Procedure Act (APA).4 It follows that the requirements of the Regulatory Flexibility Act do not apply.

The effective date for the updated Filer Manual and the rule amendments is April 20, 2015. In accordance with the APA, we find that there is good cause to establish an effective date less than 30 days after publication of these rules. The EDGAR system upgrade to Release 15.1 is scheduled to become available on April 13, 2015. The Commission believes that establishing an effective date less than 30 days after publication of these rules is necessary to coordinate the effectiveness of the updated Filer Manual with the system upgrade.

Statutory Basis

We are adopting the amendments to Regulation S–T under Sections 6, 7, 8, 10, and 19(a) of the Securities Act of 1933,5 Sections 3, 12, 13, 14, 15, 23, and 35A of the Securities Exchange Act of 1934,6 Section 319 of the Trust Indenture Act of 1939,7 and Sections 8, 30, 31, and 38 of the Investment Company Act of 1940.8

List of Subjects in 17 CFR Part 232

Incorporation by reference, Reporting and recordkeeping requirements, Securities.

Text of the Amendment

In accordance with the foregoing, Title 17, Chapter II of the Code of Federal Regulations is amended as follows:

PART 232—REGULATION S–T—GENERAL RULES AND REGULATIONS FOR ELECTRONIC FILINGS


Filers must prepare electronic filings in the manner prescribed by the EDGAR Filer Manual, promulgated by the Commission, which sets out the technical formatting requirements for electronic submissions. The requirements for becoming an EDGAR Filer and updating company data are set forth in the updated EDGAR Filer Manual, Volume I: “General Information.” Version 20 (April 2015). The requirements for filing on EDGAR are set forth in the updated EDGAR Filer Manual, Volume II: “EDGAR Filing,” Version 30 (April 2015). Additional provisions applicable to Form N–SAR filers are set forth in the EDGAR Filer Manual, Volume III: “N–SAR Supplement,” Version 4 (October 2014). All of these provisions have been incorporated by reference into the Code of Federal Regulations, which action was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You must comply with these requirements in order for documents to be timely received and accepted. The EDGAR Filer Manual is available for Web site viewing and printing; the address for the Filer Manual is http://www.sec.gov/info/edgar.shtml. You can obtain paper copies of the EDGAR Filer Manual from the following address: Public Reference Room, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. You can also inspect the document at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

By the Commission. April 13, 2015.

Brent J. Fields,
Secretary.

[FR Doc. 2015–08982 Filed 4–17–15; 8:45 am]
BILLING CODE 1505–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[80 FR 73972, December 8, 2015]

Vermont: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The State of Vermont has applied to EPA for Final authorization of changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA has determined that these changes satisfy all requirements needed to qualify for Final authorization, and is authorizing the State’s changes through this direct final action.

DATES: This rule is effective on June 19, 2015 without further notice, unless EPA receives adverse written comment by May 20, 2015. If EPA receives adverse comment, we will publish a timely withdrawal in the Federal Register informing the public that the rule will not take effect, unless and until the public comment is considered and another final rulemaking document is issued.

ADDRESSES: Submit any comments, identified by Docket ID No. EPA–R01–RCRA–2015–0195, by one of the following methods:

• Email: leitch.sharon@epa.gov.
• Fax: (617) 918–0647, to the attention of Sharon Leitch.
• Mail: Sharon Leitch, RCRA Waste Management and UST Section, Office of Site Remediation and Restoration (OSRR07–1), US EPA Region 1, 5 Post Office Square, Suite 100, Boston, MA 02109–3912.

Hand Delivery: Sharon Leitch, RCRA Waste Management and UST Section, Office of Site Remediation and Restoration (OSRR07–1), US EPA Region 1, 5 Post Office Square, 7th floor, Boston, MA 02109–3912. Such deliveries are only accepted during normal hours of operation, and special arrangements should be made for...
deliveries of boxed information. Please contact Sharon Leitch at (617) 918–1647.

