercial or industrial facility, and you conducted a test consistent with the provisions of this subpart while combusting the solid waste within the 6 months preceding the reintroduction of that solid waste in the combustion chamber, you do not need to retest until 6 months from the date you reintroduce that solid waste.

(c) If you commence or recommence combusting a solid waste at an existing combustion unit at any commercial or industrial facility and you have not conducted a performance test consistent with the provisions of this subpart while combusting the solid waste within the 6 months preceding the reintroduction of that solid waste in the combustion chamber, you must conduct a performance test within 60 days from the date you reintroduce that solid waste.

**§ 60.2141 By what date must I conduct the initial air pollution control device inspection?**

(a) The initial air pollution control device inspection must be conducted within 60 days after installation of the control device and the associated CISWI unit reaches the charge rate at which it will operate, but no later than 180 days after the device's initial startup.

(b) Within 10 operating days following an air pollution control device inspection, all necessary repairs must be completed unless the owner or operator obtains written approval from the state agency establishing a date whereby all necessary repairs of the designated facility must be completed.

## Continuous Compliance Requirements

**§ 60.2145 How do I demonstrate continuous compliance with the emission limitations and the operating limits?**

(a) Compliance with standards.

(1) The emission standards and operating requirements set forth in this subpart apply at all times.

(2) If you cease combusting solid waste, you may opt to remain subject to the provisions of this subpart. Consistent with the definition of CISWI unit, you are subject to the requirements of this subpart at least 6 months following the last date of solid waste combustion. Solid waste combustion is ceased when solid waste is not in the combustion chamber (*i.e.,* the solid waste feed to the combustor has been cut off for a period of time not less than the solid waste residence time).

(3) If you cease combusting solid waste, you must be in compliance with any newly applicable standards on the effective date of the waste-to-fuel switch. The effective date of the waste-to-fuel switch is a date selected by you, that must be at least 6 months from the date that you ceased combusting solid waste, consistent with § 60.2145(a)(2). Your source must remain in compliance with this subpart until the effective date of the waste-to-fuel switch.

(4) If you own or operate an existing commercial or industrial combustion unit that combusted a fuel or non-waste material, and you commence or recommence combustion of solid waste, you are subject to the provisions of this subpart as of the first day you introduce or reintroduce solid waste to the combustion chamber, and this date constitutes the effective date of the fuel-to-waste switch. You must complete all initial compliance demonstrations for any section 112 standards that are applicable to your facility before you commence or recommence combustion of solid waste. You must provide 30 days prior notice of the effective date of the waste-to-fuel switch. The notification must identify:

(i) The name of the owner or operator of the CISWI unit, the location of the source, the emissions unit(s) that will cease burning solid waste, and the date of the notice;

(ii) The currently applicable subcategory under this subpart, and any 40 CFR part 63 subpart and subcategory that will be applicable after you cease combusting solid waste;

(iii) The fuel(s), non-waste material(s) and solid waste(s) the CISWI unit is currently combusting and has combusted over the past 6 months, and the fuel(s) or non-waste materials the unit will commence combusting;

(iv) The date on which you became subject to the currently applicable emission limits;

(v) The date upon which you will cease combusting solid waste, and the date (if different) that you intend for any new requirements to become applicable (*i.e.,* the effective date of the waste-to-fuel switch), consistent with paragraphs (a)(2) and (3)of this section.

(5) All air pollution control equipment necessary for compliance with any newly applicable emissions limits which apply as a result of the cessation or commencement or recommencement of combusting solid waste must be installed and operational as of the effective date of the waste-to-fuel, or fuel-to-waste switch.

(6) All monitoring systems necessary for compliance with any newly applicable monitoring requirements which apply as a result of the cessation or commencement or recommencement of combusting solid waste must be installed and operational as of the effective date of the waste-to-fuel, or fuel-to-waste switch. All calibration and drift checks must be performed as of the effective date of the waste-to-fuel, or fuel-to-waste switch. Relative accuracy tests must be performed as of the performance test deadline for PM CEMS (if PM CEMS are elected to demonstrate continuous compliance with the particulate matter emission limits). Relative accuracy testing for other CEMS need not be repeated if that testing was previously performed consistent with Clean Air Act section 112 monitoring requirements or monitoring requirements under this subpart.

(b) You must conduct an annual performance test for the pollutants listed in table 1 of this subpart or tables 5 through 8 of this subpart and opacity for each CISWI unit as required under § 60.2125. The annual performance test must be conducted using the test methods listed in table 1 of this subpart or tables 5 through 8 of this subpart and the procedures in § 60.2125. Annual performance tests are not required if you use CEMS or continuous opacity monitoring systems to determine compliance.

(c) You must continuously monitor the operating parameters specified in § 60.2110 or established under § 60.2115 and as specified in § 60.2170. Use 3-hour block average values to determine compliance (except for baghouse leak detection system alarms) unless a different averaging period is established under § 60.2115 or, for energy recovery units, where the averaging time for each operating parameter is a 30-day rolling, calculated each hour as the average of the previous 720 operating hours. Operation above the established maximum, below the established minimum, or outside the allowable range of operating limits specified in paragraph (a) of this section constitutes a deviation from your operating limits established under this subpart, except during performance tests conducted to determine compliance with the emission and operating limits or to establish new operating limits. Operating limits are confirmed or reestablished during performance tests.

(d) You must burn only the same types of waste and fuels used to establish subcategory applicability (for energy recovery units) and operating limits during the performance test.

(e) For energy recovery units, incinerators, and small remote units, you must perform an annual visual emissions test for ash handling.

(f) For energy recovery units, you must conduct an annual performance test for opacity (except where particulate matter CEMS or continuous opacity monitoring systems are used are used) and the pollutants listed in table 6 of this subpart.

(g) You may elect to demonstrate continuous compliance with the carbon monoxide emission limit using a carbon monoxide CEMS according to the following requirements:

(1) You must measure emissions according to § 60.13 to calculate 1-hour

arithmetic averages, corrected to 7 percent oxygen. CEMS data during startup and shutdown, as defined in this subpart, are not corrected to 7 percent oxygen, and are measured at stack oxygen content. You must demonstrate initial compliance with the carbon monoxide emissions limit using a 30-day rolling average of these 1-hour arithmetic average emission concentrations, including CEMS data during startup and shutdown as defined in this subpart, calculated using equation 19–19 in section 12.4.1 of EPA Reference Method 19 at 40 CFR part 60, appendix A–7 of this part.

(2) Operate the carbon monoxide CEMS in accordance with the requirements of performance specification 4A of appendix B of this part and quality assurance procedure 1 of appendix F of this part.

(h) Coal and liquid/gas energy recovery units with average annual heat input rates greater than or equal to 250 MMBtu/hr may elect to demonstrate continuous compliance with the particulate matter emissions limit using a particulate matter CEMS according to the procedures in § 60.2165(n) instead of the particulate matter continuous parameter monitoring system (CPMS) specified in § 60.2145. Coal and liquid/gas energy recovery units with annual average heat input rates less than 250 MMBtu/hr, incinerators, and small remote incinerators may also elect to demonstrate compliance using a particulate matter CEMS according to the procedures in § 60.2165(n) instead of particulate matter testing with EPA Method 5 at 40 CFR part 60, appendix A–3 and, if applicable, the continuous opacity monitoring requirements in paragraph (i) of this section.

(i) For energy recovery units with annual average heat input rates greater than or equal to 10 MMBtu/hour and less than 250 MMBtu/hr, you must install, operate, certify and maintain a continuous opacity monitoring system (COMS) according to the procedures in § 60.2165.

(j) For waste-burning kilns, you must conduct an annual performance test for cadmium, lead, dioxins/furans and hydrogen chloride as listed in table 7 of this subpart. You must determine compliance with hydrogen chloride using a hydrogen chloride CEMS if you do not use an acid gas wet scrubber or dry scrubber. You must determine compliance with nitrogen oxides, sulfur dioxide, and carbon monoxide using CEMS. You must determine compliance with particulate matter using CPMS. You must determine compliance with the mercury emissions limit using a mercury CEMS according to the following requirements:

(1) Operate a CEMS system in accordance with performance specification 12A of 40 CFR part 60, appendix B or a sorbent trap based integrated monitor in accordance with performance specification 12B of 40 CFR part 60, appendix B. The duration of the performance test must be a calendar month. For each calendar month in which the waste-burning kiln operates, hourly mercury concentration data, and stack gas volumetric flow rate data must be obtained. You must demonstrate compliance with the mercury emissions limit using a 30-day rolling average of these 1-hour mercury concentrations, including CEMS data during startup and shutdown as defined in this subpart, calculated using equation 19–19 in section 12.4.1 of EPA Reference Method 19 at 40 CFR part 60, appendix A–7 of this part. CEMS data during startup and shutdown, as defined in this subpart, are not corrected to 7 percent oxygen, and are measured at stack oxygen content.

(2) Owners or operators using a mercury CEMS must install, operate, calibrate, and maintain an instrument for continuously measuring and recording the mercury mass emissions rate to the atmosphere according to the requirements of performance specifications 6 and 12A of 40 CFR part 60, appendix B, and quality assurance procedure 6 of 40 CFR part 60, appendix F.

(3) The owner or operator of a waste-burning kiln must demonstrate initial compliance by operating a mercury CEMS while the raw mill of the in-line kiln/raw mill is operating under normal conditions and including at least one period when the raw mill is off.

(k) If you use an air pollution control device to meet the emission limitations in this subpart, you must conduct an initial and annual inspection of the air pollution control device. The inspection must include, at a minimum, the following:

(1) Inspect air pollution control device(s) for proper operation.

(2) Develop a site-specific monitoring plan according to the requirements in paragraph (l) of this section. This requirement also applies to you if you petition the EPA Administrator for alternative monitoring parameters under § 60.13(i).

(l) For each continuous monitoring system required in this section, you must develop and submit to the EPA Administrator for approval a site-specific monitoring plan according to the requirements of this paragraph (l) that addresses paragraphs (l)(1)(i) through (vi) of this section.

(1) You must submit this site-specific monitoring plan at least 60 days before your initial performance evaluation of your continuous monitoring system.

(i) Installation of the continuous monitoring system sampling probe or other interface at a measurement location relative to each affected process unit such that the measurement is representative of control of the exhaust emissions (*e.g.,* on or downstream of the last control device).

(ii) Performance and equipment specifications for the sample interface, the pollutant concentration or parametric signal analyzer and the data collection and reduction systems.

(iii) Performance evaluation procedures and acceptance criteria (*e.g.,* calibrations).

(iv) Ongoing operation and maintenance procedures in accordance with the general requirements of § 60.11(d).

(v) Ongoing data quality assurance procedures in accordance with the general requirements of § 60.13.

(vi) Ongoing recordkeeping and reporting procedures in accordance with the general requirements of § 60.7(b), (c), (c)(1), (c)(4), (d), (e), (f), and (g).

(2) You must conduct a performance evaluation of each continuous monitoring system in accordance with your site-specific monitoring plan.

(3) You must operate and maintain the continuous monitoring system in continuous operation according to the site-specific monitoring plan.

(m) If you have an operating limit that requires the use of a flow monitoring system, you must meet the requirements in paragraphs (l) and (m)(1) through (4) of this section.

(1) Install the flow sensor and other necessary equipment in a position that provides a representative flow.

(2) Use a flow sensor with a measurement sensitivity at full scale of no greater than 2 percent.

(3) Minimize the effects of swirling flow or abnormal velocity distributions due to upstream and downstream disturbances.

(4) Conduct a flow monitoring system performance evaluation in accordance with your monitoring plan at the time of each performance test but no less frequently than annually.

(n) If you have an operating limit that requires the use of a pressure monitoring system, you must meet the requirements in paragraphs (l) and (n)(1) through (6) of this section.

(1) Install the pressure sensor(s) in a position that provides a representative measurement of the pressure (*e.g.,* PM scrubber pressure drop).

(2) Minimize or eliminate pulsating pressure, vibration, and internal and external corrosion.

(3) Use a pressure sensor with a minimum tolerance of 1.27 centimeters of water or a minimum tolerance of 1 percent of the pressure monitoring system operating range, whichever is less.

(4) Perform checks at the frequency outlined in your site-specific monitoring plan to ensure pressure measurements are not obstructed (*e.g.,* check for pressure tap plugging daily).

(5) Conduct a performance evaluation of the pressure monitoring system in accordance with your monitoring plan at the time of each performance test but no less frequently than annually.

(6) If at any time the measured pressure exceeds the manufacturer's specified maximum operating pressure range, conduct a performance evaluation of the pressure monitoring system in accordance with your monitoring plan and confirm that the pressure monitoring system continues to meet the performance requirements in your monitoring plan. Alternatively, install and verify the operation of a new pressure sensor.

(o) If you have an operating limit that requires a pH monitoring system, you must meet the requirements in paragraphs (l) and (o)(1) through (4) of this section.

(1) Install the pH sensor in a position that provides a representative measurement of scrubber effluent pH.

(2) Ensure the sample is properly mixed and representative of the fluid to be measured.

(3) Conduct a performance evaluation of the pH monitoring system in accordance with your monitoring plan at least once each process operating day.

(4) Conduct a performance evaluation (including a two-point calibration with one of the two buffer solutions having a pH within 1 of the pH of the operating limit) of the pH monitoring system in accordance with your monitoring plan at the time of each performance test but no less frequently than quarterly.

(p) If you have an operating limit that requires a secondary electric power monitoring system for an electrostatic precipitator, you must meet the requirements in paragraphs (l) and (p)(1) through (2) of this section.

(1) Install sensors to measure (secondary) voltage and current to the precipitator collection plates.

(2) Conduct a performance evaluation of the electric power monitoring system in accordance with your monitoring plan at the time of each performance test but no less frequently than annually.

(q) If you have an operating limit that requires the use of a monitoring system to measure sorbent injection rate (*e.g.,* weigh belt, weigh hopper, or hopper flow measurement device), you must meet the requirements in paragraphs (l) and (q)(1) and (2) of this section.

(1) Install the system in a position(s) that provides a representative measurement of the total sorbent injection rate.

(2) Conduct a performance evaluation of the sorbent injection rate monitoring system in accordance with your monitoring plan at the time of each performance test but no less frequently than annually.

(r) If you elect to use a fabric filter bag leak detection system to comply with the requirements of this subpart, you must install, calibrate, maintain, and continuously operate a bag leak detection system as specified in paragraphs (l) and (r)(1) through (5) of this section.

(1) Install a bag leak detection sensor(s) in a position(s) that will be representative of the relative or absolute particulate matter loadings for each exhaust stack, roof vent, or compartment (*e.g.,* for a positive pressure fabric filter) of the fabric filter.

(2) Use a bag leak detection system certified by the manufacturer to be capable of detecting particulate matter emissions at concentrations of 10 milligrams per actual cubic meter or less.

(3) Conduct a performance evaluation of the bag leak detection system in accordance with your monitoring plan and consistent with the guidance provided in EPA–454/R–98–015 (incorporated by reference, *see* § 60.17).

(4) Use a bag leak detection system equipped with a device to continuously record the output signal from the sensor.

(5) Use a bag leak detection system equipped with a system that will sound an alarm when an increase in relative particulate matter emissions over a preset level is detected. The alarm must be located where it is observed readily by plant operating personnel.

(s) For facilities using a CEMS to demonstrate compliance with the sulfur dioxide emission limit, compliance with the sulfur dioxide emission limit may be demonstrated by using the CEMS specified in § 60.2165 to measure sulfur dioxide. CEMS data during startup and shutdown, as defined in this subpart, are not corrected to 7 percent oxygen, and are measured at stack oxygen content. You must calculate a 30-day rolling average of the 1-hour arithmetic average emission concentrations, including CEMS data during startup and shutdown as defined in this subpart, calculated using equation 19–19 in section 12.4.1 of EPA Reference Method 19 at 40 CFR part 60, Appendix A–7 of this part. The sulfur dioxide CEMS must be operated according to performance specification 2 in appendix B of this part and must follow the procedures and methods specified in this paragraph(s). For sources that have actual inlet emissions less than 100 parts per million dry volume, the relative accuracy criterion for inlet sulfur dioxide CEMS should be no greater than 20 percent of the mean value of the reference method test data in terms of the units of the emission standard, or 5 parts per million dry volume absolute value of the mean difference between the reference method and the CEMS, whichever is greater.

(1) During each relative accuracy test run of the CEMS required by performance specification 2 in appendix B of this part, collect sulfur dioxide and oxygen (or carbon dioxide) data concurrently (or within a 30- to 60-minute period) with both the CEMS and the test methods specified in paragraphs (s)(1)(i) and (ii) of this section.

(i) For sulfur dioxide, EPA Reference Method 6 or 6C, or as an alternative ANSI/ASME PTC 19.10–1981 (incorporated by reference, *see* § 60.17) must be used.

(ii) For oxygen (or carbon dioxide), EPA Reference Method 3A or 3B, or as an alternative ANSI/ASME PTC 19.10–1981 (incorporated by reference, *see* § 60.17), must be used.

(2) The span value of the CEMS at the inlet to the sulfur dioxide control device must be 125 percent of the maximum estimated hourly potential sulfur dioxide emissions of the unit subject to this rule. The span value of the CEMS at the outlet of the sulfur dioxide control device must be 50 percent of the maximum estimated hourly potential sulfur dioxide emissions of the unit subject to this rule.

(3) Conduct accuracy determinations quarterly and calibration drift tests daily in accordance with procedure 1 in appendix F of this part.

(t) For facilities using a CEMS to demonstrate continuous compliance with the nitrogen oxides emission limit, compliance with the nitrogen oxides emission limit may be demonstrated by using the CEMS specified in § 60.2165 to measure nitrogen oxides. CEMS data during startup and shutdown, as defined in this subpart, are not corrected to 7 percent oxygen, and are measured at stack oxygen content. You must calculate a 30-day rolling average of the 1-hour arithmetic average emission concentrations, including

CEMS data during startup and shutdown as defined in this subpart, using equation 19–19 in section 12.4.1 of EPA Reference Method 19 at 40 CFR part 60, appendix A–7 of this part. The nitrogen oxides CEMS must be operated according to performance specification 2 in appendix B of this part and must follow the procedures and methods specified in paragraphs (t)(1) through (5) of this section.

(1) During each relative accuracy test run of the CEMS required by performance specification 2 of appendix B of this part, collect nitrogen oxides and oxygen (or carbon dioxide) data concurrently (or within a 30- to 60-minute period) with both the CEMS and the test methods specified in paragraphs (t)(1)(i) and (ii) of this section.

(i) For nitrogen oxides, EPA Reference Method 7 or 7E at 40 CFR part 60, appendix A–4 must be used.

(ii) For oxygen (or carbon dioxide), EPA Reference Method 3A or 3B at 40 CFR part 60, appendix A–3, or as an alternative ANSI/ASME PTC 19–10.1981 (incorporated by reference, *see* § 60.17), as applicable, must be used.

(2) The span value of the continuous emission monitoring system must be 125 percent of the maximum estimated hourly potential nitrogen oxide emissions of the unit.

(3) Conduct accuracy determinations quarterly and calibration drift tests daily in accordance with procedure 1 in appendix F of this part.

(4) The owner or operator of an affected facility may request that compliance with the nitrogen oxides emission limit be determined using carbon dioxide measurements corrected to an equivalent of 7 percent oxygen. If carbon dioxide is selected for use in diluent corrections, the relationship between oxygen and carbon dioxide levels must be established during the initial performance test according to the procedures and methods specified in paragraphs (t)(4)(i) through (t)(4)(iv) of this section. This relationship may be re-established during performance compliance tests.

(i) The fuel factor equation in Method 3B must be used to determine the relationship between oxygen and carbon dioxide at a sampling location. Method 3A or 3B, or as an alternative ANSI/ASME PTC 19.10–1981 (incorporated by reference, *see* § 60.17), as applicable, must be used to determine the oxygen concentration at the same location as the carbon dioxide monitor.

(ii) Samples must be taken for at least 30 minutes in each hour.

(iii) Each sample must represent a 1-hour average.

(iv) A minimum of three runs must be performed.

(u) For facilities using a CEMS to demonstrate continuous compliance with any of the emission limits of this subpart, you must complete the following:

(1) Demonstrate compliance with the appropriate emission limit(s) using a 30-day rolling average of 1-hour arithmetic average emission concentrations, including CEMS data during startup and shutdown as defined in this subpart, calculated using equation 19–19 in section 12.4.1 of EPA Reference Method 19 at 40 CFR part 60, appendix A–7 of this part. CEMS data during startup and shutdown, as defined in the subpart, are not corrected to 7 percent oxygen, and are measured at stack oxygen content.

(2) Operate all CEMS in accordance with the applicable procedures under appendices B and F of this part.

(v) Use of the bypass stack at any time is an emissions standards deviation for particulate matter, HCl, Pb, Cd, Hg, $NO_X$, $SO_2$, and dioxin/furans.

(w) For energy recovery units with a design heat input capacity of 100 MMBtu per hour or greater that do not use a carbon monoxide CEMS, you must install, operate, and maintain a oxygen analyzer system as defined in § 60.2265 according to the procedures in paragraphs (w)(1) through (4) of this section.

(1) The oxygen analyzer system must be installed by the initial performance test date specified in § 60.2140.

(2) You must operate the oxygen trim system within compliance with paragraph (w)(3) of this section at all times.

(3) You must maintain the oxygen level such that the 30-day rolling average that is established as the operating limit for oxygen is not below the lowest hourly average oxygen concentration measured during the most recent CO performance test.

(4) You must calculate and record a 30-day rolling average oxygen concentration using equation 19–19 in section 12.4.1 of EPA Reference Method 19 of Appendix A–7 of this part.

(x) For energy recovery units with annual average heat input rates greater than or equal to 250 MMBtu/hour and waste-burning kilns, you must install, calibrate, maintain, and operate a PM CPMS and record the output of the system as specified in paragraphs (x)(1) through (x)(8) of this section. For other energy recovery units, you may elect to use PM CPMS operated in accordance with this section. PM CPMS are suitable in lieu of using other CMS for monitoring PM compliance (*e.g.,* bag leak detectors, ESP secondary power, PM scrubber pressure).

(1) Install, calibrate, operate, and maintain your PM CPMS according to the procedures in your approved site-specific monitoring plan developed in accordance with paragraphs (l) and (x)(1)(i) through (x)(1)(iii) of this section.

(i) The operating principle of the PM CPMS must be based on in-stack or extractive light scatter, light scintillation, beta attenuation, or mass accumulation detection of the exhaust gas or representative sample. The reportable measurement output from the PM CPMS must be expressed as milliamps.

(ii) The PM CPMS must have a cycle time (*i.e.,* period required to complete sampling, measurement, and reporting for each measurement) no longer than 60 minutes.

(iii) The PM CPMS must be capable of detecting and responding to particulate matter concentrations increments no greater than 0.5 mg/actual cubic meter.

(2) During the initial performance test or any such subsequent performance test that demonstrates compliance with the PM limit, you must adjust the site-specific operating limit in accordance with the results of the performance test according to the procedures specified in § 60.2110.

(3) Collect PM CPMS hourly average output data for all energy recovery unit or waste-burning kiln operating hours. Express the PM CPMS output as milliamps.

(4) Calculate the arithmetic 30-day rolling average of all of the hourly average PM CPMS output collected during all energy recovery unit or waste-burning kiln operating hours data (milliamps or their digital equivalent).

(5) You must collect data using the PM CPMS at all times the energy recovery unit or waste-burning kiln is operating and at the intervals specified in paragraph (x)(1)(ii) of this section, except for periods of monitoring system malfunctions, repairs associated with monitoring system malfunctions, required monitoring system quality assurance or quality control activities (including, as applicable, calibration checks and required zero and span adjustments), and any scheduled maintenance as defined in your site-specific monitoring plan.

(6) You must use all the data collected during all energy recovery unit or waste-burning kiln operating hours in assessing the compliance with your operating limit except:

(i) Any data collected during monitoring system malfunctions, repairs associated with monitoring system

malfunctions, or required monitoring system quality assurance or quality control activities conducted during monitoring system malfunctions are not used in calculations (report any such periods in your annual deviation report);

(ii) Any data collected during periods when the monitoring system is out of control as specified in your site-specific monitoring plan, repairs associated with periods when the monitoring system is out of control, or required monitoring system quality assurance or quality control activities conducted during out-of-control periods are not used in calculations (report emissions or operating levels and report any such periods in your annual deviation report);

(iii) Any PM CPMS data recorded during periods of CEMS data during startup and shutdown, as defined in this subpart.

(7) You must record and make available upon request results of PM CPMS system performance audits, as well as the dates and duration of periods from when the PM CPMS is out of control until completion of the corrective actions necessary to return the PM CPMS to operation consistent with your site-specific monitoring plan.

(8) For any deviation of the 30-day rolling average PM CPMS average value from the established operating parameter limit, you must:

(i) Within 48 hours of the deviation, visually inspect the air pollution control device;

(ii) If inspection of the air pollution control device identifies the cause of the deviation, take corrective action as soon as possible and return the PM CPMS measurement to within the established value; and

(iii) Within 30 days of the deviation or at the time of the annual compliance test, whichever comes first, conduct a PM emissions compliance test to determine compliance with the PM emissions limit and to verify. Within 45 days of the deviation, you must re-establish the CPMS operating limit. You are not required to conduct additional testing for any deviations that occur between the time of the original deviation and the PM emissions compliance test required under this paragraph.

(iv) PM CPMS deviations leading to more than four required performance tests in a 12-month process operating period (rolling monthly) constitute a violation of this subpart.

(y) When there is an alkali bypass and/or an in-line coal mill that exhaust emissions through a separate stack(s), the combined emissions are subject to the emission limits applicable to waste-burning kilns. To determine the kiln-specific emission limit for demonstrating compliance, you must:

(1) Calculate a kiln-specific emission limit using equation 6:

$$C_{ks} = ((\text{Emission limit} \times (Q_{ab}+Q_{cm}+Q_{ks})) - (Q_{ab} \times C_{ab}) - (Q_{cm} \times C_{cm}))/Q_{ks} \qquad \text{(Eq. 6)}$$

Where:

$C_{ks}$ = Kiln stack concentration (ppmvd, mg/dscm, ng/dscm, depending on pollutant. Each corrected to 7% $O_2$.)

$Q_{ab}$ = Alkali bypass flow rate (volume/hr)

$C_{ab}$ = Alkali bypass concentration (ppmvd, mg/dscm, ng/dscm, depending on pollutant. Each corrected to 7% $O_2$.)

$Q_{cm}$ = In-line coal mill flow rate (volume/hr)

$C_{cm}$ = In-line coal mill concentration (ppmvd, mg/dscm, ng/dscm, depending on pollutant. Each corrected to 7% $O_2$.)

$Q_{ks}$ = Kiln stack flow rate (volume/hr)

(2) Particulate matter concentration must be measured downstream of the in-line coal mill. All other pollutant concentrations must be measured either upstream or downstream of the in-line coal mill.

**§ 60.2150 By what date must I conduct the annual performance test?**

You must conduct annual performance tests between 11 and 13 months of the previous performance test.

**§ 60.2151 By what date must I conduct the annual air pollution control device inspection?**

On an annual basis (no more than 12 months following the previous annual air pollution control device inspection), you must complete the air pollution control device inspection as described in § 60.2141.

**§ 60.2155 May I conduct performance testing less often?**

(a) You must conduct annual performance tests according to the schedule specified in § 60.2150, with the following exceptions:

(1) You may conduct a repeat performance test at any time to establish new values for the operating limits to apply from that point forward, as specified in § 60.2160. The Administrator may request a repeat performance test at any time.

(2) You must repeat the performance test within 60 days of a process change, as defined in § 60.2265.

(3) If the initial or any subsequent performance test for any pollutant in table 1 or tables 5 through 8 of this subpart, as applicable, demonstrates that the emission level for the pollutant is no greater than the emission level specified in paragraph (a)(3)(i) or (a)(3)(ii) of this section, as applicable, and you are not required to conduct a performance test for the pollutant in response to a request by the Administrator in paragraph (a)(1) of this section or a process change in paragraph (a)(2) of this section, you may elect to skip conducting a performance test for the pollutant for the next 2 years. You must conduct a performance test for the pollutant during the third year and no more than 37 months following the previous performance test for the pollutant. For cadmium and lead, both cadmium and lead must be emitted at emission levels no greater than their respective emission levels specified in paragraph (a)(3)(i) of this section for you to qualify for less frequent testing under this paragraph.

(i) For particulate matter, hydrogen chloride, mercury, nitrogen oxides, sulfur dioxide, cadmium, lead and dioxins/furans, the emission level equal to 75 percent of the applicable emission limit in table 1 or tables 5 through 8 of this subpart, as applicable, to this subpart.

(ii) For fugitive emissions, visible emissions (of combustion ash from the ash conveying system) for 2 percent of the time during each of the three 1-hour observations periods.

(4) If you are conducting less frequent testing for a pollutant as provided in paragraph (a)(3) of this section and a subsequent performance test for the pollutant indicates that your CISWI unit does not meet the emission level specified in paragraph (a)(3)(i) or (a)(3)(ii) of this section, as applicable, you must conduct annual performance tests for the pollutant according to the schedule specified in paragraph (a) of this section until you qualify for less frequent testing for the pollutant as specified in paragraph (a)(3) of this section.

(b) [Reserved]

**§ 60.2160 May I conduct a repeat performance test to establish new operating limits?**

(a) Yes. You may conduct a repeat performance test at any time to establish new values for the operating limits. The Administrator may request a repeat performance test at any time.

(b) You must repeat the performance test if your feed stream is different than the feed streams used during any performance test used to demonstrate compliance.

**Monitoring**

**§ 60.2165 What monitoring equipment must I install and what parameters must I monitor?**

(a) If you are using a wet scrubber to comply with the emission limitation under § 60.2105, you must install, calibrate (to manufacturers' specifications), maintain, and operate devices (or establish methods) for monitoring the value of the operating parameters used to determine compliance with the operating limits listed in table 2 of this subpart. These devices (or methods) must measure and record the values for these operating parameters at the frequencies indicated in table 2 of this subpart at all times except as specified in § 60.2170(a).

(b) If you use a fabric filter to comply with the requirements of this subpart, you must install, calibrate, maintain, and continuously operate a bag leak detection system as specified in paragraphs (b)(1) through (8) of this section.

(1) You must install and operate a bag leak detection system for each exhaust stack of the fabric filter.

(2) Each bag leak detection system must be installed, operated, calibrated, and maintained in a manner consistent with the manufacturer's written specifications and recommendations.

(3) The bag leak detection system must be certified by the manufacturer to be capable of detecting particulate matter emissions at concentrations of 10 milligrams per actual cubic meter or less.

(4) The bag leak detection system sensor must provide output of relative or absolute particulate matter loadings.

(5) The bag leak detection system must be equipped with a device to continuously record the output signal from the sensor.

(6) The bag leak detection system must be equipped with an alarm system that will alert automatically an operator when an increase in relative particulate matter emissions over a preset level is detected. The alarm must be located where it is observed easily by plant operating personnel.

(7) For positive pressure fabric filter systems, a bag leak detection system must be installed in each baghouse compartment or cell. For negative pressure or induced air fabric filters, the bag leak detector must be installed downstream of the fabric filter.

(8) Where multiple detectors are required, the system's instrumentation and alarm may be shared among detectors.

(c) If you are using something other than a wet scrubber, activated carbon, selective non-catalytic reduction, an electrostatic precipitator, or a dry scrubber to comply with the emission limitations under § 60.2105, you must install, calibrate (to the manufacturers' specifications), maintain, and operate the equipment necessary to monitor compliance with the site-specific operating limits established using the procedures in § 60.2115.

(d) If you use activated carbon injection to comply with the emission limitations in this subpart, you must measure the minimum mercury sorbent flow rate once per hour.

(e) If you use selective noncatalytic reduction to comply with the emission limitations, you must complete the following:

(1) Following the date on which the initial performance test is completed or is required to be completed under § 60.2125, whichever date comes first, ensure that the affected facility does not operate above the maximum charge rate, or below the minimum secondary chamber temperature (if applicable to your CISWI unit) or the minimum reagent flow rate measured as 3-hour block averages at all times.

(2) Operation of the affected facility above the maximum charge rate, below the minimum secondary chamber temperature and below the minimum reagent flow rate simultaneously constitute a violation of the nitrogen oxides emissions limit.

(f) If you use an electrostatic precipitator to comply with the emission limits of this subpart, you must monitor the secondary power to the electrostatic precipitator collection plates and maintain the 3-hour block averages at or above the operating limits established during the mercury or particulate matter performance test.

(g) For waste-burning kilns not equipped with a wet scrubber or dry scrubber, in place of hydrogen chloride testing with EPA Method 321 at 40 CFR part 63, appendix A, an owner or operator must install, calibrate, maintain, and operate a CEMS for monitoring hydrogen chloride emissions discharged to the atmosphere and record the output of the system. To demonstrate continuous compliance with the hydrogen chloride emissions limit for units other than waste-burning kilns not equipped with a wet scrubber or dry scrubber, a facility may substitute use of a hydrogen chloride CEMS for conducting the hydrogen chloride annual performance test, monitoring the minimum hydrogen chloride sorbent flow rate, monitoring the minimum scrubber liquor pH, and monitoring minimum injection rate.

(h) To demonstrate continuous compliance with the particulate matter emissions limit, a facility may substitute use of a particulate matter CEMS for conducting the PM annual performance test and using other CMS for monitoring PM compliance (*e.g.,* bag leak detectors, ESP secondary power, PM scrubber pressure).

(i) To demonstrate continuous compliance with the dioxin/furan emissions limit, a facility may substitute use of a continuous automated sampling system for the dioxin/furan annual performance test. You must record the output of the system and analyze the sample according to EPA Method 23 at 40 CFR part 60, appendix A–7 of this part. This option to use a continuous automated sampling system takes effect on the date a final performance specification applicable to dioxin/furan from continuous monitors is published in the **Federal Register.** The owner or operator who elects to continuously sample dioxin/furan emissions instead of sampling and testing using EPA Method 23 at 40 CFR part 60, appendix A–7 must install, calibrate, maintain, and operate a continuous automated sampling system and must comply with the requirements specified in § 60.58b(p) and (q). A facility may substitute continuous dioxin/furan monitoring for the minimum sorbent flow rate, if activated carbon sorbent injection is used solely for compliance with the dioxin/furan emission limit.

(j) To demonstrate continuous compliance with the mercury emissions limit, a facility may substitute use of a continuous automated sampling system for the mercury annual performance test. You must record the output of the system and analyze the sample at set intervals using any suitable determinative technique that can meet performance specification 12B. The owner or operator who elects to continuously sample mercury emissions instead of sampling and testing using EPA Reference Method 29 or 30B at 40 CFR part 60, appendix A–8 of this part, ASTM D6784–02 (Reapproved 2008) (incorporated by reference, see § 60.17), or an approved alternative method for measuring mercury emissions, must

install, calibrate, maintain, and operate a continuous automated sampling system and must comply with performance specification 12A and quality assurance procedure 5, as well as the requirements specified in § 60.58b(p) and (q). A facility may substitute continuous mercury monitoring for the minimum sorbent flow rate, if activated carbon sorbent injection is used solely for compliance with the mercury emission limit.

(k) To demonstrate continuous compliance with the nitrogen oxides emissions limit, a facility may substitute use of a CEMS for the nitrogen oxides annual performance test to demonstrate compliance with the nitrogen oxides emissions limits and monitoring the charge rate, secondary chamber temperature, and reagent flow for selective noncatalytic reduction, if applicable.

(1) Install, calibrate, maintain, and operate a CEMS for measuring nitrogen oxides emissions discharged to the atmosphere and record the output of the system. The requirements under performance specification 2 of appendix B of this part, the quality assurance procedure one of appendix F of this part and the procedures under § 60.13 must be followed for installation, evaluation, and operation of the CEMS.

(2) Following the date that the initial performance test for nitrogen oxides is completed or is required to be completed under § 60.2125, compliance with the emission limit for nitrogen oxides required under § 60.52b(d) must be determined based on the 30-day rolling average of the hourly emission concentrations using CEMS outlet data. The 1-hour arithmetic averages must be expressed in parts per million by volume corrected to 7 percent oxygen (dry basis) and used to calculate the 30-day rolling average concentrations. CEMS data during startup and shutdown, as defined in this subpart, are not corrected to 7 percent oxygen, and are measured at stack oxygen content. The 1-hour arithmetic averages must be calculated using the data points required under § 60.13(e)(2).

(l) To demonstrate continuous compliance with the sulfur dioxide emissions limit, a facility may substitute use of a continuous automated sampling system for the sulfur dioxide annual performance test to demonstrate compliance with the sulfur dioxide emissions limits.

(1) Install, calibrate, maintain, and operate a CEMS for measuring sulfur dioxide emissions discharged to the atmosphere and record the output of the system. The requirements under performance specification 2 of appendix B of this part, the quality assurance requirements of procedure one of appendix F of this part and procedures under § 60.13 must be followed for installation, evaluation, and operation of the CEMS.

(2) Following the date that the initial performance test for sulfur dioxide is completed or is required to be completed under § 60.2125, compliance with the sulfur dioxide emission limit may be determined based on the 30-day rolling average of the hourly arithmetic average emission concentrations using CEMS outlet data. The 1-hour arithmetic averages must be expressed in parts per million corrected to 7 percent oxygen (dry basis) and used to calculate the 30-day rolling average emission concentrations. CEMS data during startup and shutdown, as defined in this subpart, are not corrected to 7 percent oxygen, and are measured at stack oxygen content. The 1-hour arithmetic averages must be calculated using the data points required under § 60.13(e)(2).

(m) For energy recovery units over 10 MMBtu/hr but less than 250 MMBtu/hr annual average heat input rates that do not use a wet scrubber, fabric filter with bag leak detection system, or particulate matter CEMS, you must install, operate, certify, and maintain a continuous opacity monitoring system according to the procedures in paragraphs (m)(1) through (5) of this section by the compliance date specified in § 60.2105. Energy recovery units that use a CEMS to demonstrate initial and continuing compliance according to the procedures in § 60.2165(n) are not required to install a continuous opacity monitoring system and must perform the annual performance tests for the opacity consistent with § 60.2145(f).

(1) Install, operate, and maintain each continuous opacity monitoring system according to performance specification 1 of 40 CFR part 60, appendix B.

(2) Conduct a performance evaluation of each continuous opacity monitoring system according to the requirements in § 60.13 and according to PS–1 of 40 CFR part 60, appendix B.

(3) As specified in § 60.13(e)(1), each continuous opacity monitoring system must complete a minimum of one cycle of sampling and analyzing for each successive 10-second period and one cycle of data recording for each successive 6-minute period.

(4) Reduce the continuous opacity monitoring system data as specified in § 60.13(h)(1).

(5) Determine and record all the 6-minute averages (and 1-hour block averages as applicable) collected.

(n) For coal and liquid/gas energy recovery units, incinerators, and small remote incinerators, an owner or operator may elect to install, calibrate, maintain, and operate a CEMS for monitoring particulate matter emissions discharged to the atmosphere and record the output of the system. The owner or operator of an affected facility who continuously monitors particulate matter emissions instead of conducting performance testing using EPA Method 5 at 40 CFR part 60, appendix A–3 or, as applicable, monitor with a particulate matter CPMS according to paragraph (r) of this section, must install, calibrate, maintain, and operate a CEMS and must comply with the requirements specified in paragraphs (n)(1) through (13) of this section.

(1) Notify the Administrator 1 month before starting use of the system.

(2) Notify the Administrator 1 month before stopping use of the system.

(3) The monitor must be installed, evaluated, and operated in accordance with the requirements of performance specification 11 of appendix B of this part and quality assurance requirements of procedure two of appendix F of this part and § 60.13. Use Method 5 or Method 5I of Appendix A of this part for the PM CEMS correlation testing.

(4) The initial performance evaluation must be completed no later than 180 days after the date of initial startup of the affected facility, as specified under § 60.2125 or within 180 days of notification to the Administrator of use of the continuous monitoring system if the owner or operator was previously determining compliance by Method 5 performance tests, whichever is later.

(5) The owner or operator of an affected facility may request that compliance with the particulate matter emission limit be determined using carbon dioxide measurements corrected to an equivalent of 7 percent oxygen. The relationship between oxygen and carbon dioxide levels for the affected facility must be established according to the procedures and methods specified in § 60.2145(s)(5)(i) through (s)(5)(iv).

(6) The owner or operator of an affected facility must conduct an initial performance test for particulate matter emissions as required under § 60.2125. Compliance with the particulate matter emission limit, if PM CEMS are elected for demonstrating compliance, must be determined by using the CEMS specified in this paragraph (n) to measure particulate matter. You must calculate a 30-day rolling average of 1-hour arithmetic average emission concentrations, including CEMS data during startup and shutdown, as defined in this subpart, using equation 19–19 in section 12.4.1 of EPA

Reference Method 19 at 40 CFR part 60, appendix A–7.

(7) Compliance with the particulate matter emission limit must be determined based on the 30-day rolling average calculated using equation 19–19 in section 12.4.1 of EPA Reference Method 19 at 40 CFR part 60, appendix A–7 from the 1-hour arithmetic average CEMS outlet data.

(8) At a minimum, valid continuous monitoring system hourly averages must be obtained as specified in § 60.2170(e).

(9) The 1-hour arithmetic averages required under paragraph (n)(7) of this section must be expressed in milligrams per dry standard cubic meter corrected to 7 percent oxygen (dry basis) and must be used to calculate the 30-day rolling average emission concentrations. CEMS data during startup and shutdown, as defined in this subpart, are not corrected to 7 percent oxygen, and are measured at stack oxygen content. The 1-hour arithmetic averages must be calculated using the data points required under § 60.13(e)(2).

(10) All valid CEMS data must be used in calculating average emission concentrations even if the minimum CEMS data requirements of paragraph (n)(8) of this section are not met.

(11) The CEMS must be operated according to performance specification 11 in appendix B of this part.

(12) During each relative accuracy test run of the CEMS required by performance specification 11 in appendix B of this part, particulate matter and oxygen (or carbon dioxide) data must be collected concurrently (or within a 30- to 60-minute period) by both the CEMS and the following test methods.

(i) For particulate matter, EPA Reference Method 5 must be used.

(ii) For oxygen (or carbon dioxide), EPA Reference Method 3A or 3B, as applicable, must be used.

(13) Quarterly accuracy determinations and daily calibration drift tests must be performed in accordance with procedure 2 in appendix F of this part.

(o) To demonstrate continuous compliance with the carbon monoxide emissions limit, you may substitute use of a continuous automated sampling system for the carbon monoxide annual performance test.

(1) Install, calibrate, maintain, and operate a CEMS for measuring carbon monoxide emissions discharged to the atmosphere and record the output of the system. The requirements under performance specification 4B of appendix B of this part, the quality assurance procedure 1 of appendix F of this part and the procedures under § 60.13 must be followed for installation, evaluation, and operation of the CEMS.

(2) Following the date that the initial performance test for carbon monoxide is completed or is required to be completed under § 60.2140, compliance with the carbon monoxide emission limit may be determined based on the 30-day rolling average of the hourly arithmetic average emission concentrations, including CEMS data during startup and shutdown as defined in this subpart, using CEMS outlet data. Except for CEMS data during startup and shutdown, as defined in this subpart, the 1-hour arithmetic averages must be expressed in parts per million corrected to 7 percent oxygen (dry basis) and used to calculate the 30-day rolling average emission concentrations. CEMS data during startup and shutdown, as defined in this subpart, are not corrected to 7 percent oxygen, and are measured at stack oxygen content. The 1-hour arithmetic averages must be calculated using the data points required under § 60.13(e)(2).

(p) The owner/operator of an affected source with a bypass stack shall install, calibrate (to manufacturers' specifications), maintain, and operate a device or method for measuring the use of the bypass stack including date, time and duration.

(q) For energy recovery units with a design heat input capacity of 100 MMBtu per hour or greater that do not use a carbon monoxide CEMS, you must install, operate, and maintain a oxygen analyzer system as defined in § 60.2265 according to the procedures in paragraphs (q)(1) through (q)(4) of this section.

(1) The oxygen analyzer system must be installed by the initial performance test date specified in § 60.2140.

(2) You must operate the oxygen trim system within compliance with paragraph (q)(3) of this section at all times.

(3) You must maintain the oxygen level such that the 30-day rolling average that is established as the operating limit for oxygen according to paragraph (q)(4) of this section is not below the lowest hourly average oxygen concentration measured during the most recent CO performance test.

(4) You must calculate and record a 30-day rolling average oxygen concentration using equation 19–19 in section 12.4.1 of EPA Reference Method 19 of Appendix A–7 of this part.

(r) For energy recovery units with annual average heat input rates greater than or equal to 250 MMBtu/hour and waste-burning kilns, you must install, calibrate, maintain, and operate a PM CPMS and record the output of the system as specified in paragraphs (r)(1) through (8) of this section. If you elect to use a particulate matter CEMS as specified in paragraph (n) of this section, you are not required to use a PM CPMS to monitor particulate matter emissions. For other energy recovery units, you may elect to use PM CPMS operated in accordance with this section. PM CPMS are suitable in lieu of using other CMS for monitoring PM compliance (*e.g.,* bag leak detectors, ESP secondary power, PM scrubber pressure).

(1) Install, calibrate, operate, and maintain your PM CPMS according to the procedures in your approved site-specific monitoring plan developed in accordance with § 60.2145(l) and (r)(1)(i) through (iii) of this section.

(i) The operating principle of the PM CPMS must be based on in-stack or extractive light scatter, light scintillation, beta attenuation, or mass accumulation detection of PM in the exhaust gas or representative sample. The reportable measurement output from the PM CPMS must be expressed as milliamps or a digital signal equivalent.

(ii) The PM CPMS must have a cycle time (*i.e.,* period required to complete sampling, measurement, and reporting for each measurement) no longer than 60 minutes.

(iii) The PM CPMS must be capable of detecting and responding to particulate matter concentration increments no greater than 0.5 mg/actual cubic meter.

(2) During the initial performance test or any such subsequent performance test that demonstrates compliance with the PM limit, you must adjust the site-specific operating limit in accordance with the results of the performance test according to the procedures specified in § 60.2110.

(3) Collect PM CPMS hourly average output data for all energy recovery unit or waste-burning kiln operating hours. Express the PM CPMS output as milliamps or the digital signal equivalent.

(4) Calculate the arithmetic 30-day rolling average of all of the hourly average PM CPMS output collected during all energy recovery unit or waste-burning kiln operating hours data (milliamps or digital bits).

(5) You must collect data using the PM CPMS at all times the energy recovery unit or waste-burning kiln is operating and at the intervals specified in paragraph (r)(1)(ii) of this section, except for periods of monitoring system malfunctions, repairs associated with monitoring system malfunctions, required monitoring system quality

assurance or quality control activities (including, as applicable, calibration checks and required zero and span adjustments), and any scheduled maintenance as defined in your site-specific monitoring plan.

(6) You must use all the data collected during all energy recovery unit or waste-burning kiln operating hours in assessing the compliance with your operating limit except:

(i) Any data collected during monitoring system malfunctions, repairs associated with monitoring system malfunctions, or required monitoring system quality assurance or quality control activities conducted during monitoring system malfunctions are not used in calculations (report any such periods in your annual deviation report);

(ii) Any data collected during periods when the monitoring system is out of control as specified in your site-specific monitoring plan, repairs associated with periods when the monitoring system is out of control, or required monitoring system quality assurance or quality control activities conducted during out-of-control periods are not used in calculations (report emissions or operating levels and report any such periods in your annual deviation report);

(iii) Any PM CPMS data recorded during periods of CEMS data during startup and shutdown, as defined in this subpart.

(7) You must record and make available upon request results of PM CPMS system performance audits, as well as the dates and duration of periods from when the PM CPMS is out of control until completion of the corrective actions necessary to return the PM CPMS to operation consistent with your site-specific monitoring plan.

(8) For any deviation of the 30-day rolling average PM CPMS average value from the established operating parameter limit, you must:

(i) Within 48 hours of the deviation, visually inspect the air pollution control device;

(ii) If inspection of the air pollution control device identifies the cause of the deviation, take corrective action as soon as possible and return the PM CPMS measurement to within the established value; and

(iii) Within 30 days of the deviation or at the time of the annual compliance test, whichever comes first, conduct a PM emissions compliance test to determine compliance with the PM emissions limit and to verify the operation of the control device(s). Within 45 days of the deviation, you must re-establish the CPMS operating limit. You are not required to conduct additional testing for any deviations that occur between the time of the original deviation and the PM emissions compliance test required under this paragraph.

(iv) PM CPMS deviations leading to more than four required performance tests in a 12-month process operating period (rolling monthly) constitute a violation of this subpart.

(s) If you use a dry scrubber to comply with the emission limits of this subpart, you must monitor the injection rate of each sorbent and maintain the 3-hour block averages at or above the operating limits established during the hydrogen chloride performance test.

### § 60.2170 Is there a minimum amount of monitoring data I must obtain?

For each continuous monitoring system required or optionally allowed under § 60.2165, you must collect data according to this section:

(a) You must operate the monitoring system and collect data at all required intervals at all times compliance is required except for periods of monitoring system malfunctions or out-of-control periods, repairs associated with monitoring system malfunctions or out-of-control periods (as specified in 60.2210(o) of this part), and required monitoring system quality assurance or quality control activities (including, as applicable, calibration checks and required zero and span adjustments). A monitoring system malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring system to provide valid data. Monitoring system failures that are caused in part by poor maintenance or careless operation are not malfunctions. You are required to effect monitoring system repairs in response to monitoring system malfunctions or out-of-control periods and to return the monitoring system to operation as expeditiously as practicable.

(b) You may not use data recorded during monitoring system malfunctions or out-of-control periods, repairs associated with monitoring system malfunctions or out-of-control periods, or required monitoring system quality assurance or control activities in calculations used to report emissions or operating levels. You must use all the data collected during all other periods, including data normalized for above scale readings, in assessing the operation of the control device and associated control system.

(c) Except for periods of monitoring system malfunctions or out-of-control periods, repairs associated with monitoring system malfunctions or out-of-control periods, and required monitoring system quality assurance or quality control activities including, as applicable, calibration checks and required zero and span adjustments, failure to collect required data is a deviation of the monitoring requirements.

## Recordkeeping and Reporting

### § 60.2175 What records must I keep?

You must maintain the items (as applicable) as specified in paragraphs (a), (b), and (e) through (x) of this section for a period of at least 5 years:

(a) Calendar date of each record.

(b) Records of the data described in paragraphs (b)(1) through (6) of this section:

(1) The CISWI unit charge dates, times, weights, and hourly charge rates.

(2) Liquor flow rate to the wet scrubber inlet every 15 minutes of operation, as applicable.

(3) Pressure drop across the wet scrubber system every 15 minutes of operation or amperage to the wet scrubber every 15 minutes of operation, as applicable.

(4) Liquor pH as introduced to the wet scrubber every 15 minutes of operation, as applicable.

(5) For affected CISWI units that establish operating limits for controls other than wet scrubbers under § 60.2110(d) through (g) or § 60.2115, you must maintain data collected for all operating parameters used to determine compliance with the operating limits. For energy recovery units using activated carbon injection or a dry scrubber, you must also maintain records of the load fraction and corresponding sorbent injection rate records.

(6) If a fabric filter is used to comply with the emission limitations, you must record the date, time, and duration of each alarm and the time corrective action was initiated and completed, and a brief description of the cause of the alarm and the corrective action taken. You must also record the percent of operating time during each 6-month period that the alarm sounds, calculated as specified in § 60.2110(c).

(c)–(d) [Reserved]

(e) Identification of calendar dates and times for which data show a deviation from the operating limits in table 2 of this subpart or a deviation from other operating limits established under § 60.2110(d) through (g) or § 60.2115 with a description of the deviations, reasons for such deviations, and a description of corrective actions taken.

(f) The results of the initial, annual, and any subsequent performance tests

conducted to determine compliance with the emission limits and/or to establish operating limits, as applicable. Retain a copy of the complete test report including calculations.

(g) All documentation produced as a result of the siting requirements of §§ 60.2045 and 60.2050.

(h) Records showing the names of CISWI unit operators who have completed review of the information in § 60.2095(a) as required by § 60.2095(b), including the date of the initial review and all subsequent annual reviews.

(i) Records showing the names of the CISWI operators who have completed the operator training requirements under § 60.2070, met the criteria for qualification under § 60.2080, and maintained or renewed their qualification under § 60.2085 or § 60.2090. Records must include documentation of training, the dates of the initial and refresher training, and the dates of their qualification and all subsequent renewals of such qualifications.

(j) For each qualified operator, the phone and/or pager number at which they can be reached during operating hours.

(k) Records of calibration of any monitoring devices as required under § 60.2165.

(l) Equipment vendor specifications and related operation and maintenance requirements for the incinerator, emission controls, and monitoring equipment.

(m) The information listed in § 60.2095(a).

(n) On a daily basis, keep a log of the quantity of waste burned and the types of waste burned (always required).

(o) Maintain records of the annual air pollution control device inspections that are required for each CISWI unit subject to the emissions limits in table 1 of this subpart or tables 5 through 8 of this subpart, any required maintenance, and any repairs not completed within 10 days of an inspection or the timeframe established by the state regulatory agency.

(p) For continuously monitored pollutants or parameters, you must document and keep a record of the following parameters measured using continuous monitoring systems.

(1) All 6-minute average levels of opacity.

(2) All 1-hour average concentrations of sulfur dioxide emissions.

(3) All 1-hour average concentrations of nitrogen oxides emissions.

(4) All 1-hour average concentrations of carbon monoxide emissions. You must indicate which data are CEMS data during startup and shutdown.

(5) All 1-hour average concentrations of particulate matter emissions.

(6) All 1-hour average concentrations of mercury emissions.

(7) All 1-hour average concentrations of hydrogen chloride emissions.

(8) All 1-hour average percent oxygen concentrations.

(9) All 1-hour average PM CPMS readings or particulate matter CEMS outputs.

(q) Records indicating use of the bypass stack, including dates, times, and durations.

(r) If you choose to stack test less frequently than annually, consistent with § 60.2155(a) through (c), you must keep annual records that document that your emissions in the previous stack test(s) were less than 75 percent of the applicable emission limit and document that there was no change in source operations including fuel composition and operation of air pollution control equipment that would cause emissions of the relevant pollutant to increase within the past year.

(s) Records of the occurrence and duration of each malfunction of operation (*i.e.,* process equipment) or the air pollution control and monitoring equipment.

(t) Records of all required maintenance performed on the air pollution control and monitoring equipment.

(u) Records of actions taken during periods of malfunction to minimize emissions in accordance with § 60.11(d), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.

(v) For operating units that combust non-hazardous secondary materials that have been determined not to be solid waste pursuant to § 241.3(b)(1) of this chapter, you must keep a record which documents how the secondary material meets each of the legitimacy criteria under § 241.3(d)(1). If you combust a fuel that has been processed from a discarded non-hazardous secondary material pursuant to § 241.3(b)(4) of this chapter, you must keep records as to how the operations that produced the fuel satisfies the definition of processing in § 241.2 and each of the legitimacy criteria of § 241.3(d)(1) of this chapter. If the fuel received a non-waste determination pursuant to the petition process submitted under § 241.3(c) of this chapter, you must keep a record that documents how the fuel satisfies the requirements of the petition process. For operating units that combust non-hazardous secondary materials as fuel per § 241.4, you must keep records documenting that the material is a listed non-waste under § 241.4(a).

(w) Records of the criteria used to establish that the unit qualifies as a small power production facility under section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C)) and that the waste material the unit is proposed to burn is homogeneous.

(x) Records of the criteria used to establish that the unit qualifies as a cogeneration facility under section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)) and that the waste material the unit is proposed to burn is homogeneous.

**§ 60.2180 Where and in what format must I keep my records?**

All records must be available onsite in either paper copy or computer-readable format that can be printed upon request, unless an alternative format is approved by the Administrator.

**§ 60.2185 What reports must I submit?**

See table 4 of this subpart for a summary of the reporting requirements.

**§ 60.2190 What must I submit prior to commencing construction?**

You must submit a notification prior to commencing construction that includes the five items listed in paragraphs (a) through (e) of this section.

(a) A statement of intent to construct.

(b) The anticipated date of commencement of construction.

(c) All documentation produced as a result of the siting requirements of § 60.2050.

(d) The waste management plan as specified in §§ 60.2055 through 60.2065.

(e) Anticipated date of initial startup.

**§ 60.2195 What information must I submit prior to initial startup?**

You must submit the information specified in paragraphs (a) through (e) of this section prior to initial startup.

(a) The type(s) of waste to be burned.

(b) The maximum design waste burning capacity.

(c) The anticipated maximum charge rate.

(d) If applicable, the petition for site-specific operating limits under § 60.2115.

(e) The anticipated date of initial startup.

**§ 60.2200 What information must I submit following my initial performance test?**

You must submit the information specified in paragraphs (a) through (c) of this section no later than 60 days following the initial performance test. All reports must be signed by the facilities manager.

(a) The complete test report for the initial performance test results obtained under § 60.2135, as applicable.

(b) The values for the site-specific operating limits established in § 60.2110 or § 60.2115.

(c) If you are using a fabric filter to comply with the emission limitations, documentation that a bag leak detection system has been installed and is being operated, calibrated, and maintained as required by § 60.2165(b).

**§ 60.2205 When must I submit my annual report?**

You must submit an annual report no later than 12 months following the submission of the information in § 60.2200. You must submit subsequent reports no more than 12 months following the previous report. (If the unit is subject to permitting requirements under title V of the Clean Air Act, you may be required by the permit to submit these reports more frequently.)

**§ 60.2210 What information must I include in my annual report?**

The annual report required under § 60.2205 must include the ten items listed in paragraphs (a) through (j) of this section. If you have a deviation from the operating limits or the emission limitations, you must also submit deviation reports as specified in §§ 60.2215, 60.2220, and 60.2225.

(a) Company name and address.

(b) Statement by a responsible official, with that official's name, title, and signature, certifying the accuracy of the content of the report.

(c) Date of report and beginning and ending dates of the reporting period.

(d) The values for the operating limits established pursuant to § 60.2110 or § 60.2115.

(e) If no deviation from any emission limitation or operating limit that applies to you has been reported, a statement that there was no deviation from the emission limitations or operating limits during the reporting period.

(f) The highest recorded 3-hour average and the lowest recorded 3-hour average, as applicable, for each operating parameter recorded for the calendar year being reported.

(g) Information recorded under § 60.2175(b)(6) and (c) through (e) for the calendar year being reported.

(h) For each performance test conducted during the reporting period, if any performance test is conducted, the process unit(s) tested, the pollutant(s) tested and the date that such performance test was conducted. Submit, following the procedure specified in § 60.2235(b)(i), the performance test report no later than the date that you submit the annual report.

(i) If you met the requirements of § 60.2155(a) or (b), and did not conduct a performance test during the reporting period, you must state that you met the requirements of § 60.2155(a) or (b), and, therefore, you were not required to conduct a performance test during the reporting period.

(j) Documentation of periods when all qualified CISWI unit operators were unavailable for more than 8 hours, but less than 2 weeks.

(k) If you had a malfunction during the reporting period, the compliance report must include the number, duration, and a brief description for each type of malfunction that occurred during the reporting period and that caused or may have caused any applicable emission limitation to be exceeded. The report must also include a description of actions taken by an owner or operator during a malfunction of an affected source to minimize emissions in accordance with § 60.11(d), including actions taken to correct a malfunction.

(l) For each deviation from an emission or operating limitation that occurs for a CISWI unit for which you are not using a continuous monitoring system to comply with the emission or operating limitations in this subpart, the annual report must contain the following information.

(1) The total operating time of the CISWI unit at which the deviation occurred during the reporting period.

(2) Information on the number, duration, and cause of deviations (including unknown cause, if applicable), as applicable, and the corrective action taken.

(m) If there were periods during which the continuous monitoring system, including the CEMS, was out of control as specified in paragraph (o) of this section, the annual report must contain the following information for each deviation from an emission or operating limitation occurring for a CISWI unit for which you are using a continuous monitoring system to comply with the emission and operating limitations in this subpart.

(1) The date and time that each malfunction started and stopped.

(2) The date, time, and duration that each CMS was inoperative, except for zero (low-level) and high-level checks.

(3) The date, time, and duration that each continuous monitoring system was out-of-control, including start and end dates and hours and descriptions of corrective actions taken.

(4) The date and time that each deviation started and stopped, and whether each deviation occurred during a period of malfunction or during another period.

(5) A summary of the total duration of the deviation during the reporting period, and the total duration as a percent of the total source operating time during that reporting period.

(6) A breakdown of the total duration of the deviations during the reporting period into those that are due to control equipment problems, process problems, other known causes, and other unknown causes.

(7) A summary of the total duration of continuous monitoring system downtime during the reporting period, and the total duration of continuous monitoring system downtime as a percent of the total operating time of the CISWI unit at which the continuous monitoring system downtime occurred during that reporting period.

(8) An identification of each parameter and pollutant that was monitored at the CISWI unit.

(9) A brief description of the CISWI unit.

(10) A brief description of the continuous monitoring system.

(11) The date of the latest continuous monitoring system certification or audit.

(12) A description of any changes in continuous monitoring system, processes, or controls since the last reporting period.

