

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[EPA-R07-OAR-2015-0512; FRL-9932-81-Region 7]

Approval and Promulgation of Implementation Plans; State of Kansas; Infrastructure SIP Requirements for the 2008 Ozone National Ambient Air Quality Standard**AGENCY:** Environmental Protection Agency.**ACTION:** Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve an element of a State Implementation Plan (SIP) submission from the State of Kansas addressing the applicable requirements of Clean Air Act (CAA) section 110 for the 2008 National Ambient Air Quality Standards (NAAQS) for Ozone (O₃), which requires that each state adopt and submit a SIP to support implementation, maintenance, and enforcement of each new or revised NAAQS promulgated by EPA. These SIPs are commonly referred to as “infrastructure” SIPs. The infrastructure requirements are designed to ensure that the structural components of each state’s air quality management program are adequate to meet the state’s responsibilities under the CAA.

DATES: This direct final rule will be effective October 26, 2015, without further notice, unless EPA receives adverse comment by September 28, 2015. If EPA receives adverse comment, we 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-R07-OAR-2015-0512, by one of the following methods:

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

2. *Email: kemp.lachala@epa.gov*.

3. *Mail or Hand Delivery:* Lachala Kemp, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219.

Instructions: Direct your comments to Docket ID No. EPA-R07-OAR-2015-0512. 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 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, 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 Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219. The Regional Office’s official hours of business are Monday through Friday, 8:00 a.m. to 4:30 p.m., excluding legal holidays. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Lachala Kemp, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at (913) 551-7214 or by email at *kemp.lachala@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document whenever “we”, “us”, or “our” is used, we refer to EPA. This section provides additional information by addressing the following questions:

I. Background

II. Summary of SIP Revision
III. Final Action
IV. Statutory and Executive Order Review

I. Background

On July 16, 2014, (79 FR 41486), EPA published a notice of proposed rulemaking (NPR) for the State of Kansas. The NPR proposed approval of Kansas’ submission that provides the basic elements specified in section 110(a)(2) of the CAA, or portions thereof, necessary to implement, maintain, and enforce the 2008 O₃ NAAQS. EPA subsequently published the final rulemaking on October 21, 2014, (79 FR 62861). EPA did not act on the visibility protection portion of section 110(a)(2)(j) of the CAA at that time.

II. Summary of SIP Revision

On March 19, 2013, and May 9, 2013, EPA received SIP submissions from the state of Kansas that address the infrastructure elements specified in section 110(a)(2) of the CAA for the 2008 O₃ NAAQS. The submissions addressed the following infrastructure elements of section 110(a)(2): (A), (B), (C), (D), (E), (F), (G), (H), (J), (K), (L), and (M). Specific requirements of section 110(a)(2) of the CAA and the rationale for EPA’s proposed action to approve the SIP submission are explained in the NPR and will not be restated here.

Under section 110(a)(2)(j) of the CAA, states are required to submit SIPs that meet, among other provisions, part C of the CAA, relating to prevention of significant deterioration of air quality and visibility protection. With respect to the visibility component of section 110(a)(2)(j) of the CAA, Kansas stated in its 2008 O₃ NAAQS infrastructure SIP submissions that EPA had finalized approval of the Kansas Regional Haze SIP on December 27, 2011 (76 FR 80754). In that rulemaking, EPA determined that Kansas’ Regional Haze Plan met the CAA requirements for preventing future and remedying existing impairment of visibility caused by air pollutants. However, EPA did not act on the visibility protection portion of section 110(a)(2)(j) of the CAA in its final rule that approved portions of Kansas’ 2008 O₃ NAAQS infrastructure SIP submissions.

EPA recognizes that states are subject to visibility and regional haze program requirements under part C of the CAA. However, when EPA establishes or revises a NAAQS, these visibility and regional haze requirements under part C

do not change. EPA believes that there are no new visibility protection requirements under part C as a result of a revised NAAQS. Therefore, there are no newly applicable visibility protection obligations pursuant to element J after the promulgation of a new or revised NAAQS. EPA is therefore approving Kansas' SIP as it satisfies the applicable visibility requirements of Element J with respect to the 2008 O₃ NAAQS as there are no new applicable visibility requirements triggered by the 2008 O₃ NAAQS.

III. Final Action

EPA is taking direct final action to approve the visibility protection portion of section 110(a)(2)(J) of the CAA with regard to the March 19, 2013, and May 9, 2013, infrastructure SIP submissions from the state of Kansas.

Based upon review of the state's infrastructure SIP submissions and relevant statutory and regulatory authorities and provisions referenced in the submission or referenced in Kansas' SIP, EPA is approving Kansas' SIP submittals as they satisfy the applicable visibility requirements of section 110(a)(2)(J) of the CAA with respect to the 2008 O₃ NAAQS as there are no new applicable visibility requirements triggered by the 2008 O₃ NAAQS.

We are publishing this direct final rule without a prior proposed rule because we view this as a noncontroversial action and anticipate no adverse comment. However, in the "Proposed Rules" section of this **Federal Register**, we are publishing a separate document that will serve as the proposed rule to approve the SIP revision if adverse comments are received on this direct final rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information about commenting on this rule, see the **ADDRESSES** section of this document. If EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that this direct final rule will not take effect. We will address all public comments in any subsequent final rule based on the proposed rule.

