

persons or their representatives, offered and used for a purpose for which it is neither labeled nor advertised. The intended uses of an article may change after it has been introduced into interstate commerce by its manufacturer. If, for example, a packer, distributor, or seller intends an article for different uses than those intended by the person from whom he received the device, such packer, distributor, or seller is required to supply adequate labeling in accordance with the new intended uses.

## PART 1100—TOBACCO PRODUCTS SUBJECT TO FDA AUTHORITY

■ 5. The authority citation for 21 CFR part 1100 continues to read as follows:

**Authority:** 21 U.S.C. 387a(b), 387f(d); Secs. 901(b) and 906(d), Pub. L. 111–31; 21 CFR 16.1 and 1107.1; 21 CFR 1.1, 1.20, 14.55, 17.1, and 17.2. Section 1100.5 is issued under 21 U.S.C. 321, 353(g), and 371(a); 21 CFR 1.1.

■ 6. Part 1100, as proposed to be added on April 25, 2014 (79 FR 23142 at 23202), is amended by adding § 1100.5 to read as follows:

### § 1100.5 Exclusion from tobacco regulation.

If a product made or derived from tobacco that is intended for human consumption is intended for use for any of the purposes described in paragraph (a) or (b) of this section, the product is not a tobacco product as defined in section 201(rr) of the Federal Food, Drug, and Cosmetic Act and will be subject to regulation as a drug, device, or combination product.

(a) The product is intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment or prevention of disease, including use in smoking cessation, the cure or treatment of nicotine addiction, relapse prevention, relief of nicotine withdrawal symptoms, or prevention or mitigation of disease;

(b) The product is intended to affect the structure or any function of the body in any way that is different from effects related to nicotine that were commonly and legally claimed in the marketing of cigarettes and smokeless tobacco products prior to March 21, 2000.

Dated: September 16, 2015.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2015–24313 Filed 9–24–15; 8:45 am]

BILLING CODE 4164–01–P

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

#### 29 CFR Part 1904

[Docket Number: OSHA–2015–0006]

RIN 1218–AC84

### Clarification of Employer's Continuing Obligation To Make and Maintain an Accurate Record of Each Recordable Injury and Illness; Extension of Comment Period

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Notice of proposed rule; extension of comment period.

**SUMMARY:** The Occupational Safety and Health Administration (OSHA) is extending the deadline for submitting comments on the proposed rule: Clarification of Employer's Continuing Obligation To Make and Maintain an Accurate Record of Each Recordable Injury and Illness.

**DATES:** The comment due date for the proposed rule published in the **Federal Register** on July 29, 2015 (80 FR 45116) is extended. Comments must be submitted (postmarked, sent, or received) by October 28, 2015.

**ADDRESSES:** Submit comments and additional material using any of the following methods:

*Electronically.* You may submit comments and attachments electronically at <http://www.regulations.gov>, which is the Federal e-Rulemaking Portal. Follow the instructions on the Web site for making electronic submissions.

*Facsimile.* If your submission, including attachments, does not exceed ten pages, you may fax it to the OSHA Docket Office at (202) 693–1648. OSHA does not require hard copies of documents transmitted by facsimile. However, if you have supplemental attachments that are not delivered by facsimile, you must submit those attachments, by the applicable deadline, to the OSHA Docket Office, Technical Data Center, OSHA, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–2625, Washington, DC 20210. Any such attachment must clearly identify the sender's name, the date of submission, the title of the rulemaking (Clarification of Employer's Continuing Obligation To Make and Maintain an Accurate Record of Each Recordable Injury and Illness), and the docket number (OSHA–2015–0006) so that the docket Office can add the attachment(s) to the appropriate facsimile submission.

*Regular or express mail, hand delivery, or messenger (courier) service.* You may submit comments to the OSHA Docket Office, Docket Number OSHA–2015–0006, Technical Data Center, OSHA, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–2625, Washington, DC 20210; telephone: (202) 693–2350. (OSHA's TTY number is (877) 889–5627). Please contact the OSHA Docket Office for information about Department of Labor security procedures that could affect the delivery of materials by express mail, hand delivery, and messenger or courier service. Also note that security-related procedures may delay the Agency's receipt of comments submitted by regular mail. The Docket Office will accept deliveries by hand, express mail, or messenger and courier service during the Docket Office's normal business hours, 8:15 a.m. to 4:45 p.m.

Instructions for submitting comments: All submissions must include the Agency's name (OSHA), the title of the rulemaking (Clarification of Employer's Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness), and the docket number (OSHA–2015–0006). OSHA will place comments and other material, including any personal information you provide, in the public docket without revision, and the comments and other materials will be available online at <http://www.regulations.gov>. Therefore, OSHA cautions you about submitting statements and information that you do not want made available to the public or that contain personal information (about yourself or others) such as Social Security numbers, birthdates, and medical data. For additional information on the rulemaking process, see the Background heading in the **SUPPLEMENTARY INFORMATION** part of this document.