(n) If there were periods during which the continuous monitoring system, including the CEMS, was not out of control as specified in paragraph (o) of this section, a statement that there were not periods during which the continuous monitoring system was out of control during the reporting period.

(o) A continuous monitoring system is out of control in accordance with the procedure in 40 CFR part 60, appendix F of this part, as if any of the following occur.

(1) The zero (low-level), mid-level (if applicable), or high-level calibration drift exceeds two times the applicable calibration drift specification in the applicable performance specification or in the relevant standard.

(2) The continuous monitoring system fails a performance test audit (*e.g.,* cylinder gas audit), relative accuracy audit, relative accuracy test audit, or linearity test audit.

(3) The continuous opacity monitoring system calibration drift exceeds two times the limit in the applicable performance specification in the relevant standard.

**§ 60.2215 What else must I report if I have a deviation from the operating limits or the emission limitations?**

(a) You must submit a deviation report if any recorded 3-hour average parameter level is above the maximum operating limit or below the minimum operating limit established under this subpart, if the bag leak detection system alarm sounds for more than 5 percent of the operating time for the 6-month reporting period, or if a performance test was conducted that deviated from any emission limitation.

(b) The deviation report must be submitted by August 1 of that year for data collected during the first half of the calendar year (January 1 to June 30), and by February 1 of the following year for data you collected during the second half of the calendar year (July 1 to December 31).

**§ 60.2220 What must I include in the deviation report?**

In each report required under § 60.2215, for any pollutant or parameter that deviated from the emission limitations or operating limits specified in this subpart, include the six items described in paragraphs (a) through (f) of this section.

(a) The calendar dates and times your unit deviated from the emission limitations or operating limit requirements.

(b) The averaged and recorded data for those dates.

(c) Durations and causes of the following:

(1) Each deviation from emission limitations or operating limits and your corrective actions.

(2) Bypass events and your corrective actions.

(d) A copy of the operating limit monitoring data during each deviation and for any test report that documents the emission levels the process unit(s) tested, the pollutant(s) tested and the date that the performance test was conducted. Submit, following the procedure specified in § 60.2235(b)(i), the performance test report no later than the date that you submit the deviation report.

**§ 60.2225 What else must I report if I have a deviation from the requirement to have a qualified operator accessible?**

(a) If all qualified operators are not accessible for 2 weeks or more, you must take the two actions in paragraphs (a)(1) and (2) of this section.

(1) Submit a notification of the deviation within 10 days that includes the three items in paragraphs (a)(1)(i) through (iii) of this section.

(i) A statement of what caused the deviation.

(ii) A description of what you are doing to ensure that a qualified operator is accessible.

(iii) The date when you anticipate that a qualified operator will be available.

(2) Submit a status report to the Administrator every 4 weeks that includes the three items in paragraphs (a)(2)(i) through (iii) of this section.

(i) A description of what you are doing to ensure that a qualified operator is accessible.

(ii) The date when you anticipate that a qualified operator will be accessible.

(iii) Request approval from the Administrator to continue operation of the CISWI unit.

(b) If your unit was shut down by the Administrator, under the provisions of § 60.2100(b)(2), due to a failure to provide an accessible qualified operator, you must notify the Administrator that you are resuming operation once a qualified operator is accessible.

**§ 60.2230 Are there any other notifications or reports that I must submit?**

(a) Yes. You must submit notifications as provided by § 60.7.

(b) If you cease combusting solid waste but continue to operate, you must provide 30 days prior notice of the effective date of the waste-to-fuel switch, consistent with 60.2145(a). The notification must identify:

(1) The name of the owner or operator of the CISWI unit, the location of the source, the emissions unit(s) that will cease burning solid waste, and the date of the notice;

(2) The currently applicable subcategory under this subpart, and any 40 CFR part 63 subpart and subcategory that will be applicable after you cease combusting solid waste;

(3) The fuel(s), non-waste material(s) and solid waste(s) the CISWI unit is currently combusting and has combusted over the past 6 months, and the fuel(s) or non-waste materials the unit will commence combusting;

(4) The date on which you became subject to the currently applicable emission limits;

(5) The date upon which you will cease combusting solid waste, and the date (if different) that you intend for any new requirements to become applicable (*i.e.,* the effective date of the waste-to-fuel switch), consistent with paragraphs (b)(2) and (3) of this section.

**§ 60.2235 In what form can I submit my reports?**

(a) Submit initial, annual and deviation reports electronically on or before the submittal due dates. Submit the reports to the EPA via the Compliance and Emissions Data Reporting Interface (CEDRI). (CEDRI can be accessed through the EPA's Central Data Exchange (CDX) (*http://cdx.epa.gov/epa_home.asp*).) Use the appropriate electronic report in CEDRI for this subpart. Instead of using the electronic report in CEDRI for this subpart, you may submit an alternate electronic file format consistent with the extensible markup language (XML) schema listed on the CEDRI Web site (*http://www.epa.gov/ttn/chief/cedri/index.html*), once the XML schema is available. If the reporting form specific to this subpart is not available in CEDRI at the time that the report is due, submit the report to the Administrator at the appropriate address listed in § 60.4. Begin submitting reports via CEDRI no later than 90 days after the form becomes available in CEDRI. The reports must be submitted by the deadlines specified in this subpart, regardless of the method in which the report is submitted.

(b) Submit results of each performance test and CEMS performance evaluation required by this subpart as follows.

(1) Within 60 days after the date of completing each performance test (see § 60.8), submit the results of the performance test following the procedure specified in either paragraph (b)(1)(i) or (b)(1)(ii) of this section.

(i) For data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT Web site (*http://www.epa.gov/ttn/chief/ert/index.html*) at the time of the test, submit the results of the performance test to the EPA via the CEDRI. (CEDRI can be accessed through the EPA's CDX.) Performance test data must be submitted in a file format generated through the use of the EPA's ERT. Instead of submitting performance test data in a file format generated through the use of the EPA's ERT, you may submit an alternate electronic file format consistent with the XML schema listed on the EPA's ERT Web site, once the XML schema is available. If you claim that some of the performance test information being submitted is confidential business information (CBI), submit a complete file generated through the use of the EPA's ERT (or an alternate electronic file consistent with the XML schema listed on the EPA's ERT Web site once the XML schema is available), including information claimed to be CBI, on a compact disc, flash drive, or other commonly used electronic storage media to the EPA. The electronic media must be clearly marked as CBI and mailed to U.S. EPA/OAPQS/CORE CBI Office, Attention: Group

Leader, Measurement Policy Group, MD C404–02, 4930 Old Page Road, Durham, NC 27703. The same ERT or alternate file with the CBI omitted must be submitted to the EPA via the EPA's CDX as described earlier in this paragraph.

(ii) For data collected using test methods that are not supported by the EPA's ERT as listed on the EPA's ERT Web site at the time of the test, submit the results of the performance test to the Administrator at the appropriate address listed in § 60.4.

(2) Within 60 days after the date of completing each CEMS performance evaluation, submit the results of the performance evaluation following the procedure specified in either paragraph (b)(2)(i) or (b)(2)(ii) of this section.

(i) For performance evaluations of continuous monitoring systems measuring relative accuracy test audit (RATA) pollutants that are supported by the EPA's ERT as listed on the EPA's ERT Web site at the time of the test, submit the results of the performance evaluation to the EPA via the CEDRI. (CEDRI can be accessed through the EPA's CDX.) Performance evaluation data must be submitted in a file format generated through the use of the EPA's ERT. Instead of submitting performance evaluation data in a file format generated through the use of the EPA's ERT, you may submit an alternate electronic file format consistent with the XML schema listed on the EPA's ERT Web site, once the XML schema is available. If you claim that some of the performance evaluation information being submitted is CBI, submit a complete file generated through the use of the EPA's ERT (or an alternate electronic file consistent with the XML schema listed on the EPA's ERT Web site once the XML schema is available), including information claimed to be CBI, on a compact disc, flash drive, or other commonly used electronic storage media to the EPA. The electronic media must be clearly marked as CBI and mailed to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404–02, 4930 Old Page Road, Durham, NC 27703. The same ERT or alternate file with the CBI omitted must be submitted to the EPA via the EPA's CDX as described earlier in this paragraph.

(ii) For any performance evaluations of continuous monitoring systems measuring RATA pollutants that are not supported by the EPA's ERT as listed on the EPA's ERT Web site at the time of the test, submit the results of the performance evaluation to the Administrator at the appropriate address listed in § 60.4.

(c) All information required in this subpart to be submitted to the EPA must also be submitted in paper format to the appropriate state, local or tribal agency whenever authority has been delegated to such agency (the delegated authority) unless the delegated authority specifies another format. Information submitted in paper format must be postmarked no later than the date that the report is required to be submitted to the EPA's CDX electronically. Any information required to be submitted electronically to the EPA's CDX may, at the discretion of the delegated authority, satisfy the requirements of this paragraph.

#### § 60.2240 Can reporting dates be changed?

If the Administrator agrees, you may change the semiannual or annual reporting dates. See § 60.19(c) for procedures to seek approval to change your reporting date.

### Title V Operating Permits

#### § 60.2242 Am I required to apply for and obtain a Title V operating permit for my unit?

Yes. Each CISWI unit and air curtain incinerator subject to standards under this subpart must operate pursuant to a permit issued under Section 129(e) and Title V of the Clean Air Act.

### Air Curtain Incinerators

#### § 60.2245 What is an air curtain incinerator?

(a) An air curtain incinerator operates by forcefully projecting a curtain of air across an open chamber or open pit in which combustion occurs. Incinerators of this type can be constructed above or below ground and with or without refractory walls and floor. (Air curtain incinerators are not to be confused with conventional combustion devices with enclosed fireboxes and controlled air technology such as mass burn, modular, and fluidized bed combustors.)

(b) Air curtain incinerators that burn only the materials listed in paragraphs (b)(1) through (3) of this section are only required to meet the requirements under § 60.2242 and under ''Air Curtain Incinerators'' (§§ 60.2245 through 60.2260).

(1) 100 percent wood waste.

(2) 100 percent clean lumber.

(3) 100 percent mixture of only wood waste, clean lumber, and/or yard waste.

#### § 60.2250 What are the emission limitations for air curtain incinerators?

Within 60 days after your air curtain incinerator reaches the charge rate at which it will operate, but no later than 180 days after its initial startup, you must meet the two limitations specified in paragraphs (a) and (b) of this section.

(a) Maintain opacity to less than or equal to 10 percent opacity (as determined by the average of three 1-hour blocks consisting of ten 6-minute average opacity values), except as described in paragraph (b) of this section.

(b) Maintain opacity to less than or equal to 35 percent opacity (as determined by the average of three 1-hour blocks consisting of ten 6-minute average opacity values) during the startup period that is within the first 30 minutes of operation.

#### § 60.2255 How must I monitor opacity for air curtain incinerators?

(a) Use Method 9 of appendix A of this part to determine compliance with the opacity limitation.

(b) Conduct an initial test for opacity as specified in § 60.8.

(c) After the initial test for opacity, conduct annual tests no more than 12 calendar months following the date of your previous test.

#### § 60.2260 What are the recordkeeping and reporting requirements for air curtain incinerators?

(a) Prior to commencing construction on your air curtain incinerator, submit the three items described in paragraphs (a)(1) through (3) of this section.

(1) Notification of your intent to construct the air curtain incinerators.

(2) Your planned initial startup date.

(3) Types of materials you plan to burn in your air curtain incinerator.

(b) Keep records of results of all initial and annual opacity tests onsite in either paper copy or electronic format, unless the Administrator approves another format, for at least 5 years.

(c) Make all records available for submittal to the Administrator or for an inspector's onsite review.

(d) You must submit the results (as determined by the average of three 1-hour blocks consisting of ten 6-minute average opacity values) of the initial opacity tests no later than 60 days following the initial test. Submit annual opacity test results within 12 months following the previous report.

(e) Submit initial and annual opacity test reports as electronic or paper copy on or before the applicable submittal date.

(f) Keep a copy of the initial and annual reports onsite for a period of 5 years.

### Definitions

#### § 60.2265 What definitions must I know?

Terms used but not defined in this subpart are defined in the Clean Air Act

and subpart A (General Provisions) of this part.

*Administrator* means the Administrator of the U.S. Environmental Protection Agency or his/her authorized representative or Administrator of a State Air Pollution Control Agency.

*30-day rolling average* means the arithmetic mean of the previous 720 hours of valid operating data. Valid data excludes periods when this unit is not operating. The 720 hours should be consecutive, but not necessarily continuous if operations are intermittent.

*Air curtain incinerator* means an incinerator that operates by forcefully projecting a curtain of air across an open chamber or pit in which combustion occurs. Incinerators of this type can be constructed above or below ground and with or without refractory walls and floor. (Air curtain incinerators are not to be confused with conventional combustion devices with enclosed fireboxes and controlled air technology such as mass burn, modular, and fluidized bed combustors.)

*Annual heat input* means the heat input for the 12 months preceding the compliance demonstration.

*Auxiliary fuel* means natural gas, liquified petroleum gas, fuel oil, or diesel fuel.

*Average annual heat input rate* means annual heat input divided by the hours of operation for the 12 months preceding the compliance demonstration.

*Bag leak detection system* means an instrument that is capable of monitoring particulate matter loadings in the exhaust of a fabric filter (*i.e.,* baghouse) in order to detect bag failures. A bag leak detection system includes, but is not limited to, an instrument that operates on triboelectric, light scattering, light transmittance, or other principle to monitor relative particulate matter loadings.

*Burn-off oven* means any rack reclamation unit, part reclamation unit, or drum reclamation unit. A burn-off oven is not an incinerator, waste-burning kiln, an energy recovery unit or a small, remote incinerator under this subpart.

*Bypass stack* means a device used for discharging combustion gases to avoid severe damage to the air pollution control device or other equipment.

*Calendar quarter* means three consecutive months (nonoverlapping) beginning on: January 1, April 1, July 1, or October 1.

*Calendar year* means 365 consecutive days starting on January 1 and ending on December 31.

*CEMS data during startup and shutdown* means the following:

(1) For incinerators, small remote incinerators, and energy recovery units: CEMS data collected during the first hours of a CISWI unit startup from a cold start until waste is fed to the unit and the hours of operation following the cessation of waste material being fed to the CISWI unit during a unit shutdown. For each startup event, the length of time that CEMS data may be claimed as being CEMS data during startup must be 48 operating hours or less. For each shutdown event, the length of time that CEMS data may be claimed as being CEMS data during shutdown must be 24 operating hours or less.

(2) For waste-burning kilns: CEMS data collected during the periods of kiln operation that do not include normal operations. Startup begins when the kiln's induced fan is turned on and continues until continuous feed is introduced into the kiln, at which time the kiln is in normal operating mode. Shutdown begins when feed to the kiln is halted.

*Chemical recovery unit* means combustion units burning materials to recover chemical constituents or to produce chemical compounds where there is an existing commercial market for such recovered chemical constituents or compounds. A chemical recovery unit is not an incinerator, a waste-burning kiln, an energy recovery unit or a small, remote incinerator under this subpart. The following seven types of units are considered chemical recovery units:

(1) Units burning only pulping liquors (*i.e.,* black liquor) that are reclaimed in a pulping liquor recovery process and reused in the pulping process.

(2) Units burning only spent sulfuric acid used to produce virgin sulfuric acid.

(3) Units burning only wood or coal feedstock for the production of charcoal.

(4) Units burning only manufacturing byproduct streams/residue containing catalyst metals that are reclaimed and reused as catalysts or used to produce commercial grade catalysts.

(5) Units burning only coke to produce purified carbon monoxide that is used as an intermediate in the production of other chemical compounds.

(6) Units burning only hydrocarbon liquids or solids to produce hydrogen, carbon monoxide, synthesis gas, or other gases for use in other manufacturing processes.

(7) Units burning only photographic film to recover silver.

*Chemotherapeutic waste* means waste material resulting from the production or use of antineoplastic agents used for the purpose of stopping or reversing the growth of malignant cells.

*Clean lumber* means wood or wood products that have been cut or shaped and include wet, air-dried, and kiln-dried wood products. Clean lumber does not include wood products that have been painted, pigment-stained, or pressure-treated by compounds such as chromate copper arsenate, pentachlorophenol, and creosote.

*Commercial and industrial solid waste incineration (CISWI) unit* means any distinct operating unit of any commercial or industrial facility that combusts, or has combusted in the preceding 6 months, any solid waste as that term is defined in 40 CFR part 241. If the operating unit burns materials other than traditional fuels as defined in § 241.2 that have been discarded, and you do not keep and produce records as required by § 60.2175(v), the operating unit is a CISWI unit. While not all CISWI units will include all of the following components, a CISWI unit includes, but is not limited to, the solid waste feed system, grate system, flue gas system, waste heat recovery equipment, if any, and bottom ash system. The CISWI unit does not include air pollution control equipment or the stack. The CISWI unit boundary starts at the solid waste hopper (if applicable) and extends through two areas: The combustion unit flue gas system, which ends immediately after the last combustion chamber or after the waste heat recovery equipment, if any; and the combustion unit bottom ash system, which ends at the truck loading station or similar equipment that transfers the ash to final disposal. The CISWI unit includes all ash handling systems connected to the bottom ash handling system.

*Contained gaseous material* means gases that are in a container when that container is combusted.

*Continuous emission monitoring system (CEMS)* means the total equipment that may be required to meet the data acquisition and availability requirements of this subpart, used to sample, condition (if applicable), analyze, and provide a record of emissions.

*Continuous monitoring system (CMS)* means the total equipment, required under the emission monitoring sections in applicable subparts, used to sample and condition (if applicable), to analyze, and to provide a permanent record of emissions or process parameters. A particulate matter continuous parameter monitoring system (PM CPMS) is a type of CMS.

*Cyclonic burn barrel* means a combustion device for waste materials that is attached to a 55 gallon, open-head drum. The device consists of a lid, which fits onto and encloses the drum, and a blower that forces combustion air into the drum in a cyclonic manner to enhance the mixing of waste material and air. A cyclonic burn barrel is not an incinerator, a waste-burning kiln, an energy recovery unit or a small, remote incinerator under this subpart.

*Deviation* means any instance in which an affected source subject to this subpart, or an owner or operator of such a source:

(1) Fails to meet any requirement or obligation established by this subpart, including but not limited to any emission limitation, operating limit, or operator qualification and accessibility requirements.

(2) Fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart and that is included in the operating permit for any affected source required to obtain such a permit.

*Dioxins/furans* means tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans.

*Discard* means, for purposes of this subpart and 40 CFR part 60, subpart DDDD, only, burned in an incineration unit without energy recovery.

*Drum reclamation unit* means a unit that burns residues out of drums (*e.g.,* 55 gallon drums) so that the drums can be reused.

*Dry scrubber* means an add-on air pollution control system that injects dry alkaline sorbent (dry injection) or sprays an alkaline sorbent (spray dryer) to react with and neutralize acid gas in the exhaust stream forming a dry powder material. Sorbent injection systems in fluidized bed boilers and process heaters are included in this definition. A dry scrubber is a dry control system.

*Energy recovery* means the process of recovering thermal energy from combustion for useful purposes such as steam generation or process heating.

*Energy recovery unit* means a combustion unit combusting solid waste (as that term is defined by the Administrator in 40 CFR part 241) for energy recovery. Energy recovery units include units that would be considered boilers and process heaters if they did not combust solid waste.

*Energy recovery unit designed to burn biomass (Biomass)* means an energy recovery unit that burns solid waste, biomass, and non-coal solid materials but less than 10 percent coal, on a heat input basis on an annual average, either alone or in combination with liquid waste, liquid fuel or gaseous fuels.

*Energy recovery unit designed to burn coal (Coal)* means an energy recovery unit that burns solid waste and at least 10 percent coal on a heat input basis on an annual average, either alone or in combination with liquid waste, liquid fuel or gaseous fuels.

*Energy recovery unit designed to burn liquid waste materials and gas (Liquid/gas)* means an energy recovery unit that burns a liquid waste with liquid or gaseous fuels not combined with any solid fuel or waste materials.

*Energy recovery unit designed to burn solid materials (Solids)* includes energy recovery units designed to burn coal and energy recovery units designed to burn biomass.

*Fabric filter* means an add-on air pollution control device used to capture particulate matter by filtering gas streams through filter media, also known as a baghouse.

*Foundry sand thermal reclamation unit* means a type of part reclamation unit that removes coatings that are on foundry sand. A foundry sand thermal reclamation unit is not an incinerator, a waste-burning kiln, an energy recovery unit or a small, remote incinerator under this subpart.

*Incinerator* means any furnace used in the process of combusting solid waste (as that term is defined by the Administrator in 40 CFR part 241) for the purpose of reducing the volume of the waste by removing combustible matter. Incinerator designs include single chamber and two-chamber.

*In-line coal mill* means those coal mills using kiln exhaust gases in their process. Coal mills with a heat source other than the kiln or coal mills using exhaust gases from the clinker cooler alone are not an in-line coal mill.

*In-line kiln/raw mill* means a system in a Portland Cement production process where a dry kiln system is integrated with the raw mill so that all or a portion of the kiln exhaust gases are used to perform the drying operation of the raw mill, with no auxiliary heat source used. In this system the kiln is capable of operating without the raw mill operating, but the raw mill cannot operate without the kiln gases, and consequently, the raw mill does not generate a separate exhaust gas stream.

*Kiln* means an oven or furnace, including any associated preheater or precalciner devices, in-line raw mills, in-line coal mills or alkali bypasses used for processing a substance by burning, firing or drying. Kilns include cement kilns that produce clinker by heating limestone and other materials for subsequent production of Portland Cement. Because the alkali bypass, in-line raw mill and in-line coal mill are considered an integral part of the kiln, the kiln emissions limits also apply to the exhaust of the alkali bypass, in-line raw mill and in-line coal mill.

*Laboratory analysis unit* means units that burn samples of materials for the purpose of chemical or physical analysis. A laboratory analysis unit is not an incinerator, waste-burning kiln, an energy recovery unit or a small, remote incinerator under this subpart.

*Load fraction* means the actual heat input of an energy recovery unit divided by heat input during the performance test that established the minimum sorbent injection rate or minimum activated carbon injection rate, expressed as a fraction (*e.g.,* for 50 percent load the load fraction is 0.5).

*Low-level radioactive waste* means waste material which contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities that exceed applicable federal or state standards for unrestricted release. Low-level radioactive waste is not high-level radioactive waste, spent nuclear fuel, or byproduct material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)(2)).

*Malfunction* means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused, in part, by poor maintenance or careless operation are not malfunctions.

*Minimum voltage or amperage* means 90 percent of the lowest test-run average voltage or amperage to the electrostatic precipitator measured during the most recent particulate matter or mercury performance test demonstrating compliance with the applicable emission limits.

*Modification* or *modified CISWI unit* means a CISWI unit that has been changed later than August 7, 2013 and that meets one of two criteria:

(1) The cumulative cost of the changes over the life of the unit exceeds 50 percent of the original cost of building and installing the CISWI unit (not including the cost of land) updated to current costs (current dollars). To determine what systems are within the boundary of the CISWI unit used to calculate these costs, see the definition of CISWI unit.

(2) Any physical change in the CISWI unit or change in the method of operating it that increases the amount of any air pollutant emitted for which section 129 or section 111 of the Clean Air Act has established standards.

*Municipal solid waste or municipal-type solid waste* means household,

commercial/retail, or institutional waste. Household waste includes material discarded by residential dwellings, hotels, motels, and other similar permanent or temporary housing. Commercial/retail waste includes material discarded by stores, offices, restaurants, warehouses, nonmanufacturing activities at industrial facilities, and other similar establishments or facilities. Institutional waste includes materials discarded by schools, by hospitals (nonmedical), by nonmanufacturing activities at prisons and government facilities, and other similar establishments or facilities. Household, commercial/retail, and institutional waste does include yard waste and refuse-derived fuel. Household, commercial/retail, and institutional waste does not include used oil; sewage sludge; wood pallets; construction, renovation, and demolition wastes (which include railroad ties and telephone poles); clean wood; industrial process or manufacturing wastes; medical waste; or motor vehicles (including motor vehicle parts or vehicle fluff).

*Opacity* means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

*Operating day* means a 24-hour period between 12:00 midnight and the following midnight during which any amount of solid waste is combusted at any time in the CISWI unit.

*Oxygen analyzer system* means all equipment required to determine the oxygen content of a gas stream and used to monitor oxygen in the boiler or process heater flue gas, boiler or process heater, firebox, or other appropriate location. This definition includes oxygen trim systems and certified oxygen CEMS. The source owner or operator is responsible to install, calibrate, maintain, and operate the oxygen analyzer system in accordance with the manufacturer's recommendations.

*Oxygen trim system* means a system of monitors that is used to maintain excess air at the desired level in a combustion device over its operating range. A typical system consists of a flue gas oxygen and/or carbon monoxide monitor that automatically provides a feedback signal to the combustion air controller or draft controller.

*Part reclamation unit* means a unit that burns coatings off parts (*e.g.,* tools, equipment) so that the parts can be reconditioned and reused.

*Particulate matter* means total particulate matter emitted from CISWI units as measured by Method 5 or Method 29 of appendix A of this part.

*Pathological waste* means waste material consisting of only human or animal remains, anatomical parts, and/or tissue, the bags/containers used to collect and transport the waste material, and animal bedding (if applicable).

*Performance evaluation* means the conduct of relative accuracy testing, calibration error testing, and other measurements used in validating the continuous monitoring system data.

*Performance test* means the collection of data resulting from the execution of a test method (usually three emission test runs) used to demonstrate compliance with a relevant emission standard as specified in the performance test section of the relevant standard.

*Process change* means any of the following physical or operational changes:

(1) A physical change (maintenance activities excluded) to the CISWI unit which may increase the emission rate of any air pollutant to which a standard applies;

(2) An operational change to the CISWI unit where a new type of non-hazardous secondary material is being combusted;

(3) A physical change (maintenance activities excluded) to the air pollution control devices used to comply with the emission limits for the CISWI unit (*e.g.,* replacing an electrostatic precipitator with a fabric filter);

(4) An operational change to the air pollution control devices used to comply with the emission limits for the affected CISWI unit (*e.g.,* change in the sorbent injection rate used for activated carbon injection).

*Rack reclamation unit* means a unit that burns the coatings off racks used to hold small items for application of a coating. The unit burns the coating overspray off the rack so the rack can be reused.

*Raw mill* means a ball or tube mill, vertical roller mill or other size reduction equipment, that is not part of an in-line kiln/raw mill, used to grind feed to the appropriate size. Moisture may be added or removed from the feed during the grinding operation. If the raw mill is used to remove moisture from feed materials, it is also, by definition, a raw material dryer. The raw mill also includes the air separator associated with the raw mill.

*Reconstruction* means rebuilding a CISWI unit and meeting two criteria:

(1) The reconstruction begins on or after August 7, 2013.

(2) The cumulative cost of the construction over the life of the incineration unit exceeds 50 percent of the original cost of building and installing the CISWI unit (not including land) updated to current costs (current dollars). To determine what systems are within the boundary of the CISWI unit used to calculate these costs, see the definition of CISWI unit.

*Refuse-derived fuel* means a type of municipal solid waste produced by processing municipal solid waste through shredding and size classification. This includes all classes of refuse-derived fuel including two fuels:

(1) Low-density fluff refuse-derived fuel through densified refuse-derived fuel.

(2) Pelletized refuse-derived fuel.

*Responsible official* means one of the following:

(1) For a corporation: A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

(i) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars); or

(ii) The delegation of authority to such representatives is approved in advance by the permitting authority;

(2) For a partnership or sole proprietorship: A general partner or the proprietor, respectively;

(3) For a municipality, state, federal, or other public agency: Either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (*e.g.,* a Regional Administrator of EPA); or

(4) For affected facilities:

(i) The designated representative in so far as actions, standards, requirements, or prohibitions under Title IV of the Clean Air Act or the regulations promulgated thereunder are concerned; or

(ii) The designated representative for any other purposes under part 60.

*Shutdown* means the period of time after all waste has been combusted in the primary chamber.

*Small, remote incinerator* means an incinerator that combusts solid waste (as that term is defined by the Administrator in 40 CFR part 241) and combusts 3 tons per day or less solid waste and is more than 25 miles driving

distance to the nearest municipal solid waste landfill.

*Soil treatment unit* means a unit that thermally treats petroleum-contaminated soils for the sole purpose of site remediation. A soil treatment unit may be direct-fired or indirect fired. A soil treatment unit is not an incinerator, a waste-burning kiln, an energy recovery unit or a small, remote incinerator under this subpart.

*Solid waste* means the term solid waste as defined in 40 CFR 241.2.

*Solid waste incineration unit* means a distinct operating unit of any facility which combusts any solid waste (as that term is defined by the Administrator in 40 CFR part 241) material from commercial or industrial establishments or the general public (including single and multiple residences, hotels and motels). Such term does not include incinerators or other units required to have a permit under section 3005 of the Solid Waste Disposal Act. The term ''solid waste incineration unit'' does not include:

(1) Materials recovery facilities (including primary or secondary smelters) which combust waste for the primary purpose of recovering metals;

(2) Qualifying small power production facilities, as defined in section 3(17)(C) of the Federal Power Act (16 U.S.C. 769(17)(C)), or qualifying cogeneration facilities, as defined in section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)), which burn homogeneous waste (such as units which burn tires or used oil, but not including refuse-derived fuel) for the production of electric energy or in the case of qualifying cogeneration facilities which burn homogeneous waste for the production of electric energy and steam or forms of useful energy (such as heat) which are used for industrial, commercial, heating or cooling purposes; or

(3) Air curtain incinerators provided that such incinerators only burn wood wastes, yard wastes, and clean lumber and that such air curtain incinerators comply with opacity limitations to be established by the Administrator by rule.

*Space heater* means a unit that meets the requirements of 40 CFR 279.23. A space heater is not an incinerator, a waste-burning kiln, an energy recovery unit or a small, remote incinerator under this subpart.

*Standard conditions,* when referring to units of measure, means a temperature of 68°F (20 °C) and a pressure of 1 atmosphere (101.3 kilopascals).

*Startup period* means the period of time between the activation of the system and the first charge to the unit.

*Waste-burning kiln* means a kiln that is heated, in whole or in part, by combusting solid waste (as that term is defined by the Administrator in 40 CFR part 241). Secondary materials used in Portland cement kilns shall not be deemed to be combusted unless they are introduced into the flame zone in the hot end of the kiln or mixed with the precalciner fuel.

*Wet scrubber* means an add-on air pollution control device that uses an aqueous or alkaline scrubbing liquor to collect particulate matter (including nonvaporous metals and condensed organics) and/or to absorb and neutralize acid gases.

*Wood waste* means untreated wood and untreated wood products, including tree stumps (whole or chipped), trees, tree limbs (whole or chipped), bark, sawdust, chips, scraps, slabs, millings, and shavings. Wood waste does not include:

(1) Grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands.

(2) Construction, renovation, or demolition wastes.

(3) Clean lumber.

TABLE 1 TO SUBPART CCCC OF PART 60—EMISSION LIMITATIONS FOR INCINERATORS FOR WHICH CONSTRUCTION IS COMMENCED AFTER NOVEMBER 30, 1999, BUT NO LATER THAN JUNE 4, 2010, OR FOR WHICH MODIFICATION OR RECONSTRUCTION IS COMMENCED ON OR AFTER JUNE 1, 2001, BUT NO LATER THAN AUGUST 7, 2013

| For the air pollutant | You must meet this emission limitation [a] | Using this averaging time | And determining compliance using this method |
|---|---|---|---|
| Cadmium | 0.004 milligrams per dry standard cubic meter. | 3-run average (1 hour minimum sample time per run). | Performance test (Method 29 of appendix A of this part). |
| Carbon monoxide | 157 parts per million by dry volume. | 3-run average (1 hour minimum sample time per run). | Performance test (Method 10 at 40 CFR part 60, appendix A–4). |
| Dioxin/Furan (toxic equivalency basis). | 0.41 nanograms per dry standard cubic meter. | 3-run average (collect a minimum volume of 4 dry standard cubic meters per run). | Performance test (Method 23 of appendix A–7 of this part). |
| Hydrogen chloride | 62 parts per million by dry volume. | 3-run average (For Method 26, collect a minimum volume of 120 liters per run. For Method 26A, collect a minimum volume of 1 dry standard cubic meter per run). | Performance test (Method 26 or 26A at 40 CFR part 60, appendix A–8). |
| Lead | 0.04 milligrams per dry standard cubic meter. | 3-run average (1 hour minimum sample time per run). | Performance test (Method 29 of appendix A of this part). |
| Mercury | 0.47 milligrams per dry standard cubic meter. | 3-run average (1 hour minimum sample time per run). | Performance test (Method 29 of appendix A of this part). |
| Nitrogen Oxides | 388 parts per million by dry volume. | 3-run average (for Method 7E, 1 hour minimum sample time per run). | Performance test (Method 7 or 7E at 40 CFR part 60, appendix A–4). |
| Opacity | 10 percent | 6-minute averages | Performance test (Method 9 of appendix A of this part). |
| Oxides of nitrogen | 388 parts per million by dry volume. | 3-run average (1 hour minimum sample time per run). | Performance test (Method 7, 7A, 7C, 7D, or 7E of appendix A of this part). |
| Particulate matter | 70 milligrams per dry standard cubic meter. | 3-run average (1 hour minimum sample time per run). | Performance test (Method 5 or 29 of appendix A of this part). |
| Sulfur Dioxide | 20 parts per million by dry volume. | 3-run average (For Method 6, collect a minimum volume of 20 liters per run. For Method 6C, collect sample for a minimum duration of 1 hour per run). | Performance test (Method 6 or 6C at 40 CFR part 60, appendix A–4). |

[a] All emission limitations (except for opacity) are measured at 7 percent oxygen, dry basis at standard conditions.

TABLE 2 TO SUBPART CCCC OF PART 60—OPERATING LIMITS FOR WET SCRUBBERS

| For these operating parameters | You must establish these operating limits | And monitoring using these minimum frequencies | | |
|---|---|---|---|---|
| | | Data measurement | Data recording | Averaging time |
| Charge rate | Maximum charge rate | Continuous | Every hour | Daily (batch units) 3-hour rolling (continuous and intermittent units).[a] |
| Pressure drop across the wet scrubber or amperage to wet scrubber. | Minimum pressure drop or amperage. | Continuous | Every 15 minutes | 3-hour rolling.[a] |
| Scrubber liquor flow rate | Minimum flow rate | Continuous | Every 15 minutes | 3-hour rolling.[a] |
| Scrubber liquor pH | Minimum pH | Continuous | Every 15 minutes | 3-hour rolling.[a] |

[a] Calculated each hour as the average of the previous 3 operating hours.

TABLE 3 TO SUBPART CCCC OF PART 60—TOXIC EQUIVALENCY FACTORS

| Dioxin/furan congener | Toxic equivalency factor |
|---|---|
| 2,3,7,8-tetrachlorinated dibenzo-p-dioxin | 1 |
| 1,2,3,7,8-pentachlorinated dibenzo-p-dioxin | 0.5 |
| 1,2,3,4,7,8-hexachlorinated dibenzo-p-dioxin | 0.1 |
| 1,2,3,7,8,9-hexachlorinated dibenzo-p-dioxin | 0.1 |
| 1,2,3,6,7,8-hexachlorinated dibenzo-p-dioxin | 0.1 |
| 1,2,3,4,6,7,8-heptachlorinated dibenzo-p-dioxin | 0.01 |
| octachlorinated dibenzo-p-dioxin | 0.001 |
| 2,3,7,8-tetrachlorinated dibenzofuran | 0.1 |
| 2,3,4,7,8-pentachlorinated dibenzofuran | 0.5 |
| 1,2,3,7,8-pentachlorinated dibenzofuran | 0.05 |
| 1,2,3,4,7,8-hexachlorinated dibenzofuran | 0.1 |
| 1,2,3,6,7,8-hexachlorinated dibenzofuran | 0.1 |
| 1,2,3,7,8,9-hexachlorinated dibenzofuran | 0.1 |
| 2,3,4,6,7,8-hexachlorinated dibenzofuran | 0.1 |
| 1,2,3,4,6,7,8-heptachlorinated dibenzofuran | 0.01 |
| 1,2,3,4,7,8,9-heptachlorinated dibenzofuran | 0.01 |
| octachlorinated dibenzofuran | 0.001 |

TABLE 4 TO SUBPART CCCC OF PART 60—SUMMARY OF REPORTING REQUIREMENTS[a]

| Report | Due date | Contents | Reference |
|---|---|---|---|
| Preconstruction report. | Prior to commencing construction | • Statement of intent to construct<br>• Anticipated date of commencement of construction<br>• Documentation for siting requirements.<br>• Waste management plan.<br>• Anticipated date of initial startup. | § 60.2190. |
| Startup notification | Prior to initial startup | • Type of waste to be burned<br>• Maximum design waste burning capacity.<br>• Anticipated maximum charge rate.<br>• If applicable, the petition for site-specific operating limits. | § 60.2195. |
| Initial test report | No later than 60 days following the initial performance test. | • Complete test report for the initial performance test<br>• The values for the site-specific operating limits<br>• Installation of bag leak detection system for fabric filter. | § 60.2200. |
| Annual report | No later than 12 months following the submission of the initial test report. Subsequent reports are to be submitted no more than 12 months following the previous report. | • Name and address<br>• Statement and signature by responsible official<br>• Date of report<br>• Values for the operating limits<br>• Highest recorded 3-hour average and the lowest 3-hour average, as applicable, for each operating parameter recorded for the calendar year being reported.<br>• For each performance test conducted during the reporting period, if any performance test is conducted, the process unit(s) tested, the pollutant(s) tested, and the date that such performance test was conducted.<br>• If a performance test was not conducted during the reporting period, a statement that the requirements of § 60.2155(a) were met.<br>• Documentation of periods when all qualified CISWI unit operators were unavailable for more than 8 hours but less than 2 weeks. | §§ 60.2205 and 60.2210. |

TABLE 4 TO SUBPART CCCC OF PART 60—SUMMARY OF REPORTING REQUIREMENTS [a]—Continued

| Report | Due date | Contents | Reference |
|---|---|---|---|
| | | • If you are conducting performance tests once every 3 years consistent with § 60.2155(a), the date of the last 2 performance tests, a comparison of the emission level you achieved in the last 2 performance tests to the 75 percent emission limit threshold required in § 60.2155(a) and a statement as to whether there have been any operational changes since the last performance test that could increase emissions. | |
| Emission limitation or operating limit deviation report. | By August 1 of that year for data collected during the first half of the calendar year. By February 1 of the following year for data collected during the second half of the calendar year. | • Dates and times of deviation .....<br>• Averaged and recorded data for those dates .....<br>• Duration and causes of each deviation and the corrective actions taken.<br>• Copy of operating limit monitoring data and, if any performance test was conducted that documents emission levels, the process unit(s) tested, the pollutant(s) tested, and the date that such performance text was conducted.<br>• Dates, times and causes for monitor downtime incidents. | § 60.2215 and 60.2220. |
| Qualified operator deviation notification. | Within 10 days of deviation ..... | • Statement of cause of deviation .....<br>• Description of efforts to have an accessible qualified operator.<br>• The date a qualified operator will be accessible ..... | § 60.2225(a)(1). |
| Qualified operator deviation status report. | Every 4 weeks following deviation ..... | • Description of efforts to have an accessible qualified operator.<br>• The date a qualified operator will be accessible .....<br>• Request for approval to continue operation. | § 60.2225(a)(2). |
| Qualified operator deviation notification of resumed operation. | Prior to resuming operation ..... | • Notification that you are resuming operation ..... | § 60.2225(b). |

[a] This table is only a summary, see the referenced sections of the rule for the complete requirements.

TABLE 5 TO SUBPART CCCC OF PART 60—EMISSION LIMITATIONS FOR INCINERATORS THAT COMMENCED CONSTRUCTION AFTER JUNE 4, 2010, OR THAT COMMENCED RECONSTRUCTION OR MODIFICATION AFTER AUGUST 7, 2013

| For the air pollutant | You must meet this emission limitation [a] | Using this averaging time | And determining compliance using this method |
|---|---|---|---|
| Cadmium ..... | 0.0023 milligrams per dry standard cubic meter. | 3-run average (collect a minimum volume of 4 dry standard cubic meter per run). | Performance test (Method 29 at 40 CFR part 60, appendix A–8 of this part). Use ICPMS for the analytical finish. |
| Carbon monoxide ..... | 17 parts per million by dry volume. | 3-run average (1 hour minimum sample time per run). | Performance test (Method 10 at 40 CFR part 60, appendix A–4). |
| Dioxin/furan (Total Mass Basis). | 0.58 nanograms per dry standard cubic meter.[c] | 3-run average (collect a minimum volume of 4 dry standard cubic meters per run). | Performance test (Method 23 at 40 CFR part 60, appendix A–7). |
| Dioxin/furan (toxic equivalency basis). | 0.13 nanograms per dry standard cubic meter. | 3-run average (collect a minimum volume of 4 dry standard cubic meter per run). | Performance test (Method 23 at 40 CFR part 60, appendix A–7). |
| Fugitive ash ..... | Visible emissions for no more than 5 percent of the hourly observation period. | Three 1-hour observation periods ..... | Visible emission test (Method 22 at 40 CFR part 60, appendix A–7). |
| Hydrogen chloride ..... | 0.091 parts per million by dry volume. | 3-run average (For Method 26, collect a minimum volume of 360 liters per run. For Method 26A, collect a minimum volume of 3 dry standard cubic meters per run). | Performance test (Method 26 or 26A at 40 CFR part 60, appendix A–8). |
| Lead ..... | 0.015 milligrams per dry standard cubic meter.[c] | 3-run average (collect a minimum volume of 4 dry standard cubic meters per run). | Performance test (Method 29 of appendix A–8 at 40 CFR part 60). Use ICPMS for the analytical finish. |
| Mercury ..... | 0.00084 milligrams per dry standard cubic meter.[c] | 3-run average (collect enough volume to meet a detection limit data quality objective of 0.03 ug/dry standard cubic meter). | Performance test (Method 29 or 30B at 40 CFR part 60, appendix A–8) or ASTM D6784–02 (Reapproved 2008).[b] |
| Nitrogen Oxides ..... | 23 parts per million dry volume. | 3-run average (for Method 7E, 1 hour minimum sample time per run). | Performance test (Method 7 or 7E at 40 CFR part 60, appendix A–4). |
| Particulate matter (filterable) | 18 milligrams per dry standard cubic meter. | 3-run average (collect a minimum volume of 2 dry standard cubic meters per run). | Performance test (Method 5 or 29 at 40 CFR part 60, appendix A–3 or appendix A–8 at 40 CFR part 60). |

TABLE 5 TO SUBPART CCCC OF PART 60—EMISSION LIMITATIONS FOR INCINERATORS THAT COMMENCED CONSTRUCTION AFTER JUNE 4, 2010, OR THAT COMMENCED RECONSTRUCTION OR MODIFICATION AFTER AUGUST 7, 2013—Continued

| For the air pollutant | You must meet this emission limitation [a] | Using this averaging time | And determining compliance using this method |
|---|---|---|---|
| Sulfur dioxide | 11 parts per million dry volume. | 3-run average (1 hour minimum sample time per run). | Performance test (Method 6 or 6C at 40 CFR part 60, appendix A–4). |

[a] All emission limitations are measured at 7 percent oxygen, dry basis at standard conditions. For dioxins/furans, you must meet either the Total Mass Limit or the toxic equivalency basis limit.
[b] Incorporated by reference, see § 60.17.

TABLE 6 TO SUBPART CCCC OF PART 60—EMISSION LIMITATIONS FOR ENERGY RECOVERY UNITS THAT COMMENCED CONSTRUCTION AFTER JUNE 4, 2010, OR THAT COMMENCED RECONSTRUCTION OR MODIFICATION AFTER AUGUST 7, 2013

| For the air pollutant | You must meet this emission limitation [a] | | Using this averaging time | And determining compliance using this method |
|---|---|---|---|---|
| | Liquid/gas | Solids | | |
| Cadmium | 0.023 milligrams per dry standard cubic meter. | Biomass—0.0014 milligrams per dry standard cubic meter.[c] Coal—0.0095 milligrams per dry standard cubic meter. | 3-run average (collect a minimum volume of 4 dry standard cubic meters per run). | Performance test (Method 29 at 40 CFR part 60, appendix A–8). Use ICPMS for the analytical finish. |
| Carbon monoxide. | 35 parts per million dry volume. | Biomass—240 parts per million dry volume Coal—95 parts per million dry volume. | 3-run average (1 hour minimum sample time per run). | Performance test (Method 10 at 40 CFR part 60, appendix A–4). |
| Dioxin/furans (Total Mass Basis). | No Total Mass Basis limit, must meet the toxic equivalency basis limit below. | Biomass—0.52 nanograms per dry standard cubic meter.[c] Coal—5.1 nanograms per dry standard cubic meter.[c] | 3-run average (collect a minimum volume of 4 dry standard cubic meters). | Performance test (Method 23 at 40 CFR part 60, appendix A–7). |
| Dioxins/furans (toxic equivalency basis). | 0.093 nanograms per dry standard cubic meter.[c] | Biomass—0.076 nanograms per dry standard cubic meter.[c] Coal—0.075 nanograms per dry standard cubic meter.[c] | 3-run average (collect a minimum volume of 4 dry standard cubic meters per run). | Performance test (Method 23 of appendix A–7 of this part). |
| Fugitive ash | Visible emissions for no more than 5 percent of the hourly observation period. | Three 1-hour observation periods | Visible emission test (Method 22 at 40 CFR part 60, appendix A–7). | Fugitive ash. |
| Hydrogen chloride. | 14 parts per million dry volume. | Biomass—0.20 parts per million dry volume Coal—13 parts per million dry volume. | 3-run average (For Method 26, collect a minimum volume of 360 liters per run. For Method 26A, collect a minimum volume of 3 dry standard cubic meters per run). | Performance test (Method 26 or 26A at 40 CFR part 60, appendix A–8). |
| Lead | 0.096 milligrams per dry standard cubic meter. | Biomass—0.014 milligrams per dry standard cubic meter.[c] Coal—0.14 milligrams per dry standard cubic meter. | 3-run average (collect a minimum volume of 4 dry standard cubic meters per run). | Performance test (Method 29 at 40 CFR part 60, appendix A–8). Use ICPMS for the analytical finish. |
| Mercury | 0.00056 milligrams per dry standard cubic meter.[c] | Biomass—0.0022 milligrams per dry standard cubic meter Coal—0.016 milligrams per dry standard cubic meter. | 3-run average (collect enough volume to meet an in-stack detection limit data quality objective of 0.03 ug/dscm). | Performance test (Method 29 or 30B at 40 CFR part 60, appendix A–8) or ASTM D6784–02 (Reapproved 2008).[b] |
| Oxides of nitrogen. | 76 parts per million dry volume. | Biomass—290 parts per million dry volume Coal—340 parts per million dry volume. | 3-run average (for Method 7E, 1 hour minimum sample time per run). | Performance test (Method 7 or 7E at 40 CFR part 60, appendix A–4). |
| Particulate matter (filterable). | 110 milligrams per dry standard cubic meter. | Biomass—5.1 milligrams per dry standard cubic meter Coal—160 milligrams per dry standard cubic meter. | 3-run average (collect a minimum volume of 1 dry standard cubic meter per run). | Performance test (Method 5 or 29 at 40 CFR part 60, appendix A–3 or appendix A–8) if the unit has an annual average heat input rate less than 250 MMBtu/hr; or PM CPMS (as specified in § 60.2145(x)) if the unit has an annual average heat input rate equal to or greater than 250 MMBtu/hr. |

TABLE 6 TO SUBPART CCCC OF PART 60—EMISSION LIMITATIONS FOR ENERGY RECOVERY UNITS THAT COMMENCED CONSTRUCTION AFTER JUNE 4, 2010, OR THAT COMMENCED RECONSTRUCTION OR MODIFICATION AFTER AUGUST 7, 2013—Continued

| For the air pollutant | You must meet this emission limitation [a] | | Using this averaging time | And determining compliance using this method |
|---|---|---|---|---|
| | Liquid/gas | Solids | | |
| Sulfur dioxide ..... | 720 parts per million dry volume. | Biomass—7.3 parts per million dry volume Coal—650 parts per million dry volume. | 3-run average (for Method 6, collect a minimum of 60 liters, for Method 6C,1 hour minimum sample time per run). | Performance test (Method 6 or 6C at 40 CFR part 60, appendix A–4). |

[a] All emission limitations are measured at 7 percent oxygen, dry basis at standard conditions. For dioxins/furans, you must meet either the Total Mass Basis limit or the toxic equivalency basis limit.

[b] Incorporated by reference, *see* § 60.17.

[c] If you are conducting stack tests to demonstrate compliance and your performance tests for this pollutant for at least 2 consecutive years show that your emissions are at or below this limit, you can skip testing according to § 60.2155 if all of the other provisions of § 60.2155 are met. For all other pollutants that do not contain a footnote "c", your performance tests for this pollutant for at least 2 consecutive years must show that your emissions are at or below 75 percent of this limit in order to qualify for skip testing.

TABLE 7 TO SUBPART CCCC OF PART 60—EMISSION LIMITATIONS FOR WASTE-BURNING KILNS THAT COMMENCED CONSTRUCTION AFTER JUNE 4, 2010, OR RECONSTRUCTION OR MODIFICATION AFTER AUGUST 7, 2013

| For the air pollutant | You must meet this emission limitation [a] | Using this averaging time | And determining compliance using this method |
|---|---|---|---|
| Cadmium ..... | 0.0014 milligrams per dry standard cubic meter.[b] | 3-run average (collect a minimum volume of 4 dry standard cubic meters per run). | Performance test (Method 29 at 40 CFR part 60, appendix A–8). Use ICPMS for the analytical finish. |
| Carbon monoxide ..... | 90 (long kilns)/190 (preheater/precalciner) parts per million dry volume. | 3-run average (1 hour minimum sample time per run). | Performance test (Method 10 at 40 CFR part 60, appendix A–4). |
| Dioxins/furans (total mass basis). | 0.51 nanograms per dry standard cubic meter.[b] | 3-run average (collect a minimum volume of 4 dry standard cubic meters per run). | Performance test (Method 23 at 40 CFR part 60, appendix A–7). |
| Dioxins/furans (toxic equivalency basis). | 0.075 nanograms per dry standard cubic meter.[b] | 3-run average (collect a minimum volume of 4 dry standard cubic meters). | Performance test (Method 23 at 40 CFR part 60, appendix A–7). |
| Hydrogen chloride ..... | 3.0 parts per million dry volume.[b] | 3-run average (1 hour minimum sample time per run) or 30-day rolling average if HCl CEMS are used. | Performance test (Method 321 at 40 CFR part 63, appendix A) or HCl CEMS if a wet scrubber or dry scrubber is not used. |
| Lead ..... | 0.014 milligrams per dry standard cubic meter.[b] | 3-run average (collect a minimum volume of 4 dry standard cubic meters). | Performance test (Method 29 at 40 CFR part 60, appendix A–8). Use ICPMS for the analytical finish. |
| Mercury ..... | 0.0037 milligrams per dry standard cubic meter. | 30-day rolling average ..... | Mercury CEMS or sorbent trap monitoring system (performance specification 12A or 12B, respectively, of appendix B of this part). |
| Oxides of nitrogen ..... | 200 parts per million dry volume. | 30-day rolling average ..... | NOx CEMS (performance specification 2 of appendix B and procedure 1 of appendix F of this part). |
| Particulate matter (filterable). | 2.2 milligrams per dry standard cubic meter. | 30-day rolling average ..... | PM CPMS (as specified in § 60.2145(x)). |
| Sulfur dioxide ..... | 28 parts per million dry volume. | 30-day rolling average ..... | Sulfur dioxide CEMS (performance specification 2 of appendix B and procedure 1 of appendix F of this part). |

[a] All emission limitations are measured at 7 percent oxygen, dry basis at standard conditions. For dioxins/furans, you must meet either the Total Mass Basis limit or the toxic equivalency basis limit.

[b] If you are conducting stack tests to demonstrate compliance and your performance tests for this pollutant for at least 2 consecutive years show that your emissions are at or below this limit, you can skip testing according to § 60.2155 if all of the other provisions of § 60.2155 are met. For all other pollutants that do not contain a footnote "b", your performance tests for this pollutant for at least 2 consecutive years must show that your emissions are at or below 75 percent of this limit in order to qualify for skip testing.

TABLE 8 TO SUBPART CCCC OF PART 60—EMISSION LIMITATIONS FOR SMALL, REMOTE INCINERATORS THAT COMMENCED CONSTRUCTION AFTER JUNE 4, 2010, OR THAT COMMENCED RECONSTRUCTION OR MODIFICATION AFTER AUGUST 7, 2013

| For the air pollutant | You must meet this emission limitation [a] | Using this averaging time | And determining compliance using this method |
|---|---|---|---|
| Cadmium | 0.67 milligrams per dry standard cubic meter. | 3-run average (collect a minimum volume of 1 dry standard cubic meters per run). | Performance test (Method 29 at 40 CFR part 60, appendix A–8). |
| Carbon monoxide | 13 parts per million dry volume. | 3-run average (1 hour minimum sample time per run). | Performance test (Method 10 at 40 CFR part 60, appendix A–4). |
| Dioxins/furans (total mass basis). | 1,800 nanograms per dry standard cubic meter.[b] | 3-run average (collect a minimum volume of 1 dry standard cubic meters per run). | Performance test (Method 23 at 40 CFR part 60, appendix A–7). |
| Dioxins/furans (toxic equivalency basis). | 31 nanograms per dry standard cubic meter.[b] | 3-run average (collect a minimum volume of 1 dry standard cubic meters). | Performance test (Method 23 at 40 CFR part 60, appendix A–7). |
| Fugitive ash | Visible emissions for no more than 5 percent of the hourly observation period. | Three 1-hour observation periods | Visible emissions test (Method 22 at 40 CFR part 60, appendix A–7). |
| Hydrogen chloride | 200 parts per million by dry volume. | 3-run average (For Method 26, collect a minimum volume of 60 liters per run. For Method 26A, collect a minimum volume of 1 dry standard cubic meter per run). | Performance test (Method 26 or 26A at 40 CFR part 60, appendix A–8). |
| Lead | 2.0 milligrams per dry standard cubic meter. | 3-run average (collect a minimum volume of 1 dry standard cubic meters). | Performance test (Method 29 at 40 CFR part 60, appendix A–8). Use ICPMS for the analytical finish. |
| Mercury | 0.0035 milligrams per dry standard cubic meter. | 3-run average (For Method 29 and ASTM D6784–02 (Reapproved 2008) [b], collect a minimum volume of 2 dry standard cubic meters per run. For Method 30B, collect a minimum volume as specified in Method 30B at 40 CFR part 60, appendix A). | Performance test (Method 29 or 30B at 40 CFR part 60, appendix A–8) or ASTM D6784–02 (Reapproved 2008).[b] |
| Oxides of nitrogen | 170 parts per million dry volume. | 3-run average (for Method 7E, 1 hour minimum sample time per run). | Performance test (Method 7 or 7E at 40 CFR part 60, appendix A–4). |
| Particulate matter (filterable). | 270 milligrams per dry standard cubic meter. | 3-run average (collect a minimum volume of 1 dry standard cubic meters). | Performance test (Method 5 or 29 at 40 CFR part 60, appendix A–3 or appendix A–8). |
| Sulfur dioxide | 1.2 parts per million dry volume. | 3-run average (1 hour minimum sample time per run). | Performance test (Method 6 or 6c at 40 CFR part 60, appendix A–4). |

[a] All emission limitations are measured at 7 percent oxygen, dry basis at standard conditions. For dioxins/furans, you must meet either the Total Mass Basis limit or the toxic equivalency basis limit.
[b] Incorporated by reference, *see* § 60.17.

■ 3. Part 60 is amended by revising subpart DDDD to read as follows:

## Subpart DDDD—Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units

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Table 8 to Subpart DDDD of Part 60—Model Rule—Emission Limitations That Apply to Waste-Burning Kilns After May 20, 2011 [Date to be specified in state plan.]
Table 9 to Subpart DDDD of Part 60—Model Rule—Emission Limitations That Apply to Small, Remote Incinerators After May 20, 2011 [Date to be specified in state plan]

## Subpart DDDD—Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units

### Introduction

#### § 60.2500 What is the purpose of this subpart?

This subpart establishes emission guidelines and compliance schedules for the control of emissions from commercial and industrial solid waste incineration (CISWI) units. The pollutants addressed by these emission guidelines are listed in table 2 of this subpart and tables 6 through 9 of this subpart. These emission guidelines are developed in accordance with sections 111(d) and 129 of the Clean Air Act and subpart B of this part.

#### § 60.2505 Am I affected by this subpart?

(a) If you are the Administrator of an air quality program in a state or United States protectorate with one or more existing CISWI units that meet the criteria in paragraphs (b) through (d) of this section, you must submit a state plan to U.S. Environmental Protection

Agency (EPA) that implements the emission guidelines contained in this subpart.

(b) You must submit a state plan to EPA by December 3, 2001 for incinerator units that commenced construction on or before November 30, 1999 and that were not modified or reconstructed after June 1, 2001.

(c) You must submit a state plan that meets the requirements of this subpart and contains the more stringent emission limit for the respective pollutant in table 6 of this subpart or table 1 of subpart CCCC of this part to EPA by February 7, 2014 for incinerators that commenced construction after November 30, 1999, but no later than June 4, 2010, or commenced modification or reconstruction after June 1, 2001 but no later than August 7, 2013.

(d) You must submit a state plan to EPA that meets the requirements of this subpart and contains the emission limits in tables 7 through 9 of this subpart by February 7, 2014, for CISWI units other than incinerator units that commenced construction on or before June 4, 2010, or commenced modification or reconstruction after June 4, 2010 but no later than August 7, 2013.

### § 60.2510 Is a state plan required for all states?

No. You are not required to submit a state plan if there are no existing CISWI units in your state, and you submit a negative declaration letter in place of the state plan.

### § 60.2515 What must I include in my state plan?

(a) You must include the nine items described in paragraphs (a)(1) through (9) of this section in your state plan.

(1) Inventory of affected CISWI units, including those that have ceased operation but have not been dismantled.

(2) Inventory of emissions from affected CISWI units in your state.

(3) Compliance schedules for each affected CISWI unit.

(4) Emission limitations, operator training and qualification requirements, a waste management plan, and operating limits for affected CISWI units that are at least as protective as the emission guidelines contained in this subpart.

(5) Performance testing, recordkeeping, and reporting requirements.

(6) Certification that the hearing on the state plan was held, a list of witnesses and their organizational affiliations, if any, appearing at the hearing, and a brief written summary of each presentation or written submission.

(7) Provision for state progress reports to EPA.

(8) Identification of enforceable state mechanisms that you selected for implementing the emission guidelines of this subpart.

(9) Demonstration of your state's legal authority to carry out the sections 111(d) and 129 state plan.

(b) Your state plan may deviate from the format and content of the emission guidelines contained in this subpart. However, if your state plan does deviate in content, you must demonstrate that your state plan is at least as protective as the emission guidelines contained in this subpart. Your state plan must address regulatory applicability, increments of progress for retrofit, operator training and qualification, a waste management plan, emission limitations, performance testing, operating limits, monitoring, recordkeeping and reporting, and air curtain incinerator requirements.

(c) You must follow the requirements of subpart B of this part (Adoption and Submittal of State Plans for Designated Facilities) in your state plan.

### § 60.2520 Is there an approval process for my state plan?

Yes. The EPA will review your state plan according to § 60.27.

### § 60.2525 What if my state plan is not approvable?

(a) If you do not submit an approvable state plan (or a negative declaration letter) by December 2, 2002, EPA will develop a federal plan according to § 60.27 to implement the emission guidelines contained in this subpart. Owners and operators of CISWI units not covered by an approved state plan must comply with the federal plan. The federal plan is an interim action and will be automatically withdrawn when your state plan is approved.

(b) If you do not submit an approvable state plan (or a negative declaration letter) to EPA that meets the requirements of this subpart and contains the emission limits in tables 6 through 9 of this subpart for CISWI units that commenced construction on or before June 4, 2010 and incinerator or air curtain incinerator units that commenced reconstruction or modification on or after June 1, 2001 but no later than August 7, 2013, then EPA will develop a federal plan according to § 60.27 to implement the emission guidelines contained in this subpart. Owners and operators of CISWI units not covered by an approved state plan must comply with the federal plan. The federal plan is an interim action and will be automatically withdrawn when your state plan is approved.

### § 60.2530 Is there an approval process for a negative declaration letter?

No. The EPA has no formal review process for negative declaration letters. Once your negative declaration letter has been received, EPA will place a copy in the public docket and publish a notice in the **Federal Register**. If, at a later date, an existing CISWI unit is found in your state, the federal plan implementing the emission guidelines contained in this subpart would automatically apply to that CISWI unit until your state plan is approved.

### § 60.2535 What compliance schedule must I include in my state plan?

(a) For CISWI units in the incinerator subcategory and air curtain incinerators that commenced construction on or before November 30, 1999, your state plan must include compliance schedules that require CISWI units in the incinerator subcategory and air curtain incinerators to achieve final compliance as expeditiously as practicable after approval of the state plan but not later than the earlier of the two dates specified in paragraphs (a)(1) and (2) of this section.

(1) December 1, 2005.

