

For the reasons set forth in the preamble, 7 CFR part 985 is proposed to be amended as follows:

**PART 985—MARKETING ORDER REGULATING THE HANDLING OF SPEARMINT OIL PRODUCED IN THE FAR WEST**

■ 1. The authority citation for 7 CFR part 985 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. A new § 985.234 is added to read as follows:

**§ 985.234 Salable quantities and allotment percentages—2015–2016 marketing year.**

The salable quantity and allotment percentage for each class of spearmint oil during the marketing year beginning on June 1, 2015, shall be as follows:

(a) Class 1 (Scotch) oil—a salable quantity of 1,265,853 pounds and an allotment percentage of 60 percent.

(b) Class 3 (Native) oil—a salable quantity of 1,341,269 pounds and an allotment percentage of 56 percent.

Dated: March 9, 2015.

**Rex A. Barnes,**

*Associate Administrator, Agricultural Marketing Service.*

[FR Doc. 2015–05681 Filed 3–13–15; 8:45 am]

**BILLING CODE 3410–02–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

**21 CFR Part 176**

[Docket No. FDA–2015–F–0714]

**Natural Resources Defense Council et al.; Filing of Food Additive Petition**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice of petition.

**SUMMARY:** The Food and Drug Administration (FDA or we) is announcing that we have filed a petition, submitted by the Natural Resources Defense Council, the Center for Food Safety, the Breast Cancer Fund, the Center for Environmental Health, Clean Water Action, the Center for Science in the Public Interest, Children’s Environmental Health Network, Environmental Working Group, and Improving Kids’ Environment, proposing that we amend our food additive regulation to no longer provide for the use of three specific perfluoroalkyl ethyl containing food-contact substances (FCSs) as oil and water repellants for paper and

paperboard for use in contact with aqueous and fatty foods.

**DATES:** The food additive petition was filed on January 7, 2015.

**FOR FURTHER INFORMATION CONTACT:** Paul Honigfort, Center for Food Safety and Applied Nutrition (HFS–275), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740–3835, 240–402–1206.

**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 4B4809), submitted by the Natural Resources Defense Council, 1152 15th St. NW., Suite 300, Washington, DC 20005; the Center for Food Safety, 303 Sacramento St., Second Floor, San Francisco, CA 94111; Clean Water Action, 144 Eye St. NW., Suite 400, Washington, DC 20005; the Center for Science in the Public Interest, 1220 L St. NW., Suite 300, Washington, DC 20005; Children’s Environmental Health Network, 110 Maryland Ave. NE., Suite 402, Washington, DC 20002; the Breast Cancer Fund, 1388 Sutter St., Suite 400, San Francisco, CA 94109–5400; the Center for Environmental Health, 2201 Broadway, Suite 302, Oakland, CA, 94612; Environmental Working Group, 1436 U St. NW., Suite 100, Washington, DC 20009; and Improving Kids’ Environment, 1915 West 18th St., Indianapolis, IN 46202. The petition proposes that we amend § 176.170 (21 CFR 176.170) to no longer provide for the use of three perfluoroalkyl ethyl containing food-contact substances (FCSs) as oil and water repellants for paper and paperboard for use in contact with aqueous and fatty foods. The three FCSs which are the subjects of this petition are as follows:

1. Diethanolamine salts of mono- and bis (1*H*,1*H*,2*H*,2*H* perfluoroalkyl) phosphates where the alkyl group is even-numbered in the range C8–C18 and the salts have a fluorine content of 52.4 percent to 54.4 percent as determined on a solids basis;

2. Pentanoic acid, 4,4-bis [(*gamma*-*omega*-perfluoro-C8–20-alkyl)thio] derivatives, compounds with diethanolamine (CAS Reg. No. 71608–61–2); and

3. Perfluoroalkyl substituted phosphate ester acids, ammonium salts formed by the reaction of 2,2-bis[(*gamma*), (*omega*)-perfluoro C4–20 alkylthio] methyl]-1,3-propanediol, polyphosphoric acid and ammonium hydroxide.

**II. Amendment of § 176.170**

In accordance with procedures specified in § 171.130 (21 CFR 171.130) for amending or revoking a food additive regulation, the petition asks us to amend § 176.170 so that it would no longer provide for the use of three perfluoroalkyl ethyl containing FCSs as oil and water repellants for paper and paperboard for use in contact with aqueous and fatty foods. If we determine that new data are available regarding the toxicity of these FCSs that justify amending § 176.170 so that it would no longer allow their use, we will publish such an amendment of the regulation in the **Federal Register**, as set forth in § 171.130 and § 171.100 (21 CFR 171.100).

We have determined under 21 CFR 25.32(m) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Dated: March 9, 2015.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2015–05938 Filed 3–13–15; 8:45 am]

**BILLING CODE 4164–01–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

**21 CFR Parts 170, 177, and 189**

[Docket No. FDA–2015–F–0537]

**Natural Resources Defense Council et al.; Filing of Food Additive Petition**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice of petition.

