Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2014–0739 and Airspace Docket No. 14–AWP–11) and be submitted in triplicate to the Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at *www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2015–0739 and Airspace Docket No. 14–AWP–11.'' The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *www.regulations.gov.*

You may review the public docket containing the proposal, any comments received and any final disposition in person at the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Operations Support Group, Western Service Center, Federal Aviation Administration, 1601 Lind Ave. SW., Renton, WA 98057.

Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking, (202) 267–9677, for a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

The FAA is proposing an amendment to 14 CFR part 73 to expand the lateral dimensions of restricted area R–7201, Farallon De Medinilla Island, Mariana Islands, GU and rename it R–7201A. The proposed R–7201A would be the minimum size required for containing stand-off weapons employment, naval gun fire training, and laser activities conducted there. The actual usage of the restricted area is estimated to be 4–5 days per week, 3–6 hours per day with 1,680 sorties per year.

The proposed R–7201A boundary would extend the current boundary from 3 NM to 12 NM from latitude 16°01′04″ N., longitude 146°03′31″ E.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subjected to an environmental analysis in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures,'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

■ 1. The authority citation for part 73 is amended to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 73.72 Guam [Amended]

■ 2. § 73.72 is amended as follows:

R–7201 Farallon De Medinilla Island Mariana Islands, GU [Removed]

R–7201A Farallon De Medinilla Island Mariana Islands, GU [New]

Boundaries: Beginning at latitude 16°01′04″ N., longitude 146°03′31″ E.; extending outward in a 12 NM radius.

Altitudes: Surface up to and including FL 600.

Times of Use: As scheduled by NOTAM 12 hours in advance.

Controlling Agency: FAA, Guam Center/Radar Approach Control.

Using Agency: Commander, Naval Forces, Marianas.

Issued in Washington, DC, on August 19, 2015.

Gary A. Norek,

Manager, Airspace Policy and Regulations Group.

[FR Doc. 2015–21084 Filed 8–24–15; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2014–0369; FRL–9932–90–Region 8]

Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Revisions to the Utah Division of Administrative Rules, R307–300 Series; Area Source Rules for Attainment of Fine Particulate Matter Standards

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing approval and conditional approval of portions of the fine particulate matter ($PM_{2.5}$) State Implementation Plan (SIP) and other general rule revisions submitted by the State of Utah. The revisions affect the Utah Division of Administrative Rules (DAR), R307–300 Series; Requirements for Specific Locations; the revisions had submission dates of February 2, 2012, May 9, 2013, June 8, 2013, February 18, 2014, April 17, 2014, May 20, 2014, July 10, 2014, August 6, 2014, and December

9, 2014. These area source rules control emissions of direct $PM_{2.5}$ and $PM_{2.5}$ precursors, sulfur dioxides (SO_2), nitrogen oxides (NOx) and volatile organic compounds (VOC). Additionally, the EPA will be proposing to approve the State's reasonably available control measure (RACM) determinations for the rule revisions that pertain to the $PM_{2.5}$ SIP. This action is being taken under section 110 of the Clean Air Act (CAA or Act).

DATES: Written comments must be received on or before September 24, 2015.

ADDRESSES: Submit your comments, identified by EPA–R08–OAR–2014–0369, by one of the following methods:

- *http://www.regulations.gov.* Follow the online 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:* Director, Air Program, EPA, Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129.
- *Hand Delivery:* Director, Air Program, 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–2014–0369. 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 at *http://www.regulations.gov* or at the EPA Region 8, Office of Partnerships and Regulatory Assistance, Air Program, 1595 Wynkoop Street, Denver, Colorado, 80202–1129. EPA requests that 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. An electronic copy of the State's SIP compilation is also available at *http://www.epa.gov/region8/air/sip.html.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

a. *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.

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

i. Identify the rulemaking by docket 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.