(2) Three years after the effective date of state plan approval.

(b) For CISWI units in the incinerator subcategory and air curtain incinerators that commenced construction after November 30, 1999, but on or before June 4, 2010 or that commenced reconstruction or modification on or after June 1, 2001 but no later than August 7, 2013, and for CISWI units in the small remote incinerator, energy recovery unit, and waste-burning kiln subcategories that commenced construction before June 4, 2010, your state plan must include compliance schedules that require CISWI units to achieve final compliance as expeditiously as practicable after approval of the state plan but not later than the earlier of the two dates specified in paragraphs (b)(1) and (2) of this section.

(1) February 7, 2018.

(2) Three years after the effective date of State plan approval.

(c) For compliance schedules more than 1 year following the effective date of State plan approval, State plans must include dates for enforceable increments of progress as specified in § 60.2580.

**§ 60.2540 Are there any State plan requirements for this subpart that apply instead of the requirements specified in subpart B?**

Yes. Subpart B establishes general requirements for developing and processing section 111(d) plans. This subpart applies instead of the requirements in subpart B of this part for paragraphs (a) and (b) of this section:

(a) State plans developed to implement this subpart must be as protective as the emission guidelines contained in this subpart. State plans must require all CISWI units to comply by the dates specified in § 60.2535. This applies instead of the option for case-by-case less stringent emission standards and longer compliance schedules in § 60.24(f).

(b) State plans developed to implement this subpart are required to include two increments of progress for the affected CISWI units. These two minimum increments are the final control plan submittal date and final compliance date in § 60.21(h)(1) and (5). This applies instead of the requirement of § 60.24(e)(1) that would require a State plan to include all five increments of progress for all CISWI units.

**§ 60.2541 In lieu of a state plan submittal, are there other acceptable option(s) for a state to meet its Clean Air Act section 111(d)/129(b)(2) obligations?**

Yes, a state may meet its Clean Air Act section 111(d)/129 obligations by submitting an acceptable written request for delegation of the federal plan that meets the requirements of this section. This is the only other option for a state to meet its Clean Air Act section 111(d)/129 obligations.

(a) An acceptable federal plan delegation request must include the following:

(1) A demonstration of adequate resources and legal authority to administer and enforce the federal plan.

(2) The items under § 60.2515(a)(1), (2) and (7).

(3) Certification that the hearing on the state delegation request, similar to the hearing for a state plan submittal, was held, a list of witnesses and their organizational affiliations, if any, appearing at the hearing, and a brief written summary of each presentation or written submission.

(4) A commitment to enter into a Memorandum of Agreement with the Regional Administrator who sets forth the terms, conditions, and effective date of the delegation and that serves as the mechanism for the transfer of authority. Additional guidance and information is given in EPA's Delegation Manual, Item 7–139, Implementation and Enforcement of 111(d)(2) and 111(d)/(2)/129(b)(3) federal plans.

(b) A state with an already approved CISWI Clean Air Act section 111(d)/129 state plan is not precluded from receiving EPA approval of a delegation request for the revised federal plan, providing the requirements of paragraph (a) of this section are met, and at the time of the delegation request, the state also requests withdrawal of EPA's previous state plan approval.

(c) A state's Clean Air Act section 111(d)/129 obligations are separate from its obligations under Title V of the Clean Air Act.

**§ 60.2542 What authorities will not be delegated to state, local, or tribal agencies?**

The authorities listed under § 60.2030(c) will not be delegated to state, local, or tribal agencies.

**§ 60.2545 Does this subpart directly affect CISWI unit owners and operators in my state?**

(a) No. This subpart does not directly affect CISWI unit owners and operators in your state. However, CISWI unit owners and operators must comply with the state plan you develop to implement the emission guidelines contained in this subpart. States may choose to incorporate the model rule text directly in their state plan.

(b) If you do not submit an approvable plan to implement and enforce the guidelines contained in this subpart for CISWI units that commenced construction before November 30, 1999 by December 2, 2002, EPA will implement and enforce a federal plan, as provided in § 60.2525, to ensure that each unit within your state reaches compliance with all the provisions of this subpart by December 1, 2005.

(c) If you do not submit an approvable plan to implement and enforce the guidelines contained in this subpart by February 7, 2014, for CISWI units that commenced construction on or before June 4, 2010, EPA will implement and enforce a federal plan, as provided in § 60.2525, to ensure that each unit within your state that commenced construction on or before June 4, 2010, reaches compliance with all the provisions of this subpart by February 7, 2018.

## Applicability of State Plans

**§ 60.2550 What CISWI units must I address in my state plan?**

(a) Your state plan must address incineration units that meet all three criteria described in paragraphs (a)(1) through (3) of this section.

(1) CISWI units and air curtain incinerators in your state that commenced construction on or before June 4, 2010, or commenced modification or reconstruction after June 4, 2010 but no later than August 7, 2013.

(2) Incineration units that meet the definition of a CISWI unit as defined in § 60.2875.

(3) Incineration units not exempt under § 60.2555.

(b) If the owner or operator of a CISWI unit or air curtain incinerator makes changes that meet the definition of modification or reconstruction after August 7, 2013, the CISWI unit becomes subject to subpart CCCC of this part and the state plan no longer applies to that unit.

(c) If the owner or operator of a CISWI unit makes physical or operational changes to an existing CISWI unit primarily to comply with your state plan, subpart CCCC of this part does not apply to that unit. Such changes do not qualify as modifications or reconstructions under subpart CCCC of this part.

**§ 60.2555 What combustion units are exempt from my state plan?**

This subpart exempts the types of units described in paragraphs (a), (c) through (i), (m), and (n) of this section, but some units are required to provide notifications. Air curtain incinerators are exempt from the requirements in this subpart except for the provisions in §§ 60.2805, 60.2860, and 60.2870.

(a) *Pathological waste incineration units.* Incineration units burning 90 percent or more by weight (on a calendar quarter basis and excluding the weight of auxiliary fuel and combustion air) of pathological waste, low-level radioactive waste, and/or chemotherapeutic waste as defined in § 60.2875 are not subject to this subpart if you meet the two requirements specified in paragraphs (a)(1) and (2) of this section.

(1) Notify the Administrator that the unit meets these criteria.

(2) Keep records on a calendar quarter basis of the weight of pathological waste, low-level radioactive waste, and/or chemotherapeutic waste burned, and the weight of all other fuels and wastes burned in the unit.

(b) [Reserved]

(c) *Municipal waste combustion units.* Incineration units that are subject to subpart Ea of this part (Standards of Performance for Municipal Waste Combustors); subpart Eb of this part (Standards of Performance for Large Municipal Waste Combustors); subpart Cb of this part (Emission Guidelines and Compliance Time for Large Municipal Combustors); AAAA of this part

(Standards of Performance for Small Municipal Waste Combustion Units); or subpart BBBB of this part (Emission Guidelines for Small Municipal Waste Combustion Units).

(d) *Medical waste incineration units.* Incineration units regulated under subpart Ec of this part (Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996) or subpart Ca of this part (Emission Guidelines and Compliance Times for Hospital/Medical/Infectious Waste Incinerators).

(e) *Small power production facilities.* Units that meet the three requirements specified in paragraphs (e)(1) through (e)(4) of this section.

(1) The unit qualifies as a small power-production facility under section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C)).

(2) The unit burns homogeneous waste (not including refuse-derived fuel) to produce electricity.

(3) You submit documentation to the Administrator notifying the Agency that the qualifying small power production facility is combusting homogenous waste.

(4) You maintain the records specified in § 60.2740(v).

(f) *Cogeneration facilities.* Units that meet the three requirements specified in paragraphs (f)(1) through (f)(4) of this section.

(1) The unit qualifies as a cogeneration facility under section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)).

(2) The unit burns homogeneous waste (not including refuse-derived fuel) to produce electricity and steam or other forms of energy used for industrial, commercial, heating, or cooling purposes.

(3) You submit documentation to the Administrator notifying the Agency that the qualifying cogeneration facility is combusting homogenous waste.

(4) You maintain the records specified in § 60.2740(w).

(g) *Hazardous waste combustion units.* Units for which you are required to get a permit under section 3005 of the Solid Waste Disposal Act.

(h) *Materials recovery units.* Units that combust waste for the primary purpose of recovering metals, such as primary and secondary smelters.

(i) *Air curtain incinerators.* Air curtain incinerators that burn only the materials listed in paragraphs (i)(1) through (3) of this section are only required to meet the requirements under § 60.2805 and under ''Air Curtain Incinerators'' (§§ 60.2810 through 60.2870).

(1) 100 percent wood waste.

(2) 100 percent clean lumber.

(3) 100 percent mixture of only wood waste, clean lumber, and/or yard waste.

(j)–(l) [Reserved]

(m) *Sewage treatment plants.* Incineration units regulated under subpart O of this part (Standards of Performance for Sewage Treatment Plants).

(n) *Sewage sludge incineration units.* Incineration units combusting sewage sludge for the purpose of reducing the volume of the sewage sludge by removing combustible matter that are subject to subpart LLLL of this part (Standards of Performance for Sewage Sludge Incineration Units) or subpart MMMM of this part (Emission Guidelines for Sewage Sludge Incineration Units).

(o) *Other solid waste incineration units.* Incineration units that are subject to subpart EEEE of this part (Standards of Performance for Other Solid Waste Incineration Units) or subpart FFFF of this part (Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units).

## Use of Model Rule

### § 60.2560 What is the ''model rule'' in this subpart?

(a) The model rule is the portion of these emission guidelines (§§ 60.2575 through 60.2875) that addresses the regulatory requirements applicable to CISWI units. The model rule provides these requirements in regulation format. You must develop a state plan that is at least as protective as the model rule. You may use the model rule language as part of your state plan. Alternative language may be used in your state plan if you demonstrate that the alternative language is at least as protective as the model rule contained in this subpart.

(b) In the model rule of §§ 60.2575 to 60.2875, ''you'' means the owner or operator of a CISWI unit.

### § 60.2565 How does the model rule relate to the required elements of my state plan?

Use the model rule to satisfy the state plan requirements specified in § 60.2515(a)(4) and (5).

### § 60.2570 What are the principal components of the model rule?

The model rule contains the eleven major components listed in paragraphs (a) through (k) of this section.

(a) Increments of progress toward compliance.

(b) Waste management plan.

(c) Operator training and qualification.

(d) Emission limitations and operating limits.

(e) Performance testing.

(f) Initial compliance requirements.

(g) Continuous compliance requirements.

(h) Monitoring.

(i) Recordkeeping and reporting.

(j) Definitions.

(k) Tables.

## Model Rule—Increments of Progress

### § 60.2575 What are my requirements for meeting increments of progress and achieving final compliance?

If you plan to achieve compliance more than 1 year following the effective date of state plan approval, you must meet the two increments of progress specified in paragraphs (a) and (b) of this section.

(a) Submit a final control plan.

(b) Achieve final compliance.

### § 60.2580 When must I complete each increment of progress?

Table 1 of this subpart specifies compliance dates for each of the increments of progress.

### § 60.2585 What must I include in the notifications of achievement of increments of progress?

Your notification of achievement of increments of progress must include the three items specified in paragraphs (a) through (c) of this section.

(a) Notification that the increment of progress has been achieved.

(b) Any items required to be submitted with each increment of progress.

(c) Signature of the owner or operator of the CISWI unit.

### § 60.2590 When must I submit the notifications of achievement of increments of progress?

Notifications for achieving increments of progress must be postmarked no later than 10 business days after the compliance date for the increment.

### § 60.2595 What if I do not meet an increment of progress?

If you fail to meet an increment of progress, you must submit a notification to the Administrator postmarked within 10 business days after the date for that increment of progress in table 1 of this subpart. You must inform the Administrator that you did not meet the increment, and you must continue to submit reports each subsequent calendar month until the increment of progress is met.

### § 60.2600 How do I comply with the increment of progress for submittal of a control plan?

For your control plan increment of progress, you must satisfy the two

requirements specified in paragraphs (a) and (b) of this section.

(a) Submit the final control plan that includes the five items described in paragraphs (a)(1) through (5) of this section.

(1) A description of the devices for air pollution control and process changes that you will use to comply with the emission limitations and other requirements of this subpart.

(2) The type(s) of waste to be burned.

(3) The maximum design waste burning capacity.

(4) The anticipated maximum charge rate.

(5) If applicable, the petition for site-specific operating limits under § 60.2680.

(b) Maintain an onsite copy of the final control plan.

### § 60.2605 How do I comply with the increment of progress for achieving final compliance?

For the final compliance increment of progress, you must complete all process changes and retrofit construction of control devices, as specified in the final control plan, so that, if the affected CISWI unit is brought online, all necessary process changes and air pollution control devices would operate as designed.

### § 60.2610 What must I do if I close my CISWI unit and then restart it?

(a) If you close your CISWI unit but will restart it prior to the final compliance date in your state plan, you must meet the increments of progress specified in § 60.2575.

(b) If you close your CISWI unit but will restart it after your final compliance date, you must complete emission control retrofits and meet the emission limitations and operating limits on the date your unit restarts operation.

### § 60.2615 What must I do if I plan to permanently close my CISWI unit and not restart it?

If you plan to close your CISWI unit rather than comply with the state plan, submit a closure notification, including the date of closure, to the Administrator by the date your final control plan is due.

## Model Rule—Waste Management Plan

### § 60.2620 What is a waste management plan?

A waste management plan is a written plan that identifies both the feasibility and the methods used to reduce or separate certain components of solid waste from the waste stream in order to reduce or eliminate toxic emissions from incinerated waste.

### § 60.2625 When must I submit my waste management plan?

You must submit a waste management plan no later than the date specified in table 1 of this subpart for submittal of the final control plan.

### § 60.2630 What should I include in my waste management plan?

A waste management plan must include consideration of the reduction or separation of waste-stream elements such as paper, cardboard, plastics, glass, batteries, or metals; or the use of recyclable materials. The plan must identify any additional waste management measures, and the source must implement those measures considered practical and feasible, based on the effectiveness of waste management measures already in place, the costs of additional measures, the emissions reductions expected to be achieved, and any other environmental or energy impacts they might have.

## Model Rule—Operator Training and Qualification

### § 60.2635 What are the operator training and qualification requirements?

(a) No CISWI unit can be operated unless a fully trained and qualified CISWI unit operator is accessible, either at the facility or can be at the facility within 1 hour. The trained and qualified CISWI unit operator may operate the CISWI unit directly or be the direct supervisor of one or more other plant personnel who operate the unit. If all qualified CISWI unit operators are temporarily not accessible, you must follow the procedures in § 60.2665.

(b) Operator training and qualification must be obtained through a state-approved program or by completing the requirements included in paragraph (c) of this section.

(c) Training must be obtained by completing an incinerator operator training course that includes, at a minimum, the three elements described in paragraphs (c)(1) through (3) of this section.

(1) Training on the eleven subjects listed in paragraphs (c)(1)(i) through (xi) of this section.

(i) Environmental concerns, including types of emissions.

(ii) Basic combustion principles, including products of combustion.

(iii) Operation of the specific type of incinerator to be used by the operator, including proper startup, waste charging, and shutdown procedures.

(iv) Combustion controls and monitoring.

(v) Operation of air pollution control equipment and factors affecting performance (if applicable).

(vi) Inspection and maintenance of the incinerator and air pollution control devices.

(vii) Actions to prevent and correct malfunctions or to prevent conditions that may lead to malfunctions.

(viii) Bottom and fly ash characteristics and handling procedures.

(ix) Applicable federal, state, and local regulations, including Occupational Safety and Health Administration workplace standards.

(x) Pollution prevention.

(xi) Waste management practices.

(2) An examination designed and administered by the instructor.

(3) Written material covering the training course topics that can serve as reference material following completion of the course.

### § 60.2640 When must the operator training course be completed?

The operator training course must be completed by the later of the three dates specified in paragraphs (a) through (c) of this section.

(a) The final compliance date (Increment 2).

(b) Six months after CISWI unit startup.

(c) Six months after an employee assumes responsibility for operating the CISWI unit or assumes responsibility for supervising the operation of the CISWI unit.

### § 60.2645 How do I obtain my operator qualification?

(a) You must obtain operator qualification by completing a training course that satisfies the criteria under § 60.2635(b).

(b) Qualification is valid from the date on which the training course is completed and the operator successfully passes the examination required under § 60.2635(c)(2).

### § 60.2650 How do I maintain my operator qualification?

To maintain qualification, you must complete an annual review or refresher course covering, at a minimum, the five topics described in paragraphs (a) through (e) of this section.

(a) Update of regulations.

(b) Incinerator operation, including startup and shutdown procedures, waste charging, and ash handling.

(c) Inspection and maintenance.

(d) Prevention and correction of malfunctions or conditions that may lead to malfunction.

(e) Discussion of operating problems encountered by attendees.

### § 60.2655 How do I renew my lapsed operator qualification?

You must renew a lapsed operator qualification by one of the two methods

specified in paragraphs (a) and (b) of this section.

(a) For a lapse of less than 3 years, you must complete a standard annual refresher course described in § 60.2650.

(b) For a lapse of 3 years or more, you must repeat the initial qualification requirements in § 60.2645(a).

**§ 60.2660 What site-specific documentation is required?**

(a) Documentation must be available at the facility and readily accessible for all CISWI unit operators that addresses the ten topics described in paragraphs (a)(1) through (10) of this section. You must maintain this information and the training records required by paragraph (c) of this section in a manner that they can be readily accessed and are suitable for inspection upon request.

(1) Summary of the applicable standards under this subpart.

(2) Procedures for receiving, handling, and charging waste.

(3) Incinerator startup, shutdown, and malfunction procedures.

(4) Procedures for maintaining proper combustion air supply levels.

(5) Procedures for operating the incinerator and associated air pollution control systems within the standards established under this subpart.

(6) Monitoring procedures for demonstrating compliance with the incinerator operating limits.

(7) Reporting and recordkeeping procedures.

(8) The waste management plan required under §§ 60.2620 through 60.2630.

(9) Procedures for handling ash.

(10) A list of the wastes burned during the performance test.

(b) You must establish a program for reviewing the information listed in paragraph (a) of this section with each incinerator operator.

(1) The initial review of the information listed in paragraph (a) of this section must be conducted by the later of the three dates specified in paragraphs (b)(1)(i) through (iii) of this section.

(i) The final compliance date (Increment 2).

(ii) Six months after CISWI unit startup.

(iii) Six months after being assigned to operate the CISWI unit.

(2) Subsequent annual reviews of the information listed in paragraph (a) of this section must be conducted no later than 12 months following the previous review.

(c) You must also maintain the information specified in paragraphs (c)(1) through (3) of this section.

(1) Records showing the names of CISWI unit operators who have completed review of the information in § 60.2660(a) as required by § 60.2660(b), including the date of the initial review and all subsequent annual reviews.

(2) Records showing the names of the CISWI operators who have completed the operator training requirements under § 60.2635, met the criteria for qualification under § 60.2645, and maintained or renewed their qualification under § 60.2650 or § 60.2655. Records must include documentation of training, the dates of the initial refresher training, and the dates of their qualification and all subsequent renewals of such qualifications.

(3) For each qualified operator, the phone and/or pager number at which they can be reached during operating hours.

**§ 60.2665 What if all the qualified operators are temporarily not accessible?**

If all qualified operators are temporarily not accessible (*i.e.,* not at the facility and not able to be at the facility within 1 hour), you must meet one of the two criteria specified in paragraphs (a) and (b) of this section, depending on the length of time that a qualified operator is not accessible.

(a) When all qualified operators are not accessible for more than 8 hours, but less than 2 weeks, the CISWI unit may be operated by other plant personnel familiar with the operation of the CISWI unit who have completed a review of the information specified in § 60.2660(a) within the past 12 months. However, you must record the period when all qualified operators were not accessible and include this deviation in the annual report as specified under § 60.2770.

(b) When all qualified operators are not accessible for 2 weeks or more, you must take the two actions that are described in paragraphs (b)(1) and (2) of this section.

(1) Notify the Administrator of this deviation in writing within 10 days. In the notice, state what caused this deviation, what you are doing to ensure that a qualified operator is accessible, and when you anticipate that a qualified operator will be accessible.

(2) Submit a status report to the Administrator every 4 weeks outlining what you are doing to ensure that a qualified operator is accessible, stating when you anticipate that a qualified operator will be accessible and requesting approval from the Administrator to continue operation of the CISWI unit. You must submit the first status report 4 weeks after you notify the Administrator of the deviation under paragraph (b)(1) of this section. If the Administrator notifies you that your request to continue operation of the CISWI unit is disapproved, the CISWI unit may continue operation for 90 days, then must cease operation. Operation of the unit may resume if you meet the two requirements in paragraphs (b)(2)(i) and (ii) of this section.

(i) A qualified operator is accessible as required under § 60.2635(a).

(ii) You notify the Administrator that a qualified operator is accessible and that you are resuming operation.

## Model Rule—Emission Limitations and Operating Limits

**§ 60.2670 What emission limitations must I meet and by when?**

(a) You must meet the emission limitations for each CISWI unit, including bypass stack or vent, specified in table 2 of this subpart or tables 6 through 9 of this subpart by the final compliance date under the approved state plan, federal plan, or delegation, as applicable. The emission limitations apply at all times the unit is operating including and not limited to startup, shutdown, or malfunction.

(b) Units that do not use wet scrubbers must maintain opacity to less than or equal to the percent opacity (three 1-hour blocks consisting of ten 6-minute average opacity values) specified in table 2 of this subpart, as applicable.

**§ 60.2675 What operating limits must I meet and by when?**

(a) If you use a wet scrubber(s) to comply with the emission limitations, you must establish operating limits for up to four operating parameters (as specified in table 3 of this subpart) as described in paragraphs (a)(1) through (4) of this section during the initial performance test.

(1) Maximum charge rate, calculated using one of the two different procedures in paragraph (a)(1)(i) or (ii), as appropriate.

(i) For continuous and intermittent units, maximum charge rate is 110 percent of the average charge rate measured during the most recent performance test demonstrating compliance with all applicable emission limitations.

(ii) For batch units, maximum charge rate is 110 percent of the daily charge rate measured during the most recent performance test demonstrating compliance with all applicable emission limitations.

(2) Minimum pressure drop across the wet particulate matter scrubber, which is calculated as the lowest 1-hour average pressure drop across the wet scrubber measured during the most recent performance test demonstrating

compliance with the particulate matter emission limitations; or minimum amperage to the wet scrubber, which is calculated as the lowest 1-hour average amperage to the wet scrubber measured during the most recent performance test demonstrating compliance with the particulate matter emission limitations.

(3) Minimum scrubber liquid flow rate, which is calculated as the lowest 1-hour average liquid flow rate at the inlet to the wet acid gas or particulate matter scrubber measured during the most recent performance test demonstrating compliance with all applicable emission limitations.

(4) Minimum scrubber liquor pH, which is calculated as the lowest 1-hour average liquor pH at the inlet to the wet acid gas scrubber measured during the most recent performance test demonstrating compliance with the HCl emission limitation.

(b) You must meet the operating limits established during the initial performance test on the date the initial performance test is required or completed (whichever is earlier). You must conduct an initial performance evaluation of each continuous monitoring system and continuous parameter monitoring system within 60 days of installation of the monitoring system.

(c) If you use a fabric filter to comply with the emission limitations, you must operate each fabric filter system such that the bag leak detection system alarm does not sound more than 5 percent of the operating time during a 6-month period. In calculating this operating time percentage, if inspection of the fabric filter demonstrates that no corrective action is required, no alarm time is counted. If corrective action is required, each alarm shall be counted as a minimum of 1 hour. If you take longer than 1 hour to initiate corrective action, the alarm time shall be counted as the actual amount of time taken by you to initiate corrective action.

(d) If you use an electrostatic precipitator to comply with the emission limitations, you must measure the (secondary) voltage and amperage of the electrostatic precipitator collection plates during the particulate matter performance test. Calculate the average electric power value (secondary voltage × secondary current = secondary electric power) for each test run. The operating limit for the electrostatic precipitator is calculated as the lowest 1-hour average secondary electric power measured during the most recent performance test demonstrating compliance with the particulate matter emission limitations.

(e) If you use activated carbon sorbent injection to comply with the emission limitations, you must measure the sorbent flow rate during the performance testing. The operating limit for the carbon sorbent injection is calculated as the lowest 1-hour average sorbent flow rate measured during the most recent performance test demonstrating compliance with the mercury emission limitations. For energy recovery units, when your unit operates at lower loads, multiply your sorbent injection rate by the load fraction, as defined in this subpart, to determine the required injection rate (*e.g.,* for 50 percent load, multiply the injection rate operating limit by 0.5).

(f) If you use selective noncatalytic reduction to comply with the emission limitations, you must measure the charge rate, the secondary chamber temperature (if applicable to your CISWI unit), and the reagent flow rate during the nitrogen oxides performance testing. The operating limits for the selective noncatalytic reduction are calculated as the highest 1-hour average charge rate, lowest secondary chamber temperature, and lowest reagent flow rate measured during the most recent performance test demonstrating compliance with the nitrogen oxides emission limitations.

(g) If you use a dry scrubber to comply with the emission limitations, you must measure the injection rate of each sorbent during the performance testing. The operating limit for the injection rate of each sorbent is calculated as the lowest 1-hour average injection rate of each sorbent measured during the most recent performance test demonstrating compliance with the hydrogen chloride emission limitations. For energy recovery units, when your unit operates at lower loads, multiply your sorbent injection rate by the load fraction, as defined in this subpart, to determine the required injection rate (*e.g.,* for 50 percent load, multiply the injection rate operating limit by 0.5).

(h) If you do not use a wet scrubber, electrostatic precipitator, or fabric filter to comply with the emission limitations, and if you do not determine compliance with your particulate matter emission limitation with a particulate matter CEMS, you must maintain opacity to less than or equal to ten percent opacity (1-hour block average).

(i) If you use a PM CPMS to demonstrate compliance, you must establish your PM CPMS operating limit and determine compliance with it according to paragraphs (i)(1) through (5) of this section.

(1) During the initial performance test or any such subsequent performance test that demonstrates compliance with the PM limit, record all hourly average output values (milliamps, or the digital signal equivalent) from the PM CPMS for the periods corresponding to the test runs (*e.g.,* three 1-hour average PM CPMS output values for three 1-hour test runs).

(i) Your PM CPMS must provide a 4–20 milliamp output, or the digital signal equivalent, and the establishment of its relationship to manual reference method measurements must be determined in units of milliamps or digital bits.

(ii) Your PM CPMS operating range must be capable of reading PM concentrations from zero to a level equivalent to at least two times your allowable emission limit. If your PM CPMS is an auto-ranging instrument capable of multiple scales, the primary range of the instrument must be capable of reading PM concentration from zero to a level equivalent to two times your allowable emission limit.

(iii) During the initial performance test or any such subsequent performance test that demonstrates compliance with the PM limit, record and average all milliamp output values, or their digital equivalent, from the PM CPMS for the periods corresponding to the compliance test runs (*e.g.,* average all your PM CPMS output values for three corresponding 2-hour Method 5I test runs).

(2) If the average of your three PM performance test runs are below 75 percent of your PM emission limit, you must calculate an operating limit by establishing a relationship of PM CPMS signal to PM concentration using the PM CPMS instrument zero, the average PM CPMS values corresponding to the three compliance test runs, and the average PM concentration from the Method 5 or performance test with the procedures in (i)(1)through (5) of this section.

(i) Determine your instrument zero output with one of the following procedures:

(A) Zero point data for *in-situ* instruments should be obtained by removing the instrument from the stack and monitoring ambient air on a test bench.

(B) Zero point data for extractive instruments should be obtained by removing the extractive probe from the stack and drawing in clean ambient air.

(C) The zero point can also can be established obtained by performing manual reference method measurements when the flue gas is free of PM emissions or contains very low PM concentrations (*e.g.,* when your process is not operating, but the fans are operating or your source is combusting only natural gas) and plotting these with the compliance data to find the zero intercept.

(D) If none of the steps in paragraphs (i)(2)(i)(A) through (i)(2)(i)(C) of this section are possible, you must use a zero output value provided by the manufacturer.

(ii) Determine your PM CPMS instrument average in milliamps, or the digital equivalent, and the average of your corresponding three PM compliance test runs, using equation 1.

$$\bar{x} = \frac{1}{n}\sum_{i=1}^{n} X_i \,, \bar{y} = \frac{1}{n}\sum_{i=1}^{n} Y_i \qquad \text{(Eq. 1)}$$

Where:

$X_i$ = the PM CPMS data points for the three runs constituting the performance test,

$Y_i$ = the PM concentration value for the three runs constituting the performance test, and

n = the number of data points.

(iii) With your instrument zero expressed in milliamps, or the digital equivalent, your three run average PM CPMS milliamp or digital value, and your three run average PM concentration from your three compliance tests, determine a relationship of mg/dscm per milliamp, or per digital signal equivalent, with equation 2.

$$R = \frac{Y_i}{(X_i - z)} \qquad \text{(Eq. 2)}$$

Where:

R = the relative mg/dscm per milliamp, or the digital equivalent, for your PM CPMS,

$Y_i$ = the three run average mg/dscm PM concentration,

$X_i$ = the three run average milliamp output, or the digital equivalent, from you PM CPMS, and

z = the milliamp or digital signal equivalent of your instrument zero determined from paragraph (i)(2)(i) of this section.

(iv) Determine your source specific 30-day rolling average operating limit using the mg/dscm per milliamp value, or per digital signal equivalent, from equation 2 in equation 3, below. This sets your operating limit at the PM CPMS output value corresponding to 75 percent of your emission limit.

$$O_l = z + \frac{0.75(L)}{R} \qquad \text{(Eq. 3)}$$

Where:

$O_l$ = the operating limit for your PM CPMS on a 30-day rolling average, in milliamps or digital bits.

L = your source emission limit expressed in mg/dscm,

z = your instrument zero in milliamps or digital bits, determined from paragraph (i)(2)(i) of this section, and

R = the relative mg/dscm per milliamp, or per digital bits, for your PM CPMS, from equation 2.

(3) If the average of your three PM compliance test runs is at or above 75 percent of your PM emission limit you must determine your operating limit by averaging the PM CPMS milliamp or digital signal output corresponding to your three PM performance test runs that demonstrate compliance with the emission limit using equation 4 and you must submit all compliance test and PM CPMS data according to the reporting requirements in paragraph (i)(5) of this section.

$$O_h = \frac{1}{n}\sum_{i=1}^{n} X_i \qquad \text{(Eq. 4)}$$

Where:

$X_i$ = the PM CPMS data points for all runs i,

n = the number of data points, and

$O_h$ = your site specific operating limit, in milliamps or digital bits.

(4) To determine continuous compliance, you must record the PM CPMS output data for all periods when the process is operating and the PM CPMS is not out-of-control. You must demonstrate continuous compliance by using all quality-assured hourly average data collected by the PM CPMS for all operating hours to calculate the arithmetic average operating parameter in units of the operating limit (*e.g.,* milliamps or digital bits, PM concentration, raw data signal) on a 30-day rolling average basis.

(5) For PM performance test reports used to set a PM CPMS operating limit, the electronic submission of the test report must also include the make and model of the PM CPMS instrument, serial number of the instrument, analytical principle of the instrument (*e.g.,* beta attenuation), span of the instruments primary analytical range, milliamp or digital signal value equivalent to the instrument zero output, technique by which this zero value was determined, and the average milliamp or digital signals corresponding to each PM compliance test run.

**§ 60.2680 What if I do not use a wet scrubber, fabric filter, activated carbon injection, selective noncatalytic reduction, an electrostatic precipitator, or a dry scrubber to comply with the emission limitations?**

(a) If you use an air pollution control device other than a wet scrubber, activated carbon injection, selective noncatalytic reduction, fabric filter, an electrostatic precipitator, or a dry scrubber or limit emissions in some other manner, including mass balances, to comply with the emission limitations under § 60.2670, you must petition the

EPA Administrator for specific operating limits to be established during the initial performance test and continuously monitored thereafter. You must submit the petition at least sixty days before the performance test is scheduled to begin. Your petition must include the five items listed in paragraphs (a)(1) through (5) of this section.

(1) Identification of the specific parameters you propose to use as additional operating limits.

(2) A discussion of the relationship between these parameters and emissions of regulated pollutants, identifying how emissions of regulated pollutants change with changes in these parameters and how limits on these parameters will serve to limit emissions of regulated pollutants.

(3) A discussion of how you will establish the upper and/or lower values for these parameters which will establish the operating limits on these parameters.

(4) A discussion identifying the methods you will use to measure and the instruments you will use to monitor these parameters, as well as the relative accuracy and precision of these methods and instruments.

(5) A discussion identifying the frequency and methods for recalibrating the instruments you will use for monitoring these parameters.

(b) [Reserved]

## Model Rule—Performance Testing

### § 60.2690 How do I conduct the initial and annual performance test?

(a) All performance tests must consist of a minimum of three test runs conducted under conditions representative of normal operations.

(b) You must document that the waste burned during the performance test is representative of the waste burned under normal operating conditions by maintaining a log of the quantity of waste burned (as required in § 60.2740(b)(1)) and the types of waste burned during the performance test.

(c) All performance tests must be conducted using the minimum run duration specified in tables 2 and 6 through 9 of this subpart.

(d) Method 1 of appendix A of this part must be used to select the sampling location and number of traverse points.

(e) Method 3A or 3B of appendix A of this part must be used for gas composition analysis, including measurement of oxygen concentration. Method 3A or 3B of appendix A of this part must be used simultaneously with each method.

(f) All pollutant concentrations, except for opacity, must be adjusted to 7 percent oxygen using equation 5 of this section:

$$C_{adj} = C_{meas} (20.9-7)/(20.9-\%O_2) \qquad \text{(Eq. 5)}$$

Where:

$C_{adj}$ = pollutant concentration adjusted to 7 percent oxygen;

$C_{meas}$ = pollutant concentration measured on a dry basis;

(20.9–7) = 20.9 percent oxygen—7 percent oxygen (defined oxygen correction basis);

20.9 = oxygen concentration in air, percent; and

$\%O_2$ = oxygen concentration measured on a dry basis, percent.

(g) You must determine dioxins/furans toxic equivalency by following the procedures in paragraphs (g)(1) through (4) of this section.

(1) Measure the concentration of each dioxin/furan tetra- through octa-isomer emitted using EPA Method 23 at 40 CFR part 60, appendix A.

(2) Quantify isomers meeting identification criteria 2, 3, 4, and 5 in Section 5.3.2.5 of Method 23, regardless of whether the isomers meet identification criteria 1 and 7. You must quantify the isomers per Section 9.0 of Method 23. (Note: You may reanalyze the sample aliquot or split to reduce the number of isomers not meeting identification criteria 1 or 7 of Section 5.3.2.5.)

(3) For each dioxin/furan (tetra- through octa-chlorinated) isomer measured in accordance with paragraph (g)(1) and (2) of this section, multiply the isomer concentration by its corresponding toxic equivalency factor specified in table 4 of this subpart.

(4) Sum the products calculated in accordance with paragraph (g)(3) of this section to obtain the total concentration of dioxins/furans emitted in terms of toxic equivalency.

(h) Method 22 at 40 CFR part 60, appendix A–7 must be used to determine compliance with the fugitive ash emission limit in table 2 of this subpart or tables 6 through 9 of this subpart.

(i) If you have an applicable opacity operating limit, you must determine compliance with the opacity limit using Method 9 at 40 CFR part 60, appendix A–4, based on three 1-hour blocks consisting of ten 6-minute average opacity values, unless you are required to install a continuous opacity monitoring system, consistent with § 60.2710 and § 60.2730.

(j) You must determine dioxins/furans total mass basis by following the procedures in paragraphs (j)(1) through (3) of this section.

(1) Measure the concentration of each dioxin/furan tetra- through octa-chlorinated isomer emitted using EPA Method 23 at 40 CFR part 60, appendix A–7.

(2) Quantify isomers meeting identification criteria 2, 3, 4, and 5 in Section 5.3.2.5 of Method 23, regardless of whether the isomers meet identification criteria 1 and 7. You must quantify the isomers per Section 9.0 of Method 23. (Note: You may reanalyze the sample aliquot or split to reduce the number of isomers not meeting identification criteria 1 or 7 of Section 5.3.2.5.)

(3) Sum the quantities measured in accordance with paragraphs (j)(1) and (2) of this section to obtain the total concentration of dioxins/furans emitted in terms of total mass basis.

### § 60.2695 How are the performance test data used?

You use results of performance tests to demonstrate compliance with the emission limitations in table 2 of this subpart or tables 6 through 9 of this subpart.

## Model Rule—Initial Compliance Requirements

### § 60.2700 How do I demonstrate initial compliance with the amended emission limitations and establish the operating limits?

You must conduct a performance test, as required under §§ 60.2690 and 60.2670, to determine compliance with the emission limitations in table 2 of this subpart and tables 6 through 9 of this subpart, to establish compliance with any opacity operating limits in § 60.2675, to establish the kiln-specific emission limit in § 60.2710(y), as applicable, and to establish operating limits using the procedures in § 60.2675 or § 60.2680. The performance test must be conducted using the test methods listed in table 2 of this subpart and tables 6 through 9 of this subpart and the procedures in § 60.2690. The use of the bypass stack during a performance test shall invalidate the performance test. You must conduct a performance evaluation of each continuous

monitoring system within 60 days of installation of the monitoring system.

**§ 60.2705 By what date must I conduct the initial performance test?**

(a) The initial performance test must be conducted no later than 180 days after your final compliance date. Your final compliance date is specified in table 1 of this subpart.

(b) If you commence or recommence combusting a solid waste at an existing combustion unit at any commercial or industrial facility and you conducted a test consistent with the provisions of this subpart while combusting the given solid waste within the 6 months preceding the reintroduction of that solid waste in the combustion chamber, you do not need to retest until 6 months from the date you reintroduce that solid waste.

(c) If you commence or recommence combusting a solid waste at an existing combustion unit at any commercial or industrial facility and you have not conducted a performance test consistent with the provisions of this subpart while combusting the given solid waste within the 6 months preceding the reintroduction of that solid waste in the combustion chamber, you must conduct a performance test within 60 days from the date you reintroduce solid waste.

**§ 60.2706 By what date must I conduct the initial air pollution control device inspection?**

(a) The initial air pollution control device inspection must be conducted within 60 days after installation of the control device and the associated CISWI unit reaches the charge rate at which it will operate, but no later than 180 days after the final compliance date for meeting the amended emission limitations.

(b) Within 10 operating days following an air pollution control device inspection, all necessary repairs must be completed unless the owner or operator obtains written approval from the state agency establishing a date whereby all necessary repairs of the designated facility must be completed.

## Model Rule—Continuous Compliance Requirements

**§ 60.2710 How do I demonstrate continuous compliance with the amended emission limitations and the operating limits?**

(a) *Compliance with standards.* (1) The emission standards and operating requirements set forth in this subpart apply at all times.

(2) If you cease combusting solid waste you may opt to remain subject to the provisions of this subpart. Consistent with the definition of CISWI unit, you are subject to the requirements of this subpart at least 6 months following the last date of solid waste combustion. Solid waste combustion is ceased when solid waste is not in the combustion chamber (*i.e.,* the solid waste feed to the combustor has been cut off for a period of time not less than the solid waste residence time).

(3) If you cease combusting solid waste you must be in compliance with any newly applicable standards on the effective date of the waste-to-fuel switch. The effective date of the waste-to-fuel switch is a date selected by you, that must be at least 6 months from the date that you ceased combusting solid waste, consistent with § 60.2710(a)(2). Your source must remain in compliance with this subpart until the effective date of the waste-to-fuel switch.

(4) If you own or operate an existing commercial or industrial combustion unit that combusted a fuel or non-waste material, and you commence or recommence combustion of solid waste, you are subject to the provisions of this subpart as of the first day you introduce or reintroduce solid waste to the combustion chamber, and this date constitutes the effective date of the fuel-to-waste switch. You must complete all initial compliance demonstrations for any Section 112 standards that are applicable to your facility before you commence or recommence combustion of solid waste. You must provide 30 days prior notice of the effective date of the waste-to-fuel switch. The notification must identify:

(i) The name of the owner or operator of the CISWI unit, the location of the source, the emissions unit(s) that will cease burning solid waste, and the date of the notice;

(ii) The currently applicable subcategory under this subpart, and any 40 CFR part 63 subpart and subcategory that will be applicable after you cease combusting solid waste;

(iii) The fuel(s), non-waste material(s) and solid waste(s) the CISWI unit is currently combusting and has combusted over the past 6 months, and the fuel(s) or non-waste materials the unit will commence combusting;

(iv) The date on which you became subject to the currently applicable emission limits;

(v) The date upon which you will cease combusting solid waste, and the date (if different) that you intend for any new requirements to become applicable (*i.e.,* the effective date of the waste-to-fuel switch), consistent with paragraphs (a)(2) and (3) of this section.

(5) All air pollution control equipment necessary for compliance with any newly applicable emissions limits which apply as a result of the cessation or commencement or recommencement of combusting solid waste must be installed and operational as of the effective date of the waste-to-fuel, or fuel-to-waste switch.

(6) All monitoring systems necessary for compliance with any newly applicable monitoring requirements which apply as a result of the cessation or commencement or recommencement of combusting solid waste must be installed and operational as of the effective date of the waste-to-fuel, or fuel-to-waste switch. All calibration and drift checks must be performed as of the effective date of the waste-to-fuel, or fuel-to-waste switch. Relative accuracy tests must be performed as of the performance test deadline for PM CEMS (if PM CEMS are elected to demonstrate continuous compliance with the particulate matter emission limits). Relative accuracy testing for other CEMS need not be repeated if that testing was previously performed consistent with section 112 monitoring requirements or monitoring requirements under this subpart.

(b) You must conduct an annual performance test for the pollutants listed in table 2 of this subpart or tables 6 through 9 of this subpart and opacity for each CISWI unit as required under § 60.2690. The annual performance test must be conducted using the test methods listed in table 2 of this subpart or tables 6 through 9 of this subpart and the procedures in § 60.2690. Opacity must be measured using EPA Reference Method 9 at 40 CFR part 60. Annual performance tests are not required if you use CEMS or continuous opacity monitoring systems to determine compliance.

(c) You must continuously monitor the operating parameters specified in § 60.2675 or established under § 60.2680 and as specified in § 60.2735. Operation above the established maximum or below the established minimum operating limits constitutes a deviation from the established operating limits. Three-hour block average values are used to determine compliance (except for baghouse leak detection system alarms) unless a different averaging period is established under § 60.2680 or, for energy recovery units, where the averaging time for each operating parameter is a 30-day rolling, calculated each hour as the average of the previous 720 operating hours over the previous 30 days of operation. Operation above the established maximum, below the established minimum, or outside the allowable range of the operating limits specified in paragraph (a) of this section

constitutes a deviation from your operating limits established under this subpart, except during performance tests conducted to determine compliance with the emission and operating limits or to establish new operating limits. Operating limits are confirmed or reestablished during performance tests.

(d) You must burn only the same types of waste and fuels used to establish subcategory applicability (for ERUs) and operating limits during the performance test.

(e) For energy recovery units, incinerators, and small remote units, you must perform annual visual emissions test for ash handling.

(f) For energy recovery units, you must conduct an annual performance test for opacity using EPA Reference Method 9 at 40 CFR part 60 (except where particulate matter continuous monitoring system or continuous parameter monitoring systems are used) and the pollutants listed in table 7 of this subpart.

(g) For facilities using a CEMS to demonstrate compliance with the carbon monoxide emission limit, compliance with the carbon monoxide emission limit may be demonstrated by using the CEMS according to the following requirements:

(1) You must measure emissions according to § 60.13 to calculate 1-hour arithmetic averages, corrected to 7 percent oxygen. CEMS data during startup and shutdown, as defined in this subpart, are not corrected to 7 percent oxygen, and are measured at stack oxygen content. You must demonstrate initial compliance with the carbon monoxide emissions limit using a 30-day rolling average of the 1-hour arithmetic average emission concentrations, including CEMS data during startup and shutdown as defined in this subpart, calculated using equation 19–19 in section 12.4.1 of EPA Reference Method 19 at 40 CFR part 60, appendix A–7.

(2) Operate the carbon monoxide continuous emissions monitoring system in accordance with the applicable requirements of performance specification 4A of appendix B and the quality assurance procedures of appendix F of this part.

(h) Coal and liquid/gas energy recovery units with annual average heat input rates greater than 250 MMBtu/hr may elect to demonstrate continuous compliance with the particulate matter emissions limit using a particulate matter CEMS according to the procedures in § 60.2730(n) instead of the continuous parameter monitoring system specified in § 60.2710(i). Coal and liquid/gas energy recovery units with annual average heat input rates less than 250 MMBtu/hr, incinerators, and small remote incinerators may also elect to demonstrate compliance using a particulate matter CEMS according to the procedures in § 60.2730(n) instead of particulate matter testing with EPA Method 5 at 40 CFR part 60, appendix A–3 and, if applicable, the continuous opacity monitoring requirements in paragraph (i) of this section.

(i) For energy recovery units with annual average heat input rates greater than or equal to 10 MMBTU/hour but less than 250 MMBtu/hr you must install, operate, certify and maintain a continuous opacity monitoring system (COMS) according to the procedures in § 60.2730.

(j) For waste-burning kilns, you must conduct an annual performance test for the pollutants (except mercury and particulate matter, and hydrogen chloride if no acid gas wet scrubber is used) listed in table 8 of this subpart. If your waste-burning kiln is not equipped with a wet scrubber or dry scrubber, you must determine compliance with the hydrogen chloride emission limit using a CEMS as specified in § 60.2730. You must determine compliance with particulate matter using CPMS. You must determine compliance with the mercury emissions limit using a mercury CEMS according to the following requirements:

(1) Operate a CEMS in accordance with performance specification 12A at 40 CFR part 60, appendix B or a sorbent trap based integrated monitor in accordance with performance specification 12B at 40 CFR part 60, appendix B. The duration of the performance test must be a calendar month. For each calendar month in which the waste-burning kiln operates, hourly mercury concentration data and stack gas volumetric flow rate data must be obtained. You must demonstrate compliance with the mercury emissions limit using a 30-day rolling average of these 1-hour mercury concentrations, including CEMS data during startup and shutdown as defined in this subpart, calculated using equation 19–19 in section 12.4.1 of EPA Reference Method 19 at 40 CFR part 60, appendix A–7 of this part. CEMS data during startup and shutdown, as defined in this subpart, are not corrected to 7 percent oxygen, and are measured at stack oxygen content.

(2) Owners or operators using a mercury continuous emissions monitoring systems must install, operate, calibrate and maintain an instrument for continuously measuring and recording the mercury mass emissions rate to the atmosphere according to the requirements of performance specifications 6 and 12A at 40 CFR part 60, appendix B and quality assurance procedure 5 at 40 CFR part 60, appendix F.

(3) The owner or operator of a waste-burning kiln must demonstrate initial compliance by operating a mercury CEMS while the raw mill of the in-line kiln/raw mill is operating under normal conditions and including at least one period when the raw mill is off.

(k) If you use an air pollution control device to meet the emission limitations in this subpart, you must conduct an initial and annual inspection of the air pollution control device. The inspection must include, at a minimum, the following:

(1) Inspect air pollution control device(s) for proper operation.

(2) Develop a site-specific monitoring plan according to the requirements in paragraph (l) of this section. This requirement also applies to you if you petition the EPA Administrator for alternative monitoring parameters under § 60.13(i).

(l) For each CMS required in this section, you must develop and submit to the EPA Administrator for approval a site-specific monitoring plan according to the requirements of this paragraph (l) that addresses paragraphs (l)(1)(i) through (vi) of this section.

(1) You must submit this site-specific monitoring plan at least 60 days before your initial performance evaluation of your continuous monitoring system.

(i) Installation of the continuous monitoring system sampling probe or other interface at a measurement location relative to each affected process unit such that the measurement is representative of control of the exhaust emissions (*e.g.,* on or downstream of the last control device).

(ii) Performance and equipment specifications for the sample interface, the pollutant concentration or parametric signal analyzer and the data collection and reduction systems.

(iii) Performance evaluation procedures and acceptance criteria (*e.g.,* calibrations).

(iv) Ongoing operation and maintenance procedures in accordance with the general requirements of § 60.11(d).

(v) Ongoing data quality assurance procedures in accordance with the general requirements of § 60.13.

(vi) Ongoing recordkeeping and reporting procedures in accordance with the general requirements of § 60.7(b), (c), (c)(1), (c)(4), (d), (e), (f) and (g).

(2) You must conduct a performance evaluation of each continuous

monitoring system in accordance with your site-specific monitoring plan.

(3) You must operate and maintain the continuous monitoring system in continuous operation according to the site-specific monitoring plan.

(m) If you have an operating limit that requires the use of a flow monitoring system, you must meet the requirements in paragraphs (l) and (m)(1) through (4) of this section.

(1) Install the flow sensor and other necessary equipment in a position that provides a representative flow.

(2) Use a flow sensor with a measurement sensitivity at full scale of no greater than 2 percent.

(3) Minimize the effects of swirling flow or abnormal velocity distributions due to upstream and downstream disturbances.

(4) Conduct a flow monitoring system performance evaluation in accordance with your monitoring plan at the time of each performance test but no less frequently than annually.

(n) If you have an operating limit that requires the use of a pressure monitoring system, you must meet the requirements in paragraphs (l) and (n)(1) through (6) of this section.

(1) Install the pressure sensor(s) in a position that provides a representative measurement of the pressure (*e.g.,* PM scrubber pressure drop).

(2) Minimize or eliminate pulsating pressure, vibration, and internal and external corrosion.

(3) Use a pressure sensor with a minimum tolerance of 1.27 centimeters of water or a minimum tolerance of 1 percent of the pressure monitoring system operating range, whichever is less.

(4) Perform checks at the frequency outlined in your site-specific monitoring plan to ensure pressure measurements are not obstructed (*e.g.,* check for pressure tap pluggage daily).

(5) Conduct a performance evaluation of the pressure monitoring system in accordance with your monitoring plan at the time of each performance test but no less frequently than annually.

(6) If at any time the measured pressure exceeds the manufacturer's specified maximum operating pressure range, conduct a performance evaluation of the pressure monitoring system in accordance with your monitoring plan and confirm that the pressure monitoring system continues to meet the performance requirements in your monitoring plan. Alternatively, install and verify the operation of a new pressure sensor.

(o) If you have an operating limit that requires a pH monitoring system, you must meet the requirements in paragraphs (l) and (o)(1) through (4) of this section.

(1) Install the pH sensor in a position that provides a representative measurement of scrubber effluent pH.

(2) Ensure the sample is properly mixed and representative of the fluid to be measured.

(3) Conduct a performance evaluation of the pH monitoring system in accordance with your monitoring plan at least once each process operating day.

(4) Conduct a performance evaluation (including a two-point calibration with one of the two buffer solutions having a pH within 1 of the pH of the operating limit) of the pH monitoring system in accordance with your monitoring plan at the time of each performance test but no less frequently than quarterly.

(p) If you have an operating limit that requires a secondary electric power monitoring system for an electrostatic precipitator, you must meet the requirements in paragraphs (l) and (p)(1) through (2) of this section.

(1) Install sensors to measure (secondary) voltage and current to the precipitator collection plates.

(2) Conduct a performance evaluation of the electric power monitoring system in accordance with your monitoring plan at the time of each performance test but no less frequently than annually.

(q) If you have an operating limit that requires the use of a monitoring system to measure sorbent injection rate (*e.g.,* weigh belt, weigh hopper, or hopper flow measurement device), you must meet the requirements in paragraphs (l) and (q)(1) through (3) of this section.

(1) Install the system in a position(s) that provides a representative measurement of the total sorbent injection rate.

(2) Conduct a performance evaluation of the sorbent injection rate monitoring system in accordance with your monitoring plan at the time of each performance test but no less frequently than annually.

(r) If you elect to use a fabric filter bag leak detection system to comply with the requirements of this subpart, you must install, calibrate, maintain, and continuously operate a bag leak detection system as specified in paragraphs (l) and (r)(1) through (5) of this section.

(1) Install a bag leak detection sensor(s) in a position(s) that will be representative of the relative or absolute particulate matter loadings for each exhaust stack, roof vent, or compartment (*e.g.,* for a positive pressure fabric filter) of the fabric filter.

(2) Use a bag leak detection system certified by the manufacturer to be capable of detecting particulate matter emissions at concentrations of 10 milligrams per actual cubic meter or less.

(3) Conduct a performance evaluation of the bag leak detection system in accordance with your monitoring plan and consistent with the guidance provided in EPA–454/R–98–015 (incorporated by reference, *see* § 60.17).

(4) Use a bag leak detection system equipped with a device to continuously record the output signal from the sensor.

(5) Use a bag leak detection system equipped with a system that will sound an alarm when an increase in relative particulate matter emissions over a preset level is detected. The alarm must be located where it is observed readily by plant operating personnel.

(s) For facilities using a CEMS to demonstrate compliance with the sulfur dioxide emission limit, compliance with the sulfur dioxide emission limit may be demonstrated by using the CEMS specified in § 60.2730 to measure sulfur dioxide. CEMS data during startup and shutdown, as defined in this subpart, are not corrected to 7 percent oxygen, and are measured at stack oxygen content. You must calculate a 30-day rolling average of the 1-hour arithmetic average emission concentrations, including CEMS data during startup and shutdown as defined in this subpart, using equation 19–19 in section 12.4.1 of EPA Reference Method 19 at 40 CFR part 60, appendix A–7. The sulfur dioxide CEMS must be operated according to performance specification 2 in appendix B of this part and must follow the procedures and methods specified in this paragraph(s). For sources that have actual inlet emissions less than 100 parts per million dry volume, the relative accuracy criterion for inlet sulfur dioxide CEMS should be no greater than 20 percent of the mean value of the reference method test data in terms of the units of the emission standard, or 5 parts per million dry volume absolute value of the mean difference between the reference method and the CEMS, whichever is greater.

(1) During each relative accuracy test run of the CEMS required by performance specification 2 in appendix B of this part, collect sulfur dioxide and oxygen (or carbon dioxide) data concurrently (or within a 30- to 60-minute period) with both the CEMS and the test methods specified in paragraphs (s)(1)(i) and (ii) of this section.

(i) For sulfur dioxide, EPA Reference Method 6 or 6C, or as an alternative ANSI/ASME PTC 19.10–1981 (incorporated by reference, see § 60.17) must be used.

(ii) For oxygen (or carbon dioxide), EPA Reference Method 3A or 3B, or as an alternative ANSI/ASME PTC 19.10–1981 (incorporated by reference, see § 60.17), as applicable, must be used.

(2) The span value of the CEMS at the inlet to the sulfur dioxide control device must be 125 percent of the maximum estimated hourly potential sulfur dioxide emissions of the unit subject to this rule. The span value of the CEMS at the outlet of the sulfur dioxide control device must be 50 percent of the maximum estimated hourly potential sulfur dioxide emissions of the unit subject to this rule.

(3) Conduct accuracy determinations quarterly and calibration drift tests daily in accordance with procedure 1 in appendix F of this part.

(t) For facilities using a CEMS to demonstrate continuous compliance with the nitrogen oxides emission limit, compliance with the nitrogen oxides emission limit may be demonstrated by using the CEMS specified in § 60.2730 to measure nitrogen oxides. CEMS data during startup and shutdown, as defined in this subpart, are not corrected to 7 percent oxygen, and are measured at stack oxygen content. You must calculate a 30-day rolling average of the 1-hour arithmetic average emission concentration using equation 19–19 in section 12.4.1 of EPA Reference Method 19 at 40 CFR part 60, appendix A–7. The nitrogen oxides CEMS must be operated according to performance specification 2 in appendix B of this part and must follow the procedures and methods specified in paragraphs (t)(1) through (t)(5) of this section.

(1) During each relative accuracy test run of the CEMS required by performance specification 2 of appendix B of this part, collect nitrogen oxides and oxygen (or carbon dioxide) data concurrently (or within a 30- to 60-minute period) with both the CEMS and the test methods specified in paragraphs (t)(1)(i) and (ii) of this section.

(i) For nitrogen oxides, EPA Reference Method 7 or 7E at 40 CFR part 60, appendix A–4 must be used.

(ii) For oxygen (or carbon dioxide), EPA Reference Method 3A or 3B, or as an alternative ANSI/ASME PTC 19.10–1981 (incorporated by reference, see § 60.17), as applicable, must be used.

(2) The span value of the CEMS must be 125 percent of the maximum estimated hourly potential nitrogen oxide emissions of unit.

(3) Conduct accuracy determinations quarterly and calibration drift tests daily in accordance with procedure 1 in appendix F of this part.

(4) The owner or operator of an affected facility may request that compliance with the nitrogen oxides emission limit be determined using carbon dioxide measurements corrected to an equivalent of 7 percent oxygen. If carbon dioxide is selected for use in diluent corrections, the relationship between oxygen and carbon dioxide levels must be established during the initial performance test according to the procedures and methods specified in paragraphs (t)(4)(i) through (t)(4)(iv) of this section. This relationship may be reestablished during performance compliance tests.

(i) The fuel factor equation in Method 3B must be used to determine the relationship between oxygen and carbon dioxide at a sampling location. Method 3A, 3B, or as an alternative ANSI/ASME PTC 19.10–1981 (incorporated by reference, see § 60.17), as applicable, must be used to determine the oxygen concentration at the same location as the carbon dioxide monitor.

(ii) Samples must be taken for at least 30 minutes in each hour.

(iii) Each sample must represent a 1-hour average.

(iv) A minimum of 3 runs must be performed.

(u) For facilities using a continuous emissions monitoring system to demonstrate continuous compliance with any of the emission limits of this subpart, you must complete the following:

(1) Demonstrate compliance with the appropriate emission limit(s) using a 30-day rolling average of 1-hour arithmetic average emission concentrations, including CEMS data during startup and shutdown, as defined in this subpart, calculated using equation 19–19 in section 12.4.1 of EPA Reference Method 19 at 40 CFR part 60, appendix A–7. CEMS data during startup and shutdown, as defined in this subpart, are not corrected to 7 percent oxygen, and are measured at stack oxygen content.

(2) Operate all CEMS in accordance with the applicable procedures under appendices B and F of this part.

(v) Use of the bypass stack at any time is an emissions standards deviation for particulate matter, HCl, Pb, Cd, Hg, $NO_X$, $SO_2$, and dioxin/furans.

(w) For energy recovery units with a design heat input capacity of 100 MMBtu per hour or greater that do not use a carbon monoxide CEMS, you must install, operate, and maintain an oxygen analyzer system as defined in § 60.2875 according to the procedures in paragraphs (w)(1) through (4) of this section.

(1) The oxygen analyzer system must be installed by the initial performance test date specified in § 60.2675.

(2) You must operate the oxygen trim system within compliance with paragraph (w)(3) of this section at all times.

(3) You must maintain the oxygen level such that the 30-day rolling average that is established as the operating limit for oxygen is not below the lowest hourly average oxygen concentration measured during the most recent CO performance test.

(4) You must calculate and record a 30-day rolling average oxygen concentration using equation 19–19 in section 12.4.1 of EPA Reference Method 19 of Appendix A–7 of this part.

(x) For energy recovery units with annual average heat input rates greater than or equal to 250 MMBtu/hour and waste-burning kilns, you must install, calibrate, maintain, and operate a PM CPMS and record the output of the system as specified in paragraphs (x)(1) through (8) of this section. For other energy recovery units, you may elect to use PM CPMS operated in accordance with this section. PM CPMS are suitable in lieu of using other CMS for monitoring PM compliance (*e.g.,* bag leak detectors, ESP secondary power, PM scrubber pressure).

(1) Install, calibrate, operate, and maintain your PM CPMS according to the procedures in your approved site-specific monitoring plan developed in accordance with paragraphs (l) and (x)(1)(i) through (x)(1)(iii) of this section.

(i) The operating principle of the PM CPMS must be based on in-stack or extractive light scatter, light scintillation, beta attenuation, or mass accumulation of the exhaust gas or representative sample. The reportable measurement output from the PM CPMS must be expressed as milliamps or the digital signal equivalent.

(ii) The PM CPMS must have a cycle time (*i.e.,* period required to complete sampling, measurement, and reporting for each measurement) no longer than 60 minutes.

(iii) The PM CPMS must be capable of detecting and responding to particulate matter concentrations increments no greater than 0.5 mg/actual cubic meter.

(2) During the initial performance test or any such subsequent performance test that demonstrates compliance with the PM limit, you must adjust the site-specific operating limit in accordance with the results of the performance test according to the procedures specified in § 60.2675.

(3) Collect PM CPMS hourly average output data for all energy recovery unit

or waste-burning kiln operating hours. Express the PM CPMS output as milliamps or the digital signal equivalent.

(4) Calculate the arithmetic 30-day rolling average of all of the hourly average PM CPMS output collected during all energy recovery unit or waste-burning kiln operating hours data (milliamps, or digital bits).

(5) You must collect data using the PM CPMS at all times the energy recovery unit or waste-burning kiln is operating and at the intervals specified in paragraph (x)(1)(ii) of this section, except for periods of monitoring system malfunctions, repairs associated with monitoring system malfunctions, required monitoring system quality assurance or quality control activities (including, as applicable, calibration checks and required zero and span adjustments), and any scheduled maintenance as defined in your site-specific monitoring plan.

