

EPA's role is to approve state choices, provided that they meet the criteria of the CAA. This action merely proposes to approve changes to the Commonwealth's maintenance plan emissions inventory and associated MVEBs to remove reliance on emissions reductions from the federal RFG program requirements. For that reason, this proposed 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);

- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866.

- 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).

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 rulemaking 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, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: February 6, 2018.

**Onis "Trey" Glenn, III,**

*Regional Administrator, Region 4.*

[FR Doc. 2018-03078 Filed 2-13-18; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

**[EPA-R06-OAR-2011-0335; FRL-9973-43—Region 6]**

### Approval and Promulgation of Implementation Plans; Texas; Disapproval of Interstate Transport State Implementation Plan Revision for the 2006 24-hour PM<sub>2.5</sub> NAAQS; Withdrawal of Proposed Rule

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

**ACTION:** Withdrawal of proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is withdrawing its proposed rule to disapprove the portion of the November 23, 2009 Texas State Implementation Plan (SIP) submittal that intended to demonstrate that the SIP met Clean Air Act (CAA) requirements to prohibit emissions which will significantly contribute to nonattainment or interfere with maintenance of the 2006 24-hour PM<sub>2.5</sub> National Ambient Air Quality Standards (NAAQS) in other states.

**DATES:** The proposed rule published on April 13, 2011 (76 FR 20602) is withdrawn as of February 14, 2018.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA-R06-OAR-2011-0335. All documents in the docket are listed on the <http://www.regulations.gov> website. Although listed in the index, some information is not publicly available, *e.g.*, Confidential Business Information 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 <http://www.regulations.gov> or in hard copy at

the EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733.

**FOR FURTHER INFORMATION CONTACT:** Carl Young, (214) 665-6645, [young.carl@epa.gov](mailto:young.carl@epa.gov).

**SUPPLEMENTARY INFORMATION:** In an April 13, 2011 action EPA proposed to disapprove the portion of a November 23, 2009 Texas SIP submittal that intended to demonstrate that the SIP met the requirements of CAA section 110(a)(2)(D)(i)(I) to prohibit emissions which will significantly contribute to nonattainment or interfere with maintenance of the 2006 24-hour PM<sub>2.5</sub> NAAQS in other states (76 FR 20602). EPA is now withdrawing the proposal. In a separate **Federal Register** action published in conjunction with this withdrawal EPA is proposing to approve this portion of the SIP submittal. The rationale for the proposed approval is detailed in that proposal.

Dated: February 7, 2018.

**Anne Idsal,**

*Regional Administrator, Region 6.*

[FR Doc. 2018-02893 Filed 2-13-18; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

#### 45 CFR Part 1304

**RIN 0970-AC63**

### Head Start Designation Renewal System Improvements

**AGENCY:** Office of Head Start (OHS), Administration for Children and Families (ACF), Department of Health and Human Services (HHS).

**ACTION:** Request for comments; re-issue.

**SUMMARY:** OHS issues this request for comments to invite public feedback on information we inadvertently omitted from the "CLASS Condition of the Head Start Designation Renewal System," request for comments, published on December 8, 2017. The document withdrawing the "CLASS Condition of the Head Start Designation Renewal System" request for comments is published elsewhere in this issue of the **Federal Register**. This request for comments is similar to the withdrawn publication in that it invites the public to comment on specific changes OHS is considering for the CLASS condition, as well as other Designation Renewal System (DRS) conditions and processes more broadly. Additionally, OHS seeks

comments on ways it can: Incentivize robust competition to include new applicants, facilitate smooth transitions when there is a new grantee as a result of competition, and improve the DRS processes. The comment period is 30 days to allow for the public to address the additional issues in this reissued request for comments. We will consider comments submitted under the "CLASS Condition of the Head Start Designation Renewal System" request for comments. **DATES:** Submit comments by March 16, 2018.

**ADDRESSES:** You may send comments, identified by [docket number and/or RIN number], by either of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow instructions for sending comments. We prefer to receive comments via this method.
- *Mail:* Office of Head Start, Attention: Colleen Rathgeb, Director, Division of Planning, Oversight and Policy, 330 C Street SW, Washington, DC 20024.

*Instructions:* All submissions received must include our agency name and the docket number or Regulatory Information Number (RIN) for this notice. All comments will be posted without change to <https://www.regulations.gov>, including any personal information provided. We accept anonymous comments. If you wish to remain anonymous, enter "N/A" in the required fields.