II. Background

A. Regulatory Background

On October 17, 2006 (71 FR 61144), the EPA strengthened the level of the 24-hour $PM_{2.5}$ National Ambient Air Quality Standards (NAAQS), lowering the primary and secondary standards from 65 micrograms per cubic meter ($\mu g/m^3$), the 1997 standard, to 35$\mu g/m^3$. On November 13, 2009 (74 FR 58688), the EPA designated three nonattainment areas in Utah for the 24-hour $PM_{2.5}$ NAAQS of 35 $\mu g/m^3$. These are the Salt Lake City, UT; Provo, UT; and Logan, UT–ID nonattainment areas. The EPA originally designated these areas under CAA title I, part D, subpart 1, which required Utah to submit an attainment plan for each area no later than three years from the date of their nonattainment designations. These plans needed to provide for the attainment of the $PM_{2.5}$ standard as expeditiously as practicable, but no later than five years from the date the areas were designated nonattainment.

Subsequently, on January 4, 2013, the U.S. Court of Appeals for the District of Columbia held that the EPA should have implemented the 2006 $PM_{2.5}$ 24-hour standard based on both CAA title I, part D, subpart 1 and subpart 4. Under

subpart 4, nonattainment areas are initially classified as moderate, and moderate area attainment plans must address the requirements of subpart 4 as well as subpart 1. Additionally, CAA subpart 4 sets a different SIP submittal due date and attainment year. For a moderate area, the attainment SIP is due 18 months after designation and the attainment year is the end of the sixth calendar year after designation. On June 2, 2014 (79 FR 31566), the EPA finalized the Identification of Nonattainment Classification and Deadlines for Submission of State Implementation Plan (SIP) Provisions for the 1997 Fine Particulate ($PM_{2.5}$) National Ambient Air Quality Standard (NAAQS) and 2006 $PM_{2.5}$ NAAQS (''the Classification and Deadline Rule''). This rule classified to moderate the areas that were designated in 2009 as nonattainment, and set the attainment SIP submittal due date for those areas at December 31, 2014. This rule did not affect the moderate area attainment date of December 31, 2015.

On March 23, 2015, the EPA proposed the Fine Particulate Matter National Ambient Air Quality Standards: State Implementation Plan Requirements (''$PM_{2.5}$ Implementation Rule''), 80 FR 15340, which partially addresses the January 4, 2013 court ruling. This proposed rule details how air agencies should meet the statutory SIP requirements that apply under subparts 1 and 4 to areas designated nonattainment for any $PM_{2.5}$ NAAQS, such as: General requirements for attainment plan due dates and attainment demonstrations; provisions for demonstrating reasonable further progress; quantitative milestones; contingency measures; Nonattainment New Source Review (NNSR) permitting programs; and RACM (including reasonably available control technology (RACT)), among other things. The statutory attainment planning requirements of subparts 1 and 4 were established to ensure that the following goals of the CAA are met: (i) That states implement measures that provide for attainment of the $PM_{2.5}$ NAAQS as expeditiously as practicable; and, (ii) that states adopt emissions reduction strategies that will be the most effective, and the most cost-effective, at reducing $PM_{2.5}$ levels in nonattainment areas.

The $PM_{2.5}$ Implementation Rule proposed a process for states to determine the control strategy for $PM_{2.5}$ attainment plans. The process consists of identifying all technologically and economically feasible control measures, including control technologies for all sources of direct $PM_{2.5}$ and $PM_{2.5}$ precursors in the emissions inventory for the nonattainment area which are not otherwise exempted from consideration for controls.[1] From that list of measures, the state must identify those that it can implement within four years of designation of the area (and which would thus meet the statutory requirements for RACM and RACT) and any ''additional reasonable measures,'' which EPA is proposing in the $PM_{2.5}$ Implementation Rule to define as those technologically and economically feasible measures that the state can only implement on sources in the nonattainment area after the four year deadline for RACM and RACT has passed. *See* proposed 40 CFR 51.1000.