**Docket:** To read or download comments or other material in the docket, go to Docket Number OSHA–2015–0006 at <http://www.regulations.gov> or to the OSHA Docket Office at the address provided previously. The electronic docket for this proposed rule, established at <http://www.regulations.gov>, lists all of the documents in the docket. However, some information (e.g., copyrighted material) is not publicly available to read or download through that Web site. All submissions, including copyrighted material, are available for inspection at the OSHA Docket Office. Contact the OSHA Docket Office for assistance in locating docket submissions.

**FOR FURTHER INFORMATION CONTACT:**

General information and press inquiries: Contact Frank Meilinger, Director, Office of Communications, Room N-3647, OSHA, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693-1999; email [Meilinger.francis2@dol.gov](mailto:Meilinger.francis2@dol.gov). Technical inquiries: Contact William Perry, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N-3718, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693-1950; email [perry.bill@dol.gov](mailto:perry.bill@dol.gov).

Copies of this **Federal Register** notice and news releases: Electronic copies of these documents are available at OSHA's Web page at <http://www.osha.gov>.

**SUPPLEMENTARY INFORMATION:****I. Background**

OSHA published a notice of proposed rulemaking on July 15, 2015, titled "Clarification of Employer's Continuing Obligation To Make and Maintain an Accurate Record of Each Recordable Injury and Illness." The notice stated that comments were due by September 28, 2015. The National Association of Home Builders requested that the deadline for submitting comments be extended by 60 days to provide additional time for interested parties to engage in "legal analysis, as well as careful review and discussion" of the proposed rule. See Ex. OSHA-2015-006-0004. OSHA believes an extension of 30 days is reasonable. Therefore, to allow commenters adequate time to prepare complete and accurate comments on the proposed rule, OSHA is, with this notice, extending the deadline for submitting comments in response to the proposed rule to October 28, 2015.

**II. Authority and Signature**

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210, authorized the preparation of this notice pursuant to 29 U.S.C. 657, 673; 5 U.S.C. 553; and Secretary of Labor's Order No. 1-2012 (77 FR 3912; January 25, 2012), and 29 CFR 1911.

Signed at Washington, DC, on September 21, 2015.

**David Michaels,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2015-24319 Filed 9-24-15; 8:45 am]

**BILLING CODE 4510-26-P**

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[EPA-R09-OAR-2015-0369; FRL 9933-33-21-Region 9]

**Revisions to the California State Implementation Plan, Monterey Bay Unified Air Pollution Control District, Ventura County Air Pollution Control District**

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve revisions to the Monterey Bay Unified Air Pollution Control District (MBUAPCD) and the Ventura County Air Pollution Control District (VCAPCD) portions of the California State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) emissions from the transfer of gasoline into vehicle fuel tanks, and from the transfer or dispensing of liquefied petroleum gas (LPG). We are proposing to approve local rules to regulate these emission sources under the Clean Air Act (CAA or the Act).

**DATE:** Any comments on this proposal must arrive by October 26, 2015.

**ADDRESSES:** Submit comments, identified by docket number EPA-R09-OAR-2015-0369, by one of the following methods:

1. *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). Follow the on-line instructions.
2. *Email:* [steckel.andrew@epa.gov](mailto:steckel.andrew@epa.gov).
3. *Mail or deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

**Instructions:** All comments 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 Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through [www.regulations.gov](http://www.regulations.gov) or email.

[www.regulations.gov](http://www.regulations.gov) is an "anonymous access" system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send email directly to EPA, your email address will be automatically captured and included as part of the public comment. 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:** Generally, documents in the docket for this action are available electronically at [www.regulations.gov](http://www.regulations.gov) and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105-3901. While all documents in the docket are listed at [www.regulations.gov](http://www.regulations.gov), some information may be publicly available only at the hard copy location (e.g., copyrighted material, large maps), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:**

James Shears, EPA Region IX, (213) 244-1810, [shears.james@epa.gov](mailto:shears.james@epa.gov).

**SUPPLEMENTARY INFORMATION:** This proposal addresses the following local rule(s): MBUAPCD Rule 1002 and VCAPCD Rule 74.33. In the Rules and Regulations section of this **Federal Register**, we are approving these local rules in a direct final action without prior proposal because we believe these SIP revisions are not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: August 11, 2015.

**Jared Blumenfeld,**

*Regional Administrator, Region IX.*

[FR Doc. 2015-24104 Filed 9-24-15; 8:45 am]

**BILLING CODE 6560-50-P**