**SUMMARY:** The Food and Drug Administration (FDA or we) is announcing that we have filed a petition, submitted by the Natural Resources Defense Council, Center for Food Safety, Clean Water Action, Children’s Environmental Health Network, Center for Science in the Public Interest, Breast Cancer Fund, Center for Environmental Health, Environmental Working Group, and Improving Kids’ Environment, proposing that we amend our regulation to no longer provide for the use of potassium perchlorate as an additive in closure-sealing gaskets for food containers, revoke the Threshold of Regulation exemption No. 2005–006 to no longer exempt the use of sodium

perchlorate monohydrate as a conductivity enhancer in antistatic agents for use in finished articles in contact with dry foods, and issue a new regulation to prohibit the use of perchlorate in antistatic agents for use in food-contact articles. We are requesting comments on the petition and establishing a comment period of 60 days from the date of publication of this notice.

**DATES:** The food additive petition was filed on December 31, 2014. Submit either electronic or written comments by May 15, 2015.

**ADDRESSES:** You may submit comments by any of the following methods:

#### *Electronic Submissions*

Submit electronic comments in the following way:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

#### *Written Submissions*

Submit written submissions in the following ways:

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

*Instructions:* All submissions received must include the Docket No. FDA-2015-F-0537 for this rulemaking. All comments received may be posted without change to <http://www.regulations.gov>, including any personal information provided. For additional information on submitting comments, see the “Comments” heading of the **SUPPLEMENTARY INFORMATION** section of this document.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> and insert the docket number(s), 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.

**FOR FURTHER INFORMATION CONTACT:** Paul Honigfort, Center for Food Safety and Applied Nutrition (HFS-275), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740-3835, 240-402-1206.

#### **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 4B4808),

submitted by the Natural Resources Defense Council, 1152 15th St. NW., Suite 300, Washington, DC 20005; Center for Food Safety, 303 Sacramento St., Second Floor, San Francisco, CA, 94111; Clean Water Action, 1444 I St. NW., Suite 4000, Washington, DC 20005-6538; Children’s Environmental Health Network, 110 Maryland Ave. NE., Suite 402, Washington, DC 20002; Center for Science in the Public Interest, 1220 L St. NW., Suite 300, Washington, DC 20005; Breast Cancer Fund, 1388 Sutter St., Suite 400, San Francisco, CA 94109-5400; Center for Environmental Health, 2201 Broadway, Suite 302, Oakland, CA 94612; Environmental Working Group, 1436 U St. NW., Suite 100, Washington, DC 20009; and Improving Kids’ Environment, 1915 West 18th St., Indianapolis, IN 46202. The petition proposes that we: (1) Amend 21 CFR 177.1210 to no longer provide for the use of potassium perchlorate as an additive in closure-sealing gaskets for food containers; (2) revoke the Threshold of Regulation (TOR) exemption No. 2005-006 to no longer exempt from regulation under the food additive provisions of the FD&C Act the use of sodium perchlorate monohydrate as a conductivity enhancer in antistatic agents for use in finished articles in contact with dry foods; and (3) issue a new regulation in 21 CFR part 189, subpart D (Substances Prohibited from Indirect Addition to Human Food Through Food-Contact Surfaces) to prohibit the use of perchlorate in antistatic agents for use in food-contact articles.

Pursuant to § 189.1(c), we are requesting comments on the petition and establishing a comment period of 60 days from the date of publication of this notice.

##### **II. Amendment of 21 CFR 177.1210**

The petition asks us to amend § 177.1210 so that it would no longer provide for the use of potassium perchlorate as an additive in closure-sealing gaskets for food containers in accordance with procedures specified in 21 CFR 171.130 for amending or revoking a food additive regulation. Specifically, the petition notes that new perchlorate toxicity data are now available which support the requested amendment of § 177.1210. If we determine that new data are available regarding the toxicity of potassium perchlorate that justify amending § 177.1210 so that it would no longer allow the use of potassium perchlorate, we will publish such an amendment of the regulation in the **Federal Register**, as set forth in § 171.130 and § 171.100.

##### **III. Revocation of TOR Exemption No. 2005-006**

The petition asks us to revoke TOR exemption No. 2005-006 to no longer exempt from regulation under the food additive provisions of the FD&C Act the use of sodium perchlorate monohydrate as a conductivity enhancer in antistatic agents for use in finished articles in contact with dry foods. Specifically, the petition notes that new toxicity and exposure data on perchlorates are now available which support the requested revocation of TOR exemption No. 2005-006.