B. RACT and RACM Requirements for $PM_{2.5}$ Attainment Plans

Section 172(c)(1) of the Act (from subpart 1) requires that attainment plans, in general, provide for the implementation of all RACM as expeditiously as practicable (including RACT) and shall provide for attainment of the national primary ambient air quality standards. Section 189(a)(1)(C) (from subpart 4) requires moderate area attainment plans to contain provisions to assure that RACM is implemented no later than four years after designation.

The EPA stated its interpretation of the RACT and RACM requirements of subparts 1 and 4 in the 1992 General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990, 57 FR 13498 (Apr. 6, 1992). For RACT, the EPA followed its ''historic definition of RACT as the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.'' 57 FR 13541. Like RACT, the EPA has historically considered RACM to consist of control measures that are reasonably available, considering technological and economic feasibility. *See* $PM_{2.5}$ Implementation Rule, 80 FR 15373.

C. Utah's $PM_{2.5}$ Attainment Plan Submittals

Prior to the January 4, 2013 decision of the DC Circuit Court of Appeals, Utah developed a $PM_{2.5}$ attainment plan intended to meet the requirements of subpart 1. The EPA submitted written comments dated November 1, 2012 to the Utah Division of Air Quality (DAQ) on Utah's draft $PM_{2.5}$ SIP, technical support document (TSD), and area source and other rules. After the court's decision, Utah amended its attainment plan to address requirements of subpart 4. On December 2, 2013, the EPA provided comments on Utah's revised draft $PM_{2.5}$ SIPs for the Salt Lake City and Provo areas, including the TSDs and rules in Section IX, Part H. These written comments from EPA included some comments applicable to the rules we are proposing to act on today. The comment letters can be found within the docket for this action on *www.regulations.gov*.

In addition to Utah's February 2, 2012 SIP submittal, on May 9, 2013, June 8, 2013, February 18, 2014, April 17, 2014, May 20, 2014, July 10, 2014, August 6, 2014, and December 9, 2014 the State of Utah submitted to EPA various revisions to the Division of Administrative Rules (DAR), Title R307—Environmental Quality, set of rules, most of which are applicable to the Utah SIP for $PM_{2.5}$ nonattainment areas. The new rules or revised rules we are addressing in this proposed rule were provided by Utah in the nine different submissions listed above, and these rules are: R307–101–2, General Requirements: Definitions; R307–103, Administrative Procedures; R307–303, Commercial Cooking; R307–307, Road Salting and Sanding; R307–312, Aggregate Processing Operations for $PM_{2.5}$ Nonattainment Areas; R307–328, Gasoline Transfer and Storage; R307–335, Degreasing and Solvent Cleaning Operations; R307–342, Adhesives and Sealants; R307–343 Emissions Standards for Wood Furniture Manufacturing Operations; R307–344, Paper, Film, and Foil Coatings; R307–345, Fabric and Vinyl Coatings; R307–346, Metal Furniture Surface Coatings; R307–347, Large Appliance Surface Coatings; R307–348, Magnet Wire Coatings; R307–349, Flat Wood Panel Coatings; R307–350, Miscellaneous Metal Parts and Products Coatings; R307–351, Graphic Arts; R307–352, Metal Container, Closure, and Coil Coatings; R307–353, Plastic Parts Coatings; R307–354, Automotive Refinishing Coatings; R307–355, Control of Emissions from Aerospace Manufacture and Rework Facilities; R307–356, Appliance Pilot Light; R307–357, Consumer Products; and R307–361, Architectural Coatings.

A previous rule, Rule R307–340 Surface Coating Processes, was replaced in these submittals by the specific rules for coatings listed above. Utah correspondingly repealed R307–340. In addition, Rule R307–342, Adhesives and Sealants, replaces an unrelated rule, R307–342 Qualifications of Contractors and Test Procedures for Vapor Recovery

[1] Such exemptions could be due to a demonstrated lack of significant contribution of a certain $PM_{2.5}$ precursor to the area's elevated $PM_{2.5}$ concentrations or due to a presumptive determination that a certain source category contributes only a *de minimis* amount toward $PM_{2.5}$ levels in a nonattainment area.

