

response to each of these notices. OMB has directed agencies to adopt the uniform guidance in part 200 without change, except to the extent that an agency can demonstrate that any conflicting agency requirements are required by statute or regulations, or consistent with longstanding practice and approved by OMB. Finally, OMB made clear that the requirements in 2 CFR part 200, including the audit requirements in subpart F, will apply, starting on December 26, 2014, which gave recipients of all types of financial assistance advance notice of when the regulations would become effective. Therefore, under 5 U.S.C. 553(b)(B), there is good cause for waiving proposed rulemaking as unnecessary.

#### Waiver of Delayed Effective Date in General

Generally, those agencies that are subject to the Administrative Procedures Act (APA) are required to delay the effective date of their final regulations by 30 days after publication, as required under 5 U.S.C. 553(d), unless an exception under subsection (d) applies.

Under 5 U.S.C. 553(d), these agencies may waive the delayed effective date requirement if they find good cause and explain the basis for the waiver in the final rulemaking document or if the regulations grant or recognize an exemption or relieve a restriction. In the present case, there is good cause to waive the delayed effective date for two reasons.

First, OMB informed the public on December 26, 2013, that agencies would be required to adopt the Uniform Guidance and make it effective by December 26, 2014. The public has had significant time to prepare for the promulgation of these interim final regulations.

Second, while these interim final regulations are based on a new, more effective method for establishing government-wide requirements, the substance of the regulations are, in most cases, virtually identical to the requirements that exist in current agency regulations. In virtually all cases where the new regulations depart from prior OMB guidance to agencies, the new regulations reduce burdens on the public, for example, by increasing the threshold for single audits from \$500,000 to \$750,000.

Based on these considerations, since we are subject to the APA, we have determined that there is good cause to waive the delayed effective date for this final rule.

#### Unfunded Mandates Reform Act of 1995 Determination

Section 202 of the Unfunded Mandates Reform Act of 1995 (Unfunded Mandates Act) (2 U.S.C. 1532) requires that covered agencies prepare a budgetary impact statement before promulgating a rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year. If a budgetary impact statement is required, section 205 of the Unfunded Mandates Act also requires covered agencies to identify and consider a reasonable number of regulatory alternatives before promulgating a rule. OMB has determined that the joint interim final rule will not result in expenditures by State, local, and tribal governments, or by the private sector, of \$100 million or more in any one year. Accordingly, we have not prepared a budgetary impact statement or specifically addressed the regulatory alternatives considered.

#### Executive Order 13132 Determination

OMB determined that the joint interim final rule did not have any Federalism implications, as required by Executive Order 13132.

(Catalog of Federal Domestic Assistance Program Nos. 96.001, Social Security—Disability Insurance; 96.002, Social Security—Retirement Insurance; 96.004, Social Security—Survivors Insurance; 96.006, Supplemental Security Income; 96.007, Social Security Research and Demonstration; 96.008, Social Security—Work Incentives Planning and Assistance Programs; 96.009, Social Security State Grants for Work Incentives Assistance to Disabled Beneficiaries.)

**Carolyn W. Colvin,**

*Acting Commissioner of Social Security.*

For the reasons set forth in the preamble, we are adopting the interim final rule, which was published on December 19, 2014 (available at 79 FR 75871) that amended 2 CFR chapter XXIII and, under the authority of 5 U.S.C. 301, removed and reserved parts 435 and 437 of title 20, chapter III of the Code of Federal Regulations as a final rule without any further changes.

[FR Doc. 2015–28432 Filed 11–9–15; 8:45 am]

**BILLING CODE 4191–02–P**

#### DEPARTMENT OF ENERGY

##### 10 CFR Part 851

RIN 1992–AA50

#### Worker Safety and Health Program; Technical Amendments

**AGENCY:** Office of Environment, Health, Safety and Security, U.S. Department of Energy.

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

**SUMMARY:** The Department of Energy (DOE) is amending the worker safety and health program rule to clarify references in the regulation to the Occupational Safety and Health Administration's permissible exposure limit for beryllium and updating references to organizations and documents. The regulatory amendments do not alter substantive rights or obligations under current law.

**DATES:** This rule is effective on November 10, 2015.

**FOR FURTHER INFORMATION CONTACT:** Jacqueline D. Rogers, U.S. Department of Energy, Office of Environment, Health, Safety and Security, Mailstop AU–11, 1000 Independence Ave. SW., Washington, DC 20585, telephone: (202) 586–4714, or Email: [jackie.rogers@hq.doe.gov](mailto:jackie.rogers@hq.doe.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

In 2006, when DOE promulgated 10 CFR part 851, “Worker Safety and Health Program,” it adopted the Occupational Safety and Health Administration's (OSHA) permissible exposure limit (PEL) for beryllium in 29 CFR 1910.1000, “Air Contaminants.” Section 851.23(a)(1) of part 851 also requires DOE contractors to comply with the requirements in 10 CFR part 850, “Chronic Beryllium Disease Prevention Program.”