Instructions: Direct your comments to Docket ID No. EPA–R01–RCRA–2015–0195. EPA’s policy is that all comments received will be included in the public docket without change and may be made available online at www.regulations.gov, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through www.regulations.gov or email. The www.regulations.gov Web site is an “anonymous access” system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the www.regulations.gov index. Although listed in the index, some information might not be publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, might be publicly available only in hard copy form. Publicly available docket materials are available either electronically through www.regulations.gov or in hard copy at the EPA Region 1 Library, 5 Post Office Square, 1st floor, Boston, MA 02109–3912; by appointment only; tel: (617) 918–1990.

FOR FURTHER INFORMATION CONTACT: Sharon Leitch, RCRA Waste Management and UST Section, Office of Site Remediation and Restoration, (Mail Code: OSRR07–1), EPA Region 1, 5 Post Office Square, Suite 100, Boston, MA 02109–3912; telephone number: (617) 918–1647; fax number (617) 918–0647; email address: leitch.sharon@epa.gov.

SUPPLEMENTARY INFORMATION:
A. Why are revisions to State programs necessary?
States which have received final authorization from EPA under RCRA section 3006(b), 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal program. As the Federal program changes, States must change their programs and ask EPA to authorize the changes. Changes to State programs may be necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, States must change their programs because of changes to EPA’s regulations in Title 40 of the Code of Federal Regulations (CFR) parts 124, 260 through 266, 268, 270, 273, and 279. When states make other changes to their regulations, it also often is appropriate for the states to seek authorization of the changes.

B. What decisions have we made in this rule?
We have concluded that Vermont’s application to revise its authorized program meets all of the statutory and regulatory requirements established by RCRA. Therefore, we grant Vermont Final authorization to operate its hazardous waste program with the changes described in the authorization application. Vermont has responsibility for permitting treatment, storage, and disposal facilities (TSDFs) within its borders and for carrying out the aspects of the RCRA program covered by its revised program application, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984 (HSWA). New Federal requirements and prohibitions imposed by Federal regulations that EPA promulgates under the authority of HSWA take effect in States which have received final authorization from EPA under RCRA sections 3007, 3008, 3013, and 7003, which includes, among others, authority to:
• Perform inspections, and require monitoring, tests, analyses or reports
• Enforce RCRA requirements and suspend or revoke permits
• Take enforcement actions

This action does not impose additional requirements on the regulated community beyond the regulations for which Vermont is being authorized by this action are already effective under state law, and are not changed by this action.

D. Why is EPA using a direct final rule?
EPA is publishing this rule without a prior proposed rule because we view this as a noncontroversial action and anticipate no adverse comment. However, in the “Proposed Rules” section of this Federal Register, we are publishing a separate document that will serve as the proposed rule to authorize the State program changes if adverse comments are received on this direct final rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Further information about commenting on this rule, see the ADDRESSES section of this document.

If EPA receives adverse comment, we will publish a timely withdrawal in the Federal Register informing the public that this direct final rule will not take effect. We would address all public comments in any subsequent final rule based on the proposed rule.