Systems for Gasoline Delivery Tanks. The removal of the previous version of R307–342 is addressed by the State's February 2, 2012 submittal, which repeals R307–342 and amends R307–328, Gasoline Transfer and Storage, to account for the repeal of R307–342.

The final Utah submittal for fourteen of these rules was the December 9, 2014 submittal. The final Utah submittals for the remaining rules were from the February 2, 2012, May 9, 2013, June 8, 2013, February 18, 2014, April 17, 2014, May 20, 2014, July 10, 2014, and August 6, 2014 submittals. For each individual rule, the particular submittal containing the final version of the rule is identified in the technical support document provided in the docket for this proposed action.

III. EPA's Evaluation of Utah's Submittals

The SIP revisions in the February 2, 2012, May 9, 2013, June 8, 2013, February 18, 2014, April 17, 2014, May 20, 2014, July 10, 2014, August 6, 2014, and December 9, 2014 submittals that we are proposing to act on involve revisions to the DAR, Title R307—Environmental Quality, R307–101–2 General Requirements: Definitions; R307–103, Administrative Procedures; and the R307–300 Series; Requirements for Specific Locations (Within Nonattainment and Maintenance Areas). A number of the rules were submitted in multiple submission packages. The final, most recent submission package for each individual rule supersedes earlier submissions, and our proposed determination for each rule takes all changes from those earlier submissions into account. These final rule submissions, except for revisions to R307–101–2, R307–103, and R307–328, and the repeal of R307–342, are submitted and requested for approval as RACM components of the $PM_{2.5}$ SIP submitted by the State of Utah. EPA is also taking action on two rule revisions that do not pertain to the Utah $PM_{2.5}$ SIPs which include revisions to R307–328 and the repeal of R307–342. All of these rule revisions found in these submittals can be found on *www.regulations.gov.*

The rules for RACM for area sources fall into two types. First, there are a number of similar rules for control of VOC emissions. These rules cover categories of area sources that use materials that contain VOCs, and also in some cases categories of area sources that manufacture or produce these materials.[2] The second type of rule provide specific requirements for emissions of direct $PM_{2.5}$, VOCs, NOx, and SO_2 from a few specific categories of sources.[3]

For the first type of rule, Utah generally allows area sources to comply in two ways. One is through use or production of materials with specified VOC content levels. The other is through use of add-on controls. For use of materials, in most rules sources can demonstrate compliance through manufacturer's data sheets. For add-on controls, the State has provided specific test methods to determine the efficiency of the controls.

The following is a summary of EPA's evaluation of the rule revisions. The details of our evaluation are provided in a TSD that is available in the docket for this action. In general, we reviewed the rules for: enforceability; RACM requirements (for those rules submitted as RACM); and other applicable requirements of the Act.

With respect to enforceability, section 110(a)(2)(A) of the Act requires SIP provisions such as emission limitations to be enforceable, and sections 110(a)(2)(F)(i) and (F)(ii) require plans to contain certain types of provisions related to enforceability, such as source monitoring, as prescribed by the Administrator. 40 CFR part 51, subpart K, Source Surveillance, prescribes requirements that plans must meet in this respect. 40 CFR Section 51.211 requires plans to contain legally enforceable procedures for owners or operators of stationary sources to maintain records and report information to the State in order to determine whether the source is in compliance. 40 CFR Section 51.212 requires plans to, among other things, contain enforceable test methods for each emission limit in the plan. Appropriate test methods may be selected from Appendix M to 40 CFR part 51 or Appendix A to 40 CFR part 60, or a state may use an alternative method following review and approval of that method by the EPA.