(6) You must use all the data collected during all energy recovery unit or waste-burning kiln operating hours in assessing the compliance with your operating limit except:

(i) Any data collected during monitoring system malfunctions, repairs associated with monitoring system malfunctions, or required monitoring system quality assurance or quality control activities conducted during monitoring system malfunctions are not used in calculations (report any such periods in your annual deviation report);

(ii) Any data collected during periods when the monitoring system is out of control as specified in your site-specific monitoring plan, repairs associated with periods when the monitoring system is out of control, or required monitoring system quality assurance or quality control activities conducted during out-of-control periods are not used in calculations (report emissions or operating levels and report any such periods in your annual deviation report);

(iii) Any PM CPMS data recorded during periods of CEMS data during startup and shutdown, as defined in this subpart.

(7) You must record and make available upon request results of PM CPMS system performance audits, as well as the dates and duration of periods from when the PM CPMS is out of control until completion of the corrective actions necessary to return the PM CPMS to operation consistent with your site-specific monitoring plan.

(8) For any deviation of the 30-day rolling average PM CPMS average value from the established operating parameter limit, you must:

(i) Within 48 hours of the deviation, visually inspect the air pollution control device;

(ii) If inspection of the air pollution control device identifies the cause of the deviation, take corrective action as soon as possible and return the PM CPMS measurement to within the established value; and

(iii) Within 30 days of the deviation or at the time of the annual compliance test, whichever comes first, conduct a PM emissions compliance test to determine compliance with the PM emissions limit and to verify. Within 45 days of the deviation, you must re-establish the CPMS operating limit. You are not required to conduct additional testing for any deviations that occur between the time of the original deviation and the PM emissions compliance test required under this paragraph.

(iv) PM CPMS deviations leading to more than four required performance tests in a 12-month process operating period (rolling monthly) constitute a violation of this subpart.

(y) When there is an alkali bypass and/or an in-line coal mill that exhaust emissions through a separate stack, the combined emissions are subject to the emission limits applicable to waste-burning kilns. To determine the kiln-specific emission limit for demonstrating compliance, you must:

(1) Calculate a kiln-specific emission limit using equation 6:

$$C_{ks} = ((\text{Emission limit} \times (Q_{ab}+Q_{cm}+Q_{ks})) - (Q_{ab} \times C_{ab}) - (Q_{cm} \times C_{cm}))/Q_{ks} \quad \text{(Eq. 6)}$$

Where:

$C_{ks}$ = Kiln stack concentration (ppmvd, mg/dscm, ng/dscm, depending on pollutant. Each corrected to 7% $O_2$.)
$Q_{ab}$ = Alkali bypass flow rate (volume/hr)
$C_{ab}$ = Alkali bypass concentration (ppmvd, mg/dscm, ng/dscm, depending on pollutant. Each corrected to 7% $O_2$.)
$Q_{cm}$ = In-line coal mill flow rate (volume/hr)
$C_{cm}$ = In-line coal mill concentration (ppmvd, mg/dscm, ng/dscm, depending on pollutant. Each corrected to 7% $O_2$.)
$Q_{ks}$ = Kiln stack flow rate (volume/hr)

(2) Particulate matter concentration must be measured downstream of the in-line coal mill. All other pollutant concentrations must be measured either upstream or downstream of the in-line coal mill.

### § 60.2715 By what date must I conduct the annual performance test?

You must conduct annual performance tests between 11 and 13 months of the previous performance test.

### § 60.2716 By what date must I conduct the annual air pollution control device inspection?

On an annual basis (no more than 12 months following the previous annual air pollution control device inspection), you must complete the air pollution control device inspection as described in § 60.2706.

### § 60.2720 May I conduct performance testing less often?

(a) You must conduct annual performance tests according to the schedule specified in § 60.2715, with the following exceptions:

(1) You may conduct a repeat performance test at any time to establish new values for the operating limits to apply from that point forward, as specified in § 60.2725. The Administrator may request a repeat performance test at any time.

(2) You must repeat the performance test within 60 days of a process change, as defined in § 60.2875.

(3) If the initial or any subsequent performance test for any pollutant in table 2 or tables 6 through 9 of this subpart, as applicable, demonstrates that the emission level for the pollutant is no greater than the emission level specified in paragraph (a)(3)(i) or (a)(3)(ii) of this section, as applicable, and you are not required to conduct a performance test for the pollutant in response to a request by the Administrator in paragraph (a)(1) of this section or a process change in paragraph (a)(2) of this section, you may elect to skip conducting a performance test for the pollutant for the next 2 years. You must conduct a performance test for the pollutant during the third year and no more than 37 months following the previous performance test for the pollutant. For cadmium and lead, both cadmium and lead must be emitted at emission levels no greater than their respective emission levels specified in paragraph (a)(3)(i) of this section for you

to qualify for less frequent testing under this paragraph.

(i) For particulate matter, hydrogen chloride, mercury, carbon monoxide, nitrogen oxides, sulfur dioxide, cadmium, lead, and dioxins/furans, the emission level equal to 75 percent of the applicable emission limit in table 2 or tables 6 through 9 of this subpart, as applicable, to this subpart.

(ii) For fugitive emissions, visible emissions (of combustion ash from the ash conveying system) for 2 percent of the time during each of the three 1-hour observation periods.

(4) If you are conducting less frequent testing for a pollutant as provided in paragraph (a)(3) of this section and a subsequent performance test for the pollutant indicates that your CISWI unit does not meet the emission level specified in paragraph (a)(3)(i) or (a)(3)(ii) of this section, as applicable, you must conduct annual performance tests for the pollutant according to the schedule specified in paragraph (a) of this section until you qualify for less frequent testing for the pollutant as specified in paragraph (a)(3) of this section.

(b) [Reserved]

### § 60.2725 May I conduct a repeat performance test to establish new operating limits?

(a) Yes. You may conduct a repeat performance test at any time to establish new values for the operating limits. The Administrator may request a repeat performance test at any time.

(b) You must repeat the performance test if your feed stream is different than the feed streams used during any performance test used to demonstrate compliance.

## Model Rule—Monitoring

### § 60.2730 What monitoring equipment must I install and what parameters must I monitor?

(a) If you are using a wet scrubber to comply with the emission limitation under § 60.2670, you must install, calibrate (to manufacturers' specifications), maintain, and operate devices (or establish methods) for monitoring the value of the operating parameters used to determine compliance with the operating limits listed in table 3 of this subpart. These devices (or methods) must measure and record the values for these operating parameters at the frequencies indicated in table 3 of this subpart at all times except as specified in § 60.2735(a).

(b) If you use a fabric filter to comply with the requirements of this subpart, you must install, calibrate, maintain, and continuously operate a bag leak detection system as specified in paragraphs (b)(1) through (8) of this section.

(1) You must install and operate a bag leak detection system for each exhaust stack of the fabric filter.

(2) Each bag leak detection system must be installed, operated, calibrated, and maintained in a manner consistent with the manufacturer's written specifications and recommendations.

(3) The bag leak detection system must be certified by the manufacturer to be capable of detecting particulate matter emissions at concentrations of 10 milligrams per actual cubic meter or less.

(4) The bag leak detection system sensor must provide output of relative or absolute particulate matter loadings.

(5) The bag leak detection system must be equipped with a device to continuously record the output signal from the sensor.

(6) The bag leak detection system must be equipped with an alarm system that will alert automatically an operator when an increase in relative particulate matter emission over a preset level is detected. The alarm must be located where it is observed easily by plant operating personnel.

(7) For positive pressure fabric filter systems, a bag leak detection system must be installed in each baghouse compartment or cell. For negative pressure or induced air fabric filters, the bag leak detector must be installed downstream of the fabric filter.

(8) Where multiple detectors are required, the system's instrumentation and alarm may be shared among detectors.

(c) If you are using something other than a wet scrubber, activated carbon, selective non-catalytic reduction, an electrostatic precipitator, or a dry scrubber to comply with the emission limitations under § 60.2670, you must install, calibrate (to the manufacturers' specifications), maintain, and operate the equipment necessary to monitor compliance with the site-specific operating limits established using the procedures in § 60.2680.

(d) If you use activated carbon injection to comply with the emission limitations in this subpart, you must measure the minimum sorbent flow rate once per hour.

(e) If you use selective noncatalytic reduction to comply with the emission limitations, you must complete the following:

(1) Following the date on which the initial performance test is completed or is required to be completed under § 60.2690, whichever date comes first, ensure that the affected facility does not operate above the maximum charge rate, or below the minimum secondary chamber temperature (if applicable to your CISWI unit) or the minimum reagent flow rate measured as 3-hour block averages at all times.

(2) Operation of the affected facility above the maximum charge rate, below the minimum secondary chamber temperature and below the minimum reagent flow rate simultaneously constitute a violation of the nitrogen oxides emissions limit.

(f) If you use an electrostatic precipitator to comply with the emission limits of this subpart, you must monitor the secondary power to the electrostatic precipitator collection plates and maintain the 3-hour block averages at or above the operating limits established during the mercury or particulate matter performance test.

(g) For waste-burning kilns not equipped with a wet scrubber or dry scrubber, in place of hydrogen chloride testing with EPA Method 321 at 40 CFR part 63, appendix A, an owner or operator must install, calibrate, maintain, and operate a CEMS for monitoring hydrogen chloride emissions discharged to the atmosphere and record the output of the system. To demonstrate continuous compliance with the hydrogen chloride emissions limit for units other than waste-burning kilns not equipped with a wet scrubber or dry scrubber, a facility may substitute use of a hydrogen chloride CEMS for conducting the hydrogen chloride annual performance test, monitoring the minimum hydrogen chloride sorbent flow rate, monitoring the minimum scrubber liquor pH.

(h) To demonstrate continuous compliance with the particulate matter emissions limit, a facility may substitute use of a particulate matter CEMS for conducting the particulate matter annual performance test and other CMS monitoring for PM compliance (*e.g.,* bag leak detectors, ESP secondary power, PM scrubber pressure).

(i) To demonstrate continuous compliance with the dioxin/furan emissions limit, a facility may substitute use of a continuous automated sampling system for the dioxin/furan annual performance test. You must record the output of the system and analyze the sample according to EPA Method 23 at 40 CFR part 60, appendix A–7. This option to use a continuous automated sampling system takes effect on the date a final performance specification applicable to dioxin/furan from continuous monitors is published in the **Federal Register**. The owner or operator who elects to continuously sample dioxin/furan emissions instead of

sampling and testing using EPA Method 23 at 40 CFR part 60, appendix A–7 must install, calibrate, maintain and operate a continuous automated sampling system and must comply with the requirements specified in § 60.58b(p) and (q). A facility may substitute continuous dioxin/furan monitoring for the minimum sorbent flow rate, if activated carbon sorbent injection is used solely for compliance with the dioxin/furan emission limit.

(j) To demonstrate continuous compliance with the mercury emissions limit, a facility may substitute use of a continuous automated sampling system for the mercury annual performance test. You must record the output of the system and analyze the sample at set intervals using any suitable determinative technique that can meet performance specification 12B criteria. This option to use a continuous automated sampling system takes effect on the date a final performance specification applicable to mercury from monitors is published in the **Federal Register**. The owner or operator who elects to continuously sample mercury emissions instead of sampling and testing using EPA Method 29 or 30B at 40 CFR part 60, appendix A–8, ASTM D6784–02 (Reapproved 2008) (incorporated by reference, see § 60.17), or an approved alternative method for measuring mercury emissions, must install, calibrate, maintain and operate a continuous automated sampling system and must comply with the requirements specified in § 60.58b(p) and (q). A facility may substitute continuous mercury monitoring for the minimum sorbent flow rate, if activated carbon sorbent injection is used solely for compliance with the mercury emission limit.

(k) To demonstrate continuous compliance with the nitrogen oxides emissions limit, a facility may substitute use of a CEMS for the nitrogen oxides annual performance test to demonstrate compliance with the nitrogen oxides emissions limits and monitoring the charge rate, secondary chamber temperature and reagent flow for selective noncatalytic reduction, if applicable.

(1) Install, calibrate, maintain and operate a CEMS for measuring nitrogen oxides emissions discharged to the atmosphere and record the output of the system. The requirements under performance specification 2 of appendix B of this part, the quality assurance procedure 1 of appendix F of this part and the procedures under § 60.13 must be followed for installation, evaluation and operation of the CEMS.

(2) Following the date that the initial performance test for nitrogen oxides is completed or is required to be completed under § 60.2690, compliance with the emission limit for nitrogen oxides required under § 60.52b(d) must be determined based on the 30-day rolling average of the hourly emission concentrations using CEMS outlet data. The 1-hour arithmetic averages must be expressed in parts per million by volume corrected to 7 percent oxygen (dry basis) and used to calculate the 30-day rolling average concentrations. CEMS data during startup and shutdown, as defined in this subpart, are not corrected to 7 percent oxygen, and are measured at stack oxygen content. The 1-hour arithmetic averages must be calculated using the data points required under § 60.13(e)(2).

(l) To demonstrate continuous compliance with the sulfur dioxide emissions limit, a facility may substitute use of a continuous automated sampling system for the sulfur dioxide annual performance test to demonstrate compliance with the sulfur dioxide emissions limits.

(1) Install, calibrate, maintain and operate a CEMS for measuring sulfur dioxide emissions discharged to the atmosphere and record the output of the system. The requirements under performance specification 2 of appendix B of this part, the quality assurance requirements of procedure 1 of appendix F of this part and the procedures under § 60.13 must be followed for installation, evaluation and operation of the CEMS.

(2) Following the date that the initial performance test for sulfur dioxide is completed or is required to be completed under § 60.2690, compliance with the sulfur dioxide emission limit may be determined based on the 30-day rolling average of the hourly arithmetic average emission concentrations using CEMS outlet data. The 1-hour arithmetic averages must be expressed in parts per million corrected to 7 percent oxygen (dry basis) and used to calculate the 30-day rolling average emission concentrations. CEMS data during startup and shutdown, as defined in this subpart, are not corrected to 7 percent oxygen, and are measured at stack oxygen content. The 1-hour arithmetic averages must be calculated using the data points required under § 60.13(e)(2).

(m) For energy recovery units over 10 MMBtu/hr but less than 250 MMBtu/hr annual average heat input rates that do not use a wet scrubber, fabric filter with bag leak detection system, or particulate matter CEMS, you must install, operate, certify and maintain a continuous opacity monitoring system according to the procedures in paragraphs (m)(1) through (5) of this section by the compliance date specified in § 60.2670. Energy recovery units that use a particulate matter CEMS to demonstrate initial and continuing compliance according to the procedures in § 60.2730(n) are not required to install a continuous opacity monitoring system and must perform the annual performance tests for opacity consistent with § 60.2710(f).

(1) Install, operate and maintain each continuous opacity monitoring system according to performance specification 1 at 40 CFR part 60, appendix B.

(2) Conduct a performance evaluation of each continuous opacity monitoring system according to the requirements in § 60.13 and according to performance specification 1 at 40 CFR part 60, appendix B.

(3) As specified in § 60.13(e)(1), each continuous opacity monitoring system must complete a minimum of one cycle of sampling and analyzing for each successive 10-second period and one cycle of data recording for each successive 6-minute period.

(4) Reduce the continuous opacity monitoring system data as specified in § 60.13(h)(1).

(5) Determine and record all the 6-minute averages (and 1-hour block averages as applicable) collected.

(n) For coal and liquid/gas energy recovery units, incinerators, and small remote incinerators, an owner or operator may elect to install, calibrate, maintain and operate a CEMS for monitoring particulate matter emissions discharged to the atmosphere and record the output of the system. The owner or operator of an affected facility who continuously monitors particulate matter emissions instead of conducting performance testing using EPA Method 5 at 40 CFR part 60, appendix A–3 or, as applicable, monitor with a particulate matter CPMS according to paragraph (r) of this section, must install, calibrate, maintain and operate a CEMS and must comply with the requirements specified in paragraphs (n)(1) through (13) of this section.

(1) Notify the Administrator 1 month before starting use of the system.

(2) Notify the Administrator 1 month before stopping use of the system.

(3) The monitor must be installed, evaluated and operated in accordance with the requirements of performance specification 11 of appendix B of this part and quality assurance requirements of procedure 2 of appendix F of this part and § 60.13.

(4) The initial performance evaluation must be completed no later than 180 days after the final compliance date for

meeting the amended emission limitations, as specified under § 60.2690 or within 180 days of notification to the Administrator of use of the continuous monitoring system if the owner or operator was previously determining compliance by Method 5 at 40 CFR part 60, appendix A–3 performance tests, whichever is later.

(5) The owner or operator of an affected facility may request that compliance with the particulate matter emission limit be determined using carbon dioxide measurements corrected to an equivalent of 7 percent oxygen. The relationship between oxygen and carbon dioxide levels for the affected facility must be established according to the procedures and methods specified in § 60.2710(s)(5)(i) through (s)(5)(iv).

(6) The owner or operator of an affected facility must conduct an initial performance test for particulate matter emissions as required under § 60.2690. Compliance with the particulate matter emission limit, if PM CEMS are elected for demonstrating compliance, must be determined by using the CEMS specified in paragraph (n) of this section to measure particulate matter. You must calculate a 30-day rolling average of 1-hour arithmetic average emission concentrations, including CEMS data during startup and shutdown, as defined in this subpart, using equation 19–19 in section 12.4.1 of EPA Reference Method 19 at 40 CFR part 60, appendix A–7 of this part.

(7) Compliance with the particulate matter emission limit must be determined based on the 30-day rolling average calculated using equation 19–19 in section 12.4.1 of EPA Reference Method 19 at 40 CFR part 60, Appendix A–7 of the part from the 1-hour arithmetic average of the CEMS outlet data.

(8) At a minimum, valid continuous monitoring system hourly averages must be obtained as specified § 60.2735.

(9) The 1-hour arithmetic averages required under paragraph (n)(7) of this section must be expressed in milligrams per dry standard cubic meter corrected to 7 percent oxygen (or carbon dioxide)(dry basis) and must be used to calculate the 30-day rolling average emission concentrations. CEMS data during startup and shutdown, as defined in this subpart, are not corrected to 7 percent oxygen, and are measured at stack oxygen content. The 1-hour arithmetic averages must be calculated using the data points required under § 60.13(e)(2).

(10) All valid CEMS data must be used in calculating average emission concentrations even if the minimum CEMS data requirements of paragraph (n)(8) of this section are not met.

(11) The CEMS must be operated according to performance specification 11 in appendix B of this part.

(12) During each relative accuracy test run of the CEMS required by performance specification 11 in appendix B of this part, particulate matter and oxygen (or carbon dioxide) data must be collected concurrently (or within a 30-to 60-minute period) by both the CEMS and the following test methods.

(i) For particulate matter, EPA Reference Method 5 at 40 CFR part 60, appendix A–3 must be used.

(ii) For oxygen (or carbon dioxide), EPA Reference Method 3A or 3B at 40 CFR part 60, appendix A–2, as applicable, must be used.

(13) Quarterly accuracy determinations and daily calibration drift tests must be performed in accordance with procedure 2 in appendix F of this part.

(o) To demonstrate continuous compliance with the carbon monoxide emissions limit, a facility may substitute use of a continuous automated sampling system for the carbon monoxide annual performance test to demonstrate compliance with the carbon monoxide emissions limits.

(1) Install, calibrate, maintain, and operate a CEMS for measuring carbon monoxide emissions discharged to the atmosphere and record the output of the system. The requirements under performance specification 4B of appendix B of this part, the quality assurance procedure 1 of appendix F of this part and the procedures under § 60.13 must be followed for installation, evaluation, and operation of the CEMS.

(2) Following the date that the initial performance test for carbon monoxide is completed or is required to be completed under § 60.2690, compliance with the carbon monoxide emission limit may be determined based on the 30-day rolling average of the hourly arithmetic average emission concentrations, including CEMS data during startup and shutdown as defined in this subpart, using CEMS outlet data. Except for CEMS data during startup and shutdown, as defined in this subpart, the 1-hour arithmetic averages must be expressed in parts per million corrected to 7 percent oxygen (dry basis) and used to calculate the 30-day rolling average emission concentrations. CEMS data collected during startup or shutdown, as defined in this subpart, are not corrected to 7 percent oxygen, and are measured at stack oxygen content. The 1-hour arithmetic averages must be calculated using the data points required under § 60.13(e)(2).

(p) The owner/operator of an affected source with a bypass stack shall install, calibrate (to manufacturers' specifications), maintain and operate a device or method for measuring the use of the bypass stack including date, time and duration.

(q) For energy recovery units with a heat input capacity of 100 MMBtu per hour or greater that do not use a carbon monoxide CEMS, you must install, operate and maintain the continuous oxygen monitoring system as defined in § 60.2875 according to the procedures in paragraphs (q)(1) through (4) of this section.

(1) The oxygen analyzer system must be installed by the initial performance test date specified in § 60.2675.

(2) You must operate the oxygen trim system within compliance with paragraph (q)(3) of this section at all times.

(3) You must maintain the oxygen level such that the 30-day rolling average that is established as the operating limit for oxygen according to paragraph (q)(4) of this section is not below the lowest hourly average oxygen concentration measured during the most recent CO performance test.

(4) You must calculate and record a 30-day rolling average oxygen concentration using equation 19–19 in section 12.4.1 of EPA Reference Method 19 of Appendix A–7 of this part.

(r) For energy recovery units with annual average heat input rates greater than or equal to 250 MMBtu/hour and waste-burning kilns, you must install, calibrate, maintain, and operate a PM CPMS and record the output of the system as specified in paragraphs (r)(1) through (8) of this section. For other energy recovery units, you may elect to use PM CPMS operated in accordance with this section. PM CPMS are suitable in lieu of using other CMS for monitoring PM compliance (*e.g.,* bag leak detectors, ESP secondary power, PM scrubber pressure).

(1) Install, calibrate, operate, and maintain your PM CPMS according to the procedures in your approved site-specific monitoring plan developed in accordance with § 60.2710(l) and (r)(1)(i) through (iii) of this section.

(i) The operating principle of the PM CPMS must be based on in-stack or extractive light scatter, light scintillation, beta attenuation, or mass accumulation of the exhaust gas or representative sample. The reportable measurement output from the PM CPMS must be expressed as milliamps or the digital signal equivalent.

(ii) The PM CPMS must have a cycle time (*i.e.,* period required to complete sampling, measurement, and reporting for each measurement) no longer than 60 minutes.

(iii) The PM CPMS must be capable of detecting and responding to particulate matter concentrations increments no greater than 0.5 mg/actual cubic meter.

(2) During the initial performance test or any such subsequent performance test that demonstrates compliance with the PM limit, you must adjust the site-specific operating limit in accordance with the results of the performance test according to the procedures specified in § 60.2675.

(3) Collect PM CPMS hourly average output data for all energy recovery unit or waste-burning kiln operating hours. Express the PM CPMS output as milliamps or the digital signal equivalent.

(4) Calculate the arithmetic 30-day rolling average of all of the hourly average PM CPMS output collected during all energy recovery unit or waste-burning kiln operating hours data (milliamps, or the digital signal equivalent).

(5) You must collect data using the PM CPMS at all times the energy recovery unit or waste-burning kiln is operating and at the intervals specified in paragraph (r)(1)(ii) of this section, except for periods of monitoring system malfunctions, repairs associated with monitoring system malfunctions, required monitoring system quality assurance or quality control activities (including, as applicable, calibration checks and required zero and span adjustments), and any scheduled maintenance as defined in your site-specific monitoring plan.

(6) You must use all the data collected during all energy recovery unit or waste-burning kiln operating hours in assessing the compliance with your operating limit except:

(i) Any data collected during monitoring system malfunctions, repairs associated with monitoring system malfunctions, or required monitoring system quality assurance or quality control activities conducted during monitoring system malfunctions are not used in calculations (report any such periods in your annual deviation report);

(ii) Any data collected during periods when the monitoring system is out of control as specified in your site-specific monitoring plan, repairs associated with periods when the monitoring system is out of control, or required monitoring system quality assurance or quality control activities conducted during out-of-control periods are not used in calculations (report emissions or operating levels and report any such periods in your annual deviation report);

(iii) Any PM CPMS data recorded during periods of CEMS data during startup and shutdown, as defined in this subpart.

(7) You must record and make available upon request results of PM CPMS system performance audits, as well as the dates and duration of periods from when the PM CPMS is out of control until completion of the corrective actions necessary to return the PM CPMS to operation consistent with your site-specific monitoring plan.

(8) For any deviation of the 30-day rolling average PM CPMS average value from the established operating parameter limit, you must:

(i) Within 48 hours of the deviation, visually inspect the air pollution control device;

(ii) If inspection of the air pollution control device identifies the cause of the deviation, take corrective action as soon as possible and return the PM CPMS measurement to within the established value; and

(iii) Within 30 days of the deviation or at the time of the annual compliance test, whichever comes first, conduct a PM emissions compliance test to determine compliance with the PM emissions limit and to verify the operation of the emissions control device(s). Within 45 days of the deviation, you must re-establish the CPMS operating limit. You are not required to conduct additional testing for any deviations that occur between the time of the original deviation and the PM emissions compliance test required under this paragraph.

(iv) PM CPMS deviations leading to more than four required performance tests in a 12-month process operating period (rolling monthly) constitute a violation of this subpart.

(s) If you use a dry scrubber to comply with the emission limits of this subpart, you must monitor the injection rate of each sorbent and maintain the 3-hour block averages at or above the operating limits established during the hydrogen chloride performance test.

#### § 60.2735 Is there a minimum amount of monitoring data I must obtain?

For each continuous monitoring system required or optionally allowed under § 60.2730, you must monitor and collect data according to this section:

(a) You must operate the monitoring system and collect data at all required intervals at all times compliance is required except for periods of monitoring system malfunctions or out-of-control periods, repairs associated with monitoring system malfunctions or out-of-control periods (as specified in § 60.2770(o)), and required monitoring system quality assurance or quality control activities including, as applicable, calibration checks and required zero and span adjustments. A monitoring system malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring system to provide valid data. Monitoring system failures that are caused in part by poor maintenance or careless operation are not malfunctions. You are required to effect monitoring system repairs in response to monitoring system malfunctions or out-of-control periods and to return the monitoring system to operation as expeditiously as practicable.

(b) You may not use data recorded during the monitoring system malfunctions, repairs associated with monitoring system malfunctions or out-of control periods, or required monitoring system quality assurance or control activities in calculations used to report emissions or operating levels. You must use all the data collected during all other periods in assessing the operation of the control device and associated control system.

(c) Except for periods of monitoring system malfunctions or out-of-control periods, repairs associated with monitoring system malfunctions or out-of-control periods, and required monitoring system quality assurance or quality control activities including, as applicable, calibration checks and required zero and span adjustments, failure to collect required data is a deviation of the monitoring requirements.

### Model Rule—Recordkeeping and Reporting

#### § 60.2740 What records must I keep?

You must maintain the items (as applicable) as specified in paragraphs (a), (b), and (e) through (w) of this section for a period of at least 5 years:

(a) Calendar date of each record.

(b) Records of the data described in paragraphs (b)(1) through (6) of this section:

(1) The CISWI unit charge dates, times, weights, and hourly charge rates.

(2) Liquor flow rate to the wet scrubber inlet every 15 minutes of operation, as applicable.

(3) Pressure drop across the wet scrubber system every 15 minutes of operation or amperage to the wet scrubber every 15 minutes of operation, as applicable.

(4) Liquor pH as introduced to the wet scrubber every 15 minutes of operation, as applicable.

(5) For affected CISWI units that establish operating limits for controls other than wet scrubbers under § 60.2675(d) through (g) or § 60.2680, you must maintain data collected for all operating parameters used to determine compliance with the operating limits. For energy recovery units using activated carbon injection or a dry scrubber, you must also maintain records of the load fraction and corresponding sorbent injection rate records.

(6) If a fabric filter is used to comply with the emission limitations, you must record the date, time, and duration of each alarm and the time corrective action was initiated and completed, and a brief description of the cause of the alarm and the corrective action taken. You must also record the percent of operating time during each 6-month period that the alarm sounds, calculated as specified in § 60.2675(c).

(c)–(d) [Reserved]

(e) Identification of calendar dates and times for which data show a deviation from the operating limits in table 3 of this subpart or a deviation from other operating limits established under § 60.2675(d) through (g) or § 60.2680 with a description of the deviations, reasons for such deviations, and a description of corrective actions taken.

(f) The results of the initial, annual, and any subsequent performance tests conducted to determine compliance with the emission limits and/or to establish operating limits, as applicable. Retain a copy of the complete test report including calculations.

(g) Records showing the names of CISWI unit operators who have completed review of the information in § 60.2660(a) as required by § 60.2660(b), including the date of the initial review and all subsequent annual reviews.

(h) Records showing the names of the CISWI operators who have completed the operator training requirements under § 60.2635, met the criteria for qualification under § 60.2645, and maintained or renewed their qualification under § 60.2650 or § 60.2655. Records must include documentation of training, the dates of the initial and refresher training, and the dates of their qualification and all subsequent renewals of such qualifications.

(i) For each qualified operator, the phone and/or pager number at which they can be reached during operating hours.

(j) Records of calibration of any monitoring devices as required under § 60.2730.

(k) Equipment vendor specifications and related operation and maintenance requirements for the incinerator, emission controls, and monitoring equipment.

(l) The information listed in § 60.2660(a).

(m) On a daily basis, keep a log of the quantity of waste burned and the types of waste burned (always required).

(n) Maintain records of the annual air pollution control device inspections that are required for each CISWI unit subject to the emissions limits in table 2 of this subpart or tables 6 through 9 of this subpart, any required maintenance and any repairs not completed within 10 days of an inspection or the timeframe established by the state regulatory agency.

(o) For continuously monitored pollutants or parameters, you must document and keep a record of the following parameters measured using continuous monitoring systems.

(1) All 6-minute average levels of opacity.

(2) All 1-hour average concentrations of sulfur dioxide emissions. You must indicate which data are CEMS data during startup and shutdown.

(3) All 1-hour average concentrations of nitrogen oxides emissions. You must indicate which data are CEMS data during startup and shutdown.

(4) All 1-hour average concentrations of carbon monoxide emissions. You must indicate which data are CEMS data during startup and shutdown.

(5) All 1-hour average concentrations of particulate matter emissions. You must indicate which data are CEMS data during startup and shutdown.

(6) All 1-hour average concentrations of mercury emissions. You must indicate which data are CEMS data during startup and shutdown.

(7) All 1-hour average concentrations of hydrogen chloride emissions. You must indicate which data are CEMS data during startup and shutdown.

(8) All 1-hour average percent oxygen concentrations.

(9) All 1-hour average PM CPMS readings or particulate matter CEMS outputs.

(p) Records indicating use of the bypass stack, including dates, times and durations.

(q) If you choose to stack test less frequently than annually, consistent with § 60.2720(a) through (c), you must keep annual records that document that your emissions in the previous stack test(s) were less than 75 percent of the applicable emission limit and document that there was no change in source operations including fuel composition and operation of air pollution control equipment that would cause emissions of the relevant pollutant to increase within the past year.

(r) Records of the occurrence and duration of each malfunction of operation (*i.e.*, process equipment) or the air pollution control and monitoring equipment.

(s) Records of all required maintenance performed on the air pollution control and monitoring equipment.

(t) Records of actions taken during periods of malfunction to minimize emissions in accordance with § 60.11(d), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.

(u) For operating units that combust non-hazardous secondary materials that have been determined not to be solid waste pursuant to § 241.3(b)(1), you must keep a record which documents how the secondary material meets each of the legitimacy criteria under § 241.3(d)(1). If you combust a fuel that has been processed from a discarded non-hazardous secondary material pursuant to § 241.3(b)(4), you must keep records as to how the operations that produced the fuel satisfies the definition of processing in § 241.2 and each of the legitimacy criteria in § 241.3(d)(1) of this chapter. If the fuel received a non-waste determination pursuant to the petition process submitted under § 241.3(c), you must keep a record that documents how the fuel satisfies the requirements of the petition process. For operating units that combust non-hazardous secondary materials as fuel per § 241.4, you must keep records documenting that the material is a listed non-waste under § 241.4(a).

(v) Records of the criteria used to establish that the unit qualifies as a small power production facility under section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C)) and that the waste material the unit is proposed to burn is homogeneous.

(w) Records of the criteria used to establish that the unit qualifies as a cogeneration facility under section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)) and that the waste material the unit is proposed to burn is homogeneous.

**§ 60.2745 Where and in what format must I keep my records?**

All records must be available onsite in either paper copy or computer-readable format that can be printed upon request,

unless an alternative format is approved by the Administrator.

**§ 60.2750 What reports must I submit?**

See table 5 of this subpart for a summary of the reporting requirements.

**§ 60.2755 When must I submit my waste management plan?**

You must submit the waste management plan no later than the date specified in table 1 of this subpart for submittal of the final control plan.

**§ 60.2760 What information must I submit following my initial performance test?**

You must submit the information specified in paragraphs (a) through (c) of this section no later than 60 days following the initial performance test. All reports must be signed by the facilities manager.

(a) The complete test report for the initial performance test results obtained under § 60.2700, as applicable.

(b) The values for the site-specific operating limits established in § 60.2675 or § 60.2680.

(c) If you are using a fabric filter to comply with the emission limitations, documentation that a bag leak detection system has been installed and is being operated, calibrated, and maintained as required by § 60.2730(b).

**§ 60.2765 When must I submit my annual report?**

You must submit an annual report no later than 12 months following the submission of the information in § 60.2760. You must submit subsequent reports no more than 12 months following the previous report. (If the unit is subject to permitting requirements under title V of the Clean Air Act, you may be required by the permit to submit these reports more frequently.)

**§ 60.2770 What information must I include in my annual report?**

The annual report required under § 60.2765 must include the ten items listed in paragraphs (a) through (j) of this section. If you have a deviation from the operating limits or the emission limitations, you must also submit deviation reports as specified in §§ 60.2775, 60.2780, and 60.2785.

(a) Company name and address.

(b) Statement by a responsible official, with that official's name, title, and signature, certifying the accuracy of the content of the report.

(c) Date of report and beginning and ending dates of the reporting period.

(d) The values for the operating limits established pursuant to § 60.2675 or § 60.2680.

(e) If no deviation from any emission limitation or operating limit that applies to you has been reported, a statement that there was no deviation from the emission limitations or operating limits during the reporting period.

(f) The highest recorded 3-hour average and the lowest recorded 3-hour average, as applicable, for each operating parameter recorded for the calendar year being reported.

(g) Information recorded under § 60.2740(b)(6) and (c) through (e) for the calendar year being reported.

(h) For each performance test conducted during the reporting period, if any performance test is conducted, the process unit(s) tested, the pollutant(s) tested and the date that such performance test was conducted. Submit, following the procedure specified in § 60.2795(b)(1), the performance test report no later than the date that you submit the annual report.

(i) If you met the requirements of § 60.2720(a) or (b), and did not conduct a performance test during the reporting period, you must state that you met the requirements of § 60.2720(a) or (b), and, therefore, you were not required to conduct a performance test during the reporting period.

(j) Documentation of periods when all qualified CISWI unit operators were unavailable for more than 8 hours, but less than 2 weeks.

(k) If you had a malfunction during the reporting period, the compliance report must include the number, duration, and a brief description for each type of malfunction that occurred during the reporting period and that caused or may have caused any applicable emission limitation to be exceeded. The report must also include a description of actions taken by an owner or operator during a malfunction of an affected source to minimize emissions in accordance with § 60.11(d), including actions taken to correct a malfunction.

(l) For each deviation from an emission or operating limitation that occurs for a CISWI unit for which you are not using a CMS to comply with the emission or operating limitations in this subpart, the annual report must contain the following information.

(1) The total operating time of the CISWI unit at which the deviation occurred during the reporting period.

(2) Information on the number, duration, and cause of deviations (including unknown cause, if applicable), as applicable, and the corrective action taken.

(m) If there were periods during which the continuous monitoring system, including the CEMS, was out of control as specified in paragraph (o) of this section, the annual report must contain the following information for each deviation from an emission or operating limitation occurring for a CISWI unit for which you are using a continuous monitoring system to comply with the emission and operating limitations in this subpart.

(1) The date and time that each malfunction started and stopped.

(2) The date, time, and duration that each CMS was inoperative, except for zero (low-level) and high-level checks.

(3) The date, time, and duration that each continuous monitoring system was out-of-control, including start and end dates and hours and descriptions of corrective actions taken.

(4) The date and time that each deviation started and stopped, and whether each deviation occurred during a period of malfunction or during another period.

(5) A summary of the total duration of the deviation during the reporting period, and the total duration as a percent of the total source operating time during that reporting period.

(6) A breakdown of the total duration of the deviations during the reporting period into those that are due to control equipment problems, process problems, other known causes, and other unknown causes.

(7) A summary of the total duration of continuous monitoring system downtime during the reporting period, and the total duration of continuous monitoring system downtime as a percent of the total operating time of the CISWI unit at which the continuous monitoring system downtime occurred during that reporting period.

(8) An identification of each parameter and pollutant that was monitored at the CISWI unit.

(9) A brief description of the CISWI unit.

(10) A brief description of the continuous monitoring system.

(11) The date of the latest continuous monitoring system certification or audit.

(12) A description of any changes in continuous monitoring system, processes, or controls since the last reporting period.

(n) If there were periods during which the continuous monitoring system, including the CEMS, was not out of control as specified in paragraph (o) of this section, a statement that there were not periods during which the continuous monitoring system was out of control during the reporting period.

(o) A continuous monitoring system is out of control if any of the following occur.

(1) The zero (low-level), mid-level (if applicable), or high-level calibration drift exceeds two times the applicable

calibration drift specification in the applicable performance specification or in the relevant standard.

(2) The continuous monitoring system fails a performance test audit (*e.g.*, cylinder gas audit), relative accuracy audit, relative accuracy test audit, or linearity test audit.

(3) The continuous opacity monitoring system calibration drift exceeds two times the limit in the applicable performance specification in the relevant standard.

(p) For energy recovery units, include the annual heat input and average annual heat input rate of all fuels being burned in the unit to verify which subcategory of energy recovery unit applies.

**§ 60.2775 What else must I report if I have a deviation from the operating limits or the emission limitations?**

(a) You must submit a deviation report if any recorded 3-hour average parameter level is above the maximum operating limit or below the minimum operating limit established under this subpart, if the bag leak detection system alarm sounds for more than 5 percent of the operating time for the 6-month reporting period, or if a performance test was conducted that deviated from any emission limitation.

(b) The deviation report must be submitted by August 1 of that year for data collected during the first half of the calendar year (January 1 to June 30), and by February 1 of the following year for data you collected during the second half of the calendar year (July 1 to December 31).

**§ 60.2780 What must I include in the deviation report?**

In each report required under § 60.2775, for any pollutant or parameter that deviated from the emission limitations or operating limits specified in this subpart, include the four items described in paragraphs (a) through (d) of this section.

(a) The calendar dates and times your unit deviated from the emission limitations or operating limit requirements.

(b) The averaged and recorded data for those dates.

(c) Durations and causes of the following:

(1) Each deviation from emission limitations or operating limits and your corrective actions.

(2) Bypass events and your corrective actions.

(d) A copy of the operating limit monitoring data during each deviation and for any test report that documents the emission levels the process unit(s) tested, the pollutant(s) tested and the date that the performance test was conducted. Submit, following the procedure specified in § 60.2795(b)(1), the performance test report no later than the date that you submit the deviation report.

**§ 60.2785 What else must I report if I have a deviation from the requirement to have a qualified operator accessible?**

(a) If all qualified operators are not accessible for 2 weeks or more, you must take the two actions in paragraphs (a)(1) and (2) of this section.

(1) Submit a notification of the deviation within 10 days that includes the three items in paragraphs (a)(1)(i) through (iii) of this section.

(i) A statement of what caused the deviation.

(ii) A description of what you are doing to ensure that a qualified operator is accessible.

(iii) The date when you anticipate that a qualified operator will be available.

(2) Submit a status report to the Administrator every 4 weeks that includes the three items in paragraphs (a)(2)(i) through (iii) of this section.

(i) A description of what you are doing to ensure that a qualified operator is accessible.

(ii) The date when you anticipate that a qualified operator will be accessible.

(iii) Request approval from the Administrator to continue operation of the CISWI unit.

(b) If your unit was shut down by the Administrator, under the provisions of § 60.2665(b)(2), due to a failure to provide an accessible qualified operator, you must notify the Administrator that you are resuming operation once a qualified operator is accessible.

**§ 60.2790 Are there any other notifications or reports that I must submit?**

(a) Yes. You must submit notifications as provided by § 60.7.

(b) If you cease combusting solid waste but continue to operate, you must provide 30 days prior notice of the effective date of the waste-to-fuel switch, consistent with § 60.2710(a). The notification must identify:

(1) The name of the owner or operator of the CISWI unit, the location of the source, the emissions unit(s) that will cease burning solid waste, and the date of the notice;

(2) The currently applicable subcategory under this subpart, and any 40 CFR part 63 subpart and subcategory that will be applicable after you cease combusting solid waste;

(3) The fuel(s), non-waste material(s) and solid waste(s) the CISWI unit is currently combusting and has combusted over the past 6 months, and the fuel(s) or non-waste materials the unit will commence combusting;

(4) The date on which you became subject to the currently applicable emission limits;

(5) The date upon which you will cease combusting solid waste, and the date (if different) that you intend for any new requirements to become applicable (*i.e.,* the effective date of the waste-to-fuel switch), consistent with paragraphs (b)(2) and (3) of this section.

**§ 60.2795 In what form can I submit my reports?**

(a) Submit initial, annual and deviation reports electronically on or before the submittal due dates. Submit the reports to the EPA via the Compliance and Emissions Data Reporting Interface (CEDRI). (CEDRI can be accessed through the EPA's Central Data Exchange (CDX) (*http://cdx.epa.gov/epa_home.asp*).) Use the appropriate electronic report in CEDRI for this subpart. Instead of using the electronic report in CEDRI for this subpart, you may submit an alternate electronic file format consistent with the extensible markup language (XML) schema listed on the CEDRI Web site (*http://www.epa.gov/ttn/chief/cedri/index.html*), once the XML schema is available. If the reporting form specific to this subpart is not available in CEDRI at the time that the report is due, submit the report to the Administrator at the appropriate address listed in § 60.4. Begin submitting reports via CEDRI no later than 90 days after the form becomes available in CEDRI. The reports must be submitted by the deadlines specified in this subpart, regardless of the method in which the report is submitted.

(b) Submit results of each performance test and CEMS performance evaluation required by this subpart as follows.

(1) Within 60 days after the date of completing each performance test (see § 60.8), submit the results of the performance test following the procedure specified in either paragraph (b)(1)(i) or (b)(1)(ii) of this section.

(i) For data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT Web site (*http://www.epa.gov/ttn/chief/ert/index.html*) at the time of the test, submit the results of the performance test to the EPA via the CEDRI. (CEDRI can be accessed through the EPA's CDX.) Performance test data must be submitted in a file format generated through the use of the EPA's ERT. Instead of submitting performance test

data in a file format generated through the use of the EPA's ERT, you may submit an alternate electronic file format consistent with the XML schema listed on the EPA's ERT Web site, once the XML schema is available. If you claim that some of the performance test information being submitted is confidential business information (CBI), submit a complete file generated through the use of the EPA's ERT (or an alternate electronic file consistent with the XML schema listed on the EPA's ERT Web site once the XML schema is available), including information claimed to be CBI, on a compact disc, flash drive, or other commonly used electronic storage media to the EPA. The electronic media must be clearly marked as CBI and mailed to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404–02, 4930 Old Page Road, Durham, NC 27703. The same ERT or alternate file with the CBI omitted must be submitted to the EPA via the EPA's CDX as described earlier in this paragraph.

(ii) For data collected using test methods that are not supported by the EPA's ERT as listed on the EPA's ERT Web site at the time of the test, submit the results of the performance test to the Administrator at the appropriate address listed in § 60.4.

(2) Within 60 days after the date of completing each CEMS performance evaluation, submit the results of the performance evaluation following the procedure specified in either paragraph (b)(2)(i) or (b)(2)(ii) of this section.

(i) For performance evaluations of continuous monitoring systems measuring relative accuracy test audit (RATA) pollutants that are supported by the EPA's ERT as listed on the EPA's ERT Web site at the time of the test, submit the results of the performance evaluation to the EPA via the CEDRI. (CEDRI can be accessed through the EPA's CDX.) Performance evaluation data must be submitted in a file format generated through the use of the EPA's ERT. Instead of submitting performance evaluation data in a file format generated through the use of the EPA's ERT, you may submit an alternate electronic file format consistent with the XML schema listed on the EPA's ERT Web site, once the XML schema is available. If you claim that some of the performance evaluation information being submitted is CBI, submit a complete file generated through the use of the EPA's ERT (or an alternate electronic file consistent with the XML schema listed on the EPA's ERT Web site once the XML schema is available), including information claimed to be CBI, on a compact disc, flash drive, or other commonly used electronic storage media to the EPA. The electronic media must be clearly marked as CBI and mailed to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404–02, 4930 Old Page Road, Durham, NC 27703. The same ERT or alternate file with the CBI omitted must be submitted to the EPA via the EPA's CDX as described earlier in this paragraph.

(ii) For any performance evaluations of continuous monitoring systems measuring RATA pollutants that are not supported by the EPA's ERT as listed on the EPA's ERT Web site at the time of the test, submit the results of the performance evaluation to the Administrator at the appropriate address listed in § 60.4.

(c) All information required in this subpart to be submitted to the EPA must also be submitted in paper format to the appropriate state, local or tribal agency unless the state, local or tribal agency specifies another format. Information submitted in paper format must be postmarked no later than the date that the report is required to be submitted to the EPA's CDX electronically. Any information required to be submitted electronically to the EPA's CDX may, at the discretion of the state, local or tribal agency, satisfy the requirements of this paragraph.

#### § 60.2800 Can reporting dates be changed?

If the Administrator agrees, you may change the semiannual or annual reporting dates. See § 60.19(c) for procedures to seek approval to change your reporting date.

### Model Rule—Title V Operating Permits

#### § 60.2805 Am I required to apply for and obtain a Title V operating permit for my unit?

Yes. Each CISWI unit and air curtain incinerator subject to standards under this subpart must operate pursuant to a permit issued under Clean Air Act sections 129(e) and Title V.

### Model Rule—Air Curtain Incinerators

#### § 60.2810 What is an air curtain incinerator?

(a) An air curtain incinerator operates by forcefully projecting a curtain of air across an open chamber or open pit in which combustion occurs. Incinerators of this type can be constructed above or below ground and with or without refractory walls and floor. (Air curtain incinerators are not to be confused with conventional combustion devices with enclosed fireboxes and controlled air technology such as mass burn, modular, and fluidized bed combustors.)

(b) Air curtain incinerators that burn only the materials listed in paragraphs (b)(1) through (3) of this section are only required to meet the requirements under § 60.2805 and under ''Air Curtain Incinerators'' (§§ 60.2810 through 60.2870).

(1) 100 percent wood waste.

(2) 100 percent clean lumber.

(3) 100 percent mixture of only wood waste, clean lumber, and/or yard waste.

#### § 60.2815 What are my requirements for meeting increments of progress and achieving final compliance?

If you plan to achieve compliance more than 1 year following the effective date of state plan approval, you must meet the two increments of progress specified in paragraphs (a) and (b) of this section.

(a) Submit a final control plan.

(b) Achieve final compliance.

#### § 60.2820 When must I complete each increment of progress?

Table 1 of this subpart specifies compliance dates for each of the increments of progress.

#### § 60.2825 What must I include in the notifications of achievement of increments of progress?

Your notification of achievement of increments of progress must include the three items described in paragraphs (a) through (c) of this section.

(a) Notification that the increment of progress has been achieved.

(b) Any items required to be submitted with each increment of progress (see § 60.2840).

(c) Signature of the owner or operator of the incinerator.

#### § 60.2830 When must I submit the notifications of achievement of increments of progress?

Notifications for achieving increments of progress must be postmarked no later than 10 business days after the compliance date for the increment.

#### § 60.2835 What if I do not meet an increment of progress?

If you fail to meet an increment of progress, you must submit a notification to the Administrator postmarked within 10 business days after the date for that increment of progress in table 1 of this subpart. You must inform the Administrator that you did not meet the increment, and you must continue to submit reports each subsequent calendar month until the increment of progress is met.

#### § 60.2840 How do I comply with the increment of progress for submittal of a control plan?

For your control plan increment of progress, you must satisfy the two

requirements specified in paragraphs (a) and (b) of this section.

(a) Submit the final control plan, including a description of any devices for air pollution control and any process changes that you will use to comply with the emission limitations and other requirements of this subpart.

(b) Maintain an onsite copy of the final control plan.

**§ 60.2845 How do I comply with the increment of progress for achieving final compliance?**

For the final compliance increment of progress, you must complete all process changes and retrofit construction of control devices, as specified in the final control plan, so that, if the affected incinerator is brought online, all necessary process changes and air pollution control devices would operate as designed.

**§ 60.2850 What must I do if I close my air curtain incinerator and then restart it?**

(a) If you close your incinerator but will reopen it prior to the final compliance date in your state plan, you must meet the increments of progress specified in § 60.2815.

(b) If you close your incinerator but will restart it after your final compliance date, you must complete emission control retrofits and meet the emission limitations on the date your incinerator restarts operation.

**§ 60.2855 What must I do if I plan to permanently close my air curtain incinerator and not restart it?**

If you plan to close your incinerator rather than comply with the state plan, submit a closure notification, including the date of closure, to the Administrator by the date your final control plan is due.

**§ 60.2860 What are the emission limitations for air curtain incinerators?**

After the date the initial stack test is required or completed (whichever is earlier), you must meet the limitations in paragraphs (a) and (b) of this section.

(a) Maintain opacity to less than or equal to 10 percent opacity (as determined by the average of three 1-hour blocks consisting of ten 6-minute average opacity values), except as described in paragraph (b) of this section.

(b) Maintain opacity to less than or equal to 35 percent opacity (as determined by the average of three 1-hour blocks consisting of ten 6-minute average opacity values) during the startup period that is within the first 30 minutes of operation.

**§ 60.2865 How must I monitor opacity for air curtain incinerators?**

(a) Use Method 9 of appendix A of this part to determine compliance with the opacity limitation.

(b) Conduct an initial test for opacity as specified in § 60.8 no later than 180 days after your final compliance date.

(c) After the initial test for opacity, conduct annual tests no more than 12 calendar months following the date of your previous test.

**§ 60.2870 What are the recordkeeping and reporting requirements for air curtain incinerators?**

(a) Keep records of results of all initial and annual opacity tests onsite in either paper copy or electronic format, unless the Administrator approves another format, for at least 5 years.

(b) Make all records available for submittal to the Administrator or for an inspector's onsite review.

(c) Submit an initial report no later than 60 days following the initial opacity test that includes the information specified in paragraphs (c)(1) and (2) of this section.

(1) The types of materials you plan to combust in your air curtain incinerator.

(2) The results (as determined by the average of three 1-hour blocks consisting of ten 6-minute average opacity values) of the initial opacity tests.

(d) Submit annual opacity test results within 12 months following the previous report.

(e) Submit initial and annual opacity test reports as electronic or paper copy on or before the applicable submittal date and keep a copy onsite for a period of 5 years.

## Model Rule—Definitions

**§ 60.2875 What definitions must I know?**

Terms used but not defined in this subpart are defined in the Clean Air Act and subparts A and B of this part.

*30-day rolling average* means the arithmetic mean of the previous 720 hours of valid operating data. Valid data excludes periods when this unit is not operating. The 720 hours should be consecutive, but not necessarily continuous if operations are intermittent.

*Administrator* means the Administrator of the U.S. Environmental Protection Agency or his/her authorized representative or Administrator of a State Air Pollution Control Agency.

*Agricultural waste* means vegetative agricultural materials such as nut and grain hulls and chaff (*e.g.,* almond, walnut, peanut, rice, and wheat), bagasse, orchard prunings, corn stalks, coffee bean hulls and grounds, and other vegetative waste materials generated as a result of agricultural operations.

*Air curtain incinerator* means an incinerator that operates by forcefully projecting a curtain of air across an open chamber or pit in which combustion occurs. Incinerators of this type can be constructed above or below ground and with or without refractory walls and floor. (Air curtain incinerators are not to be confused with conventional combustion devices with enclosed fireboxes and controlled air technology such as mass burn, modular, and fluidized bed combustors.)

*Annual heat input* means the heat input for the 12 months preceding the compliance demonstration.

*Auxiliary fuel* means natural gas, liquified petroleum gas, fuel oil, or diesel fuel.

*Average annual heat input rate* means annual heat input divided by the hours of operation for the 12 months preceding the compliance demonstration.

*Bag leak detection system* means an instrument that is capable of monitoring particulate matter loadings in the exhaust of a fabric filter (*i.e.,* baghouse) in order to detect bag failures. A bag leak detection system includes, but is not limited to, an instrument that operates on triboelectric, light scattering, light transmittance, or other principle to monitor relative particulate matter loadings.

*Burn-off oven* means any rack reclamation unit, part reclamation unit, or drum reclamation unit. A burn-off oven is not an incinerator, waste-burning kiln, an energy recovery unit or a small, remote incinerator under this subpart.

*Bypass stack* means a device used for discharging combustion gases to avoid severe damage to the air pollution control device or other equipment.

*Calendar quarter* means three consecutive months (nonoverlapping) beginning on: January 1, April 1, July 1, or October 1.

*Calendar year* means 365 consecutive days starting on January 1 and ending on December 31.

*CEMS data during startup and shutdown* means the following:

(1) For incinerators, small remote incinerators, and energy recovery units: CEMS data collected during the first hours of operation of a CISWI unit startup from a cold start until waste is fed into the unit and the hours of operation following the cessation of waste material being fed to the CISWI unit during a unit shutdown. For each startup event, the length of time that

CEMS data may be claimed as being CEMS data during startup must be 48 operating hours or less. For each shutdown event, the length of time that CEMS data may be claimed as being CEMS data during shutdown must be 24 operating hours or less.

(2) For waste-burning kilns: CEMS data collected during the periods of kiln operation that do not include normal operations. Startup begins when the kiln's induced fan is turned on and continues until continuous feed is introduced into the kiln, at which time the kiln is in normal operating mode. Shutdown begins when feed to the kiln is halted.

*Chemical recovery unit* means combustion units burning materials to recover chemical constituents or to produce chemical compounds where there is an existing commercial market for such recovered chemical constituents or compounds. A chemical recovery unit is not an incinerator, a waste-burning kiln, an energy recovery unit or a small, remote incinerator under this subpart. The following seven types of units are considered chemical recovery units:

(1) Units burning only pulping liquors (*i.e.,* black liquor) that are reclaimed in a pulping liquor recovery process and reused in the pulping process.

(2) Units burning only spent sulfuric acid used to produce virgin sulfuric acid.

(3) Units burning only wood or coal feedstock for the production of charcoal.

(4) Units burning only manufacturing byproduct streams/residue containing catalyst metals that are reclaimed and reused as catalysts or used to produce commercial grade catalysts.

(5) Units burning only coke to produce purified carbon monoxide that is used as an intermediate in the production of other chemical compounds.

(6) Units burning only hydrocarbon liquids or solids to produce hydrogen, carbon monoxide, synthesis gas, or other gases for use in other manufacturing processes.

(7) Units burning only photographic film to recover silver.

*Chemotherapeutic waste* means waste material resulting from the production or use of antineoplastic agents used for the purpose of stopping or reversing the growth of malignant cells.

*Clean lumber* means wood or wood products that have been cut or shaped and include wet, air-dried, and kiln-dried wood products. Clean lumber does not include wood products that have been painted, pigment-stained, or pressure-treated by compounds such as chromate copper arsenate, pentachlorophenol, and creosote.

*Commercial and industrial solid waste incineration (CISWI) unit* means any distinct operating unit of any commercial or industrial facility that combusts, or has combusted in the preceding 6 months, any solid waste as that term is defined in 40 CFR part 241. If the operating unit burns materials other than traditional fuels as defined in § 241.2 that have been discarded, and you do not keep and produce records as required by § 60.2740(u), the operating unit is a CISWI unit. While not all CISWI units will include all of the following components, a CISWI unit includes, but is not limited to, the solid waste feed system, grate system, flue gas system, waste heat recovery equipment, if any, and bottom ash system. The CISWI unit does not include air pollution control equipment or the stack. The CISWI unit boundary starts at the solid waste hopper (if applicable) and extends through two areas: The combustion unit flue gas system, which ends immediately after the last combustion chamber or after the waste heat recovery equipment, if any; and the combustion unit bottom ash system, which ends at the truck loading station or similar equipment that transfers the ash to final disposal. The CISWI unit includes all ash handling systems connected to the bottom ash handling system.

*Contained gaseous material* means gases that are in a container when that container is combusted.

*Continuous emission monitoring system (CEMS)* means the total equipment that may be required to meet the data acquisition and availability requirements of this subpart, used to sample, condition (if applicable), analyze, and provide a record of emissions.

*Continuous monitoring system (CMS)* means the total equipment, required under the emission monitoring sections in applicable subparts, used to sample and condition (if applicable), to analyze, and to provide a permanent record of emissions or process parameters. A particulate matter continuous parameter monitoring system (PM CPMS) is a type of CMS.

*Cyclonic burn barrel* means a combustion device for waste materials that is attached to a 55 gallon, open-head drum. The device consists of a lid, which fits onto and encloses the drum, and a blower that forces combustion air into the drum in a cyclonic manner to enhance the mixing of waste material and air. A cyclonic burn barrel is not an incinerator, a waste-burning kiln, an energy recovery unit or a small, remote incinerator under this subpart.

*Deviation* means any instance in which an affected source subject to this subpart, or an owner or operator of such a source:

(1) Fails to meet any requirement or obligation established by this subpart, including but not limited to any emission limitation, operating limit, or operator qualification and accessibility requirements.

(2) Fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart and that is included in the operating permit for any affected source required to obtain such a permit.

*Dioxins/furans* means tetra-through octachlorinated dibenzo-p-dioxins and dibenzofurans.

*Discard* means, for purposes of this subpart and 40 CFR part 60, subpart DDDD, only, burned in an incineration unit without energy recovery.

*Drum reclamation unit* means a unit that burns residues out of drums (*e.g.,* 55 gallon drums) so that the drums can be reused.

*Dry scrubber* means an add-on air pollution control system that injects dry alkaline sorbent (dry injection) or sprays an alkaline sorbent (spray dryer) to react with and neutralize acid gas in the exhaust stream forming a dry powder material. Sorbent injection systems in fluidized bed boilers and process heaters are included in this definition. A dry scrubber is a dry control system.

*Energy recovery* means the process of recovering thermal energy from combustion for useful purposes such as steam generation or process heating.

*Energy recovery unit* means a combustion unit combusting solid waste (as that term is defined by the Administrator in 40 CFR part 241) for energy recovery. Energy recovery units include units that would be considered boilers and process heaters if they did not combust solid waste.

*Energy recovery unit designed to burn biomass (Biomass)* means an energy recovery unit that burns solid waste, biomass, and non-coal solid materials but less than 10 percent coal, on a heat input basis on an annual average, either alone or in combination with liquid waste, liquid fuel or gaseous fuels.

*Energy recovery unit designed to burn coal (Coal)* means an energy recovery unit that burns solid waste and at least 10 percent coal on a heat input basis on an annual average, either alone or in combination with liquid waste, liquid fuel or gaseous fuels.

*Energy recovery unit designed to burn liquid waste materials and gas (Liquid/gas)* means an energy recovery unit that

burns a liquid waste with liquid or gaseous fuels not combined with any solid fuel or waste materials.

*Energy recovery unit designed to burn solid materials (Solids)* includes energy recovery units designed to burn coal and energy recovery units designed to burn biomass

*Fabric filter* means an add-on air pollution control device used to capture particulate matter by filtering gas streams through filter media, also known as a baghouse.

*Foundry sand thermal reclamation unit* means a type of part reclamation unit that removes coatings that are on foundry sand. A foundry sand thermal reclamation unit is not an incinerator, a waste-burning kiln, an energy recovery unit or a small, remote incinerator under this subpart.

*Incinerator* means any furnace used in the process of combusting solid waste (as that term is defined by the Administrator in 40 CFR part 241) for the purpose of reducing the volume of the waste by removing combustible matter. Incinerator designs include single chamber and two-chamber.

*In-line coal mill* means those coal mills using kiln exhaust gases in their process. Coal mills with a heat source other than the kiln or coal mills using exhaust gases from the clinker cooler alone are not an in-line coal mill.

*In-line kiln/raw mill* means a system in a Portland Cement production process where a dry kiln system is integrated with the raw mill so that all or a portion of the kiln exhaust gases are used to perform the drying operation of the raw mill, with no auxiliary heat source used. In this system the kiln is capable of operating without the raw mill operating, but the raw mill cannot operate without the kiln gases, and consequently, the raw mill does not generate a separate exhaust gas stream.

*Kiln* means an oven or furnace, including any associated preheater or precalciner devices, in-line raw mills, in-line coal mills or alkali bypasses used for processing a substance by burning, firing or drying. Kilns include cement kilns that produce clinker by heating limestone and other materials for subsequent production of Portland Cement. Because the alkali bypass, in-line raw mill and in-line coal mill are considered an integral part of the kiln, the kiln emissions limits also apply to the exhaust of the alkali bypass, in-line raw mill and in-line coal mill.

