

By direction of the Commission,  
Commissioner Ohlhausen dissenting.

**Donald S. Clark,**  
*Secretary.*

**Note:** The following dissent will not appear in the Code of Federal Regulations.

#### **Dissenting Statement of Commissioner Maureen K. Ohlhausen**

I voted against the Commission's Final Revised Interpretations of the Magnuson-Moss Warranty Act (MMWA) Rule because it retains Rule 703.5(j)'s prohibition on pre-dispute mandatory binding arbitration.<sup>1</sup>

Since the last Rule review in 1997, two federal appellate courts have held that the MMWA does not prohibit binding arbitration.<sup>2</sup> Noting the federal policy favoring arbitration expressed in the Federal Arbitration Act (FAA),<sup>3</sup> these courts concluded that the MMWA's statutory language and legislative history did not overcome the presumption in favor of arbitration and that the purposes of the MMWA and the FAA were not in inherent conflict. The courts also declined to give the Commission's contrary interpretation *Chevron* deference.<sup>4</sup> Although some lower courts have reached a different conclusion, there is no circuit court precedent upholding the Commission's interpretation of the MMWA in Rule 703.5(j). Additionally, in several recent cases, the Supreme Court has indicated a strong preference for arbitration.<sup>5</sup>

The courts have sent a clear signal that the Commission's position that MMWA prohibits binding arbitration is no longer supportable.<sup>6</sup> When faced with such a signal, the Commission should not reaffirm the rule in question. I therefore respectfully dissent.

[FR Doc. 2015-14065 Filed 7-17-15; 8:45 am]

**BILLING CODE 6750-01-P**

<sup>1</sup> I do not object to the other final actions taken in this review.

<sup>2</sup> See *Walton v. Rose Mobile Homes, LLC*, 298 F.3d 470 (5th Cir. 2002); *Davis v. Southern Energy Homes, Inc.*, 305 F.3d 1268 (11th Cir. 2002).

<sup>3</sup> 9 U.S.C. 1. See *Shearson/Am. Express Inc. v. McMahon*, 482 U.S. 220 (1987) (noting that the presumption of the FAA is that arbitration is preferable and Congress must clearly override that presumption if it is to be disregarded).

<sup>4</sup> *Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837 (1984) (holding that courts defer to an agency's interpretation of a statute if "(1) Congress has not spoken directly to the issue; and (2) the agency's interpretation 'is based on a permissible construction of the statute'").

<sup>5</sup> See, e.g., *Am. Express Co. v. Italian Colors Rest.*, 133 S. Ct. 2304 (2013), *AT&T Mobility LLC v. Concepcion*, 131 S. Ct. 1740 (2011).

<sup>6</sup> See *Davis*, 305 F.3d at 1280 ("[T]he FTC's interpretation of the MMWA is unreasonable, and we decline to defer to the FTC regulations of the MMWA regarding binding arbitration in written warranties.").

## **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

### **Food and Drug Administration**

#### **21 CFR Part 16**

[Docket No. FDA-2015-N-0011]

#### **Regulatory Hearing Before the Food and Drug Administration; Technical Amendment**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule; technical amendment.

**SUMMARY:** The Food and Drug Administration (FDA) is updating an authority citation for the Code of Federal Regulations. This action is technical in nature and is intended to provide accuracy of the Agency's regulations.

**DATES:** This rule is effective July 20, 2015.

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

Mary E. Kennelly, Office of Regulatory Affairs, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 4338, Silver Spring, MD 20993-0002, 240-402-9577, [FDASIAImplementationORA@fda.hhs.gov](mailto:FDASIAImplementationORA@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:** In a previous rulemaking, the authority citation for 21 CFR part 16 was inadvertently altered to omit 28 U.S.C. 2112 and changed 21 U.S.C. 467f to 21 U.S.C. 467F. FDA is reversing those changes such that 28 U.S.C. 2112 and 21 U.S.C. 467f are included in the list of authority citations for 21 CFR part 16.

#### **List of Subjects in 21 CFR Part 16**

Administrative practice and procedure.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 16 is amended as follows:

#### **PART 16—REGULATORY HEARING BEFORE THE FOOD AND DRUG ADMINISTRATION**

■ 1. The authority citation for 21 CFR part 16 is revised to read as follows:

**Authority:** 15 U.S.C. 1451-1461; 21 U.S.C. 141-149, 321-394, 467f, 679, 821, 1034; 28 U.S.C. 2112; 42 U.S.C. 201-262, 263b, 364.