Our review of the rules for enforceability revealed a few potential issues. First, certain rules did not clearly identify the test method that should be used to determine compliance. On August 4, 2015, the State provided a clarification letter that addresses this issue. Second, certain rules specified use of an ''equivalent method'' for compliance. This can create issues for enforceability of the provision under section CAA 110(a)(2)(C), as well as potentially violating the requirement of section 110(i) that SIP requirements for stationary sources can only be changed (with certain limited exceptions) through the SIP revision process. The State has provided a letter on August 4, 2015 that commits to provide a specific SIP revision to either remove the provision for use of an equivalent method, or to specify the other methods that can be used for compliance. Details of our analysis are in the docket for this rulemaking.

For review of the State's RACM analyses, the EPA proposes to adopt the interpretation of RACM set out in the General Preamble, 57 FR 13498, 13540–13544 (April 6, 1992), and described in the March 23, 2015 proposed $PM_{2.5}$ Implementation Rule. That is, RACM consists of the control measures that are reasonably available considering technological and economic feasibility. This includes EPA's longstanding interpretation that economic feasibility ''involves considering the cost of reducing emissions and the difference between the cost of an emissions reduction measure at a particular source and the cost of emissions reduction measures that have been implemented at other similar sources in the same or other areas.'' 80 FR 15373–74.

Our detailed review of the State's RACM analyses for the rules we are acting on is provided in a TSD in the docket for this action. We did not review whether Utah's $PM_{2.5}$ attainment plan as a whole addresses all necessary requirements for RACM under subparts 1 and 4. Based on our review, we are proposing to approve the State's submission that the particular rules we are acting on constitute RACM for the covered source categories, but we are not proposing to approve the $PM_{2.5}$ attainment plan as a whole with respect to RACM requirements. We will act on the remainder of the attainment plan in a separate action.

Finally, we reviewed all rules for compliance with other requirements of the Act. This review revealed a potential issue with one provision in the general definitions in R307–101–2. The provision defined ''$PM_{2.5}$ precursor'' to

[2] The rules of this type are: R307–335, Degreasing and Solvent Cleaning Operations; R307–342, Adhesives and Sealants; R307–343 Emissions Standards for Wood Furniture Manufacturing Operations; R307–344, Paper, Film, and Foil Coatings; R307–345, Fabric and Vinyl Coatings; R307–346, Metal Furniture Surface Coatings; R307–347, Large Appliance Surface Coatings; R307–348, Magnet Wire Coatings; R307–349, Flat Wood Panel Coatings; R307–350, Miscellaneous Metal Parts and Products Coatings; R307–351, Graphic Arts; R307–352, Metal Container, Closure, and Coil Coatings; R–307–353, Plastic Parts Coatings; R307–354, Automotive Refinishing Coatings; R307–355, Control of Emissions from Aerospace Manufacture and Rework Facilities; R307–357, Consumer Products; and R307–361, Architectural Coatings.

[3] The rules of this type are: R307–303, Commercial Cooking; R307–307, Road Salting and Sanding; R307–312, Aggregate Processing Operations for $PM_{2.5}$ Nonattainment Areas; and R307–357, Appliance Pilot Light.

include specifically only VOC, SO_2, and NO_X. As a factual matter, ammonia (NH_3) is also a precursor to $PM_{2.5}$, and at a minimum $PM_{2.5}$ attainment plans should include inventories of all $PM_{2.5}$ precursors.[4] However, after review by UDAQ and EPA, we found that this definition was not used anywhere in Utah's SIP and could be removed. On August 4, 2015, the State provided a commitment letter to address the issue by removing the definition of $PM_{2.5}$ precursor.