OSHA has published in the **Federal Register** a notice that proposes a new comprehensive health standard for beryllium in 29 CFR part 1910, “Subpart Z Toxic and Hazardous Substances,” which will include a new PEL and ancillary provisions. Currently, OSHA only regulates beryllium through a PEL. DOE's regulation “Worker Safety and Health Program” at 10 CFR 851.23(a)(3) requires DOE contractors among other things to comply with OSHA's PEL for beryllium. To date, OSHA has not established any ancillary requirements for the regulation of beryllium exposure. Consequently, there are currently no conflicts between the requirement in 10 CFR part 851 to comply with OSHA's

regulation, including OSHA's PEL, and the remaining requirements of 10 CFR parts 850 and 851. However, should OSHA adopt a comprehensive standard for beryllium, as OSHA recently proposed in the **Federal Register**, there may be confusion among DOE and DOE contractors regarding which standard would apply at DOE sites. The technical amendment clarifies that it is DOE's intent to only apply OSHA's PEL for beryllium, and that DOE and DOE contractors would not be subject to any other beryllium-specific OSHA requirements, including the ancillary provisions OSHA has recently proposed to add to its health standard (e.g., exposure assessment, personal protective clothing and equipment, medical surveillance, medical removal, training, and regulated areas or access control). The Department expects its employees, including contractors to continue to implement the provisions of 10 CFR part 850 at DOE sites.

The Department is also making technical amendments to 10 CFR part 851, Appendix A, Section 7, "Biological Safety," to avoid confusion within the DOE community regarding the correct terminology, the identity of the agency responsible for biohazards, and the correct forms to use for select agents.

This final rule has been approved by the Secretary of Energy.

## II. Procedural Requirements

### A. Review Under Executive Order 12866

This regulatory action has been determined not to be "a significant regulatory action" under Executive Order 12866, "Regulatory Planning and Review," 58 FR 51735 (October 4, 1993). Accordingly, this action was not subject to review under that Executive Order by the Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget (OMB).

### B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, "Proper Consideration of Small Entities in Agency Rulemaking," 67 FR 53461 (August 16, 2002), DOE published procedures and policies to ensure that the potential impacts of its draft rules on small entities are properly considered during the rulemaking

process (68 FR 7990, February 19, 2003), and has made them available on the Office of General Counsel's Web site: <http://energy.gov/gc/office-general-counsel>.

The regulatory amendments in this notice of final rulemaking reflect technical amendments, and clarify DOE's intent to continue to only apply OSHA's PEL for beryllium, and to not apply to DOE and DOE contractors any other beryllium-specific OSHA requirements that may be promulgated in the future. Rights and obligations under 10 CFR part 851 are unaltered and as such, are not subject to the requirement for a general notice of proposed rulemaking under the Administrative Procedure Act (5 U.S.C. 553(a)(2)) (APA). There is no requirement under the APA or any other law that this rule be proposed for public comment. Consequently, this rulemaking is exempt from the requirements of the Regulatory Flexibility Act.

### C. Review Under the Paperwork Reduction Act

This final rule does not impose a collection of information requirement subject to the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

### D. Review Under the National Environmental Policy Act

DOE has concluded that promulgation of this rule falls into a class of actions that would not individually or cumulatively have a significant impact on the human environment, as determined by DOE's regulations implementing the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Specifically, this rule amends existing regulations without changing the environmental effect of the regulations being amended, and, therefore, is covered under the Categorical Exclusion in paragraph A5 of Appendix A to subpart D, 10 CFR part 1021. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

### E. Review Under Executive Order 13132

Executive Order 13132, "Federalism," 64 FR 43255 (August 10, 1999) imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. Agencies are required to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and carefully assess the necessity for such actions. The Executive Order

also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations (65 FR 13735). DOE has examined this rule and has determined that it does not preempt State law and does not have a substantial direct effect 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. No further action is required by Executive Order 13132.

### F. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, "Civil Justice Reform" (61 FR 4729, February 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; and (3) provide a clear legal standard for affected conduct rather than a general standard and promote simplification and burden reduction. Section 3(b)(2) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any, to be given to the regulation; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any, to be given to the regulation; (5) defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, this final rule meets the relevant standards of Executive Order 12988.

