July 2013

Federal Mandate Report

January 1, 2013

To

June 30, 2013

Commonwealth of Virginia

Office of the Governor

Each year, on a semiannual basis, **The Federal Mandate Report** is prepared pursuant to the requirements of § 2.2-302(9) of the *Code of Virginia*. 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 Congressional Budget Office's (CBO) interpretations of the Federal Unfunded Mandate Reform Act (UMRA) are used to determine what legislation contains intergovernmental mandates. Descriptions of the mandates provided in this analysis are based upon or excerpted from these CBO documents and Congressional Research Service (CRS) reports.

The semiannual report also provides reviews of federal regulatory action completed that may impact the Commonwealth (Part III). Recommendations from the Regulatory Information Service Center (RISC) of the General Services Administration (GSA) are used 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 requirements imposed upon the Commonwealth for the period of January 1, 2013 to June 30, 2013. Of the bills reviewed by the CBO, no bills have become public law, while eleven have passed at least one chamber of Congress.

Additional information can be obtained by contacting:
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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 2013, which are adjusted annually for inflation, are $75 million for intergovernmental mandates (state, local, or tribal governments) and $150 million or more per year for the private sector.

NOTE: Of the bills reviewed by the Congressional Budget Office and identified to have met UMRA thresholds, no bills have become law during the period January 1, 2013 – June 30, 2013.

Bill Number	Bill Title	Unfunded Mandate on the State	Bill Status

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. The thresholds for 2013, which are adjusted annually for inflation, are $75 million for intergovernmental mandates (state, local, or tribal governments) and $150 million or more per year for the private sector.

Bill Number	Bill Title	Unfunded Mandate on the State	Bill Status
S. 744	Border Security, Economic Opportunity, and Immigration Modernization Act	S. 744 would impose several intergovernmental and private-sector mandates as defined in UMRA. Most of those mandates would fall on employers and other entities that hire, recruit, or refer individuals for employment. CBO estimates that the aggregate annual costs of the mandates imposed on public entities would fall below the intergovernmental threshold (which is $75 million in 2013, adjusted annually for inflation). However, CBO estimates that the aggregate annual costs of the mandates imposed on private entities would total at least $700 million once the mandates were fully in effect, probably by 2016; the costs thus would exceed the private-sector threshold (which is $150 million in 2013, adjusted annually for inflation). The act would impose a mandate on intergovernmental and private-sector entities by requiring employers who apply for employment-based visas to pay a $10 surcharge per application. The substantial increase in population that would occur if S. 744 is enacted would have many other effects (both negative and positive) on the budgets of state, local, and tribal governments, but CBO does not estimate the overall effects of legislation on the budgets of those governments. **Mandates Affecting Both Intergovernmental and Private-Sector Entities** S. 744 would impose mandates that affect both the intergovernmental	4/16/2013 Introduced in Senate 6/27/2013 Passed in the Senate 68-32 Yeas: Warner, Kaine

		and private sectors by increasing fees on employers of workers with H-1B visas, requiring employers to verify workers' eligibility, imposing administrative and training requirements, and increasing certain filing fees in courts. **Fees for Employers of Workers with H-1B Visas.** The bill would require employers with 25 or more employees to pay an additional $2,500 fee for each worker hired under the H-1B visa program. Employers with fewer than 25 employees would be required to pay an additional fee of $1,250 per worker. (Most private companies that employ H-1B visa workers employ more than 25 employees.) The requirement to pay an additional fee constitutes a mandate as UMRA defines that term. Given the increased availability of H-1B visas under S. 744 and the likelihood that they all would be used, CBO estimates that the direct cost of complying with the mandate for private-sector employers would be at least $200 million per year. Based on information about the limited number of public employers who sponsor H-1B visas, CBO estimates that the compliance costs for governmental entities would be small. **Verifying Work Eligibility.** The bill would impose intergovernmental and private-sector mandates on many employers by requiring them to verify the work eligibility of employees. *Verification Requirements for Critical Employers.* The bill would authorize DHS to determine which employers were part of the critical infrastructure of the United States, and it would require that, one year after the regulations were published, those employers participate in a new electronic verification system to confirm the work authorization of employees. It is possible that employers in this category would need to verify the work eligibility of their entire work force, not just new employees. According to DHS and the National Infrastructure Advisory Council, however, most private employers considered part of the critical infrastructure of the United States already participate in the current employment verification system and conduct background checks on	

