

**January 2009
Federal Mandate Report**

July 14th, 2008

to

January 9th, 2009



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 14th, 2008 to January 1st, 2009.

Of the bills reviewed by the CBO one (1) has become public law, while five (5) have passed at least one chamber of congress.

Likewise, the RISC identified a total of forty-nine (49) completed federal regulations affecting States, all of which may impact the Commonwealth.

We would especially like to thank Corey Spencer for all of his hard work on this report.

*Additional information can be obtained by contacting
The Virginia Liaison Office
444 North Capitol Street, NW, Suite 214, Washington D.C. 20001
(202) 783-1769*

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. The thresholds for 2008, which are adjusted annually for inflation, are \$68 million for intergovernmental mandates (state, local, or tribal governments) and \$136 million or more per year for the private sector.

| Bill Number | Bill Title | Unfunded Mandate on State | Bill Status |
|-------------|---|---|--|
| H.R.3221 | Housing and Economic Recovery Act of 2008 | <p>According to a CBO score on July 23, 2008, H.R.3221 would provide temporary authority to the Secretary of the Treasury to purchase any obligations and other securities in any amounts issued by the government-sponsored enterprises (GSEs) involved in the mortgage market, establish a single regulator—the Federal Housing Finance Agency (FHFA)—for the GSEs involved in the home mortgage market and require Fannie Mae and Freddie Mac to annually pay amounts equal to 4.2 basis points on each dollar of unpaid principal balance of each enterprise’s total new business purchases. H.R.3221 would also Authorize—from October 1, 2008, through September 30, 2011—a new mortgage guarantee program under the Federal Housing Administration (FHA) that would allow certain at-risk borrowers to refinance their mortgages after the mortgage holder (lender or servicer) agrees to a write-down of the existing loan and increase the statutory limit on the public debt by \$800 billion.</p> <p>The Congressional Budget Office and the Joint Committee on Taxation</p> | <p>7/30/2007: Introduced in House</p> <p>7/23/2008: Resolving differences -- House actions: On motion that the House agree with an amendment to the Senate amendment to the House amendments to the Senate Agreed to by the Yeas and Nays: 272 – 152</p> <p>Yeas: Scott, Moran, Boucher</p> <p>Nays: Wittman, Drake, Forbes, Goode, Goodlatte, Cantor, Wolf, Davis</p> |

| | | | |
|--|--|---|--|
| | | <p>(JCT) have estimated that enacting this legislation would increase direct spending by \$41.7 billion over the 2008-2018 period, and increase revenues by about \$16.8 billion over the 2008-2018 period. In total, those changes would increase budget deficits (or reduce future surpluses) by about \$24.9 billion over the 2008-2018 period. This cost estimate summarizes the estimated impact of the legislation on direct spending and revenues. CBO has not completed an estimate of the effects of H.R. 3221 on discretionary spending.</p> <p>The non tax provisions of the amendment contain several intergovernmental and private sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). CBO estimates that the costs of the intergovernmental mandates would fall below the annual threshold established in UMRA for intergovernmental mandates (\$68 million in 2008, adjusted annually for inflation). However, CBO estimates that the aggregate direct cost of the private sector mandates in the amendment would significantly exceed the annual threshold established in UMRA for private-sector mandates (\$136 million in 2008, adjusted annually for inflation).</p> | <p>7/26/2008: Resolving differences -- Senate actions: Senate agreed to the motion to concur in House amendment to Senate amendment to House amendments to Senate amendment to the bill by Yea-Nay Vote. 72 - 13.</p> <p>Yea: Webb</p> <p>Not Voting: Warner</p> <p>7/26/2008: Cleared for White House.</p> <p>7/29/2008: Presented to President.</p> <p>7/30/2008: Signed by President.</p> <p>7/30/2008: Became Public Law No: 110-289</p> |
|--|--|---|--|

Part II-Mandates in Pending Legislation

Title II 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. The thresholds for 2008, which are adjusted annually for inflation, are \$68 million for intergovernmental mandates (state, local, or tribal governments) and \$136 million or more per year for the private sector.

| Bill Number | Bill Title | Unfunded Mandate on State | Bill Status |
|-------------|---|---|--|
| H.R. 4081 | Prevent All Cigarette Trafficking Act of 2007 | According to a CBO score on July 25, 2008, H.R. 4081 would require individuals and businesses that make interstate sales of cigarettes or smokeless tobacco to comply with state tax laws and register with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATFE). The bill would permit ATFE to inspect the premises of anyone who distributes or sells more than 10,000 cigarettes or 500 cans or packages of smokeless tobacco in a month via telephone, the mail, or the Internet. H.R. 4081 also would increase penalties, including criminal and civil fines, for violations of the laws relating to taxation of cigarettes and smokeless tobacco. CBO estimates that implementing H.R. 4081 would cost about \$120 million over the 2009-2013 period for ATFE to enforce the bill's provisions, assuming appropriation of the necessary amounts. H.R. 4081 would impose both intergovernmental and private-sector mandates, as defined in the Unfunded Mandates Reform Act (UMRA), on certain tobacco sellers, common carriers, and individuals. The bill also would preempt certain state, local, and tribal laws regulating the delivery | <p>11/5/2007: Introduced in House</p> <p>9/9/2008: Reported (Amended) by the Committee on Judiciary. H.</p> <p>9/10/2008: Passed/agreed to in House: 379 - 1212</p> <p>Yeas: Wittman, Drake, Scott, Forbes, Goode, Goodlatte, Cantor, Moran Boucher, Wolf, Davis</p> <p>10/2/2008: Read twice. Placed on Senate Legislative Calendar under General Orders.</p> |