E. What has Vermont previously been authorized for?
The State of Vermont initially received Final authorization on January 7, 1985, with an effective date of January 21, 1985 (50 FR 775) to implement the RCRA hazardous waste management program. The Region published an immediate final rule for certain revisions to Vermont’s program on May 3, 1993 (58 FR 26242) and reopened the comment period for these revisions on June 7, 1993 (58 FR 31911). This authorization became effective August 6, 1993 (see 58 FR 31911). The Region granted authorization for further revisions to Vermont’s program on September 24, 1999 (64 FR 51702), effective November 23, 1999. On October 18, 1999 (64 FR 46174) the Region published a correction to the immediate final rule that was published on September 24, 1999. The Region granted authorization for further revisions to Vermont’s program on
reduce the volume of wastewater and to
Vermont) evaporate water using heat to
different from the federal rules and
regulations, which remain part of the
previous authorization of state
regulations is in addition to the
various conditions set forth in its
wastewater evaporator units under
VHWMR section 7–
Vermont Hazardous Waste Management
for the following program changes:
Wastewater evaporation units
time action?
On January 16, 2015, Vermont
submitted a final complete program
revision application, seeking
authorization for their changes in
accordance with 40 CFR 271.21.
Vermont is seeking authorization for
regulations that the state has adopted
governing the operation of wastewater
 evaporation units.
We are now making an immediate
final decision that, subject to
reconsideration only if we receive
written comments that oppose this
action, Vermont’s hazardous waste
program revisions satisfy all of the
requirements necessary to qualify for
Final authorization. We have
determined that the Vermont
requirements governing wastewater
evaporation units are “more stringent”
than federal requirements. Therefore,
we grant Vermont Final authorization
for the following program changes:
VHWMR section 7–
along with the revision to the
section following VHWMR section 7–
and the definition of wastewater
 evaporator unit in VHWMR
section 7–103. Since Vermont regulates
wastewater evaporator units under
various conditions set forth in its
generator treatment in tanks provisions,
the analogous federal requirements are
in 40 CFR 264.
The Final authorization of these state
regulations is in addition to the
previous authorization of state
regulations, which remain part of the
authorized program.
F. What changes are we authorizing
with today’s action?
On January 16, 2015, Vermont
submitted a final complete program
revision application, seeking
authorization for their changes in
accordance with 40 CFR 271.21.
Vermont is seeking authorization for
regulations that the state has adopted
governing the operation of wastewater
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final decision that, subject to
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wastewater evaporator units under
various conditions set forth in its
generator treatment in tanks provisions,
the analogous federal requirements are
in 40 CFR 264.
The Final authorization of these state
regulations is in addition to the
previous authorization of state
regulations, which remain part of the
authorized program.
G. How are the revised state rules
different from the federal rules and
why have they been determined to be
more stringent?
Wastewater evaporation units
( evaporators) (as further defined by
Vermont) evaporate water using heat to
reduce the volume of wastewater and to
concentrate hazardous wastes. Vermont
regulates these units using its permit
exemption for generator treatment in
tanks and additional conditions
designed to effectively regulate
evaporators. EPA has analyzed whether
the Vermont regulations are equally or
more protective of human health and the
environment than the federal regulations,
rather than being less stringent. The Agency has determined
that Vermont’s regulations are more
protective/stringier, thus being within the
State’s authority to maintain under
RCRA section 3009. A Memorandum
entitled “Further Explanation of
Decision” dated February 2015,
containing a more detailed analysis of
this issue, has been included in the
Administrative Record. Additionally,
the EPA analyzed whether the stricter
state regulations are “more stringent” or
“broader in scope”. EPA has determined
that they are “more stringent” thus
being regulations that should be
federally authorized and enforced. An
explanation of EPA’s determinations is
set forth below.
1— Determination That State
Regulations Are Stricter Than the
Federal Regulations
To determine whether the state