IV. Statutory and Executive Order Review

Under the CAA, 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 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 Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);

- 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).

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 and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides

that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 26, 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 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, Ozone, Reporting and recordkeeping requirements.

Dated: August 12, 2015.

Mark Hague,

Acting Regional Administrator, Region 7.

For the reasons stated in the preamble, EPA amends 40 CFR part 52 as set forth below:

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 R—Kansas

- 2. In § 52.870, the table in paragraph (e) is amended by adding the entry "(41) Section 110(a)(2) Infrastructure Requirements for the 2008 O₃ NAAQS" in numerical order at the end of the table to read as follows:

§ 52.870 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED KANSAS NONREGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic area or nonattainment area	State submittal date	EPA approval date	Explanation
(41) Section 110(a)(2) Infrastructure Requirements for the 2008 O ₃ NAAQS.	Statewide	3/19/2013	8/27/2015 [Insert Federal Register citation].	This action addresses the visibility protection portion of section 110(a)(2)(J) of the CAA.

[FR Doc. 2015-20892 Filed 8-26-15; 8:45 am]
 BILLING CODE 6560-50-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1845 and 1852

RIN 2700-AE23

NASA Federal Acquisition Regulation Supplement: NASA Capitalization Threshold (NFS Case 2015-N004)

AGENCY: National Aeronautics and Space Administration.

ACTION: Interim rule.

SUMMARY: The National Aeronautics and Space Administration (NASA) is issuing an interim rule amending the NASA FAR Supplement to increase the NASA capitalization threshold from \$100,000 to \$500,000.

DATES: Effective August 27, 2015.

Comment Date: Comments on this interim rule should be submitted in writing to the address shown below on or before October 26, 2015 to be considered in the formation of the final rule.

ADDRESSES: Interested parties may submit comments identified by NFS Case 2015-N004, using any of the following methods:

- *Regulations.gov:* <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by entering "NFS Case 2015-N004" under the heading "Enter keyword or ID" and selecting "Search." Select the link "Submit a Comment" that corresponds with "NFS Case 2015-N004." Follow the instructions provided at the "Submit a Comment" screen. Please include your name, company name (if any), and "NFS Case 2015-N004" on your attached document.
- *Email:* Andrew.ORourke@NASA.gov. Include NFS Case 2015-N004 in the subject line of the message.
- *Fax:* (202) 358-3082.
- *Mail:* National Aeronautics and Space Administration, Headquarters,

Office of Procurement, Contract and Grant Policy Division, Attn: Andrew O'Rourke, Room 5L32, 300 E. Street SW., Washington, DC 20546-0001.

FOR FURTHER INFORMATION CONTACT: Andrew O'Rourke, NASA Office of Procurement, Contract and Grant Policy Division, 202-358-4560, email: andrew.orourke@nasa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the Statement of Federal Financial Accounting Standard (SFFAS) No. 6, Accounting for Property, Plant, and Equipment, federal agencies are to record as property and equipment all items that meet certain characteristics, such as a useful life of 2 years or more, and are permitted to establish individual capitalization thresholds and useful life policies due to their diverse size and uses of property, plant & equipment. SFFAS No. 6 was issued in November 1995 and was effective for fiscal years beginning after September 30, 1997. The current NASA capitalization threshold of \$100,000, was established when SFFAS 6 was initially implemented and is in the NFS.

The Government Accountability Office (GAO) recommends that capitalization thresholds should be periodically reevaluated to help ensure their continuing relevance and are tied to materiality as well, in that they generally are established at a level that would not omit a significant amount of assets from the balance sheet, which could materially misstate the financial statements of an entity or its components.

Recently, the NASA Office of the Chief Financial Officer conducted a review of the current NASA capitalization threshold of \$100,000 and based on this review it was determined to increase the capitalization threshold from \$100,000 to \$500,000.

II. Discussion

This interim rule revises NFS parts 1845 and 1852 by increasing an already established NASA capitalization

threshold from \$100,000 to \$500,000. Specifically, the proposed changes are as follows:

- Added a new paragraph (b) to section 1845.301-71.
- Changed capitalization threshold amount from \$100,000 to \$500,000 in sections 1845.7101-1, 1845.7101-2, 1845.7101-3, 1852.245-70, and 1852.245-78.

III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule is not a significant regulatory action under section 3(f) of Executive Order 12866. This rule is not a major rule under 5 U.S.C. 804.

IV. Regulatory Flexibility Act

NASA does not expect this interim rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the objective of this interim rule is to increase the already established NASA capitalization threshold from \$100,000 to \$500,000. However, an initial regulatory flexibility analysis has been performed and is summarized as follows:

The increase in the NASA capitalization threshold is expected to benefit NASA contractors by reducing the administrative burden associated with financial reporting of NASA property in the custody of contractors. The legal basis for this rule is 51 U.S.C. 20113(a).

The requirements under this rule will apply to any contract award (including contracts for supplies, services, construction, and major systems) that