| | | | |
|--------------|---|---|---|
| | | of tobacco products. According to ATFE and industry sources, most of the entities affected by the requirements already perform many of the duties that would be imposed by this bill, and CBO estimates that the additional requirements would impose minimal costs. Consequently, CBO estimates that the total direct costs to comply with the requirements of the bill would fall well below the annual thresholds established in UMRA for intergovernmental and private-sector mandates (\$68 million and \$136 million respectively in 2008, adjusted annually for inflation). | Calendar No. 1115. |
| H.R. 5658 | Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 | According to a CBO score on August 7, 2008, H.R. 5658 would authorize appropriations for fiscal year 2009 for the military functions of the Department of Defense (DoD), for certain activities of the Department of Energy (DOE), and for other purposes. For DoD's costs not directly associated with the wars in Iraq and Afghanistan, for DOE, and for a variety of smaller programs, the act would authorize appropriations totaling \$531.6 billion in 2009. For military operations in Iraq and Afghanistan, the act would authorize appropriations of \$70 billion; the Congress already has appropriated \$65.9 billion of that amount. Thus, relative to appropriations already provided, the act would authorize an additional \$4.1 billion for those operations in 2009. In addition, the act would authorize an estimated \$0.7 billion in 2009 and smaller amounts each year through 2013, primarily for programs that would be administered by the Department of State and for changes relating to federal contracting authorities. H.R. 658 also would prescribe personnel strengths for each active-duty and selected-reserve component of the U.S. armed forces. | 3/31/2008: Introduced in House 5/16/2008: Reported (Amended) by the Committee on Armed Services. 5/22/2008: Passed/agreed to in House: 384 - 23 Ayes: Wittman, Drake, Scott, Forbes, Goode, Goodlatte, Cantor, Moran, Boucher, Wolf, Davis 6/3/2008: Received in the Senate. Read twice. Placed on |

| | | | |
|------------------|---|--|---|
| | | <p>Section 4 of the Unfunded Mandates Reform Act excludes from the application of that act any legislative provisions that enforce the constitutional rights of individuals. CBO has determined that section 591 would fall within that exclusion because it would modify the authority of the President to employ the armed services to protect individuals' civil rights. Therefore, CBO has not reviewed that section of the act for mandates. Other provisions of H.R. 5658 contain both intergovernmental and private-sector mandates, but CBO estimates that the annual cost of those mandates would not exceed the thresholds established in UMRA (\$68 million for intergovernmental mandates and \$136 million for private-sector mandates in 2008, adjusted annually for inflation).</p> | <p>Senate Legislative Calendar under General Orders. Calendar No. 758.</p> |
| <p>H.R. 6899</p> | <p>Comprehensive American Energy Security and Consumer Protection Act</p> | <p>According to a CBO score on September 16, 2008, CBO and the Joint Committee on Taxation (JCT) estimate that the legislation would increase revenues by \$1.4 billion over the 2009-2018 period. In total, CBO and JCT estimate that enacting the legislation would reduce future budget deficits (or increase surpluses) by about \$3.5 billion over the 2009-2013 period and by about \$6.7 billion over the 2009-2018 period (see enclosed table). CBO has not completed an estimate of the bill's estimated impact on discretionary spending. The non-tax provisions in H.R. 6899 contain intergovernmental and private sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). The bill would impose intergovernmental mandates on state utility regulators and agencies that establish building standards. It would impose private-sector mandates on holders of federal oil and gas leases in the Gulf of Mexico, electric utilities, major oil companies that own</p> | <p>9/15/2008: Introduced in House</p> <p>9/16/2008: The House Committee on Rules reported an original measure.</p> <p>9/16/2008: Passed/agreed to in House: 229 - 194</p> <p>Yeas: Scott, Moran, Boucher</p> <p>Nays: Wittman, Drake, Forbes, Goode, Goodlatte,</p> |

| | | | |
|----------------|--|---|--|
| | | <p>fueling stations, builders, and oil producers in Alaska. CBO estimates that the aggregate cost to state, local, and tribal governments of complying with mandates in H.R. 6899's non-tax provisions would fall below the annual threshold established in UMRA for intergovernmental mandates (\$68 million in 2008, adjusted annually for inflation). CBO estimates that the aggregate cost to the private sector of complying with mandates in those provisions would exceed the annual threshold established for private sector mandates (\$136 million in 2008, adjusted annually for inflation).</p> | <p>Cantor, Wolf</p> |
| <p>S. 2080</p> | <p>Sewage Overflow Community Right-to-Know Act</p> | <p>According to a CBO score on September 23, 2008, S. 2080 would require owners and operators of publicly owned sewage treatment plants to notify federal and state agencies and the public in a timely manner of any sewer overflows. Under this legislation, the Environmental Protection Agency (EPA) would be required to develop regulations establishing guidelines for the notifications. The legislation also would expand the types of activities that are eligible to receive funds from the Clean Water State Revolving Fund. Based on information from EPA, CBO estimates that implementing this legislation would cost about \$1 million in 2009 and less than \$500,000 in subsequent years, subject to the availability of appropriations. Enacting the bill would not affect direct spending or receipts. Without knowing the precise nature of the regulations that EPA would issue as a result of this bill, CBO cannot make a precise estimate of the costs of the mandates. Based on information from affected entities, however, we estimate that the costs of the</p> | <p>9/24/2008: Introduced in House</p> <p>9/24/2008: The House Committee on Rules reported an original measure.</p> <p>9/25/2008: Passed/agreed to in House: Agreed to by voice vote.</p> |

| | | | |
|-----------------|--|---|---|
| | | <p>mandates could exceed the threshold established in UMRA. The bill's new requirements would involve additional personnel costs and could necessitate new infrastructure and engineering expertise. According to EPA and the National Association of Clean Water Agencies (NACWA), over 16,000 treatment plants operate in the United States, and each of those entities could be affected by the permitting requirements in S. 2080. Infrastructure changes, if required by the regulations, could be particularly expensive. Given the large number of affected entities, even a small increase in additional costs (less than \$4,500 per entity annually) would result in costs that exceed the threshold for intergovernmental mandates (\$68 million in 2008, adjusted annually for inflation).</p> | |
| <p>H.R.6604</p> | <p>Commodity Markets Transparency and Accountability Act of 2008</p> | <p>According to a CBO score on September 29, 2008, H.R. 6604 would expand the authority of the Commodity Futures Trading Commission (CFTC) to regulate transactions and activities of various commodity markets, increase staffing at the CFTC, and require both the CFTC and the Government Accountability Office (GAO) to prepare several reports. CBO estimates that implementing the provisions of H.R. 6604 would increase spending by \$183 million over the 2009-2013 period, assuming appropriation of the necessary amounts. Enacting H.R. 6604 could increase revenues and direct spending because additional civil and criminal penalties could be imposed for violations of new regulations, but we expect that any such increases would not be significant because of the relatively small number of violations likely to occur. H.R. 6604 would impose intergovernmental and private-sector</p> | <p>7/24/2008: Introduced in House</p> <p>9/18/2008: Passed/agreed to in House: 283 – 133</p> <p>Yeas: Wittman, Scott, Forbes, Goode, Goodlatte, Moran, Boucher, Wolf</p> <p>Nays: Drake, Cantor, Davis</p> <p>10/2/2008: Referred to Senate committee: Read twice and referred to the Committee</p> |