regulations are stricter and not less
stringent than the federal regulations,
EPA has compared the state regulations
to the federal regulations, including
examining interpretations that have
been made of the federal regulations
(available in the administrative record
and in RCRA Online). However, in line
with the national policy: Determining
Equivalency of State RCRA Hazardous
Waste Programs, September 7, 2005
(Equivalency Policy), EPA has not
required that the state follow the same
identical approach as the federal
regulations. Rather, EPA has focused,
“on whether the state requirements
provide [at least] equal environmental
results as the federal counterparts.” Id.
At the federal level, the wastewater
treatment unit (WWTU) exemption has
been interpreted to cover many
hazardous waste evaporators. Vermont
is stricter than this federal approach in
that it excludes wastewater evaporation
units from being covered under its
 WWTU exemption. Rather, it regulates
them under its more protective
generator treatment in tanks exemption.
Furthermore, Vermont’s generator
treatment in tanks exemption is more
stringent than the federal exemption in
that it imposes additional requirements
designed to effectively regulate
evaporators. However, there may be some
evaporators that do not qualify for the
WWTU exemption at the federal level.
EPA has assumed for purposes of
today’s decision that the current EPA
interpretation of the federal regulations
is that, at the federal level, evaporation
treatment is considered to be thermal
treatment and is not allowed to be
conducted by generators without
permits under the generator treatment in
tanks exemption. Nevertheless, for the
reasons explained below, EPA has
determined that the Vermont
regulations are stricter, not less stringent
than, the federal regulations.
EPA has concluded that we should
look at the overall RCRA program and
assess the effect of the Vermont program
across the board. In doing that, EPA has
concluded that the Vermont program is
stricter than any of the federal
requirements with respect to wastewater
evaporators. RCRA section 3009.
Vermont consistently and strictly
regulates all generator evaporators by
imposing hazardous waste management
requirements and comprehensive air
emissions requirements. This approach is
strictly across the board than the federal
approach, and thus should be allowed
consistent with the national
Equivalency Policy, which emphasizes
that states may take different but equally
or more protective approaches.
Vermont has requirements that are
comparable to permits because the
Vermont regulations require the same
type of tank management standards and
air emission control requirements as
would be included in permits. Vermont
also requires every generator operating
an evaporator to submit a notice and
obtain review of its operation.
EPA emphasizes that this decision
allows non-permitted evaporation
treatment (outside of the WWTU
exemption) only in Vermont. Such
treatment will be allowed only because
it has been federally authorized as
“functionally equivalent,” and this
federal authorization is being granted
based on the strict requirements
adopted by Vermont. EPA further
emphasizes that this regional
rulemaking has no implications for how
other kinds of “thermal treatment” will
be regulated. Generally “thermal
treatment” is not allowed without
permits under either the generator
treatment in tanks (and containers)
exemption or under the WWTU
exemption. Here, EPA is only allowing,
subject to stricter Vermont standards,
the same kind of evaporation treatment
that already has been allowed without
permits under the WWTU exemption at
the federal level and in the many states
that follow the federal approach.
Finally, EPA notes that Vermont is
stricter than the federal approach with
The Vermont regulations pass the second test in the policy for being considered more stringent. The federal WWTU exemption requires treatment to occur within a tank or tank system in order to prevent releases of hazardous wastes. Similarly, the state requirements for evaporators are counterparts to the federal requirement in that they seek to prevent releases. In addition, the state imposes its large quantity generator (LQG) and small quantity generator (SQG) requirements on those generators operating evaporators, counterparts to those requirements exist in the federal LQG and SQG regulations. The state regulation of evaporators is similar to when additional state regulation of CESQGs exist, which is cited in the national policy as meeting both tests for being more stringent rather than broader in scope. For those evaporators not subject to the federal WWTU exemption, the state regulations have counterparts in the federal permit regulations.

