

reports are not being received from the VMS unit or that an inspection of the VMS unit has revealed a problem with the performance of the VMS unit, the vessel owner or operator shall comply with the following requirements:

(i) If the vessel is at port: The vessel owner or operator shall repair or replace the VMS unit and ensure it is operable before the vessel leaves port.

(ii) If the vessel is at sea: The vessel owner, operator, or designee shall contact the AD by telephone, facsimile, or email at the earliest opportunity during the AD's business hours and identify the caller and vessel. The vessel operator shall follow the instructions provided by the AD which could include, but are not limited to, ceasing fishing, stowing fishing gear, returning to port, and/or submitting periodic position reports at specified intervals by other means; and repair or replace the VMS unit and ensure it is operable before starting the next trip.

(5) *Related VMS Requirements.* Installing, carrying and operating a VMS unit in compliance with the requirements in part 300 of this title, part 660 of this title, or part 665 of this title relating to the installation, carrying, and operation of VMS units shall be deemed to satisfy the requirements of this paragraph (c), provided that the VMS unit is operated continuously and at all times while the vessel is at sea, unless the AD authorizes a VMS unit to be shut down as described in paragraph (c)(3) of this section, the VMS unit and mobile communications service providers are type-approved by NOAA for fisheries in IATTC Convention Area, and the specific requirements of paragraph (c)(4) of this section are followed. If the VMS unit is owned by NOAA, the requirement under paragraph (c)(4) of this section to repair or replace the VMS unit will be the responsibility of NOAA, but the vessel owner and operator shall be responsible for ensuring that the VMS unit is operable before leaving port or starting the next trip.

(d) *Costs.* The vessel owner and operator shall be responsible for all costs associated with the purchase, installation and maintenance of the VMS unit and for all charges levied by the mobile communications service provider as necessary to ensure the transmission of automatic position reports to NOAA as required in paragraph (c) of this section. However, if NOAA is paying for the VMS-associated costs because the VMS unit is carried and operated under a requirement of part 300 of this title, part 660 of this title, or part 665 of this title, the vessel owner and operator shall not

be responsible for costs that those regulations specify are the responsibility of NOAA. In addition, NOAA is responsible for the cost of any temporary increase in the default reporting interval to support active enforcement investigations of specific vessels.

(e) *Tampering.* The vessel owner and operator must ensure that the VMS unit is not tampered with, disabled, destroyed, damaged or maintained improperly, and that its operation is not impeded or interfered with.

(f) *Inspection.* The vessel owner and operator must make the VMS unit, including its antenna, connectors and antenna cable, available for inspection by authorized officers.

(g) *Access to data.* The vessel owner and operator must make the vessel's position data obtained from the VMS unit or other means immediately and always available for inspection by NOAA personnel, USCG personnel, and authorized officers.

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## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

### 29 CFR Part 1625

#### 3046-AA72

#### Apprenticeship Programs; Corrections

**AGENCY:** Equal Employment Opportunity Commission.

**ACTION:** Correcting amendments.

**SUMMARY:** The EEOC is correcting a cross-reference in its regulation concerning the procedures for requesting an exemption for apprenticeship programs from the Age Discrimination in Employment Act (ADEA) pursuant to Section 9 of the Act.

**DATES:** *Effective:* October 7, 2015.

**FOR FURTHER INFORMATION CONTACT:** Carol R. Miaskoff, Assistant Legal Counsel, at (202) 663-4645 (voice) or Raymond L. Peeler, Senior Attorney-Advisor, at (202) 663-4537 (voice) or (202) 663-7026 (TDD). Requests for this notice in an alternative format should be made to the Office of Communications and Legislative Affairs at (202) 663-4191 (voice) or (202) 663-4494 (TTY), or the Publications Information Center at 1-800-669-3362 (toll free).