Dated: July 15, 2015.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2015-17714 Filed 7-17-15; 8:45 am]

**BILLING CODE 4164-01-P**

## **POSTAL REGULATORY COMMISSION**

### **39 CFR Part 3020**

[Docket Nos. MC2010-21 and CP2010-36]

#### **Update to Product Lists**

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission is updating the product lists. This action reflects a publication policy adopted by Commission order. The referenced policy assumes periodic updates. The updates are identified in the body of this document. The product lists, which is re-published in its entirety, includes these updates.

**DATES:** *Effective date:* July 20, 2015.

*Applicability dates:* March 31, 2015, Parcel Return Service Contract 6 (MC2015-41 and CP2015-53); April 8, 2015, Priority Mail Contract 121 (MC2015-43 and CP2015-54); April 8, 2015, Parcel Select Contract 9 (MC2015-44 and CP2015-55); April 8, 2015, Priority Mail & First-Class Package Service Contract 3 (MC2015-45 and CP2015-56); April 21, 2015, Priority Mail Express & Priority Mail Contract 17 (MC2015-47 and CP2015-58); April 21, 2015, Priority Mail Contract 122 (MC2015-46 and CP2015-57); May 1, 2015, Priority Mail & First-Class Package Service Contract 4 (MC2015-48 and CP2015-60); May 12, 2015, Priority Mail Express & Priority Mail Contract 18 (MC2015-49 and CP2015-61); May 27, 2015, Global Expedited Package Services Contracts Non-Published Rates 6 (MC2015-23 and CP2015-65); May 28, 2015, Parcel Return Service Contract 7 (MC2015-50 and CP2015-72); May 28, 2015, Parcel Return Service Contract 8 (MC2015-51 and CP2015-73); June 9, 2015, Priority Mail Contract 124 (MC2015-53 and CP2015-81); June 9, 2015, Priority Mail Contract 123 (MC2015-52 and CP2015-80); June 16, 2015, Priority Mail Contract 125 (MC2015-54 and CP2015-82).

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

David A. Trissell, General Counsel, at 202-789-6800.

**SUPPLEMENTARY INFORMATION:** This document identifies updates to the product lists, which appear as 39 CFR Appendix A to Subpart A of Part 3020—Mail Classification Schedule. Publication of the updated product lists in the **Federal Register** is addressed in the Postal Accountability and Enhancement Act (PAEA) of 2006.

*Authorization.* The Commission process for periodic publication of updates was established in Docket Nos. MC2010-21 and CP2010-36, Order No. 445, April 22, 2010, at 8.

*Changes.* The product lists are being updated by publishing a replacement in its entirety of 39 CFR Appendix A to Subpart A of Part 3020—Mail Classification Schedule. The following products are being added, removed, or moved within the product lists:

1. Parcel Return Service Contract 6 (MC2015–41 and CP2015–53) (Order No. 2421), added March 31, 2015.
2. Priority Mail Contract 121 (MC2015–43 and CP2015–54) (Order No. 2428), added April 8, 2015.
3. Parcel Select Contract 9 (MC2015–44 and CP2015–55) (Order No. 2429), added April 8, 2015.
4. Priority Mail & First-Class Package Service Contract 3 (MC2015–45 and CP2015–56) (Order No. 2430), added April 8, 2015.
5. Priority Mail Express & Priority Mail Contract 17 (MC2015–47 and CP2015–58) (Order No. 2447), added April 21, 2015.
6. Priority Mail Contract 122 (MC2015–46 and CP2015–57) (Order No. 2451), added April 21, 2015.
7. Priority Mail & First-Class Package Service Contract 4 (MC2015–48 and CP2015–60) (Order No. 2464), added May 1, 2015.
8. Priority Mail Express & Priority Mail Contract 18 (MC2015–49 and CP2015–61) (Order No. 2480), added May 12, 2015.
9. Global Expedited Package Services Contracts Non-Published Rates 6 (MC2015–23 and CP2015–65) (Order No. 2513), added May 27, 2015.
10. Parcel Return Service Contract 7 (MC2015–50 and CP2015–72) (Order No. 2515), added May 28, 2015.
11. Parcel Return Service Contract 8 (MC2015–51 and CP2015–73) (Order No. 2518), added May 28, 2015.
12. Priority Mail Contract 124 (MC2015–53 and CP2015–81) (Order No. 2534), added June 9, 2015.
13. Priority Mail Contract 123 (MC2015–52 and CP2015–80) (Order No. 2535), added June 9, 2015.
14. Priority Mail Contract 125 (MC2015–54 and CP2015–82) (Order No. 2542), added June 16, 2015.