IV. What action is EPA proposing?

EPA is proposing approval of the revisions to Administrative Rules R307–101–2 and R307–103, along with the additions/revisions/repeals in R307–300 Series; Requirements for Specific Locations (Within Nonattainment and Maintenance Areas), R307–303, R307–307, R307–312 (conditionally approved, see below), R307–335, R307–340 (repealed), R307–342 (repealed and replaced), R307–343, R307–344, R307–345, R307–346, R307–347, R307–348, R307–349, R307–350, R307–351, R307–352, R307–353, R307–354, R307–355, R307–356, R307–357, and R307–361 for incorporation to the Utah SIP as submitted by the State of Utah on May 9, 2013, June 8, 2013, February 18, 2014, April 17, 2014, May 20, 2014, July 10, 2014, August 6, 2014, and December 9, 2014. We are proposing to approve Utah's determination that the above rules in R307–300 Series; Requirements for Specific Locations (Within Nonattainment and Maintenance Areas) constitute RACM for the Utah $PM_{2.5}$ SIP for the specific source categories addressed; however, we are not proposing to determine that Utah's $PM_{2.5}$ attainment plan has met all requirements regarding RACM under subparts 1 and 4 of Part D, title I of the Act. We intend to act separately on the remainder of Utah's $PM_{2.5}$ attainment plan.

EPA is proposing to conditionally approve revisions to R307–312 and R307–328. Additionally, EPA is proposing to conditionally approve Utah's determination that R307–312 constitutes RACM for the Utah $PM_{2.5}$ SIP for aggregate processing operations. As stated above, we are not proposing to determine that Utah's $PM_{2.5}$ attainment plan has met all requirements regarding RACM under subparts 1 and 4 of Part D, title I of the Act. Under section 110(k)(4) of the Act, EPA may approve a SIP revision based on a commitment by the State to adopt specific enforceable measures by a date certain, but not later than one year after the date of approval of the plan revision. On August 4, 2015, Utah submitted a commitment letter to adopt and submit specific revisions within one year of our final action on these submittals; specifically to remove the phrase ''or equivalent method'' in one rule and to specify three equivalent methods in the other rule. If we finalize our proposed conditional approval, Utah must adopt and submit the specific revisions it has committed to within one year of our finalization. If Utah does not submit these revisions within one year, or if we find Utah's revisions to be incomplete, or we disapprove Utah's revisions, this conditional approval will convert to a disapproval. If any of these occur and our conditional approvals convert to a disapproval, that will constitute a disapproval of a required plan element under part D of title I of the Act, which starts an 18-month clock for sanctions, see CAA section 179(a)(2), and the two-year clock for a federal implementation plan (FIP), see CAA section 110(c)(1)(B).

Finally, EPA is proposing to approve the repeal of R307–342, Qualification of Contractors and Test Procedures for Vapor Recovery Systems for Gasoline Delivery Tanks, submitted by DAQ on February 2, 2012.

V. Consideration of Section 110(l) of the CAA

Under section 110(l) of the CAA, the EPA cannot approve a SIP revision if the revision would interfere with any applicable requirements concerning attainment and reasonable further progress toward attainment of the NAAQS, or any other applicable requirement of the Act. In addition, section 110(l) requires that each revision to an implementation plan submitted by a state shall be adopted by the state after reasonable notice and public hearing.

The Utah SIP revisions that the EPA is proposing to approve do not interfere with any applicable requirements of the Act. The DAR section R307–300 Series submitted by the DAQ on May 9, 2013, June 8, 2013, February 18, 2014, April 17, 2014, May 20, 2014, July 10, 2014, August 6, 2014, and December 9, 2014 are intended to strengthen the SIP and to serve as RACM for certain area sources for the Utah $PM_{2.5}$ SIP. The repeal of R307–340 does not weaken the Utah SIP or the Ozone Maintenance Plan as a number of the new or revised rules addressing surface coatings take the place of R307–340 in total, and are as or more protective than R307–340. The revision to R307–328, Gasoline Transfer and Storage, and the repeal of R307–342, Qualification of Contractors and Test Procedures for Vapor Recovery Systems for Gasoline Delivery Tanks, submitted on by DAQ February 2, 2012, do not weaken the Utah SIP or the Ozone Maintenance Plan, because R307–328 replaces the testing requirements for trucks in R307–342 with the federal Maximum Achievable Control Technology (MACT) requirements. Finally, Utah's submittals provide adequate evidence that the revisions were adopted after reasonable public notices and hearings. Therefore, CAA section 110(l) requirements are satisfied.

VI. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the DAQ rules promulgated in the DAR, R307–300 Series as discussed in section III, *EPA's Evaluation of Utah's Submittals,* of this preamble. The EPA has made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and/or in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

VII. 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 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

[4] The $PM_{2.5}$ Implementation Rule proposes options for how states should substantively address control of these precursors.

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 proposed 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).

List of Subjects in 40 CFR Part 52

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

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

Dated: August 10, 2015.

Debra H. Thomas,

Acting Regional Administrator, Region 8.

[FR Doc. 2015–20895 Filed 8–24–15; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 510

[CMS–5516–CN]

RIN 0938–AS64

Medicare Program; Comprehensive Care for Joint Replacement Payment Model for Acute Care Hospitals Furnishing Lower Extremity Joint Replacement Services; Corrections

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects technical and typographical errors that appeared in the proposed rule published in the July 14, 2015 **Federal Register** entitled ''Medicare Program; Comprehensive Care for Joint Replacement Payment Model for Acute Care Hospitals Furnishing Lower Extremity Joint Replacement Services.''

DATES: The comment due date for the proposed rule published in the **Federal Register** on July 14, 2015 (80 FR 41198) remains September 8, 2015.

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SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2015–17190 of July 14, 2015 (80 FR 41198), there were a number of technical and typographical errors that are identified and corrected in the Correction of Errors section of this document.

II. Summary of Errors

On page 41210, in our discussion of the factors considered but not used in creating proposed strata, we inadvertently omitted a term and used an incorrect term.

On pages 41212 and 41269, we made errors in referencing the name of the Comprehensive Care for Joint Replacement (CCJR) model.

On pages 41223 and 41224, in our discussion of the proposed pricing adjustment for high payment episodes, we made errors in describing the distribution model presented in Figure 2.

On page 41234, in our discussion of the proposed combination of CCJR episodes anchored by Medical Severity Diagnosis-Related Groups (MS–DRGs) 469 and 470, we made an error in the unpooled hospital-specific historical average payments calculation for MS–DRG 469 anchored target prices.

On pages 41235 and 41236, in our discussion of the proposed approach to combine pricing features, we made an error in the placement and the language of a sentence that was part of the bulleted text.

On page 41240, in the discussion of the criteria for applicable hospitals and performance scoring, we made errors in stating the percentage of eligible elective primary total hip arthroplasty/total knee arthoplasty (THA/TKA) patients for which hospitals must submit data and the timeframe for the submission of data.

On pages 41241 and 41242, we made errors in stating a National Quality Forum (NQF) measure number.

On page 41250, in the discussion of the accounting for CCJR reconciliation payments and repayments in other models and programs, we inadvertently omitted a word.

On page 41251, in the discussion of the accounting for per beneficiary per month (PBPM) payments in the episode definition, we made an error in stating the total number of models with PBPMs.

On pages 41268, 41270, and 41278, we made typographical errors in footnotes 42, 43, and 55, respectively. These errors include omitting the title of the article that was referenced, omitting the text of the footnote, and inadvertently adding a reference to a footnote.

On page 41283, in the discussion of ''Case Mix Adjustment,'' we inadvertently omitted a term.

On pages 41242, 41281, and 41284, we made technical and typographical errors in using the acronyms ''CCJR-,'' ''HCAHPS,'' and ''THA''.

On page 41285, in our discussion of pre-operative assessments, we made errors in our designation of several bulleted paragraphs.

On pages 41287 and 41288, Table 16, we made errors in the table formatting and omitted language that would identify the entries pertaining to the duration of the performance period.

III. Correction of Errors

In FR Doc. 2015–17190 of July 14, 2015 (80 FR 41198), make the following corrections:

1. On page 41210, first column, fifth full paragraph, lines 1 through 3, the phrase ''these measures are proposed to be part of the selection stratus'' is corrected to read ''these measures are not proposed to be part of the selection strata''.