| | | | |
|--|--|--|---|
| | | <p>mandates, as defined in UMRA, on participants in certain commodities markets. Because of limited information about the number and characteristics of the transactions in the affected markets, the limits that the CFTC would establish, and the extent to which such limits would result in lower returns for pension funds and swap dealers, CBO has no basis for estimating the cost of the mandates. Consequently, CBO cannot determine whether the cost to comply with those mandates would exceed the annual thresholds established in UMRA for intergovernmental or private-sector mandates.</p> | <p>on Agriculture, Nutrition, and Forestry.</p> |
|--|--|--|---|

Part III - Federal Regulatory Mandates

The Regulatory Information Service Center of the General Services Administration identified forty-nine (49) completed federal regulatory actions that may affect the states all of which may mandate specific requirements on the Commonwealth.

TITLE: Renewable Energy Systems and Energy Efficiency Improvements (REEEI) Program

RIN: 0570-AA64

ABSTRACT: The Rural Business-Cooperative Service proposed to amend 7 CFR 4280.126(c) to include additional language regarding the annual renewal fee rates. This amendment will provide guidance regarding annual renewal fee due dates, delinquencies and other technical information, which will be consistent with the annual renewal fee rates included in 7 CFR 4279.107(b).

TITLE: Delivery Enhancement for Guaranteed Loans

RIN: 0570-AA65

Abstract: Rural Development is proposing a unified guaranteed loan platform for enhanced delivery of four existing Rural Development guaranteed loan programs-- Community Facility; Water and Waste Disposal; Business and Industry; and Renewable Energy Systems and Energy Efficiency Improvement Projects. The proposed rulemaking would eliminate the existing loan guarantee regulations for these four programs and consolidate them under a new, single part.

TITLE: Special Need Requests Under the Plant Protection Act

RIN: 0579-AB98

ABSTRACT: This action will amend our domestic quarantine regulations to establish a process by which a State or political subdivision of a State could request approval to impose prohibitions or restrictions on the

movement in interstate commerce of specific articles that are in addition to the prohibitions and restrictions imposed by the Animal and Plant Health Inspection Service. The Plant Protection Act provides that States or political subdivisions of States may make such special need requests, but there are currently no procedures in place for their submission or consideration. This action will establish a process by which States may make a special need request.

TITLE: Exotic Newcastle Disease; Quarantine Restrictions

RIN: 0579-AC42

ABSTRACT: This rulemaking makes several changes to the exotic Newcastle disease domestic quarantine regulations, including adding an option for the movement of pet birds; adding restrictions on the interstate movement of live ratites out of quarantined areas; harmonizing our domestic and import regulations regarding the movement of dressed carcasses of dead birds and dead poultry; providing for the use of alternative procedures for treating manure and litter and for composting; and adding an additional surveillance period after the conditions for removing quarantine are met before quarantine is removed. We concluded that these changes are necessary based on our experiences during the eradication programs for the 2002-2003 outbreaks of exotic Newcastle disease in California, Arizona, Nevada, and Texas. In the event of an exotic Newcastle disease outbreak, these changes will help to ensure that exotic Newcastle disease does not spread from quarantined

areas and that exotic Newcastle disease is eradicated within quarantined areas.

TITLE: Agricultural Bioterrorism Protection Act of 2002; Biennial Review and Republication of the Select Agent and Toxin List

RIN: 0579-AC53

ABSTRACT: In accordance with the Agricultural Bioterrorism Protection Act of 2002, this rulemaking will amend and republish the list of select agents and toxins that have the potential to pose a severe threat to animal or plant health, or to animal or plant products. The Act requires the biennial review and republication of the list of select agents and toxins and the revision of the list as necessary. This action will implement the findings of the second biennial review of the list.

TITLE: Livestock Mandatory Reporting: Revise Reporting Regulation for Swine, Cattle, Lamb, and Boxed Beef (LS-07-01)

RIN: 0581-AC67

ABSTRACT: This rule is necessary to re-establish the regulatory authority for the Livestock Mandatory Reporting Program's continued operation and to implement the changes to the swine reporting provision made to the Act, as well as other changes to enhance the program's overall operation and efficiency based on AMS' experience in the administration of the program over the last 5 years.

TITLE: National Organic Program, Sunset (2008) (TM-07-12)

RIN: 0581-AC76

ABSTRACT: This rule pertains to The Agricultural Marketing Services' National Organic Program. This amendment announces the sunset of 11 exempted substance and 1 prohibited substance added to the National List. This rule also begins the public comment process on whether the

identified existing exemptions or prohibitions should be continued. Finally, this rule discusses how the NOP will manage the sunset review and renewal process.

