Federal Register / Vol. 81, No. 1 / Monday, January 4, 2016 / Proposed Rules

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950—).

Subpart E—[Amended]

1. The authority citation for subpart E of part 404 continues to read as follows:

Authority: Secs. 202, 203, 204(a) and (e), 205(a) and (c), 221(i), 222(c), 223(e), 224, 225, 702(a)(5), and 1129A of the Social Security Act (42 U.S.C. 402, 403, 404(a) and (e), 405(a) and (c), 416(l), 422(c), 423(e), 424, 425, 902(a)(5), and 1320a–8a); 48 U.S.C. 1801.

2. In §404.401, revise paragraph (a)(4) to read as follows:

§404.401 Deduction, reduction, and nonpayment of monthly benefits or lump-sum death payments.

(a) * * *

(4) An individual under full retirement age (see §404.409) is concurrently entitled to disability insurance benefits and to certain public disability benefits (see §404.408);

* * * * *

§404.408 Reduction of benefits based on disability on account of receipt of certain other disability benefits provided under Federal, State, or local laws or plans.

(a) * * *

(2) * * *

(ii) The individual has not attained full retirement age as defined in 20 CFR 404.409.

* * * * *

[FR Doc. 2015–33036 Filed 12–31–15; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 172

[Docket No. FDA–2015–F–4317]

Center for Science in the Public Interest, Natural Resources Defense Council, Center for Food Safety, Consumers Union, Improving Kids’ Environment, Center for Environmental Health, Environmental Working Group, Environmental Defense Fund, Huff, Environmental Defense Fund, and James Huff, proposing that the food additive regulations be amended to no longer authorize the use of seven listed synthetic flavoring food additives and to establish zero tolerances for the additives.

DATES: The food additive petition was filed on August 17, 2015. Submit either electronic or written comments by March 4, 2016.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

• Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to http://www.regulations.gov will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else’s Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on http://www.regulations.gov.

• If you wish to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

• Mail/Hand delivery/Courier (for written/paper submissions): Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted marked and identified, as confidential,
FOR FURTHER INFORMATION CONTACT:

SUPPLEMENTARY INFORMATION:

I. Background

Under section 409(b)(5) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 348(b)(5)), we are giving notice that we have filed a food additive petition (FAP 5A4910) submitted by the Center for Science in the Public Interest, Natural Resources Defense Council, Center for Food Safety, Consumers Union, Improving Kids’ Environment, Center for Environmental Health, Environmental Working Group, Environmental Defense Fund, and James Huff; Filing of Food Additive Petition.”

Received comments will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at http://www.regulations.gov or at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on http://www.regulations.gov. Submit both copies to the Division of Dockets Management. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law.

For more information about FDA’s posting of comments to public docket, see 80 FR 56469, September 18, 2015, or access the information at http://www.fda.gov/regulatoryinformation/dockets/default.htm.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to http://www.regulations.gov and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

California Environmental Protection Agency’s Office of Environmental Health Hazard Assessment. The petitioners also include results from an observational epidemiology study in humans exposed to styrene and a number of long-term, animal feeding studies conducted on each of the seven additives to support their request. If we determine new data are available that establish these food additives induce cancer, then FDA will amend § 172.515 to no longer provide for their use by publishing an amendment to the regulation in the Federal Register, as set forth in §§ 171.130 and 171.100 (21 CFR 171.100).

Although the petition proposes to amend only § 172.515 to no longer provide for the use of these seven synthetic flavoring substances, our action in response to the petition could affect other regulations which provide specifically for the use of these additives. Specifically, benzophenone is also approved for use as an indirect food additive, i.e., a plasticizer (21 CFR 77.2600(c)(4)(iv) diphenyl ketone). We note that some of these flavoring substances (e.g., ethyl acrylate, pyridine, styrene) are permitted for use by other food additive regulations and food contact notifications as reactants or manufacturing aids. Such uses are not the subject of these food additive regulations and food contact notifications, and as such, may not necessarily be affected if this petition results in a regulation.

II. Amendment of § 172.515

In accordance with the procedures for amending or revoking a food additive regulation in § 171.130 (21 CFR 171.130), the petition asks us to amend § 172.515 to no longer provide for the use of these seven food additives as synthetic flavoring substances.

Specifically, the petitioners contend that new data establish that these substances are carcinogenic and are, therefore, not safe for use in food under the Delaney Clause (section 409(c)(3)(A) of the FD&C Act), which provides that no food additive shall be deemed to be safe if it is found to induce cancer when ingested by man or animal, or if it is found, after tests which are appropriate for the evaluation of the safety of food additives, to induce cancer in man or animal. The petitioners cite, as evidence, conclusions by the National Toxicology Program, the International Agency for Research on Cancer, and the
and comment.

announcing its availability for review

we will place the environmental
categorical exclusion is not warranted,
required, we will announce our
determination in the Federal Register if
this petition results in a regulation. If
we determine that the claim of
categorical exclusion is not warranted,
we will place the environmental
assessment on public display at the
Division of Dockets Management and
provide notice in the Federal Register
announcing its availability for review and
comment.