The following negotiated service agreements have expired and are being deleted from the Mail Classification Schedule:

1. Discover Financial Services 1 (MC2011–19 and R2011–3) (Order No. 694).
2. Priority Mail Express Contract 10 (MC2011–12 and CP2011–48) (Order No. 640).
3. Parcel Return Service Contract 3 (MC2013–39 and CP2013–51) (Order No. 1672).
4. Parcel Return Service Contract 4 (MC2013–46 and CP2013–60) (Order No. 1711).

5. Priority Mail Contract 31 (MC2011–10 and CP2011–46) (Order No. 637).
6. Priority Mail Contract 32 (MC2011–11 and CP2011–47) (Order No. 639).
7. Priority Mail Contract 34 (MC2011–17 and CP2011–56) (Order No. 655).
8. Priority Mail Contract 35 (MC2011–18 and CP2011–57) (Order No. 656).
9. Priority Mail Contract 36 (MC2012–2 and CP2012–6) (Order No. 1170).
10. Priority Mail Contract 38 (MC2012–7 and CP2012–15) (Order No. 1197).
11. Priority Mail Contract 49 (MC2013–25 and CP2013–33) (Order No. 1607).
12. Priority Mail Contract 50 (MC2013–26 and CP2013–34) (Order No. 1608).
13. Priority Mail Contract 68 (MC2014–6 and CP2014–7) (Order No. 1893).
14. Priority Mail Contract 69 (MC2014–7 and CP2014–8) (Order No. 1895).
15. Priority Mail Express & Priority Mail Contract 15 (MC2014–3 and CP2014–3) (Order No. 1872).
16. Parcel Select Contract 1 (MC2011–16 and CP2011–53) (Order No. 686).
17. First-Class Package Service Contract 1 (MC2012–11 and CP2012–19) (Order No. 1339).
18. First-Class Package Service Contract 3 (MC2012–19 and CP2012–25) (Order No. 1355).
19. First-Class Package Service Contract 4 (MC2012–20 and CP2012–26) (Order No. 1356).
20. First-Class Package Service Contract 5 (MC2012–21 and CP2012–27) (Order No. 1357).
21. First-Class Package Service Contract 6 (MC2012–22 and CP2012–28) (Order No. 1358).
22. First-Class Package Service Contract 7 (MC2012–23 and CP2012–29) (Order No. 1359).

*Updated product lists.* The referenced changes to the product lists are incorporated into 39 CFR Appendix A to Subpart A of Part 3020—Mail Classification Schedule.

#### List of Subjects in 39 CFR Part 3020

Administrative practice and procedure, Postal Service.

For the reasons discussed in the preamble, the Postal Regulatory Commission amends part 3020 of title 39 of the Code of Federal Regulations as follows:

#### PART 3020—PRODUCT LISTS

■ 1. The authority citation for part 3020 continues to read as follows:

**Authority:** 39 U.S.C. 503; 3622; 3631; 3642; 3682.

■ 2. Revise Appendix A of Subpart A of Part 3020 to read as follows:

#### Appendix A to Subpart A of Part 3020—Mail Classification Schedule

(An asterisk (\*) indicates an organizational class or group, not a Postal Service product.)

##### Part A—Market Dominant Products

##### 1000 Market Dominant Product List

##### First-Class Mail \*

- Single-Piece Letters/Postcards
- Presorted Letters/Postcards
- Flats
- Parcels
- Outbound Single-Piece First-Class Mail International
- Inbound Letter Post

##### Standard Mail (Commercial and Nonprofit)\*

- High Density and Saturation Letters
- High Density and Saturation Flats/Parcels
- Carrier Route Letters
- Flats
- Parcels
- Every Door Direct Mail—Retail

##### Periodicals \*

- In-County Periodicals
- Outside County Periodicals

##### Package Services \*

- Alaska Bypass Service
- Bound Printed Matter Flats
- Bound Printed Matter Parcels
- Media Mail/Library Mail

##### Special Services \*

- Ancillary Services
- International Ancillary Services
- Address Management Services
- Caller Service
- Credit Card Authentication
- International Reply Coupon Service
- International Business Reply Mail Service
- Money Orders
- Post Office Box Service
- Customized Postage
- Stamp Fulfillment Services