The procedures for revoking a TOR exemption are specified in § 170.39(g), which states that if we tentatively conclude that available information on the dietary concentration or safety of sodium perchlorate monohydrate no longer supports a TOR exemption from the food additive regulations, we will notify the persons who requested the exemption of our decision and will provide them with an opportunity to show why the exemption should not be revoked. If after following all of the other procedures required by § 170.39(g) we decide to revoke TOR exemption No. 2005-006, we will publish a notice to that effect in the **Federal Register**.

##### **IV. Issue of a New Regulation in 21 CFR 189 Subpart D**

The petition asks us to issue a new regulation in part 189, subpart D to prohibit the use of perchlorate in antistatic agents for use in food-contact articles. Specifically, the petition notes that new toxicity and exposure data on perchlorates are now available which support the issue of such a regulation.

The procedures for issuing a new regulation in part 189 are set forth in § 189.1. Section 189.1(a) states that “food ingredients” may be prohibited from uses in human food based on “a determination that [the food ingredients] present a potential risk to the public health or have not been shown by adequate scientific data to be safe for use in human food.” Section 189.1(c) requires FDA to publish the petition for comment if the petition contains reasonable grounds to that effect. Accordingly, we request comments on the petition with respect to the petitioners’ request for the issuance of a new regulation in part 189, subpart D to prohibit the use of perchlorate in antistatic agents for use in food-contact articles.

We have determined under 21 CFR 25.32(m) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an

environmental assessment nor an environmental impact statement is required.

#### V. Comments

Interested persons may submit either electronic comments to <http://www.regulations.gov> or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at <http://www.regulations.gov>.

Dated: March 9, 2015.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2015-05937 Filed 3-13-15; 8:45 am]

**BILLING CODE 4164-01-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R03-OAR-2014-0816; FRL-9924-37-Region 3]

#### Approval and Promulgation of Air Quality Implementation Plans; Virginia; Consumer and Commercial Products, and Mobile Equipment Repair and Refinishing Operations

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the Commonwealth of Virginia. This revision consists of amendments to Virginia's regulation for consumer and commercial products in order to apply provisions pertaining to portable fuel containers, consumer and commercial products, architectural and industrial maintenance coatings, adhesives, adhesive primers, sealants, and sealant primers to the Richmond volatile organic compound (VOC) Emissions Control Area. The revision also consists of amendments to Virginia's regulation for existing stationary sources to apply provisions pertaining to mobile equipment repair and refinishing operations in the Richmond VOC Emissions Control Area. This action is being taken under the Clean Air Act (CAA).

**DATES:** Written comments must be received on or before April 15, 2015.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA-R03-OAR-2014-0816 by one of the following methods:

A. *www.regulations.gov*. Follow the on-line instructions for submitting comments.

B. *Email: powers.marilyn@epa.gov*  
C. *Mail: EPA-R03-OAR-2014-0816*, Marilyn Powers, Acting Associate Director, Office of Air Program Planning, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID No. EPA-R03-OAR-2014-0816. 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](http://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](http://www.regulations.gov) or email. The [www.regulations.gov](http://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 email comment directly to EPA without going through [www.regulations.gov](http://www.regulations.gov), your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit 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 electronic docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. Although listed in the index, some information is not publicly available, *i.e.*, CBI or other

information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in [www.regulations.gov](http://www.regulations.gov) or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

**FOR FURTHER INFORMATION CONTACT:** Leslie Jones Doherty, (215) 814-3409 or by email at [jones.leslie@epa.gov](mailto:jones.leslie@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On January 26, 2012 (77 FR 3928), EPA issued a final rulemaking notice (FRN) approving a new chapter, 9VAC5 Chapter 45—Consumer and Commercial Products, for inclusion in the Virginia SIP in order to control VOC emissions from various consumer and commercial products within the Northern Virginia and Fredericksburg VOC Emissions Control Areas.<sup>1</sup> On April 10, 2014, the Virginia Department of Environmental Quality (VADEQ) submitted a revision to the Virginia SIP. The SIP revision consists of amendments to 9VAC5 Chapter 45 in order to apply provisions pertaining to certain types of consumer and commercial products to the Richmond VOC Emissions Control Area.

On June 22, 2004 (69 FR 35253), EPA issued a direct final rulemaking approving a new article, Article 48 of 9VAC5 Chapter 40—Existing Stationary Sources, for inclusion in the Virginia SIP which established emissions standards for mobile equipment repair and refinishing operations in the Northern Virginia VOC Emissions Control Area. This SIP revision consists of amendments to Article 48 of 9VAC5 Chapter 40—Existing Stationary Sources to apply provisions pertaining to mobile equipment repair and refinishing operations in the Richmond VOC Emissions Control Area.

##### II. Summary of SIP Revision

The SIP revision consists of amendments to 9VAC5 Chapter 45—Consumer and Commercial Products in order to apply provisions pertaining to portable fuel containers, consumer and commercial products, architectural and

<sup>1</sup> "VOC Emissions Control Area" in Virginia is defined by 9VAC5-20-206 as certain control areas by geographic location.