TITLE: Management of Donated Foods in Child Nutrition Programs, the Nutrition Services Incentive Program, and Charitable Institutions

RIN: 0584-AD45

ABSTRACT: This final rule revises or clarifies requirements with respect to the distribution, management, and use of donated foods in child nutrition programs, the Nutrition Services Incentive Program, and by charitable institutions. Most significantly, it establishes specific requirements to ensure that school food authorities and other recipient agencies in child nutrition programs receive the value of all donated foods provided under contract with food service management companies to conduct the food service. It requires the food service management company to credit the recipient agency for donated foods received, through invoice reductions, refunds, or other means of crediting. The rule provides some flexibility in crediting for and use of donated foods by allowing the recipient agency to use donated food values other than the USDA purchase price and by allowing the food service management company to substitute donated foods with commercially purchased foods, with the exception of (1) donated ground beef and ground pork and (2) end products received from processors. (04-003)

TITLE: Special Nutrition Programs: Fluid Milk Substitutions

RIN: 0584-AD58

ABSTRACT: Currently, by regulation, schools must make substitutions for fluid milk for students with a disability when the request is authorized by a licensed physician and may make substitutions for students with medical or other dietary needs if requested by

recognized medical authority. These regulatory provisions were included in Public Law 108-265 which amended the Richard B. Russell National School Lunch Act. Public Law 108-265 also amended the current law to allow schools to substitute non-dairy beverages nutritionally equivalent (as established by the Secretary) to fluid milk for medical or other special dietary needs at the request of a parent/guardian. In response to Public Law 108-265, the National School Lunch Program and School Breakfast Program regulations will be revised to add these provisions. (04-016)

TITLE: Transfer of Management Authority for the Atlantic Coast Red Drum Resource From the South

RIN: 0648-AT13

ABSTRACT: The purpose of this action is to repeal the South Atlantic Fishery Management Council's (Council's) Atlantic Coast Red Drum Fishery Management Plan (Red Drum FMP) and transfer the Secretary's authority to regulate harvest and possession of red drum in and from the Atlantic Coast Exclusive Economic Zone (EEZ) from under the Magnuson-Stevens Act to under the Atlantic Coastal Fisheries Cooperative Management Act (ACA), as requested by the Council and the Atlantic States Marine Fisheries Commission. This action will maintain the prohibition on possession and harvest of red drum in the EEZ.

TITLE: Framework Adjustment 19 to the Atlantic Sea Scallop Fishery Management Plan

RIN: 0648-AV90

ABSTRACT: Framework 19 would establish management measures for the scallop fishery for the 2008 and 2009 fishing years. It will include measures to implement new management measures developed and implemented under Amendment 11 to the Scallop FMP, if approved. Management

measures in Framework 19 would include scallop days-at-sea and trip allocations, new area closures and/or access areas, and allocations for scallop fishing in the groundfish closed areas. It would also include improvements to some current management measures to make management of the scallop fishery more efficient and effective.

TITLE: Toll-Free Number for Reporting Adverse Events on Labeling for Human Drugs

RIN: 0910-AC35

ABSTRACT: To require certain labeling of human drugs approved under section 505 of the Federal Food, Drug, and Cosmetic Act to include a toll-free number for reports of adverse events, and a statement that the number is to be used for reporting purposes only and not to receive medical advice.

TITLE: Revisions to Conditions for Coverage for Ambulatory Surgical Centers (CMS-3887-F)

RIN: 0938-AL80

ABSTRACT: This rule revises the ambulatory surgical center conditions for coverage to reflect current innovations in healthcare delivery, quality assessment, and performance improvement. The focus is to improve outcomes of health care and satisfaction for Medicare beneficiaries, while streamlining structural and procedural requirements when possible.

TITLE: Changes to the Hospital Outpatient Prospective Payment System and Ambulatory Surgical Center Payment System for CY 2009 (CMS-1404-F)

RIN: 0938-AP17

Abstract: This rule revises the Medicare hospital outpatient prospective payment system to implement applicable statutory requirements and changes arising from continuing experience with this system and to

implement certain related provisions of the Medicare Prescription Drug, Improvement, and Modernization Act (MMA) of 2003. In addition, the rule describes proposed changes to the amounts and factors used to determine the payment rates for Medicare hospital outpatient services paid under the prospective payment system. The rule also changes to the Ambulatory Surgical Center Payment System list of services and rates. These changes would be applicable to services furnished on or after January 1 annually.

TITLE: Group Health Plans and Health Insurance Issues Under the Newborns and Mothers Health Protection Act (CMS-4116-F)

RIN: 0938-AO43

ABSTRACT: This final rule sets forth the post-childbirth hospitalization length-of-stay requirements for group health plans and health insurance issuers that cover such length of stays.

TITLE: High Risk Pools (CMS-2260-F)

RIN: 0938-AO46

ABSTRACT: Section 6202 of the Deficit Reduction Act of 2005 extends the funding and authorizes and appropriates for FY 2006 \$75 million for grants to help fund existing qualified State high-risk pools and \$15 million for grants to assist States to create and initially fund qualified high-risk pools. The bill also authorizes appropriations of \$75 million for each year FY 2007 through 2010. The section 6202 provision establishes: (1) Seed grants to States for the creation and initial operation of a qualified high-risk pool for those States that do not have one; (2) grants to States to reimburse them for a percentage of losses incurred based on a methodology that allocates funding by 40 percent among all States, 30 percent to States based on their number of uninsured residents, and 30 percent based on the number of people in State risk pools operating as an existing

qualified high-risk pool during specified years; and (3) bonus grants for supplemental consumer benefits.

TITLE: Self-Directed Personal Assistance Services State Plan Option (CMS-2229-F)

RIN: 0938-AO52

ABSTRACT: The regulation is in support of the Deficit Reduction Act. This final rule provides guidance to States that want to administer self-directed personal assistance services as a State plan option.

TITLE: Inpatient Psychiatric Facility Prospective Payment System Update for Rate Year Beginning July 1, 2008 (RY 2009) (CMS-1401-N)

RIN: 0938-AO92

ABSTRACT: This notice updates the Inpatient Psychiatric Facility Prospective Payment System for rate year (RY) 2009.

TITLE: Eligible Entity and Contracting Requirements Under the Medicaid Integrity Audit Program (CMS-2271-F)

RIN: 0938-AO97

ABSTRACT: This non-major rule provides the requirements of an eligible entity to enter into a contract under the Medicaid Integrity Audit Program. The rule also establishes the contracting requirements of the eligible entity. This regulation is a mandate under section 6034 of the Deficit Reduction Act.

TITLE: State Children's Health Insurance Program (SCHIP): Final Allotments for FYs 2008 and 2009; Redistribution of Unused Allotments; and Continued Authority for Expenditures (CMS-2265-N)

RIN: 0938-AP07

ABSTRACT: This notice describes the implementation of certain funding provisions under title XXI of the Social Security Act (SCHIP) as amended by the Medicare, Medicaid, and SCHIP Extension Act of 2007 (MMSEA), (Pub. L. 110-173), and other

related SCHIP legislation. These funding provisions include: The retrospective adjustment of the additional allotments to eliminate fiscal year (FY) 2007 SCHIP funding shortfalls; the final FYs 2008 and 2009 SCHIP allotments; the redistribution of the amounts of States' unused FY 2005 allotments to eliminate FY 2008 SCHIP funding shortfalls; the provision of additional allotments to eliminate FY 2008 SCHIP funding shortfalls; and the provision for "qualifying States" to elect to use a portion of their available SCHIP allotments as increased Federal matching funds for certain expenditures in their Medicaid programs under title XIX of the Act.

TITLE: Amendments to the Ticket To Work and Self-Sufficiency Program (967F)

RIN: 0960-AF89

ABSTRACT: These final rules revised our current rules that implemented the Ticket to Work and Self-Sufficiency Program under section 1148 of the Social Security Act. These rules expanded beneficiary eligibility to receive tickets under this program, clarified the rules for assignment of a beneficiary's ticket to a State vocational rehabilitation (VR) agency, revised the rules for payment when a beneficiary receives services from both a State VR agency and an employment network (EN), and revised the rules for milestone and outcome payments, in order to increase the incentives for providers of employment services, vocational rehabilitation services, and other support services to participate in this program.

TITLE: Cost Allocation Methodology Applicable to the Temporary Assistance for Needy Families Program

RIN: 0970-AC15

ABSTRACT: This final rule applies to the Temporary Assistance for Needy Families (TANF) program and requires States, the District of Columbia and the Territories

(hereinafter referred to as the States) to use the benefiting program cost allocation methodology in U.S. Office of Management and Budget (OMB) Circular A-87 (2 CFR part 225). It is the judgment and determination of HHS/ACF that the benefiting program cost allocation methodology is the appropriate methodology for the proper use of Federal TANF funds. The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 gave federally-recognized tribes the opportunity to operate their own Tribal TANF programs. Federally-recognized Indian tribes operating approved Tribal TANF programs have always followed the benefiting program cost allocation methodology in accordance with OMB Circular A-87 (2 CFR part 225) and the applicable regulatory provisions at 45 CFR 286.45(c) and (d). This final rule contains no substantive changes to the proposed rule published on September 27, 2006.

TITLE: Medical Support

RIN: 0970-AC22

ABSTRACT: These rules require that all support orders in the IV-D program address medical support, redefine reasonable-cost health insurance, require health insurance to be accessible, and make conforming changes to audit and self-assessment requirements.

TITLE: Federal Falconry Standards and Falconry Permitting

RIN: 1018-AG11

ABSTRACT: We proposed changes in the regulations governing the practice of falconry in the United States. We proposed substantial reorganization of the current regulations, combining 50 CFR 21.28 and 21.29 and reorganizing the topics in those sections. We will add or change some provisions in the current regulations. The changes will make it easier to understand the requirements for

falconry and the procedures for obtaining a falconry permit.

TITLE: Migratory Bird Hunting and Permits; Regulations for Managing Harvest of Light Goose Populations

RIN: 1018-AI07

ABSTRACT: This rule authorizes new methods of take for light goose hunting under 50 Code of Federal Regulations (CFR) part 20 and revises subpart E of 50 CFR part 21 for the management of overabundant light goose populations. It also modifies the conservation order that will increase take of such populations under the authority of this subpart.

TITLE: Authorization of Take of Eagles Under the Bald and Golden Eagle Protection Act

RIN: 1018-AV11

ABSTRACT: This rule provides take authorization under the Eagle Act to Ecological Society of America (ESA) section 10 permittees who continue to operate in full compliance with the terms and conditions of their existing permits. It also established a new permit process to issue Eagle Act permits for take in compliance with previously-granted ESA section 7 incidental take statements. We originally proposed regulations for these purposes on June 5, 2007 (72 FR 31141). We bifurcated the rulemaking and are finalizing other part as 1018-AV81.

TITLE: 2008 to 2009 Refuge-Specific Hunting and Sport Fishing Regulations (Additions)

RIN: 1018-AV20

ABSTRACT: We propose to open additional national wildlife refuges to hunting and/or sport fishing and to provide refuge-specific regulations for those activities and to amend certain regulations on existing refuges in 50 Code of Federal Regulations (CFR) part 32.

This is an annual update for the National Wildlife Refuge System that ensures adequate public notice of openings/changes. We operate hunting/fishing programs on refuges in furtherance of the implementation of the National Wildlife Refuge System Improvement Act of 1997 directives to facilitate compatible priority wildlife-dependent recreational opportunities.

TITLE: Migratory Bird Hunting; 2008 to 2009 Migratory Game Bird Hunting Regulations

RIN: 1018-AV62

ABSTRACT: We promulgate annual hunting regulations for certain migratory game birds for the 2008-2009 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 2008-2009 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: Administrative Requirements for Federal Assistance

RIN: 1018-AV99

ABSTRACT: We propose to revise our regulations to clarify State certification of hunting and fishing licenses; increase the minimum percentage of funds available under the Dingell-Johnson Sport Fish Restoration Act (Dingell) that States must spend on recreational boating access; reflect changes in the Pittman-Robertson Wildlife Restoration Act, Dingell, and OMB Circular A-102;

eliminate provisions that are adequately addressed in regulations elsewhere, and provide FWS Director case-by-case exception authority for these regulations.

TITLE: Migratory Bird Hunting; Hunting Methods for Resident Canada Geese

RIN: 1018-AW19

ABSTRACT: We propose to amend the regulations on resident Canada goose management. This proposed rule clarifies the requirements for use of expanded hunting methods during special September hunting seasons. One requirement in the regulations has been misinterpreted, and we are taking this action to make sure that our regulations are clear for the States and the public.

TITLE: National Guidelines for Sex Offender Registration and Notification

RIN: 1105-AB28

ABSTRACT: These guidelines carry out a statutory directive to the Attorney General (appearing in 42 U.S.C. 1 6912(b)) to issue guidelines to interpret and implement the Sex Offender Registration and Notification Act (SORNA), which is title I of the Adam Walsh Child Protection and Safety Act of 2006 (Pub. L. 109-248). The guidelines provide guidance and assistance to the States and other covered jurisdictions in incorporating the SORNA requirements into their sex offender registration and notification programs. Jurisdictions that fail to substantially implement the SORNA requirements in their programs within a specified time frame are subject to a 10 percent reduction of Federal justice assistance (Byrne Grant) funding. Matters addressed in the guidelines include general principles for SORNA implementation; the jurisdictions responsible for implementing the SORNA standards in their programs; the sex offenders required to register under SORNA and the registration and notification requirements they are subject to based on the nature of their

offenses and the extent of their recidivism; the information to be taken from registrants and the disclosure and sharing of such information; the jurisdictions in which sex offenders are required to register; the procedures for initially registering sex offenders and for keeping the registration current and the registration information up to date; the duration of registration; and the means of enforcing registration requirements.

TITLE: Apprenticeship Programs, Labor Standards for Registration, Amendment of Regulations

RIN: 1205-AB50

ABSTRACT: Regulations that implement the National Apprenticeship Act at title 29 Code of Federal Regulations (CFR) part 29 have not been revised since it was first promulgated in 1977. The Department of Labor (DOL) updated 29 CFR part 29 to ensure that the National Registered Apprenticeship System has the necessary tools and flexibility to keep pace with changes in the economy, technological advances, and corresponding workforce challenges. The final rule addresses those changes by both making the procedures for apprenticeship program registration more flexible and strengthening oversight of program performance, including DOL's recognition of a State Apprenticeship Agency (SAA) as the appropriate agency for registering local apprenticeship programs for Federal purposes, and DOL's de-recognition of a SAA. The final rule also updates part 29 to incorporate gender-neutral terms and technological advances in the delivery of related technical instruction. Such revisions will enable DOL to promote apprenticeship opportunity in the 21st century while continuing to safeguard the welfare of apprentices.

TITLE: Federal-State Unemployment Compensation Program; Interstate

Arrangement for Combining Employment and Wages

RIN: 1205-AB51

ABSTRACT: Section 3304(a)(9)(B) of the Federal Unemployment Tax Act requires States to participate in any arrangement specified by the Secretary of Labor for payment of unemployment compensation on the basis of combining an individual's employment and wages in two or more States. Prior regulations implementing this arrangement allow individuals who have worked in more than one State to establish a combined-wage claim (CWC) in the State in which they are physically located, regardless of whether or not they have covered wages in that State. The Employment and Training Administration amended the regulations to provide that individuals can establish CWC claims only in a State in which they have worked.

TITLE: Financial Responsibility for Water Pollution (Vessels) and Limits of Liability

RIN: 1625-AA98

ABSTRACT: This regulation would amend the "Financial Responsibility for Water Pollution (Vessels)" regulations to reflect the amended limits of liability resulting from enactment of the Coast Guard and Maritime Transportation Act of 2006. This regulation would support the Coast Guard's strategic goal of protection of natural resources. Market or Regulatory Failure Analysis: The Oil Pollution Act of 1990, at 33 U.S.C. 2716(a), requires regulations to implement the requirement for certain vessels to establish and maintain evidence of financial responsibility sufficient to meet or exceed the limits of liability found in 33 U.S.C. 2704(a) (as adjusted from time to time pursuant to 33 U.S.C. 2704(d)(4)). This rulemaking adjusts the financial responsibility applicable amounts to coincide with amended limits of liability resulting from enactment of the Delaware River Protection Act of 2006,

increases certificate of financial responsibility (COFR) fees to vessel responsible parties, and removes an antiquated documentation carriage requirement. Without this regulation, we do not expect responsible parties to internalize the costs associated with the amended statutory limits of liability.

TITLE: Transportation Worker Identification Credential (TWIC) Implementation in the Maritime Sector; Hazardous Materials Endorsement for a Commercial Driver's License

RIN: 1652-AA41

ABSTRACT: The Department of Homeland Security (DHS), through the Transportation Security Administration (TSA) and the United States Coast Guard (Coast Guard), issued a final rule on January 25, 2007, implementing provisions of the Maritime Transportation Security Act of 2002. The rule requires credentialed merchant mariners and workers with unescorted access to secure areas of vessels and facilities to undergo a security threat assessment and receive a biometric credential, known as a Transportation Worker Identification Credential (TWIC). After enrollment in a Captain of the Port Zone is complete, persons without TWICs will not be granted unescorted access to secure areas at affected maritime facilities or on vessels. The final rule enhances the security of ports by requiring security threat assessments of persons with unescorted access to secure areas. In the final rule, TSA applies its security threat assessment standards that apply to commercial drivers authorized to transport hazardous materials to merchant mariners and workers who require unescorted access to secure areas on vessels and at maritime facilities. To minimize redundant background checks of workers, TSA amended the threat assessment standards to include a process by which TSA determines if a background check conducted by another

governmental agency is comparable to the standards in this rule. TSA expanded existing appeal and waiver provisions to apply to TWIC applicants and air cargo employees who undergo a security threat assessment. These modifications include a process for the review of adverse waiver decisions and certain disqualification cases by an administrative law judge. TSA also extends the time period in which applicants may apply for an appeal or waiver. The rule establishes the user fee and card replacement fee for the TWIC. The standard TWIC fee total is \$132.50, and is valid for five years. Workers with current, comparable background checks will pay a reduced fee of \$105.25. The cost of a replacement TWIC, if the original is lost, stolen, or damaged is \$60.

TITLE: Energy Planning and Management Program; Integrated Resource Planning

RIN: 1901-AB24

ABSTRACT: The Western Area Power Administration (Western) is amending regulations that require customers to prepare integrated resource plans (IRP). These changes will facilitate public review of customer IRPs by making them more readily available, such as by posting customer IRPs on Western's external Web site. Western is also proposing language to encourage participation in regional IRPs by customers who may not be members of a member-based association (MBA). Finally, Western proposes to modify the requirement that each member of an MBA and the governing body of an MBA approve the IRP.

TITLE: Energy Efficiency Standards for Packaged Terminal Air Conditioners and Packaged Terminal Heat Pumps

RIN: 1904-AB44

ABSTRACT: The Energy Policy and Conservation Act (EPCA) provides that if the energy efficiency levels in ASHRAE/IESNA

Standard 90.1 for certain commercial and industrial equipment are amended after specified dates, the Department of Energy (DOE) must establish an amended uniform national standard for such equipment at the new minimum level in Standard 90.1, unless the Secretary determines that a more stringent standard is technologically feasible and economically justified and would result in significant additional energy conservation. This rulemaking was initiated to consider whether DOE should adopt amended ASHRAE/IESNA efficiency levels for certain commercial air conditioners and heat pumps. On March 7, 2007, DOE published a final rule addressing standards for five categories of products, but decided to consider if evidence supported higher standards for packaged terminal air conditioners and heat pumps (PTAC/PTHP). As required by EPCA, DOE undertook this further rulemaking to determine standards for packaged terminal air conditioners and heat pumps.

TITLE: Water Transfers Rule

RIN: 2040-AE86

ABSTRACT: This rulemaking addressed the question of whether the National Pollutant Discharge Elimination System (NPDES) permitting program under section 402 of the Clean Water Act (CWA) is applicable to water control facilities that merely convey or connect navigable waters. For purposes of this action, the term "water transfer" refers to any activity that conveys or connects navigable waters (as that term is defined in the CWA) without subjecting the water to intervening industrial, municipal, or commercial use. This rulemaking focused exclusively on water transfers and is not relevant to whether any other activity is subject to the CWA permitting requirement.

TITLE: NPDES Voluntary Permit Fee Incentive for Clean Water Act Section 106 Grants; Allotment Formula

RIN: 2040-AE99

ABSTRACT: The final rulemaking provides a financial incentive to States that implement new or expanded fee programs when issuing National Pollutant Discharge Elimination System (NPDES) permits under the Clean Water Act (CWA). EPA's rule allots up to three percent of the FY 2008 base funds allocated to States from CWA section 106 grants appropriated by Congress to States that have adequate NPDES permit fee programs. The final rule takes effect on the date of publication in the Federal Register. The rule will be implemented in FY 2009. The increased cost of administering NPDES programs has prompted some States to implement permit fee programs to cover the shortfalls. Many States, however, still operate their permit programs with little or no reliance on permit fees. The NPDES Voluntary Permit Fee Incentive for Clean Water Act section 106 Grants; Allotment Formula will create financial incentives to prompt more States to implement adequate NPDES fee programs and shift part of the financial burden to those who benefit from NPDES permits. It will also allow States to shift CWA Section 106 funds to target other critical water quality program activities.

TITLE: Hazardous Waste Management System: Identification and Listing of Hazardous Waste (F019 Listing Amendment in Wastewater Treatment Sludges From Zinc Phosphating Processes in Automotive Assembly Plants)

RIN: 2050-AG15

ABSTRACT: Automobile and light truck manufacturers are substituting aluminum or aluminized components in place of steel in vehicles to reduce the weight and to increase fuel economy. When aluminum components are added to the automobile assembly

process, the current federal regulations require that the wastewater treatment sludges generated from this conversion coating process be managed as a hazardous waste under the Resource Conservation and Recovery Act. We have determined that this particular industry's wastewater treatment sludge is unlikely to present significant human health or environmental risk when managed in the expected quantities. Therefore, this action would reduce the regulatory burden on these industries by excluding them from current RCRA regulations that apply to the wastewater treatment sludges from the chemical conversion coating (zinc phosphating) of aluminum.

TITLE: NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors (Solicitation of Comment on Legal Analysis and Response to Petitions for Reconsideration)

RIN: 2050-AG29

ABSTRACT: EPA promulgated national emission standards for hazardous air pollutants for hazardous waste combustors on October 12, 2005. EPA subsequently granted reconsideration petitions relating to certain issues presented by the rule. Following the close of the comment period on the proposed reconsideration rule (see SAN 5047.1/RIN 2050-AG35), the United States Court of Appeals for the District of Columbia Circuit has issued several opinions construing section 112(d) of the Clean Air Act, and one of those opinions has been called into question the legality of some of the standards for hazardous waste combustors. This notice discusses the standards that EPA promulgated in October 2005, and specifically identifies which standards EPA believes are consistent with the Clean Air Act and case law, and which standards are not and need to be reexamined through a subsequent rulemaking.

With respect to those standards, this notice indicates the portions of the rationale upon which EPA intends to rely, and which portions EPA would no longer rely upon as a justification for the October 2005 standards. In addition, following promulgation of the October 12, 2005 final rule, the EPA Administrator received four petitions for reconsideration pursuant to section 307(d)(7)(B) of the Clean Air Act. Under this section of the Clean Air Act, the Administrator must initiate reconsideration proceedings if the petitioner can show that it was impracticable to raise an objection to a rule within the public comment period or that the grounds for the objection arose after the public comment period. On March 23, 2006 and September 6, 2006, EPA granted reconsideration with respect to eight issues raised by the petitions. The Agency will announce its final action regarding the issues raised in the petitions for reconsideration in this rule.

TITLE: Definition of Solid Wastes Revisions

RIN: 2050-AG31

ABSTRACT: On October 28, 2003 (68 FR 61558), EPA proposed revisions to the definition of solid waste for hazardous secondary materials being reclaimed in a continuous process in the generating industry in an effort to increase the recycling of such materials. The Agency also took comment on a broader proposal to exclude hazardous secondary materials from being a solid waste under RCRA subtitle C. This proposal was in part prompted by various court decisions about the extent of RCRA jurisdiction over hazardous secondary materials being recycled. In the same notice, the Agency also proposed criteria for determining whether or not hazardous secondary materials are recycled legitimately; the legitimacy criteria would apply to both those hazardous secondary materials that were excluded, as

well as those that would remain subject to regulation under subtitle C of RCRA. EPA received numerous comments on the proposal. In addition, EPA has conducted studies of recycling practices and the circumstances under which recycling of hazardous secondary materials are reclaimed in an environmentally sound manner, as well as when such reclamation has caused environmental problems. Based on the comments received and the new information being made available for public comment, the Agency issued a supplemental proposal on March 26, 2007 (72 FR 14172), to exclude from being a solid waste certain hazardous secondary materials that are reclaimed. We also took comment on revisions being considered to the legitimacy criteria, as well as on a variance process regarding hazardous secondary materials that are recycled.

TITLE: Response to Petition of Reconsideration for Findings of Significant Contribution and Rulemaking for Georgia for Purposes of Reducing Ozone Interstate Transport

RIN: 2060-AN12

ABSTRACT: In this action, EPA is responding to a petition for reconsideration of a final rule we issued under Section 110 of the Clean Air Act (CAA) related to the interstate transport of nitrogen oxides (NO_x). On April 21, 2004, EPA issued a final rule that required the State of Georgia to submit SIP revisions that prohibit specified amounts of NO_x emissions—one of the precursors to ozone (smog) pollution—for the purposes of reducing NO_x and ozone transport across state boundaries in the eastern half of the United States. Subsequently, the Georgia Coalition for Sound Environmental Policy (GCSEP) filed a petition for reconsideration requesting that EPA reconsider the inclusion of the state of Georgia in the rule and also requested a stay of the applicability of the requirements as to the state of Georgia. In

response to that petition, EPA proposed to stay the effectiveness of the 2004 rule on March 1, 2005 (70 FR 9897), and is undertaking the rulemaking described here to address the issues raised by the petitioners.

TITLE: Implementation of the New Source Review (NSR) Program for PM2.5

RIN: 2060-AN86

ABSTRACT: This rulemaking action is the final rule which lays out the provisions and requirements for implementation of the NSR program for particulate matter less than 2.5 microns in diameter (PM2.5). This rule would apply to new and modified major stationary sources of PM2.5. In 1997, EPA promulgated National Ambient Air Quality Standards (NAAQS) for fine particulate matter (PM2.5). EPA designations of 39 nonattainment areas for the PM2.5 standards became effective on April 5, 2005. The Clean Air Fine Particle Implementation Rule, which was proposed in the Federal Register on November 1, 2005, included requirements and guidance for State and local air pollution agencies to follow in developing State implementation plans (SIPs) designed to bring areas into attainment with the 1997 standards. The proposed rule also included the New Source Review (NSR) provisions for implementing the PM2.5 program. In this final action, we have split the NSR provisions of the proposed rule as a separate package. This rule will address the applicability of NSR to precursors, Major Source Threshold and Significant Emissions Rate for PM2.5, preconstruction monitoring requirements, offset provisions and inter pollutant trading of offsets and finally the transition provisions.

TITLE: Nanoscale Materials Under TSCA

RIN: 2070-AJ30

ABSTRACT: Nanoscale materials are chemical substances containing structures on the scale of approximately 1 to 100 nanometers, and may have different

molecular organizations and properties than the same chemical substances on a larger scale. Because such materials may have novel properties and present novel issues, evaluating and managing health and environmental risks of nanoscale materials poses a new challenge. Under the Toxic Substances Control Act, EPA has the authority to require the development of data necessary for the assessment of chemical substances and mixtures from persons that manufacture or process them when statutory findings concerning (1) production volume and exposure/entry into the environment or (2) potential hazard can be made, and to prevent and eliminate unreasonable risk of injury to human health and environment from chemical substances and mixtures. The Office of Pollution Prevention and Toxics (OPPT) is establishing a voluntary program to assemble existing data and information from manufacturers and processors of certain nanoscale materials. With this assembled material, EPA will take appropriate steps to protect human health and the environment from unreasonable risk from these substances. In October 2006 EPA announced a collaborative process to design a nanoscale material stewardship program inviting 500 organizations and agencies to participate. On July 12, 2007, the Agency published a document that describes specific elements regarding a voluntary stewardship program for nanoscale materials, a proposed information collection request, and a paper that describes determining the TSCA inventory status of nanoscale materials. In addition, EPA conducted a public meeting on August 2 to receive oral comments on the stewardship program and the published documents. A notice announcing the stewardship program was published in January, 2008. EPA intends to publish an interim evaluation in March 2009 and a final evaluation of the program including next steps in April 2010.

TITLE: Projects of National and Regional Significance

RIN: 2125-AF08

ABSTRACT: This rulemaking would, pursuant to Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), establish the manner in which the Secretary will evaluate and rate the transportation infrastructure projects based on the results of preliminary engineering, project justification, and the degree of non-Federal financial commitment.

TITLE: Upgrade of School Bus Passenger Protection

RIN: 2127-AK09

ABSTRACT: This rulemaking would address issues to improve passenger protection on school buses. The Transportation Equity Act for the 21st Century (TEA-21) directed a study be conducted to assess occupant safety on school buses. The National Highway Traffic Safety Administration described their findings in an April 2002 Report to Congress. As a result of this study, NHTSA stated that it was considering changes to the existing Federal motor vehicle safety standards, including increasing the seat back height to reduce the potential for passenger override in the event of a crash; requiring small school buses to have lap/shoulder belt restraints; assuring proper lap/shoulder belt fit for all school bus passenger sizes; and developing standardized test procedures for voluntarily installed lap/shoulder belts.

TITLE: Grants to States for Construction and Acquisition of State Home Facilities

RIN: 2900-AJ43

ABSTRACT: This rule amends the Department of Veterans Affairs regulations concerning State homes. VA provides funds to States for projects for the construction, acquisition, or renovation of State veterans nursing homes and State veterans domiciliaries. This rulemaking requests

comments regarding what regulations should be established with respect to the priorities for awarding State home grants for construction, acquisition, or renovation.

TITLE: Revision of Fee Schedules; Fee Recovery for FY 2008

RIN: 3150-AI28

ABSTRACT: The final rule amends the Commission's licensing, inspection, and annual fees charged to Nuclear Regulatory Commission (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 2008, less the amounts appropriated from the Nuclear Waste Fund, and for Waste Incidental to Reprocessing and generic homeland security activities as required by the Omnibus Budget Reconciliation Act (OBRA) of 1990, as amended. Based on the Consolidated Appropriations Act, 2008 (Pub. L. 110-161), the NRC's required fee recovery amount for the FY 2008 budget is approximately \$779.1 million. After accounting for carryover and billing adjustments, the total amount to be billed as fees is \$760.7 million. The OBRA-90, as amended, requires that the fees for FY 2008 be collected by September 30, 2008.