##### Negotiated Service Agreements \*

- Domestic \*
- Valassis Direct Mail, Inc. Negotiated Service Agreement
- PHI Acquisitions, Inc. Negotiated Service Agreement
- International\*

- Inbound Market Dominant Multi-Service Agreements with Foreign Postal Operators
- Inbound Market Dominant Express Service Agreement 1

##### Nonpostal Services \*

- Alliances with the Private Sector to Defray Cost of Key Postal Functions Philatelic Sales

##### Market Tests \*

##### Part B—Competitive Products

##### 2000 Competitive Product List

##### Domestic Products \*

- Priority Mail Express
- Priority Mail
- Parcel Select
- Parcel Return Service
- First-Class Package Service
- Standard Post

##### International Products \*

- Outbound International Expedited Services

Inbound Parcel Post (at UPU rates)	Priority Mail Contract 87	First-Class Package Service Contract 13
Outbound Priority Mail International	Priority Mail Contract 88	First-Class Package Service Contract 14
International Priority Airmail (IPA)	Priority Mail Contract 89	First-Class Package Service Contract 15
International Surface Air List (ISAL)	Priority Mail Contract 90	First-Class Package Service Contract 16
International Direct Sacks—M-Bags	Priority Mail Contract 91	First-Class Package Service Contract 17
Outbound Single-Piece First-Class Package International Service	Priority Mail Contract 92	First-Class Package Service Contract 18
Negotiated Service Agreements *	Priority Mail Contract 93	First-Class Package Service Contract 19
Domestic *	Priority Mail Contract 94	First-Class Package Service Contract 20
Priority Mail Express Contract 8	Priority Mail Contract 95	First-Class Package Service Contract 21
Priority Mail Express Contract 11	Priority Mail Contract 96	First-Class Package Service Contract 22
Priority Mail Express Contract 12	Priority Mail Contract 97	First-Class Package Service Contract 23
Priority Mail Express Contract 13	Priority Mail Contract 98	First-Class Package Service Contract 24
Priority Mail Express Contract 14	Priority Mail Contract 99	First-Class Package Service Contract 25
Priority Mail Express Contract 15	Priority Mail Contract 100	First-Class Package Service Contract 26
Priority Mail Express Contract 16	Priority Mail Contract 101	First-Class Package Service Contract 27
Priority Mail Express Contract 17	Priority Mail Contract 102	First-Class Package Service Contract 28
Priority Mail Express Contract 18	Priority Mail Contract 103	First-Class Package Service Contract 29
Priority Mail Express Contract 19	Priority Mail Contract 104	First-Class Package Service Contract 30
Priority Mail Express Contract 20	Priority Mail Contract 105	First-Class Package Service Contract 31
Priority Mail Express Contract 21	Priority Mail Contract 106	First-Class Package Service Contract 32
Priority Mail Express Contract 22	Priority Mail Contract 107	First-Class Package Service Contract 33
Priority Mail Express Contract 23	Priority Mail Contract 108	First-Class Package Service Contract 34
Priority Mail Express Contract 24	Priority Mail Contract 109	First-Class Package Service Contract 35
Priority Mail Express Contract 25	Priority Mail Contract 110	First-Class Package Service Contract 36
Parcel Return Service Contract 5	Priority Mail Contract 111	First-Class Package Service Contract 37
Parcel Return Service Contract 6	Priority Mail Contract 112	Priority Mail Express, Priority Mail & First-Class Package Service Contract 1
Parcel Return Service Contract 7	Priority Mail Contract 113	Priority Mail Express, Priority Mail & First-Class Package Service Contract 2
Parcel Return Service Contract 8	Priority Mail Contract 114	Priority Mail Express, Priority Mail & First-Class Package Service Contract 3
Priority Mail Contract 24	Priority Mail Contract 115	Priority Mail Express, Priority Mail & First-Class Package Service Contract 4
Priority Mail Contract 29	Priority Mail Contract 116	Priority Mail & First-Class Package Service Contract 1
Priority Mail Contract 33	Priority Mail Contract 117	Priority Mail & First-Class Package Service Contract 2
Priority Mail Contract 39	Priority Mail Contract 118	Priority Mail & First-Class Package Service Contract 3
Priority Mail Contract 40	Priority Mail Contract 119	Priority Mail & First-Class Package Service Contract 4
Priority Mail Contract 41	Priority Mail Contract 120	Outbound International *
Priority Mail Contract 42	Priority Mail Contract 121	Global Expedited Package Services (GEPS) Contracts
Priority Mail Contract 43	Priority Mail Contract 122	GEPS 3
Priority Mail Contract 44	Priority Mail Contract 123	Global Direct Contracts
Priority Mail Contract 45	Priority Mail Contract 124	Global Direct Contracts 1
Priority Mail Contract 46	Priority Mail Contract 125	Global Bulk Economy (GBE) Contracts
Priority Mail Contract 47	Priority Mail Express & Priority Mail Contract 9	Global Plus Contracts
Priority Mail Contract 48	Priority Mail Express & Priority Mail Contract 10	Global Plus 1C
Priority Mail Contract 51	Priority Mail Express & Priority Mail Contract 11	Global Plus 2C
Priority Mail Contract 52	Priority Mail Express & Priority Mail Contract 12	Global Reseller Expedited Package Services
Priority Mail Contract 53	Priority Mail Express & Priority Mail Contract 13	Global Reseller Expedited Package Services 1
Priority Mail Contract 54	Priority Mail Express & Priority Mail Contract 14	Global Reseller Expedited Package Services 2
Priority Mail Contract 55	Priority Mail Express & Priority Mail Contract 16	Global Reseller Expedited Package Services 3
Priority Mail Contract 56	Priority Mail Express & Priority Mail Contract 17	Global Reseller Expedited Package Services 4
Priority Mail Contract 57	Parcel Select & Parcel Return Service Contract 3	Global Expedited Package Services (GEPS)—Non-Published Rates
Priority Mail Contract 58	Parcel Select & Parcel Return Service Contract 5	Global Expedited Package Services (GEPS)—Non-Published Rates 2
Priority Mail Contract 59	Parcel Select Contract 2	Global Expedited Package Services (GEPS)—Non-Published Rates 3
Priority Mail Contract 60	Parcel Select Contract 3	Global Expedited Package Services (GEPS)—Non-Published Rates 4
Priority Mail Contract 61	Parcel Select Contract 4	Global Expedited Package Services (GEPS)—Non-Published Rates 5
Priority Mail Contract 62	Parcel Select Contract 5	Global Expedited Package Services (GEPS)—Non-Published Rates 6
Priority Mail Contract 63	Parcel Select Contract 6	Priority Mail International Regional Rate Boxes—Non-Published Rates
Priority Mail Contract 64	Parcel Select Contract 7	Outbound Competitive International Merchandise Return Service
Priority Mail Contract 65	Parcel Select Contract 8	
Priority Mail Contract 66	Parcel Select Contract 9	
Priority Mail Contract 67	Priority Mail—Non-Published Rates	
Priority Mail Contract 70	Priority Mail—Non-Published Rates 1	
Priority Mail Contract 71	First-Class Package Service Contract 8	
Priority Mail Contract 72	First-Class Package Service Contract 9	
Priority Mail Contract 73	First-Class Package Service Contract 10	
Priority Mail Contract 74	First-Class Package Service Contract 11	
Priority Mail Contract 75	First-Class Package Service Contract 12	
Priority Mail Contract 76		
Priority Mail Contract 77		
Priority Mail Contract 78		
Priority Mail Contract 79		
Priority Mail Contract 80		
Priority Mail Contract 81		
Priority Mail Contract 82		
Priority Mail Contract 83		
Priority Mail Contract 84		
Priority Mail Contract 85		
Priority Mail Contract 86		

