

of section 110(a)(2) with the exception of 110(a)(2)(D)(i)(I).<sup>4</sup> This rulemaking action is addressing the portions of the District's infrastructure submittal for the 2010 NO<sub>2</sub> NAAQS that pertain to transport requirements.<sup>5</sup>

The District's June 6, 2014 transport submittal includes emissions inventory and air quality data that concludes that the District does not have sources that can contribute to nonattainment in, or interfere with maintenance by, any other state with respect to the 2010 NO<sub>2</sub> NAAQS. Currently available air quality monitoring data included in the submittal confirms that NO<sub>2</sub> levels continue to be well below the 2010 NO<sub>2</sub> NAAQS in the District and in any areas surrounding or bordering the District.<sup>6</sup> Additionally, the District describes existing SIP-approved measures and other Federally-enforceable source-specific measures, pursuant to permitting requirements under the CAA, that apply to NO<sub>x</sub> sources within the District. EPA finds that the District's existing SIP provisions, as identified in the submittal, are adequate to prevent its emission sources from significantly contributing to nonattainment or interfering with maintenance in another state with respect to the 2010 NO<sub>2</sub> NAAQS. In light of these measures, EPA does not expect NO<sub>x</sub> emissions in the District to increase significantly, and therefore does not expect monitors in the District and nearby states, all currently measuring NO<sub>2</sub> concentrations well below the 2010 NO<sub>2</sub> NAAQS, to have difficulty continuing to attain or maintaining attainment of the NAAQS. A detailed summary of EPA's review and rationale for proposing approval of this SIP revision as meeting section 110(a)(2)(D)(i)(I) of the CAA for the 2010 NO<sub>2</sub> ozone NAAQS may be found in the Technical Support Document (TSD) for this rulemaking action, which is available online at [www.regulations.gov](http://www.regulations.gov), Docket number EPA-R03-OAR-2015-0750.

<sup>4</sup> In this final rulemaking action, EPA also approved the District's infrastructure SIPs for the 2008 ozone and 2010 SO<sub>2</sub> NAAQS with the exception of the transport elements in 110(a)(2)(D)(i)(I).

<sup>5</sup> For EPA's explanation of its ability to act on discrete elements of section 110(a)(2), see EPA's proposed rulemaking action regarding approval of portions of the District's infrastructure SIP submissions for the 2008 ozone NAAQS and the 2010 NO<sub>2</sub> and SO<sub>2</sub> NAAQS; 80 FR 2865 (January 21, 2015).

<sup>6</sup> The District's June 6, 2014 submittal included recent air quality monitoring data for the states surrounding or bordering the District within a 50 kilometer radius, which are Maryland and Virginia. The 50 kilometers radius is the standard distance for modeling analysis in EPA's Guideline on Air Quality Models (Appendix W to 40 CFR part 51).

### III. Proposed Action

EPA is proposing to approve the portions of the District's June 6, 2014 SIP revision addressing interstate transport for the 2010 NO<sub>2</sub> NAAQS for purposes of meeting section 110(a)(2)(D)(i)(I) requirements with respect to this NAAQS. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

### IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA 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 CAA. Accordingly, this action merely approves 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 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, this proposed rule, addressing the District's interstate transport requirements under the CAA for the 2010 NO<sub>2</sub> NAAQS, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide.

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

Dated: November 23, 2015.

**Shawn M. Garvin,**

*Regional Administrator, Region III.*

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## LEGAL SERVICES CORPORATION

### 45 CFR Parts 1604, 1609, 1611, 1614, 1626, and 1635

#### Outside Practice of Law; Fee-Generating Cases; Financial Eligibility; Private Attorney Involvement; Restrictions on Legal Assistance to Aliens; Timekeeping Requirement

**AGENCY:** Legal Services Corporation.

**ACTION:** Notice of proposed changes and request for comments.

**SUMMARY:** The Legal Services Corporation ("LSC") Office of Inspector General ("OIG") intends to revise the Compliance Supplement for Audits of LSC Recipients for the fiscal year ending December 31, 2015, and thereafter and is soliciting public comment on the proposed changes. The proposed revisions primarily affect certain regulatory requirements to be audited pursuant to LSC regulations. In addition, the LSC OIG is proposing to include for audit certain regulatory requirements which impact recipient staff's involvement in the outside practice of law. Finally, suggested audit procedures for several regulations have been updated and revised for clarification and simplification purposes.