### G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4)

requires each Federal agency to assess the effects of a Federal regulatory action on State, local, and tribal governments, and the private sector. DOE has determined that this regulatory action does not impose a Federal mandate on State, local or tribal governments or on the private sector.

*H. Review Under the Treasury and General Government Appropriations Act, 1999*

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105-277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

*I. Review Under the Treasury and General Government Appropriations Act, 2001*

The Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (February 22, 2002), and DOE's guidelines were published at 67 FR 62446 (October 7, 2002). DOE has reviewed this final rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

*J. Review Under Executive Order 13211*

Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use," 66 FR 28355 (May 22, 2001) requires Federal agencies to prepare and submit to the OIRA, which is part of OMB, a Statement of Energy Effects for any proposed significant energy action. A "significant energy action" is defined as any action by an agency that promulgates or is expected to lead to promulgation of a final rule, and that: (1) Is a significant regulatory action under Executive Order 12866, or any successor order; and is likely to have a significant adverse effect on the supply, distribution, or use of energy, or (2) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented,

and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use. This regulatory action is not a significant energy action. Accordingly, DOE has not prepared a Statement of Energy Effects.

*K. Administrative Procedure Act*

An agency may find good cause to exempt a rule from the requirement for a notice of proposed rulemaking and the opportunity for public comment under the APA if the requirement is determined to be unnecessary, impracticable, or contrary to the public interest under 5 U.S.C. 533(b)(3)(B). The rule clarifies references in 10 CFR part 851 concerning its adoption of provisions found in 29 CFR part 1910, and updates references to organizations and documents. The first change in this rule is to add "Occupational Safety and Health Administration beryllium requirements except for any permissible exposure limit for beryllium in 29 CFR 1910.1000" to the list of exclusions from 10 CFR part 851, found in 10 CFR 851.2. The second change in this rule is the addition of the words "and 29 CFR 1910.1000, Beryllium" at the end of 10 CFR 851.23(a)(3). Safety and Health requirements relating to DOE and DOE contractors' employees' exposure to beryllium are and will continue to be covered by 10 CFR part 850, "Chronic Beryllium Disease Prevention Program." The updates of referenced organizations and documents in 10 CFR part 851, Appendix A, Section 7 are strictly technical amendments. Consequently, good cause exists for issuing this amendment as a final rule as notice and comment is unnecessary.

*L. Congressional Notification*

As required by 5 U.S.C. 801, DOE will submit to Congress a report regarding the issuance of this final rule prior to the effective date set forth at the outset of this rulemaking. The report will state that it has been determined that the rule is not a "major rule" as defined by 5 U.S.C. 801(2).

**List of Subjects in 10 CFR Part 851**

Civil penalty, Federal buildings and facilities, Occupational safety and health, Safety, Reporting and recordkeeping requirements.

Issued in Washington, DC, on October 15, 2015.

**Matthew B. Moury,**

*Associate Under Secretary for Environment, Health, Safety and Security.*

For the reasons set forth in the preamble, the Department of Energy amends part 851 of chapter III of title 10

of the Code of Federal Regulations as set forth below:

**PART 851—WORKER SAFETY AND HEALTH PROGRAM**

■ 1. The authority citation for part 851 continues to read as follows:

**Authority:** 42 U.S.C. 2201(i)(3), (p); 42 U.S.C. 2282c; 42 U.S.C. 5801 *et seq.*; 42 U.S.C. 7101 *et seq.*; 50 U.S.C. 2401 *et seq.*

■ 2. Section 851.2 is amended by adding paragraph (d) to read as follows:

**§ 851.2 Exclusions.**

\* \* \* \* \*

(d) This part does not require compliance with any Occupational Safety and Health Administration beryllium requirement except for any permissible exposure limit for beryllium in 29 CFR 1910.1000.

**§ 851.23 [Amended]**

■ 3. Section 851.23 is amended in paragraph (a)(3) by adding at the end of the sentence " , and 29 CFR 1910.1000, Beryllium".

■ 4. Appendix A, section 7, Biological Safety, is amended:

■ a. In paragraph (a)(1)(i) by adding " , United States Department of Agriculture Animal and Plant Health Inspection Service (USDA/APHIS)" in the first sentence, after "(WHO)"; and

■ b. By revising paragraphs (a)(3) and (4) to read as follows:

**Appendix A to Part 851—Worker Safety and Health Functional Areas**

\* \* \* \* \*

7. \* \* \*  
(a) \* \* \*

(3) Provides for submission to the appropriate Head of DOE Field Element, for review and concurrence before transmittal to the Federal Select Agent Program, each Laboratory Registration/Select Agent Program registration application package (APHIS/CDC Form 1, Application for Registration for Possession, Use, and Transfer of Select Agents and Toxins) requesting registration of (or amendment to a previously approved registration) a laboratory facility for the purpose of possessing, using, or transferring biological select agents and/or toxins.