*Laboratory analysis unit* means units that burn samples of materials for the purpose of chemical or physical analysis. A laboratory analysis unit is not an incinerator, waste-burning kiln, an energy recovery unit or a small, remote incinerator under this subpart.

*Load fraction* means the actual heat input of an energy recovery unit divided by heat input during the performance test that established the minimum sorbent injection rate or minimum activated carbon injection rate, expressed as a fraction (*e.g.,* for 50 percent load the load fraction is 0.5).

*Low-level radioactive waste* means waste material which contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities that exceed applicable federal or state standards for unrestricted release. Low-level radioactive waste is not high-level radioactive waste, spent nuclear fuel, or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)(2)).

*Malfunction* means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused, in part, by poor maintenance or careless operation are not malfunctions.

*Minimum voltage or amperage* means 90 percent of the lowest test-run average voltage or amperage to the electrostatic precipitator measured during the most recent particulate matter or mercury performance test demonstrating compliance with the applicable emission limits.

*Modification* or *modified CISWI unit* means a CISWI unit that has been changed later than August 7, 2013, and that meets one of two criteria:

(1) The cumulative cost of the changes over the life of the unit exceeds 50 percent of the original cost of building and installing the CISWI unit (not including the cost of land) updated to current costs (current dollars). To determine what systems are within the boundary of the CISWI unit used to calculate these costs, see the definition of CISWI unit.

(2) Any physical change in the CISWI unit or change in the method of operating it that increases the amount of any air pollutant emitted for which section 129 or section 111 of the Clean Air Act has established standards.

*Municipal solid waste or municipal-type solid waste* means household, commercial/retail, or institutional waste. Household waste includes material discarded by residential dwellings, hotels, motels, and other similar permanent or temporary housing. Commercial/retail waste includes material discarded by stores, offices, restaurants, warehouses, nonmanufacturing activities at industrial facilities, and other similar establishments or facilities. Institutional waste includes materials discarded by schools, by hospitals (nonmedical), by nonmanufacturing activities at prisons and government facilities, and other similar establishments or facilities. Household, commercial/retail, and institutional waste does include yard waste and refuse-derived fuel. Household, commercial/retail, and institutional waste does not include used oil; sewage sludge; wood pallets; construction, renovation, and demolition wastes (which include railroad ties and telephone poles); clean wood; industrial process or manufacturing wastes; medical waste; or motor vehicles (including motor vehicle parts or vehicle fluff).

*Opacity* means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

*Operating day* means a 24-hour period between 12:00 midnight and the following midnight during which any amount of solid waste is combusted at any time in the CISWI unit.

*Oxygen analyzer system* means all equipment required to determine the oxygen content of a gas stream and used to monitor oxygen in the boiler or process heater flue gas, boiler/process heater, firebox, or other appropriate location. This definition includes oxygen trim systems and certified oxygen CEMS. The source owner or operator is responsible to install, calibrate, maintain, and operate the oxygen analyzer system in accordance with the manufacturer's recommendations.

*Oxygen trim system* means a system of monitors that is used to maintain excess air at the desired level in a combustion device over its operating range. A typical system consists of a flue gas oxygen and/or carbon monoxide monitor that automatically provides a feedback signal to the combustion air controller or draft controller.

*Part reclamation unit* means a unit that burns coatings off parts (*e.g.,* tools, equipment) so that the parts can be reconditioned and reused.

*Particulate matter* means total particulate matter emitted from CISWI units as measured by Method 5 or Method 29 of appendix A of this part.

*Pathological waste* means waste material consisting of only human or animal remains, anatomical parts, and/or tissue, the bags/containers used to collect and transport the waste material, and animal bedding (if applicable).

*Performance evaluation* means the conduct of relative accuracy testing, calibration error testing, and other

measurements used in validating the continuous monitoring system data.

*Performance test* means the collection of data resulting from the execution of a test method (usually three emission test runs) used to demonstrate compliance with a relevant emission standard as specified in the performance test section of the relevant standard.

*Process change* means any of the following physical or operational changes:

(1) A physical change (maintenance activities excluded) to the CISWI unit which may increase the emission rate of any air pollutant to which a standard applies;

(2) An operational change to the CISWI unit where a new type of non-hazardous secondary material is being combusted;

(3) A physical change (maintenance activities excluded) to the air pollution control devices used to comply with the emission limits for the CISWI unit (*e.g.,* replacing an electrostatic precipitator with a fabric filter);

(4) An operational change to the air pollution control devices used to comply with the emission limits for the affected CISWI unit (*e.g.,* change in the sorbent injection rate used for activated carbon injection).

*Rack reclamation unit* means a unit that burns the coatings off racks used to hold small items for application of a coating. The unit burns the coating overspray off the rack so the rack can be reused.

*Raw mill* means a ball or tube mill, vertical roller mill or other size reduction equipment, that is not part of an in-line kiln/raw mill, used to grind feed to the appropriate size. Moisture may be added or removed from the feed during the grinding operation. If the raw mill is used to remove moisture from feed materials, it is also, by definition, a raw material dryer. The raw mill also includes the air separator associated with the raw mill.

*Reconstruction* means rebuilding a CISWI unit and meeting two criteria:

(1) The reconstruction begins on or after August 7, 2013.

(2) The cumulative cost of the construction over the life of the incineration unit exceeds 50 percent of the original cost of building and installing the CISWI unit (not including land) updated to current costs (current dollars). To determine what systems are within the boundary of the CISWI unit used to calculate these costs, see the definition of CISWI unit.

*Refuse-derived fuel* means a type of municipal solid waste produced by processing municipal solid waste through shredding and size classification. This includes all classes of refuse-derived fuel including two fuels:

(1) Low-density fluff refuse-derived fuel through densified refuse-derived fuel.

(2) Pelletized refuse-derived fuel.

*Responsible official* means one of the following:

(1) For a corporation: A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

(i) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars); or

(ii) The delegation of authority to such representatives is approved in advance by the permitting authority;

(2) For a partnership or sole proprietorship: a general partner or the proprietor, respectively;

(3) For a municipality, state, federal, or other public agency: Either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (*e.g.,* a Regional Administrator of EPA); or

(4) For affected facilities:

(i) The designated representative in so far as actions, standards, requirements, or prohibitions under Title IV of the Clean Air Act or the regulations promulgated thereunder are concerned; or

(ii) The designated representative for any other purposes under part 60.

*Shutdown* means the period of time after all waste has been combusted in the primary chamber.

*Small, remote incinerator* means an incinerator that combusts solid waste (as that term is defined by the Administrator in 40 CFR part 241) and combusts 3 tons per day or less solid waste and is more than 25 miles driving distance to the nearest municipal solid waste landfill.

*Soil treatment unit* means a unit that thermally treats petroleum-contaminated soils for the sole purpose of site remediation. A soil treatment unit may be direct-fired or indirect fired. A soil treatment unit is not an incinerator, a waste-burning kiln, an energy recovery unit or a small, remote incinerator under this subpart.

*Solid waste* means the term solid waste as defined in 40 CFR 241.2.

*Solid waste incineration unit* means a distinct operating unit of any facility which combusts any solid waste (as that term is defined by the Administrator in 40 CFR part 241) material from commercial or industrial establishments or the general public (including single and multiple residences, hotels and motels). Such term does not include incinerators or other units required to have a permit under section 3005 of the Solid Waste Disposal Act. The term ''solid waste incineration unit'' does not include:

(1) Materials recovery facilities (including primary or secondary smelters) which combust waste for the primary purpose of recovering metals;

(2) Qualifying small power production facilities, as defined in section 3(17)(C) of the Federal Power Act (16 U.S.C. 769(17)(C)), or qualifying cogeneration facilities, as defined in section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)), which burn homogeneous waste (such as units which burn tires or used oil, but not including refuse-derived fuel) for the production of electric energy or in the case of qualifying cogeneration facilities which burn homogeneous waste for the production of electric energy and steam or forms of useful energy (such as heat) which are used for industrial, commercial, heating or cooling purposes; or

(3) Air curtain incinerators provided that such incinerators only burn wood wastes, yard wastes and clean lumber and that such air curtain incinerators comply with opacity limitations to be established by the Administrator by rule.

*Space heater* means a unit that meets the requirements of 40 CFR 279.23. A space heater is not an incinerator, a waste-burning kiln, an energy recovery unit or a small, remote incinerator under this subpart.

*Standard conditions,* when referring to units of measure, means a temperature of 68 °F (20 °C) and a pressure of 1 atmosphere (101.3 kilopascals).

*Startup period* means the period of time between the activation of the system and the first charge to the unit.

*Waste-burning kiln* means a kiln that is heated, in whole or in part, by combusting solid waste (as the term is defined by the Administrator in 40 CFR part 241). Secondary materials used in Portland cement kilns shall not be deemed to be combusted unless they are introduced into the flame zone in the

hot end of the kiln or mixed with the precalciner fuel.

*Wet scrubber* means an add-on air pollution control device that uses an aqueous or alkaline scrubbing liquor to collect particulate matter (including nonvaporous metals and condensed organics) and/or to absorb and neutralize acid gases.

*Wood waste* means untreated wood and untreated wood products, including tree stumps (whole or chipped), trees, tree limbs (whole or chipped), bark, sawdust, chips, scraps, slabs, millings, and shavings. Wood waste does not include:

(1) Grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands.

(2) Construction, renovation, or demolition wastes.

(3) Clean lumber.

TABLE 1 TO SUBPART DDDD OF PART 60—MODEL RULE—INCREMENTS OF PROGRESS AND COMPLIANCE SCHEDULES

| Comply with these increments of progress | By these dates [a] |
|---|---|
| Increment 1—Submit final control plan. | (Dates to be specified in state plan). |
| Increment 2—Final compliance. | (Dates to be specified in state plan).[b] |

[a] Site-specific schedules can be used at the discretion of the state.

[b] The date can be no later than 3 years after the effective date of state plan approval or December 1, 2005 for CISWI units that commenced construction on or before November 30, 1999. The date can be no later than 3 years after the effective date of approval of a revised state plan or February 7, 2018, for CISWI units that commenced construction on or before June 4, 2010.

TABLE 2 TO SUBPART DDDD OF PART 60—MODEL RULE—EMISSION LIMITATIONS THAT APPLY TO INCINERATORS BEFORE [DATE TO BE SPECIFIED IN STATE PLAN] [b]

| For the air pollutant | You must meet this emission limitation [a] | Using this averaging time | And determining compliance using this method |
|---|---|---|---|
| Cadmium | 0.004 milligrams per dry standard cubic meter. | 3-run average (1 hour minimum sample time per run). | Performance test (Method 29 of appendix A of this part). |
| Carbon monoxide | 157 parts per million by dry volume | 3-run average (1 hour minimum sample time per run). | Performance test (Method 10, 10A, or 10B, of appendix A of this part). |
| Dioxins/furans (toxic equivalency basis). | 0.41 nanograms per dry standard cubic meter. | 3-run average (1 hour minimum sample time per run). | Performance test (Method 23 of appendix A of this part). |
| Hydrogen chloride | 62 parts per million by dry volume | 3-run average (For Method 26, collect a minimum volume of 120 liters per run. For Method 26A, collect a minimum volume of 1 dry standard cubic meter per run). | Performance test (Method 26 or 26A at 40 CFR part 60, appendix A–8). |
| Lead | 0.04 milligrams per dry standard cubic meter. | 3-run average (1 hour minimum sample time per run). | Performance test (Method 29 of appendix A of this part). |
| Mercury | 0.47 milligrams per dry standard cubic meter. | 3-run average (1 hour minimum sample time per run). | Performance test (Method 29 or 30B at 40 CFR part 60, appendix A–8) or ASTM D6784–02 (Reapproved 2008).[c] |
| Opacity | 10 percent | Three 1-hour blocks consisting of ten 6-minute average opacity values. | Performance test (Method 9 at 40 CFR part 60, appendix A–4). |
| Oxides of nitrogen | 388 parts per million by dry volume | 3-run average (1 hour minimum sample time per run). | Performance test (Methods 7 or 7E at 40 CFR part 60, appendix A–4). |
| Particulate matter | 70 milligrams per dry standard cubic meter. | 3-run average (1 hour minimum sample time per run). | Performance test (Method 5 or 29 of appendix A of this part). |
| Sulfur dioxide | 20 parts per million by dry volume | 3-run average (1 hour minimum sample time per run). | Performance test (Method 6 or 6c of appendix A of this part). |

[a] All emission limitations (except for opacity) are measured at 7 percent oxygen, dry basis at standard conditions.

[b] Applies only to incinerators subject to the CISWI standards through a state plan or the Federal plan prior to June 4, 2010. The date specified in the state plan can be no later than 3 years after the effective date of approval of a revised state plan or February 7, 2018.

[c] Incorporated by reference, *see* § 60.17.

TABLE 3 TO SUBPART DDDD OF PART 60—MODEL RULE—OPERATING LIMITS FOR WET SCRUBBERS

| For these operating parameters | You must establish these operating limits | And monitor using these minimum frequencies | | |
|---|---|---|---|---|
| | | Data measurement | Data recording | Averaging time |
| Charge rate | Maximum charge rate. | Continuous | Every hour | Daily (batch units). 3-hour rolling (continuous and intermittent units) [a] |
| Pressure drop across the wet scrubber or amperage to wet scrubber. | Minimum pressure drop or amperage. | Continuous | Every 15 minutes | 3-hour rolling [a] |
| Scrubber liquor flow rate. | Minimum flow rate | Continuous | Every 15 minutes | 3-hour rolling [a] |

TABLE 3 TO SUBPART DDDD OF PART 60—MODEL RULE—OPERATING LIMITS FOR WET SCRUBBERS—Continued

| For these operating parameters | You must establish these operating limits | And monitor using these minimum frequencies | | |
|---|---|---|---|---|
| | | Data measurement | Data recording | Averaging time |
| Scrubber liquor pH | Minimum pH | Continuous | Every 15 minutes | 3-hour rolling [a] |

[a] Calculated each hour as the average of the previous 3 operating hours.

TABLE 4 TO SUBPART DDDD OF PART 60—MODEL RULE—TOXIC EQUIVALENCY FACTORS

| Dioxin/furan isomer | Toxic equivalency factor |
|---|---|
| 2,3,7,8-tetrachlorinated dibenzo-p-dioxin | 1 |
| 1,2,3,7,8-pentachlorinated dibenzo-p-dioxin | 0.5 |
| 1,2,3,4,7,8-hexachlorinated dibenzo-p-dioxin | 0.1 |
| 1,2,3,7,8,9-hexachlorinated dibenzo-p-dioxin | 0.1 |
| 1,2,3,6,7,8-hexachlorinated dibenzo-p-dioxin | 0.1 |
| 1,2,3,4,6,7,8-heptachlorinated dibenzo-p-dioxin | 0.01 |
| octachlorinated dibenzo-p-dioxin | 0.001 |
| 2,3,7,8-tetrachlorinated dibenzofuran | 0.1 |
| 2,3,4,7,8-pentachlorinated dibenzofuran | 0.5 |
| 1,2,3,7,8-pentachlorinated dibenzofuran | 0.05 |
| 1,2,3,4,7,8-hexachlorinated dibenzofuran | 0.1 |
| 1,2,3,6,7,8-hexachlorinated dibenzofuran | 0.1 |
| 1,2,3,7,8,9-hexachlorinated dibenzofuran | 0.1 |
| 2,3,4,6,7,8-hexachlorinated dibenzofuran | 0.1 |
| 1,2,3,4,6,7,8-heptachlorinated dibenzofuran | 0.01 |
| 1,2,3,4,7,8,9-heptachlorinated dibenzofuran | 0.01 |
| octachlorinated dibenzofuran | 0.001 |

TABLE 5 TO SUBPART DDDD OF PART 60—MODEL RULE—SUMMARY OF REPORTING REQUIREMENTS [a]

| Report | Due date | Contents | Reference |
|---|---|---|---|
| Waste Management Plan. | No later than the date specified in table 1 for submittal of the final control plan. | • Waste management plan. | § 60.2755. |
| Initial Test Report | No later than 60 days following the initial performance test. | • Complete test report for the initial performance test.<br>• The values for the site-specific operating limits.<br>• Installation of bag leak detection systems for fabric filters. | § 60.2760. |
| Annual report | No later than 12 months following the submission of the initial test report. Subsequent reports are to be submitted no more than 12 months following the previous report. | • Name and address.<br>• Statement and signature by responsible official.<br>• Date of report.<br>• Values for the operating limits.<br>• Highest recorded 3-hour average and the lowest 3-hour average, as applicable, for each operating parameter recorded for the calendar year being reported.<br>• If a performance test was conducted during the reporting period, the results of the test.<br>• If a performance test was not conducted during the reporting period, a statement that the requirements of § 60.2720(a) were met.<br>• Documentation of periods when all qualified CISWI unit operators were unavailable for more than 8 hours but less than 2 weeks.<br>• If you are conducting performance tests once every 3 years consistent with § 60.2720(a), the date of the last 2 performance tests, a comparison of the emission level you achieved in the last 2 performance tests to the 75 percent emission limit threshold required in § 60.2720(a) and a statement as to whether there have been any operational changes since the last performance test that could increase emissions. | §§ 60.2765 and 60.2770. |

TABLE 5 TO SUBPART DDDD OF PART 60—MODEL RULE—SUMMARY OF REPORTING REQUIREMENTS [a]—Continued

| Report | Due date | Contents | Reference |
|---|---|---|---|
| Emission limitation or operating limit deviation report. | By August 1 of that year for data collected during the first half of the calendar year. By February 1 of the following year for data collected during the second half of the calendar year. | • Dates and times of deviation .....<br>• Averaged and recorded data for those dates.<br>• Duration and causes of each deviation and the corrective actions taken.<br>• Copy of operating limit monitoring data and any test reports.<br>• Dates, times and causes for monitor downtime incidents. | § 60.2775 and 60.2780. |
| Qualified Operator Deviation Notification. | Within 10 days of deviation. | • Statement of cause of deviation .....<br>• Description of efforts to have an accessible qualified operator.<br>• The date a qualified operator will be accessible. | § 60.2785(a)(1). |
| Qualified Operator Deviation Status Report. | Every 4 weeks following deviation ..... | • Description of efforts to have an accessible qualified operator.<br>• The date a qualified operator will be accessible.<br>• Request for approval to continue operation | § 60.2785(a)(2). |
| Qualified Operator Deviation Notification of Resumed Operation. | Prior to resuming operation. | • Notification that you are resuming operation. | § 60.2785(b) |

[a] This table is only a summary, see the referenced sections of the rule for the complete requirements.

TABLE 6 TO SUBPART DDDD OF PART 60—MODEL RULE—EMISSION LIMITATIONS THAT APPLY TO INCINERATORS ON AND AFTER

[Date to be specified in state plan] [a]

| For the air pollutant | You must meet this emission limitation [b] | Using this averaging time | And determining compliance using this method |
|---|---|---|---|
| Cadmium ..... | 0.0026 milligrams per dry standard cubic meter. | 3-run average (collect a minimum volume of 2 dry standard cubic meters). | Performance test (Method 29 at 40 CFR part 60, appendix A–8). Use ICPMS for the analytical finish. |
| Carbon monoxide ..... | 17 parts per million dry volume. | 3-run average (1 hour minimum sample time per run). | Performance test (Method 10 at 40 CFR part 60, appendix A–4). |
| Dioxins/furans (total mass basis). | 4.6 nanograms per dry standard cubic meter. | 3-run average (collect a minimum volume of 2 dry standard cubic meters). | Performance test (Method 23 at 40 CFR part 60, appendix A–7). |
| Dioxins/furans (toxic equivalency basis). | 0.13 nanograms per dry standard cubic meter. | 3-run average (collect a minimum volume of 2 dry standard cubic meters). | Performance test (Method 23 at 40 CFR part 60, appendix A–7). |
| Hydrogen chloride ..... | 29 parts per million dry volume. | 3-run average (For Method 26, collect a minimum volume of 60 liters per run. For Method 26A, collect a minimum volume of 1 dry standard cubic meter per run). | Performance test (Method 26 or 26A at 40 CFR part 60, appendix A–8). |
| Lead ..... | 0.015 milligrams per dry standard cubic meter. [c]. | 3-run average (collect a minimum volume of 2 dry standard cubic meters). | Performance test (Method 29 at 40 CFR part 60, appendix A–8). Use ICPMS for the analytical finish. |
| Mercury ..... | 0.0048 milligrams per dry standard cubic meter. | 3-run average (For Method 29 an ASTM D6784–02 (Reapproved 2008) [d], collect a minimum volume of 2 dry standard cubic meters per run. For Method 30B, collect a minimum sample as specified in Method 30B at 40 CFR part 60, appendix A). | Performance test (Method 29 or 30B at 40 CFR part 60, appendix A–8) or ASTM D6784–02 (Reapproved 2008). [d] |
| Oxides of nitrogen .... | 53 parts per million dry volume. | 3-run average (for Method 7E, 1 hour minimum sample time per run). | Performance test (Method 7 or 7E at 40 CFR part 60, appendix A–4). |
| Particulate matter filterable. | 34 milligrams per dry standard cubic meter. | 3-run average (collect a minimum volume of 1 dry standard cubic meter). | Performance test (Method 5 or 29 at 40 CFR part 60, appendix A–3 or appendix A–8). |
| Sulfur dioxide ..... | 11 parts per million dry volume. | 3-run average (1 hour minimum sample time per run). | Performance test (Method 6 or 6c at 40 CFR part 60, appendix A–4). |
| Fugitive ash ..... | Visible emissions for no more than 5% of the hourly observation period. | Three 1-hour observation periods ..... | Visible emission test (Method 22 at 40 CFR part 60, appendix A–7). |

[a] The date specified in the state plan can be no later than 3 years after the effective date of approval of a revised state plan or February 7, 2018.

[b] All emission limitations are measured at 7 percent oxygen, dry basis at standard conditions. For dioxins/furans, you must meet either the total mass basis limit or the toxic equivalency basis limit.

[c] If you are conducting stack tests to demonstrate compliance and your performance tests for this pollutant for at least 2 consecutive years show that your emissions are at or below this limit, you can skip testing according to § 60.2720 if all of the other provisions of § 60.2720 are met. For all other pollutants that do not contain a footnote "c", your performance tests for this pollutant for at least 2 consecutive years must show that your emissions are at or below 75 percent of this limit in order to qualify for skip testing.

[d] Incorporated by reference, see § 60.17.

TABLE 7 TO SUBPART DDDD OF PART 60—MODEL RULE—EMISSION LIMITATIONS THAT APPLY TO ENERGY RECOVERY UNITS AFTER MAY 20, 2011

[Date to be specified in state plan] [a]

| For the air pollutant | You must meet this emission limitation [b] | | Using this averaging time | And determining compliance using this method |
|---|---|---|---|---|
| | Liquid/gas | Solids | | |
| Cadmium | 0.023 milligrams per dry standard cubic meter. | Biomass—0.0014 milligrams per dry standard cubic meter. Coal—0.0095 milligrams per dry standard cubic meter. | 3-run average (collect a minimum volume of 2 dry standard cubic meters). | Performance test (Method 29 at 40 CFR part 60, appendix A–8). Use ICPMS for the analytical finish. |
| Carbon monoxide | 35 parts per million dry volume. | Biomass—260 parts per million dry volume. Coal—95 parts per million dry volume. | 3-run average (1 hour minimum sample time per run). | Performance test (Method 10 at 40 CFR part 60, appendix A–4). |
| Dioxins/furans (total mass basis). | 2.9 nanograms per dry standard cubic meter. | Biomass—0.52 nanograms per dry standard cubic meter.[c] Coal—5.1 nanograms per dry standard cubic meter.[c]. | 3-run average (collect a minimum volume of 4 dry standard cubic meter). | Performance test (Method 23 at 40 CFR part 60, appendix A–7). |
| Dioxins/furans (toxic equivalency basis). | 0.32 nanograms per dry standard cubic meter. | Biomass—0.12 nanograms per dry standard cubic meter. Coal—0.075 nanograms per dry standard cubic meter.[c]. | 3-run average (collect a minimum volume of 4 dry standard cubic meters). | Performance test (Method 23 at 40 CFR part 60, appendix A–7). |
| Hydrogen chloride | 14 parts per million dry volume. | Biomass—0.20 parts per million dry volume. Coal—13 parts per million dry volume. | 3-run average (for Method 26, collect a minimum of 120 liters; for Method 26A, collect a minimum volume of 1 dry standard cubic meter). | Performance test (Method 26 or 26A at 40 CFR part 60, appendix A–8). |
| Lead | 0.096 milligrams per dry standard cubic meter. | Biomass—0.014 milligrams per dry standard cubic meter.[c] Coal—0.14 milligrams per dry standard cubic meter.[c]. | 3-run average (collect a minimum volume of 2 dry standard cubic meters). | Performance test (Method 29 at 40 CFR part 60, appendix A–8). Use ICPMS for the analytical finish. |
| Mercury | 0.0024 milligrams per dry standard cubic meter. | Biomass—0.0022 milligrams per dry standard cubic meter. Coal—0.016 milligrams per dry standard cubic meter. | 3-run average (For Method 29 and ASTM D6784–02 (Reapproved 2008) [d], collect a minimum volume of 2 dry standard cubic meters per run. For Method 30B, collect a minimum sample as specified in Method 30B at 40 CFR part 60, appendix A). | Performance test (Method 29 or 30B at 40 CFR part 60, appendix A–8) or ASTM D6784–02 (Reapproved 2008) [d]. |
| Oxides of nitrogen | 76 parts per million dry volume. | Biomass—290 parts per million dry volume. Coal—340 parts per million dry volume. | 3-run average (for Method 7E, 1 hour minimum sample time per run). | Performance test (Method 7 or 7E at 40 CFR part 60, appendix A–4). |
| Particulate matter filterable | 110 milligrams per dry standard cubic meter. | Biomass—11 milligrams per dry standard cubic meter. Coal—160 milligrams per dry standard cubic meter. | 3-run average (collect a minimum volume of 1 dry standard cubic meter). | Performance test (Method 5 or 29 at 40 CFR part 60, appendix A–3 or appendix A–8) if the unit has an annual average heat input rate less than or equal to 250 MMBtu/hr; or PM CPMS (as specified in § 60.2710(x)) if the unit has an annual average heat input rate greater than 250 MMBtu/hr. |

TABLE 7 TO SUBPART DDDD OF PART 60—MODEL RULE—EMISSION LIMITATIONS THAT APPLY TO ENERGY RECOVERY UNITS AFTER MAY 20, 2011—Continued

[Date to be specified in state plan] [a]

| For the air pollutant | You must meet this emission limitation [b] | | Using this averaging time | And determining compliance using this method |
|---|---|---|---|---|
| | Liquid/gas | Solids | | |
| Sulfur dioxide | 720 parts per million dry volume. | Biomass—7.3 parts per million dry volume. Coal—650 parts per million dry volume. | 3-run average (1 hour minimum sample time per run). | Performance test (Method 6 or 6c at 40 CFR part 60, appendix A–4). |
| Fugitive ash | Visible emissions for no more than 5 percent of the hourly observation period. | Visible emissions for no more than 5 percent of the hourly observation period. | Three 1-hour observation periods. | Visible emission test (Method 22 at 40 CFR part 60, appendix A–7). |

[a] The date specified in the state plan can be no later than 3 years after the effective date of approval of a revised state plan or February 7, 2018.

[b] All emission limitations (except for opacity) are measured at 7 percent oxygen, dry basis at standard conditions. For dioxins/furans, you must meet either the total mass basis limit or the toxic equivalency basis limit.

[c] If you are conducting stack tests to demonstrate compliance and your performance tests for this pollutant for at least 2 consecutive years show that your emissions are at or below this limit, you can skip testing according to § 60.2720 if all of the other provisions of § 60.2720 are met. For all other pollutants that do not contain a footnote "c", your performance tests for this pollutant for at least 2 consecutive years must show that your emissions are at or below 75 percent of this limit in order to qualify for skip testing, with the exception of annual performance tests to certify a CEMS or PM CPMS.

[d] Incorporated by reference, see § 60.17.

TABLE 8 TO SUBPART DDDD OF PART 60—MODEL RULE—EMISSION LIMITATIONS THAT APPLY TO WASTE-BURNING KILNS AFTER MAY 20, 2011

[Date to be specified in state plan] [a]

| For the air pollutant | You must meet this emission limitation [b] | Using this averaging time | And determining compliance using this method |
|---|---|---|---|
| Cadmium | 0.0014 milligrams per dry standard cubic meter[c]. | 3-run average (collect a minimum volume of 2 dry standard cubic meters). | Performance test (Method 29 at 40 CFR part 60, appendix A–8). |
| Carbon monoxide | 110 (long kilns)/790 (preheater/precalciner) parts per million dry volume. | 3-run average (1 hour minimum sample time per run). | Performance test (Method 10 at 40 CFR part 60, appendix A–4). |
| Dioxins/furans (total mass basis). | 1.3 nanograms per dry standard cubic meter[c]. | 3-run average (collect a minimum volume of 4 dry standard cubic meters). | Performance test (Method 23 at 40 CFR part 60, appendix A–7). |
| Dioxins/furans (toxic equivalency basis). | 0.075 nanograms per dry standard cubic meter[c]. | 3-run average (collect a minimum volume of 4 dry standard cubic meters). | Performance test (Method 23 at 40 CFR part 60, appendix A–7). |
| Hydrogen chloride | 3.0 parts per million dry volume[c]. | 3-run average (collect a minimum volume of 1 dry standard cubic meter) or 30-day rolling average if HCl CEMS is being used. | Performance test (Method 321 at 40 CFR part 63, appendix A of this part) or HCl CEMS if a wet scrubber or dry scrubber is not used. |
| Lead | 0.014 milligrams per dry standard cubic meter[c]. | 3-run average (collect a minimum volume of 2 dry standard cubic meters). | Performance test (Method 29 at 40 CFR part 60, appendix A–8). |
| Mercury | 0.011 milligrams per dry standard cubic meter. | 30-day rolling average | Mercury CEMS or sorbent trap monitoring system (performance specification 12A or 12B, respectively, of appendix B of this part.) |
| Oxides of nitrogen | 630 parts per million dry volume. | 3-run average (for Method 7E, 1 hour minimum sample time per run). | Performance test (Method 7 or 7E at 40 CFR part 60, appendix A–4). |
| Particulate matter filterable. | 4.6 milligrams per dry standard cubic meter. | 30-day rolling average | PM CPMS (as specified in § 60.2710(x)) |
| Sulfur dioxide | 600 parts per million dry volume. | 3-run average (for Method 6, collect a minimum of 20 liters; for Method 6C, 1 hour minimum sample time per run). | Performance test (Method 6 or 6c at 40 CFR part 60, appendix A–4). |

[a] The date specified in the state plan can be no later than 3 years after the effective date of approval of a revised state plan or February 7, 2018.

[b] All emission limitations are measured at 7 percent oxygen, dry basis at standard conditions. For dioxins/furans, you must meet either the total mass basis limit or the toxic equivalency basis limit.

[c] If you are conducting stack tests to demonstrate compliance and your performance tests for this pollutant for at least 2 consecutive years show that your emissions are at or below this limit, you can skip testing according to § 60.2720 if all of the other provisions of § 60.2720 are met. For all other pollutants that do not contain a footnote "c", your performance tests for this pollutant for at least 2 consecutive years must show that your emissions are at or below 75 percent of this limit in order to qualify for skip testing, with the exception of annual performance tests to certify a CEMS or PM CPMS.

TABLE 9 TO SUBPART DDDD OF PART 60—MODEL RULE—EMISSION LIMITATIONS THAT APPLY TO SMALL, REMOTE INCINERATORS AFTER MAY 20, 2011

[Date to be specified in state plan] [a]

| For the air pollutant | You must meet this emission limitation [b] | Using this averaging time | And determining compliance using this method |
|---|---|---|---|
| Cadmium | 0.95 milligrams per dry standard cubic meter. | 3-run average (collect a minimum volume of 1 dry standard cubic meters per run). | Performance test (Method 29 at 40 CFR part 60, appendix A–8). |
| Carbon monoxide | 64 parts per million dry volume. | 3-run average (1 hour minimum sample time per run). | Performance test (Method 10 at 40 CFR part 60, appendix A–4). |
| Dioxins/furans (total mass basis). | 4,400 nanograms per dry standard cubic meter [b]. | 3-run average (collect a minimum volume of 1 dry standard cubic meters per run). | Performance test (Method 23 at 40 CFR part 60, appendix A–7). |
| Dioxins/furans (toxic equivalency basis). | 180 nanograms per dry standard cubic meter [b]. | 3-run average (collect a minimum volume of 1 dry standard cubic meters). | Performance test (Method 23 at 40 CFR part 60, appendix A–7). |
| Fugitive ash | Visible emissions for no more than 5 percent of the hourly observation period. | Three 1-hour observation periods | Visible emissions test (Method 22 at 40 CFR part 60, appendix A–7). |
| Hydrogen chloride | 300 parts per million dry volume. | 3-run average (For Method 26, collect a minimum volume of 120 liters per run. For Method 26A, collect a minimum volume of 1 dry standard cubic meter per run). | Performance test (Method 26 or 26A at 40 CFR part 60, appendix A–8). |
| Lead | 2.1 milligrams per dry standard cubic meter. | 3-run average (collect a minimum volume of 1 dry standard cubic meters). | Performance test (Method 29 at 40 CFR part 60, appendix A–8). Use ICPMS for the analytical finish. |
| Mercury | 0.0053 milligrams per dry standard cubic meter. | 3-run average (For Method 29 and ASTM D6784–02 (Reapproved 2008),[c] collect a minimum volume of 2 dry standard cubic meters per run. For Method 30B, collect a minimum sample as specified in Method 30B at 40 CFR part 60, appendix A). | Performance test (Method 29 or 30B at 40 CFR part 60, appendix A–8) or ASTM D6784–02 (Reapproved 2008).[c] |
| Oxides of nitrogen | 190 parts per million dry volume. | 3-run average (for Method 7E, 1 hour minimum sample time per run). | Performance test (Method 7 or 7E at 40 CFR part 60, appendix A–4). |
| Particulate matter (filterable). | 270 milligrams per dry standard cubic meter. | 3-run average (collect a minimum volume of 1 dry standard cubic meters). | Performance test (Method 5 or 29 at 40 CFR part 60, appendix A–3 or appendix A–8). |
| Sulfur dioxide | 150 parts per million dry volume. | 3-run average (for Method 6, collect a minimum of 20 liters per run; for Method 6C, 1 hour minimum sample time per run). | Performance test (Method 6 or 6c at 40 CFR part 60, appendix A–4). |

[a] The date specified in the state plan can be no later than 3 years after the effective date of approval of a revised state plan or February 7, 2018.

[b] All emission limitations (except for opacity) are measured at 7 percent oxygen, dry basis at standard conditions. For dioxins/furans, you must meet either the total mass basis limit or the toxic equivalency basis limit.

[c] Incorporated by reference, see § 60.17.

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Part III

## Environmental Protection Agency

40 CFR Part 63

National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters; Proposed Rule

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 63**

**[EPA–HQ–OAR–2002–0058; FRL–9919–28–OAR]**

**RIN 2060–AS09**

## National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** On January 31, 2013, the Environmental Protection Agency (EPA) finalized amendments to the national emission standards for the control of hazardous air pollutants (HAP) from new and existing industrial, commercial, and institutional boilers and process heaters at major sources of HAP. Subsequently, the EPA received 10 petitions for reconsideration of the final rule. The EPA is announcing reconsideration of and requesting public comment on three issues raised in the petitions for reconsideration, as detailed in the **SUPPLEMENTARY INFORMATION** section of this notice. The EPA is seeking comment only on these three issues. The EPA will not respond to any comments addressing any other issues or any other provisions of the final rule. Additionally, the EPA is proposing amendments and technical corrections to the final rule to clarify definitions, references, applicability and compliance issues raised by stakeholders subject to the final rule. Also, we propose to delete rule provisions for an affirmative defense for malfunction in light of a recent court decision on the issue.

**DATES:** *Comments.* Comments must be received on or before March 9, 2015, or 30 days after date of public hearing if later.

*Public Hearing.* If anyone contacts us requesting to speak at a public hearing by January 26, 2015, a public hearing will be held on February 5, 2015. If you are interested in attending the public hearing, contact Ms. Pamela Garrett at (919) 541–7966 or by email at *garrett.pamela@epa.gov* to verify that a hearing will be held.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2002–0058, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: A-and-R-Docket@epa.gov.* Include docket ID No. EPA–HQ–OAR–2002–0058 in the subject line of the message.
- *Fax:* (202) 566–9744, Attention Docket ID No. EPA–HQ–OAR–2002–0058.
- *Mail:* Environmental Protection Agency, EPA Docket Center (EPA/DC), Mail Code 28221T, Attention Docket ID No. OAR–2002–0058, 1200 Pennsylvania Avenue NW., Washington, DC 20460. The EPA requests a separate copy also be sent to the contact person identified below (see **FOR FURTHER INFORMATION CONTACT**).
- *Hand/Courier Delivery:* EPA Docket Center, Room 3334, EPA WJC West Building, 1301 Constitution Avenue NW., Washington, DC 20004, Attention Docket ID No. EPA–HQ–OAR–2002–0058. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID No. EPA–HQ–OAR–2002–0058. The EPA's policy is that all comments received will be included in the public docket without change and may be made available on-line at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

*Public Hearing:* If anyone contacts the EPA requesting a public hearing by January 26, 2015, the public hearing will be held on February 5, 2015 at the EPA's campus at 109 T.W. Alexander Drive, Research Triangle Park, North Carolina. The hearing will begin at 10:00 a.m. (Eastern Standard Time) and conclude at 5:00 p.m. (Eastern Standard Time). There will be a lunch break from 12:00 p.m. to 1:00 p.m. Please contact Ms. Pamela Garrett at 919–541–7966 or at *garrett.pamela@epa.gov* to register to speak at the hearing or to inquire as to whether or not a hearing will be held. The last day to pre-register in advance to speak at the hearing will be February 2, 2015. Additionally, requests to speak will be taken the day of the hearing at the hearing registration desk, although preferences on speaking times may not be able to be fulfilled. If you require the service of a translator or special accommodations such as audio description, please let us know at the time of registration. If you require an accommodation, we ask that you pre-register for the hearing, as we may not be able to arrange such accommodations without advance notice. The hearing will provide interested parties the opportunity to present data, views or arguments concerning the proposed action. The EPA will make every effort to accommodate all speakers who arrive and register. Because the hearing is being held at a U.S. government facility, individuals planning to attend the hearing should be prepared to show valid picture identification to the security staff in order to gain access to the meeting room. Please note that the REAL ID Act, passed by Congress in 2005, established new requirements for entering federal facilities. If your driver's license is issued by Alaska, American Samoa, Arizona, Kentucky, Louisiana, Maine, Massachusetts, Minnesota, Montana, New York, Oklahoma or the state of Washington, you must present an additional form of identification to enter the federal building. Acceptable alternative forms of identification include: Federal employee badges, passports, enhanced driver's licenses and military identification cards. In addition, you will need to obtain a property pass for any personal belongings you bring with you. Upon leaving the building, you will be required to return this property pass to the security desk. No large signs will be allowed in the building, cameras may only be used outside of the building and demonstrations will not be allowed on federal property for security reasons. The EPA may ask clarifying questions during the oral presentations, but will not respond to the presentations at that time. Written statements and supporting information submitted during the comment period will be considered with the same weight

as oral comments and supporting information presented at the public hearing. A hearing will not be held unless requested.

*Docket:* All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the EPA Docket Center (EPA/DC), Room 3334, EPA WJC West Building, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Air Docket is (202) 566–1742.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jim Eddinger, Energy Strategies Group, Sector Policies and Programs Division (D243–01), Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–5426; facsimile number: (919) 541–5450; email address: *eddinger.jim@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

*Organization of this Document.* The following outline is provided to aid in locating information in the preamble.

I. General Information
A. What is the source of authority for the reconsideration action?
B. What entities are potentially affected by the reconsideration action?
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G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use
I. National Technology Transfer and Advancement Act
J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

## I. General Information

### *A. What is the source of authority for the reconsideration action?*

The statutory authority for this action is provided by sections 112 and 307(d)(7)(B) of the Clean Air Act as amended (42 U.S.C. 7412 and 7607(d)(7)(B)).

### *B. What entities are potentially affected by the reconsideration action?*

Categories and entities potentially regulated by this action include:

| Category | NAICS Code [1] | Examples of potentially regulated entities |
|---|---|---|
| Any industry using a boiler or process heater as defined in the final rule. | 211 | Extractors of crude petroleum and natural gas. |
| | 321 | Manufacturers of lumber and wood products. |
| | 322 | Pulp and paper mills. |
| | 325 | Chemical manufacturers. |
| | 324 | Petroleum refineries, and manufacturers of coal products. |
| | 316, 326, 339 | Manufacturers of rubber and miscellaneous plastic products. |
| | 331 | Steel works, blast furnaces. |
| | 332 | Electroplating, plating, polishing, anodizing, and coloring. |
| | 336 | Manufacturers of motor vehicle parts and accessories. |
| | 221 | Electric, gas, and sanitary services. |
| | 622 | Health services. |
| | 611 | Educational services. |

[1] North American Industry Classification System.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. To determine whether your boiler or process heater is regulated by this action, you should examine the applicability criteria in 40 CFR 63.7485. If you have any questions regarding the applicability of this action to a particular entity, consult either the air permitting authority for the entity or your EPA regional representative, as listed in 40 CFR 63.13 of subpart A (General Provisions).

### *C. What should I consider as I prepare my comments for the EPA?*

*Submitting CBI.* Do not submit this information to the EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to the EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. Send or deliver information identified as CBI to only the following address: Mr. Jim Eddinger, c/o OAQPS Document Control Officer (Mail Drop C404–02), U.S. EPA, Research Triangle Park, NC 27711, Attention Docket ID No. EPA–HQ–OAR–2002–0058.

*Docket.* The docket number for this notice is Docket ID No. EPA–HQ–OAR–2002–0058.

*World Wide Web (WWW).* In addition to being available in the docket, an electronic copy of this notice will be posted on the WWW through the

Technology Transfer Network Web site (TTN Web). Following signature, the EPA will post a copy of this notice at *http://www.epa.gov/ttn/atw/boiler/boilerpg.html.* The TTN provides information and technology exchange in various areas of air pollution control.

## II. Background

On March 21, 2011, the EPA promulgated national emissions standards for hazardous air pollutants (NESHAP) for the Major Source Boilers and Process Heaters source category. The EPA received a number of petitions for reconsideration on that action, and granted reconsideration on certain issues raised in the petitions. On January 31, 2013, the EPA promulgated amendments to the NESHAP for new and existing industrial, commercial, and institutional boilers and process heaters located at major sources (78 FR 7138). Following promulgation of the January 31, 2013, final rule, the EPA received 10 petitions for reconsideration pursuant to section 307(d)(7)(B) of the Clean Air Act (CAA). The EPA received petitions dated March 28, 2013, from New Hope Power Company and the Sugar Cane Growers Cooperative of Florida. The EPA received a petition dated March 29, 2013, from the Eastman Chemical Company. The EPA received petitions dated April 1, 2013, from Earthjustice, on behalf of Sierra Club, Clean Air Council, Partnership for Policy Integrity, Louisiana Environmental Action Network, and Environmental Integrity Project; American Forest and Paper Association on behalf of American Wood Council, National Association of Manufacturers, Biomass Power Association, Corn Refiners Association, National Oilseed Processors Association, Rubber Manufacturers Association, Southeastern Lumber Manufacturers Association, and U.S. Chamber of Commerce; the Florida Sugar Industry; Council of Industrial Boiler Owners, American Municipal Power, Inc., and American Chemistry Council; American Petroleum Institute; and the Utility Air Regulatory Group which also submitted a supplemental petition on July 3, 2013. Finally, the EPA received a petition dated July 2, 2013, from the Natural Environmental Development Association's Clean Air Project and the Council of Industrial Boiler Owners. The petitions are available for review in the rulemaking docket (see Docket ID No. EPA–HQ–OAR–2002–0058).

On August 5, 2013, the EPA issued letters to the petitioners granting reconsideration on three specific issues raised in the petitions for reconsideration and indicating that the agency would issue a **Federal Register** notice regarding the reconsideration process.[1] This action requests comment on the three issues for which the EPA granted reconsideration and proposes certain revisions to the definitions of startup and shutdown and the work practices that apply during startup and shutdown periods. Additionally, the letters indicated that the EPA intends to make certain clarifying changes and corrections to the final rule, some of which were also raised in the petitions for reconsideration. This action proposes revisions to the regulatory text that would make those clarifications and corrections.

## III. Discussion of the Issues Under Reconsideration

The EPA took final action on its proposed amendments to the March 2011 NESHAP on January 31, 2013, (78 FR 7138) to address certain issues raised in the petitions for reconsideration of the 2011 NESHAP.

The January 31, 2013, amendments revised, among other things, the definitions of ''startup'' and ''shutdown'' as well as the work practice requirements for the startup and shutdown periods. The amendments also established a carbon monoxide (CO) threshold level as an appropriate minimum maximum achievable control technology (MACT) floor level that adequately assures sources will be controlling organic HAP emissions to MACT levels. The amendments also replaced the requirement for certain units to install and operate a continuous emission monitoring system (CEMS) measuring particulate matter (PM) emissions with a requirement to install and operate a PM continuous parameter monitoring system (CPMS) which established reporting requirements for deviations and established conditions under which PM CPMS deviations would constitute a presumptive violation of the NESHAP. The EPA received petitions for reconsideration of certain aspects of these requirements, and granted reconsideration of the following three issues on August 5, 2013, to provide an additional opportunity for public comment:

- Definition of startup and shutdown periods and the work practices that apply during such periods;
- Revised CO limits based on a minimum CO level of 130 parts per million (ppm); and
- The use of PM CPMS, including the consequences of exceeding the operating parameter.

The reconsideration petitions stated that the public lacked sufficient opportunity to comment on these provisions. Although these provisions were established after consideration of public comments received on the proposed rule, the EPA is granting reconsideration on these issues in order to allow an additional opportunity for comment. These issues are discussed in more detail in the following sections.

For the startup and shutdown provisions, the EPA is proposing certain revisions to the definitions of startup and shutdown and to the work practice standard that applies during the startup and shutdown periods. The proposed revision to the definition of startup is the addition of an alternate definition of startup. The revision to the work practice standard that applies during the startup period is the addition of an alternate work practice provision regarding the engaging of control devices that applies during startup periods. The EPA is not proposing revisions to the CO limits or the use of PM CPMS, but will consider any input that we receive in this additional public comment opportunity.

Additionally, the EPA is proposing certain clarifying changes and corrections to the final rule, some of which were also raised in the petitions for reconsideration. Specifically, these are: (1) Clarify issues related to the applicability of the major source boiler rule to natural gas-fired electric utility steam generating units (EGUs); (2) clarify the compliance date for coal- or oil-fired EGUs that become subject to the major source boiler rule; (3) correct a conversion error in the MACT floor calculation for existing hybrid suspension grate boilers; (4) clarify certain recordkeeping requirements, including, for example, those related to records for periods of startup and shutdown for boilers and process heaters in the Gas 1 subcategory. The EPA also proposes to clarify and correct certain inadvertent inconsistencies in the final rule regulatory text, such as removal of unnecessary references to statistical equations, inclusion of averaging time for operating load limits in Table 8 to the final rule, and correction of the compliance date for new sources to reflect the effective date of the final rule.

### *A. Startup and Shutdown Provisions*

The EPA received petitions asserting that the public lacked an opportunity to comment on the startup and shutdown provisions amended in the January

[1] The EPA is still reviewing the other issues raised in the petitions for reconsideration and is not taking any action at this time with respect to those issues.

2013, final rule. Specifically, petitioners asserted that the definitions of ''startup'' and ''shutdown'' in the amended final rule failed to address restarts of process heaters and that the provisions for work practice standards did not adequately address fuels considered ''clean'' and operational limitations for certain pollution control devices.

In response to petitions for reconsideration received on the March 2011 NESHAP, the EPA proposed definitions of ''startup'' and ''shutdown'' in December 2011 that were based on load specifications. The EPA received comments on the proposed definitions stating that load specifications within the definitions were inconsistent with either safe or normal (proper) operation of the various types of boilers and process heaters encountered within the source category. As the basis for defining periods of startup and shutdown, a number of commenters suggested that the EPA instead use the achievement of various steady-state conditions. The definitions in the January 2013 final rule addressed these comments by defining startup and shutdown based on the time during which fuel is fired in a boiler or process heater for the purpose of supplying steam or heat for heating and/or producing electricity or for any other purpose. As explained in the preamble to the January 2013 final rule, the EPA believes these definitions are appropriate because boilers and process heaters function to provide steam or heat; therefore, boilers and process heaters should be considered to be operating normally at all times steam or heat of the proper pressure, temperature and flow rate is being supplied to a common header system or energy user(s) for use as either process steam or for the cogeneration of electricity.

The EPA also proposed work practices for startup and shutdown periods in the December 2011 notice, which generally required employing good combustion practices. In the January 2013 final rule, the EPA revised the proposed work practice standards after consideration of comments received. Among other things, the revised final work practice standards required sources to combust clean fuels during startup and shutdown periods and required sources to engage air pollution control devices (APCDs) when coal, biomass or heavy oil are fired in the boiler or process heater. (See 78 FR 7198–99.)

We are granting reconsideration on the definitions of startup and shutdown and the work practices that apply during these periods that are in the January 2013 final rule and are also proposing certain revisions to these aspects of the startup and shutdown provisions that are in the January 2013 final rule. We are also proposing an alternate definition of startup and an alternate work practice provision regarding the engaging of pollution control devices.

1. Definitions

We are soliciting comment on the definition of startup and shutdown that were promulgated in the January 2013 final rule, with the clarifying revisions explained below. We are proposing to revise the definitions of startup and shutdown in this reconsideration notice as set forth in 40 CFR 63.7575. Petitioners asserted that the final rule's definitions of startup and shutdown were not sufficiently clear. We are proposing to revise the definitions as explained below.

a. *Definition of Startup Period.* In addition to soliciting public comment on the definition of startup contained in the January 2013 final rule, the EPA is proposing to add an alternate definition to the definition of startup that is in the January 2013 final rule. We are proposing to allow sources to use either definition of startup when complying with the startup requirements. As explained in more detail below, under the alternate definition, startup would end four hours after the unit begins supplying useful thermal energy.

Specifically, the EPA is proposing the alternate definition to clarify that, in terms of the first-ever firing of fuel, startup begins when fuel is fired for the purpose of supplying useful thermal energy (such as steam or heat) for heating, process, cooling, and/or producing electricity and to clarify that startup ends 4 hours after when the boiler or process heater makes useful thermal energy. The proposed clarification regarding the end of startup would apply to first-ever startups as well as startups occurring after shutdown events. With regard to when startup begins after a shutdown event, the alternate definition is the same as the definition in the January 31, 2013, final rule. That is, startup begins with the firing of fuel in a boiler for any purpose after a shutdown event.

In this alternate definition, we are proposing the clarification regarding the first-ever firing of fuel to address implementation issues regarding ''pre-startup'' activities that are done as part of installing a new boiler or process heater. Under the January 2013 definition of ''startup,'' a new boiler or process heater would be considered to have started up, and be subject to the rule, when it first fires fuel ''for any purpose.'' However, a newly installed unit needs to be tested to ensure that it was properly installed and will operate as it was designed and that all associated components were also properly installed and will operate as designed. The EPA did not intend for the startup period to begin when newly installed units first fire fuel for testing or other pre-startup purposes because such firing of fuel does not represent normal operation of the unit.

The EPA is also proposing in the alternate definition to replace the term ''steam and heat'' in the January 2013 definition of startup with the term ''useful thermal energy.'' This proposed revision would apply to first-ever startups as well as startups after shutdown events and is intended to address the issue raised by petitioners that the language in the January 2013 definition regarding the end of the startup period is ambiguous since once fuel is fired some steam or heat is generated but not in useful or controllable quantities. The petitioners comment that it takes time for steam and process fluid to be heated to adequate temperatures and pressures for beneficial use and that steam or heat should not be construed to be supplied until it is of adequate temperature and pressure. The EPA agrees with petitioners that the startup period should not end until such time as fuel is fired resulting in steam or heat that is useful thermal energy because it takes time for steam and process fluids to be heated to adequate temperatures and pressures for beneficial use. We believe the appropriate criteria for ending startup in the definition should be when useful steam is supplied. This proposed change doesn't alter EPA's determination that it is not technically feasible to require stack testing, in particular, to complete the multiple required test runs during periods of startup and shutdown due to physical limitations and the short duration of startup and shutdown periods.

In order to clarify the term ''useful thermal energy,'' we are proposing a definition for ''useful thermal energy'' as follows:

*Useful thermal energy* means energy (*i.e.,* steam, hot water, or process heat) that meets the minimum operating temperature and/or pressure required by any energy use system that uses energy provided by the affected boiler or process heater.

The EPA received several petitions for reconsideration of the definition of startup in the January 2013 final rule. The petitioners commented that this definition does not account for a wide range of boilers that operationally are

still in startup mode even after some steam or heat is supplied to the plant. Specifically, the petitioners commented that what constitutes ''startup'' for all boilers varies widely. For example, petitioners claimed that some boilers begin to supply steam or heat for some purposes onsite before they have achieved necessary temperature or load to engage emission controls.

The petitioners commented that according to the final rule, a boiler supplying even a small amount of steam would no longer be in startup and would be required at that point in time to engage emission controls. However, petitioners noted that according to equipment specifications and established safe boiler operations, a boiler operator should not engage emission controls until specific parameters are met.

The petitioners expressed that, above all, the boiler/process heater operator's primary concern during startup is safety. The startup procedures must ensure that the equipment is brought up to normal operating conditions in a safe manner, and startup ends when the boiler/process heater and its controls are fully functional. The end of startup occurs when safe, stable operating conditions are reached, after emissions controls are properly operating. The startup provisions should not include requirements that could affect safe operating practices.

The EPA agrees with the petitioners that the startup period should not end until such time that all control devices have reached stable conditions. The EPA has very limited information specifically for industrial boilers on the hours needed for controls to reach stable conditions after the start of supplying useful thermal energy. However, the EPA does have information for EGUs on the hours to stable control operation after the start of electricity generation. Using hour-by-hour emissions and operation data for EGUs reported to the agency under the Acid Rain Program, we found that controls used on the best performing 12 percent EGUs reach stable operation within 4 hours after the start of electricity generation. See technical support document titled ''Assessment of Startup Period at Coal-Fired Electric Generating Units—Revised'' in the docket. Since the types of controls used on EGUs are similar to those used on industrial boilers and the start of electricity generation is similar to the start of supplying useful thermal energy, we believe that the controls on the best performing industrial boilers would also reach stable operation within 4 hours after the start of supplying useful thermal energy and have included this timeframe in the proposed alternate definition.[2] This conclusion is supported by the very limited information (13 units) the EPA does have on industrial boilers and by information submitted by the Council of Industrial Boiler Owners obtained from an informal survey of its members on the time needed to reach stable conditions during startup. We welcome comment and additional information on this point during the public comment period.

b. *Definition of Shutdown.* In today's action, the EPA is proposing to revise the definition of shutdown in the January 2013 final rule. The EPA is proposing to clarify that shutdown begins when the boiler or process heater no longer makes useful thermal energy and ends when the boiler or process heater no longer makes useful thermal energy and no fuel is fired in the boiler or process heater. Specifically, the EPA is proposing to revise the regulatory text to replace the term ''steam and heat'' with the term ''useful thermal energy'' to address the same issue as raised by petitioners regarding the language in the definition of ''startup'' described above. The EPA did not intend for the shutdown period to begin until such time as fuel is no longer fired for the purpose of creating useful thermal energy.

The EPA received several petitions for reconsideration of the definition of shutdown in the January 2013 final rule. The petitioners expressed concerns that the definition is problematic for units firing solid fuels on a grate or in a fluidized bed combustor where the residual material in the unit keeps burning after fuel feed to the unit is stopped. In this case, petitioners explained that fuel is still burning (''being fired'') in the unit despite the fact that load reduction is occurring, additional fuel is not being fed, and the shutdown process has clearly begun. For this reason, petitioners recommend that the shutdown definition be revised to state that shutdown begins either when none of the steam and heat from the boiler or process heater is supplied for heating and/or producing electricity or when fuel is no longer being fed to the boiler or process heater and that shutdown ends when there is both no steam or heat being supplied and no fuel being combusted in the boiler or process heater.

The EPA agrees with the petitioners' concerns and intended that the shutdown period would begin when fuel is no longer being fired for the purpose of creating useful thermal energy. The proposed revisions would address the concern raised by the petitioner. The proposed revision is appropriate because as the petitioners commented, for certain types of boilers where the fuel is combusted on a grate or bed, fuel firing may be considered to continue even after fuel feed to the unit is stopped.

2. Work Practice Standards

In today's action, the EPA is proposing to revise the work practice standards in the January 2013 final rule that apply during periods of startup and shutdown. Specifically, the EPA is proposing revisions to the list of ''clean fuel'' in the January 2013 final rule and is proposing an alternate work practice requirement for periods of startup and shutdown. Sources would have the choice of complying with the work practice requirement contained in the January 2013 final rule or the alternate work practice requirement proposed in today's action. Additionally, EPA is proposing a process through which sources can seek an extension of the time period by which the alternate work practice provision requires PM controls to be engaged, based on documented safety considerations. Finally, EPA is proposing certain recordkeeping and monitoring requirements that would apply to sources that choose to comply with the alternate work practice. These proposed provisions are described in more detail below.

a. *Clean Fuel Requirement.* The January 2013 final rule requires sources to startup on ''clean fuel.'' The definition of ''clean fuel'' includes several fuels but does not include coal or biomass or other solid fuels that many sources use during boiler startup. In the December 2011 proposed rule, we solicited comment on ''whether other work practices should be required during startup and shutdown, including requirements to operate using specific fuels to reduce emissions during such periods.''

In a petition for reconsideration, the petitioners claimed that the list of clean fuels, as written, is too narrow. They requested that the EPA expand the list to include all gaseous fuels meeting the ''other gas 1'' classification as well as biodiesel, as distillate oil is sometimes a biodiesel blend. They also requested that fuels that meet the total selected metals (TSM), hydrogen chloride (HCl),

[2] It is important to remember that the hour at which startup ends is the hour at which reporting for the purpose of determining compliance begins. Therefore, sources must collect and report operating limit data following the end of startup. These data are used in calculating whether a source is in compliance with the 30-day average operating limits.

and mercury emission limits using fuel analysis should be added to the list of clean fuels. Dry biomass (less than 20-percent moisture content) should also be added to the list of clean fuels because they claim it will burn cleaner than other solid fuels. Specifically, they claim that it is a clean fuel for startup because it exhibits low HCl, mercury and CO emissions due to its chloride, mercury, and moisture content, and PM emissions would likely be below the dry biomass subcategory PM limit. Therefore, the petition states that it is a reasonable work practice for solid fuel boilers to burn only dry biomass as clean fuel during startup. In addition, the petition recommends that permitting authorities should have the flexibility to approve other clean fuels that EPA may not have considered (*e.g.,* other renewable fuels).

We are proposing two changes to the list of clean fuels for starting up a boiler or process heater. We agree that the list should include all gaseous fuels meeting the ''other gas 1'' classification. Also, we agree that any fuels that meet the applicable TSM, HCl and mercury emission limits using fuel analysis should be added to the list of clean fuels because their mercury, HCl and metals emissions would be in compliance with the applicable emission limits without the use of control devices. Sources would demonstrate compliance either through fuel analysis for the relevant parameters or stack testing. The EPA does not believe it is necessary to revise the regulatory text of the ''clean fuel'' definition to specifically include biodiesel on the list since the definition of ''distillate oil'' in the rule includes biodiesel.

b. *Engaging Pollution Control Devices.* The January 2013 final rule required boilers and process heaters when they start firing coal/solid fossil fuel, biomass/bio-based solids, heavy liquid fuel or gas 2 (other) gases to engage applicable pollution control devices except for limestone injection in fluidized bed combustion (FBC) boilers, dry scrubbers, fabric filters, selective non-catalytic reduction (SNCR) and selective catalytic reduction (SCR), which must start as expeditiously as possible. The EPA received several petitions for reconsideration of this aspect of the work practice standard.

The petitioners expressed concerns that the requirement for engaging applicable control devices does not accommodate potential safety problems relative to electrostatic precipitator (ESP) operation. Comments and recommended manufacturer operating procedures provided to the EPA during the comment period for the December 2011 proposal explained the potential hazards associated with ESP energization when unburned fuel may be present with oxygen levels high enough that the mixture can be in the flammable range. The petitioners referenced these comments and requested that the EPA needs to reconsider this safety issue and revise the requirements to include ESP energization with the other controls that are to be started as expeditiously as possible rather than when solid fuel firing is first started. In addition, they claim that the ESP cannot practically be engaged until a certain flue gas temperature is reached. Specifically, they claim that premature starting of this equipment will lead to short-term stability problems that could result in unsafe actions and longer term degradation of ESP performance due to fouling, increased chances of wire damage, or increased corrosion within the chambers. They also state that vendors providing this equipment incorporate these safety and operational concerns into their standard operating procedures. For example, they claim that some ESPs have oxygen sensors and alarms that shut down the ESP at high flue gas oxygen levels to avoid a fire in the unit. The oxygen level is typically high during startup, so the ESP may not engage due to these safety controls until more stable operating conditions are reached. Therefore, the petitioners request that ESPs be included in the list of air pollution controls that must be started as expeditiously as possible.