Agreement with Royal Mail Group, Ltd.  
 Priority Mail International Regional Rate  
 Boxes Contract 1  
 Inbound International\*  
 International Business Reply Service  
 (IBRS) Competitive Contracts  
 International Business Reply Service  
 Competitive Contract 1  
 International Business Reply Service  
 Competitive Contract 3  
 Inbound Direct Entry Contracts with  
 Customers  
 Inbound Direct Entry Contracts with  
 Foreign Postal Administrations  
 Inbound Direct Entry Contracts with  
 Foreign Postal Administrations  
 Inbound Direct Entry Contracts with  
 Foreign Postal Administrations 1  
 Inbound EMS  
 Inbound EMS 2  
 Inbound Air Parcel Post (at non-UPU rates)  
 Royal Mail Group Inbound Air Parcel Post  
 Agreement  
 Inbound Competitive Multi-Service  
 Agreements with Foreign Postal  
 Operators 1  
 Special Services \*  
 Address Enhancement Services  
 Greeting Cards, Gift Cards, and Stationery  
 International Ancillary Services  
 International Money Transfer Service—  
 Outbound  
 International Money Transfer Service—  
 Inbound  
 Premium Forwarding Service  
 Shipping and Mailing Supplies  
 Post Office Box Service  
 Competitive Ancillary Services  
 Nonpostal Services \*  
 Advertising  
 Licensing of Intellectual Property other  
 than Officially Licensed Retail Products  
 (OLRP)  
 Mail Service Promotion  
 Officially Licensed Retail Products (OLRP)  
 Passport Photo Service  
 Photocopying Service  
 Rental, Leasing, Licensing or other Non-  
 Sale Disposition of Tangible Property  
 Training Facilities and Related Services  
 USPS Electronic Postmark (EPM) Program  
 Market Tests \*  
 Metro Post  
 International Merchandise Return Service  
 (IMRS)—Non-Published Rates  
 Customized Delivery