(4) Provides for submission to the appropriate Head of DOE Field Element, a copy of each APHIS/CDC Form 2, Request to Transfer Select Agents and Toxins, upon initial submission of APHIS/CDC Form 2 to a vendor or other supplier requesting or ordering a biological select agent or toxin for transfer, receipt, and handling in the registered facility; and submission to the appropriate Head of DOE Field Element the completed copy of the APHIS/CDC Form 2, documenting final disposition and/or destruction of the select agent or toxin,

within 10 days of completion of the APHIS/ CDC Form 2.

\* \* \* \*

[FR Doc. 2015-28575 Filed 11-9-15; 8:45 am]

BILLING CODE 6450-01-P

## BUREAU OF CONSUMER FINANCIAL PROTECTION

### 12 CFR Part 1003

[Docket No. CFPB-2014-0019]

RIN 3170-AA10

### Home Mortgage Disclosure (Regulation C)

#### Correction

In rule document 2015-26607 beginning on page 66128 in the issue of Wednesday, October 28, 2015, make the following corrections:

1. On page 66256, in the second column, in the nineteenth line, "I. Effective Date" should read "VI. Effective Date."

2. On page 66296, in the third column, in the fourteenth and fifteenth lines, "III. Final Regulatory Flexibility Act Analysis" should read "VIII. Final Regulatory Flexibility Act Analysis".

3. On page 66305, in the first column, in the 23rd line, "IV. Paperwork Reduction Act" should read "IX. Paperwork Reduction Act".

[FR Doc. C1-2015-26607 Filed 11-9-15; 8:45 am]

BILLING CODE 1505-01-D

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 25

[Docket No. FAA-2015-4086; Special Conditions No. 25-605-SC]

### Special Conditions: Boeing Model 787-9 Airplane; Structure-Mounted Airbags

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final special conditions; request for comments.

**SUMMARY:** These special conditions are issued for the Boeing Model 787-9 airplane. This airplane will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport-category airplanes. This design feature is airbags mounted to structure to prevent serious injury. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this

design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

**DATES:** This action is effective on Boeing on November 10, 2015. We must receive your comments by December 28, 2015 using any of the following methods:

- *Federal eRegulations Portal:* Go to <http://www.regulations.gov> and follow the online instructions for sending your comments electronically.

- *Mail:* Send comments to Docket Operations, M-30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12-140, West Building Ground Floor, Washington, DC, 20590-0001.

- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* Fax comments to Docket Operations at 202-493-2251.

*Privacy:* The FAA will post all comments it receives, without change, to <http://www.regulations.gov>, including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477-19478), as well as at <http://DocketsInfo.dot.gov>.

*Docket:* Background documents or comments received may be read at <http://www.regulations.gov> at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Jeff Gardlin, FAA, Airframe and Cabin Safety Branch, ANM-115, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057-3356; telephone 425-227-2136; facsimile 425-227-1232.

**SUPPLEMENTARY INFORMATION:** The FAA has determined that notice of, and opportunity for prior public comment on, these special conditions is

impracticable because these procedures would significantly delay issuance of the design approval and thus delivery of the affected airplane.

In addition, the substance of these special conditions has been subject to the public comment process in prior instances with no substantive comments received. The FAA therefore finds that good cause exists for making these special conditions effective upon publication in the **Federal Register**.

#### Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

We will consider all comments we receive by the closing date for comments. We may change these special conditions based on the comments we receive.

#### Background

On July 5, 2009, The Boeing Company applied for a change to type certificate no. T00021SE for structure-mounted airbags in the Model 787-9 airplane. The Model 787-9 airplane, which is a derivative of the Model 787 series currently approved under type certificate no. T00021SE, has a maximum passenger capacity of 420 passengers and a maximum takeoff weight of 557,000 lbs.

#### Type Certification Basis

Under the provisions of Title 14, Code of Federal Regulations (14 CFR) 21.101, The Boeing Company must show that the 787-9, as changed, continues to meet the applicable provisions of the regulations reference listed in type certificate no. T00021SE or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA.

The certification basis includes certain special conditions, exemptions, or later amended sections of the applicable part that are not relevant to these special conditions.

If the Administrator finds that the applicable airworthiness regulations (*i.e.*, 14 CFR part 25) do not contain adequate or appropriate safety standards for the Model 787-9 airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate