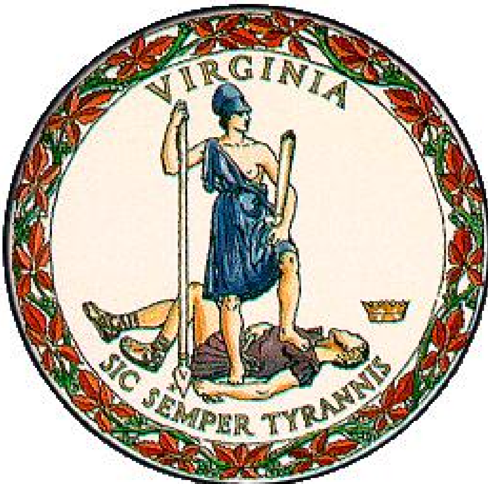
January 2007

Federal Mandate Report

July 1st 2006

to

January 3rd 2007



Commonwealth of Virginia

Office of the Governor

Virginia Liaison Office

The Federal Mandate Report is published semiannually by the Virginia Liaison Office (VLO). This report provides reviews of federal legislation containing unfunded mandates that have become public law (Part I), or passed at least one chamber of Congress (Part II). The report also provides reviews of federal regulatory action completed that may affect the Commonwealth (Part III). The VLO relies on the Congressional Budget Office's (CBO) interpretations of the Federal Unfunded Mandate Reform Act (UMRA) to determine what legislation contains intergovernmental mandates. Descriptions of the mandates provided in this analysis are based upon, or excerpted from, these CBO documents. Likewise the VLO relies on the recommendations of the Regulatory Information Service Center (RISC) of the General Services Administration to determine which federal regulatory actions may affect the states.

This edition of the Federal Mandate Report is intended to provide an overview of the legislative and regulatory requirements imposed upon the Commonwealth for the period from July 1, 2006, to January 3rd, 2007.

Of the bills reviewed by the CBO that have become public law, six (6) contain mandates of consequence to Virginia.

Likewise, the RISC identified a total of ninety eight (98) completed federal regulations affecting States, ninety two (92) of which may have an effect on the Commonwealth.

Part I – Mandates in Public Laws

Title I of the Unfunded Mandate Reform Act (UMRA) of 1995 requires the Congressional Budget Office (CBO) to prepare mandate statements for bills approved by authorizing committees. In those statements, CBO must address whether a bill contains federal mandates and, if so, whether the direct costs of those mandates would be greater than the thresholds established in the law. Those thresholds are adjusted annually for inflation, and are $64 million or more per year for the public sector (state, local, or tribal governments) and $128 million or more per year for the private sector for 2006.

Bill #	Bill Title	Unfunded Mandate on State	Bill Status (Including Congressional Vote)
H.R. 5782	Pipeline Safety Improvement Act of 2006	H.R. 5782 contains private-sector mandates, as defined in UMRA, on operators of distribution and transmission pipelines for natural gas or liquids by increasing user fees, authorizing a new fee, and imposing new safety standards. Since some of the mandates in the bill would require the Department of Transportation to prescribe new safety standards for which information currently is not available, CBO cannot determine the direct costs of complying with all of the mandates in the bill or whether the total costs would exceed the annual threshold established by UMRA ($128 million for private-sector mandates in 2006, adjusted annually for inflation). The Pipeline and Hazardous Materials Safety Administration (PHMSA) within the Department of Transportation (DOT) oversees the safety of pipelines that transport gas or hazardous liquids and provides grants to states for programs to ensure pipeline safety. For these activities, H.R. 5782 would authorize gross appropriations of about $330 million over the 2007-2010 period. Under the bill, about $253 million of those appropriations would be offset by the collection of fees paid by pipeline operators over the four-year period. In addition, CBO estimates that the bill would authorize PHMSA to collect almost $5 million over the 2007-2010 period to recover its costs of conducting pipeline design reviews. The agency would be authorized to spend these collections over the 2007-2011 period for its pipeline safety activities, assuming appropriation of the necessary amounts. The bill also would authorize the appropriation of $24 million over the 2007-2010 period for PHMSA to provide grants to local governments for	7/13/2006 Introduced in House 12/5/2006 Reported (Amended) by the Committee on Transportation. 12/5/2006 Reported (Amended) by the Committee on Energy and Commerce. 12/6/2006 Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.

		emergency management and would authorize the appropriation of $11 million over the same period for grants to state programs that help excavators coordinate their work with the operators of underground pipelines, grants to local communities to improve pipeline safety, technical assistance, and public awareness. Finally, CBO estimates that preparing certain studies and rules required by the bill would cost about $1 million over the 2007-2011 period.	12/7/2006 Passed/agreed to in Senate: Passed Senate without amendment by Unanimous Consent. 12/29/2006 Signed by President. 12/29/2006 Became Public Law No: 109-468
S. 3546	Dietary Supplement and Nonprescription Drug and Consumer Protection Act	The Dietary Supplement and Nonprescription Drug Consumer Protection Act would require the Food and Drug Administration (FDA) to establish systems for collecting data about serious adverse reactions that people experience while using certain nonprescription drugs and dietary supplements. Under the bill, manufacturers, packers, or distributors of such products would have to submit reports to FDA about serious adverse events based on specific information that they receive from the public. CBO estimates that implementing S. 3546 would result in additional discretionary outlays of $3 million in 2007 and $50 million over the 2007-2011 period, assuming the appropriation of the necessary amounts. CBO estimates that enacting S. 3546 would increase federal revenues by $5 million over the 2008-2016 period, primarily because violations of new requirements specified under the bill could result in the imposition of criminal fines. Collections of criminal fines are recorded in the budget as revenues, deposited in the Crime Victims Fund, and later spent. Such expenditures are classified as direct spending. As a result, we estimate that direct spending would increase by about $4 million over the 2010-2016 period. S. 3546 would preempt state laws that require systems for reporting adverse reactions to certain nonprescription drugs or dietary supplements. Those preemptions would be intergovernmental mandates as defined in the (UMRA). CBO estimates that the preemption would not affect the budgets of state, local, or	6/21/2006 Introduced in Senate 9/5/2006 Committee on Health, Education, Labor, and Pensions. Reported by Senator Enzi with an amendment in the nature of a substitute. 12/6/2006 Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent. 12/9/2006 Passed/agreed to in House: On motion to

		tribal governments; although it would limit the application of state law, it would impose no duty on states that would result in additional spending. S. 3546 also would impose private-sector mandates, as defined in UMRA, on manufacturers, packers, and distributors of nonprescription drugs and dietary supplements. CBO expects that the cost of those mandates would not exceed the annual threshold specified in UMRA ($128 million in 2006, adjusted annually for inflation) in any of the first five years in which the mandate would be effective.	suspend the rules and pass the bill Agreed to by the Yeas and Nays: 203 - 98 (Roll no. 543). Yeas: Scott, Wolf Nays: Drake, Forbes, Goode, Goodlatte, Cantor Did Not Vote: J. Davis, Moran, Boucher, T. Davis 12/22/2006 Signed by President. 12/22/2006 Became Public Law No: 109-462
S.3850	Credit Rating Agency Reform Act of 2006	The legislation would require the Securities and Exchange Commission (SEC) to establish a registration process for credit rating agencies (organizations that determine the credit worthiness of securities or money market instruments) that seek to be designated by the SEC as a nationally recognized statistical rating organization (NRSRO). Under current law, there is no formal registration process; SEC staff currently identifies five credit rating agencies as NRSROs. Under the bill, SEC would impose disclosure and filing requirements on credit rating agencies seeking registration. The SEC would prohibit certain activities of registered credit rating agencies, including issuing or modifying ratings on the condition that the customer purchase other services from the credit rating agency. Registered credit rating agencies would be subject to new rules developed by the SEC designed to protect private information held by the agencies and prevent	9/6/2006 Introduced in Senate 9/6/2006 Committee on Banking, Housing, and Urban Affairs. Original measure reported to Senate by Senator Shelby. 9/22/2006 Passed/agreed to in

		conflicts of interest. Based on information from the Commission and assuming the availability of appropriated funds, CBO estimates that implementing the registration and enforcement requirements of the bill would cost $3 million over the 2007-2011 period. Enacting the bill would not affect direct spending or revenues. The bill contains no intergovernmental mandates as defined in the UMRA and would impose no costs on state, local, or tribal governments. The bill would impose a new private-sector mandate as defined in UMRA on credit rating agencies that are currently identified as NRSROs. Under current law, credit rating agencies are identified as NRSROs upon receiving a "no-action" letter from the Securities and Exchange Commission. The bill would define the term "nationally recognized statistical rating organization" and void any "no-action" letters previously received from the SEC. Thus, the bill would require credit rating agencies that currently are identified as NRSROs to register with the SEC and follow certain requirements if they want the NRSRO designation as defined under the bill. According to government sources, only five credit rating agencies are currently identified as NRSROs. Based on information from government sources, CBO estimates that the incremental cost for those agencies to register and follow any prescribed rules would be small and fall below the annual threshold for private-sector mandates established by UMRA ($128 million in 2006, adjusted annually for inflation).	Senate: Passed Senate with an amendment by Unanimous Consent. 9/27/2006 Passed/agreed to in House: On motion to suspend the rules and pass the bill Agreed to by voice vote. 9/29/2006 Signed by President. 9/29/2006 Became Public Law No: 109-291
H.R. 4	Pension Protection Act of 2006	That act would make changes to the Employee Retirement Income Security Act of 1974 (ERISA) and the Internal Revenue Code that would affect the operations of private pension plans. It would do so mostly by changing the funding requirements for tax-qualified, defined-benefit pension plans and the premiums paid to the Pension Benefit Guaranty Corporation (PBGC). It also would extend certain tax incentives for retirement savings, modify tax provisions related to spending for health care, and temporarily suspend certain customs duties. H.R. 4 would preempt state laws that require written permission from employees before an employer can withhold funds from the employee's pay and deposit those funds into a 401(k) plan. Although the preemption would limit the application of	7/28/2006 Introduced in House 7/28/2006 Passed/agreed to in House: On passage Passed by recorded vote: 279 - 131, 1 Present (Roll no. 422).

		state law, it would impose no duty on states that would result in additional spending. Consequently, the costs of the mandate would not exceed the threshold established in the (UMRA), which is $64 million in 2006, adjusted annually for inflation. CBO has reviewed the remaining non-tax provisions of the act and determined that they contain no intergovernmental mandates and would impose no costs on state, local, or tribal governments. (Such governments are exempt from the provisions of ERISA that would be amended by the act.) Some of the act's changes to ERISA would impose mandates on sponsors and administrators of single-employer and multiemployer private pension plans. CBO expects that the cost of those mandates would exceed the annual threshold specified in UMRA ($128 million in 2006, adjusted annually for inflation) in one or more of the first five years the mandates would be effective.	Yeas: Drake, Forbes, Goode, Goodlatte, Cantor, Boucher, Wolf, T. Davis Nays: Scott, Moran Did Not Vote: J. Davis 8/3/2006 Passed/agreed to in Senate: Passed Senate without amendment by Yea-Nay Vote. 93 - 5. Record Vote Number: 230. Yeas: Allen, Warner 8/17/2006 Signed by President. 8/17/2006 Became Public Law No: 109-280
H.R. 3197	Secure Handling of Ammonium Nitrate Act of 2006	H.R. 3197 would authorize the Department of Homeland Security (DHS) to regulate the handling and purchase of ammonium nitrate. CBO estimates that implementing H.R. 3197 would cost $45 million over the 2007-2011 period, assuming appropriation of the necessary amounts. Enacting the bill could affect revenues, but we estimate that any such effects would not be significant. Enacting the bill would not affect direct spending. H.R. 3197 contains an intergovernmental mandate, as defined in the (UMRA),	6/12/2006 Introduced in House 9/12/2006 Reported by the Committee on Financial Services.

		because it would preempt the authority of states to regulate the sale of ammonium nitrate in a manner that is less stringent than the requirements of this bill. However, CBO estimates that states would incur little, if any, direct costs as a result of that preemption; therefore, the annual threshold established in UMRA would not be exceeded ($64 million in 2006, adjusted annually for inflation). H.R. 3197 would impose new private-sector mandates, as defined in UMRA, on ammonium nitrate handlers. The bill would require handlers to increase the amount of data they collect. In addition to their current reporting to the Attorney General, handlers also would now have to register with and submit documentation to the Secretary of the Department of Homeland Security and report the theft or unexplained loss of any ammonium nitrate of which they are aware. These changes would result in increased administrative costs to ammonium nitrate handlers. CBO expects that the costs of the mandates in the bill would fall below the annual threshold for private-sector mandates ($128 million in 2006, adjusted annually for inflation).	9/22/2006 Committee on Judiciary discharged. 9/27/2006 Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote. 9/30/2006 Passed/agreed to in Senate: Passed Senate with amendments by Unanimous Consent. 12/12/2006 Signed by President. 12/12/2006 Became Public Law No: 109-390
H.J. Res. 86	Approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003	H.J. Res. 86 would renew for one year the ban of all imports from Burma. The ban was originally enacted as the Burmese Freedom and Democracy Act of 2003 (Public Law 108-61) and was set to expire on July 28, 2004. Public Law 108-272 renewed the ban for one year through July 28, 2005, and Public Law 109-39 renewed the ban for one additional year through its current expiration of July 28, 2006. The President may lift the import restrictions if the State Peace and Development Council (SPDC), the military regime of Burma, has made substantial and measurable progress to end violations of human rights, implemented a democratic government, and met its obligations under international counter-narcotics agreements. The President also would have the authority to terminate the	5/19/2006 Introduced in House 7/11/2006 Passed/agreed to in House: On motion to suspend the rules and pass the resolution Agreed to by voice vote.

		restrictions upon the request of a democratically elected government in Burma or waive them in the national interest. The original legislation limited renewals of the ban to a total of three years. H.J. Res 86 would increase that limit to six years, thereby allowing three additional one-year bans. CBO estimates that extending the ban on U.S. imports from Burma would reduce federal revenues by less than $500,000 in 2006 and by about $1 million in 2007, with no effect thereafter. CBO estimates enacting H.J. Res. 86 would not affect federal spending. By renewing the ban on all imports from Burma, H.J. Res. 86 would impose private-sector mandates as defined in the (UMRA). CBO cannot estimate the cost of those mandates for two reasons. First, information on the value of lost profits to importers resulting from the ban is not available. Second, UMRA does not specify whether CBO should measure the cost of extending a mandate that has not expired relative to the mandate's current costs or assume that the mandate will expire and measure the costs of the mandate's extension as if the requirement were new. For those reasons, CBO cannot determine whether the aggregate direct cost of the mandates would exceed the annual threshold for private-sector mandates established in UMRA ($128 million in 2006, adjusted annually for inflation). H.J. Res. 86 contains no intergovernmental mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.	7/26/2006 Passed/agreed to in Senate: Resolution agreed to in Senate without amendment by Voice Vote. 8/1/2006 Signed by President. 8/1/2006 Became Public Law No: 109-251

Part II-Mandates in Pending Legislation

Title I of the Unfunded Mandate Reform Act (UMRA) of 1995 requires the Congressional Budget Office (CBO) to prepare mandate statements for bills approved by authorizing committees. In those statements, CBO must address whether a bill contains federal mandates and, if so, whether the direct costs of those mandates would be greater than the thresholds established in the law. Those thresholds are adjusted annually for inflation, and are $64 million or more per year for the public sector (state, local, or tribal governments) and $128 million or more per year for the private sector for 2006.

Bill #	Bill Title	Unfunded Mandate on State	Bill Status (Including Congressional Vote)
S. 3718	Pool and Spa Safety Act	The Pool and Spa Safety Act would require the Consumer Product Safety Commission (CPSC) to undertake several initiatives intended to improve the safe use—especially among children—of swimming pools, spas, and similar products. It would require the agency to issue regulations designed to reduce the risk of entrapment in all pools and spas manufactured or distributed within the United States. It would establish a new grant program within the CPSC to assist states in enforcing pool and spa safety standards that meet certain federal guidelines. The bill also would authorize funding of a public education program about pool safety. Assuming appropriation of the specified amounts, CBO estimates that implementing the bill would cost $8 million in 2008, $43 million over the 2008-2011 period, and $60 million over the 2008-2016 period. Enacting S. 3718 would not affect direct spending or receipts. S. 3718 would impose a private-sector mandate, as defined in the UMRA on manufacturers, distributors, and sellers of pool and spa drain covers. The bill would require that any swimming pool or spa drain cover manufactured, distributed, or entered into commerce in the United States meet certain entrapment protection standards. CBO expects that the costs of complying with that mandate would not exceed the annual	7/24/2006 Introduced in Senate 12/6/2006 Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent. 12/9/2006 Failed of passage/not agreed to in House: On motion to suspend the rules and pass the bill Failed by the Yeas and Nays: 191 - 108 (Roll no. 542).

		threshold established by UMRA ($128 million for private-sector mandates in 2006, adjusted annually for inflation). S. 3718 contains no intergovernmental mandates as defined by UMRA	Yeas: Scott, Wolf Nays: Drake, Goode, Goodlatte Did not Vote: J. Davis, Forbes, Cantor, Moran, Boucher, T. Davis
H.R. 5825	Electronic Surveillance Modernization Act	H.R. 5825 would modify the rules and procedures the government must follow to use electronic surveillance programs in the investigation of international terrorism. The bill would amend the definition of electronic surveillance under the Foreign Intelligence Surveillance Act (FISA) to remove the current distinction between treatment of wire and radio communications, and to focus FISA protections on domestic communications. The bill also would expand the ability of the government to conduct electronic surveillance without a warrant in certain cases where the target of the surveillance is an agent of a foreign power. H.R. 5825 would authorize the President, under certain conditions, to acquire foreign intelligence information concerning a person believed to be outside of the United States. To this end, the bill would authorize the Attorney General to direct any person or organization with access to such information to provide the United States government with all assistance necessary to acquire such intelligence. The bill directs that such persons shall be compensated at the prevailing rate for such assistance. In addition, H.R. 5825 also makes a number of changes that could reduce the volume of material required for a FISA application, including minimizing the detailed descriptions of both the nature of the foreign intelligence information sought and the intended method of collection. CBO has no basis for predicting how the volume or type of surveillance would be changed if H.R 5825 were enacted. Furthermore, information regarding surveillance techniques and their associated costs are classified. For these reasons, CBO cannot estimate the impact on the federal budget of implementing H.R. 5825. H.R. 5825 contains intergovernmental mandates, as defined in the (UMRA), but	7/18/2006 Introduced in House 9/25/2006 Reported (Amended) by the Committee on Intelligence (Permanent). 9/25/2006 Reported (Amended) by the Committee on Judiciary. 9/28/2006 Passed/agreed to in House: On passage Passed by the Yeas and Nays: 232 - 191 (Roll No. 502). Yeas: J. Davis, Drake, Forbes, Goode, Goodlatte, Cantor, Wolf, T.

		CBO estimates that costs to state and local governments would fall well below the annual threshold established in UMRA ($64 million in 2006, adjusted annually for inflation). The bill also contains private-sector mandates as defined in UMRA, but CBO has no basis for estimating the costs of those mandates or whether the costs would exceed the annual threshold established in UMRA ($128 million in 2006, adjusted annually for inflation).	Davis Nays: Scott, Moran, Boucher 11/13/2006 Referred to Senate committee: Read twice and referred to the Committee on the Judiciary.
H.R. 4844	Federal Election Integrity Act of 2006,	H.R. 4844 would amend the Help America Vote Act of 2002 to require all voters in federal elections to display a valid and current photo identification card issued by a government agency. The requirement would begin with the November 2008 federal election. The legislation would require the photo identification cards to document U.S. citizenship by the 2010 federal election. The legislation would require states to provide photo identification cards to all eligible voters who cannot pay for them, and it would authorize appropriations for the Election Assistance Commission (EAC) to reimburse states for those costs. CBO estimates that implementing H.R. 4844 would cost about $1 million in 2007 and $77 million over the 2007-2011 period, assuming appropriation of the necessary amounts. H.R. 4844 contains intergovernmental mandates as defined in the (UMRA). Beginning in 2008, the bill would: • Require state and local governments to establish a program that would make certain forms of photo identification available to those who currently do not have it; • Prohibit state and local governments from allowing individuals without proper photo identification to vote; and • Prohibit states from charging a fee for such identification if the applicant	3/2/2006 Introduced in House 9/19/2006 Reported (Amended) by the Committee on House Administration. 9/20/2006 Passed/agreed to in House: On passage Passed by the Yeas and Nays: 228 - 196 (Roll no. 459). Yeas: J. Davis, Drake, Forbes, Goode, Goodlatte, Cantor, Wolf, T. Davis Nays: Scott, Moran, Boucher

		cannot afford the fee. While the aggregate costs to state, local, and tribal governments of complying with these mandates is uncertain, CBO estimates that they would far exceed the threshold established in UMRA ($64 million in 2006, adjusted annually for inflation) in at least one of the first five years after the mandates go into effect. The bill would authorize funds to cover the costs of reimbursing states for providing identification cards to those individuals that cannot afford them, which CBO estimates would total about $70 million over the next few years. By requiring individuals to have a government-issued identification to vote in a federal election, H.R. 4844 also would impose new private-sector mandates as defined in UMRA. Based on information from government and other sources, CBO estimates that the cost to comply with those mandates would exceed the annual threshold established by UMRA for private-sector mandates ($128 million in 2006, adjusted annually for inflation) in at least one of the first five years the mandates are in effect.	11/13/2006 Referred to Senate committee: Read twice and referred to the Committee on Rules and Administration.
H.R. 5252	Communications Act of 2006	H.R. 5252 would make numerous changes to provisions of current law that regulate telecommunications. The act would direct how local governments may issue franchises to providers of video service. The act also would create a new program in the Universal Service Fund (USF) to support the development of broadband service to un-served areas and make other changes to existing USF programs. H.R. 5252 also would authorize the appropriation of $250 million over the 2007-2011 period for research grants on advanced communication services. CBO estimates that enacting H.R. 5252 would increase direct spending by $5.2 billion over the 2007-2016 time period. Over the same period, CBO estimates that revenues would increase by $5.0 billion. In addition, assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 5252 would result in discretionary outlays of $175 million over the 2007-2011 period. H.R. 5252 contains several intergovernmental mandates as defined in the (UMRA). In particular, the act would limit certain intergovernmental entities from imposing certain fees on providers of cable services, permanently extend a prohibition on certain state and local taxation of Internet access services, and	5/1/2006 Introduced in House 5/17/2006 Reported by the Committee on Energy and Commerce. 6/6/2006 Supplemental report filed by the Committee on Energy and Commerce 6/8/2006 Passed/agreed to in

		impose a three year moratorium on certain new state and local taxes that apply to mobile telephone service. The act also would eliminate the rights of certain state and local governments to appeal and bring court cases relating to the Internet-based telephone service known as Voice-over- Internet-Protocol (VOIP). Other provisions of the act would preempt state and local laws and require certain intergovernmental entities to notify and file reports with the Federal Communications Commission (FCC). CBO estimates that the net direct costs of these mandates to state and local governments would exceed the threshold established in UMRA ($64 million in 2006, adjusted annually for inflation) in at least one of the first five years after enactment. Those costs, in the form of forgone revenues, would peak during the 2008-2009 period, and total at least $150 million—and perhaps as high as $400 million—in those two years. Costs would decrease after 2009 but would likely remain above $100 million through 2011. H.R. 5252 also would impose numerous private-sector mandates as defined in UMRA on providers of telecommunications services, Internet Protocol-enabled (IP-enabled) voice services, Internet service providers, manufacturers and distributors of television receivers, broadcasters, video and satellite service providers, and others. At the same time, the act would provide some forms of regulatory and tax relief for portions of those industries. Based on information from government and industry sources, CBO estimates that the aggregate costs of complying with the mandates in H.R. 5252 would exceed the annual threshold established by UMRA for private-sector mandates ($128 million in 2006, adjusted annually for inflation).	House: On passage Passed by the Yeas and Nays: 321 - 101 (Roll no. 241). Yeas: J. Davis, Drake, Forbes, Goodlatte, Cantor, Moran, Boucher, Wolf, T. Daivs Nays: Scott, Goode 9/29/2006 Committee on Commerce, Science, and Transportation. Reported by Senator Stevens with an amendment in the nature of a substitute. 9/29/2006 Placed on Senate Legislative Calendar under General Orders. Calendar No. 652.
H.R. 2679	Veterans' Memorials, Boy Scouts, Public Seals, and Other Public Expressions of Religion	H.R. 2679 would prevent federal courts from awarding monetary relief to parties claiming violations of the Constitutional prohibition on the establishment of religion by federal, state, or local governments. In addition, parties who have prevailed on claims of such violations could no longer be awarded attorneys' fees and expenses. Because few suits are brought against the federal government for such violations, CBO expects that enacting H.R. 2679 would have no significant effect on the federal budget. H.R. 2679 contains no intergovernmental	5/26/2005 Introduced in House 9/14/2006 Reported (Amended) by the Committee on Judiciary

	Protection Act of 2006	mandates as defined in the UMRA and would impose no costs on state, local, or tribal governments. H.R. 2679 would impose new private-sector mandates, as defined in UMRA, on certain individuals and certain attorneys. Based on information from government and other sources, CBO expects that the direct cost of those mandates would fall below the annual threshold established by UMRA for private-sector mandates ($128 million in 2006, adjusted annually for inflation). H.R. 2679 would impose a new private-sector mandate on certain individuals by prohibiting them from receiving monetary damages and costs in certain lawsuits involving a violation of a prohibition in the Constitution against the establishment of religion. Because the bill would eliminate existing rights to seek compensation for injury caused by certain acts, it would impose a private-sector mandate. The direct cost of the mandate would be the forgone net value of awards and settlements in such claims. The bill also would prohibit awards for attorneys' fees from lawsuits involving a violation of a prohibition in the Constitution against the establishment of religion. Under current law, the courts may award the prevailing party a reasonable attorney's fee. The direct cost of the mandate would be the net loss of revenue that certain attorneys would experience as a result of the prohibition on fee awards.	9/26/2006 Passed/agreed to in House: On passage Passed by the Yeas and Nays: 244 - 173 (Roll no. 480). Yeas: J. Davis, Drake, Forbes, Goode, Goodlatte, Cantor, Wolf, T. Davis Nays: Scott, Moran, Boucher 11/13/2006 Referred to Senate committee: Read twice and referred to the Committee on the Judiciary.
S. 2611	Comprehensive Immigration Reform Act of 2006	The Comprehensive Immigration Reform Act of 2006 would amend laws governing immigration, authorize numerous initiatives to improve enforcement of those laws, and increase the limits on legal immigration. Implementing those changes would increase both direct spending (i.e., mandatory spending) and discretionary spending (i.e., spending subject to annual appropriation action): • CBO and the Joint Committee on Taxation (JCT) estimate that enacting this legislation would increase direct spending by $16 billion over the 2007-2011 period and by $48 billion over the 2007-2016 period. • Pursuant to section 407 of H. Con. Res. 95 (the Concurrent Resolution on the Budget, Fiscal Year 2006), CBO estimates that enacting S. 2611 would cause an	4/7/2006 Introduced in Senate 5/25/2006 Passed/agreed to in Senate: Passed Senate with amendments by Yea-Nay Vote. 62 - 36. Record Vote Number: 157.

		increase in direct spending greater than $5 billion in each of the 10-year periods between 2016 and 2055. • Assuming appropriation of the amounts authorized in the act, CBO estimates that discretionary spending would increase by $33 billion over the 2007-2011 period and by $78 billion over the 2007-2016 period. Enacting S. 2611 would have several effects on federal revenues, including changes in collections of income and payroll taxes, certain visa fees that are classified as revenues, and various fines and penalties. Taken together, the Joint Committee on Taxation and CBO estimate that those effects would reduce federal revenues by about $79 billion over the 2007- 2016 period. However, it appears that the effect of one tax provision would be significantly different from what was intended; if the language were modified to reflect that intent, the act would *increase* revenues by about $44 billion over the 2007-2016 period, JCT and CBO estimate. The large difference between the two revenue estimates results from subsection 601(b), which would exempt employers from all civil and criminal tax liabilities arising from the employment of aliens applying for an adjustment of status, without limiting the period to which the exemption applies. This provision would reduce receipts of payroll taxes because employers would not be required to pay such taxes for alien employees. Because the legislation does not specify a period of exemption, for purposes of this estimate, JCT has assumed that the exemption would have both a retroactive and prospective effect. Staff of the Senate Judiciary Committee have indicated that the exemption was intended to apply retroactively—to periods of employment *prior to* the filing of an application for adjustment of status—but not prospectively to the period after the application is filed and until adjustment of status is granted. S. 2611 would impose private-sector mandates, as defined in the (UMRA), on employers and other entities that hire, recruit, or refer individuals for employment. Those mandates would require employers that are determined to be "critical" employers to verify the employment eligibility of their current employees, and would require all employers and certain other entities to verify	Yea: Warner Nay: Allen

		the employment eligibility of new hires and maintain records of the verification process. Based on the large number of projected new hires that employers and other entities would be required to verify, CBO expects that the aggregate direct costs of the mandates would exceed the annual threshold for private-sector mandates ($128 million in 2006, adjusted annually for inflation) in at least one of the first five years the mandates are in effect. S. 2611 would also impose several intergovernmental mandates. The act would preempt state and local authority and would require state and local governments to consult with communities in Mexico before building fences or other security structures along the border. CBO estimates that the cost, if any, for those governments to comply with the preemptions and the consultation requirement would be small. The act also would require state, local, and tribal governments, like private employers, to verify the work eligibility of employees. The cost for those governments to verify the work eligibility of their employees would depend on regulations to be developed by the Department of Homeland Security (DHS). Those government entities that the Secretary of DHS would designate as "critical" would have to verify the eligibility of current employees, in addition to new hires. Depending on how that designation is made, the costs to state, local, and tribal governments could range from $30 million to $85 million in the first year the requirements were in effect. Until the regulations for verifying the work eligibility of employees are promulgated, CBO cannot determine whether the total costs to state, local, and tribal governments to comply with all of the mandates in this act would exceed the annual threshold established in UMRA ($64 million in 2006, adjusted annually for inflation).	
H.R. 503	A bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving,	H.R. 503 would amend provisions of the Horse Protection Act of 1970 related to the slaughter of certain equines. The bill would establish a pilot program in Kentucky and New York to prohibit certain activities associated with the slaughter of horses or other equines for human consumption. Due to exceptions included in the bill, this prohibition would not directly affect current equine slaughter activity in those or other states. The bill also would require the Secretary of Agriculture, subject to availability of appropriated funds, to compensate equine owners for any economic loss due to such prohibitions. In addition, the Secretary would be required to assume responsibility for any	2/1/2005 Introduced in House 9/6/2006 Reported adversely (Amended) by the Committee on Agriculture.

	possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption	equine—in any state—that is unwanted by an owner. The bill would authorize the appropriation of up to $5 million per year to implement its provisions, but CBO estimates that those amounts would be insufficient to cover costs incurred by the U.S. Department of Agriculture (USDA). Assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 503 would cost USDA $21 million in 2007 and $233 million over the 2007-2011 period. H.R. 503 would not affect direct spending or revenues. H.R. 503 contains no intergovernmental mandates as defined in the UMRA and would impose not costs on state, local, or tribal governments. H.R. 503 would impose a private-sector mandate as defined in UMRA. It would amend the Horse Protection Act to prohibit—within the states of New York and Kentucky—the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption. Certain exceptions to the prohibition would apply. The bill also would require the Secretary to compensate the owner of an equine who disposes of such equine due to the prohibition. The compensation would be equal to the loss in value of the equine due to the prohibition plus the disposal costs incurred. Since owners who would normally sell their horses for human consumption would be reimbursed for any loss in sale value, CBO estimates that the direct costs of the mandates in this bill would be minimal relative to the annual threshold established by UMRA for private-sector mandates ($128 million in 2006, adjusted annually for inflation).	9/6/2006 Committee on Energy and Commerce discharged. 9/7/2006 Passed/agreed to in House: On passage Passed by recorded vote: 263 - 146, (Roll No. 433). Yeas: J. Davis, Forbes, Goode, Moran, Boucher, Wolf, T. Davis Nays :Drake, Goodlatte, Cantor 9/21/2006 Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 631.
H.R. 5637	Non-admitted and Reinsurance Reform Act of 2006	H.R. 5637 would create a uniform system for taxing and regulating certain types of insurance products. Specifically, the bill would establish national standards for how states may regulate, collect, and allocate taxes for a type of insurance that covers unique or atypical risks—known as "surplus lines" or "non-admitted insurance." The bill also would establish national standards for how states regulate reinsurance—often referred to as insurance for insurance companies. In addition, the legislation would require a study by the Government Accountability	6/19/2006 Introduced in House 9/12/2006 Reported (Amended) by the Committee on Financial Services.

		Office (GAO) of the admitted and non-admitted insurance market. CBO estimates that enacting H.R. 5637 would increase federal revenues by $5 million to $10 million a year over the 2008-2016 period because the bill would prohibit states from collecting taxes on certain insurance products, and that change would in turn reduce federal tax deductions of insurance companies, resulting in higher taxable income for federal purposes. (The bill would have no effect on 2007 revenues because the bill would take effect 12 months after enactment.) The bill would have no significant impact on federal spending because enforcement of the insurance tax system would rest with the states rather than with any federal agency. By prohibiting states from taxing and regulating certain insurance products issued by companies not based in those states, H.R. 5637 would impose intergovernmental mandates as defined in the UMRA. Although the aggregate costs to state governments of complying with these mandates is uncertain, CBO estimates that they likely would not exceed the threshold established in UMRA ($64 million in 2006, adjusted annually for inflation). The bill contains no new private-sector mandates as defined in UMRA.	9/22/2006 Committee on Judiciary discharged. 9/27/2006 Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: 417 - 0 (Roll no. 492). Yeas: J. Davis, Drake, Scott, Forbes, Goode, Goodlatte, Cantor, Moran, Boucher, Wolf Did Not Vote: T. Davis 11/13/2006 Referred to Senate committee: Read twice and referred to the Committee on Banking, Housing, and Urban Affairs.
H.R. 5970	Estate Tax and Extension of Tax Relief Act of 2006	The legislation would increase the estate and gift tax exemption amounts and reduce the rates, as well as extend and modify various other tax relief provisions. It also would make several changes to the Surface Mining Control and	7/28/2006 Introduced in House

		Reclamation Act, and it would increase the minimum wage. JCT and CBO estimate that the legislation would decrease revenues by $15.4 billion in 2007, by $48.1 billion over the next five years, and by $302.4 billion through 2016. CBO and JCT estimate that, under the bill, direct spending would increase by $83 million in 2006, by $3.8 billion over the 2007-2011 period, and by $7.3 billion over the 2007-2016 period. JCT did not review the tax provisions of H.R. 5970 for mandates. CBO has reviewed the non-tax provisions of the bill—subtitle A of title III and all of title IV—for mandates and has determined that title III contains a private-sector mandate and title IV contains both intergovernmental and private-sector mandates as defined in UMRA. CBO estimates those mandates would impose costs that exceed the annual thresholds established in that act ($64 million for intergovernmental mandates and $128 million for private-sector mandates, in 2006 adjusted annually for inflation.) Specifically, section 312 of title III would create a mandate by requiring certain firms that currently pay for health benefits for retired coal miners (and their dependents and survivors) through collectively bargained agreements to make additional payments for those benefits in specified years. At the same time, other provisions would generate significant reductions in financial obligations existing under current law with regard to payments for retiree health benefits. In addition, section 401 of title IV would amend the Fair Labor Standards Act to increase the federal minimum wage in three steps from $5.15 per hour to $7.25 per hour. The provision would impose mandates, as defined in UMRA, on state and local governments, Indian tribes, and private-sector employers because it would require them to pay higher wages than they are required to pay under current law. CBO estimates that the costs to state, local, and tribal governments and to the private sector would exceed the thresholds established in UMRA. Finally, section 402 of title IV would preempt the minimum wage laws of states that exclude tips from being considered as wages in determining if certain employees have been paid the applicable minimum wage rate. That preemption	7/29/2006 Passed/agreed to in House: On passage Passed by recorded vote: 230 - 180, 1 Present (Roll no. 425). Yeas: Drake, Forbes, Goode, Goodlatte, Boucher, Wolf, T. Davis Nays: Scott, Cantor, Moran Did Not Vote: J. Davis 8/3/2006 Senate floor actions: Motion by Senator Frist to reconsider the vote by which the motion to invoke cloture on the motion to proceed to H.R. 5970 was not agreed to (Roll Call No. 229) entered in Senate. Yeas: Allen, Warner

		would be considered an intergovernmental mandate as defined in UMRA; CBO estimates, however, that this mandate would not impose significant additional costs on states.	
S. 3679	National Transportation Safety Board Reauthorization Act of 2006	The National Transportation Safety Board (NTSB) investigates every civil aviation accident and significant accidents involving other modes of transportation. Over the 2007-2008 period, S. 3679 would authorize the appropriation of $164 million for NTSB activities. The bill also would authorize the appropriation of amounts necessary for the agency to maintain an emergency fund of $4 million at all times. Finally, S. 3679 would authorize the appropriation of $500,000 for Amtrak to develop a plan to assist passengers in rail accidents and would authorize the appropriation of amounts necessary for the Inspector General of the Department of Transportation (DOT) to provide services to the NTSB. Assuming appropriation of amounts authorized by the bill and amounts necessary for DOT's Office of the Inspector General, CBO estimates that implementing S. 3679 would cost $170 million over the 2007-2011 period. Enacting the bill would not affect direct spending or revenues. S. 3679 contains an intergovernmental mandate as defined in the (UMRA), but CBO estimates that the costs to state, local, or tribal governments, if any, would be small and would not exceed the threshold established in UMRA ($64 million in 2006, adjusted annually for inflation). By requiring Amtrak to submit a plan addressing the needs of the families of passengers involved in fatal accidents to the Chairman of the National Transportation Safety Board, S. 3679 contains a private-sector mandate, as defined in UMRA. CBO estimates that the costs to comply with that mandate would not exceed the annual threshold established by UMRA for private-sector mandates ($128 million in 2006, adjusted annually for inflation).	7/18/2006 Introduced in Senate 9/15/2006 Committee on Commerce, Science, and Transportation. Reported by Senator Stevens with an amendment in the nature of a substitute. 9/25/2006 Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent. 9/25/2006 Referred to House committee: Referred to the House Committee on Transportation and Infrastructure.
H.R. 4157	Health Information Technology Promotion Act of	H.R. 4157 would amend the Public Health Service Act (PHSA) to codify the establishment and responsibilities of the Office of the National Coordinator for Health Information Technology (ONCHIT). In addition, the bill would modify the Social Security Act to: Establish "safe harbors" that would permit gifts of	10/27/2005 Introduced in House 7/26/2006

	2006	health information technology that might otherwise be subject to civil monetary penalties, criminal penalties, or sanctions for violating the prohibitions against certain types of inducements for physician referrals; and Specify procedures for adopting updated standards for the electronic exchange of health data, and require that certain updated standards for coding medical services be implemented in 2009. The amendments to the PHSA and the deadline for updated standards for coding medical services would affect spending subject to appropriation. Assuming appropriation of the necessary amounts, CBO estimates that implementing the bill would increase discretionary spending by $658 million over the 2007-2011 period and reduce such spending by $150 million over the succeeding five years. Enacting the deadline for updated standards for coding medical services and the safe-harbor provisions would affect direct spending. CBO estimates those provisions would increase direct spending by $180 million over the 2007-2011 period and by $80 million during the following five years. CBO estimates that enacting the deadline for updated standards for coding medical services would reduce federal revenues by $26 million over the 2007-2011 period, and would increase federal revenues by $84 million over the succeeding five years. Social Security payroll taxes, which are off-budget, account for about one-third of those amounts. H.R. 4157 would preempt, in some circumstances, certain state laws that govern the security and confidentiality of health information as well as laws that establish civil or criminal penalties for exchanging health information technology. Because those preemptions would limit the application of state laws, they would be intergovernmental mandates as defined in the (UMRA). CBO estimates that the costs of the mandates to states would be minimal and would not exceed the threshold established in UMRA ($64 million in 2006, adjusted annually for inflation). Other provisions of the bill, notably new coding requirements and the safe-harbor provisions for gifts of information technology, would affect states' spending, adding about $200 million to their costs over the 2007-2011 period. However, those provisions would not be intergovernmental mandates as defined	Reported (Amended) by the Committee on Energy and Commerce. 7/26/2006 Reported (Amended) by the Committee on Ways and Means. 7/27/2006 Passed/agreed to in House: On passage Passed by recorded vote: 270 - 148 (Roll no. 416). Yeas: Drake, Forbes, Goode, Goodlatte, Cantor, Moran, Boucher, Wolf, Davis Nays: Scott Did Not Vote: J. Davis 9/5/2006 Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 587.

		in UMRA. The bill would impose private-sector mandates on health plans, providers, and clearing houses by requiring them to adopt updated coding and transaction standards by specified future dates. CBO estimates that the direct cost of these provisions would exceed the threshold specified in UMRA for private-sector mandates ($128 million in 2006, adjusted annually for inflation) in the first three years following enactment of the bill.	
H.R. 5681	Coast Guard Authorization Act of 2006	H.R. 5681 would authorize the appropriation of nearly $8 billion for discretionary activities of the U.S. Coast Guard (USCG), including $2 million annually for payments to the Great Lakes Maritime Research Institute (GLMRI) and $7 million for each of fiscal years 2007 and 2008 for the National Oceanic and Atmospheric Administration (NOAA). CBO estimates that appropriation of the authorized amounts for discretionary programs would result in outlays of about $4.9 billion in fiscal year 2007 and $7.7 billion over the 2007-2011 period.(About $300 million would be spent after 2011.) Also, CBO estimates that enacting section 205 of the bill, which would permanently authorize a Coast Guard housing program, would result in new direct spending of $120 million over the 2007-2011 period and $200 million over the 2007-2016 period. Enacting this legislation could increase revenues from civil penalties, but CBO estimates that such increases would not be significant. H.R. 5681 contains both an intergovernmental mandate and a private-sector mandate as defined in the UMRA because it would impose requirements on owners and operators of certain port terminals. CBO estimates that the total direct cost of those mandates would fall below the annual thresholds established in UMRA ($64 million in 2006 for intergovernmental mandates and $128 million in 2006 for private sector mandates, adjusted annually for inflation).	6/26/2006 Introduced in House 7/28/2006 Reported (Amended) by the Committee on Transportation. 9/28/2006 Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote. 11/13/2006 Referred to Senate Committee on Commerce, Science, and Transportation.
H.R. 2965	Federal Prison Industries	H.R. 2965 would amend the laws that authorize the Federal Prison Industries (FPI), a government-owned corporation that produces goods and services for the	6/17/2005 Introduced in House

	Competition in Contracting Act of 2006	federal government with prison labor. Under current law, most federal agencies are required to award purchase contracts to FPI on a noncompetitive basis if FPI has products available to meet the agencies' needs and the cost would not exceed current market prices. Such products include office furniture, textiles, vehicle tags, and fiber optics. Under H.R. 2965, this requirement to award noncompetitive purchase contracts to FPI would be phased out over the 2007-2012 period. The bill would authorize the appropriation of $357 million over the 2007-2011 period for new FPI programs. In addition, CBO expects that additional amounts would be needed to pay for security costs at federal prisons. Assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 2965 would cost $445 million over the 2007-2011 period. Federal agencies might be able to purchase some goods and services less expensively because of the added contracting flexibility the bill would provide, but CBO has no basis for estimating such savings. The bill would have no significant effect on net direct spending by FPI, CBO estimates. H.R. 2965 contains an intergovernmental mandate as defined in the (UMRA), but CBO estimates that the cost to state, local, and tribal governments for complying with this mandate would be insignificant and well below the threshold established in the act ($64 million in 2006, adjusted for inflation). The bill contains no new private-sector mandates.	7/21/2006 Reported (Amended) by the Committee on Judiciary. 9/14/2006 Passed/agreed to in House: On passage Passed by the Yeas and Nays: 362 - 57 (Roll no. 443). Yeas: J. Davis, Drake, Scott, Forbes, Goode, Goodlatte, Cantor, Moran, Boucher, T. Davis Nays: Wolf 9/21/2006 Senate Committee on Homeland Security and Governmental Affairs discharged by Unanimous Consent. 9/21/2006 Referred to the Senate Committee on the Judiciary.
S. 3526	Indian Land Consolidation Act Amendments of	S. 3526 would make technical and clarifying amendments to the Indian Land Consolidation Act (ILCA). The legislation would clarify that permanent improvements to land are covered by the provisions of the ILCA. It would delay	6/15/2006 Introduced in Senate

	2006	implementation of certain intestate inheritance provisions of the probate code until July 20, 2007. Based on information from the Office of Special Trustee for American Indians, CBO estimates that implementing S. 3526 would have no significant impact on the federal budget. S. 3526 contains one intergovernmental and two private-sector mandates as defined by the (UMRA), but CBO expects the aggregate cost of those mandates would be small and would fall well below the annual thresholds established in UMRA ($64 million for intergovernmental entities and $128 million for the private sector in 2006, adjusted annually for inflation). The bill would impose an intergovernmental and private-sector mandate on certain Indian tribes and individuals because it would limit the right they now enjoy to bid without the consent of the heirs on small fractional property interests at probate. CBO expects that any costs imposed by this mandate on tribal governments or the private sector would not be significant. The bill would impose no other costs on state, local, or tribal governments. The bill also would impose a private-sector mandate on certain individuals who would otherwise inherit small fractional interests in land under the “single heir rule.” Under current law, if an Indian owning a small fractional interest in certain types of land dies without a will, only one individual is eligible to inherit that interest based on the single heir rule. S. 3526 would suspend implementation of the single heir rule through July 20, 2007, which would allow a larger set of heirs to be eligible to receive an equal share of the property interest. CBO expects the suspension would result in a loss of a portion of inheritance for a limited number of individuals in the near term and would impose a small cost on those individuals in such cases. Consequently, the cost of the mandate would be very small relative to the annual threshold established by UMRA for private-sector mandates.	7/26/2006 Committee on Indian Affairs. Reported by Senator McCain without amendment. 9/30/2006 Passed/agreed to in Senate: Passed Senate with amendments by Unanimous Consent.
H.R. 6060	Department of State Authorities Act of 2006	H.R. 6060 would revise the pay structure for the Foreign Service and modify several other administrative authorities of the Department of State. CBO estimates that implementing the bill would cost $570 million over the 2007-2011 period, assuming appropriation of the necessary amounts. Enacting the legislation would not significantly affect direct spending or receipts.	9/13/2006 Introduced in House 9/29/2006 Reported by the

		H.R. 6060 contains an intergovernmental mandate as defined in the UMRA because provisions extending diplomatic privileges and immunities to three new entities and their members would preempt certain state and local laws. CBO estimates that the cost to state and local governments, in the form of lost tax revenues and increased law enforcement costs, would be small and would not exceed the annual threshold established in UMRA ($64 million in 2006, adjusted annually for inflation).	Committee on International Relations. 12/8/2006 Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote. 12/9/2006 Passed/agreed to in Senate: Passed Senate without amendment by Unanimous Consent. 1/3/2007 Presented to President.

Part III - Federal Regulatory Mandates

The Regulatory Information Service Center of the General Services Administration identified **ninety eight (98)** completed federal regulatory actions that may affect the states. The following **ninety two (92)** may mandate specific requirements on the Commonwealth.

TITLE: Specialty Crop Block Grant Program, FV06-1290-1
RIN: 0581-AC59
ABSTRACT: The Agricultural Marketing Service (AMS) published a proposed rule in the Federal Register on April 20, 2006, to establish eligibility and application requirements, the review and approval process, and grant administration procedures for the Specialty Crop Block Grant Program (SCBGP). The proposed program is intended to enhance the competitiveness of specialty crops. Between April 20 and May 22, AMS received 82 comments from industry members, congressional members, and the public. The SCBGP is authorized under section 101 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note). Section 101 directs the Secretary of Agriculture to make grants to States for each of the fiscal years 2005 through 2009 to be used by the State departments of agriculture solely to enhance the competitiveness of specialty crops.

TITLE: National Organic Program: Harvey v. Johanns Court Order (TM-06-06)
RIN: 0581-AC60
ABSTRACT: The Agricultural Marketing Service's National Organic Program revised certain sections of the National Organic Program regulations to comply with a June 9, 2005, consent final judgment and order issued by the

United States District Court, District of Maine, and to address the November 10, 2005, amendments made to the Organic Foods Production Act of 1990, concerning the transition of dairy livestock into organic production.

TITLE: Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Miscellaneous Provisions
RIN: 0584-AB10
ABSTRACT: This final rule amends certain provisions of the WIC program regulations in response to issues raised by WIC State agencies and incorporates longstanding program policies into regulations, with the intention to strengthen services to WIC participants, improve Program administration, and increase State agency flexibility in managing the Program. The final rule takes into consideration comments received on the proposed rule, which was published on December 2, 2002 (67 FR 71774). It also increases the maximum fine for theft or fraud from $10,000 to $25,000, in accordance with a nondiscretionary provision of Public Law 105-336. (89-515)

TITLE: FSP: Civil Rights Data Collections
RIN: 0584-AC75
ABSTRACT: Title VI of the Civil Rights Act of 1964 requires the collection of racial/ethnic data for all programs utilizing Federal funds. State agencies are required to collect the data by racial/ethnic categories set by the Federal Government. In 1997, those categories changed. This final rule changes the racial categories for State Food Stamp Program reporting to comply with the new Federal racial categories. (98-010)

TITLE: Special Nutrition Programs: Uniform Federal Assistance Regulations; Nondiscretionary Technical Amendments
RIN: 0584-AD16
ABSTRACT: This final rule makes a number of technical changes to the regulations governing the National School Lunch Program, the Special Milk Program for Children, the School Breakfast Program, the Child and Adult Care Food Program, the Summer Food Service Program, and State Administrative Expense Funds. The United States Department of Agriculture (USDA) is revising its grants management regulations in order to bring the entitlement programs it administers under the same regulations that already apply to non-entitlement programs and to identify exceptions to these general rules that apply only to entitlement programs. (01-008)

TITLE: FSP: Employment and Training Program Provisions of the Farm Security and Rural Investment Act of 2002
RIN: 0584-AD32
ABSTRACT: This final rule implements revisions to the Food Stamp Employment and Training (E&T) Program funding requirements. (02-009)

TITLE: FSP: Discretionary Quality Control Provisions of Title IV of Public Law 107-171
RIN: 0584-AD37
ABSTRACT: This proposed rule will implement several quality control changes to the Food Stamp Act required by sections 4118 and 4119 of title IV of the Farm Security and Rural Investment Act of 2002 (Pub. L. 107-171). The provisions in this rule affect the following areas: 1) The elimination of enhanced funding; 2) revisions to the time frames for completing individual case reviews; 3) extending the time frames in the procedures for households that refuse to cooperate with QC reviews; 4) procedures for adjusting liability determinations following appeal decisions; 5) negative case reviews; and 6) conforming and technical changes. (02-015)

TITLE: Child Nutrition Programs: National School Lunch Program; Serving Fruits and Vegetables as After school Snacks
RIN: 0584-AD40
ABSTRACT: This proposed rule would require that a fresh vegetable or a fresh/dried fruit be one of the components served in the after school snack service under the National School Lunch Program and that it be served at least three times per 5-day week. The U.S. Department of Agriculture is establishing this requirement to promote the health of the Nation's school children by encouraging them to consume more fruits and vegetables. (03-003)

TITLE: State Administrative Expenses
RIN: 0584-AD53
ABSTRACT: State Administrative Expense Fund regulations will be revised to increase the minimum State grant for administrative expenses to $200,000 a year (indexed after fiscal year 2008) and requires that: For fiscal years 2005 through 2007, no State will receive less than its fiscal year 2004 allocation. This rule will also require States to submit, for the Secretary's approval, an amendment to their State plan indicating how it will allocate their State administrative expense funds for information management systems that improve program integrity by (1) monitoring the nutrient content of meals; (2) training schools and school food authorities in how to use technology and information management systems for menu planning, collecting "point-of-sale" data, processing applications for free and reduced-price meals, and verifying eligibility; and (3) using electronic data to establish benchmarks to monitor program integrity, program participation, and financial data across schools and school food authorities. (04-011)

TITLE: Implementing Provisions of the Child Nutrition and WIC Reauthorization Act of 2004: Disregard of Overpayments in the Child Nutrition Programs
RIN: 0584-AD68
ABSTRACT: This rule implements a provision of the Child Nutrition and WIC Reauthorization Act of 2004 (Pub. L. 108-265). It creates uniform regulations related to the disregard of overpayments made to a school or institution in the National School Lunch Program (NSLP), School Breakfast Program (SBP), or Child and Adult Care Food Program (CACFP). It allows the Department and State agencies, when conducting management evaluations, reviews, or audits in the NSLP, SBP, or CACFP, to disregard overpayments to a school or institution under certain conditions. However, no overpayment would be disregarded where there is substantial evidence of violations of criminal law or civil fraud statutes. (04-026)

TITLE: Food Distribution Programs--Distributing Agency Evaluations of Non-Commercial Warehousing and Distribution Systems, Cost Comparisons, System Approval and Implementation
RIN: 0584-AD72
ABSTRACT: Food Distribution Program regulations at 7 CFR part 250.14(a) currently require all distributing agencies to, at minimum, evaluate non-commercial systems, perform cost comparisons of existing systems with commercial systems, and seek FNS approval to use non-commercial facilities once every 3 years by March 31. This rule would amend current regulations at section 250.14(a) by removing the regulatory requirements above. By this time, per legislative mandate and the more stringent regulatory requirements, most States required to do so have conducted warehousing and distribution system evaluations and cost comparisons on multiple occasions. Through cycles of cost comparisons, we believe that conversions to commercial systems have already taken place where appropriate. The limited number of States that operate their own systems do so because no commercial system is available, or because the State-run system is more cost-effective. The removal of the above regulatory requirements, in addition to other minor changes to the provisions of section 250.14(a), will decrease the burden on State distributing agencies in terms of both paperwork and man hours, while providing those State agencies greater flexibility in program operations. The proposed rule would also rewrite the provisions of section 250.14(a) in a ?plain language? format in order to make them easier to read and understand. The proposed rule will provide a public comment period, which would allow State agencies and other interested parties the forum to provide feedback and voice any concerns. All comments received during the specified comment period would be taken into consideration by FNS prior to publication of the rule in its final form. (05-001)

TITLE: For-Profit Center Participation in the Child and Adult Care Food Program
RIN: 0584-AD80
ABSTRACT: This rule will implement a provision of the Child Nutrition and WIC Reauthorization Act of 2004 that permanently established the eligibility of private for-profit child care centers to participate in the Child and Adult Care Food Program (CACFP) if at least 25 percent of participating children are eligible for free or reduced-price meals. This provision was first made temporarily available for 1 year by Public Law 106-554 in fiscal year 2001. Since that time, the provision was extended with subsequent appropriation laws. Prior to fiscal year 2001, for-profit centers could only participate in the CACFP if they received title XX funds (under the Social Security Act) for 25 percent of the enrolled children or 25 percent of licensed capacity, whichever was less. Thus, since December 2000, private for-profit child care centers have been able to participate in the CACFP in two ways--either due to receipt of title XX funds on behalf of enrolled children or

on the children's eligibility for free or reduced price meals. (04-024)

TITLE: Atlantic Striped Bass Fisheries in the EEZ; Modification of Federal Regulations
RIN: 0648-AR33
ABSTRACT: The National Marine Fisheries Service (NMFS) announces that it is considering, and seeking public comment on, revisions to Federal Atlantic striped bass regulations for the U.S. Exclusive Economic Zone (EEZ) in response to recommendations from the Atlantic States Marine Fisheries Commission (Commission) to the Secretary of Commerce (Secretary). The Commission recommended that the Secretary remove the moratorium on the harvest of Atlantic striped bass in the EEZ after a 13-year closure; implement a 28-inch minimum size limit for the recreational and commercial Atlantic striped bass fisheries in the EEZ; and allow States the ability to adopt more restrictive rules for fishermen and vessels licensed in their jurisdiction. NMFS is soliciting comments with this notice regarding possible management measures and issues that NMFS should consider relative to these recommendations.

TITLE: Regulations Implementing the Bottlenose Dolphin Take Reduction Plan
RIN: 0648-AR39
ABSTRACT: This action would implement management measures to (1) reduce the incidental mortality and serious injury (bycatch) of the western North Atlantic coastal bottlenose dolphin stock (dolphins) (Tursiops truncatus) in the mid-Atlantic coastal gillnet fishery and eight other coastal fisheries operating within the dolphin's distributional range; and (2) amend current, seasonal restrictions on large mesh gillnet fisheries operating in the mid-Atlantic region to reduce the incidental take of sea turtles in North Carolina and Virginia State waters. This action would use effort reduction measures, gear proximity rules, gear or gear deployment modifications, fishermen training, and outreach and education measures to reduce dolphin bycatch below the marine mammal stock's potential biological removal level (PBR); and time/area closures and size restrictions on large mesh fisheries to reduce incidental takes of endangered and threatened sea turtles as well as to reduce dolphin bycatch below the stock's PBR.

TITLE: Sea Turtle Requirements for Commercial Scallop Fishing
RIN: 0648-AS92
ABSTRACT: The National Marine Service is preparing a rule to require sea turtle conservation measures for all scallop vessels fishing in the mid-Atlantic from May 1 through November 30 each year. Implemented under the Endangered Species Act, the purpose of this rulemaking is to minimize the take of sea turtles in scallop gear. This rule would require all scallop vessels, regardless of size or permit category, to modify their dredge(s) when fishing south of 41º 9.0' N. latitude, from the shoreline to the Exclusive Economic Zone. All dredges used for fishing must be modified with evenly spaced "tickler" chains and "vertical" (up-and-down) chains with the configuration dependent on the size of the dredge frame width.

TITLE: Specifications for the 2006 Monkfish Fishery
RIN: 0648-AT22
ABSTRACT: This action would establish specifications for the 2006 fishing year for the Monkfish fishery.

TITLE: Specifications for the 2006 Fishing Year for the Summer Flounder, Scup, and Black Sea Bass Fisheries
RIN: 0648-AT27
ABSTRACT: This action will establish specifications for the 2006 fishing year for the summer flounder, scup, and black sea bass fisheries.

TITLE: Specifications for the 2006 Recreational Fisheries for Summer Flounder, Scup, and Black Sea Bass
RIN: 0648-AT28
ABSTRACT: This action would implement the specifications for the 2006 fishing year for the summer flounder, scup, and black sea bass recreational fisheries.

TITLE: Specifications for the 2006/2007 Fishing Year for the Spiny Dogfish Fishery
RIN: 0648-AT59
ABSTRACT: This action would establish specifications for the spiny dogfish fishery for the 2006/2007 fishing year.

TITLE: Fiscal Year 2007 SCHIP Allotments (CMS-2251-N)
RIN: 0938-AO21
ABSTRACT: This notice sets forth the final State Children's Health Insurance Program (SCHIP) allotments of Federal funding available to each State, the District of Columbia, and each U.S. Territory and Commonwealth for fiscal year 2007.

TITLE: State Allotments for Payment of Medicare Part B Premiums for Qualifying Individuals: Fiscal Year 2006 (CMS-2231-F)
RIN: 0938-AO31
ABSTRACT: On August 26, 2005, CMS published an interim final rule for determining the revised FY 2005 allotments, CMS-2210-IFC. When CMS published this rule we did not reference the allotments for fiscal years after FY 2005, since the funding for the program ended with FY 2005. However, on October 20, 2005, the hurricane Katrina unemployment Relief Act of 2005 was enacted; section 101 of that law extended the qualifying individual program to FY 2006 and FY 2007. In particular, section 101 extended the qualifying individual program through September 30, 2007, with no change in funding; that is, under this legislation, $400 million per fiscal year is appropriated for each of FY 2006 and FY 2007. This rule will notify individual States of the limitations on Federal funds for their Medicaid expenditures for payment of Medicare Part B premiums for qualifying individuals. Some States have experienced deficits in their current allotments that have caused them to deny benefits to eligible applicants, while other States project a surplus in their allotments. This rule permits redistribution of funds and will allow all eligible applicants to receive qualifying individuals benefits during this calendar year.

TITLE: Extending Sunset Date for the Interim Final Regulation on Mental Health Parity (CMS-4094-F4)
RIN: 0938-AO36
ABSTRACT: This amendment extends the sunset date of the regulation to December 31, 2006, consistent with a recent extension of the sunset date of the statute this regulation implements.

TITLE: State Health Insurance Assistance Program (SHIP) (CMS-4005-F)
RIN: 0938-AO37
ABSTRACT: This rule adopts as final the provisions in the interim final regulation that published June 1, 2000, which explain the terms and conditions that apply to State grants for counseling and assistance to Medicare beneficiaries, and makes several minor technical clarifications.

TITLE: State Children's Health Insurance Program (SCHIP) Redistribution of Unexpended SCHIP Funds From the Appropriation for Fiscal Year 2003 (CMS-2235-NC)
RIN: 0938-AO38
ABSTRACT: This notice announces the procedure for redistribution of States, unexpended FY 2003 allotments that remained at the end of FY 2005 to those States that fully expended the FY 2003 SCHIP allotment. It also announces the implementation of the section 6101 of the Deficit Reduction Act of 2006,

which provides for additional allotments to eliminate States. SCHIP funding shortfalls in FY 2006. These redistributed allotments will be available through the end of FY 2006 (September 30, 2006).

TITLE: Fiscal Year Disproportionate Share Hospital Allotments and Disproportionate Share Hospital Institutions for Mental Disease Limits (CMS-2243-N)
RIN: 0938-AO75
ABSTRACT: This notice sets forth the States' final fiscal year (FY) 2005, preliminary FY 2006, and preliminary FY 2007 disproportionate share hospital (DSH) payment allotments and States' institutions for mental disease (IMD) DSH limits in the Medicaid program.

TITLE: Reasonable Quantitative Standard for Review and Adjustment of Child Support Orders
RIN: 0970-AC19
ABSTRACT: This rule permits States to use reasonable quantitative standards in adjusting an existing child support award amount after conducting review of the order, regardless of the method of review.

TITLE: Heavy Oil Royalty Reduction Program
RIN: 1004-AD67
ABSTRACT: This rule will provide for a reduced royalty rate for producing a low gravity oil. It will determine what should be the threshold for what constitutes low gravity oil, and whether and/or how BLM will impose restrictions such as price thresholds, production caps, or other limitations.

TITLE: Cost Recovery for Plans, Permits, and Inspections for Oil and Gas Operations in the Outer Continental Shelf
RIN: 1010-AD23
ABSTRACT: The Independent Office Appropriations Act of 1952 (31 U.S.C. 9701) established that Government services should be self-sustaining to the fullest extent possible. This Act authorized Government agencies to charge fairly for these services, based on the costs to the Government, the value of the service to the recipient, public policy, and other relevant facts. MMS incurs costs for various services it provides to the oil and gas industry operating in the Outer Continental Shelf (OCS). This rule would enable MMS to recover these costs, which may include filing fees for geological and geophysical permits, exploration and development plans, deep water operations plans, well permits, facility permits, and structure permits. MMS currently does not charge for these services. Rulemaking is the only method available to impose these fees and comply with the intent of Congress to recover Government costs.This is a separate rulemaking from the proposed rule for cost recovery (RIN 1010-AD16), which proposes fees for different services.

TITLE: National Wildlife Refuge System; Appropriate Refuge Uses
RIN: 1018-AG46
ABSTRACT: This policy (FWS Manual) provides a procedure for determining whether uses other than the six priority wildlife-dependent recreational uses (hunting, fishing, wildlife observation and photography, and environmental education and interpretation) are appropriate on refuges. This policy establishes a process for deciding when it is appropriate to allow nonpriority uses.

TITLE: Release of Captive-Reared Mallards
RIN: 1018-AI05
ABSTRACT: We are resuming review of all aspects of regulations pertaining to the release and harvest of captive-reared mallards.

TITLE: North American Wetlands Conservation Act and Neotropical Migratory

Bird Conservation Act Grant Administration Policies
RIN: 1018-AI13
ABSTRACT: The Grant Administration Standards document is being published to guide the North American Wetlands Conservation Act (NAWCA) and Neotropical Migratory Bird Conservation Act (NMBCA) grants administration process.

TITLE: Migratory Bird Permits; Regulations for Managing Resident Canada Geese Populations
RIN: 1018-AI32
ABSTRACT: This rule establishes a regulation authorizing State wildlife agencies to conduct indirect and/or direct population control management activities on resident Canada geese, including the take of birds. The intent of this rule is to allow State wildlife management agencies sufficient flexibility to deal with problems caused by resident Canada geese and to guide and direct Canada goose population growth and management activities in the coterminous United States.

TITLE: Migratory Bird Permits; Revisions to General Exceptions
RIN: 1018-AI96
ABSTRACT: Under this rule, some public institutions now exempted from permit requirements would be required to obtain permits in order to possess migratory birds. This rule would create new exemptions for State and Federal resource managers and would establish husbandry requirements applicable to exempt facilities.

TITLE: Revision of Migratory Bird Hunting Regulations
RIN: 1018-AI98
ABSTRACT: We will revise and update a significant portion of the regulations governing migratory game bird hunting. This rule will also use plain language to clarify these regulations.

TITLE: General Permit Procedures; Revision to Appeal Process for Migratory Bird Permits
RIN: 1018-AU19
ABSTRACT: The Service will propose to revise the permit appeal process to transfer the final appeal decision on migratory bird permits to the Director. Migratory bird permits are issued in the Service's seven Regional offices. Current regulations provide that when a permit is denied, and a subsequent request for reconsideration is denied, an appeal may be submitted to the Regional Director for the Region in which the issuing office is located. Adjusting the review structure in the Regions and transferring the final appeal decision to the Director will facilitate national consistency.

TITLE: National Wildlife Refuge System; Mission, Goals, and Purposes
RIN: 1018-AU24
ABSTRACT: This policy (FWS Manual) addresses the mission, goals, and purposes of the National Wildlife Refuge System in the context of the National Wildlife Refuge System Improvement Act of 1997.

TITLE: National Wildlife Refuge System; Wildlife-Dependent Recreation (Hunting and Fishing, Wildlife Observation and Photography, Environmental Education, and Interpretation)
RIN: 1018-AU25
ABSTRACT: The National Wildlife Refuge System Improvement Act of 1997 establishes that wildlife-dependent recreational uses (including hunting and fishing) are priority general public uses and must receive priority consideration over the general public uses. This policy describes how we will prioritize these uses. This policy also establishes new visitor services requirements, essential elements of a quality program, an additional level of environmental education programs, and program evaluation methods.

TITLE: Endangered and Threatened Wildlife and Plants; Revisions to the Regulations Applicable to Permits Issued Under the Endangered Species Act
RIN: 1018-AU29
ABSTRACT: Presently, Safe Harbor Agreements and Candidate Conservation Agreements with Assurances only allow incidental take of species. The Service is proposing to clarify the range of activities permittable under section 10(a)(1)(A) of the Endangered Species Act. In addition, the Service is proposing to amend the policies to allow for intentional take of species in association with Safe Harbor Agreements.

TITLE: Migratory Bird Hunting; 2006-2007 Migratory Game Bird Hunting Regulations; State Frameworks, Tribal, Alaska Subsistence
RIN: 1018-AU42
ABSTRACT: We promulgate annual hunting regulations for certain migratory game birds for the 2006-07 hunting season. We annually prescribe outside limits (frameworks), within which States may select hunting seasons. We also request proposals from Indian tribes that wish to establish special migratory bird hunting regulations on Federal Indian reservations and ceded lands, and proposals for the 2006/07 spring/summer migratory bird subsistence season in Alaska. Migratory game bird hunting seasons provide hunting opportunities for recreation and sustenance; aid Federal, State, and tribal governments in the management of migratory game birds; and permit harvests at levels compatible with migratory bird population status and habitat conditions.

TITLE: Financial Assurances
RIN: 1029-AC05
ABSTRACT: We are considering rulemaking to ensure adequate funding for the treatment of unanticipated long-term pollutant discharges including acid or toxic mine drainage, that develop as a result of surface coal mining operations.

TITLE: Ownership and Control
RIN: 1029-AC08
ABSTRACT: The ownership and control re-proposed rule would amend the provisions of an earlier rule pertaining to the definitions of ownership and control, permit eligibility determinations, and challenges to ownership or control findings. The proposed rule would also clarify what constitutes a transfer, assignment, or sale of permit rights.

TITLE: International Terrorism Victim Expense Reimbursement Program
RIN: 1121-AA63
ABSTRACT: The Office of Justice Programs (OJP) is developing these regulations to implement the International Terrorism Victim Expense Reimbursement Program provisions contained in the Victims of Trafficking and Violence Protection Act of 2000 (Pub. L. 104-208), which directs OJP to carry out a program to reimburse victims of acts of international terrorism that occur outside the United States, for expenses associated with that victimization.

TITLE: Federal-State Unemployment Compensation (UC) Program; Confidentiality and Disclosure of Information in State UC Records
RIN: 1205-AB18
ABSTRACT: The Employment and Training Administration of the Department of Labor prepared a final rule on confidentiality and disclosure of State UC information. The final rule modifies and expands the regulations implementing the Income and Eligibility Verification System (IEVS) to include statutory requirements in title III of the Social Security Act and the Federal Unemployment Tax Act concerning confidentiality and disclosure of State UC information. The use of UC wage records and other information under these and other statutes has increased in recent years while

privacy and confidentiality issues have not yet been fully addressed.

TITLE: Assigned Protection Factors: Amendments to the Final Rule on Respiratory Protection
RIN: 1218-AA05
ABSTRACT: In January 1998, OSHA published the final Respiratory Protection standard (29 CFR 1910.134), except for reserved provisions on assigned protection factors (APFs) and maximum use concentrations (MUCs). APFs are numbers that describe the effectiveness of the various classes of respirators in reducing employee exposure to airborne contaminants (including particulates, gases, vapors, biological agents, etc.). Employers, employees, and safety and health professionals use APFs to determine the type of respirator to protect the health of employees in various hazardous environments. Maximum use concentrations establish the maximum airborne concentration of a contaminant in which a respirator with a given APF may be used. Currently, OSHA relies on the APFs developed by NIOSH in the 1980s unless OSHA has assigned a different APF in a substance-specific health standard. However, many employers follow the more recent APFs published in an industry consensus standard, ANSI Z88.2-1992. For some classes of respirators, the NIOSH and ANSI APFs vary greatly.
This rulemaking action will complete the 1998 standard, reduce compliance confusion among employers, and provide employees with consistent and appropriate respiratory protection. On June 6, 2003, OSHA published an NPRM on Assigned Protection Factors in the Federal Register at 68 FR 34036 containing a proposed APF table, and requesting public comment. The extended comment period ended October 2, 2003, and an informal public hearing was held January 28-30, 2004.

TITLE: Implementation of the Nondiscrimination and Equal Opportunity Requirements of the Workforce Investment Act of 1998
RIN: 1291-AA29
ABSTRACT: The Workforce Investment Act of 1998 (WIA) was signed into law by President Clinton on August 7, 1998. Section 188 of the Act prohibits discrimination by recipients of financial assistance under title I on the grounds of race, color, national origin, sex, age, disability, religion, political affiliation or belief, and for beneficiaries only, citizenship or participation in a WIA title I-financial assisted program or activity. Section 188(e) requires that the Secretary of Labor issue regulations necessary to implement section 188 not later than one year after the date of the enactment of WIA. Such regulations are to include standards for determining compliance and procedures for enforcement that are consistent with the acts referenced in section 188(a)(1), as well as procedures to ensure that complaints filed under section 188 and such acts are processed in a manner that avoids duplication of effort. The reauthorization of WIA is currently under consideration by the Congress. It may include amendments to the nondiscrimination provisions contained in section 188 that would directly impact these regulations. This final rule will be issued after congressional action on the reauthorization of WIA.

TITLE: Documents Required for Travel Within the Western Hemisphere
RIN: 1400-AC10
ABSTRACT: Amendment to require U.S. citizens who previously were exempt from presenting a passport or other authorized travel documents to present such documents that denote identity and citizenship when entering the United States.

TITLE: Exchange Visitor Program, Secondary Students
RIN: 1400-AC13

ABSTRACT: This rule amends Department regulations set forth at 22 CFR 62.25 to impose new program administration requirements.

TITLE: Offset of Federal Payments To Collect Past-Due Legally Enforceable Nontax Debt
RIN: 1510-AB05
ABSTRACT: The Debt Collection Improvement Act of 1996, Public Law 104-134 (April 26, 1996) authorized the offset of Federal payments by disbursing officials of the United States to collect nontax debt owed the United States. Title 31 CFR part 285.5 contains rules for conducting these offsets. This rule will provide additional parameters relating to the offset of Federal grant payments.

TITLE: Procedures for Handling Critical Infrastructure Information
RIN: 1601-AA14
ABSTRACT: This final rule amends the February 2004 Interim Rule establishing uniform procedures to implement the Critical Infrastructure Information Act of 2002. These procedures govern the receipt, validation, handling, storage, marking and use of critical infrastructure information voluntarily submitted to the Department of Homeland Security. The procedures are applicable to all Federal, State, local, and tribal government agencies and contractors that have access to, handle, use or store critical infrastructure information that enjoys protection under the Critical Infrastructure Information Act of 2002.

TITLE: Surface Transportation Security Directives
RIN: 1652-AA26
ABSTRACT: The Transportation Security Administration (TSA) is withdrawing this action, which would have provided a regulatory framework through which TSA would issue Security Directives (SDs) to owners or operators of conveyances, facilities, terminals, or infrastructure assets, involved in all modes of transportation, except aviation and maritime, which have effective rules for Security Directives. TSA is conducting a security review and may pursue rulemaking action in the future. Security Directives, if issued, may require owners or operators of conveyances, facilities, terminals, or infrastructure assets to implement measures specified in the Security Directives to enhance transportation security. Under this framework, TSA may also issue Information Circulars (ICs) advising operators of possible threats to transportation security. Since information contained in Security Directives may be Sensitive Security Information (SSI), this rule would require that sensitive security information be managed in accordance with procedures that restrict its availability.

TITLE: Flood Mitigation Assistance Program and Mitigation Planning
RIN: 1660-AA37
ABSTRACT: This interim final rule will implement sections 1366 and 1367 of the National Flood Insurance Act of 1968, as amended, by section 103 of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (Pub. L. 108-264), 42 U.S.C. 4102a. The rule will update the existing Flood Mitigation Assistance Program (FMA) by providing for an increased emphasis on planning and providing new incentives for States and communities to participate in the FMA through reduced cost-share requirements. The rule will also clarify and streamline mitigation planning with respect to the general mitigation planning requirements and FMA planning requirements.

TITLE: Hazard Mitigation Planning and Hazard Mitigation Grant Program Funding
RIN: 1660-AA43
ABSTRACT: To amend existing regulations to adjust the Hazard Mitigation Grant Program (HMGP) funding available to States with approved Enhanced State Mitigation Plans to 12.5 percent of the total estimated eligible Federal assistance.

TITLE: State Energy Program
RIN: 1904-AB63

ABSTRACT: DOE is amending its State Energy Program formula grant regulations to incorporate new statutory provisions enacted in the Energy Policy Act of 2005. The new law includes a new energy efficiency goal that must be included in State energy conservation plans and requires DOE to invite State governors to review the State plans every 3 years.

TITLE: Extension of Site-Specific Regulations for NE Labs XL Project
RIN: 2001-AA01
ABSTRACT: This direct final rulemaking will once again extend the Federal rule previously promulgated to facilitate a different program of waste management in three New England universities (New England Universities Laboratories XL Project) from current end date of September 30, 2006, to April 15, 2009. The original rule, promulgated September 28, 1999, and in effect for four years, was previously extended for three years, from September 30, 2003, to September 30, 2006. This action which enables these projects to continue will be approved and signed by the Regional Administrator of EPA Region 1, by virtue of special one-time delegations of rulemaking authority from the EPA Administrator.

TITLE: Rulemaking To Change Toxic Release Inventory (TRI) Reporting Requirements from Standard Industrial Classification (SIC) Codes to North American Industrial Classification System (NAICS) Codes
RIN: 2025-AA10
ABSTRACT: The Office of Management and Budget (OMB) published a Federal Register Notice of final decision (62 FR 68) to adopt the North American Industry Classification System (NAICS) for the United States. This rulemaking initiates the conversion from TRI Reporting using Standard Industrial Classification (SIC) codes to TRI Reporting using NAICS codes. The TRI Program will convert to NAICS without producing any changes in the facilities that are now subject to TRI reporting. Therefore, there should be no increased burden resulting from this action.

TITLE: National Primary Drinking Water Regulations: Ground Water Rule
RIN: 2040-AA97
ABSTRACT: EPA is finalizing a national primary drinking water regulation (NPDWR), the Ground Water Rule (GWR), to provide for increased protection against microbial pathogens in public drinking water systems that use ground water sources. This final rule is in accordance with the Safe Drinking Water Act as amended in 1996, which requires the EPA to promulgate regulations requiring disinfection as a treatment technique for all public water systems, including surface water systems and, as necessary, ground water systems. The GWR establishes a risk-targeted approach to target ground water systems that are susceptible to fecal contamination, instead of requiring disinfection for all ground water systems. The occurrence of fecal indicators in a drinking water supply is an indication of the potential presence of microbial pathogens that may pose a threat to public health. This rule requires ground water systems that are at risk of fecal contamination to take corrective action to reduce cases of illnesses and deaths due to exposure to microbial pathogens. The proposed GWR was published in the Federal Register in 2000 (65 FR 30194, May 10, 2000) (USEPA, 2000a). The primary elements of the proposed GWR were sanitary surveys, triggered monitoring, hydrogeologic sensitivity analyses, routine monitoring, corrective action, and compliance monitoring. EPA received numerous comments on the proposed GWR and has carefully considered those comments in developing the final GWR. This consideration has led to a number of changes which the

Agency believes will result in a more flexible, more targeted, more protective final GWR. This risk-targeting strategy includes regular sanitary surveys to check for significant deficiencies; triggered ground water source monitoring to detect fecal contamination at GWSs when they detect bacteria in TCR samples; treatment technique requirements that require corrective actions to address sanitary survey significant deficiencies and fecal contamination in ground water; and compliance monitoring to ensure that, when treatment is installed to address contamination, the treatment reliably removes 99.99 percent (4-log) of viruses. EPA proposed requiring GWSs in hydrogeologically sensitive settings to comply with the routine source water monitoring requirements (presently referred to as assessment monitoring) because aquifers considered hydrogeologically sensitive, i.e., aquifers in non-porous (fractures or conduits) media, may be at considerably more risk of contamination. In the final rule, EPA gives States the option of requiring assessment monitoring, and recommends that states conduct hydrogeologic sensitivity assessments to identify systems that should undergo assessment monitoring because they may be at risk to contamination. EPA believes that the final rule provides public health benefits while apportioning costs in a more flexible targeted manner. Measures to protect public health include treatment technique requirements to address sanitary survey significant deficiencies and fecal contamination in ground water and compliance monitoring to ensure that 4-log treatment of viruses is maintained where it is used to comply with the final Ground Water Rule.

TITLE: Minimizing Adverse Environmental Impact from Cooling Water Intake Structures at Existing Facilities Under Section 316(b) of the Clean Water Act, Phase 3

RIN: 2040-AD70

ABSTRACT: This rulemaking will affect existing facilities that use cooling water intake structures, and whose intake flow levels exceed a minimum threshold to be determined by EPA during this rulemaking. The rule would address existing facilities in the following industries if they meet the specified threshold levels: Pulp and paper manufacturing facilities; chemicals and allied products manufacturing facilities; petroleum and coal products manufacturing facilities; primary metals manufacturing facilities; and any other existing facility not already subject to Phase 2 regulations. EPA will also consider regulations for certain new offshore facilities not included in the Phase I rule, such as offshore and coastal oil and gas extraction facilities. Section 316(b) of the Clean Water Act provides that any standard established pursuant to sections 301 or 306 of the Clean Water Act and applicable to a point source shall require that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact. A primary purpose of this action is to minimize the impingement and entrainment of fish and other aquatic organisms by cooling water intake structures. Impingement occurs when fish and other aquatic life are trapped against cooling water intake structures. Entrainment occurs when aquatic organisms, eggs, and larvae are drawn into a cooling system and then pumped back out, resulting in significant injury or mortality to the entrained organisms.

TITLE: Recycling of Cathode Ray Tubes (CRTs): Changes to Hazardous Waste Regulations

RIN: 2050-AE52

ABSTRACT: This action revises the existing Federal hazardous waste regulations to encourage recycling and better management of Cathode Ray Tubes (CRTs) by providing a conditional exclusion from the definition of solid waste for CRTs being recycled. A CRT is

the display component of a television or computer monitor. A CRT is made largely of specialized glasses, some of which contain lead to protect the user from X-rays inside the CRT. Due to the lead, when they are disposed of or reclaimed, some CRTs are hazardous wastes under the Federal Resource Conservation and Recovery Act (RCRA) regulations.