**Ruth Ann Abrams,**

*Acting Secretary.*

[FR Doc. 2015-17685 Filed 7-17-15; 8:45 am]

**BILLING CODE 7710-FW-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R05-OAR-2013-0436; EPA-R05-  
OAR-2014-0663; FRL-9929-71-Region 5]

### Approval and Promulgation of Air Quality Implementation Plans; Illinois; Midwest Generation Variances

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving into the Illinois regional haze State Implementation Plan (SIP) variances affecting the following Midwest Generation, LLC facilities: Crawford Generating Station (Cook County), Joliet Generating Station (Will County), Powerton Generating Station (Tazewell County), Waukegan Generating Station (Lake County), and Will County Generating Station (Will County). The Illinois Environmental Protection Agency (IEPA) submitted these variances to EPA for approval on May 16, 2013, and August 18, 2014.

**DATES:** This final rule is effective on August 19, 2015.

**ADDRESSES:** EPA has established dockets for this action under Docket ID Nos. EPA-R05-OAR-2013-0436 and EPA-R05-OAR-2014-0663. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the index, 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](http://www.regulations.gov) or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Kathleen D'Agostino, Environmental Engineer, at (312) 886-1767 before visiting the Region 5 office.

**FOR FURTHER INFORMATION CONTACT:** Kathleen D'Agostino, Environmental Engineer, Attainment Planning and Maintenance Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois

60604, (312) 886-1767,  
[dagostino.kathleen@epa.gov](mailto:dagostino.kathleen@epa.gov).

### SUPPLEMENTARY INFORMATION:

Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA. This supplementary information section is arranged as follows:

- I. What is the background for this action?
- II. What action is EPA taking?
- III. Incorporation by reference
- IV. Statutory and Executive Order Reviews.

#### I. What is the background for this action?

On June 24, 2011, Illinois submitted a plan to address the requirements of the Regional Haze Rule, as codified at 40 CFR 51.308. EPA approved Illinois' regional haze SIP on July 6, 2012 (77 FR 39943). Among the rules approved in this action to meet the best available retrofit technology (BART) requirements of the Regional Haze Rule are Illinois Administrative Code rules: 35 Ill. Adm. Code 225.292: “Applicability of the Combined Pollutant Standard;” 35 Ill. Adm. Code 225.295 “Combined Pollutant Standard: Emissions Standards for NO<sub>x</sub> and SO<sub>2</sub>;” 35 Ill. Adm. Code 225.296 “Combined Pollutant Standard: Control Technology Requirements for NO<sub>x</sub>, SO<sub>2</sub>, and PM Emissions” (except for paragraph 225.296(d)); and 35 Ill. Adm. Code 225 Appendix A, which identifies the Midwest Generation Electric Generating Units (EGUs) specified for purposes of the combined pollutant standard (CPS).

The Illinois Pollution Control Board (IPCB) granted Midwest Generation variances to Section 225.296(a)(1) and 225.296(c)(1) on August 23, 2012, and to Section 225.295(b) and Section 225.296(a)(2) on April 4, 2013. IEPA submitted these variances as revisions to the Illinois regional haze SIP on May 16, 2013, and August 18, 2014. EPA proposed to approve these variances on April 23, 2015 (80 FR 22662). EPA received no comments on the proposed action.

#### II. What action is EPA taking?

EPA is finalizing approval of the Midwest Generation variances submitted by IEPA on May 16, 2013, and August 18, 2014, as revisions to the Illinois regional haze SIP.

#### III. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the Illinois Regulations described in the amendments to 40 CFR part 52 set forth below. EPA has made, and will continue to make, these