The regulations listed in Section F. above are being federally authorized and will be federally enforceable. The other previously authorized Vermont generator requirements will also be federally enforceable with respect to generator evaporators. In addition, the previously authorized full state permit requirements with respect to any evaporators at TSDFs will also be federally enforceable. Also, as previously authorized, the WWTU exemption will not apply to any evaporators in Vermont since they are excluded under the definition of WWTU adopted by Vermont.

H. Who handles permits after the authorization takes effect?

Vermont will issue permits for all the provisions for which it is authorized and will administer the permits it issues. EPA will implement and issue permits for any HSWA requirements for which Vermont is not yet authorized.

I. What is codification and is EPA codifying Vermont’s hazardous waste program as authorized in this rule?

Codification is the process of placing the State’s statutes and regulations that comprise the State’s authorized hazardous waste program into the Code of Federal Regulations. We do this by referencing the authorized State rules in 40 CFR part 272. We reserve the amendment of 40 CFR part 272, subpart UU for this authorization of Vermont’s program until a later date.

J. Administrative Requirements

The Office of Management and Budget (OMB) has exempted this action (RCRA State Authorization) from the requirements of Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011). Therefore, this action is not subject to review by OMB. This action authorizes State requirements for the purpose of RCRA 3006 and imposes no additional requirements beyond those imposed by State law. Accordingly, this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). Because this action authorizes pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). For the same reason, this action also does not significantly or uniquely affect the communities of Tribal governments, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely authorizes State requirements as part of the State RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA. This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks. This rule is not subject to Executive Order 13211 “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001) because it is not a “significant regulatory action” as defined under Executive Order 12866.

Under RCRA 3006(b), EPA grants a State’s application for authorization as long as the State meets the criteria required by RCRA. It would thus be inconsistent with applicable law for EPA, when it reviews a State authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C.
List of Subjects in 40 CFR Part 271

Environmental protection, Hazardous waste.

Authority: This action is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: March 24, 2015.

H. Curtis Spalding,
Regional Administrator, EPA Region 1.

[FR Doc. 2015–09997 Filed 4–17–15; 8:45 am]

BILLING CODE 6560–50–P

LEGAL SERVICES CORPORATION

45 CFR Part 1640

Application of Federal Law to LSC Recipients

AGENCY: Legal Services Corporation

ACTION: Final rule.

SUMMARY: This final rule updates the Legal Services Corporation (LSC or Corporation) regulation on the application of Federal law to LSC recipients. The FY 1996 appropriations act (incorporated in LSC’s appropriations by reference annually thereafter) subjects LSC recipients and its employees and board members to Federal law relating to the proper use of Federal funds. This final rule provides recipients with notice of the applicable Federal laws each recipient and its employees and board members must agree to be subject to under this rule, the consequences of a violation of an applicable Federal law, and where LSC will maintain the list of applicable laws.

DATES: This final rule will be effective on May 20, 2015.

FOR FURTHER INFORMATION CONTACT: Stefanie K. Davis, Assistant General Counsel, Legal Services Corporation, 3333 K Street NW., Washington, DC 20007; (202) 295–1563 (phone), (202) 337–6519 (fax), or sdavis@lsc.gov.

SUPPLEMENTARY INFORMATION:

I. History of This Rulemaking

Section 504(a)(19) of LSC’s FY 1996 appropriations act required LSC recipients to enter into a contract that subjected them to “all provisions of Federal law relating to the proper use of Federal funds.” Sec. 504(a)(19), Public Law. 104–134, Title V; 110 Stat. 1321. By its terms, a violation of Sec. 504(a)(19) renders any LSC grant or contract null and void. The provision has been incorporated by reference into each of LSC’s annual appropriations act since. Accordingly, the preamble and text of this final rule continue to refer to the relevant section number of the FY 1996 appropriations act.

The Corporation first issued 45 CFR part 1640 as an interim rule in 1996 to implement Sec. 504(a)(19). 61 FR 45760, Aug. 29, 1996. The interim rule was put in place to provide immediate guidance to LSC recipients on legislation that was already in effect and carried significant penalties for noncompliance. Id. In the preamble to the interim rule, LSC announced that it was interpreting the statutory phrase “all provisions of Federal law relating to the proper use of Federal funds” to mean “with respect to [a recipient’s] LSC funds, all programs should be subject to Federal laws which address issues of waste, fraud and abuse of Federal funds.” Id. LSC based its interpretation on legislative history that appeared to limit the applicable laws to those dealing with fraud, waste, and abuse of Federal funds.

In particular, LSC relied on two congressional documents to support its interpretation. First, the Corporation cited to the House Report for H.R. 2076, which was a prior effort to enact a provision similar to section 504(a)(19). The relevant language in that report stated:

|Section 504(20) requires all programs receiving Federal funds to comply with Federal statutes and regulations governing waste, fraud, and abuse of Federal funds. |


LSC adopted the list of statutes in section 5, with one exception. Through negotiation with LSC’s Office of Inspector General (OIG), LSC determined that two other criminal statutes should be included in the list. 61 FR 45760, Aug. 29, 1996. These statutes prohibit bribery of public officials and witnesses and conspiracy to defraud the United States. Id. at 45761.

Minor changes to the interim rule, not affecting this list, were made before the