Considering the petitioners' comments, the EPA is proposing an alternate work practice requirement for operating air pollution control devices during periods of startup as follows.

Boilers and process heaters owners and operators shall, when firing coal/solid fossil fuel, biomass/bio-based solids, heavy liquid fuel or gas 2 (other) gases, vent emissions to the main stack(s) and engage all of the applicable control devices so as to comply with the emission limits within 4 hours of start of supplying useful thermal energy. Owners and operators must effect PM control within one hour of first firing coal/solid fossil fuel, biomass/bio-based solids, heavy liquid fuel or gas 2 (other) gases. Owners and operators must start all applicable control devices as expeditiously as possible, but, in any case, when necessary to comply with other standards applicable to the source by a permit limit or a rule other than this subpart that require operation of the control devices.

The EPA believes that the control technology operation related requirements we are proposing are practicable and broadly applicable. Owners and operators of boilers and process heaters have options to minimize any potential for detrimental impacts on hardware and any safety concerns, such as using clean fuels until appropriate flue gas conditions have been reached and then switching to the primary fuel. In addition, we are proposing in the alternate work practice requirement that owners and operators of boilers and process heaters, if they have an applicable emission limit, must develop and implement a written startup and shutdown plan (SSP) according to the requirements in Table 3 to this subpart and that the SSP must be maintained onsite and available upon request for public inspection. Also in the alternate work practice requirement, we are proposing to allow a source to request a unit-specific case-by-case extension to the 1-hour period for engaging the PM controls. However, the EPA will only consider extensions for units that can provide evidence of a documented manufacturer-identified safety issue and can provide proof that the PM control device is adequately designed and sized to meet the filterable PM emission limit. In its request for the case-by-case determination, the owner/operator must provide, among other materials, documentation that: (1) The unit is using clean fuels to the maximum extent possible to alleviate or prevent the safety issue prior to the combustion of coal/solid fossil fuel, biomass/bio-based solids, heavy liquid fuel or gas 2 (other) gases in the unit, (2) the source has explicitly followed the manufacturer's procedures to alleviate or prevent the safety issue, (3) details the manufacturer's statement of concern, and (4) provides evidence that the PM control device is adequately designed and sized to meet the PM emission limit.

In order to clarify that the work practice does not supersede any other standard or requirements to which the affected source is subject, the EPA is including in the proposed alternate work practice provision a requirement that requires control devices to operate when necessary to comply with other standards (*e.g.,* new source performance standards, state regulations) applicable to the source that require operation of the control device.

In addition, to ensure compliance with the proposed definition of startup and the work practice standard that applies during startup periods, we are proposing that certain events and parameters be monitored and recorded during the startup periods. These events include the time when firing (*i.e.,* feeding) starts for coal/solid fossil fuel,

biomass/bio-based solids, heavy liquid fuel or gas 2 (other) gases; the time when useful thermal energy is first supplied; and the time when the PM controls are engaged. The parameters to be monitored and recorded include the hourly steam temperature, hourly steam pressure, hourly flue gas temperature, and all hourly average CMS data (*e.g.,* CEMS, PM CPMS, continuous opacity monitoring systems (COMS), ESP total secondary electric power input, scrubber pressure drop, scrubber liquid flow rate) collected during each startup period to confirm that the control devices are engaged.

We request comments on (1) the startup and shutdown provisions (definitions and work practices) in the January 2013 final rule, (2) the proposed alternate definition for ''startup'' and the proposed alternate work practice (item 5.c.(2) of Table 3 of proposed rule) for the startup period, and (3) the recordkeeping requirements being proposed for the startup periods.

*B. CO Limits Based on a Minimum CO Level of 130 ppm*

In the January 2013 final rule, EPA established a CO emission limit for certain subcategories at a level of 130 ppm, based on an analysis of CO levels and associated organic HAP emissions reductions. See 78 FR 7144. The EPA received a petition for reconsideration of these CO limits in the January 2013 final rule. The petitioner claimed that these limits do not satisfy the statutory requirement that the MACT standard for existing sources is no less stringent than the average emission limitation achieved by the best performing twelve percent of units in the subcategory and that EPA's rationale for adopting these limits is unrelated to this statutory MACT requirement.

The EPA revised these particular CO limits in the January 2013 final rule in part based on comments received during the comment period for the December 2011 proposed rule stating that a CO emission standard no lower than 100 ppm, corrected to 7-percent oxygen, is adequate to assure complete control of organic HAP.

As explained in the preamble to the January 2013 final rule, formaldehyde was selected as the basis of the organic HAP comparison because it was the most prevalent organic HAP in our emission database and a large number (over 300) of paired test runs existed for CO and formaldehyde. The linear relationship between CO and formaldehyde emissions exhibits a high correlation for CO levels above 150 ppm, supporting the selection of CO as a surrogate for organic HAP emissions. In assessing the correlation between CO and formaldehyde, a trend can be seen that formaldehyde levels are lowest when CO emissions are in the range of 150 to 300 ppm. At levels lower than 150 ppm, the mean levels of formaldehyde appear to increase. Based on this analysis, we promulgated a minimum MACT floor level for CO of 130 ppm, at 3-percent oxygen, (which is equivalent to 100 ppm corrected to 7-percent oxygen) which we believe is protective of human health and the environment.

The EPA does not believe the petitioners have provided sufficient justification that the revised CO limits in the January 2013 final rule do not satisfy the CAA's statutory floor requirements, and the EPA continues to believe that these standards do in fact satisfy the CAA's floor requirements. CAA section 112(d)(3) states that emission standards for existing sources shall not be less stringent, and may be more stringent than ''the average emission limitation achieved by the best performing sources (for which the Administrator has emission information).'' If ''lowest emitting'' is used as the measure for determining ''best performing'' sources, then the 130 ppm standard does satisfy the CAA's floor requirements. When the available formaldehyde emission information is ranked and the best performing 12 percent identified, the mathematical average of the best performing units' corresponding CO emission levels is 240 ppm which is in the range, previously indicated, that formaldehyde emission levels are lowest.

However, in consideration of the fact that the public lacked the opportunity to comment on the CO emission limits established at the level of 130 ppm, corrected to 3-percent oxygen, the EPA has granted reconsideration on the CO emission limits established at the level of 130 ppm, corrected to 3-percent oxygen, to provide an additional opportunity for public comment on those limits. The EPA is not soliciting comment on any other CO limits, or on other issues relating to establishment of CO limits, including the question of whether EPA should establish work practice standards for CO instead of numeric limits.

If, after evaluating all comments and data received on this issue, the EPA determines that amendments to the CO emission limits established at the level of 130 ppm, corrected to 3-percent oxygen, may be appropriate, we will propose such amendments in a future regulatory action.

*C. Use of PM CPMS Including Consequences of Exceeding the Operating Parameter*

The January 2013 amended final rule requires units combusting solid fossil fuel or heavy liquid with heat input capacities of 250 million British thermal units per hour (MMBtu/hr) or greater to install, maintain, and operate PM CPMS. The provisions regarding PM CPMS in the January 2013 final rule are consistent with regulations for similarly-sized commercial and industrial solid waste incinerator units, Portland cement kilns, and EGUs subject to the Mercury and Air Toxics Standards (MATS) Rule.

The March 21, 2011, final rule required boilers with a heat input rate greater than 250 MMBtu/hr from solid fuel and/or residual oil to install and operate a PM CEMS to demonstrate compliance with the applicable PM emission limit. In petitions for reconsideration to the March 2011 final rule, petitioners objected to this requirement, claiming that the EPA had failed to consider the ability of PM CEMS to meet the required Performance Specification 11 (PS 11) criteria, or to accurately measure PM, at the levels of the proposed standards. In the December 2011 Reconsideration proposal, the EPA acknowledged petitioners' concerns regarding application of PM CEMS technology to various types of boilers, and concluded that for coal- and oil-fired boilers PM CEMS would best be employed as parametric monitors (*i.e.,* as a PM CPMS). Specifically, rather than correlate the PM CEMS to the EPA reference method using PS 11, the EPA proposed that sources establish a site-specific enforceable operating limit in terms of the PM CPMS output during the initial and periodic performance tests, and meet that operating limit on a 30-day rolling average basis. However, commenters objected to the EPA's proposal to impose an enforceable site-specific operating limit based on output during a short-term stack test which would not capture the variability in PM CPMS output that may occur during operations consistent with the PM limit.

In the January 2013 final rule, the EPA finalized the requirement for use of a PM CPMS, but added provisions allowing sources a certain number of exceedances of the operating parameter limit before an exceedance would be presumed to be a violation, and allowing certain low emitting sources to ''scale'' their site-specific operating limit to 75 percent of the emission standard. Specifically, under the January 2013 final rule, boilers opting to

use PM CPMS will establish an operating limit as the average parameter value (in terms of raw output from a PM CEMS) obtained during the performance test and, if the boiler did not exceed 75 percent of the emission limit during the performance test, the boiler may linearly scale the average parameter value up to 75 percent of the limit to obtain a new scaled parameter. Compliance with the parameter limit is determined on a 30-boiler-operating-day rolling average basis. For any exceedance of the 30-boiler-operating-day PM CPMS value, the owner or operator must (1) inspect the control device within 48 hours and, if a cause is identified, take corrective action as soon as possible, and (2) conduct a new performance test to verify or reestablish the operating limit within 30 calendar days. Additional exceedances that occur between the original exceedance and the performance test do not trigger another test. Up to four performance tests may be triggered in a 12-month rolling period without additional consequences. However, each additional performance test that is triggered would constitute a separate presumptive violation.

The EPA received a petition for reconsideration on the use of PM CPMS. Specifically, the petitioner stated that while the option has the advantage of avoiding the testing issues associated with PS 11 correlations of PM CEMS, absent that correlation the parameter is nothing more than an indicator that PM may be increasing or decreasing. Therefore, while it is useful as a tool to identify the need for investigation and corrective action, the petitioner does not believe it is an appropriate tool to establish a violation as long as the requirement for corrective action is met.

The petitioner claimed that any affected boiler that tests at its normal operating condition to establish a PM CPMS operating limit could be testing at a level well below the applicable emission limit. For such a boiler, the petitioner does not believe there is any basis to assume that an exceedance (or even multiple exceedances) of a 30-boiler-operating-day rolling average parameter limit indicates that the emission limit was exceeded, or that controls were not operated properly. Rather, the petitioner claims, it simply means that emissions on average probably were above the level of emissions during the last successful performance test. Unless the source has collected data to determine what PM CPMS parameter level is equivalent to a violation of the emission standard, the petitioner states that there is no basis to suggest that any parameter exceedance is a violation. The petitioner also argued that if a source that has invested in a PM CPMS is conducting appropriate investigations and corrective action in response to parameter exceedances, there is no basis to label the source a violator as a result of its fourth successful performance test in a 12-month period.

In its petition for reconsideration, the petitioner also expressed concerns about the scaling procedure that the EPA added to that rule in an attempt to address the fact that ''actual stack emissions of PM could still be well below the limit.'' The petitioner expressed appreciation of the EPA's attempt to address that issue for industrial boilers by also allowing scaling of the as-tested parameter value. However, the petitioner claims that EPA's use of 75 percent of the emission level as the upper point is arbitrary and still puts sources that are operating with significant compliance margin at risk of a violation. For a scaled limit to justify a violation, the petitioner believes that the EPA must establish not only the consistency of the uncorrelated measurements over time, but allow scaling up to 100 percent of the emission limit. Only at that point would there be a reasonable basis to conclude that a performance test might have failed.

In sum, the petitioner claimed that for PM CPMS to be useful as an alternative to stack testing for compliance with the alternate TSM standards or PM CEMS, the EPA must (1) allow scaling up to 100 percent of the emission limit, and (2) remove its definition of a violation in favor of a pure investigation and corrective action approach.

The EPA is not proposing to revise the PM CPMS provisions in the January 31, 2013, final rule. The basis for the inclusion of the definition of a violation is that the site-specific CPMS limit could represent an emissions level higher than the proposed numerical emissions limit since the PM CPMS operating limit corresponds to the highest of the three runs collected during the Method 5 performance test. Second, the PM CPMS operating limit reflects a 30-day average that should represent an actual emissions level lower than the three test run numerical emissions limit since variability is mitigated over time. Consequently, we believe that there should be few if any deviations from the 30-day parametric limit and there is a reasonable basis for presuming that deviations that lead to multiple performance tests to represent poor control device performance and to be a violation of the standard. We continue to believe that there should be few if any deviations from the 30-day parametric limit and that there is a reasonable basis for presuming that deviations that lead to multiple performance tests represent poor control device performance and therefore constitute a presumptive violation of the standard, particularly since that presumption can be rebutted. Therefore, we continue to believe that PM CPMS deviations leading to more than four required performance tests in a 12-month process operating period should be presumed a violation of this standard, subject to the source's ability to rebut that presumption with information about process and control device operations in addition to the Method 5 performance test results. Therefore, the EPA is not proposing to revise that PM CPMS provision in the January 2013 final rule.

Based on an extensive analysis (see S. Johnson's memo ''Establishing an Operating Limit for PM CPMS'', November 2012, docket ID number EPA–HQ–OAR–2011–0817–0840), we also continue to believe a scaling factor of 75 percent of the emission limit as a benchmark is appropriate and are not proposing to revise that provision of the January 2013 final rule. We recognized that non-linear instruments provide increased uncertainty in estimating PM concentrations above the performance test data point and, after considering several options, we determined that the 75-percent scaling cap was appropriate for protecting the emission standard in this regard. This option provided flexibility for low emitting and well-operated sources, and was determined to be a reasonable compromise between flexibility for the regulated source and assurance that the emission standard is met. Seventy-five percent of the emission limit is an already-established threshold in the Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Unit (76 FR 15757) to determine the frequency of subsequent compliance testing. In that rule, owners or operators of sources were able to reduce their performance test frequency when emissions were equivalent with or below 75 percent of the limits. Otherwise, performance testing was to occur at the normal frequency prescribed in the rule. We believe this threshold can be used in conjunction within a PM CPMS scaling factor, as results above 75 percent of the equivalent emissions limit would be ineligible for scaling factor use and could lead to increased performance testing and potentially to a presumptive

violation, while results equivalent with or below 75 percent of the emissions limit would be eligible for scaling factor use and provide greater operational flexibility for sources demonstrating compliance at lower emission rates.

For these reasons, the EPA is not proposing to revise the requirements in 40 CFR 63.7440(a)(18) for demonstrating continuous PM emission compliance using a PM CPMS. However, the EPA is soliciting additional comment on these requirements in today's action. The EPA welcomes comments on these provisions, including whether the provisions are necessary or appropriate. If a commenter suggests revisions to the provisions, the commenter should provide detailed information supporting any such revision.

## IV. Technical Corrections and Clarifications

We are proposing several technical corrections. These amendments are being proposed to correct inadvertent errors that were promulgated in the final rule and to make the rule language consistent with provisions addressed through this reconsideration. We are soliciting comment only on whether the proposed changes provide the intended accuracy, clarity and consistency. These proposed changes are described in Table 1 of this preamble. We request comment on all of these proposed changes.

TABLE 1—MISCELLANEOUS PROPOSED TECHNICAL CORRECTIONS TO 40 CFR PART 63, SUBPART DDDDD

| Section of subpart DDDDD | Description of proposed correction |
|---|---|
| 40 CFR 63.7491(a) | Revise the language in this paragraph to clarify that natural gas-fired EGUs as defined in subpart UUUUU are not subject to the rule if firing at least 90 percent natural gas. |
| 40 CFR 63.7491(j) | Revise this paragraph to include the words ''and process heaters'' to clarify that it also applies to process heaters. |
| 40 CFR 63.7491(l) | Revise this paragraph to include the words ''and process heaters'' to clarify that it also applies to process heaters. |
| 40 CFR 63.7491(n) | Insert paragraph (n) which was in amended final rule but inadvertently had the wrong amendatory instruction to be included in the CFR. |
| 40 CFR 63.7495(a) | Revise this paragraph to correctly include the effective date (April 1, 2013) instead of the publication date (January 31, 2013) of the amendments. |
| 40 CFR 63.7495(e) | Revise this paragraph to add the language which was in amended final rule but inadvertently had the wrong amendatory instruction to be included in the CFR. |
| 40 CFR 63.7495(f) | Revise this paragraph to correctly list the date (January 31, 2016) after which existing EGUs that become subject to the rule must be in compliance. |
| 40 CFR 63.7495(h) and (i) | Insert these paragraphs to clarify when existing and new affected units that switch subcategories due to fuel switch or physical change must be in compliance with the provisions of the new subcategory. |
| 40 CFR 63.7500(a) | Revise this paragraph to delete the comma after ''paragraphs (b).'' |
| 40 CFR 63.7500(a)(1)(ii) | Revise this paragraph by adding the words ''on or'' to include May 20, 2011. |
| 40 CFR 63.7500(a)(1)(iii) | Revise this paragraph by adding the words ''on or'' to include December 23, 2011 and to correctly include the effective date (April 1, 2013) instead of the publication date (January 31, 2013) of the amendments. |
| 40 CFR 63.7500(f) | Revise this paragraph to clarify that only items 5 and 6 of Table 3 apply during periods of startup and shutdown. |
| 40 CFR 63.7505(a) | Revise this paragraph by adding the words ''emission and operating'' to clarify the limits that apply at all times. |
| 40 CFR 63.7505(c) | Revise this paragraph by adding the word ''stack'' to clarify that the performance testing referred to is performance stack testing. |
| 40 CFR 63.7510(a)(2)(ii) | Revise this paragraph to clarify our intent on fuel type for the analysis requirements for gaseous fuels. |
| 40 CFR 63.7510(a) | Revise this paragraph by adding the word ''stack'' to clarify that the performance tests referred to are performance stack test. |
| 40 CFR 63.7510(c) | Revise this paragraph to correct the reference to tables 1 and 2, not 12. |
| 40 CFR 63.7510(e) | Revise this paragraph to remove reference to paragraph (j) for the one-time energy assessment because paragraph (j) only repeat the compliance date as indicated in paragraph (e) and to pluralize the word ''demonstration.'' |
| 40 CFR 63.7510(g) | Revise this paragraph to correct the references to 40 CFR 63.7515(d), not 40 CFR 63.7540(a) to clarify the appropriate schedule for conducting periodic tune-ups. |
| 40 CFR 63.7510(i) | Revise this paragraph to correctly list the initial compliance date (January 31, 2016). |
| 40 CFR 63.7510(k) | Add this paragraph to clarify the appropriate schedule for conducting performance tests after a switch in subcategory. |
| 40 CFR 63.7515(d) | Revise this paragraph to clarify that the first annual, biennial, or 5-year tune-up must be no later than 13 months, 25 months, or 61 months, respectively, either after April 1, 2013, or the initial startup of the new or reconstructed affected source, whichever is later. |
| 40 CFR 63.7515(h) | Revise this paragraph to clarify that ''performance tests'' refers to both stack tests and fuel analyses. |
| 40 CFR 63.7521(a) | Revise this paragraph to clarify that gaseous and liquid fuels are not exempt from the sampling requirements in Table 6 of the rule. |
| 40 CFR 63.7521(c)(1)(ii) | Revise this paragraph to remove the requirement to collect monthly samples at 10-day intervals because it is inconsistent with the requirement for monthly fuel analysis in 40 CFR 63.7515(e). |
| 40 CFR 63.7521(f) | Revise this paragraph to clarify that the two methods listed in Table 6 for determining the mercury concentration for other gas 1 fuels are alternatives. |
| 40 CFR 63.7521(g) | Revise this paragraph to remove the requirement to submit for review and approval a site-specific fuel analysis plan for other gas 1 fuels because paragraph (g)(1) requires the plan to be submitted for review and approval only if an alternative analytical method other than those required by Table 6 is intended to be used. |
| 40 CFR 63.7521(h) | Revise this paragraph to remove the reference to sampling procedures listed in Table 6 because there are no sampling procedures listed in Table 6 for gaseous fuel. |
| 40 CFR 63.7522(c) | Revise this paragraph by changing wording from ''January 31, 2013'' (publication date of the amendments) to ''April 1, 2013'' (the effective date of the amendments. |
| 40 CFR 63.7522(d) | Revise this paragraph by changing wording from ''operating'' to ''subject to numeric emission limits'' to clarify that the numeric emission limits do not apply during startup and shutdown periods. |
| 40 CFR 63.7522(j)(1) | Revise Equation 6 to delete ''nanograms per dry standard cubic meter (ng/dscm)'' from both EN and Eli since there are not numeric emission limits for dioxin. |

TABLE 1—MISCELLANEOUS PROPOSED TECHNICAL CORRECTIONS TO 40 CFR PART 63, SUBPART DDDDD—Continued

| Section of subpart DDDDD | Description of proposed correction |
|---|---|
| 40 CFR 63.7525(a) | Revise the paragraph to clarify that the procedures for installing oxygen analyzer system or CO CEMS do not include paragraph (a)(7) because (a)(7) does not require the installation of an oxygen trim system. |
| 40 CFR 63.7525(a), (a)(1), (a)(2), (a)(3), and (a)(5). | Revise these paragraphs to clarify that carbon dioxide may be used as an alternative to using oxygen in correcting the measured CO CEMS data without petitioning for an alternative monitoring procedure. |
| 40 CFR 63.7525(a)(7) | Revise this paragraph to clarify the oxygen set point for a source not required to conduct a CO performance test. |
| 40 CFR 63.7525(b) and (b)(1). | Remove the word ''certify'' because there is no certification procedure for PM CPMS. |
| 40 CFR 63.7525(b)(1)(iii) | Revise this paragraph to clarify that the 0.5 milligram per actual cubic meter is the detection limit. |
| 40 CFR 63.7525(g)(3) | Revise this paragraph to clarify that the pH monitor is to be calibrated each day and not performance evaluated which is covered in 40 CFR 63.7525(g)(4). |
| 40 CFR 63.7525(m) | Revise this paragraph to clarify that 40 CFR 63.7525(m) is only applicable if the source elects to use an $SO_2$ CEMS to demonstrate compliance with the HCl emission limit and to clarify that the $SO_2$ CEMS can be certified according to either part 60 or part 75. |
| 40 CFR 63.7530 | Revise equations 7, 8, and 9 to clarify that for ''Qi'' the highest content of chlorine, mercury, and TSM is used only for initial compliance and the actual fraction is used for continuous compliance demonstration. |
| 40 CFR 63.7530(a) | Revise this paragraph to clarify which fuels are exempt from analysis by cross-referencing 40 CFR 63.7510(a)(2), instead of only 40 CFR 63.7510(a)(2) (i). |
| 40 CFR 63.7530(b) | Revise this paragraph by adding the word ''stack'' to clarify that the performance testing referred to is performance stack testing. |
| 40 CFR 63.7530(b)(4)(iii) to (viii). | Revise the numbering of these paragraphs to correct sequence. |
| 40 CFR 63.7530(c)(3) | Revise the reference to Equation 11 to be Equation 15, to accommodate the change in numbering of equations. |
| 40 CFR 63.7530(c)(4) | Revise the reference to Equation 11 to be Equation 15, to accommodate the change in numbering of equations. |
| 40 CFR 63.7530(c)(5) | Revise the reference to Equation 11 to be Equation 15, to accommodate the change in numbering of equations. |
| 40 CFR 63.7530(d) | Amend this paragraph to clarify that the requirement to include a signed statement that the tune-up was conducted is applicable to all existing units. |
| 40 CFR 63.7530(e) | Amend this paragraph to clarify that the energy assessment is also considered to have been completed if the maximum number of on-site technical hours specified in the definition of energy assessment applicable to the facility has been expended. |
| 40 CFR 63.7530(h) | Revise this paragraph to clarify that both items 5 and 6 of Table 3 apply during periods of startup and shutdown. |
| 40 CFR 63.7530(i)(3) | Revise this paragraph to read ''maximum'' instead of ''minimum'' to be consistent with item 10 of Table 4 to subpart DDDDD. |
| 40 CFR 63.7533(e) | Revise this paragraph by changing wording from ''operating'' to ''subject to numeric emission limits'' to clarify that the numeric emission limits do not apply during startup and shutdown periods. |
| 40 CFR 63.7535(c) | Amend this paragraph to clarify that data recorded during periods of startup and shutdown may not be used to report emissions or operating levels. |
| 40 CFR 63.7535(d) | Amend this paragraph to clarify that data recorded during periods of startup and shutdown may not be used to report emissions or operating levels and that the report for reporting periods when the monitoring system is out of control is the facility's ''semi-annual'' report. |
| 40 CFR 63.7540(a)(2) | Revise the reference to 40 CFR 63.7550(c) to 40 CFR 63.7555(d). |
| 40 CFR 63.7540(a)(3) and (a)(3)(iii). | Revise the reference to Equation 12 to Equation 16, to accommodate the change in numbering of equations. |
| 40 CFR 63.7540(a)(5) and (a)(5)(iii). | Revise the reference to Equation 13 to Equation 17, to accommodate the change in numbering of equations. |
| 40 CFR 63.7540(a)(8)(ii) | Revise this paragraph by changing wording from ''operating'' to ''subject to numeric emission limits'' to clarify that the numeric emission limits do not apply during startup and shutdown periods. |
| 40 CFR 63.7540(a)(10) | Amend this paragraph to clarify that the tune-up must be conducted while burning the type of fuel that provided the majority of the heat input over the 12 months prior to the tune-up. |
| 40 CFR 63.7540(a)(10)(vi) | Revise paragraph to remove the word ''annual'' because not all facilities will necessarily be subject to an annual tune-up requirement. |
| 40 CFR 63.7540(a)(17) and (a)(17)(iii). | Revise the reference to Equation 14 to Equation 18, to accommodate the change in numbering of equations. |
| 40 CFR 63.7540(a)(19)(iii) | Revise the reference from paragraph (i) to paragraph (v). |
| 40 CFR 63.7540(d) | Revise the reference to item 5 of Table 3 to items 5 and 6 of Table 3 to accommodate the splitting of the work practice for startup and shutdown into two separate items in Table 3. |
| 40 CFR 63.7545(e)(8)(i) | Revise this paragraph by changing the wording from ''complies with'' to ''completed'' to add clarity. |
| 40 CFR 63.7545(h) | Revise this paragraph to clarify the paragraph also applies to process heaters. |
| 40 CFR 63.7550(b) | Revise this paragraph to clarify that units subject only to both the energy assessment and tune-up requirements may submit only an annual, biennial, or 5-year compliance report. |
| 40 CFR 63.7550(b)(1), (b)(2), (b)(3), and (b)(4). | Revise these paragraphs to add the word ''semi-annual'' to clarify that the compliance report initially discussed in each paragraph is the semi-annual report required for units subject to emission limits. |
| 40 CFR 63.7550(b)(1) | Revise this paragraph to change the reporting period end dates to be consistent with the dates in 40 CFR 63.7550(b)(3). |
| 40 CFR 63.7550 (c)(1) | Revise this paragraph to remove the word ''a,'' to change the wording from ''they'' to ''you'' and to add reference to 40 CFR 63.7550(c)(5)(xvii). |
| 40 CFR 63.7550 (c)(2) and (c)(3). | Revise these paragraphs to add reference to 40 CFR 63.7550(c)(5)(xvii). |
| 40 CFR 63.7550 (c)(3) | Revise this paragraph to add reference to 40 CFR 63.7550(c)(5)(viii). |
| 40 CFR 63.7550 (c)(2), (c)(3) and (c)(4). | Revise these paragraphs to change the wording from ''a facility is'' to ''you are'' and ''they'' to ''you.'' |
| 40 CFR 63.7550 (c)(4) | Revise the paragraph to include reference to paragraph (c)(5)(xii). |

TABLE 1—MISCELLANEOUS PROPOSED TECHNICAL CORRECTIONS TO 40 CFR PART 63, SUBPART DDDDD—Continued

| Section of subpart DDDDD | Description of proposed correction |
|---|---|
| 40 CFR 63.7550(c)(5)(viii) | Revise the reference to Equation 12 to Equation 16, the reference to Equation 13 to Equation 17, and the reference to Equation 14 to Equation 18, to accommodate the change in numbering of equations. |
| 40 CFR 63.7550(d) | Revise this paragraph to clarify that deviations from the work practice standards for periods of startup and shutdown must also be included in the compliance report. |
| 40 CFR 63.7550(h) | Revise the paragraph to update electronic reporting requirements. |
| 40 CFR 63.7555(a)(3) | Redesignating paragraph 63.7550(d)(3) as new paragraph 63.7550(a)(3) because limited use units are not subject to emission limits. |
| 40 CFR 63.7555(d)(4) | Change the reference to Equation 12 to Equation 16, to accommodate the change in numbering of equations. |
| 40 CFR 63.7555(d)(5) | Change the reference to Equation 13 to Equation 17, to accommodate the change in numbering of equations. |
| 40 CFR 63.7555(d)(9) | Change the reference to Equation 14 to Equation 18, to accommodate the change in numbering of equations. |
| 40 CFR 63.7555(i) and (j) | Delete paragraphs because paragraphs (i) and (j) are identical to paragraphs (d)(10) and (d)(11) to be consistent with the intent of the amendments to limit these reporting requirements to units subject to emission limits. |
| 40 CFR 63.7575 | Revise the definition of ''Coal'' to clarify that coal derived liquids are considered to be a liquid fuel type. |
| | Add new definition of ''Fossil fuel'' to clarify what is meant by ''fossil fuel'' in the definition of ''Electric utility steam generating unit.'' |
| | Revise the definition of ''Limited-use boiler or process heater'' to remove the word ''average'' to eliminate confusion regarding its use in the definition and maintain consistent terminology within the subpart. |
| | Revise the definition of ''Load fraction'' to clarify how load fraction is determined for a boiler or process heater co-firing natural gas. |
| | Revise the definition of ''Oxygen trim system'' to include draft controller and to clarify that it is a system that maintains the desired excess air level over the operating load range. |
| | Revise the definition of ''Steam output'' to clarify how steam output is determined for multi-function units and units supplying steam to a common header. |
| | Revise the definition of ''Temporary boiler'' to clarify that the definition is also applicable to process heaters. |
| Table 1 to subpart DDDDD | Revise the subcategory ''Stokers designed to burn coal/solid fossil fuel'' to clarify that the subcategory includes ''other combustors'' consistent with the stokers designed to burn biomass subcategories. |
| | Add footnote ''d'' to clarify that carbon dioxide may be used as an alternative to using oxygen in correcting the measured CO CEMS data without petitioning for an alternative monitoring procedure. |
| Table 2 to subpart DDDDD | Revise the subcategory ''Stokers designed to burn coal/solid fossil fuel'' to clarify that the subcategory includes ''other combustors'' consistent with the stokers designed to burn biomass subcategories. |
| | Revise the CO emission limit for hybrid suspension grate units to account for a conversion error in the emission database that inadvertently resulted in a source incorrectly being a best performing unit. |
| | Revise items 14.b and 16.b to add the reference to footnote ''a.'' |
| | Add footnote ''c'' to clarify that carbon dioxide may be used as an alternative to using oxygen in correcting the measured CO CEMS data without petitioning for an alternative monitoring procedure. |
| Table 3 to subpart DDDDD | Revise item 4 to clarify that ''operates'' does not require the energy management program to be implemented in perpetuity and that an energy management program developed according to ENERGY STAR guidelines would also satisfy the requirement. |
| | Revise item 4e to read ''program'' instead of ''practices'' to be consistent with the definition of ''Energy management program'' in § 63.7575. |
| Table 4 to subpart DDDDD | Revise certain items in the table to clarify the applicability of the parameter operating limits also apply to process heaters. |
| | Revise item 4 to clarify that item 4.a. is applicable to dry ESP and item 4.b. is applicable to wet ESP systems. |
| Table 5 to subpart DDDDD | Revise the heading of the third column to clarify that the requirement to use a specified method may not be appropriate in all cases. |
| | Add the missing footnote ''[a] Incorporated by reference, see 40 CFR 63.14'' |
| Table 6 to subpart DDDDD | Revise items 1, 2, and 4 to remove reference to the equations cited in 40 CFR 63.7530 for demonstrating only initial compliance. |
| | Revise items 1.c, 2.c, and 4.c to remove the listed method for liquid samples to be consistent with 40 CFR 63.7521(a). |
| | Revise item 3 to clarify that the two methods listed are alternatives. |
| | Revise the title to item 4 to remove ''for solid fuels'' to clarify that item 4. is applicable to also liquid fuel types. |
| Table 7 to subpart DDDDD | Revise item 1.a.i.(1) to clarify that TSM performance test are also included. |
| | Revise items 2.a.i. and 2.a.i.(1) to remove ''pressure drop'' to be consistent with 40 CFR 63.7530(b). |
| | Revise items 2.b.i.(1)(c) and 3.a.i.(1)(c) to clarify that ''load fraction'' is as defined in 40 CFR 63.7575. |
| | Revise item 2.c.i(1)(b) to read ''highest'' instead of ''lowest'' to be consistent with item 10 of Table 4 to subpart DDDDD. |
| | Revise item 4 to read ''Carbon monoxide for which compliance is demonstrated by a performance test'' to clarify that this operating limit is not applicable for source complying with the CO CEMS based limits. |
| Table 8 to subpart DDDDD | Revise item 3 to change the reference to 40 CFR 63.7540(a)(9) to 40 CFR 63.7540(a)(7). |
| | Revise item 9.a to change the reference to 40 CFR 63.7525(a)(2) to 40 CFR 63.7525(a)(7). |
| | Revise item 11.c to read ''highest'' instead of ''minimum'' to be consistent with item 10 of Table 4 to subpart DDDDD. |
| | Revise the operating load compliance provisions (item 10) to be consistent with 40 CFR 63.7525(d). |
| Table 9 to subpart DDDDD | Revise Table 9 to subpart DDDDD to clarify that it is deviations from the work practice standards for periods of startup and shutdown that are to be included. |
| Table 11 to subpart DDDDD | Revise Table 11 to subpart DDDDD to be consistent with the final amended rule because of incorrect amendatory instructions. |
| Table 12 to subpart DDDDD | Revise Table 12 to subpart DDDDD to be consistent with the final amended rule because of incorrect amendatory instructions. |

## V. Affirmative Defense for Violation of Emission Standards During Malfunction

In several prior CAA section 112 and CAA section 129 rules, including this rule, the EPA had included an affirmative defense to civil penalties for violations caused by malfunctions in an effort to create a system that incorporates some flexibility, recognizing that there is a tension, inherent in many types of air regulation, to ensure adequate compliance while simultaneously recognizing that despite the most diligent of efforts, emission standards may be violated under circumstances entirely beyond the control of the source. Although the EPA recognized that its case-by-case enforcement discretion provides sufficient flexibility in these circumstances, it included the affirmative defense to provide a more formalized approach and more regulatory clarity. See *Weyerhaeuser Co.* v. *Costle,* 590 F.2d 1011, 1057–58 (D.C. Cir. 1978) (holding that an informal case-by-case enforcement discretion approach is adequate); but see *Marathon Oil Co.* v. *EPA,* 564 F.2d 1253, 1272–73 (9th Cir. 1977) (requiring a more formalized approach to consideration of ''upsets beyond the control of the permit holder.''). Under the EPA's regulatory affirmative defense provisions, if a source could demonstrate in a judicial or administrative proceeding that it had met the requirements of the affirmative defense in the regulation, civil penalties would not be assessed. Recently, the United States Court of Appeals for the District of Columbia Circuit vacated an affirmative defense in one of the EPA's CAA section 112 regulations. *NRDC* v. *EPA,* 749 F.3d 1055 (D.C. Cir., 2014) (vacating affirmative defense provisions in CAA section 112 rule establishing emission standards for Portland cement kilns). The court found that the EPA lacked authority to establish an affirmative defense for private civil suits and held that under the CAA, the authority to determine civil penalty amounts in such cases lies exclusively with the courts, not the EPA. Specifically, the court found: ''As the language of the statute makes clear, the courts determine, on a case-by-case basis, whether civil penalties are 'appropriate.' '' See *NRDC,* 2014 U.S. App. LEXIS 7281 at *21 (''[U]nder this statute, deciding whether penalties are 'appropriate' . . . is a job for the courts, not EPA.''). In light of *NRDC,* the EPA is proposing to remove the regulatory affirmative defense provision in the current rule.

In the event that a source fails to comply with the applicable CAA section 112 standards as a result of a malfunction event, the EPA would determine an appropriate response based on, among other things, the good faith efforts of the source to minimize emissions during malfunction periods, including preventative and corrective actions, as well as root cause analyses to ascertain and rectify excess emissions. The EPA would also consider whether the source's failure to comply with the CAA section 112 standard was, in fact, ''sudden, infrequent, not reasonably preventable'' and was not instead ''caused in part by poor maintenance or careless operation.'' 40 CFR 63.2 (definition of malfunction).

Further, to the extent the EPA files an enforcement action against a source for violation of an emission standard, the source can raise any and all defenses in that enforcement action and the federal district court will determine what, if any, relief is appropriate. The same is true for citizen enforcement actions. Cf. *NRDC* at 1064 (arguments that violation was caused by unavoidable technology failure can be made to the courts in future civil cases when the issue arises). Similarly, the presiding officer in an administrative proceeding can consider any defense raised and determine whether administrative penalties are appropriate.

## VI. Solicitation of Public Comment and Participation

The EPA seeks full public participation in arriving at its final decisions. At this time, the EPA is only proposing alternatives to the final rule's definitions of startup and shutdown, the work practices that apply during those periods, and recordkeeping requirements for startup periods. The EPA is not proposing any other specific revisions to the reconsideration issues. However, the EPA requests public comment on the three issues under reconsideration.

Additionally, the EPA is making certain clarifying changes and corrections to the final rule. We are soliciting comments on whether the proposed changes provide the intended accuracy, clarity and consistency. The EPA is also proposing to amend the final rule by removing the affirmative defense provision. We request comment on all of these proposed changes.

The EPA is seeking comment only on the specific three issues, the clarifying changes and corrections, and the amendments described in this notice. The EPA will not respond to any comments addressing any other issues or any other provisions of the final rule or any other rule.

## VII. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *http://www2.epa.gov/laws-regulations/laws-and-executive-orders.*

### *A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review*

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

### *B. Paperwork Reduction Act (PRA)*

This action does not impose any new information collection burden under PRA. With this action, the EPA is seeking additional comments on three aspects of the final amended NESHAP for industrial, commercial, and institutional boilers and process heaters located at major sources of HAP with proposing only minor changes to the rule to correct and clarify implementation issues raised by stakeholders. However, the Office of Management and Budget (OMB) has previously approved the information collection requirements contained in the existing regulations under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and has assigned OMB control number 2060–0551. The OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9.

### *C. Regulatory Flexibility Act (RFA)*

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. This action seeks comment on three aspects of the final NESHAP for industrial, commercial, and institutional boilers and process heaters located at major sources of HAP as well as proposing minor changes to the rule to correct and clarify implementation issues raised by stakeholders.

We continue to be interested in the potential impacts of the proposed rule on small entities and welcome comments on issues related to such impacts.

### *D. Unfunded Mandates Reform Act (UMRA)*

This action does not contain any unfunded mandates as described in UMRA, 2 U.S.C. 1531–1538. The action imposes no enforceable duty on any

state, local or tribal governments or the private sector.

This action seeks comment on three aspects of the final NESHAP for industrial, commercial, and institutional boilers and process heaters located at major sources of HAP with proposing minor changes to the rule to correct and clarify implementation issues raised by stakeholders.

*E. Executive Order 13132: Federalism*

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. This action seeks comment on three aspects of the final NESHAP for industrial, commercial, and institutional boilers and process heaters located at major sources of HAP without proposing any changes to the rule. Thus, Executive Order 13132 does not apply to this action.

In the spirit of Executive Order 13132, and consistent with EPA policy to promote communications between EPA and state and local governments, the EPA specifically solicits comment on this proposed action from state and local officials.

*F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments*

This action does not have tribal implications, as specified in Executive Order 13175. This action will not have substantial direct effects on tribal governments, on the relationship between the federal government and Indian tribes, or on the distribution of power and responsibilities between the federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this action.

The EPA specifically solicits additional comment on this proposed action from tribal officials.

*G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks*

The EPA interprets Executive Order 13045 as applying to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

*H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use*

This action is not a ''significant energy action'' because it is not likely to have a significant adverse effect on the supply, distribution or use of energy.

*I. National Technology Transfer and Advancement Act*

Section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) of 1995 (Pub. L. 104–113, Section 12(d), 15 U.S.C. 272 note) directs the EPA to use voluntary consensus standards (VCS) in its regulatory activities, unless to do so would be inconsistent with applicable law or otherwise impractical. The VCS are technical standards (*e.g.,* materials specifications, test methods, sampling procedures and business practices) that are developed or adopted by VCS bodies. The NTTAA directs the EPA to provide Congress, through OMB, explanations when the agency does not use available and applicable VCS.

This action does not involve technical standards. Therefore, the EPA did not consider the use of any VCS.

*J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations*

Executive Order 12898 (59 FR 7629, February 16, 1994) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

The EPA has determined that this proposed rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. This action seeks comment on three aspects of the final NESHAP for industrial, commercial, and institutional boilers and process heaters located at major sources of HAP with proposing minor changes to the rule to correct and clarify implementation issues raised by stakeholders.

**List of Subjects in 40 CFR Part 63**

Environmental Protect, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: December 1, 2014.

**Gina McCarthy,**

*Administrator.*

For the reasons cited in the preamble, title 40, chapter I, part 63 of the Code of Federal Regulations is proposed to be amended as follows:

## PART 63— NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

■ 1. The authority for part 63 continues to read as follows:

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

## Subpart DDDDD—[Amended]

■ 2. Section 63.7491 is amended by:
■ a. Revising paragraphs (a), (j) and (l).
■ b. Adding paragraph (n).

The revisions and addition read as follows:

### § 63.7491 Are any boilers or process heaters not subject to this subpart?

* * * * *

(a) An electric utility steam generating unit (EGU) covered by subpart UUUUU of this part or a natural gas-fired EGU as defined in subpart UUUUU of this part firing at least 90 percent natural gas on an annual heat input basis.

* * * * *

(j) Temporary boilers and process heaters as defined in this subpart.

* * * * *

(l) Any boiler or process heater specifically listed as an affected source in any standard(s) established under section 129 of the Clean Air Act.

* * * * *

(n) Residential boilers as defined in this subpart.

■ 3. Section 63.7495 is amended by:
■ a. Revising paragraphs (a) and (e).
■ b. Adding paragraphs (h) and (i).

The revisions and additions read as follows:

### § 63.7495 When do I have to comply with this subpart?

(a) If you have a new or reconstructed boiler or process heater, you must comply with this subpart by April 1, 2013, or upon startup of your boiler or process heater, whichever is later.

* * * * *

(e) If you own or operate an industrial, commercial, or institutional

boiler or process heater and would be subject to this subpart except for the exemption in § 63.7491(l) for commercial and industrial solid waste incineration units covered by part 60, subpart CCCC or subpart DDDD, and you cease combusting solid waste, you must be in compliance with this subpart and are no longer subject to part 60, subparts CCCC or DDDD beginning on the effective date of the switch as identified under the provisions of § 60.2145(a)(2) and (3) or § 60.2710(a)(2) and (3).

* * * * *

(h) If you own or operate an existing industrial, commercial, or institutional boiler or process heater and have switch fuels or made a physical change to the boiler or process heater that resulted in the applicability of a different subcategory after January 31, 2016, you must be in compliance with the applicable existing source provisions of this subpart on the effective date of the fuel switch or physical change.

(i) If you own or operate a new industrial, commercial, or institutional boiler or process heater and have switch fuels or made a physical change to the boiler or process heater that resulted in the applicability of a different subcategory, you must be in compliance with the applicable new source provisions of this subpart on the effective date of the fuel switch or physical change.

* * * * *

■ 4. Section 63.7500 is amended by revising paragraphs (a)(1) and (f) to read as follows:

**§ 63.7500 What emission limitations, work practice standards, and operating limits must I meet?**

(a) * * *

(1) You must meet each emission limit and work practice standard in Tables 1 through 3, and 11 through 13 to this subpart that applies to your boiler or process heater, for each boiler or process heater at your source, except as provided under § 63.7522. The output-based emission limits, in units of pounds per million Btu of steam output, in Tables 1 or 2 to this subpart are an alternative applicable only to boilers and process heaters that generate either steam, cogenerate steam with electricity, or both. The output-based emission limits, in units of pounds per megawatt-hour, in Tables 1 or 2 to this subpart are an alternative applicable only to boilers that generate only electricity. Boilers that perform multiple functions (cogeneration and electricity generation) or supply steam to common heaters would calculate a total steam energy output using equation 21 of § 63.7575 to demonstrate compliance with the output-based emission limits, in units of pounds per million Btu of steam output, in Tables 1 or 2 to this subpart. If you operate a new boiler or process heater, you can choose to comply with alternative limits as discussed in paragraphs (a)(1)(i) through (a)(1)(iii) of this section, but on or after January 31, 2016, you must comply with the emission limits in Table 1 to this subpart.

(i) If your boiler or process heater commenced construction or reconstruction after June 4, 2010 and before May 20, 2011, you may comply with the emission limits in Table 1 or 11 to this subpart until January 31, 2016.

(ii) If your boiler or process heater commenced construction or reconstruction on or after May 20, 2011 and before December 23, 2011, you may comply with the emission limits in Table 1 or 12 to this subpart until January 31, 2016.

(iii) If your boiler or process heater commenced construction or reconstruction on or after December 23, 2011 and before April 1, 2013, you may comply with the emission limits in Table 1 or 13 to this subpart until January 31, 2016.

* * * * *

(f) These standards apply at all times the affected unit is operating, except during periods of startup and shutdown during which time you must comply only with items 5 and 6 of Table 3 to this subpart.

* * * * *

**§ 63.7501 [Removed]**

■ 5. Section 63.7501 is removed.

■ 6. Section 63.7505 is amended by revising paragraphs (a) and (c) and adding paragraph (e) to read as follows:

**§ 63.7505 What are my general requirements for complying with this subpart?**

(a) You must be in compliance with the emission limits, work practice standards, and operating limits in this subpart. These emission and operating limits apply to you at all times the affected unit is operating except for the periods noted in § 63.7500(f).

* * * * *

(c) You must demonstrate compliance with all applicable emission limits using performance stack testing, fuel analysis, or continuous monitoring systems (CMS), including a continuous emission monitoring system (CEMS), continuous opacity monitoring system (COMS), continuous parameter monitoring system (CPMS), or particulate matter continuous parameter monitoring system (PM CPMS), where applicable. You may demonstrate compliance with the applicable emission limit for hydrogen chloride (HCl), mercury, or total selected metals (TSM) using fuel analysis if the emission rate calculated according to § 63.7530(c) is less than the applicable emission limit. (For gaseous fuels, you may not use fuel analyses to comply with the TSM alternative standard or the HCl standard.) Otherwise, you must demonstrate compliance for HCl, mercury, or TSM using performance stack testing, if subject to an applicable emission limit listed in Tables 1, 2, or 11 through 13 to this subpart.

* * * * *

(e) If you have an applicable emission limit, you must develop a site-specific monitoring plan for work practice monitoring during startup periods according to the requirements in Table 3 to this subpart. The site-specific monitoring plan for startup periods must be maintained onsite and available upon request for public inspection.

* * * * *

■ 7. Section 63.7510 is amended by:

■ a. Revising paragraphs (a) introductory text, (a)(2)(ii), (c), (e), (g), and (i) .

■ b. Adding paragraph (k).

The revisions and addition read as follows:

**§ 63.7510 What are my initial compliance requirements and by what date must I conduct them?**

(a) For each boiler or process heater that is required or that you elect to demonstrate compliance with any of the applicable emission limits in Tables 1 or 2 or 11 through 13 of this subpart through performance (stack) testing, your initial compliance requirements include all the following:

* * * * *

(2) * * *

(ii) When natural gas, refinery gas, or other Gas 1 fuels are co-fired with other fuels, you are not required to conduct a fuel analysis of those Gas 1 fuels according to § 63.7521 and Table 6 to this subpart. If gaseous fuels other than natural gas, refinery gas, or other Gas 1 fuels are co-fired with other fuels and those non-Gas 1 gaseous fuels are subject to another subpart of this part, part 60, part 61, or part 65, you are not required to conduct a fuel analysis of those non-Gas 1 fuels according to § 63.7521 and Table 6 to this subpart.

* * * * *

(c) If your boiler or process heater is subject to a carbon monoxide (CO) limit, your initial compliance demonstration for CO is to conduct a performance test

for CO according to Table 5 to this subpart or conduct a performance evaluation of your continuous CO monitor, if applicable, according to § 63.7525(a). Boilers and process heaters that use a CO CEMS to comply with the applicable alternative CO CEMS emission standard listed in Tables 1, 2, or 11 through 13 to this subpart, as specified in § 63.7525(a), are exempt from the initial CO performance testing and oxygen concentration operating limit requirements specified in paragraph (a) of this section.

* * * * *

(e) For existing affected sources (as defined in § 63.7490), you must complete the initial compliance demonstrations, as specified in paragraphs (a) through (d) of this section, no later than 180 days after the compliance date that is specified for your source in § 63.7495 and according to the applicable provisions in § 63.7(a)(2) as cited in Table 10 to this subpart, except as specified in paragraph (j) of this section. You must complete an initial tune-up by following the procedures described in § 63.7540(a)(10)(i) through (vi) no later than the compliance date specified in § 63.7495, except as specified in paragraph (j) of this section. You must complete the one-time energy assessment specified in Table 3 to this subpart no later than the compliance date specified in § 63.7495.

* * * * *

(g) For new or reconstructed affected sources (as defined in § 63.7490), you must demonstrate initial compliance with the applicable work practice standards in Table 3 to this subpart within the applicable annual, biennial, or 5-year schedule as specified in § 63.7515(d) following the initial compliance date specified in § 63.7495(a). Thereafter, you are required to complete the applicable annual, biennial, or 5-year tune-up as specified in § 63.7515(d).

* * * * *

(i) For an existing EGU that becomes subject after January 31, 2016, you must demonstrate compliance within 180 days after becoming an affected source.

* * * * *

(k) For affected sources, as defined in § 63.7490, that switch subcategory consistent with § 63.7545(h) after the initial compliance date, you must demonstrate compliance within 60 days of the effective date of the switch, unless you had previously conducted your compliance demonstration for this subcategory within the previous 12 months.

■ 8. Section 63.7515 is amended by revising paragraphs (d) and (h) to read as follows:

**§ 63.7515 When must I conduct subsequent performance tests, fuel analyses, or tune-ups?**

* * * * *

(d) If you are required to meet an applicable tune-up work practice standard, you must conduct an annual, biennial, or 5-year performance tune-up according to § 63.7540(a)(10), (11), or (12), respectively. Each annual tune-up specified in § 63.7540(a)(10) must be no more than 13 months after the previous tune-up. Each biennial tune-up specified in § 63.7540(a)(11) must be conducted no more than 25 months after the previous tune-up. Each 5-year tune-up specified in § 63.7540(a)(12) must be conducted no more than 61 months after the previous tune-up. For a new or reconstructed affected source (as defined in § 63.7490), the first annual, biennial, or 5-year tune-up must be no later than 13 months, 25 months, or 61 months, respectively, after April 1, 2013 or the initial startup of the new or reconstructed affected source, whichever is later.

* * * * *

(h) If your affected boiler or process heater is in the unit designed to burn light liquid subcategory and you combust ultra-low sulfur liquid fuel, you do not need to conduct further performance tests (stack tests or fuel analyses) if the pollutants measured during the initial compliance performance tests meet the emission limits in Tables 1 or 2 of this subpart providing you demonstrate ongoing compliance with the emissions limits by monitoring and recording the type of fuel combusted on a monthly basis. If you intend to use a fuel other than ultra-low sulfur liquid fuel, natural gas, refinery gas, or other gas 1 fuel, you must conduct new performance tests within 60 days of burning the new fuel type.

* * * * *

■ 9. Section 63.7521 is amended by:
■ a. Revising paragraph (a).
■ b. Revising paragraph (c)(1).
■ c. Revising paragraph (f) introductory text.
■ d. Revising paragraph (g) introductory text.
■ e. Revising paragraph (h).

The revisions read as follows:

**§ 63.7521 What fuel analyses, fuel specification, and procedures must I use?**

(a) For solid and liquid fuels, you must conduct fuel analyses for chloride and mercury according to the procedures in paragraphs (b) through (e) of this section and Table 6 to this subpart, as applicable. For solid fuels and liquid fuels, you must also conduct fuel analyses for TSM if you are opting to comply with the TSM alternative standard. For gas 2 (other) fuels, you must conduct fuel analyses for mercury according to the procedures in paragraphs (b) through (e) of this section and Table 6 to this subpart, as applicable. (For gaseous fuels, you may not use fuel analyses to comply with the TSM alternative standard or the HCl standard.) For purposes of complying with this section, a fuel gas system that consists of multiple gaseous fuels collected and mixed with each other is considered a single fuel type and sampling and analysis is only required on the combined fuel gas system that will feed the boiler or process heater. Sampling and analysis of the individual gaseous streams prior to combining is not required. You are not required to conduct fuel analyses for fuels used for only startup, unit shutdown, and transient flame stability purposes. You are required to conduct fuel analyses only for fuels and units that are subject to emission limits for mercury, HCl, or TSM in Tables 1 and 2 or 11 through 13 to this subpart. Gaseous and liquid fuels are exempt from the sampling requirements in paragraphs (c) and (d) of this section.

* * * * *

(c) * * *

(1) If sampling from a belt (or screw) feeder, collect fuel samples according to paragraphs (c)(1)(i) and (ii) of this section.

(i) Stop the belt and withdraw a 6-inch wide sample from the full cross-section of the stopped belt to obtain a minimum two pounds of sample. You must collect all the material (fines and coarse) in the full cross-section. You must transfer the sample to a clean plastic bag.

(ii) Each composite sample will consist of a minimum of three samples collected at approximately equal one-hour intervals during the testing period for sampling during performance stack testing.

* * * * *

(f) To demonstrate that a gaseous fuel other than natural gas or refinery gas qualifies as an other gas 1 fuel, as defined in § 63.7575, you must conduct a fuel specification analyses for mercury according to the procedures in paragraphs (g) through (i) of this section and Table 6 to this subpart, as applicable, except as specified in paragraph (f)(1) through (4) of this section, or as an alternative where fuel specification analysis is not practical,

you must measure mercury concentration in the exhaust gas when firing only the gaseous fuel to be demonstrated as an other gas 1 fuel in the boiler or process heater according to the procedures in Table 6 to this subpart.

* * * * *

(g) You must develop a site-specific fuel analysis plan for other gas 1 fuels according to the following procedures and requirements in paragraphs (g)(1) and (2) of this section.

* * * * *

(h) You must obtain a single fuel sample for each fuel type for fuel specification of gaseous fuels.

* * * * *

■ 10. Section 63.7522 is amended by revising paragraphs (c), (d), (i), and (j)(1) to read as follows:

**§ 63.7522 Can I use emissions averaging to comply with this subpart?**

* * * * *

(c) For each existing boiler or process heater in the averaging group, the emission rate achieved during the initial compliance test for the HAP being averaged must not exceed the emission level that was being achieved on April 1, 2013 or the control technology employed during the initial compliance test must not be less effective for the HAP being averaged than the control technology employed on April 1, 2013.

(d) The averaged emissions rate from the existing boilers and process heaters participating in the emissions averaging option must not exceed 90 percent of the limits in Table 2 to this subpart at all times the affected units are subject to numeric emission limits following the compliance date specified in § 63.7495.

* * * * *

(i) For a group of two or more existing units in the same subcategory, each of which vents through a common emissions control system to a common stack, that does not receive emissions from units in other subcategories or categories, you may treat such averaging group as a single existing unit for purposes of this subpart and comply with the requirements of this subpart as if the group were a single unit.

(j) * * *

(1) Conduct performance tests according to procedures specified in § 63.7520 in the common stack if affected units from other subcategories vent to the common stack. The emission limits that the group must comply with are determined by the use of Equation 6 of this section.

$$En = \sum_{i=1}^{n} (ELi \times Hi) \div \sum_{i=1}^{n} Hi \qquad \text{(Eq. 6)}$$

Where:

En = HAP emission limit, pounds per million British thermal units (lb/MMBtu) or parts per million (ppm).

ELi = Appropriate emission limit from Table 2 to this subpart for unit i, in units of lb/MMBtu or ppm.

Hi = Heat input from unit i, MMBtu.

* * * * *

■ 11. Section 63.7525 is amended by:

■ a. Revising paragraphs (a) introductory text, (a)(1), (a)(2) introductory text, (a)(3), (a)(5), and (a)(7).

■ b. Revising paragraphs (b) introductory text and (b)(1).

■ c. Revising paragraph (g)(3).

■ d. Revising paragraphs (m) introductory text and (m)(2).

The revisions to read as follows:

**§ 63.7525 What are my monitoring, installation, operation, and maintenance requirements?**

(a) If your boiler or process heater is subject to a CO emission limit in Tables 1, 2, or 11 through 13 to this subpart, you must install, operate, and maintain an oxygen analyzer system, as defined in § 63.7575, or install, certify, operate and maintain continuous emission monitoring systems for CO and oxygen (or carbon dioxide ($CO_2$)) according to the procedures in paragraphs (a)(1) through (6) of this section.

(1) Install the CO CEMS and oxygen (or $CO_2$) analyzer by the compliance date specified in § 63.7495. The CO and oxygen (or $CO_2$) levels shall be monitored at the same location at the outlet of the boiler or process heater.

(2) To demonstrate compliance with the applicable alternative CO CEMS emission standard listed in Tables 1, 2, or 11 through 13 to this subpart, you must install, certify, operate, and maintain a CO CEMS and an oxygen analyzer according to the applicable procedures under Performance Specification 4, 4A, or 4B at 40 CFR part 60, appendix B; part 75 of this chapter (if an $CO_2$ analyzer is used); the site-specific monitoring plan developed according to § 63.7505(d); and the requirements in § 63.7540(a)(8) and paragraph (a) of this section. Any boiler or process heater that has a CO CEMS that is compliant with Performance Specification 4, 4A, or 4B at 40 CFR part 60, appendix B, a site-specific monitoring plan developed according to § 63.7505(d), and the requirements in § 63.7540(a)(8) and paragraph (a) of this section must use the CO CEMS to comply with the applicable alternative CO CEMS emission standard listed in Tables 1, 2, or 11 through 13 to this subpart.

* * * * *

(3) Complete a minimum of one cycle of CO and oxygen (or $CO_2$) CEMS operation (sampling, analyzing, and data recording) for each successive 15-minute period. Collect CO and oxygen (or $CO_2$) data concurrently. Collect at least four CO and oxygen (or $CO_2$) CEMS data values representing the four 15-minute periods in an hour, or at least two 15-minute data values during an hour when CEMS calibration, quality assurance, or maintenance activities are being performed.

* * * * *

(5) Calculate one-hour arithmetic averages, corrected to 3 percent oxygen (or corrected to an $CO_2$ percentage determined to be equivalent to 3 percent oxygen) from each hour of CO CEMS data in parts per million CO concentration. The one-hour arithmetic averages required shall be used to calculate the 30-day or 10-day rolling average emissions. Use Equation 19–19 in section 12.4.1 of Method 19 of 40 CFR part 60, appendix A–7 for calculating the average CO concentration from the hourly values.

* * * * *

(7) Operate an oxygen trim system with the oxygen level set no lower than the lowest hourly average oxygen concentration measured during the most recent CO performance test as the operating limit for oxygen according to Table 7 to this subpart, or if the facility is not required to conduct a performance test, set the oxygen level to the oxygen concentration measured during the most recent tune-up to optimize CO to manufacturer's specification.

(b) If your boiler or process heater is in the unit designed to burn coal/solid fossil fuel subcategory or the unit designed to burn heavy liquid

subcategory and has an average annual heat input rate greater than 250 MMBtu per hour from solid fossil fuel and/or heavy liquid, and you demonstrate compliance with the PM limit instead of the alternative TSM limit, you must install, maintain, and operate a PM CPMS monitoring emissions discharged to the atmosphere and record the output of the system as specified in paragraphs (b)(1) through (4) of this section. As an alternative to use of a PM CPMS to demonstrate compliance with the PM limit, you may choose to use a PM CEMS. If you choose to use a PM CEMS to demonstrate compliance with the PM limit instead of the alternative TSM limit, you must install, certify, maintain, and operate a PM CEMS monitoring emissions discharged to the atmosphere and record the output of the system as specified in paragraph (b)(5) through (8) of this section. For other boilers or process heaters, you may elect to use a PM CPMS or PM CEMS operated in accordance with this section in lieu of using other CMS for monitoring PM compliance (*e.g.,* bag leak detectors, ESP secondary power, PM scrubber pressure). Owners of boilers and process heaters who elect to comply with the alternative TSM limit are not required to install a PM CPMS.

(1) Install, operate, and maintain your PM CPMS according to the procedures in your approved site-specific monitoring plan developed in accordance with § 63.7505(d), the requirements in § 63.7540(a)(9), and paragraphs (b)(1)(i) through (iii) of this section.