#### SUPPLEMENTAL INFORMATION:

#### Background

In 1996, the Commission issued a regulation finding that apprenticeship

programs were covered by the Age Discrimination in Employment Act of 1967 (ADEA),<sup>1</sup> with limited exceptions. One of those exceptions occurs when the EEOC exercises its authority under section 9 of the ADEA to establish reasonable exemptions from the Act's prohibitions on employment discrimination against individuals aged 40 or above.<sup>2</sup> By regulation, the EEOC has approved one exemption for apprenticeship programs created under the Manpower Development and Training Act of 1962 or the Economic Opportunity Act of 1964,<sup>3</sup> and has outlined procedures for stakeholders to request other exemptions from EEOC.<sup>4</sup> The apprenticeship program regulation cross-referenced these agency procedures on how to request an ADEA Section 9 exemption, citing 29 CFR 1627.15.

#### Need for Correction

When the EEOC most recently exercised its exemption authority on an unrelated matter, in 2007, it also moved the procedures for requesting an exemption to a new section—29 CFR 1625.30. However, the Commission neglected to update the cross-reference in the apprenticeship program regulation to reflect this change. The regulation originally cross-referenced in the apprenticeship program regulation, 29 CFR 1627.15, no longer exists. Therefore, the EEOC replaces the now incorrect reference in 29 CFR 1625.21 with language reflecting the new citation for the agency's procedures for requesting an administrative exemption from ADEA prohibitions—29 CFR 1625.30.

#### Retrospective Regulatory Review

Although the EEOC's rulemakings on apprenticeship programs and administrative exemptions are not currently a priority for regulatory review, the Commission is taking this action, consistent with the EEOC Plan for Retrospective Analysis of Existing Rules,<sup>5</sup> based on stakeholder input and efforts to enhance clarity in the EEOC's regulations.<sup>6</sup>

<sup>1</sup> 29 U.S.C. 621 *et seq.*

<sup>2</sup> 29 U.S.C. 628.

<sup>3</sup> 29 CFR 1625.31(a).

<sup>4</sup> 29 CFR 1625.30.

<sup>5</sup> A copy of the EEOC's Final Plan for Retrospective Analysis of Existing Regulations is available at [http://www.eeoc.gov/laws/regulations/retro\\_review\\_plan\\_final.cfm](http://www.eeoc.gov/laws/regulations/retro_review_plan_final.cfm) (last visited Oct. 5, 2012).

<sup>6</sup> This error was brought to the EEOC's attention by attorneys inquiring about the procedures for seeking an EEOC exemption from ADEA prohibitions for an apprenticeship program that would build workplace skills for disadvantaged

## Regulatory Procedures

The Commission finds that public notice-and-comment on this rule is unnecessary, because the revision makes no substantive change; it merely corrects an internal cross-referencing error. The rule is therefore exempt from the notice-and-comment requirements of 5 U.S.C. 553(b) under 5 U.S.C. 553(b)(B). This technical correction also is not "significant" for purposes of Executive Order 12866, as reaffirmed by E.O. 13563, and therefore is not subject to review by Office of Management and Budget.

## Regulatory Analysis

Since this technical correction contains no substantive changes to the law, EEOC certifies that it contains no new information collection requirements subject to review by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35), it requires no formal cost-benefit analysis pursuant to E.O. 12866, it creates no significant impact on small business entities subject to review under the Regulatory Flexibility Act, and it imposes no new economic burden requiring further analysis under the Unfunded Mandates Reform Act of 1995.

## Congressional Review Act

This correction is defined as a rule under the Congressional Review Act, but not as a major rule. As a result, it was provided to Congress and the General Accountability Office pursuant to the requirements of 5 U.S.C. 801 as interpreted by Office of Management and Budget Memorandum M-99-13.

## List of Subjects in 29 CFR Part 1625

Advertising, Age, Employee benefit plans, Equal employment opportunity, and Retirement.

For the reasons stated in the preamble, the Equal Employment Opportunity Commission amends 29 CFR part 1625 as follows:

### PART 1625—AGE DISCRIMINATION IN EMPLOYMENT ACT

- 1. The authority citation for 29 CFR part 1625 continues to read as follows:

**Authority:** 29 U.S.C. 621-634; 5 U.S.C. 301; Pub. L. 99-502, 100 Stat. 3342; Secretary's Order No. 10-68; Secretary's Order No. 11-68; sec. 2, Reorg. Plan No. 1 of 1978, 43 FR 19807; Executive Order 12067, 43 FR 28967.

- 2. Revise § 1625.21 to read as follows:

youth but not be available to older people covered by the ADEA.

### § 1625.21 Apprenticeship programs.

All apprenticeship programs, including those apprenticeship programs created or maintained by joint labor-management organizations, are subject to the prohibitions of sec. 4 of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 623. Age limitations in apprenticeship programs are valid only if excepted under sec. 4(f)(1) of the Act, 29 U.S.C. 623(f)(1), or exempted by the Commission under sec. 9 of the Act, 29 U.S.C. 628, in accordance with the procedures set forth in 29 CFR 1625.30.

For the Commission.

**Jenny R. Yang,**

*Chair.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

**[EPA-R08-OAR-2012-0974, FRL-9935-15-Region 8]**

### Promulgation of State Implementation Plan Revisions; Infrastructure Requirements for the 2008 Ozone, 2008 Lead, and 2010 NO<sub>2</sub> National Ambient Air Quality Standards; North Dakota

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving elements of State Implementation Plan (SIP) revisions from the State of North Dakota to demonstrate the State meets infrastructure requirements of the Clean Air Act (Act, CAA) for the National Ambient Air Quality Standards (NAAQS) promulgated for ozone on March 12, 2008; lead (Pb) on October 15, 2008; and nitrogen dioxide (NO<sub>2</sub>) on January 22, 2010. Section 110(a) of the CAA requires that each state submit a SIP for the implementation, maintenance, and enforcement of each NAAQS promulgated by EPA.

**DATES:** This rule is effective November 6, 2015.

**ADDRESSES:** The EPA has established a docket for this action under Docket Identification Number EPA-R08-OAR-2012-0974. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information may not be publicly available, *i.e.*, Confidential Business Information or other information the disclosure of which is restricted by statute. Certain

other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in the hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at EPA Region 8, Office of Partnerships and Regulatory Assistance, Air Program, 1595 Wynkoop Street, Denver, Colorado 80202-1129. The EPA requests that you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. The Regional Office's official hours of business are Monday through Friday, 8:00 a.m.-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:

Abby Fulton, Air Program, U.S. Environmental Protection Agency (EPA), Region 8, Mail Code 8P-AR, 1595 Wynkoop Street, Denver, Colorado 80202-1129, 303-312-6563, [fulton.abby@epa.gov](mailto:fulton.abby@epa.gov).

### SUPPLEMENTARY INFORMATION:

#### I. Background

Infrastructure requirements for SIPs are provided in section 110(a)(1) and (2) of the CAA. Section 110(a)(2) lists the specific infrastructure elements that a SIP must contain or satisfy. The elements that are the subject of this action are described in detail in our notice of proposed rulemaking (NPR) published on July 15, 2015 (80 FR 41450).

The NPR proposed approval of North Dakota's submissions with respect to the following CAA section 110(a)(2) infrastructure elements for the 2008 ozone, 2008 Pb, and 2010 NO<sub>2</sub> NAAQS: (A), (B), (C) with respect to minor NSR and PSD requirements, (D)(i)(II) elements 3 and 4, (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M); and D(i)(I) elements 1 and 2 for the 2008 Pb and 2010 NO<sub>2</sub> NAAQS. The NPR also proposed approval of element 4 of CAA section 110(a)(2)(D)(i)(II) for the 2006 fine particulate matter (PM<sub>2.5</sub>) NAAQS. EPA will act separately on infrastructure element (D)(i)(I), interstate transport elements 1 and 2 for the 2008 ozone NAAQS. The reasons for our approvals are provided in detail in the NPR.

#### II. Response to Comments

No comments were received on our July 15, 2015 NPR.

#### III. Final Action

EPA is approving the following infrastructure elements for the 2008