**FOR FURTHER INFORMATION CONTACT:** Colleen Rathgeb, Director, Division of Planning, Oversight and Policy, Office of Head Start, [[colleen.rathgeb@acf.hhs.gov](mailto:colleen.rathgeb@acf.hhs.gov)], (202) 358-3263 (not a toll-free call). Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1-800-877-8339 between 8 a.m. and 7 p.m. Eastern Standard Time.

**SUPPLEMENTARY INFORMATION:** Consistent with the December 8, 2017, publication (82 FR 57905), OHS invites public comment on several specific changes being considered for the CLASS condition of the DRS as outlined in the Head Start Program Performance Standards. We also invite public comment on other improvements to the DRS based on feedback from stakeholders, grantees, and the results of the DRS implementation evaluation. In particular, we are considering changes to the CLASS condition with a goal of improving implementation and transparency of the DRS. Changes being considered include removal of the "lowest 10 percent" provision of the CLASS condition, an increase of the

minimum thresholds for the Emotional Support and Classroom Organization domains to a score of 5, removal of the minimum threshold for the Instructional Support domain, and establishment of authority for the Secretary to set an absolute minimum threshold for the Instructional Support domain prior to the start of each fiscal year to be applied for DRS CLASS reviews in the same fiscal year. OHS requests feedback on these possible changes and alternative changes to the CLASS condition. Particularly in ways the Instructional Support and other thresholds could be set and/or adjusted that would incentivize continuous program improvement while acknowledging the current state of the field. OHS also invites feedback on other conditions of the DRS and the way it is implemented.

### Background Information

The Head Start program provides grants to local public and private non-profit and for-profit agencies to provide comprehensive education and child development services to economically disadvantaged children, from birth to age five, and families and to help young children develop the skills they need to be successful in school. Our agencies provide these families comprehensive services to support children's cognitive, social, and emotional development. In addition to education services, agencies provide children and their families with health, nutrition, social, and other services.

To drive program quality improvement, the *Improving Head Start for School Readiness Act of 2007*, Public Law 110-134, (the Act) required HHS to develop a system to facilitate designation of Head Start grantees delivering a high-quality and comprehensive program for a period of 5 years and required grantees not delivering high-quality and comprehensive services to enter open competition for continued funding. Prior to the Act, when HHS designated a Head Start agency, it remained a Head Start grantee indefinitely unless the grantee either relinquished funding or HHS terminated its grant.

To meet the requirement in the Act, HHS established the DRS, which is described in 45 CFR 1304.10 through 16. The DRS includes seven conditions. If an agency meets any of the seven conditions, it must compete with other providers in the community for renewed grant funding. The seven conditions are: (1) A deficiency under section 641A(c)(1)(A), (C), or (D) of the Act; (2) failure to establish, utilize, and analyze children's progress on agency-established School Readiness goals; (3)

scores below minimum thresholds in the Classroom Assessment Scoring System: Pre-K (CLASS) domains or in the lowest 10 percent in any of the three domains of the agencies monitored in a given year unless the average score is equal to or above the standard of excellence; (4) revocation of a license to operate a center or program; (5) suspension from the program; (6) debarment from receiving federal or state funds or disqualified from the Child and Adult Care Food Program; or (7) an audit finding of at risk for failing to continue as "a going concern." The Act also requires HHS to periodically evaluate whether or not the DRS criteria are applied in a manner that is transparent, reliable, and valid.

Section 641(c)(1)(D) of the Act requires the DRS to be based in part on classroom quality as measured under section 641A(c)(2)(F), which refers to a valid and reliable research-based observational instrument, implemented by qualified individuals with demonstrated reliability that assesses classroom quality. To include assessing multiple dimensions of teacher-child interactions that is linked to positive child development and later achievement. The third condition of the DRS is based on use of the CLASS, which is an observational measurement tool for assessing the quality of teacher-child interactions and classroom processes in three broad domains that support children's learning and development: Emotional Support, Classroom Organization, and Instructional Support.

### Changes to DRS Under Consideration

Since HHS established the DRS, all grantees that had indefinite project periods have completed the DRS process. Based on CLASS data, observations collected throughout these cohorts, results of a recent evaluation, and feedback from the community, we are considering changes to the DRS in order to better improve implementation of the system, including changes to the CLASS condition.