(i) The operating principle of the PM CPMS must be based on in-stack or extractive light scatter, light scintillation, beta attenuation, or mass accumulation detection of PM in the exhaust gas or representative exhaust gas sample. The reportable measurement output from the PM CPMS must be expressed as milliamps.

(ii) The PM CPMS must have a cycle time (*i.e.,* period required to complete sampling, measurement, and reporting for each measurement) no longer than 60 minutes.

(iii) The PM CPMS must have a documented detection limit of 0.5 milligram per actual cubic meter, or less.

* * * * *

(g) * * *

(3) Calibrate the pH monitoring system in accordance with your monitoring plan at least once each process operating day.

* * * * *

(m) If your unit is subject to a HCl emission limit in Tables 1, 2, or 11 through 13 of this subpart and you have an acid gas wet scrubber or dry sorbent injection control technology and you elect to use an $SO_2$ CEMS to demonstrate continuous compliance with the HCl emission limit, you must install the monitor at the outlet of the boiler or process heater, downstream of all emission control devices, and you must install, certify, operate, and maintain the CEMS according to either part 60 or part 75 of this chapter.

(1) * * *

(2) For on-going quality assurance (QA), the $SO_2$ CEMS must meet either the applicable daily and quarterly requirements in Procedure 1 of appendix F of part 60 or the applicable daily, quarterly, and semiannual or annual requirements in sections 2.1 through 2.3 of appendix B to part 75 of this chapter, with the following addition: You must perform the linearity checks required in section 2.2 of appendix B to part 75 of this chapter if the $SO_2$ CEMS has a span value of 30 ppm or less.

* * * * *

■ 12. Section 63.7530 is amended by:

■ a. Revising paragraphs (a).

■ b. Revising paragraph (b) introductory text.

■ c. Revising paragraphs (b)(1)(iii), (b)(2)(iii), and (b)(3)(iii).

■ d. Revising paragraph (b)(4)(ii)(F).

■ e. Redesignating paragraphs (b)(4)(iii) through (b)(4)(viii) as (b)(4)(iv) through (b)(4)(ix) and adding new paragraph (b)(4)(iii).

■ f. Revising paragraphs (c)(3), (c)(4), and (c)(5).

■ g. Revising paragraph (d).

■ h. Revising paragraph (e).

■ i. Revising paragraph (h).

■ j. Revising paragraph (i)(3).

The revisions and addition read as follows:

**§ 63.7530 How do I demonstrate initial compliance with the emission limitations, fuel specifications and work practice standards?**

(a) You must demonstrate initial compliance with each emission limit that applies to you by conducting initial performance tests and fuel analyses and establishing operating limits, as applicable, according to § 63.7520, paragraphs (b) and (c) of this section, and Tables 5 and 7 to this subpart. The requirement to conduct a fuel analysis is not applicable for units that burn a single type of fuel, as specified by § 63.7510(a)(2). If applicable, you must also install, operate, and maintain all applicable CMS (including CEMS, COMS, and CPMS) according to § 63.7525.

(b) If you demonstrate compliance through performance stack testing, you must establish each site-specific operating limit in Table 4 to this subpart that applies to you according to the requirements in § 63.7520, Table 7 to this subpart, and paragraph (b)(4) of this section, as applicable. You must also conduct fuel analyses according to § 63.7521 and establish maximum fuel pollutant input levels according to paragraphs (b)(1) through (3) of this section, as applicable, and as specified in § 63.7510(a)(2). (Note that § 63.7510(a)(2) exempts certain fuels from the fuel analysis requirements.) However, if you switch fuel(s) and cannot show that the new fuel(s) does (do) not increase the chlorine, mercury, or TSM input into the unit through the results of fuel analysis, then you must repeat the performance test to demonstrate compliance while burning the new fuel(s).

(1) * * *

(iii) You must establish a maximum chlorine input level using Equation 7 of this section.

$$Clinput = \sum_{i=1}^{n} (Ci \times Qi) \qquad \text{(Eq. 7)}$$

Where:

Clinput = Maximum amount of chlorine entering the boiler or process heater through fuels burned in units of pounds per million Btu.

Ci = Arithmetic average concentration of chlorine in fuel type, i, analyzed according to § 63.7521, in units of pounds per million Btu.

Qi = Fraction of total heat input from fuel type, i, based on the fuel mixture that has the highest content of chlorine during the initial compliance test. If you do not burn multiple fuel types during the performance testing, it is not necessary to determine the value of this term. Insert a value of ''1'' for Qi. For continuous compliance demonstration, the actual fraction of the fuel burned during the month would be used.

n = Number of different fuel types burned in your boiler or process heater for the

mixture that has the highest content of chlorine.

(2) * * *

(iii) You must establish a maximum mercury input level using Equation 8 of this section.

$$Mercuryinput = \sum_{i=1}^{n} (HGi \times Qi) \qquad \text{(Eq. 8)}$$

Where:

Mercuryinput = Maximum amount of mercury entering the boiler or process heater through fuels burned in units of pounds per million Btu.

HGi = Arithmetic average concentration of mercury in fuel type, i, analyzed according to § 63.7521, in units of pounds per million Btu.

Qi = Fraction of total heat input from fuel type, i, based on the fuel mixture that has the highest mercury content during the initial compliance test. If you do not burn multiple fuel types during the performance test, it is not necessary to determine the value of this term. Insert a value of ''1'' for Qi. For continuous compliance demonstration, the actual fraction of the fuel burned during the month would be used.

n = Number of different fuel types burned in your boiler or process heater for the mixture that has the highest content of mercury.

(3) * * *

(iii) You must establish a maximum TSM input level using Equation 9 of this section.

$$TSMinput = \sum_{i=1}^{n} (TSMi \times Qi) \qquad \text{(Eq. 9)}$$

Where:

TSMinput = Maximum amount of TSM entering the boiler or process heater through fuels burned in units of pounds per million Btu.

TSMi = Arithmetic average concentration of TSM in fuel type, i, analyzed according to § 63.7521, in units of pounds per million Btu.

Qi = Fraction of total heat input from fuel type, i, based on the fuel mixture that has the highest content of TSM during the initial compliance test. If you do not burn multiple fuel types during the performance testing, it is not necessary to determine the value of this term. Insert a value of ''1'' for Qi. For continuous compliance demonstration, the actual fraction of the fuel burned during the month would be used.

n = Number of different fuel types burned in your boiler or process heater for the mixture that has the highest content of TSM.

(4) * * *

(ii) * * *

(F) For PM performance test reports used to set a PM CPMS operating limit, the electronic submission of the test report must also include the make and model of the PM CPMS instrument, serial number of the instrument, analytical principle of the instrument (*e.g.* beta attenuation), span of the instruments primary analytical range, milliamp value equivalent to the instrument zero output, technique by which this zero value was determined, and the average milliamp signals corresponding to each PM compliance test run.

(iii) For a particulate wet scrubber, you must establish the minimum pressure drop and liquid flow rate as defined in § 63.7575, as your operating limits during the three-run performance test during which you demonstrate compliance with your applicable limit. If you use a wet scrubber and you conduct separate performance tests for PM and TSM emissions, you must establish one set of minimum scrubber liquid flow rate and pressure drop operating limits. The minimum scrubber effluent pH operating limit must be established during the HCl performance test. If you conduct multiple performance tests, you must set the minimum liquid flow rate and pressure drop operating limits at the higher of the minimum values established during the performance tests.

* * * * *

(c) * * *

(3) To demonstrate compliance with the applicable emission limit for HCl, the HCl emission rate that you calculate for your boiler or process heater using Equation 16 of this section must not exceed the applicable emission limit for HCl.

$$HCl = \sum_{i=1}^{n} (Ci90 \times Qi \times 1.028) \qquad \text{(Eq. 16)}$$

Where:

HCl = HCl emission rate from the boiler or process heater in units of pounds per million Btu.

Ci90 = 90th percentile confidence level concentration of chlorine in fuel type, i, in units of pounds per million Btu as calculated according to Equation 15 of this section.

Qi = Fraction of total heat input from fuel type, i, based on the fuel mixture that has the highest content of chlorine. If you do not burn multiple fuel types, it is not necessary to determine the value of this term. Insert a value of ''1'' for Qi.

n = Number of different fuel types burned in your boiler or process heater for the mixture that has the highest content of chlorine.

1.028 = Molecular weight ratio of HCl to chlorine.

(4) To demonstrate compliance with the applicable emission limit for mercury, the mercury emission rate that you calculate for your boiler or process heater using Equation 17 of this section must not exceed the applicable emission limit for mercury.

$$Mercury = \sum_{i=1}^{n} \left( Hgi90 \times Qi \right) \quad \text{(Eq. 17)}$$

Where:

Mercury = Mercury emission rate from the boiler or process heater in units of pounds per million Btu.

Hgi90 = 90th percentile confidence level concentration of mercury in fuel, i, in units of pounds per million Btu as calculated according to Equation 15 of this section.

Qi = Fraction of total heat input from fuel type, i, based on the fuel mixture that has the highest mercury content. If you do not burn multiple fuel types, it is not necessary to determine the value of this term. Insert a value of ''1'' for Qi.

n = Number of different fuel types burned in your boiler or process heater for the mixture that has the highest mercury content.

(5) To demonstrate compliance with the applicable emission limit for TSM for solid or liquid fuels, the TSM emission rate that you calculate for your boiler or process heater from solid fuels using Equation 18 of this section must not exceed the applicable emission limit for TSM.

$$Metals = \sum_{i=1}^{n} \left( TSM90i \times Qi \right) \quad \text{(Eq. 18)}$$

Where:

Metals = TSM emission rate from the boiler or process heater in units of pounds per million Btu.

TSMi90 = 90th percentile confidence level concentration of TSM in fuel, i, in units of pounds per million Btu as calculated according to Equation 15 of this section.

Qi = Fraction of total heat input from fuel type, i, based on the fuel mixture that has the highest TSM content. If you do not burn multiple fuel types, it is not necessary to determine the value of this term. Insert a value of ''1'' for Qi.

n = Number of different fuel types burned in your boiler or process heater for the mixture that has the highest TSM content.

(d) If you own or operate an existing unit, you must submit a signed statement in the Notification of Compliance Status report that indicates that you conducted a tune-up of the unit.

(e) You must include with the Notification of Compliance Status a signed certification that the energy assessment was completed according to Table 3 to this subpart and that the assessment is an accurate depiction of your facility at the time of the assessment or that the maximum number of on-site technical hours specified in the definition of energy assessment applicable to the facility has been expended.

* * * * *

(h) If you own or operate a unit subject to emission limits in Tables 1 or 2 or 11 through 13 to this subpart, you must meet the work practice standard according to Table 3 of this subpart. During startup and shutdown, you must only follow the work practice standards according to items 5 and 6 of Table 3 of this subpart.

(i) * * *

(3) You establish a unit-specific maximum $SO_2$ operating limit by collecting the maximum hourly $SO_2$ emission rate on the $SO_2$ CEMS during the paired 3-run test for HCl. The maximum $SO_2$ operating limit is equal to the highest hourly average $SO_2$ concentration measured during the most recent HCl performance test.

■ 13. Section 63.7533 is amended by revising paragraph (e).

**§ 63.7533 Can I use efficiency credits earned from implementation of energy conservation measures to comply with this subpart?**

* * * * *

(e) The emissions rate as calculated using Equation 20 of this section from each existing boiler participating in the efficiency credit option must be in compliance with the limits in Table 2 to this subpart at all times the affected unit is subject to numeric emission limits, following the compliance date specified in § 63.7495.

* * * * *

■ 14. Section 63.7535 is amended by revising paragraphs (c) and (d).

**§ 63.7535 Is there a minimum amount of monitoring data I must obtain?**

* * * * *

(c) You may not use data recorded during periods of startup and shutdown, monitoring system malfunctions or out-of-control periods, repairs associated with monitoring system malfunctions or out-of-control periods, or required monitoring system quality assurance or control activities in data averages and calculations used to report emissions or operating levels. You must record and make available upon request results of CMS performance audits and dates and duration of periods when the CMS is out of control to completion of the corrective actions necessary to return the CMS to operation consistent with your site-specific monitoring plan. You must use all the data collected during all other periods in assessing compliance and the operation of the control device and associated control system.

(d) Except for periods of monitoring system malfunctions, repairs associated with monitoring system malfunctions, and required monitoring system quality assurance or quality control activities (including, as applicable, system accuracy audits, calibration checks, and required zero and span adjustments), failure to collect required data is a deviation of the monitoring requirements. In calculating monitoring results, do not use any data collected during periods of startup and shutdown, when the monitoring system is out of control as specified in your site-specific monitoring plan, while conducting repairs associated with periods when the monitoring system is out of control, or while conducting required monitoring system quality assurance or quality control activities. You must calculate monitoring results using all other monitoring data collected while the process is operating. You must report all periods when the monitoring system is out of control in your semi-annual report.

■ 15. Section 63.7540 is amended by:

■ a. Revising paragraph (a)(2) introductory text.

■ b. Revising paragraph (a)(3).

■ c. Revising paragraph (a)(5).

■ d. Revising paragraph (a)(8)(ii).

■ e. Revising paragraph (a)(10) introductory text.

■ f. Revising paragraph (a)(10)(vi) introductory text.

■ g. Revising paragraph (a)(17).

■ h. Revising paragraph (a)(19)(iii).

■ i. Revising paragraph (d).

The revisions read as follows:

**§ 63.7540 How do I demonstrate continuous compliance with the emission limitations, fuel specifications and work practice standards?**

(a) * * *

(2) As specified in § 63.7550(d), you must keep records of the type and amount of all fuels burned in each boiler or process heater during the reporting period to demonstrate that all fuel types and mixtures of fuels burned would result in either of the following:

* * * * *

(3) If you demonstrate compliance with an applicable HCl emission limit through fuel analysis for a solid or liquid fuel and you plan to burn a new type of solid or liquid fuel, you must recalculate the HCl emission rate using Equation 16 of § 63.7530 according to paragraphs (a)(3)(i) through (iii) of this section. You are not required to conduct fuel analyses for the fuels described in § 63.7510(a)(2)(i) through (iii). You may exclude the fuels described in § 63.7510(a)(2)(i) through (iii) when recalculating the HCl emission rate.

(i) You must determine the chlorine concentration for any new fuel type in units of pounds per million Btu, based on supplier data or your own fuel analysis, according to the provisions in your site-specific fuel analysis plan developed according to § 63.7521(b).

(ii) You must determine the new mixture of fuels that will have the highest content of chlorine.

(iii) Recalculate the HCl emission rate from your boiler or process heater under these new conditions using Equation 16 of § 63.7530. The recalculated HCl emission rate must be less than the applicable emission limit.

* * * * *

(5) If you demonstrate compliance with an applicable mercury emission limit through fuel analysis, and you plan to burn a new type of fuel, you must recalculate the mercury emission rate using Equation 17 of § 63.7530 according to the procedures specified in paragraphs (a)(5)(i) through (iii) of this section. You are not required to conduct fuel analyses for the fuels described in § 63.7510(a)(2)(i) through (iii). You may exclude the fuels described in § 63.7510(a)(2)(i) through (iii) when recalculating the mercury emission rate.

(i) You must determine the mercury concentration for any new fuel type in units of pounds per million Btu, based on supplier data or your own fuel analysis, according to the provisions in your site-specific fuel analysis plan developed according to § 63.7521(b).

(ii) You must determine the new mixture of fuels that will have the highest content of mercury.

(iii) Recalculate the mercury emission rate from your boiler or process heater under these new conditions using Equation 17 of § 63.7530. The recalculated mercury emission rate must be less than the applicable emission limit.

* * * * *

(8) * * *

(ii) Maintain a CO emission level below or at your applicable alternative CO CEMS-based standard in Tables 1 or 2 or 11 through 13 to this subpart at all times the affected unit is subject to numeric emission limits.

* * * * *

(10) If your boiler or process heater has a heat input capacity of 10 million Btu per hour or greater, you must conduct an annual tune-up of the boiler or process heater to demonstrate continuous compliance as specified in paragraphs (a)(10)(i) through (vi) of this section. You must conduct the tune-up while burning the type of fuel (or fuels in case of units that routinely burn a mixture) that provided the majority of the heat input to the boiler or process heater over the 12 months prior to the tune-up. This frequency does not apply to limited-use boilers and process heaters, as defined in § 63.7575, or units with continuous oxygen trim systems that maintain an optimum air to fuel ratio.

* * * * *

(vi) Maintain on-site and submit, if requested by the Administrator, a report containing the information in paragraphs (a)(10)(vi)(A) through (C) of this section,

* * * * *

(17) If you demonstrate compliance with an applicable TSM emission limit through fuel analysis for solid or liquid fuels, and you plan to burn a new type of fuel, you must recalculate the TSM emission rate using Equation 18 of § 63.7530 according to the procedures specified in paragraphs (a)(5)(i) through (iii) of this section. You are not required to conduct fuel analyses for the fuels described in § 63.7510(a)(2)(i) through (iii). You may exclude the fuels described in § 63.7510(a)(2)(i) through (iii) when recalculating the TSM emission rate.

(i) You must determine the TSM concentration for any new fuel type in units of pounds per million Btu, based on supplier data or your own fuel analysis, according to the provisions in your site-specific fuel analysis plan developed according to § 63.7521(b).

(ii) You must determine the new mixture of fuels that will have the highest content of TSM.

(iii) Recalculate the TSM emission rate from your boiler or process heater under these new conditions using Equation 18 of § 63.7530. The recalculated TSM emission rate must be less than the applicable emission limit.

* * * * *

(19) * * *

* * * * *

(iii) Collect PM CEMS hourly average output data for all boiler operating hours except as indicated in paragraph (v) of this section.

* * * * *

(d) For startup and shutdown, you must meet the work practice standards according to items 5 and 6 of Table 3 of this subpart.

* * * * *

■ 16. Section 63.7545 is amended by revising paragraphs (e)(8)(i) and (h) introductory text.

**§ 63.7545 What notifications must I submit and when?**

* * * * *

(e) * * *

(8) * * *

(i) ''This facility completed the required initial tune-up according to the procedures in § 63.7540(a)(10)(i) through (vi).''

* * * * *

(h) If you have switched fuels or made a physical change to the boiler or process heater and the fuel switch or physical change resulted in the applicability of a different subcategory, you must provide notice of the date upon which you switched fuels or made the physical change within 30 days of the switch/change. The notification must identify:

* * * * *

■ 17. Section 63.7550 is amended by revising paragraphs (b), (c), (d) introductory text, (d)(1), and (h) to read as follows:

**§ 63.7550 What reports must I submit and when?**

* * * * *

(b) Unless the EPA Administrator has approved a different schedule for submission of reports under § 63.10(a), you must submit each report, according to paragraph (h) of this section, by the date in Table 9 to this subpart and according to the requirements in paragraphs (b)(1) through (4) of this section. For units that are subject only to the energy assessment requirement and a requirement to conduct an annual, biennial, or 5-year tune-up according to § 63.7540(a)(10), (11), or (12),

respectively, and not subject to emission limits or Table 4 operating limits, you may submit only an annual, biennial, or 5-year compliance report, as applicable, as specified in paragraphs (b)(1) through (4) of this section, instead of a semi-annual compliance report.

(1) The first semi-annual compliance report must cover the period beginning on the compliance date that is specified for each boiler or process heater in § 63.7495 and ending on June 30 or December 31, whichever date is the first date that occurs at least 180 days (or 1, 2, or 5 years, as applicable, if submitting an annual, biennial, or 5-year compliance report) after the compliance date that is specified for your source in § 63.7495.

(2) The first semi-annual compliance report must be postmarked or submitted no later than July 31 or January 31, whichever date is the first date following the end of the first calendar half after the compliance date that is specified for each boiler or process heater in § 63.7495. The first annual, biennial, or 5-year compliance report must be postmarked or submitted no later than January 31.

(3) Each subsequent semi-annual compliance report must cover the semiannual reporting period from January 1 through June 30 or the semiannual reporting period from July 1 through December 31. Annual, biennial, and 5-year compliance reports must cover the applicable 1-, 2-, or 5-year periods from January 1 to December 31.

(4) Each subsequent semi-annual compliance report must be postmarked or submitted no later than July 31 or January 31, whichever date is the first date following the end of the semiannual reporting period. Annual, biennial, and 5-year compliance reports must be postmarked or submitted no later than January 31.

(c) A compliance report must contain the following information depending on how the facility chooses to comply with the limits set in this rule.

(1) If the facility is subject to the requirements of a tune up you must submit a compliance report with the information in paragraphs (c)(5)(i) through (iii), (xiv) and (xvii) of this section, and paragraph (c)(5)(iv) of this section for limited-use boiler or process heater.

(2) If you are complying with the fuel analysis you must submit a compliance report with the information in paragraphs (c)(5)(i) through (iii), (vi), (x), (xi), (xiii), (xv), (xvii), (xviii) and paragraph (d) of this section.

(3) If you are complying with the applicable emissions limit with performance testing you must submit a compliance report with the information in (c)(5)(i) through (iii), (vi), (vii), (viii), (ix), (xi), (xiii), (xv), (xvii), (xviii) and paragraph (d) of this section.

(4) If you are complying with an emissions limit using a CMS the compliance report must contain the information required in paragraphs (c)(5)(i) through (iii), (v), (vi), (xi) through (xiii), (xv) through (xviii), and paragraph (e) of this section.

(5)(i) Company and Facility name and address.

(ii) Process unit information, emissions limitations, and operating parameter limitations.

(iii) Date of report and beginning and ending dates of the reporting period.

(iv) The total operating time during the reporting period.

(v) If you use a CMS, including CEMS, COMS, or CPMS, you must include the monitoring equipment manufacturer(s) and model numbers and the date of the last CMS certification or audit.

(vi) The total fuel use by each individual boiler or process heater subject to an emission limit within the reporting period, including, but not limited to, a description of the fuel, whether the fuel has received a non-waste determination by the EPA or your basis for concluding that the fuel is not a waste, and the total fuel usage amount with units of measure.

(vii) If you are conducting performance tests once every 3 years consistent with § 63.7515(b) or (c), the date of the last 2 performance tests and a statement as to whether there have been any operational changes since the last performance test that could increase emissions.

(viii) A statement indicating that you burned no new types of fuel in an individual boiler or process heater subject to an emission limit. Or, if you did burn a new type of fuel and are subject to a HCl emission limit, you must submit the calculation of chlorine input, using Equation 7 of § 63.7530, that demonstrates that your source is still within its maximum chlorine input level established during the previous performance testing (for sources that demonstrate compliance through performance testing) or you must submit the calculation of HCl emission rate using Equation 16 of § 63.7530 that demonstrates that your source is still meeting the emission limit for HCl emissions (for boilers or process heaters that demonstrate compliance through fuel analysis). If you burned a new type of fuel and are subject to a mercury emission limit, you must submit the calculation of mercury input, using Equation 8 of § 63.7530, that demonstrates that your source is still within its maximum mercury input level established during the previous performance testing (for sources that demonstrate compliance through performance testing), or you must submit the calculation of mercury emission rate using Equation 17 of § 63.7530 that demonstrates that your source is still meeting the emission limit for mercury emissions (for boilers or process heaters that demonstrate compliance through fuel analysis). If you burned a new type of fuel and are subject to a TSM emission limit, you must submit the calculation of TSM input, using Equation 9 of § 63.7530, that demonstrates that your source is still within its maximum TSM input level established during the previous performance testing (for sources that demonstrate compliance through performance testing), or you must submit the calculation of TSM emission rate, using Equation 18 of § 63.7530, that demonstrates that your source is still meeting the emission limit for TSM emissions (for boilers or process heaters that demonstrate compliance through fuel analysis).

(ix) If you wish to burn a new type of fuel in an individual boiler or process heater subject to an emission limit and you cannot demonstrate compliance with the maximum chlorine input operating limit using Equation 7 of § 63.7530 or the maximum mercury input operating limit using Equation 8 of § 63.7530, or the maximum TSM input operating limit using Equation 9 of § 63.7530 you must include in the compliance report a statement indicating the intent to conduct a new performance test within 60 days of starting to burn the new fuel.

(x) A summary of any monthly fuel analyses conducted to demonstrate compliance according to §§ 63.7521 and 63.7530 for individual boilers or process heaters subject to emission limits, and any fuel specification analyses conducted according to §§ 63.7521(f) and 63.7530(g).

(xi) If there are no deviations from any emission limits or operating limits in this subpart that apply to you, a statement that there were no deviations from the emission limits or operating limits during the reporting period.

(xii) If there were no deviations from the monitoring requirements including no periods during which the CMSs, including CEMS, COMS, and CPMS, were out of control as specified in § 63.8(c)(7), a statement that there were no deviations and no periods during which the CMS were out of control during the reporting period.

(xiii) If a malfunction occurred during the reporting period, the report must

include the number, duration, and a brief description for each type of malfunction which occurred during the reporting period and which caused or may have caused any applicable emission limitation to be exceeded. The report must also include a description of actions taken by you during a malfunction of a boiler, process heater, or associated air pollution control device or CMS to minimize emissions in accordance with § 63.7500(a)(3), including actions taken to correct the malfunction.

(xiv) Include the date of the most recent tune-up for each unit subject to only the requirement to conduct an annual, biennial, or 5-year tune-up according to § 63.7540(a)(10), (11), or (12) respectively. Include the date of the most recent burner inspection if it was not done annually, biennially, or on a 5-year period and was delayed until the next scheduled or unscheduled unit shutdown.

(xv) If you plan to demonstrate compliance by emission averaging, certify the emission level achieved or the control technology employed is no less stringent than the level or control technology contained in the notification of compliance status in § 63.7545(e)(5)(i).

(xvi) For each reporting period, the compliance reports must include all of the calculated 30 day rolling average values based on the daily CEMS (CO and mercury) and CPMS (PM CPMS output, scrubber pH, scrubber liquid flow rate, scrubber pressure drop) data.

(xvii) Statement by a responsible official with that official's name, title, and signature, certifying the truth, accuracy, and completeness of the content of the report.

(xviii) For each instance of startup or shutdown include the information required to be monitored, collected, or recorded according to the requirements of § 63.7555(d).

* * * * *

(d) For each deviation from an emission limit or operating limit in this subpart that occurs at an individual boiler or process heater where you are not using a CMS to comply with that emission limit or operating limit, or from the work practice standards for periods if startup and shutdown, the compliance report must additionally contain the information required in paragraphs (d)(1) through (3) of this section.

(1) A description of the deviation and which emission limit, operating limit, or work practice standard from which you deviated.

* * * * *

(h) You must submit the reports according to the procedures specified in paragraphs (h)(1) through (3) of this section.

(1) Within 60 days after the date of completing each performance test (defined in § 63.2) required by this subpart, you must submit the results of the performance test, including any associated fuel analyses, following the procedure specified in either paragraph (h)(1)(i) or (h)(1)(ii) of this section.

(i) For data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT Web site (*http://www.epa.gov/ttn/chief/ert/index.html*) at the time of the test, you must submit the results of the performance test to the EPA via the Compliance and Emissions Data Reporting Interface (CEDRI). (CEDRI can be accessed through the EPA's Central Data Exchange (CDX) (*www.epa.gov/cdx*).) Performance test data must be submitted in a file format generated through use of the EPA's ERT. Instead of submitting performance test data in a file format generated through the use of the EPA's ERT, you may submit an alternate electronic file format consistent with the extensible markup language (XML) schema listed on the EPA's ERT Web site, once the XML schema is available. If you claim that some of the performance test information being submitted is confidential business information (CBI), you must submit a complete file generated through the use of the EPA's ERT (or an alternate electronic file consistent with the XML schema listed on the EPA's ERT Web site once the XML schema is available), including information claimed to be CBI, on a compact disc, flash drive or other commonly used electronic storage media to the EPA. The electronic media must be clearly marked as CBI and mailed to U.S. EPA/OAPQS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404–02, 4930 Old Page Rd., Durham, NC 27703. The same ERT or alternate file with the CBI omitted must be submitted to the EPA via the EPA's CDX as described earlier in this paragraph.

(ii) For data collected using test methods that are not supported by the EPA's ERT as listed on the EPA's ERT Web site, you must submit the results of the performance test to the Administrator at the appropriate address listed in § 63.13.

(2) Within 60 days after the date of completing each CEMS performance evaluation (as defined in 63.2), you must submit the results of the performance evaluation following the procedure specified in either paragraph (h)(2)(i) or (h)(2)(ii) of this section.

(i) For performance evaluations of continuous monitoring systems measuring relative accuracy test audit (RATA) pollutants that are supported by the EPA's ERT as listed on the EPA's ERT Web site at the time of the test, you must submit the results of the performance evaluation to the EPA via the CEDRI. (CEDRI can be accessed through the EPA's CDX.) Performance evaluation data must be submitted in a file format generated through the use of the EPA's ERT. Instead of submitting performance evaluation data in a file format generated through the use of the EPA's ERT, you may submit an alternate electronic file format consistent with the XML schema listed on the EPA's ERT Web site, once the XML schema is available. If you claim that some of the performance evaluation information being submitted is CBI, you must submit a complete file generated through the use of the EPA's ERT (or an alternate electronic file consistent with the XML schema listed on the EPA's ERT Web site once the XML schema is available), including information claimed to be CBI, on a compact disc, flash drive or other commonly used electronic storage media to the EPA. The electronic media must be clearly marked as CBI and mailed to U.S. EPA/OAPQS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404–02, 4930 Old Page Rd., Durham, NC 27703. The same ERT or alternate file with the CBI omitted must be submitted to the EPA via the EPA's CDX as described earlier in this paragraph.

(ii) For any performance evaluations of continuous monitoring systems measuring RATA pollutants that are not supported by the EPA's ERT as listed on the ERT Web site, you must submit the results of the performance evaluation to the Administrator at the appropriate address listed in § 63.13.

(3) You must submit all reports required by Table 9 of this subpart electronically to the EPA via the CEDRI. (CEDRI can be accessed through the EPA's CDX.) You must use the appropriate electronic report in CEDRI for this subpart. Instead of using the electronic report in CEDRI for this subpart, you may submit an alternate electronic file consistent with the XML schema listed on the CEDRI Web site (*http://www.epa.gov/ttn/chief/cedri/index.html*), once the XML schema is available. If the reporting form specific to this subpart is not available in CEDRI at the time that the report is due, you must submit the report to the Administrator at the appropriate address listed in § 63.13. You must

begin submitting reports via CEDRI no later than 90 days after the form becomes available in CEDRI.

■ 18. Section 63.7555 is amended by:
■ a. Adding paragraph (a)(3).
■ b. Removing paragraph (d)(3).
■ c. Redesignating paragraphs (d)(4) through (d)(11) as paragraphs (d)(3) through (d)(10).
■ d. Revising newly designated paragraphs (d)(3), (d)(4), and (d)(8).
■ e. Adding new paragraphs (d)(11) and (12).
■ f. Removing paragraphs (i) and (j).

The revisions and additions read as follows:

**§ 63.7555 What records must I keep?**

(a) * * *

(3) For units in the limited use subcategory, you must keep a copy of the federally enforceable permit that limits the annual capacity factor to less than or equal to 10 percent and fuel use records for the days the boiler or process heater was operating.

* * * * *

(d) * * *

(3) A copy of all calculations and supporting documentation of maximum chlorine fuel input, using Equation 7 of § 63.7530, that were done to demonstrate continuous compliance with the HCl emission limit, for sources that demonstrate compliance through performance testing. For sources that demonstrate compliance through fuel analysis, a copy of all calculations and supporting documentation of HCl emission rates, using Equation 16 of § 63.7530, that were done to demonstrate compliance with the HCl emission limit. Supporting documentation should include results of any fuel analyses and basis for the estimates of maximum chlorine fuel input or HCl emission rates. You can use the results from one fuel analysis for multiple boilers and process heaters provided they are all burning the same fuel type. However, you must calculate chlorine fuel input, or HCl emission rate, for each boiler and process heater.

(4) A copy of all calculations and supporting documentation of maximum mercury fuel input, using Equation 8 of § 63.7530, that were done to demonstrate continuous compliance with the mercury emission limit for sources that demonstrate compliance through performance testing. For sources that demonstrate compliance through fuel analysis, a copy of all calculations and supporting documentation of mercury emission rates, using Equation 17 of § 63.7530, that were done to demonstrate compliance with the mercury emission limit. Supporting documentation should include results of any fuel analyses and basis for the estimates of maximum mercury fuel input or mercury emission rates. You can use the results from one fuel analysis for multiple boilers and process heaters provided they are all burning the same fuel type. However, you must calculate mercury fuel input, or mercury emission rates, for each boiler and process heater.

* * * * *

(8) A copy of all calculations and supporting documentation of maximum TSM fuel input, using Equation 9 of § 63.7530, that were done to demonstrate continuous compliance with the TSM emission limit for sources that demonstrate compliance through performance testing. For sources that demonstrate compliance through fuel analysis, a copy of all calculations and supporting documentation of TSM emission rates, using Equation 18 of § 63.7530, that were done to demonstrate compliance with the TSM emission limit. Supporting documentation should include results of any fuel analyses and basis for the estimates of maximum TSM fuel input or TSM emission rates. You can use the results from one fuel analysis for multiple boilers and process heaters provided they are all burning the same fuel type. However, you must calculate TSM fuel input, or TSM emission rates, for each boiler and process heater.

* * * * *

(11) For each startup period, you must maintain records of the time that clean fuel combustion begins; the time when firing (*i.e.,* feeding) start for coal/solid fossil fuel, biomass/bio-based solids, heavy liquid fuel, or gas 2 (other) gases; the time when useful thermal energy is first supplied; and the time when the PM controls are engaged.

(12) For each startup period, you must maintain records of the hourly steam temperature, hourly steam pressure, hourly steam flow, hourly flue gas temperature, and all hourly average CMS data (*e.g.,* CEMS, PM CPMS, COMS, ESP total secondary electric power input, scrubber pressure drop, scrubber liquid flow rate) collected during each startup period to confirm that the control devices are engaged. In addition, if compliance with the PM emission limit is demonstrated using a PM control device, you must maintain records as specified in paragraphs (d)(12)(i) through (iii) of this section.

(i) For a boiler or process heater with an electrostatic precipitator, record the number of fields in service, as well as each field's secondary voltage and secondary current during each hour of startup.

(ii) For a boiler or process heater with a fabric filter, record the number of compartments in service, as well as the differential pressure across the baghouse during each hour of startup.

(iii) For a boiler or process heater with a wet scrubber needed for filterable PM control, record the scrubber liquid to fuel ratio and the differential pressure of the liquid during each hour of startup.

* * * * *

■ 19. Section 63.7575 is amended by:
■ a. Revising the definitions for ''Coal,'' ''Limited-use boiler or process heater,'' ''Load fraction,'' ''Oxygen trim system,'' ''Shutdown,'' ''Startup,'' ''Steam output,'' and ''Temporary boiler.''
■ b. Adding in alphabetical order definitions for ''Fossil fuel'' and ''Useful thermal energy.''
■ c. Removing the definition for ''Affirmative defense.''

The revisions read as follows:

**§ 63.7575 What definitions apply to this subpart?**

* * * * *

*Coal* means all solid fuels classifiable as anthracite, bituminous, sub-bituminous, or lignite by ASTM D388 (incorporated by reference, see § 63.14), coal refuse, and petroleum coke. For the purposes of this subpart, this definition of ''coal'' includes synthetic fuels derived from coal, including but not limited to, solvent-refined coal, coal-oil mixtures, and coal-water mixtures. Coal derived gases and liquids are excluded from this definition.

* * * * *

*Fossil fuel* means natural gas, oil, coal, and any form of solid, liquid, or gaseous fuel derived from such material.

* * * * *

*Limited-use boiler or process heater* means any boiler or process heater that burns any amount of solid, liquid, or gaseous fuels and has a federally enforceable annual capacity factor of no more than 10 percent.

* * * * *

*Load fraction* means the actual heat input of a boiler or process heater divided by heat input during the performance test that established the minimum sorbent injection rate or minimum activated carbon injection rate, expressed as a fraction (*e.g.,* for 50 percent load the load fraction is 0.5). For boilers and process heaters that co-fire natural gas or refinery gas with a solid or liquid fuel, the load fraction is determined by the actual heat input of the solid or liquid fuel divided by heat input of the solid or liquid fuel fired during the performance test (*e.g.,* if the performance test was conducted at 100 percent solid fuel firing, for 100 percent

load firing 50 percent solid fuel and 50 percent natural gas the load fraction is 0.5).

* * * * *

*Oxygen trim system* means a system of monitors that is used to maintain excess air at the desired level in a combustion device over its operating load range. A typical system consists of a flue gas oxygen and/or CO monitor that automatically provides a feedback signal to the combustion air controller or draft controller.

* * * * *

*Shutdown* means the period in which cessation of operation of a boiler or process heater is initiated for any purpose. Shutdown begins when the boiler or process heater no longer makes useful thermal energy (such as heat or steam) for heating, cooling, or process purposes and/or generates electricity or when no fuel is being fed to the boiler or process heater, whichever is earlier. Shutdown ends when the boiler or process heater no longer makes useful thermal energy (such as steam or heat) for heating, cooling, or process purposes and/or generates electricity, and no fuel is being combusted in the boiler or process heater.

* * * * *

*Startup* means:

(1) Either the first-ever firing of fuel in a boiler or process heater for the purpose of supplying steam or heat for heating and/or producing electricity, or for any other purpose, or the firing of fuel in a boiler after a shutdown event for any purpose. Startup ends when any of the steam or heat from the boiler or process heater is supplied for heating, and/or producing electricity, or for any other purpose, or

(2) The period in which operation of a boiler or process heater is initiated for any purpose. Startup begins with either the first-ever firing of fuel in a boiler or process heater for the purpose of supplying useful thermal energy (such as steam or heat) for heating, cooling or process purposes, or producing electricity, or the firing of fuel in a boiler or process heater for any purpose after a shutdown event. Startup ends four hours after when the boiler or process heater makes useful thermal energy (such as heat or steam) for heating, cooling, or process purposes, or generates electricity, whichever is earlier.

*Steam output* means:

(1) For a boiler that produces steam for process or heating only (no power generation), the energy content in terms of MMBtu of the boiler steam output,

(2) For a boiler that cogenerates process steam and electricity (also known as combined heat and power), the total energy output, which is the sum of the energy content of the steam exiting the turbine and sent to process in MMBtu and the energy of the electricity generated converted to MMBtu at a rate of 10,000 Btu per kilowatt-hour generated (10 MMBtu per megawatt-hour), and

(3) For a boiler that generates only electricity, the alternate output-based emission limits would be the appropriate emission limit from Table 1 or 2 of this subpart in units of pounds per million Btu heat input (lb per MWh).

(4) For a boiler that performs multiple functions and produces steam to be used for any combination of (1), (2) and (3) that includes electricity generation (3), the total energy output, in terms of MMBtu of steam output, is the sum of the energy content of steam sent directly to the process and/or used for heating ($S_1$), the energy content of turbine steam sent to process plus energy in electricity according to (2) above ($S_2$), and the energy content of electricity generated by a electricity only turbine as (3) above ($S_3$) and would be calculated using Equation 21 of this section. In the case of boilers supplying steam to one or more common heaters, $S_1$, $S_2$, and $MW_{(3)}$ for each boiler would be calculated based on the its (steam energy) contribution (fraction of total stam energy) to the common heater.

$$SO_M = S_1 + S_2 + (MW_{(3)}\ x\ CFn) \qquad \text{(Eq. 21)}$$

Where:

$SO_M$ = Total steam output for multi-function boiler, MMBtu

$S_1$ = Energy content of steam sent directly to the process and/or used for heating, MMBtu

$S_2$ = Energy content of turbine steam sent to the process plus energy in electricity according to (2) above, MMBtu

$MW_{(3)}$ = Electricity generated according to (3) above, MWh

CFn = Conversion factor for the appropriate subcategory for converting electricity generated according to (3) above to equivalent steam energy, MMBtu/MWh

CFn for emission limits for boilers in the unit designed to burn solid fuel subcategory = 10.8

CFn PM and CO emission limits for boilers in one of the subcategories of units designed to burn coal = 11.7

CFn PM and CO emission limits for boilers in one of the subcategories of units designed to burn biomass = 12.1

CFn for emission limits for boilers in one of the subcategories of units designed to burn liquid fuel = 11.2

CFn for emission limits for boilers in the unit designed to burn gas 2 (other) subcategory = 6.2

* * * * *

*Temporary boiler* means any gaseous or liquid fuel boiler or process heater that is designed to, and is capable of, being carried or moved from one location to another by means of, for example, wheels, skids, carrying handles, dollies, trailers, or platforms. A boiler or process heater is not a temporary boiler or process heater if any one of the following conditions exists:

(1) The equipment is attached to a foundation.

(2) The boiler or process heater or a replacement remains at a location within the facility and performs the same or similar function for more than 12 consecutive months, unless the regulatory agency approves an extension. An extension may be granted by the regulating agency upon petition by the owner or operator of a unit specifying the basis for such a request. Any temporary boiler or process heater that replaces a temporary boiler or process heater at a location and performs the same or similar function will be included in calculating the consecutive time period.

(3) The equipment is located at a seasonal facility and operates during the full annual operating period of the seasonal facility, remains at the facility for at least 2 years, and operates at that facility for at least 3 months each year.

(4) The equipment is moved from one location to another within the facility but continues to perform the same or similar function and serve the same electricity, process heat, steam, and/or hot water system in an attempt to circumvent the residence time requirements of this definition.

* * * * *

*Useful thermal energy* means energy (*i.e.,* steam, hot water, or process heat) that meets the minimum operating temperature and/or pressure required by any energy use system that uses energy provided by the affected boiler or process heater.

* * * * *

■ 20. Table 1 to subpart DDDDD of part 63 is revised to read as follows:

TABLE 1 TO SUBPART DDDDD OF PART 63—EMISSION LIMITS FOR NEW OR RECONSTRUCTED BOILERS AND PROCESS HEATERS

AS STATED IN § 63.7500, YOU MUST COMPLY WITH THE FOLLOWING APPLICABLE EMISSION LIMITS:

[Units with heat input capacity of 10 million Btu per hour or greater]

| If your boiler or process heater is in this subcategory . . . | For the following pollutants . . . | The emissions must not exceed the following emission limits, except during startup and shutdown . . . | Or the emissions must not exceed the following alternative output-based limits, except during startup and shutdown . . . | Using this specified sampling volume or test run duration . . . |
|---|---|---|---|---|
| 1. Units in all subcategories designed to burn solid fuel.. | a. HCl ..... | 2.2E–02 lb per MMBtu of heat input. | 2.5E–02 lb per MMBtu of steam output or 0.28 lb per MWh. | For M26A, collect a minimum of 1 dscm per run; for M26 collect a minimum of 120 liters per run. |
| | b. Mercury ..... | 8.0E–07 [a] lb per MMBtu of heat input. | 8.7E–07 [a] lb per MMBtu of steam output or 1.1E–05 [a] lb per MWh. | For M29, collect a minimum of 4 dscm per run; for M30A or M30B, collect a minimum sample as specified in the method; for ASTM D6784 [b] collect a minimum of 4 dscm. |
| 2. Units designed to burn coal/solid fossil fuel. | a. Filterable PM (or TSM). | 1.1E–03 lb per MMBtu of heat input; or (2.3E–05 lb per MMBtu of heat input). | 1.1E–03 lb per MMBtu of steam output or 1.4E–02 lb per MWh; or (2.7E–05 lb per MMBtu of steam output or 2.9E–04 lb per MWh). | Collect a minimum of 3 dscm per run. |
| 3. Pulverized coal boilers designed to burn coal/solid fossil fuel. | a. Carbon monoxide (CO) (or CEMS). | 130 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (320 ppm by volume on a dry basis corrected to 3 percent oxygen [d], 30-day rolling average). | 0.11 lb per MMBtu of steam output or 1.4 lb per MWh; 3-run average. | 1 hr minimum sampling time. |
| 4. Stokers/others designed to burn coal/solid fossil fuel. | a. CO (or CEMS). | 130 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (340 ppm by volume on a dry basis corrected to 3 percent oxygen [d], 30-day rolling average). | 0.12 lb per MMBtu of steam output or 1.4 lb per MWh; 3-run average. | 1 hr minimum sampling time. |
| 5. Fluidized bed units designed to burn coal/solid fossil fuel. | a. CO (or CEMS). | 130 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (230 ppm by volume on a dry basis corrected to 3 percent oxygen [d], 30-day rolling average). | 0.11 lb per MMBtu of steam output or 1.4 lb per MWh; 3-run average. | 1 hr minimum sampling time. |
| 6. Fluidized bed units with an integrated heat exchanger designed to burn coal/solid fossil fuel. | a. CO (or CEMS). | 140 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (150 ppm by volume on a dry basis corrected to 3 percent oxygen [d], 30-day rolling average). | 1.2E–01 lb per MMBtu of steam output or 1.5 lb per MWh; 3-run average. | 1 hr minimum sampling time. |
| 7. Stokers/sloped grate/others designed to burn wet biomass fuel. | a. CO (or CEMS). | 620 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (390 ppm by volume on a dry basis corrected to 3 percent oxygen [d], 30-day rolling average). | 5.8E–01 lb per MMBtu of steam output or 6.8 lb per MWh; 3-run average. | 1 hr minimum sampling time. |
| | b. Filterable PM (or TSM). | 3.0E–02 lb per MMBtu of heat input; or (2.6E–05 lb per MMBtu of heat input). | 3.5E–02 lb per MMBtu of steam output or 4.2E–01 lb per MWh; or (2.7E–05 lb per MMBtu of steam output or 3.7E–04 lb per MWh). | Collect a minimum of 2 dscm per run. |
| 8. Stokers/sloped grate/others designed to burn kiln-dried biomass fuel. | a. CO ..... | 460 ppm by volume on a dry basis corrected to 3 percent oxygen. | 4.2E–01 lb per MMBtu of steam output or 5.1 lb per MWh. | 1 hr minimum sampling time. |
| | b. Filterable PM (or TSM). | 3.0E–02 lb per MMBtu of heat input; or (4.0E–03 lb per MMBtu of heat input). | 3.5E–02 lb per MMBtu of steam output or 4.2E–01 lb per MWh; or (4.2E–03 lb per MMBtu of steam output or 5.6E–02 lb per MWh). | Collect a minimum of 2 dscm per run. |

TABLE 1 TO SUBPART DDDDD OF PART 63—EMISSION LIMITS FOR NEW OR RECONSTRUCTED BOILERS AND PROCESS HEATERS—Continued

AS STATED IN § 63.7500, YOU MUST COMPLY WITH THE FOLLOWING APPLICABLE EMISSION LIMITS:

[Units with heat input capacity of 10 million Btu per hour or greater]

| If your boiler or process heater is in this subcategory . . . | For the following pollutants . . . | The emissions must not exceed the following emission limits, except during startup and shutdown . . . | Or the emissions must not exceed the following alternative output-based limits, except during startup and shutdown . . . | Using this specified sampling volume or test run duration . . . |
|---|---|---|---|---|
| 9. Fluidized bed units designed to burn biomass/bio-based solids. | a. CO (or CEMS). | 230 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (310 ppm by volume on a dry basis corrected to 3 percent oxygen [d], 30-day rolling average). | 2.2E–01 lb per MMBtu of steam output or 2.6 lb per MWh; 3-run average. | 1 hr minimum sampling time. |
| | b. Filterable PM (or TSM). | 9.8E–03 lb per MMBtu of heat input; or (8.3E–05 [a] lb per MMBtu of heat input). | 1.2E–02 lb per MMBtu of steam output or 0.14 lb per MWh; or (1.1E–04 [a] lb per MMBtu of steam output or 1.2E–03 [a] lb per MWh). | Collect a minimum of 3 dscm per run. |
| 10. Suspension burners designed to burn biomass/bio-based solids. | a. CO (or CEMS). | 2,400 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (2,000 ppm by volume on a dry basis corrected to 3 percent oxygen [d], 10-day rolling average). | 1.9 lb per MMBtu of steam output or 27 lb per MWh; 3-run average. | 1 hr minimum sampling time. |
| | b. Filterable PM (or TSM). | 3.0E–02 lb per MMBtu of heat input; or (6.5E–03 lb per MMBtu of heat input). | 3.1E–02 lb per MMBtu of steam output or 4.2E–01 lb per MWh; or (6.6E–03 lb per MMBtu of steam output or 9.1E–02 lb per MWh). | Collect a minimum of 2 dscm per run. |
| 11. Dutch Ovens/Pile burners designed to burn biomass/bio-based solids. | a. CO (or CEMS). | 330 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (520 ppm by volume on a dry basis corrected to 3 percent oxygen [d], 10-day rolling average). | 3.5E–01 lb per MMBtu of steam output or 3.6 lb per MWh; 3-run average. | 1 hr minimum sampling time. |
| | b. Filterable PM (or TSM). | 3.2E–03 lb per MMBtu of heat input; or (3.9E–05 lb per MMBtu of heat input). | 4.3E–03 lb per MMBtu of steam output or 4.5E–02 lb per MWh; or (5.2E–05 lb per MMBtu of steam output or 5.5E–04 lb per MWh). | Collect a minimum of 3 dscm per run. |
| 12. Fuel cell units designed to burn biomass/bio-based solids. | a. CO ..... | 910 ppm by volume on a dry basis corrected to 3 percent oxygen. | 1.1 lb per MMBtu of steam output or 1.0E+01 lb per MWh. | 1 hr minimum sampling time. |
| | b. Filterable PM (or TSM). | 2.0E–02 lb per MMBtu of heat input; or (2.9E–05 [a] lb per MMBtu of heat input). | 3.0E–02 lb per MMBtu of steam output or 2.8E–01 lb per MWh; or (5.1E–05 lb per MMBtu of steam output or 4.1E–04 lb per MWh). | Collect a minimum of 2 dscm per run. |
| 13. Hybrid suspension grate boiler designed to burn biomass/bio-based solids. | a. CO (or CEMS). | 1,100 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (900 ppm by volume on a dry basis corrected to 3 percent oxygen [d], 30-day rolling average). | 1.4 lb per MMBtu of steam output or 12 lb per MWh; 3-run average. | 1 hr minimum sampling time. |
| | b. Filterable PM (or TSM). | 2.6E–02 lb per MMBtu of heat input; or (4.4E–04 lb per MMBtu of heat input). | 3.3E–02 lb per MMBtu of steam output or 3.7E–01 lb per MWh; or (5.5E–04 lb per MMBtu of steam output or 6.2E–03 lb per MWh). | Collect a minimum of 3 dscm per run. |
| 14. Units designed to burn liquid fuel. | a. HCl ..... | 4.4E–04 lb per MMBtu of heat input. | 4.8E–04 lb per MMBtu of steam output or 6.1E–03 lb per MWh. | For M26A: Collect a minimum of 2 dscm per run; for M26, collect a minimum of 240 liters per run. |
| | b. Mercury ..... | 4.8E–07 [a] lb per MMBtu of heat input. | 5.3E–07 [a] lb per MMBtu of steam output or 6.7E–06 [a] lb per MWh. | For M29, collect a minimum of 4 dscm per run; for M30A or M30B, collect a minimum sample as specified in the method; for ASTM D6784 [b] collect a minimum of 4 dscm. |

TABLE 1 TO SUBPART DDDDD OF PART 63—EMISSION LIMITS FOR NEW OR RECONSTRUCTED BOILERS AND PROCESS HEATERS—Continued

AS STATED IN § 63.7500, YOU MUST COMPLY WITH THE FOLLOWING APPLICABLE EMISSION LIMITS:

[Units with heat input capacity of 10 million Btu per hour or greater]

| If your boiler or process heater is in this subcategory . . . | For the following pollutants . . . | The emissions must not exceed the following emission limits, except during startup and shutdown . . . | Or the emissions must not exceed the following alternative output-based limits, except during startup and shutdown . . . | Using this specified sampling volume or test run duration . . . |
|---|---|---|---|---|
| 15. Units designed to burn heavy liquid fuel. | a. CO | 130 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average. | 0.13 lb per MMBtu of steam output or 1.4 lb per MWh; 3-run average. | 1 hr minimum sampling time. |
| | b. Filterable PM (or TSM). | 1.3E–02 lb per MMBtu of heat input; or (7.5E–05 lb per MMBtu of heat input). | 1.5E–02 lb per MMBtu of steam output or 1.8E–01 lb per MWh; or (8.2E–05 lb per MMBtu of steam output or 1.1E–03 lb per MWh). | Collect a minimum of 3 dscm per run. |
| 16. Units designed to burn light liquid fuel. | a. CO | 130 ppm by volume on a dry basis corrected to 3 percent oxygen. | 0.13 lb per MMBtu of steam output or 1.4 lb per MWh. | 1 hr minimum sampling time. |
| | b. Filterable PM (or TSM). | 1.1E–03 [a] lb per MMBtu of heat input; or (2.9E–05 lb per MMBtu of heat input). | 1.2E–03 [a] lb per MMBtu of steam output or 1.6E–02 [a] lb per MWh; or (3.2E–05 lb per MMBtu of steam output or 4.0E–04 lb per MWh). | Collect a minimum of 3 dscm per run. |
| 17. Units designed to burn liquid fuel that are non-continental units. | a. CO | 130 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average based on stack test. | 0.13 lb per MMBtu of steam output or 1.4 lb per MWh; 3-run average. | 1 hr minimum sampling time. |
| | b. Filterable PM (or TSM). | 2.3E–02 lb per MMBtu of heat input; or (8.6E–04 lb per MMBtu of heat input). | 2.5E–02 lb per MMBtu of steam output or 3.2E–01 lb per MWh; or (9.4E–04 lb per MMBtu of steam output or 1.2E–02 lb per MWh). | Collect a minimum of 4 dscm per run. |
| 18. Units designed to burn gas 2 (other) gases. | a. CO | 130 ppm by volume on a dry basis corrected to 3 percent oxygen. | 0.16 lb per MMBtu of steam output or 1.0 lb per MWh. | 1 hr minimum sampling time. |
| | b. HCl | 1.7E–03 lb per MMBtu of heat input. | 2.9E–03 lb per MMBtu of steam output or 1.8E–02 lb per MWh. | For M26A, Collect a minimum of 2 dscm per run; for M26, collect a minimum of 240 liters per run. |
| | c. Mercury | 7.9E–06 lb per MMBtu of heat input. | 1.4E–05 lb per MMBtu of steam output or 8.3E–05 lb per MWh. | For M29, collect a minimum of 3 dscm per run; for M30A or M30B, collect a minimum sample as specified in the method; for ASTM D6784 [b], collect a minimum of 3 dscm. |
| | d. Filterable PM (or TSM). | 6.7E–03 lb per MMBtu of heat input; or (2.1E–04 lb per MMBtu of heat input). | 1.2E–02 lb per MMBtu of steam output or 7.0E–02 lb per MWh; or (3.5E–04 lb per MMBtu of steam output or 2.2E–03 lb per MWh). | Collect a minimum of 3 dscm per run. |

[a] If you are conducting stack tests to demonstrate compliance and your performance tests for this pollutant for at least 2 consecutive years show that your emissions are at or below this limit, you can skip testing according to § 63.7515 if all of the other provisions of § 63.7515 are met. For all other pollutants that do not contain a footnote "a", your performance tests for this pollutant for at least 2 consecutive years must show that your emissions are at or below 75 percent of this limit in order to qualify for skip testing.

[b] Incorporated by reference, see § 63.14.

[c] If your affected source is a new or reconstructed affected source that commenced construction or reconstruction after June 4, 2010, and before January 31, 2013, you may comply with the emission limits in Tables 11, 12 or 13 to this subpart until January 31, 2016. On and after January 31, 2016, you must comply with the emission limits in Table 1 to this subpart.

[d] An owner or operator may request that compliance with the carbon monoxide emission limit be determined using carbon dioxide measurements corrected to an equivalent of 3 percent oxygen. The relationship between oxygen and carbon dioxide levels for the affected facility shall be established during the initial compliance test.