TITLE: Revisions to Solid Waste Landfill Criteria--Leachate Recirculation on Alternative Liners
RIN: 2050-AE67
ABSTRACT: EPA plans to propose a rule amending the Federal criteria for municipal solid waste landfills (MSWLF) to allow leachate recirculation over alternative liner systems which meet the performance standard specified by the MSWLF criteria. The performance determination would be made by the State director of an approved MSWLF program. EPA also plans to propose a new section to the MSWLF criteria that will allow the alternative of clean closure of landfills rather than require the installation of a landfill cap. This would allow the solid waste in the MSWLF to be totally removed from the site and be properly disposed of at another site. Finally, EPA plans to propose an additional factor for determining the frequency of ground water monitoring for the detection monitoring program specified in this subpart. The additional factor for consideration concerns liner performance where there is some direct system for determining liner performance. However, the minimum monitoring frequency would still be no less than once a year as stated in the existing regulation. The Federal role is to establish minimum protective criteria. This proposal would allow additional flexibility for facility managers of municipal landfills to achieve compliance with the criteria. By providing additional flexibility this proposal will reduce potential costs while providing alternative means of environmental protection.

TITLE: Revisions to the Definition of Solid Waste Final Rule
RIN: 2050-AE98
ABSTRACT: The Agency is withdrawing this action. Please see entry for RIN 2050-AG31 for the latest efforts relating to the Definition of Solid Waste Revisions.

TITLE: NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors (Revising the Effective Date of the Particulate Matter Standard Amendment)
RIN: 2050-AG33
ABSTRACT: EPA is amending the effective date of the standard for particulate matter for new cement kilns that burn hazardous waste while EPA reconsiders this provision in response to a petition for reconsideration that was submitted to the EPA Administrator. EPA promulgated this standard as part of the national emissions standards for hazardous air pollutants for hazardous waste combustors that were issued on October 12, 2005. EPA has agreed to reconsider the provision and proposed to change it on March 23, 2006. This amendment of the October 2005 rule changes the provision's effective date so that the provision will not take effect until EPA takes final action on this proposal. This amendment does not affect other standards applicable to new or existing hazardous waste burning cement kilns.

TITLE: Review of the National Ambient Air Quality Standards for Particulate Matter
RIN: 2060-AI44
ABSTRACT: On July 18, 1997, the EPA published a final rule revising the National Ambient Air Quality Standards (NAAQS) for particulate matter (PM) (62 FR 38652). While retaining the PM10 standard levels, new standards were added for fine particles (PM2.5) to provide increased protection against both health and environmental effects of PM. On the same day, a Presidential Memorandum (62 FR 38421) was published that, among other things,

anticipated that EPA would complete the next review of the PM NAAQS by July 2002. The EPA's plans and schedule for the next periodic review of the PM NAAQS were published on October 23, 1997 (62 FR 55201). Due to the unprecedented volume of new research, the completion of the Criteria Document (CD) has been extended. As a result the overall schedule for the review of the PM NAAQS has extended beyond the original target of July 2002. As with other NAAQS reviews, a rigorous assessment of relevant scientific information was presented in a CD prepared by EPA's National Center for Environmental Assessment finalized in October 2004 (EPA/600/p. 99/002aF and 002bF. The EPA's Office of Air Quality Planning and Standards then prepared a Staff Paper (SP) for the Administrator which evaluated the policy implications of the key studies and scientific information contained in the CD and additional technical analyses and identified critical elements that EPA staff believe should be considered in reviewing the standards. (The SP was released in June 2005; the final document number is EPA-452/R-05-005a). Multiple drafts of the CD and SP were reviewed by the Clean Air Scientific Advisory Committee (CASAC) and the public, and both final documents reflect the input received through these reviews. The EPA proposed changes to the PM NAAQS on December 20, 2005 (71 FR 2620). The public comment period closed on April 17, 2006. Input received during this public comment period will be considered in the Administrator's final decision. A final decision on the PM NAAQS will be made on or before September 27, 2006.

TITLE: NESHAP: Printing and Publishing Industry; Amendments
RIN: 2060-AI66
ABSTRACT: Since publication of the final Printing and Publishing NESHAP, we have discovered several minor errors. This action will correct those errors and clarify some of the rule language. The main change will be to correct the instructions for determining HAP content of inks and other materials from formulation data. No substantive changes will be made to the stringency of the rule.

TITLE: Ambient Air Quality Monitoring Regulations: Revisions
RIN: 2060-AJ25
ABSTRACT: Air pollution control authorities use air quality data to determine compliance with the National Ambient Air Quality Standards and in subsequent work to develop air pollution mitigation strategies. The data come primarily from ambient air monitoring stations run by state and local agencies, although Federal, Tribal, and industrial organizations also run stations. The design of the monitoring networks is regulated under 40 CFR 58. This rule was originally written in 1979 and several revisions have been made in the intervening years. Air pollution control authorities have improved their parts of the network in response to changes in air quality, advances in the understanding of the movements and health effects of air pollutants, and developments in air pollution measurement technology. EPA has also cooperated with air pollution control authorities to improve the networks, but we have not revised the applicable regulations comprehensively. At this time that we are proposing revisions to the PM monitoring program as part of the review of the PM NAAQS, we are also proposing revisions to the overall structure of the monitoring regulations that would remove real or perceived constraints on redeploying air monitoring stations; more accurately reflect the roles of EPA and other control authorities in designing, reviewing, and modifying networks; bring provisions related to quality assurance up to date; and recognize technological changes. The current regulations require States to develop plans to deploy air monitoring networks. States generally develop new plans only when new monitoring is needed, such as for a new NAAQS. The regulations need to be revised to reflect the roles of EPA and the State and local agencies.

TITLE: NESHAP: Perchloroethylene Dry Cleaning Facilities Residual Risk Standards
RIN: 2060-AK18
ABSTRACT: EPA developed technology-based emission standards for this source category under section 112(d) of the Clean Air Act. The current action, required by section 112(f) of the Clean Air Act, is to assess residual risks and develop additional emission standards, as necessary, to provide an ample margin of safety. Approximately 28,000 perchloroethylene (perc) dry cleaning facilities are in existence. Fifteen of these facilities are major sources (use > 2100 gallons of perc per year), subject to MACT requirements under the technology-based NESHAP requirements. The remaining facilities are area sources (use <2100 gallons of perc per year) subject to GACT requirements under the NESHAP. The peer reviewed risk assessment revealed risk from major source dry cleaning facilities in excess of 100 in a million, therefore, EPA is currently assessing options to reduce risk from these facilities. EPA has agreed with litigants to a deadline of July 13, 2006, for completion of this effort.

TITLE: National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks--Residual Risk Standards
RIN: 2060-AK72
ABSTRACT: A national emission standard for chromium emissions from hard and decorative chromium electroplating and chromium anodizing tanks was previously promulgated under Section 112(d) of the Clean Air Act. That standard set emission limits for chromium emissions from hard and decorative chromium electroplating and chromium anodizing tanks. The Clean Air Act Section 112(f) requires us to assess within 8 years of promulgation of a NESHAP the remaining risk to the public and to develop additional more stringent standards if such standards are needed to protect the public health with an ample margin of safety. This action is to examine the remaining risk from hard and decorative chromium electroplating and chromium anodizing tanks and, if warranted, to develop new risk based standards.

TITLE: NESHAP: Ferroalloys Production: Ferromanganese and Silicomanganese Residual Risk Standards
RIN: 2060-AL93
ABSTRACT: EPA previously promulgated technology-based emission standards for this source category under section 112(d) of the Clean Air Act. The current action, required by section 112(f) of the Clean Air Act, is to assess residual risks remaining after the 112(d) standards take effect, and develop additional emission standard, as necessary, to provide an ample margin of safety.

TITLE: 5-Year Review of MACT Standards for Large MWC
RIN: 2060-AL97
ABSTRACT: Under section 129 of the Clean Air Act (CAA), EPA is required to adopt and implement maximum achievable control technology (MACT) standards for both new and existing large municipal waste combustion units (MWC). Those MACT standards have been adopted and fully implemented with all retrofits completed. Section 129(a)(5)of the CAA requires EPA to review and, if necessary, revise those standards every 5 years. This rulemaking addresses those requirements and is the first 5-year review of the MACT standards. Implementation of these MACT standards has been highly effective and has reduced dioxin/furan emissions by more than 99 percent since 1990 and mercury emissions by more than 95 percent since 1990. Similar reductions have occurred for other CAA section 129 pollutants.

TITLE: NESHAP: Pharmaceuticals Production: Residual Risk Standards
RIN: 2060-AM00

ABSTRACT: EPA promulgated technology-based emission standards for this source category in 1998 under Section 112(d) of the Clean Air Act. These standards are codified at 40 CFR 63, subpart FFF. The current action, required by section 112(f) of the Clean Air Act, is to assess residual risk that remains once that rule becomes effective, and develop additional emission standards, as necessary, to provide an ample margin of safety.

TITLE: Amendments to Vehicle Inspection and Maintenance Program Requirements to Address New 8-Hour Ozone Standard
RIN: 2060-AM21
ABSTRACT: This final rule amends the current vehicle inspection and maintenance (I/M) rule to establish deadlines for areas newly required to begin I/M testing as a result of their classification under the 8-hour ozone standard. Specifically, the amendments will address: The deadline for submitting I/M State Implementation Plans (SIPs) for those new areas; the deadline for the new program start-up; and the model year coverage and evaluation timeframes associated with new programs that will potentially be required as part of EPA's implementation of the 8-hour ozone standard.

TITLE: Prevention of Significant Deterioration for Nitrogen Oxides
RIN: 2060-AM33
ABSTRACT: Section 166 of the Clean Air Act authorizes the Environmental Protection Agency to establish regulations to prevent significant deterioration of air quality due to emissions of nitrogen oxides. On October 17, 1988, EPA promulgated regulations which included maximum allowable increases in ambient nitrogen dioxide concentrations (NO2 increments) allowed in an area above the baseline concentration. Following promulgation, the Environmental Defense (formerly the Environmental Defense Fund) filed a petition asking the Court to order EPA to remand the regulations and to impose an immediate deadline of two years for promulgating new regulations. In 1990, the Court did not impose a deadline but remanded the case for EPA to develop an interpretation of Section 166 that considered the statutory provisions contained in subsections (c) and (d), and if necessary to take new evidence and modify the regulations. In July 2003, Earthjustice, on behalf of Environment Defense, asked the Court to put EPA on an enforceable schedule to issue new regulations under the original court remand. Consequently, EPA agreed to a two-year schedule for promulgating such regulations by September 30, 2005. At a minimum, the regulations will provide EPA's interpretation of the statutory requirements for developing adequate increments to prevent significant deterioration for nitrogen oxides. Based on our interpretation, we will consider the need for revising the existing increments for nitrogen dioxide, including both an annual and short-term averaging period, and the regulation of other nitrogen oxide compounds other than nitrogen dioxide. The supplemental notice of proposed rulemaking provides further explanation and additional technical support for an option proposed under the NO2 Increment Rulemaking (issued at 70 FR 59582 on October 12, 2005). This option would explain EPA's position and propose that any State subject to CAIR and opting into the EPA-administered regional cap and trade program under CAIR will satisfy the requirements under section 166 of the Act for prevention of significant deterioration (PSD) of air quality for NOx; thereby, enabling that State to request EPA approval to exempt sources from the NO2 increment analysis under the PSD regulations.

TITLE: Standards of Performance for Stationary Compression Ignition Internal Combustion Engines
RIN: 2060-AM82
ABSTRACT: This project is to develop New Source Performance Standards (NSPS) for stationary reciprocating internal combustion

compression ignition (diesel) engines. These standards are being developed under section 111 of the CAA to require the application of the best system of emission reduction taking into account the cost of achieving emission reductions and environmental and energy impacts. The pollutants that will be addressed in this rulemaking are PM, NOx, SO2, and CO. The project is on a tight litigated schedule to be promulgated by June 2006.

TITLE: Part 63 General Provisions--Response to Petition to Reconsider SSM
RIN: 2060-AM89
ABSTRACT: This notice will respond to the Natural Resource Defense Council's petition to reconsider certain aspects of the May 30, 2003 amendments to the part 63 General Provisions. The primary issue is public access to startup, shutdown, and malfunction plans.

TITLE: Rule on Section 126 Petition From NC To Reduce Interstate Transport of Fine PM and O3; FIPs To Reduce Interstate Transport of Fine PM & O3; Revisions to CAIR Rule; Revisions to Acid Rain Program
RIN: 2060-AM99
ABSTRACT: This action includes two separate but related rulemakings to address interstate transport with respect to the 8-hour ozone and fine particulate matter (PM2.5) national ambient air quality standards. In one part, EPA is responding to a petition submitted to the Agency in March 2004, by the State of North Carolina pursuant to section 126 of the Clean Air Act. The petition requests that EPA make findings that emissions of nitrogen oxides (NOx) and sulfur dioxide (SO2) from large electric generating units (EGUs) in 12 States are significantly contributing to PM2.5 nonattainment or maintenance problems in North Carolina and that NOx emissions from large EGUs in 5 States are significantly contributing to 8-hour ozone nonattainment or maintenance problems in North Carolina. NOx and SO2 are precursors to PM2.5 pollution; NOx is also a precursor to ozone pollution. If EPA makes such findings, EPA is authorized to establish Federal emissions limits for the affected sources. The second part of this rulemaking is related to EPA's Clean Air Interstate Rule (CAIR), promulgated on March 10, 2005, which addresses interstate transport of NOx and SO2. CAIR requires 28 States and the District of Columbia to revise their State implementation plans (SIPs) to reduce emissions of NOx and/or SOx. Controlling these emissions will assist the downwind areas in meeting the PM2.5 and 8-hour ozone national ambient air quality standards. To act as a "backstop" for CAIR, EPA is also developing Federal implementation plans (FIPs) to address interstate transport. These FIPs are the second part of the two-part rulemaking we are discussing in this abstract. The FIPs would achieve the emissions reductions required under the CAIR if a State does not have an approved SIP to do so. In the FIP actions, EPA intends to propose Federal NOx and SO2 trading programs for electric generating units. The EPA is required to promulgate a FIP within 2 years of: 1) Finding that a State has failed to make the required SIP submittal, 2) finding that the submittal received does not satisfy the minimum SIP completeness criteria, or 3) disapproving a SIP in whole or in part. The EPA is required to promulgate the FIP unless EPA has approved, within the 2-year time period, a SIP that corrects the identified deficiency. In an action published on April 25, 2005, EPA notified States that they had failed to submit SIPs to address transport that were due in 2000, 3 years after EPA established the 8-hour ozone and PM2.5 standards. This current rulemaking action is also proposing certain revisions to the CAIR and the Acid Rain Program.