Dated: December 29, 2015.
Dennis M. Keefe,
Director, Office of Food Additive Safety,
Center for Food Safety and Applied Nutrition.

FOR FURTHER INFORMATION CONTACT:
Alice Kottmyer, Attorney-Adviser, 202–
647–2318, kottmyeram@state.gov
(please use the subject line: “Section 508 proposed rule”).

SUPPLEMENTARY INFORMATION:
The purpose of this proposed rule is to add
a new part 147, which implements Section 508 of the Rehabilitation Act of
1973, as amended (29 U.S.C. 794d)
(“Section 508”), as it applies to
programs and activities conducted by
the Department of State (“the Department”). The title of this proposed
rule reflects that it applies to Electronic
and Information Technology (EIT).

Some authorities cited in this
rulemaking might use the term
“Information and Communications
Technology” or “ICT.” For the purposes
of this rulemaking, the Department
considers “EIT” and “ICT” to be
interchangeable.

Subpart B—General Provisions
Proposed §§ 147.1 and 147.2 provide that these proposed rules are intended
to implement Section 508, consistent with that statute and the regulations
promulgated by the Access Board, at 36 CFR part 1194 (“Part 1194”). This
proposed rule applies to all
development, procurement,
maintenance, and use of electronic and
information technology by the
Department of State. Section 147.3
provides the definitions of “The
Department,” “Electronic and
Information Technology (EIT),”
“Section 508,” “undue burden,”
“Section 508 complaint,” “the
Secretary,” and otherwise adopts the
definitions in 36 CFR 1194.4.

Section 147.4 provides that the
Department will ensure that its
employees and applicants for
employment are provided with adequate
notice of the Department’s obligations
under Section 508, part 1194, and these
rules.

Sections 147.5 and 147.6 generally
reiterate the requirements of Section 508
regarding the prohibition against
discrimination, and the requirement for
ensuring that EIT is accessible (in
accordance with part 1194), unless an
undue burden would be imposed on the
Department—in which case an
alternative means of access must be
provided.

Subpart B—Complaint Procedures
Section 147.7 provides procedures for
filing a complaint under Section 508.
The procedures included therein are
substantially the same procedures the
Department has established in
implementing Section 504 of the
Rehabilitation Act (22 CFR part 144).
The relevant procedures are repeated in
this rulemaking, for convenience. Any
complaint must be filed with the
Department’s Office of Civil Rights,
must be in writing, and submitted by
fax, email, mail, or hand-delivery. The
final, approved complaint form will be
accessible and fillable and will be
provided.

An individual with a disability
alleging a violation of Section 508 must
file a complaint not later than 180 days
after the date the complainant knew, or
should have known, of the alleged
violation of Section 508. Once the
Department receives the complaint, it
must conduct an investigation and,
within 180 days of receiving the
complaint, shall notify the complainant of
the results of the investigation in a
letter containing findings of fact and
conclusions of law; a description of a
remedy for each violation found; and a
notice of the right to appeal within 90
days of the complainant’s receipt from
the Department of the notice. The
Department will notify the complainant

DEPARTMENT OF STATE
22 CFR Part 147
[RIN 1400–AD87
Electronic and Information Technology
AGENCY: Department of State.

ACTION: Proposed rule.

SUMMARY: This proposed rule
implements Section 508 of the
Rehabilitation Act (Section 508) for the
Department of State. Section 508
requires that Federal departments and
agencies shall ensure accessibility by
individuals with disabilities who are
Federal employees, applicants for
employment, or members of the public
when developing, procuring,
maintaining, or using electronic and
information technology.

DATES: You may submit comments by
March 4, 2016.

ADDRESSES: Interested parties may
submit comments by one of the
following methods:

• Email: kottmyeram@state.gov with
  the subject line, “Section 508 proposed rule.”

• Internet: At www.regulations.gov,
  search for this notice by searching for
Docket No. DOS–2015–0072 or by the
rule’s RIN (1400–AD87).

  Section 147.4 provides that the
  Department will ensure that its
  employees and applicants for
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  Sections 147.5 and 147.6 generally
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DEPARTMENT OF STATE
22 CFR Part 147
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Electronic and Information Technology
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implements Section 508 of the
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employment, or members of the public
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information technology.

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following methods:

• Email: kottmyeram@state.gov with
  the subject line, “Section 508 proposed rule.”

• Internet: At www.regulations.gov,
  search for this notice by searching for
Docket No. DOS–2015–0072 or by the
rule’s RIN (1400–AD87).