### The CLASS Condition

There are concerns about some aspects of the CLASS condition of the DRS that have been raised by Head Start grantees as well as in the recent evaluation. First, the requirement for grantees with the lowest 10 percent of scores on any of the three CLASS domains to compete may not be optimally targeting the grantees for competition with the lowest measures of classroom quality. For example, grantees have been required to compete due to an Emotional Support score of

5.69, which is very close to the Standard of Excellence (a 6—which developers of the CLASS deem the highest quality). In addition, grantees scoring slightly higher than the minimum threshold in Instructional Support (e.g., score of 2.3) do not have to compete unless they fall into the lowest 10 percent of all grantees' scores for Instructional Support, which has been very close to the minimum threshold. We are considering an approach to establish higher specific thresholds that demonstrate an established acceptable level of quality in Emotional Support and Classroom Organization and an adjustable threshold for the Instructional Support domain where there is the greatest potential and need for program improvement.

Second, we understand that the delay between completion of the CLASS review and grantees knowing their DRS designation status, due to the need to collect and analyze a full monitoring year's CLASS scores to determine the lowest 10 percent. This creates uncertainty, stress, and concern among grantees, grantee staff, and families. Because classroom quality in Head Start programs is improving as demonstrated by recent analysis of data from the 2006, 2009, and 2014, cohorts of the Head Start Family and Child Experiences Survey (FACES),<sup>1</sup> we are exploring options for the CLASS condition that would better balance an ability to drive quality improvement over time with an approach that would be more transparent, timely, and less burdensome for programs.

To inform our development of a notice of proposed rulemaking to change the DRS CLASS condition to meet the objectives described above, we are requesting public comments on several specific changes being considered. The changes under consideration are as follows:

1. Remove the "lowest 10 percent" provision of the CLASS condition described in 45 CFR 1304.11(c)(2).
2. Increase the minimum threshold described in 45 CFR 1304.11(c)(1)(i) for the Emotional Support domain from 4 to 5.
3. Increase the minimum threshold described in 45 CFR 1304.11(c)(1)(ii) for Classroom Organization from 3 to 5.
4. Remove the minimum threshold for the Instructional Support domain described in 45 CFR 1304.11(c)(1)(iii) and instead provide authority for the Secretary to set an absolute minimum

threshold for the Instructional Support domain, considering the most recent CLASS data, by August 1 of each year to be used for CLASS Reviews conducted in the following fiscal year (October 1 through September 30).

Together, these changes would allow grantees to know by August 1, before CLASS Reviews are conducted for the coming fiscal year, the exact threshold of classroom quality in each of the three domains that will be used to determine which grantees will be subject to an open competition for funding and which grantees will receive renewed funding non-competitively. Grantees would no longer have to wait until several months following the conclusion of the CLASS reviews for the fiscal year (September 30) to learn the lowest 10 percent cutoff in each of the 3 domains. Setting minimum thresholds of 5 in the Emotional Support and Classroom Organization domains would set a clear and consistent expectation of quality for all Head Start programs. Allowing the Secretary to set the minimum threshold in the Instructional Support domain prior to the start of each program year and monitoring year would allow for consideration of the most recent CLASS data for Head Start grantees while still supporting continuous quality improvement across the program as a whole.

#### Other Areas of Improvement

In addition to the CLASS condition, we are interested in receiving feedback about other conditions and improvements that could be made to DRS. This includes actions we can take without regulatory changes to ensure the DRS process is transparent, timely, and results in higher quality programs.

To inform our development of a notice of proposed rulemaking and continue improving the DRS, we are specifically requesting comments on:

- Changes OHS can make to incentivize robust competition, including ways OHS can ensure there are new and quality applicants at the local level;
- Changes OHS can make to facilitate an orderly transition between grantees without disrupting services for children (when recompetition is required and the incumbent does not regain its grant); and,
- Any other administrative changes OHS can make to the system that do not require regulatory changes, including changes to monitoring processes and timing of notifications and awards.

#### What We Are Looking for in Public Comments

We invite comments about the specific changes being considered for the DRS CLASS condition as well as alternatives to these changes that would continue to improve program quality, while balancing the need to continue to provide transparency to grantees about what they will be measured on and being mindful of burden on grantees. We also invite comments about any unintended consequences of removing the lowest 10 percent condition and whether an absolute threshold could influence scores. We are particularly interested in recommendations related to how the Secretary would consider establishing the minimum threshold for Instructional Support, including in what increments to raise the threshold, what data to base the absolute thresholds on, and how often to revise the threshold. For example, the regulation could establish an initial Instructional Support threshold (e.g., 2.3 or 2.5) that could be raised in increments of 0.1 based on certain criteria related to the available CLASS data from all prior years of Head Start monitoring, or the threshold could be set one standard deviation below the mean Instructional Support score over the 3 or 5 previous fiscal years. We are interested in other ideas of ways the Instructional Support threshold could be set and/or adjusted that would incentivize program improvement while acknowledging the current state of the field. We are also interested in feedback on another potential change to establish or maintain a minimum absolute threshold (such as a 2) that would require competition and a higher threshold (such as 2.5 or 3) and require grantees to focus on quality improvement before they were reevaluated to see if their Instructional Support score has improved. Only grantees without improvement or still below the threshold would then have to compete. We are also interested in whether we should align the approach for Instructional Support with the other CLASS domains. We are interested in feedback on each of these possible approaches as well as others suggested by the field.

If commenters do not support the changes being considered, comments offering alternative proposals to the CLASS condition, whether changes to the absolute thresholds or the relative 10 percent threshold, or to other conditions of the DRS would be particularly helpful.

We are also particularly interested in soliciting feedback on other changes to DRS implementation that would spur

<sup>1</sup> Aikens, N., Bush, C., Gleason, P., Malone, L., & Tarullo, L. (2016). Tracking Quality in Head Start Classrooms: FACES 2006 to FACES 2014. Washington, DC: U.S. Department of Health and Human Services.

local competition and improve the DRS process for grantees.

**Ann Linehan,**

*Acting Director, Office of Head Start.*

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

#### 45 CFR Part 1304

RIN 0970-AC63

#### CLASS Condition of the Head Start Designation Renewal System

**AGENCY:** Office of Head Start (OHS), Administration for Children and Families (ACF), Department of Health and Human Services (HHS).

**ACTION:** Request for comments; withdrawal

**SUMMARY:** OHS withdraws the “CLASS Condition of the Head Start Designation Renewal System” request for comments, published in the **Federal Register** on December 8, 2017. OHS simultaneously

issues the “Head Start Designation Renewal System Improvements” request for comments, located elsewhere in the same issue of the **Federal Register**. The “Head Start Designation Renewal System Improvements” request for comments contains information we inadvertently omitted from the “CLASS Condition of the Head Start Designation Renewal System” request for comment publication.

**DATES:** As of February 14, 2018, the proposed rule published December 8, 2017, at 82 FR 57905, is withdrawn.

**ADDRESSES:** Division of Planning, Oversight and Policy, Office of Head Start, 330 C Street SW, Washington, DC 20024.

**FOR FURTHER INFORMATION CONTACT:**

Colleen Rathgeb, Director, Division of Planning, Oversight and Policy, Office of Head Start, [[colleen.rathgeb@acf.hhs.gov](mailto:colleen.rathgeb@acf.hhs.gov)], (202) 358-3263 (not a toll-free call). Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1-800-877-8339 between 8 a.m. and 7 p.m. Eastern Standard Time.

**SUPPLEMENTARY INFORMATION:** OHS published the “CLASS Condition of the Head Start Designation Renewal System” request for comments on

December 8, 2017, to solicit comments from the public on changes we are considering to the Designation Renewal System (DRS). We unintentionally omitted language from the document that specifically asks the public to consider what changes OHS can make to incentivize robust competition and to facilitate orderly transitions between grantees when an incumbent does not regain its grant after competition, as well as any other administrative changes that do not require regulatory action.

We believe public feedback on the omitted language is important and can help us make better informed decisions about the DRS. For that reason, we withdraw the “CLASS Condition of the Head Start Designation Renewal System” request for comments, and we are publishing a new request for comments, titled “Head Start Designation Renewal System Improvements,” elsewhere in this issue of the **Federal Register**.

Dated: February 7, 2018.

**Ann Linehan,**

*Acting Director, Office of Head Start.*

[FR Doc. 2018-02901 Filed 2-13-18; 8:45 am]

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