TITLE: Regional Haze Regulations; Revisions to Provisions Governing Alternative to Source-Specific Best Available Retrofit Technology (BART) Determinations

RIN: 2060-AN22
ABSTRACT: EPA published the regional haze rule on July 1, 1999 (64 FR 35714). On May 24, 2002, the D.C. Circuit Court vacated certain provisions of the regional haze rule related to best available retrofit technology (BART). The BART provisions at issue in that case were applicable on a source-by-source basis. The revisions to the haze rule to respond to that case are being finalized in the Clean Air Visibility Rule (CAVR) on June 15, 2005, under a consent decree. In a separate but related case, the D.C. Circuit vacated additional BART provisions in a decision issued on February 18, 2005. These provisions applied to BART in the context of optimal emissions trading programs. The program at issue in that case was the SO2 "backstop" emissions trading program developed by the Western Regional Air Partnership (WRAP), but the decision also controls all similar programs developed in the future. To address this decision, we proposed revisions to the haze provisions governing trading programs on August 1, 2005 (70 FR 44154). The proposal addresses both the particular circumstances of the WRAP and general implications of the decision for other programs. We intend to finalize this proposal by November 8, 2005, as noted in the CAVR consent decree.

TITLE: CAMR 111 Reconsideration and Revision of 112(n) Finding Reconsideration
RIN: 2060-AN50

ABSTRACT: On May 18, 2005, the EPA promulgated regulations under section 111 of the Clean Air Act regulating mercury emissions from new and existing coal-fired electric utility steam generating units. As a result of 4 petitions for administrative reconsideration, on October 28, 2005, EPA opened the rule for reconsideration of several issues. The public comment period on the reconsideration closed on December 19. EPA expects to complete the reconsideration process by the end of May 2006. On March 29, 2005, EPA published a final rule entitled "Revision of December 2000 Regulatory Finding on the Emissions of Hazardous Air Pollutants From Electric Utility Steam Generating Units and the Removal of Coal- and Oil-Fired Electric Utility Steam Generating Units from the section 112(c) List" (section 112(n) Revision Rule). (See 70 FR 15994.) Following that final action, the Administrator received two petitions for reconsideration. In response to those petitions, this action will reconsider certain aspects of the section 112(n) Revision Rule. On June 9, 2006, EPA published the notice of final action on the reconsideration, completing action on this task.

TITLE: Revision of 112(n) Finding Reconsideration
RIN: 2060-AN53
ABSTRACT: On March 29, 2005, EPA published a final rule entitled "Revision of December 2000 Regulatory Finding on the Emissions of Hazardous Air Pollutants From Electric Utility Steam Generating Units and the Removal of Coal- and Oil-Fired Electric Utility Steam Generating Units from the section 112(c) List" (section 112(n) Revision Rule). (See 70 FR 15994.) Following that final action, the Administrator received 2 petitions for reconsideration. In response to those petitions, this action will reconsider certain aspects of the section 112(n) Revision Rule. On October 28, 2005, EPA announced that it was taking comment on certain issues for which reconsideration had been requested. On June 9, 2006, EPA published the notice of final action on reconsideration.

TITLE: PM2.5 De Minimis Emission Levels for General Conformity Applicability
RIN: 2060-AN60
ABSTRACT: General Conformity (GC) requirements become effective for Federal actions in PM2.5 nonattainment areas with start actions dates after April 5, 2006. In the GC Regulations EPA set de minimis emission levels

for criteria pollutants where Federal actions with emissions below the de minimis levels are presumed to conform to State implementation plans (or applicable emission budgets). Actions that are presumed to conform do not have to make conformity determinations. EPA anticipated publishing de minimis levels for the new PM2.5 standard in its revisions to the GC rule or in the PM2.5 Implementation Rule (whichever would be published earlier). These rules have not been promulgated yet and do not appear they will be finalized before GC requirements become effective in PM2.5 designated nonattainment areas in April 2006. At that time, Federal agencies will be in a position of having to perform applicability analysis without the benefit of published de minimis thresholds. This means all actions (unless currently listed as exempt) taken by a Federal agency in a PM2.5 nonattainment area will need to do a conformity determination (including mitigation and offsets if needed) before they can start the action -- even those with zero or very low levels of emissions. To address this issue, we would like to propose and finalize a separate rulemaking on a faster track to set PM2.5 de minimis levels by April 2006. The substance of this separate rulemaking has already undergone workgroup consideration and will undergo final agency review (FAR) as part of the proposal for General Conformity rule revisions. This separate rule would essentially pull the language from the GC revision that will be proposed soon.

TITLE: Significant New Use Rule (SNUR); Certain Polybrominated Diphenyl Ethers (PBDEs)
RIN: 2070-AJ02
ABSTRACT: EPA proposed a significant new use rule (SNUR) under section 5 of the Toxic Substances Control Act (TSCA) covering certain polybrominated diphenylethers (PBDEs). The SNUR would require companies wanting to import or manufacture these chemicals for the significant new uses described in the SNUR to submit a significant new use notice (SNUN) to the Agency at least 90 days prior to beginning those activities. The SNUN provides EPA the opportunity to evaluate the intended use, and, if necessary, prohibit or limit that use before it occurs. Great Lakes Chemical Corporation, the only United States manufacturer of pentaBDE and octaBDE, voluntarily phased out of these commercial products by the end of 2004. The chemical substances subject to this proposed rule are these commercial products, and other PBDE congeners that comprise these products. This proposed rule would require manufacturers and importers to notify EPA at least 90 days before commencing the manufacture or import of any one or more of these chemicals on or after January 1, 2005, for any use.

TITLE: Design Standards for Highways; Interstate System
RIN: 2125-AF06
ABSTRACT: This rule would amend the design standards that apply to highway construction and reconstruction on the Interstate System. In January 2005, the American Association of State Highway and Transportation Officials (AASHTO) updated its publication entitled, "A Policy on Design Standards Interstate System, January 2005." The FHWA proposes to replace the 1991 edition of this publication with the 2005 edition.

TITLE: Railroad-Highway Grade Crossing Safety
RIN: 2126-AA18
ABSTRACT: This rulemaking would prohibit operators of commercial motor vehicles (CMVs) from driving onto a railroad grade crossing unless there is sufficient space to drive completely through the crossing without stopping. It is intended to reduce the incidence of collisions between trains and CMVs. This rulemaking action is required by the Hazardous Materials Transportation Authorization Act of 1994. This action is considered significant

because of substantial public interest and safety issues. FMCSA is withdrawing this stale NPRM and will issue a new NPRM to address the Congressional mandate.

TITLE: Enforcement of Operating Authority Requirements
RIN: 2126-AA78
ABSTRACT: This rulemaking would require that a motor carrier who is subject to authority requirements at 49 U.S.C. 13902 may not operate a CMV in interstate commerce unless it has applied for and been granted operating authority by FMCSA. It also would prohibit motor carriers from operating beyond the scope of their authorization. Moreover, if vehicles are discovered operating in violation of such authority requirements, they would be placed out of service, and the carrier may be subject to additional penalties. This action makes State enforcement of authority requirements a condition of MCSAP eligibility.

TITLE: Amendment to Grant Criteria for Alcohol-Impaired Driving Countermeasures Programs (Section 410)
RIN: 2127-AJ73
ABSTRACT: This rulemaking would make substantive amendments to 23 CFR 1313 to effectuate the revisions required by the Safe, Accountable, Flexible, Efficient Transportation Equity Act-A Legacy for Users (SAFETEA-LU) of 2005. Section 2007 of SAFETEA-LU revises and extends the alcohol-impaired driving countermeasures grant program under 23 U.S.C. section 410 and directs NHTSA to issue regulations implementing the revised program.

TITLE: Use of Locomotive Horns at Highway-Rail Grade Crossings
RIN: 2130-AB73
ABSTRACT: This rulemaking would amend the final rule on the Use of Locomotive Horns at Highway-Rail Grade Crossings, in response to petitions for reconsideration that have been submitted by the Association of American Railroads, BNSF Railway Company, GE Transportation - Rail and Qwick Kurb, Inc. FRA also intends to make clarifying amendments to various provisions of the final rule.

TITLE: Assessment of Fees on Commuter Railroads for Use of Northeast Corridor Infrastructure
RIN: 2130-AB75
ABSTRACT: This rulemaking would govern the assessment and collection of fees from each commuter rail authority that operates over the Northeast Corridor, which reflect that rail authority's use of the corridor and its share of maintenance and capital improvements. Any fees assessed will, however, be offset by any direct annual contributions that have already been made by that rail authority for Northeast Corridor capital and maintenance expenses. Revenues from collected fees will then be merged with the capital appropriation and will be provided to, and spent by, Amtrak for capital investment.

TITLE: Prohibition on Use of CDBG Assistance for Job-Pirating Activities (FR-4556)
RIN: 2506-AC04
ABSTRACT: On December 23, 2005, HUD published an interim rule implementing certain statutory changes by revising HUD?s regulations for the Community Development Block Grant (CDBG) program. Specifically, the interim rule prohibited state and local governments from using CDBG funds for ?job-pirating? activities that are likely to result in significant job loss. The rule also applied to section 108 loan guarantees and the use of Brownfields Economic Development Initiative and Economic Development Initiative funds with section 108 loan guarantees and CDBG funding. This final rule follows publication of the December 23, 2005, interim rule, and makes no changes at this final rule stage.

TITLE: Community Development Block Grant Program Revision of CDBG Eligibility and National Objective Regulations (FR-4699)
RIN: 2506-AC12
ABSTRACT: This rule will improve the ability of entitlement communities and States' grant recipients to use Community Development Block Grant (CDBG) funds for brownfields activities. The rule will clarify the eligibility of activities involving the cleanup and development of environmentally contaminated properties under section 105(a) of the Housing and Community Development Act of 1974. The rule also will increase CDBG recipients' flexibility to undertake activities meeting the national objective of preventing or eliminating slums or blighting conditions. The criteria for meeting the slum/blight national objective will be revised to specifically recognize economic obsolescence of buildings and the presence of environmental contaminants as blighting influences on an area or property. This rule will further clarify the list of activities that may be undertaken to address the slum/blight national objective criteria on a spot basis. Finally, this rule makes corresponding changes in the eligibility regulations governing the section 108 Loan Guarantee component of the CDBG program.

TITLE: Pole Attachment Provisions (CS Docket No. 97-98)
RIN: 3060-AG71
ABSTRACT: The Commission established rules relating to pole attachments. The Telecommunications Act of 1996 required that within 2 years the Commission prescribe regulations governing the charges for pole attachments for telecommunications attachers. These regulations are to be used by cable operators and telecommunications carriers to provide telecommunications services when the utility and attaching entity parties fail to resolve a dispute over such charges. The Report and Order released in 1998 prescribed regulations to govern these charges.
In April 2000, the Commission released a Report and Order addressing issues related to the formula used to calculate just and reasonable rates that utilities charge for pole attachments. Petitions for reconsideration of both the 1998 and 2000 orders were resolved by Order released in May 2001.

TITLE: National Historical Publications and Records Commission Grant Program
RIN: 3095-AB45
ABSTRACT: NARA is updating and clarifying its regulations relating to the National Historical Publications and Records Commission Grant Program.

TITLE: Share Insurance and Appendix
RIN: 3133-AD18
ABSTRACT: Amend part 745 of NCUA's regulations to incorporate in a final rule statutory increases to various share insurance coverages and to address the share insurance coverage for 529 plans and accounts denominated in foreign currencies.

TITLE: Revision of Fee Schedules; Fee Recovery for FY 2006
RIN: 3150-AH83
ABSTRACT: The final rule amends the Commission's licensing, inspection, and annual fees charged to NRC licensees and applicants for an NRC license. The rulemaking is necessary to recover, through the assessment of fees, approximately 90 percent of the NRC?s budget authority for Fiscal Year 2006, less the amounts appropriated from the Nuclear Waste Fund and General Fund as required by the Omnibus Budget Reconciliation Act (OBRA) of 1990, as amended.
To address fairness and equity concerns related to charging NRC license holders for agency budgeted costs that do not provide a direct benefit to the licensee, the FY 2001 Energy and Water Development Appropriations Act

amended OBRA-90 to decrease the NRC?s fee recovery amount by 2 percent per year beginning in FY 2001, until the fee recovery amount was 90 percent for FY 2005. The FY 2006 Energy and Water Development Appropriations Act, as amended by the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act of 2006, extended this 90 percent fee recovery requirement through FY 2006. The dollar amount to be recovered for FY 2006 is approximately $624.0 million. OBRA-90, as amended, requires that the fees for FY 2006 be collected by September 30, 2006.