**DATES:** All comments and recommendations must be received by January 4, 2016.

**ADDRESSES:** The proposed LSC OIG Compliance Supplement for Audits of LSC Recipients is available at [https://www.oig.lsc.gov/images/pdfs/ipa\\_resources/DRAFT\\_2015\\_Compliance\\_Supplement\\_for\\_Audits\\_of\\_LSC\\_Recipients.pdf](https://www.oig.lsc.gov/images/pdfs/ipa_resources/DRAFT_2015_Compliance_Supplement_for_Audits_of_LSC_Recipients.pdf).

You may submit comments by any of the following methods:

- *Email:* [aramirez@oig.lsc.gov](mailto:aramirez@oig.lsc.gov).
  - *Fax:* (202) 337-6616.
  - *Mail:* Legal Services Corporation Office of Inspector General, 3333 K Street NW., Washington, DC 20007.
- Instructions:* All comments should be addressed to Anthony M. Ramirez, Office of the Inspector General, Legal Services Corporation. Include “2015 Compliance Supplement” as the heading or subject line for all comments submitted.

**FOR FURTHER INFORMATION CONTACT:** Anthony M. Ramirez, [aramirez@oig.lsc.gov](mailto:aramirez@oig.lsc.gov), (202) 295-1668.

**SUPPLEMENTARY INFORMATION:** The purpose of the Compliance Supplement for Audits of LSC Recipients is to set forth the LSC regulatory requirements to be audited by the Independent Public Accountants (“IPA”) as part of the recipients’ annual financial statement audit and to provide suggested guidance

to the IPAs in accomplishing this task. Pursuant to 45 CFR part 1641, IPAs are subject to suspension, removal, and/or debarment for not following OIG audit guidance as set out in the Compliance Supplement for Audits of LSC Recipients. Since the last revision of the LSC OIG’s Compliance Supplement for Audits of LSC Recipients, LSC has significantly revised and updated several regulations. These revisions and updates, including the corresponding changes to suggested audit guidance provided to the IPAs, must be reflected accurately in the Compliance Supplement for Audits of LSC Recipients. A summary of the proposed changes follows.

The LSC OIG has included regulatory requirements under 45 CFR part 1604 in the Compliance Supplement for Audits of LSC Recipients. The proposed inclusion sets forth the requirements dealing with the permissibility of recipient staff engaged in the outside practice of law. We have proposed suggested audit guidance for use by the IPAs.

The LSC OIG made major revisions to several regulatory summaries to reflect LSC’s revisions to its regulations. Revised summaries include those for 45

CFR parts 1609 (fee generating cases); 1611 (eligibility); 1614 (private attorney involvement); 1626 (restrictions on legal assistance to aliens); and to a lesser extent, 1635 (timekeeping requirement). Other summaries contain relatively minor revisions. The proposed summaries follow the existing law and LSC regulations. The proposed suggested audit procedures for each of these sections have been revised and updated to incorporate and take into consideration the regulatory changes.

The LSC OIG proposes to revise the case sampling methodology by reducing criteria utilized in the case selection process. The proposed changes are intended to clarify and simplify the process.

The LSC OIG proposes to update and revise suggested audit procedures for the regulations. The proposed updates and revisions are intended for clarification and simplification purposes and to provide added emphasis on internal controls.

Dated: December 1, 2015.

**Stefanie K. Davis,**  
*Assistant General Counsel.*

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