■ 21. Table 2 to subpart DDDDD of part 63 is revised to read as follows:

TABLE 2 TO SUBPART DDDDD OF PART 63—EMISSION LIMITS FOR EXISTING BOILERS AND PROCESS HEATERS

AS STATED IN § 63.7500, YOU MUST COMPLY WITH THE FOLLOWING APPLICABLE EMISSION LIMITS:

[Units with heat input capacity of 10 million Btu per hour or greater]

| If your boiler or process heater is in this subcategory . . . | For the following pollutants . . . | The emissions must not exceed the following emission limits, except during startup and shutdown . . . | The emissions must not exceed the following alternative output-based limits, except during startup and shutdown . . . | Using this specified sampling volume or test run duration . . . |
|---|---|---|---|---|
| 1. Units in all subcategories designed to burn solid fuel. | a. HCl ..... | 2.2E–02 lb per MMBtu of heat input. | 2.5E–02 lb per MMBtu of steam output or 0.27 lb per MWh. | For M26A, Collect a minimum of 1 dscm per run; for M26, collect a minimum of 120 liters per run. |
| | b. Mercury ..... | 5.7E–06 lb per MMBtu of heat input. | 6.4E–06 lb per MMBtu of steam output or 7.3E–05 lb per MWh. | For M29, collect a minimum of 3 dscm per run; for M30A or M30B, collect a minimum sample as specified in the method; for ASTM D6784 [b] collect a minimum of 3 dscm. |
| 2. Units design to burn coal/solid fossil fuel. | a. Filterable PM (or TSM). | 4.0E–02 lb per MMBtu of heat input; or (5.3E–05 lb per MMBtu of heat input). | 4.2E–02 lb per MMBtu of steam output or 4.9E–01 lb per MWh; or (5.6E–05 lb per MMBtu of steam output or 6.5E–04 lb per MWh). | Collect a minimum of 2 dscm per run. |
| 3. Pulverized coal boilers designed to burn coal/solid fossil fuel. | a. CO (or CEMS). | 130 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (320 ppm by volume on a dry basis corrected to 3 percent oxygen,[c] 30-day rolling average). | 0.11 lb per MMBtu of steam output or 1.4 lb per MWh; 3-run average. | 1 hr minimum sampling time. |
| 4. Stokers/others designed to burn coal/solid fossil fuel. | a. CO (or CEMS). | 160 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (340 ppm by volume on a dry basis corrected to 3 percent oxygen,[c] 30-day rolling average). | 0.14 lb per MMBtu of steam output or 1.7 lb per MWh; 3-run average. | 1 hr minimum sampling time. |
| 5. Fluidized bed units designed to burn coal/solid fossil fuel. | a. CO (or CEMS). | 130 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (230 ppm by volume on a dry basis corrected to 3 percent oxygen,[c] 30-day rolling average). | 0.12 lb per MMBtu of steam output or 1.4 lb per MWh; 3-run average. | 1 hr minimum sampling time. |
| 6. Fluidized bed units with an integrated heat exchanger designed to burn coal/solid fossil fuel. | a. CO (or CEMS). | 140 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (150 ppm by volume on a dry basis corrected to 3 percent oxygen,[c] 30-day rolling average). | 1.3E–01 lb per MMBtu of steam output or 1.5 lb per MWh; 3-run average. | 1 hr minimum sampling time. |
| 7. Stokers/sloped grate/others designed to burn wet biomass fuel. | a. CO (or CEMS). | 1,500 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (720 ppm by volume on a dry basis corrected to 3 percent oxygen,[c] 30-day rolling average). | 1.4 lb per MMBtu of steam output or 17 lb per MWh; 3-run average. | 1 hr minimum sampling time. |
| | b. Filterable PM (or TSM). | 3.7E–02 lb per MMBtu of heat input; or (2.4E–04 lb per MMBtu of heat input). | 4.3E–02 lb per MMBtu of steam output or 5.2E–01 lb per MWh; or (2.8E–04 lb per MMBtu of steam output or 3.4E–04 lb per MWh). | Collect a minimum of 2 dscm per run. |
| 8. Stokers/sloped grate/others designed to burn kiln-dried biomass fuel. | a. CO ..... | 460 ppm by volume on a dry basis corrected to 3 percent oxygen. | 4.2E–01 lb per MMBtu of steam output or 5.1 lb per MWh. | 1 hr minimum sampling time. |
| | b. Filterable PM (or TSM). | 3.2E–01 lb per MMBtu of heat input; or (4.0E–03 lb per MMBtu of heat input). | 3.7E–01 lb per MMBtu of steam output or 4.5 lb per MWh; or (4.6E–03 lb per MMBtu of steam output or 5.6E–02 lb per MWh). | Collect a minimum of 1 dscm per run. |

TABLE 2 TO SUBPART DDDDD OF PART 63—EMISSION LIMITS FOR EXISTING BOILERS AND PROCESS HEATERS—Continued

AS STATED IN § 63.7500, YOU MUST COMPLY WITH THE FOLLOWING APPLICABLE EMISSION LIMITS:

[Units with heat input capacity of 10 million Btu per hour or greater]

| If your boiler or process heater is in this subcategory . . . | For the following pollutants . . . | The emissions must not exceed the following emission limits, except during startup and shutdown . . . | The emissions must not exceed the following alternative output-based limits, except during startup and shutdown . . . | Using this specified sampling volume or test run duration . . . |
|---|---|---|---|---|
| 9. Fluidized bed units designed to burn biomass/bio-based solid. | a. CO (or CEMS). | 470 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (310 ppm by volume on a dry basis corrected to 3 percent oxygen,[c] 30-day rolling average). | 4.6E–01 lb per MMBtu of steam output or 5.2 lb per MWh; 3-run average. | 1 hr minimum sampling time. |
| | b. Filterable PM (or TSM). | 1.1E–01 lb per MMBtu of heat input; or (1.2E–03 lb per MMBtu of heat input). | 1.4E–01 lb per MMBtu of steam output or 1.6 lb per MWh; or (1.5E–03 lb per MMBtu of steam output or 1.7E–02 lb per MWh). | Collect a minimum of 1 dscm per run. |
| 10. Suspension burners designed to burn biomass/bio-based solid. | a. CO (or CEMS). | 2,400 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (2,000 ppm by volume on a dry basis corrected to 3 percent oxygen,[c] 10-day rolling average). | 1.9 lb per MMBtu of steam output or 27 lb per MWh; 3-run average. | 1 hr minimum sampling time. |
| | b. Filterable PM (or TSM). | 5.1E–02 lb per MMBtu of heat input; or (6.5E–03 lb per MMBtu of heat input). | 5.2E–02 lb per MMBtu of steam output or 7.1E–01 lb per MWh; or (6.6E–03 lb per MMBtu of steam output or 9.1E–02 lb per MWh). | Collect a minimum of 2 dscm per run. |
| 11. Dutch Ovens/Pile burners designed to burn biomass/bio-based solid. | a. CO (or CEMS). | 770 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (520 ppm by volume on a dry basis corrected to 3 percent oxygen,[c] 10-day rolling average). | 8.4E–01 lb per MMBtu of steam output or 8.4 lb per MWh; 3-run average. | 1 hr minimum sampling time. |
| | b. Filterable PM (or TSM). | 2.8E–01 lb per MMBtu of heat input; or (2.0E–03 lb per MMBtu of heat input). | 3.9E–01 lb per MMBtu of steam output or 3.9 lb per MWh; or (2.8E–03 lb per MMBtu of steam output or 2.8E–02 lb per MWh). | Collect a minimum of 1 dscm per run. |
| 12. Fuel cell units designed to burn biomass/bio-based solid. | a. CO ..... | 1,100 ppm by volume on a dry basis corrected to 3 percent oxygen. | 2.4 lb per MMBtu of steam output or 12 lb per MWh. | 1 hr minimum sampling time. |
| | b. Filterable PM (or TSM). | 2.0E–02 lb per MMBtu of heat input; or (5.8E–03 lb per MMBtu of heat input). | 5.5E–02 lb per MMBtu of steam output or 2.8E–01 lb per MWh; or (1.6E–02 lb per MMBtu of steam output or 8.1E–02 lb per MWh). | Collect a minimum of 2 dscm per run. |
| 13. Hybrid suspension grate units designed to burn biomass/bio-based solid. | a. CO (or CEMS). | 3,500 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (900 ppm by volume on a dry basis corrected to 3 percent oxygen,[c] 30-day rolling average). | 3.5 lb per MMBtu of steam output or 39 lb per MWh; 3-run average. | 1 hr minimum sampling time. |
| | b. Filterable PM (or TSM). | 4.4E–01 lb per MMBtu of heat input; or (4.5E–04 lb per MMBtu of heat input). | 5.5E–01 lb per MMBtu of steam output or 6.2 lb per MWh; or (5.7E–04 lb per MMBtu of steam output or 6.3E–03 lb per MWh). | Collect a minimum of 1 dscm per run. |
| 14. Units designed to burn liquid fuel. | a. HCl ..... | 1.1E–03 lb per MMBtu of heat input. | 1.4E–03 lb per MMBtu of steam output or 1.6E–02 lb per MWh. | For M26A, collect a minimum of 2 dscm per run; for M26, collect a minimum of 240 liters per run. |
| | b. Mercury ..... | 2.0E–06[a] lb per MMBtu of heat input. | 2.5E–06[a] lb per MMBtu of steam output or 2.8E–05 lb per MWh. | For M29, collect a minimum of 3 dscm per run; for M30A or M30B collect a minimum sample as specified in the method, for ASTM D6784,[b] collect a minimum of 2 dscm. |

TABLE 2 TO SUBPART DDDDD OF PART 63—EMISSION LIMITS FOR EXISTING BOILERS AND PROCESS HEATERS—Continued

AS STATED IN § 63.7500, YOU MUST COMPLY WITH THE FOLLOWING APPLICABLE EMISSION LIMITS:

[Units with heat input capacity of 10 million Btu per hour or greater]

| If your boiler or process heater is in this subcategory . . . | For the following pollutants . . . | The emissions must not exceed the following emission limits, except during startup and shutdown . . . | The emissions must not exceed the following alternative output-based limits, except during startup and shutdown . . . | Using this specified sampling volume or test run duration . . . |
|---|---|---|---|---|
| 15. Units designed to burn heavy liquid fuel. | a. CO | 130 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average. | 0.13 lb per MMBtu of steam output or 1.4 lb per MWh; 3-run average. | 1 hr minimum sampling time. |
| | b. Filterable PM (or TSM). | 6.2E–02 lb per MMBtu of heat input; or (2.0E–04 lb per MMBtu of heat input). | 7.5E–02 lb per MMBtu of steam output or 8.6E–01 lb per MWh; or (2.5E–04 lb per MMBtu of steam output or 2.8E–03 lb per MWh). | Collect a minimum of 1 dscm per run. |
| 16. Units designed to burn light liquid fuel. | a. CO | 130 ppm by volume on a dry basis corrected to 3 percent oxygen. | 0.13 lb per MMBtu of steam output or 1.4 lb per MWh. | 1 hr minimum sampling time. |
| | b. Filterable PM (or TSM). | 7.9E–03 [a] lb per MMBtu of heat input; or (6.2E–05 lb per MMBtu of heat input). | 9.6E–03 [a] lb per MMBtu of steam output or 1.1E–01 [a] lb per MWh; or (7.5E–05 lb per MMBtu of steam output or 8.6E–04 lb per MWh). | Collect a minimum of 3 dscm per run. |
| 17. Units designed to burn liquid fuel that are non-continental units. | a. CO | 130 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average based on stack test. | 0.13 lb per MMBtu of steam output or 1.4 lb per MWh; 3-run average. | 1 hr minimum sampling time. |
| | b. Filterable PM (or TSM). | 2.7E–01 lb per MMBtu of heat input; or (8.6E–04 lb per MMBtu of heat input). | 3.3E–01 lb per MMBtu of steam output or 3.8 lb per MWh; or (1.1E–03 lb per MMBtu of steam output or 1.2E–02 lb per MWh). | Collect a minimum of 2 dscm per run. |
| 18. Units designed to burn gas 2 (other) gases. | a. CO | 130 ppm by volume on a dry basis corrected to 3 percent oxygen. | 0.16 lb per MMBtu of steam output or 1.0 lb per MWh. | 1 hr minimum sampling time. |
| | b. HCl | 1.7E–03 lb per MMBtu of heat input. | 2.9E–03 lb per MMBtu of steam output or 1.8E–02 lb per MWh. | For M26A, collect a minimum of 2 dscm per run; for M26, collect a minimum of 240 liters per run. |
| | c. Mercury | 7.9E–06 lb per MMBtu of heat input. | 1.4E–05 lb per MMBtu of steam output or 8.3E–05 lb per MWh. | For M29, collect a minimum of 3 dscm per run; for M30A or M30B, collect a minimum sample as specified in the method; for ASTM D6784,[b] collect a minimum of 2 dscm. |
| | d. Filterable PM (or TSM). | 6.7E–03 lb per MMBtu of heat input or (2.1E–04 lb per MMBtu of heat input). | 1.2E–02 lb per MMBtu of steam output or 7.0E–02 lb per MWh; or (3.5E–04 lb per MMBtu of steam output or 2.2E–03 lb per MWh). | Collect a minimum of 3 dscm per run. |

[a] If you are conducting stack tests to demonstrate compliance and your performance tests for this pollutant for at least 2 consecutive years show that your emissions are at or below this limit, you can skip testing according to § 63.7515 if all of the other provisions of § 63.7515 are met. For all other pollutants that do not contain a footnote a, your performance tests for this pollutant for at least 2 consecutive years must show that your emissions are at or below 75 percent of this limit in order to qualify for skip testing.

[b] Incorporated by reference, see § 63.14.

[c] An owner or operator may request that compliance with the carbon monoxide emission limit be determined using carbon dioxide measurements corrected to an equivalent of 3 percent oxygen. The relationship between oxygen and carbon dioxide levels for the affected facility shall be established during the initial compliance test.

■ 22. Table 3 to subpart DDDDD of part 63 is amended by revising the entry for ''4,'' ''5,'' and ''6'' to read as follows:

TABLE 3 TO SUBPART DDDDD OF PART 63—WORK PRACTICE STANDARDS

[As stated in § 63.7500, you must comply with the following applicable work practice standards:]

| If your unit is . . . | You must meet the following . . . |
|---|---|
| 4. An existing boiler or process heater located at a major source facility, not including limited use units. | Must have a one-time energy assessment performed by a qualified energy assessor. An energy assessment completed on or after January 1, 2008, that meets or is amended to meet the energy assessment requirements in this table, satisfies the energy assessment requirement. A facility that operated under an energy management program developed according to the ENERGY STAR guidelines for energy management or compatible with ISO 50001 for at least one year between January 1, 2008 and the compliance date specified in § 63.7495 that includes the affected units also satisfies the energy assessment requirement. The energy assessment must include the following with extent of the evaluation for items a. to e. appropriate for the on-site technical hours listed in § 63.7575:<br>a. A visual inspection of the boiler or process heater system.<br>b. An evaluation of operating characteristics of the boiler or process heater systems, specifications of energy using systems, operating and maintenance procedures, and unusual operating constraints.<br>c. An inventory of major energy use systems consuming energy from affected boilers and process heaters and which are under the control of the boiler/process heater owner/operator.<br>d. A review of available architectural and engineering plans, facility operation and maintenance procedures and logs, and fuel usage.<br>e. A review of the facility's energy management program and provide recommendations for improvements consistent with the definition of energy management program, if identified.<br>f. A list of cost-effective energy conservation measures that are within the facility's control.<br>g. A list of the energy savings potential of the energy conservation measures identified.<br>h. A comprehensive report detailing the ways to improve efficiency, the cost of specific improvements, benefits, and the time frame for recouping those investments. |
| 5. An existing or new boiler or process heater subject to emission limits in Table 1 or 2 or 11 through 13 to this subpart during startup. | a. You must operate all CMS during startup.<br>b. For startup of a boiler or process heater, you must use one or a combination of the following clean fuels: Natural gas, synthetic natural gas, propane, other Gas 1 fuels, distillate oil, syngas, ultra-low sulfur diesel, fuel oil-soaked rags, kerosene, hydrogen, paper, cardboard, refinery gas, liquefied petroleum gas, and any fuels meeting the appropriate HCl, mercury and TSM emission standards by fuel analysis.<br>c. You have the option of complying using either of the following work practice standards.<br>(1) If you start firing coal/solid fossil fuel, biomass/bio-based solids, heavy liquid fuel, or gas 2 (other) gases, you must vent emissions to the main stack(s) and engage all of the applicable control devices except limestone injection in fluidized bed combustion (FBC) boilers, dry scrubber, fabric filter, selective non-catalytic reduction (SNCR), and selective catalytic reduction (SCR). You must start your limestone injection in FBC boilers, dry scrubber, fabric filter, SNCR, and SCR systems as expeditiously as possible. Startup ends when steam or heat is supplied for any purpose, OR<br>(2) If you choose to comply using definition (2) of "startup" in § 63.7575, once you start firing (i.e., feeding) coal/solid fossil fuel, biomass/bio-based solids, heavy liquid fuel, or gas 2 (other) gases, you must vent emissions to the main stack(s) and engage all of the applicable control devices so as to comply with the emission limits within 4 hours of start of supplying useful thermal energy. You must effect PM control within one hour of first firing coal/solid fossil fuel, biomass/bio-based solids, heavy liquid fuel, or gas 2 (other) gases [a]. You must start all applicable control devices as expeditiously as possible, but, in any case, when necessary to comply with other standards applicable to the source by a permit limit or a rule other than this subpart that require operation of the control devices.<br>d. You must comply with all applicable emission limits at all times except during startup and shutdown periods at which time you must meet this work practice. You must collect monitoring data during periods of startup, as specified in § 63.7535(b). You must keep records during periods of startup. You must provide reports concerning activities and periods of startup, as specified in § 63.7555. |
| 6. An existing or new boiler or process heater subject to emission limits in Tables 1 or 2 or 11 through 13 to this subpart during shutdown. | You must operate all CMS during shutdown. While firing coal/solid fossil fuel, biomass/bio-based solids, heavy liquid fuel, or gas 2 (other) gases during shutdown, you must vent emissions to the main stack(s) and operate all applicable control devices, except limestone injection in FBC boilers, dry scrubber, fabric filter, SNCR, and SCR but, in any case, when necessary to comply with other standards applicable to the source that require operation of the control device.<br>If, in addition to the fuel used prior to initiation of shutdown, another fuel must be used to support the shutdown process, that additional fuel must be one or a combination of the following clean fuels: Natural gas, synthetic natural gas, propane, other Gas 1 fuels, distillate oil, syngas, ultra-low sulfur diesel, refinery gas, and liquefied petroleum gas.<br>You must comply with all applicable emissions limits at all times except for startup or shutdown periods conforming with this work practice. You must collect monitoring data during periods of shutdown, as specified in § 63.7535(b). You must keep records during periods of shutdown. You must provide reports concerning activities and periods of shutdown, as specified in § 63.7555. |

[a] The source may request a variance with the PM controls requirement. The source must provide evidence that (1) meeting the "fuel firing + 1 hour" requirement violates manufacturer's recommended operation and/or safety requirements, and (2) the PM control device is appropriately designed and sized to meet the filterable PM emission limit.

■ 23. Table 4 to subpart DDDDD of part 63 is revised to read as follows:

TABLE 4 TO SUBPART DDDDD OF PART 63—OPERATING LIMITS FOR BOILERS AND PROCESS HEATERS

[As stated in § 63.7500, you must comply with the applicable operating limits:]

| When complying with a Table 1, 2, 11, 12, or 13 numerical emission limit using . . . | You must meet these operating limits . . . |
|---|---|
| 1. Wet PM scrubber control on a boiler or process heater not using a PM CPMS. | Maintain the 30-day rolling average pressure drop and the 30-day rolling average liquid flow rate at or above the lowest one-hour average pressure drop and the lowest one-hour average liquid flow rate, respectively, measured during the most recent performance test demonstrating compliance with the PM emission limitation according to § 63.7530(b) and Table 7 to this subpart. |
| 2. Wet acid gas (HCl) scrubber control on a boiler or process heater not using a HCl CEMS. | Maintain the 30-day rolling average effluent pH at or above the lowest one-hour average pH and the 30-day rolling average liquid flow rate at or above the lowest one-hour average liquid flow rate measured during the most recent performance test demonstrating compliance with the HCl emission limitation according to § 63.7530(b) and Table 7 to this subpart. |
| 3. Fabric filter control on a boiler or process heater not using a PM CPMS. | a. Maintain opacity to less than or equal to 10 percent opacity (daily block average); or<br>b. Install and operate a bag leak detection system according to § 63.7525 and operate the fabric filter such that the bag leak detection system alert is not activated more than 5 percent of the operating time during each 6-month period. |
| 4. Electrostatic precipitator control on a boiler or process heater not using a PM CPMS. | a. This option is for boilers and process heaters that operate dry control systems (i.e., an ESP without a wet scrubber). Existing and new boilers and process heaters must maintain opacity to less than or equal to 10 percent opacity (daily block average).<br>b. This option is only for boilers and process heaters not subject to PM CPMS or continuous compliance with an opacity limit (i.e., dry ESP). Maintain the 30-day rolling average total secondary electric power input of the electrostatic precipitator at or above the operating limits established during the performance test according to § 63.7530(b) and Table 7 to this subpart. |
| 5. Dry scrubber or carbon injection control on a boiler or process heater not using a mercury CEMS. | Maintain the minimum sorbent or carbon injection rate as defined in § 63.7575 of this subpart. |
| 6. Any other add-on air pollution control type on a boiler or process heater not using a PM CPMS. | This option is for boilers and process heaters that operate dry control systems. Existing and new boilers and process heaters must maintain opacity to less than or equal to 10 percent opacity (daily block average). |
| 7. Fuel analysis | Maintain the fuel type or fuel mixture such that the applicable emission rates calculated according to § 63.7530(c)(1), (2) and/or (3) is less than the applicable emission limits. |
| 8. Performance testing | For boilers and process heaters that demonstrate compliance with a performance test, maintain the operating load of each unit such that it does not exceed 110 percent of the highest hourly average operating load recorded during the most recent performance test. |
| 9. Oxygen analyzer system | For boilers and process heaters subject to a CO emission limit that demonstrate compliance with an $O_2$ analyzer system as specified in § 63.7525(a), maintain the 30-day rolling average oxygen content at or above the lowest hourly average oxygen concentration measured during the most recent CO performance test, as specified in Table 8. This requirement does not apply to units that install an oxygen trim system since these units will set the trim system to the level specified in § 63.7525(a). |
| 10. $SO_2$CEMS | For boilers or process heaters subject to an HCl emission limit that demonstrate compliance with an $SO_2$CEMS, maintain the 30-day rolling average $SO_2$emission rate at or below the highest hourly average $SO_2$concentration measured during the most recent HCl performance test, as specified in Table 8. |

■ 24. Table 5 to subpart DDDDD of part 63 is amended by revising the heading to the third column and adding the footnote ''a'' to read as follows:

TABLE 5 TO SUBPART DDDDD OF PART 63—PERFORMANCE TESTING REQUIREMENTS

[As stated in § 63.7520, you must comply with the following requirements for performance testing for existing, new or reconstructed affected sources:]

| To conduct a performance test for the following pollutant . . . | You must . . . | Using, as appropriate . . . |
|---|---|---|
| * * * * * | | |

[a] Incorporated by reference, see § 63.14.

■ 25. Table 6 to subpart DDDDD of part 63 is revised to read as follows:

TABLE 6 TO SUBPART DDDDD OF PART 63—FUEL ANALYSIS REQUIREMENTS

[As stated in § 63.7521, you must comply with the following requirements for fuel analysis testing for existing, new or reconstructed affected sources. However, equivalent methods (as defined in § 63.7575) may be used in lieu of the prescribed methods at the discretion of the source owner or operator:]

| To conduct a fuel nalysis for the following pollutant . . . | You must . . . | Using . . . |
|---|---|---|
| 1. Mercury | a. Collect fuel samples | Procedure in § 63.7521(c) or ASTM D5192 [a], or ASTM D7430 [a], or ASTM D6883 [a], or ASTM D2234/D2234M [a] (for coal) or EPA 1631 or EPA 1631E or ASTM D6323 [a] (for solid), or EPA 821–R–01–013 (for liquid or solid), or ASTM D4177 [a] (for liquid), or ASTM D4057 [a] (for liquid), or equivalent. |
| | b. Composite fuel samples | Procedure in § 63.7521(d) or equivalent. |
| | c. Prepare composited fuel samples | EPA SW–846–3050B [a] (for solid samples), ASTM D2013/D2013M [a] (for coal), ASTM D5198 [a] (for biomass), or EPA 3050 [a] (for solid fuel), or EPA 821–R–01–013 [a] (for liquid or solid), or equivalent. |
| | d. Determine heat content of the fuel type. | ASTM D5865 [a] (for coal) or ASTM E711 [a] (for biomass), or ASTM D5864 [a] for liquids and other solids, or ASTM D240 [a] or equivalent. |
| | e. Determine moisture content of the fuel type. | ASTM D3173 [a], ASTM E871 [a], or ASTM D5864 [a], or ASTM D240, or ASTM D95 [a] (for liquid fuels), or ASTM D4006 [a] (for liquid fuels), or ASTM D4177 [a] (for liquid fuels) or ASTM D4057 [a] (for liquid fuels), or equivalent. |
| | f. Measure mercury concentration in fuel sample. | ASTM D6722 [a] (for coal), EPA SW–846–7471B [a] (for solid samples), or EPA SW–846–7470A [a] (for liquid samples), or equivalent. |
| | g. Convert concentration into units of pounds of mercury per MMBtu of heat content. | Equation 8 in § 63.7530. |
| 2. HCl | a. Collect fuel samples | Procedure in § 63.7521(c) or ASTM D5192 [a], or ASTM D7430 [a], or ASTM D6883 [a], or ASTM D2234/D2234M [a] (for coal) or ASTM D6323 [a] (for coal or biomass), ASTM D4177 [a] (for liquid fuels) or ASTM D4057 [a] (for liquid fuels), or equivalent. |
| | b. Composite fuel samples | Procedure in § 63.7521(d) or equivalent. |
| | c. Prepare composited fuel samples | EPA SW–846–3050B [a] (for solid samples), ASTM D2013/D2013M [a] (for coal), or ASTM D5198 [a] (for biomass), or EPA 3050 [a] or equivalent. |
| | d. Determine heat content of the fuel type. | ASTM D5865 [a] (for coal) or ASTM E711 [a] (for biomass), ASTM D5864, ASTM D240 [a] or equivalent. |
| | e. Determine moisture content of the fuel type. | ASTM D3173 [a] or ASTM E871 [a], or D5864 [a], or ASTM D240 [a], or ASTM D95 [a] (for liquid fuels), or ASTM D4006 [a] (for liquid fuels), or ASTM D4177 [a] (for liquid fuels) or ASTM D4057 [a] (for liquid fuels) or equivalent. |
| | f. Measure chlorine concentration in fuel sample. | EPA SW–846–9250 [a], ASTM D6721 [a], ASTM D4208 [a] (for coal), or EPA SW–846–5050 [a] or ASTM E776 [a] (for solid fuel), or EPA SW–846–9056 [a] or SW–846–9076 [a] (for solids or liquids) or equivalent. |
| | g. Convert concentrations into units of pounds of HCl per MMBtu of heat content. | Equation 7 in § 63.7530. |
| 3. Mercury Fuel Specification for other gas 1 fuels. | a. Measure mercury concentration in the fuel sample and convert to units of micrograms per cubic meter, or. | Method 30B (M30B) at 40 CFR part 60, appendix A–8 of this chapter or ASTM D5954 [a], ASTM D6350 [a], ISO 6978–1:2003(E) [a], or ISO 6978–2:2003(E) [a], or EPA–1631 [a] or equivalent. |
| | b. Measure mercury concentration in the exhaust gas when firing only the other gas 1 fuel is fired in the boiler or process heater. | Method 29, 30A, or 30B (M29, M30A, or M30B) at 40 CFR part 60, appendix A–8 of this chapter or Method 101A or Method 102 at 40 CFR part 61, appendix B of this chapter, or ASTM Method D6784 [a] or equivalent. |
| 4. TSM | a. Collect fuel samples | Procedure in § 63.7521(c) or ASTM D5192 [a], or ASTM D7430 [a], or ASTM D6883 [a], or ASTM D2234/D2234M [a] (for coal) or ASTM D6323 [a] (for coal or biomass), or ASTM D4177 [a], (for liquid fuels)or ASTM D4057 [a] (for liquid fuels), or equivalent. |
| | b. Composite fuel samples | Procedure in § 63.7521(d) or equivalent. |
| | c. Prepare composited fuel samples | EPA SW–846–3050B [a] (for solid samples), ASTM D2013/D2013M [a] (for coal), ASTM D5198 [a] or TAPPI T266 [a] (for biomass), or EPA 3050 [a] or equivalent. |
| | d. Determine heat content of the fuel type. | ASTM D5865 [a] (for coal) or ASTM E711 [a] (for biomass), or ASTM D5864 [a] for liquids and other solids, or ASTM D240 [a] or equivalent. |
| | e. Determine moisture content of the fuel type. | ASTM D3173 [a] or ASTM E871 [a], or D5864, or ASTM D240 [a], or ASTM D95 [a] (for liquid fuels), or ASTM D4006 [a] (for liquid fuels), or ASTM D4177 [a] (for liquid fuels) or ASTM D4057 [a] (for liquid fuels), or equivalent. |
| | f. Measure TSM concentration in fuel sample. | ASTM D3683 [a], or ASTM D4606 [a], or ASTM D6357 [a] or EPA 200.8 [a] or EPA SW–846–6020 [a], or EPA SW–846–6020A [a], or EPA SW–846–6010C [a], EPA 7060 [a] or EPA 7060A [a] (for arsenic only), or EPA SW–846–7740[a] (for selenium only). |
| | g. Convert concentrations into units of pounds of TSM per MMBtu of heat content. | Equation 9 in § 63.7530. |

[a] Incorporated by reference, see § 63.14.

■ 26. Table 7 to subpart DDDDD of part 63 is revised to read as follows:

TABLE 7 TO SUBPART DDDDD OF PART 63—ESTABLISHING OPERATING LIMITS

[As stated in § 63.7520, you must comply with the following requirements for establishing operating limits:]

| If you have an applicable emission limit for . . . | And your operating limits are based on . . . | You must . . . | Using . . . | According to the following requirements |
|---|---|---|---|---|
| 1. PM, TSM, or mercury. | a. Wet scrubber operating parameters. | i. Establish a site-specific minimum scrubber pressure drop and minimum flow rate operating limit according to § 63.7530(b). | (1) Data from the scrubber pressure drop and liquid flow rate monitors and the PM, TSM, or mercury performance test. | (a) You must collect scrubber pressure drop and liquid flow rate data every 15 minutes during the entire period of the performance tests.<br>(b) Determine the lowest hourly average scrubber pressure drop and liquid flow rate by computing the hourly averages using all of the 15-minute readings taken during each performance test. |
| | b. Electrostatic precipitator operating parameters (option only for units that operate wet scrubbers). | i. Establish a site-specific minimum total secondary electric power input according to § 63.7530(b). | (1) Data from the voltage and secondary amperage monitors during the PM or mercury performance test. | (a) You must collect secondary voltage and secondary amperage for each ESP cell and calculate total secondary electric power input data every 15 minutes during the entire period of the performance tests.<br>(b) Determine the average total secondary electric power input by computing the hourly averages using all of the 15-minute readings taken during each performance test. |
| 2. HCl ..... | a. Wet scrubber operating parameters. | i. Establish site-specific minimum effluent pH and flow rate operating limits according to § 63.7530(b). | (1) Data from the pH and liquid flow-rate monitors and the HCl performance test. | (a) You must collect pH and liquid flow-rate data every 15 minutes during the entire period of the performance tests.<br>(b) Determine the hourly average pH and liquid flow rate by computing the hourly averages using all of the 15-minute readings taken during each performance test. |
| | b. Dry scrubber operating parameters. | i. Establish a site-specific minimum sorbent injection rate operating limit according to § 63.7530(b). If different acid gas sorbents are used during the HCl performance test, the average value for each sorbent becomes the site-specific operating limit for that sorbent. | (1) Data from the sorbent injection rate monitors and HCl or mercury performance test. | (a) You must collect sorbent injection rate data every 15 minutes during the entire period of the performance tests.<br>(b) Determine the hourly average sorbent injection rate by computing the hourly averages using all of the 15-minute readings taken during each performance test.<br>(c) Determine the lowest hourly average of the three test run averages established during the performance test as your operating limit. When your unit operates at lower loads, multiply your sorbent injection rate by the load fraction, as defined in § 63.7575, to determine the required injection rate. |
| | c. Alternative Maximum $SO_2$ emission rate. | i. Establish a site-specific maximum $SO_2$ emission rate operating limit according to § 63.7530(b). | (1) Data from $SO_2$ CEMS and the HCl performance test. | (a) You must collect the $SO_2$ emissions data according to § 63.7525(m) during the most recent HCl performance tests. |

TABLE 7 TO SUBPART DDDDD OF PART 63—ESTABLISHING OPERATING LIMITS—Continued

[As stated in § 63.7520, you must comply with the following requirements for establishing operating limits:]

| If you have an applicable emission limit for . . . | And your operating limits are based on . . . | You must . . . | Using . . . | According to the following requirements |
|---|---|---|---|---|
| | | | | (b) The maximum $SO_2$ emission rate is equal to the highest hourly average $SO_2$ emission rate measured during the most recent HCl performance tests. |
| 3. Mercury ..... | a. Activated carbon injection. | i. Establish a site-specific minimum activated carbon injection rate operating limit according to § 63.7530(b). | (1) Data from the activated carbon rate monitors and mercury performance test. | (a) You must collect activated carbon injection rate data every 15 minutes during the entire period of the performance tests.<br>(b) Determine the hourly average activated carbon injection rate by computing the hourly averages using all of the 15-minute readings taken during each performance test.<br>(c) Determine the lowest hourly average established during the performance test as your operating limit. When your unit operates at lower loads, multiply your activated carbon injection rate by the load fraction, as defined in § 63.7575, to determine the required injection rate. |
| 4. Carbon monoxide for which compliance is demonstrated by a performance test. | a. Oxygen ..... | i. Establish a unit-specific limit for minimum oxygen level according to § 63.7530(b). | (1) Data from the oxygen analyzer system specified in § 63.7525(a). | (a) You must collect oxygen data every 15 minutes during the entire period of the performance tests.<br>(b) Determine the hourly average oxygen concentration by computing the hourly averages using all of the 15-minute readings taken during each performance test.<br>(c) Determine the lowest hourly average established during the performance test as your minimum operating limit. |
| 5. Any pollutant for which compliance is demonstrated by a performance test. | a. Boiler or process heater operating load. | i. Establish a unit specific limit for maximum operating load according to § 63.7520(c). | (1) Data from the operating load monitors or from steam generation monitors. | (a) You must collect operating load or steam generation data every 15 minutes during the entire period of the performance test.<br>(b) Determine the average operating load by computing the hourly averages using all of the 15-minute readings taken during each performance test.<br>(c) Determine the average of the three test run averages during the performance test, and multiply this by 1.1 (110 percent) as your operating limit. |

■ 27. Table 8 to subpart DDDDD of part 63 is amended by revising the entry for ''3,'' ''9,'' ''10,'' and ''11'' to read as follows:

TABLE 8 TO SUBPART DDDDD OF PART 63—DEMONSTRATING CONTINUOUS COMPLIANCE

[As stated in § 63.7540, you must show continuous compliance with the emission limitations for each boiler or process heater according to the following:]

| If you must meet the following operating limits or work practice standards . . . | You must demonstrate continuous compliance by . . . |
|---|---|
| * | * * * * |
| 3. Fabric Filter Bag Leak Detection Operation ... | Installing and operating a bag leak detection system according to § 63.7525 and operating the fabric filter such that the requirements in § 63.7540(a)(7) are met. |
| * | * * * * |
| 9. Oxygen content ..... | a. Continuously monitor the oxygen content using an oxygen analyzer system according to § 63.7525(a). This requirement does not apply to units that install an oxygen trim system since these units will set the trim system to the level specified in § 63.7525(a)(7).<br>b. Reducing the data to 30-day rolling averages; and<br>c. Maintain the 30-day rolling average oxygen content at or above the lowest hourly average oxygen level measured during the most recent CO performance test. |
| 10. Boiler or process heater operating load ..... | a. Collecting operating load data or steam generation data every 15 minutes.<br>b. Reducing the data to 30-day rolling averages; and<br>b. Maintaining the 30-day rolling average operating load such that it does not exceed 110 percent of the highest hourly average operating load recorded during the most recent performance test according to § 63.7520(c). |
| 11. $SO_2$emissions using $SO_2$CEMS ..... | a. Collecting the $SO_2$CEMS output data according to § 63.7525;<br>b. Reducing the data to 30-day rolling averages; and<br>c. Maintaining the 30-day rolling average $SO_2$CEMS emission rate to a level at or below the highest hourly $SO_2$rate measured during the most recent HCl performance test according to § 63.7530. |

■ 28. Table 9 to subpart DDDDD of part 63 is revised to read as follows:

TABLE 9 TO SUBPART DDDDD OF PART 63—REPORTING REQUIREMENTS

[As stated in § 63.7550, you must comply with the following requirements for reports:]

| You must submit a(n) | The report must contain . . . | You must submit the report . . . |
|---|---|---|
| 1. Compliance report. | a. Information required in § 63.7550(c)(1) through (5); and .....<br>b. If there are no deviations from any emission limitation (emission limit and operating limit) that applies to you and there are no deviations from the requirements for work practice standards for periods of startup and shutdown in Table 3 to this subpart that apply to you, a statement that there were no deviations from the emission limitations and work practice standards during the reporting period. If there were no periods during which the CMSs, including continuous emissions monitoring system, continuous opacity monitoring system, and operating parameter monitoring systems, were out-of-control as specified in § 63.8(c)(7), a statement that there were no periods during which the CMSs were out-of-control during the reporting period; and.<br>c. If you have a deviation from any emission limitation (emission limit and operating limit) where you are not using a CMS to comply with that emission limit or operating limit, or a deviation from a work practice standard for periods of startup and shutdown, during the reporting period, the report must contain the information in § 63.7550(d); and.<br>d. If there were periods during which the CMSs, including continuous emissions monitoring system, continuous opacity monitoring system, and operating parameter monitoring systems, were out-of-control as specified in § 63.8(c)(7), or otherwise not operating, the report must contain the information in § 63.7550(e). | Semiannually, annually, biennially, or every 5 years according to the requirements in § 63.7550(b). |

* * * * *

■ 29. Table 11 to subpart DDDDD of part 63 is revised to read as follows:

TABLE 11 TO SUBPART DDDDD OF PART 63—ALTERNATIVE EMISSION LIMITS FOR NEW OR RECONSTRUCTED BOILERS AND PROCESS HEATERS THAT COMMENCED CONSTRUCTION OR RECONSTRUCTION AFTER JUNE 4, 2010, AND BEFORE MAY 20, 2011

| If your boiler or process heater is in this subcategory . . . | For the following pollutants . . . | The emissions must not exceed the following emission limits, except during periods of startup and shutdown . . . | Using this specified sampling volume or test run duration . . . |
|---|---|---|---|
| 1. Units in all subcategories designed to burn solid fuel. | a. HCl | 0.022 lb per MMBtu of heat input | For M26A, collect a minimum of 1 dscm per run; for M26 collect a minimum of 120 liters per run. |
| 2. Units in all subcategories designed to burn solid fuel that combust at least 10 percent biomass/bio-based solids on an annual heat input basis and less than 10 percent coal/solid fossil fuels on an annual heat input basis. | a. Mercury | 8.0E–07 [a] lb per MMBtu of heat input. | For M29, collect a minimum of 4 dscm per run; for M30A or M30B, collect a minimum sample as specified in the method; for ASTM D6784 [b] collect a minimum of 4 dscm. |
| 3. Units in all subcategories designed to burn solid fuel that combust at least 10 percent coal/solid fossil fuels on an annual heat input basis and less than 10 percent biomass/bio-based solids on an annual heat input basis. | a. Mercury | 2.0E–06 lb per MMBtu of heat input. | For M29, collect a minimum of 4 dscm per run; for M30A or M30B, collect a minimum sample as specified in the method; for ASTM D6784 [b] collect a minimum of 4 dscm. |
| 4. Units design to burn coal/solid fossil fuel. | a. Filterable PM (or TSM) | 1.1E–03 lb per MMBtu of heat input; or (2.3E–05 lb per MMBtu of heat input). | Collect a minimum of 3 dscm per run. |
| 5. Pulverized coal boilers designed to burn coal/solid fossil fuel. | a. Carbon monoxide (CO) (or CEMS). | 130 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (320 ppm by volume on a dry basis corrected to 3 percent oxygen [c], 30-day rolling average). | 1 hr minimum sampling time. |
| 6. Stokers designed to burn coal/solid fossil fuel. | a. CO (or CEMS) | 130 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (340 ppm by volume on a dry basis corrected to 3 percent oxygen [c], 10-day rolling average). | 1 hr minimum sampling time. |
| 7. Fluidized bed units designed to burn coal/solid fossil fuel. | a. CO (or CEMS) | 130 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (230 ppm by volume on a dry basis corrected to 3 percent oxygen [c], 30-day rolling average). | 1 hr minimum sampling time |
| 8. Fluidized bed units with an integrated heat exchanger designed to burn coal/solid fossil fuel. | a. CO (or CEMS) | 140 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (150 ppm by volume on a dry basis corrected to 3 percent oxygen [c], 30-day rolling average). | 1 hr minimum sampling time. |
| 9. Stokers/sloped grate/others designed to burn wet biomass fuel. | a. CO (or CEMS) | 620 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (390 ppm by volume on a dry basis corrected to 3 percent oxygen [c], 30-day rolling average). | 1 hr minimum sampling time. |
| | b. Filterable PM (or TSM) | 3.0E–02 lb per MMBtu of heat input; or (2.6E–05 lb per MMBtu of heat input). | Collect a minimum of 2 dscm per run. |
| 10. Stokers/sloped grate/others designed to burn kiln-dried biomass fuel. | a. CO | 560 ppm by volume on a dry basis corrected to 3 percent oxygen. | 1 hr minimum sampling time. |
| | b. Filterable PM (or TSM) | 3.0E–02 lb per MMBtu of heat input; or (4.0E–03 lb per MMBtu of heat input). | Collect a minimum of 2 dscm per run. |

TABLE 11 TO SUBPART DDDDD OF PART 63—ALTERNATIVE EMISSION LIMITS FOR NEW OR RECONSTRUCTED BOILERS AND PROCESS HEATERS THAT COMMENCED CONSTRUCTION OR RECONSTRUCTION AFTER JUNE 4, 2010, AND BEFORE MAY 20, 2011—Continued

| If your boiler or process heater is in this subcategory . . . | For the following pollutants . . . | The emissions must not exceed the following emission limits, except during periods of startup and shutdown . . . | Using this specified sampling volume or test run duration . . . |
|---|---|---|---|
| 11. Fluidized bed units designed to burn biomass/bio-based solids. | a. CO (or CEMS) | 230 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (310 ppm by volume on a dry basis corrected to 3 percent oxygen [c], 30-day rolling average). | 1 hr minimum sampling time. |
| | b. Filterable PM (or TSM) | 9.8E–03 lb per MMBtu of heat input; or (8.3E–05 [a] lb per MMBtu of heat input). | Collect a minimum of 3 dscm per run. |
| 12. Suspension burners designed to burn biomass/bio-based solids. | a. CO (or CEMS) | 2,400 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (2,000 ppm by volume on a dry basis corrected to 3 percent oxygen [c], 10-day rolling average). | 1 hr minimum sampling time. |
| | b. Filterable PM (or TSM) | 3.0E–02 lb per MMBtu of heat input; or (6.5E–03 lb per MMBtu of heat input). | Collect a minimum of 2 dscm per run. |
| 13. Dutch Ovens/Pile burners designed to burn biomass/bio-based solids. | a. CO (or CEMS) | 1,010 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (520 ppm by volume on a dry basis corrected to 3 percent oxygen [c], 10-day rolling average). | 1 hr minimum sampling time. |
| | b. Filterable PM (or TSM) | 8.0E–03 lb per MMBtu of heat input; or (3.9E–05 lb per MMBtu of heat input). | Collect a minimum of 3 dscm per run. |
| 14. Fuel cell units designed to burn biomass/bio-based solids. | a. CO | 910 ppm by volume on a dry basis corrected to 3 percent oxygen. | 1 hr minimum sampling time. |
| | b. Filterable PM (or TSM) | 2.0E–02 lb per MMBtu of heat input; or (2.9E–05 lb per MMBtu of heat input). | Collect a minimum of 2 dscm per run. |
| 15. Hybrid suspension grate boiler designed to burn biomass/bio-based solids. | a. CO (or CEMS) | 1,100 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (900 ppm by volume on a dry basis corrected to 3 percent oxygen [c], 30-day rolling average). | 1 hr minimum sampling time. |
| | b. Filterable PM (or TSM) | 2.6E–02 lb per MMBtu of heat input; or (4.4E–04 lb per MMBtu of heat input). | Collect a minimum of 3 dscm per run. |
| 16. Units designed to burn liquid fuel. | a. HCl | 4.4E–04 lb per MMBtu of heat input. | For M26A: Collect a minimum of 2 dscm per run; for M26, collect a minimum of 240 liters per run. |
| | b. Mercury | 4.8E–07 [a] lb per MMBtu of heat input. | For M29, collect a minimum of 4 dscm per run; for M30A or M30B, collect a minimum sample as specified in the method; for ASTM D6784 [b] collect a minimum of 4 dscm. |
| 17. Units designed to burn heavy liquid fuel. | a. CO | 130 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average. | 1 hr minimum sampling time. |
| | b. Filterable PM (or TSM) | 1.3E–02 lb per MMBtu of heat input; or (7.5E–05 lb per MMBtu of heat input). | Collect a minimum of 3 dscm per run. |
| 18. Units designed to burn light liquid fuel. | a. CO | 130 ppm by volume on a dry basis corrected to 3 percent oxygen. | 1 hr minimum sampling time. |
| | b. Filterable PM (or TSM) | 2.0E–03 [a] lb per MMBtu of heat input; or (2.9E–05 lb per MMBtu of heat input). | Collect a minimum of 3 dscm per run. |

TABLE 11 TO SUBPART DDDDD OF PART 63—ALTERNATIVE EMISSION LIMITS FOR NEW OR RECONSTRUCTED BOILERS AND PROCESS HEATERS THAT COMMENCED CONSTRUCTION OR RECONSTRUCTION AFTER JUNE 4, 2010, AND BEFORE MAY 20, 2011—Continued

| If your boiler or process heater is in this subcategory . . . | For the following pollutants . . . | The emissions must not exceed the following emission limits, except during periods of startup and shutdown . . . | Using this specified sampling volume or test run duration . . . |
|---|---|---|---|
| 19. Units designed to burn liquid fuel that are non-continental units. | a. CO | 130 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average based on stack test. | 1 hr minimum sampling time. |
| | b. Filterable PM (or TSM) | 2.3E–02 lb per MMBtu of heat input; or (8.6E–04 lb per MMBtu of heat input). | Collect a minimum of 4 dscm per run. |
| 20. Units designed to burn gas 2 (other) gases. | a. CO | 130 ppm by volume on a dry basis corrected to 3 percent oxygen. | 1 hr minimum sampling time. |
| | b. HCl | 1.7E–03 lb per MMBtu of heat input. | For M26A, Collect a minimum of 2 dscm per run; for M26, collect a minimum of 240 liters per run. |
| | c. Mercury | 7.9E–06 lb per MMBtu of heat input. | For M29, collect a minimum of 3 dscm per run; for M30A or M30B, collect a minimum sample as specified in the method; for ASTM D6784 [b] collect a minimum of 3 dscm. |
| | d. Filterable PM (or TSM) | 6.7E–03 lb per MMBtu of heat input; or (2.1E–04 lb per MMBtu of heat input). | Collect a minimum of 3 dscm per run. |

[a] If you are conducting stack tests to demonstrate compliance and your performance tests for this pollutant for at least 2 consecutive years show that your emissions are at or below this limit, you can skip testing according to § 63.7515 if all of the other provision of § 63.7515 are met. For all other pollutants that do not contain a footnote "a", your performance tests for this pollutant for at least 2 consecutive years must show that your emissions are at or below 75 percent of this limit in order to qualify for skip testing.

[b] Incorporated by reference, see § 63.14.

[c] An owner or operator may request that compliance with the carbon monoxide emission limit be determined using carbon dioxide measurements corrected to an equivalent of 3 percent oxygen. The relationship between oxygen and carbon dioxide levels for the affected facility shall be established during the initial compliance test.

■ 29. Table 12 to subpart DDDDD of part 63 is revised to read as follows:

TABLE 12 TO SUBPART DDDDD OF PART 63—ALTERNATIVE EMISSION LIMITS FOR NEW OR RECONSTRUCTED BOILERS AND PROCESS HEATERS THAT COMMENCED CONSTRUCTION OR RECONSTRUCTION AFTER MAY 20, 2011, AND BEFORE DECEMBER 23, 2011

| If your boiler or process heater is in this subcategory . . . | For the following pollutants . . . | The emissions must not exceed the following emission limits, except during periods of startup and shutdown . . . | Using this specified sampling volume or test run duration . . . |
|---|---|---|---|
| 1. Units in all subcategories designed to burn solid fuel. | a. HCl | 0.022 lb per MMBtu of heat input | For M26A, collect a minimum of 1 dscm per run; for M26 collect a minimum of 120 liters per run. |
| | b. Mercury | 3.5E–06 [a] lb per MMBtu of heat input | For M29, collect a minimum of 3 dscm per run; for M30A or M30B, collect a minimum sample as specified in the method; for ASTM D6784 [b] collect a minimum of 3 dscm. |
| 2. Units design to burn coal/solid fossil fuel. | a. Filterable PM (or TSM). | 1.1E–03 lb per MMBtu of heat input; or (2.3E–05 lb per MMBtu of heat input). | Collect a minimum of 3 dscm per run. |
| 3. Pulverized coal boilers designed to burn coal/solid fossil fuel. | a. Carbon monoxide (CO) (or CEMS) | 130 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (320 ppm by volume on a dry basis corrected to 3 percent oxygen [c], 30-day rolling average) | 1 hr minimum sampling time. |
| 4. Stokers designed to burn coal/solid fossil fuel. | a. CO (or CEMS) | 130 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (340 ppm by volume on a dry basis corrected to 3 percent oxygen [c], 10-day rolling average) | 1 hr minimum sampling time. |

TABLE 12 TO SUBPART DDDDD OF PART 63—ALTERNATIVE EMISSION LIMITS FOR NEW OR RECONSTRUCTED BOILERS AND PROCESS HEATERS THAT COMMENCED CONSTRUCTION OR RECONSTRUCTION AFTER MAY 20, 2011, AND BEFORE DECEMBER 23, 2011—Continued

| If your boiler or process heater is in this subcategory . . . | For the following pollutants . . . | The emissions must not exceed the following emission limits, except during periods of startup and shutdown . . . | Using this specified sampling volume or test run duration . . . |
|---|---|---|---|
| 5. Fluidized bed units designed to burn coal/solid fossil fuel. | a. CO (or CEMS) .. | 130 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (230 ppm by volume on a dry basis corrected to 3 percent oxygen [c], 30-day rolling average) | 1 hr minimum sampling time. |
| 6. Fluidized bed units with an integrated heat exchanger designed to burn coal/solid fossil fuel. | a. CO (or CEMS) .. | 140 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (150 ppm by volume on a dry basis corrected to 3 percent oxygen [c], 30-day rolling average) | 1 hr minimum sampling time. |
| 7. Stokers/sloped grate/others designed to burn wet biomass fuel. | a. CO (or CEMS) .. | 620 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (390 ppm by volume on a dry basis corrected to 3 percent oxygen [c], 30-day rolling average) | 1 hr minimum sampling time. |
| | b. Filterable PM (or TSM). | 3.0E–02 lb per MMBtu of heat input; or (2.6E–05 lb per MMBtu of heat input) | Collect a minimum of 2 dscm per run. |
| 8. Stokers/sloped grate/others designed to burn kiln-dried biomass fuel. | a. CO ..... | 460 ppm by volume on a dry basis corrected to 3 percent oxygen | 1 hr minimum sampling time. |
| | b. Filterable PM (or TSM). | 3.0E–02 lb per MMBtu of heat input; or (4.0E–03 lb per MMBtu of heat input) | Collect a minimum of 2 dscm per run. |
| 9. Fluidized bed units designed to burn biomass/bio-based solids. | a. CO (or CEMS) .. | 260 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (310 ppm by volume on a dry basis corrected to 3 percent oxygen [c], 30-day rolling average) | 1 hr minimum sampling time. |
| | b. Filterable PM (or TSM). | 9.8E–03 lb per MMBtu of heat input; or (8.3E–05 [a] lb per MMBtu of heat input) | Collect a minimum of 3 dscm per run. |
| 10. Suspension burners designed to burn biomass/bio-based solids. | a. CO (or CEMS) .. | 2,400 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (2,000 ppm by volume on a dry basis corrected to 3 percent oxygen [c], 10-day rolling average) | 1 hr minimum sampling time. |
| | b. Filterable PM (or TSM). | 3.0E–02 lb per MMBtu of heat input; or (6.5E–03 lb per MMBtu of heat input) | Collect a minimum of 2 dscm per run. |
| 11. Dutch Ovens/Pile burners designed to burn biomass/bio-based solids. | a. CO (or CEMS) .. | 470 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (520 ppm by volume on a dry basis corrected to 3 percent oxygen [c], 10-day rolling average) | 1 hr minimum sampling time. |
| | b. Filterable PM (or TSM). | 3.2E–03 lb per MMBtu of heat input; or (3.9E–05 lb per MMBtu of heat input) | Collect a minimum of 3 dscm per run. |
| 12. Fuel cell units designed to burn biomass/bio-based solids. | a. CO ..... | 910 ppm by volume on a dry basis corrected to 3 percent oxygen | 1 hr minimum sampling time. |
| | b. Filterable PM (or TSM). | 2.0E–02 lb per MMBtu of heat input; or (2.9E–05 lb per MMBtu of heat input) | Collect a minimum of 2 dscm per run. |
| 13. Hybrid suspension grate boiler designed to burn biomass/bio-based solids. | a. CO (or CEMS) .. | 1,500 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (900 ppm by volume on a dry basis corrected to 3 percent oxygen [c], 30-day rolling average) | 1 hr minimum sampling time. |
| | b. Filterable PM (or TSM). | 2.6E–02 lb per MMBtu of heat input; or (4.4E–04 lb per MMBtu of heat input) | Collect a minimum of 3 dscm per run. |
| 14. Units designed to burn liquid fuel .... | a. HCl ..... | 4.4E–04 lb per MMBtu of heat input .... | For M26A: Collect a minimum of 2 dscm per run; for M26, collect a minimum of 240 liters per run. |

TABLE 12 TO SUBPART DDDDD OF PART 63—ALTERNATIVE EMISSION LIMITS FOR NEW OR RECONSTRUCTED BOILERS AND PROCESS HEATERS THAT COMMENCED CONSTRUCTION OR RECONSTRUCTION AFTER MAY 20, 2011, AND BEFORE DECEMBER 23, 2011—Continued

| If your boiler or process heater is in this subcategory . . . | For the following pollutants . . . | The emissions must not exceed the following emission limits, except during periods of startup and shutdown . . . | Using this specified sampling volume or test run duration . . . |
|---|---|---|---|
| | b. Mercury | 4.8E–07 [a] lb per MMBtu of heat input | For M29, collect a minimum of 4 dscm per run; for M30A or M30B, collect a minimum sample as specified in the method; for ASTM D6784 [b] collect a minimum of 4 dscm. |
| 15. Units designed to burn heavy liquid fuel. | a. CO | 130 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average | 1 hr minimum sampling time. |
| | b. Filterable PM (or TSM). | 1.3E–02 lb per MMBtu of heat input; or (7.5E–05 lb per MMBtu of heat input) | Collect a minimum of 2 dscm per run. |
| 16. Units designed to burn light liquid fuel. | a. CO | 130 ppm by volume on a dry basis corrected to 3 percent oxygen | 1 hr minimum sampling time. |
| | b. Filterable PM (or TSM). | 1.3E–03 [a] lb per MMBtu of heat input; or (2.9E–05 lb per MMBtu of heat input) | Collect a minimum of 3 dscm per run. |
| 17. Units designed to burn liquid fuel that are non-continental units | a. CO | 130 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average based on stack test | 1 hr minimum sampling time. |
| | b. Filterable PM (or TSM). | 2.3E–02 lb per MMBtu of heat input; or (8.6E–04 lb per MMBtu of heat input) | Collect a minimum of 4 dscm per run. |
| 18. Units designed to burn gas 2 (other) gases. | a. CO | 130 ppm by volume on a dry basis corrected to 3 percent oxygen | 1 hr minimum sampling time. |
| | b. HCl | 1.7E–03 lb per MMBtu of heat input | For M26A, Collect a minimum of 2 dscm per run; for M26, collect a minimum of 240 liters per run. |
| | c. Mercury | 7.9E–06 lb per MMBtu of heat input | For M29, collect a minimum of 3 dscm per run; for M30A or M30B, collect a minimum sample as specified in the method; for ASTM D6784 [b] collect a minimum of 3 dscm. |
| | d. Filterable PM (or TSM). | 6.7E–03 lb per MMBtu of heat input; or (2.1E–04 lb per MMBtu of heat input) | Collect a minimum of 3 dscm per run. |

[a] If you are conducting stack tests to demonstrate compliance and your performance tests for this pollutant for at least 2 consecutive years show that your emissions are at or below this limit, you can skip testing according to § 63.7515 if all of the other provision of § 63.7515 are met. For all other pollutants that do not contain a footnote "a", your performance tests for this pollutant for at least 2 consecutive years must show that your emissions are at or below 75 percent of this limit in order to qualify for skip testing.

[b] Incorporated by reference, see § 63.14.

[c] An owner or operator may request that compliance with the carbon monoxide emission limit be determined using carbon dioxide measurements corrected to an equivalent of 3 percent oxygen. The relationship between oxygen and carbon dioxide levels for the affected facility shall be established during the initial compliance test.

[FR Doc. 2014–29569 Filed 1–20–15; 8:45 am]

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# FEDERAL REGISTER

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No. 13 January 21, 2015


Part IV

## The President


Proclamation 9227—Religious Freedom Day, 2015

Memorandum of January 15, 2015—Modernizing Federal Leave Policies for Childbirth, Adoption, and Foster Care To Recruit and Retain Talent and Improve Productivity

Federal Register
Vol. 80, No. 13
Wednesday, January 21, 2015

# Presidential Documents

**Title 3—**

**The President**

**Proclamation 9227 of January 15, 2015**

## Religious Freedom Day, 2015

**By the President of the United States of America**

**A Proclamation**

From many faiths and diverse beliefs, Americans are united by the ideals we cherish. Our shared values define who we are as a people and what we stand for as a Nation. With abiding resolve, generations of patriots have fought—through great conflict and fierce debate—to secure and defend these freedoms, irrevocably weaving them deep into the fabric of our society. Today, we celebrate an early milestone in the long history of one of our country's fundamental liberties.

On January 16, 1786, the Virginia Statute for Religious Freedom was adopted. It was one of the first laws in our Nation to codify the right of every person to profess their opinions in matters of faith, and it declares that ''no man shall be compelled to frequent or support any'' religion. Drafted by Thomas Jefferson and guided through the Virginia legislature by James Madison, this historic legislation served as a model for the religious liberty protections enshrined in our Constitution.

The First Amendment prohibits the Government from establishing religion. It protects the right of every person to practice their faith how they choose, to change their faith, or to practice no faith at all, and to do so free from persecution and fear. This religious freedom allows faith to flourish, and our Union is stronger because a vast array of religious communities coexist peacefully with mutual respect for one another. Since the age of Jefferson and Madison, brave women and men of faith have challenged our conscience; today, our Nation continues to be shaped by people of every religion and of no religion, bringing us closer to our founding ideals. As heirs to this proud legacy of liberty, we must remain vigilant in our efforts to safeguard these freedoms.

We must also continue our work to protect religious freedom around the globe. Throughout the world, millions of individuals are subjected to discrimination, abuse, and sanctioned violence simply for exercising their religion or choosing not to claim a faith. Communities are being driven from their ancient homelands because of who they are or how they pray, and in conflict zones, mass displacement has become all too common.

In the face of these challenges, I am proud the United States continues to stand up for the rights of all people to practice their faiths in peace. Promoting religious freedom has always been a key objective of my Administration's foreign policy because history shows that nations that uphold the rights of their people—including the freedom of religion—are ultimately more just, more peaceful, and more successful. In every country, individuals should be free to choose and live their faith based upon the persuasion of the mind—and of the heart and soul. Today, let us continue our work to protect this tradition and advance the cause of religious freedom worldwide.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January 16, 2015, as Religious Freedom Day. I call on all Americans to commemorate this day with events and activities that teach us about this critical foundation

of our Nation's liberty, and that show us how we can protect it for future generations at home and around the world.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of January, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

[FR Doc. 2015–01112
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# Presidential Documents

**Memorandum of January 15, 2015**

## Modernizing Federal Leave Policies for Childbirth, Adoption, and Foster Care To Recruit and Retain Talent and Improve Productivity

**Memorandum for the Heads of Executive Departments and Agencies**

Now more than ever, our Nation's economic success rests on our ability to empower our citizens to choose jobs that best utilize their talents and interests. All employers, including the Federal Government, should support parents to ensure they can both contribute fully in the workplace and also meet the needs of their families. The availability of paid maternity leave, for example, has been shown to increase the likelihood that mothers return to their jobs following the birth of a child, and paid maternity and paternity leave has been shown to improve the health and development outcomes of the infant. In addition, it is critically important for parents and their newborn or newly adopted child to have the opportunity to form strong family attachments and relationships.

Men and women both need time to care for their families and should have access to workplace flexibilities that help them succeed at work and at home. Offering family leave and other workplace flexibilities to parents can help achieve the goals of recruiting and retaining talent, lowering costly worker turnover, increasing employee engagement, boosting employee morale, and ensuring a diverse and inclusive workforce. Yet, the United States lags behind almost every other country in ensuring some form of paid parental leave to its Federal workforce; we are the only developed country in the world without it.

My memorandum of June 23, 2014 (Enhancing Workplace Flexibilities and Work-Life Programs), directs the heads of executive departments and agencies (agencies) to more fully utilize workplace flexibilities and work-life programs to promote recruitment, retention, employee engagement, and workforce productivity. My Administration fully supports efforts to align the Federal Government with the parental leave policies of leading private sector companies and other industrialized countries, and will continue to take administrative steps to modernize leave policies to better support Federal employees.

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to further build on these important goals and the work currently underway by the Office of Personnel Management (OPM) and other agencies to review existing personnel policies, I hereby direct as follows:

**Section 1**. *Advanced Sick and Annual Leave.* (a) Agencies shall ensure that, to the extent permitted by law, their policies offer 240 hours of advanced sick leave, at the request of an employee and in appropriate circumstances, in connection with the birth or adoption of a child or for other sick leave eligible uses. This benefit shall be provided for purposes specified in law and regulation irrespective of existing leave balances. Within 60 days of OPM issuing its guidance pursuant to section 3 of this memorandum, agencies shall make any necessary changes to their policies to implement this section.

(b) Agencies shall ensure that their policies offer the maximum amount of advanced annual leave permitted by law, at the request of an employee, for foster care placement in their home or bonding with a healthy newborn or newly adopted child. This benefit shall be provided for purposes specified

in law and regulation irrespective of existing leave balances. Within 60 days of OPM issuing its guidance pursuant to section 3 of this memorandum, agencies shall make any necessary changes to their policies to implement this section.

**Sec. 2**. *Emergency Backup Dependent Care.* Agencies shall consider, consistent with existing resources, providing access to affordable emergency backup dependent care services such as through an Employee Assistance Program.

**Sec. 3**. *Update Leave Policies.* (a) In coordination with the agency review and related OPM summary report of workplace flexibilities and work-life policies required by sections 4 and 5 of my memorandum of June 23, 2014, agencies shall make necessary changes to their policies and practices to ensure that employees experiencing the birth or adoption of a child, foster care placement in their home, or who have other circumstances eligible for sick or annual leave are aware of the full range of benefits to which they are entitled. These changes shall also ensure that discretionary flexibilities are used to the maximum extent practicable, in accordance with the laws and regulations governing these programs and consistent with mission needs, and that employees understand the benefits for which they may qualify. Any necessary changes to agency policies required by this section shall be made as soon as possible, and no later than January 1, 2016.

(b) For purposes of the changes required by subsection (a) of this section, agencies shall review policies with respect to the following required benefits:

(i) use of accrued sick leave (including period of incapacitation for birth mother, care of birth mother during period of incapacitation, doctor appointments for birth parents or newborn child, or any periods of time during which adoptive parents are ordered or required by an adoption agency or by a court to take time off from work to care for the adopted child);

(ii) leave pursuant to the Family and Medical Leave Act (including intermittent leave for childbirth, adoption, or foster care placement in the home; and leave without pay or substitution of appropriate paid leave in accordance with law and regulation);

(iii) use of accrued annual leave;

(iv) use of leave without pay for a longer period than what is provided for under the Family and Medical Leave Act; and

(v) break times and private space for nursing mothers.

(c) For purposes of the changes required by subsection (a) of this section, agencies shall ensure those changes provide to the maximum extent practicable the following discretionary benefits:

(i) advancement of sick or annual leave, consistent with the requirements set forth in section 1 of this memorandum;

(ii) donated annual leave under the Voluntary Leave Transfer Program;

(iii) donated annual leave under the Voluntary Leave Bank Program;

(iv) emergency backup dependent care services, such as through an Employee Assistance Program;

(v) telework; and

(vi) flexible work schedules, including part-time schedules and job sharing arrangements.

(d) Within 90 days of the date of this memorandum, OPM shall issue guidance to agencies regarding implementing advanced sick and annual leave policies, including their application to part-time employees. The OPM summary report of workplace flexibilities and work-life policies required by section 4 of my memorandum of June 23, 2014, shall provide further guidance to implement this memorandum.

**Sec. 4**. *General Provisions.* (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to a department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The Director of OPM is hereby authorized and directed to publish this memorandum in the *Federal Register.*

THE WHITE HOUSE,
*Washington, January 15, 2015*

[FR Doc. 2015–01118
Filed 1–20–15; 11:15 am]
Billing code 6325–01

# Reader Aids

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