		their employees to confirm the documentation. Therefore, CBO estimates that the incremental cost to comply with the mandate on private employers in the first year would be about $30 million. In addition, those private-sector employers would incur ongoing costs of about $10 million annually to verify the work eligibility of new employees. CBO anticipates that the DHS rules would affect all public employees in areas such as law enforcement, transportation, public utilities, and health and financial services. In that case, about 25 percent of state, local, and tribal employees would need to have their work eligibility verified. Currently, about 20 states require some public entities to verify work eligibility already. Consequently, CBO estimates that the costs in the first year of verifying the eligibility of employees not already covered by state requirements would be no more than $25 million. (CBO estimates that the average costs for verifying work eligibility would be at most $5 per person and that about 5 million public employees would need to have their eligibility verified initially.) In addition, those employers would incur ongoing costs of about $3 million annually to verify the work eligibility of new employees. *Verification Requirements for Noncritical Employers.* The bill also would require public and private employers who were not designated as part of the critical infrastructure to use the new electronic verification system to verify the employment eligibility of newly hired employees and employees whose temporary employment authorization was expiring. The requirement would begin within two years after the date the DHS rules were issued and would be phased in at a rate that is based on the size of the employer. In addition, employers would have to maintain a record of the verification for such employees for a specific amount of time in a form that would be available for government inspection. Based on data from the Bureau of Labor Statistics, CBO expects that the number of newly hired employees and repeat verifications for private entities would rise from about 12 million verifications in the second year to 50 million verifications in the fifth year.	

		Accordingly, CBO expects that the direct costs to comply with those mandates would grow from about $50 million in the second year to about $210 million in the fifth year and thus would exceed the annual threshold for private-sector entities in at least one of the first five years the mandates were in effect. CBO estimates that once all of the 59 requirements were phased in, the annual cost to public entities that were not classified as part of the critical infrastructure would be about $8.5 million. **Administrative and Training Requirements for Employers.** S. 744 would require employers and other entities that recruit or refer individuals to register with the employment verification system and comply with certain procedures. Some people working for those employers and entities would be required to undergo training as prescribed by DHS. Based on information from DHS explaining that the training would be available on the internet, CBO expects that the cost of such training would be minimal and, therefore, that the cost to comply with those mandates would be small. District Court Filing Fees. The bill would impose a mandate on public and private entities that file a civil action, suit, or proceeding in a United States district court by increasing the fee for filing such cases from $350 to $360. According to the U.S. Courts, about 200,000 civil cases to which the fee would apply are filed each year. On the basis of that information, CBO estimates that the additional amount paid as a result of the fee increase would amount to about $2 million annually for public and private-sector entities combined. **Mandates Affecting Only State, Local, or Tribal Entities** The bill would preempt state and local laws related to work verification and would prohibit state and local governments from denying professional, commercial, or business licenses based on the immigration status of authorized residents. Although those preemptions would limit the application of state and local laws, they would impose no duty on state or local governments that would result in significant spending or loss of revenues.	

		Mandates Affecting Only Private-Sector Entities S. 744 would impose several mandates that would affect only entities in the private sector, most of whom are employers or sponsors of temporary workers. **Requirements for Employers of L-1 Visa Workers.** S. 744 would require employers that hire workers who are transferring within a company or possess specialized knowledge (L-1 visa workers) to pay an additional fee of $1,250 or $2,500 for each such worker, depending on the size of the company. The bill also would require employers hiring L-1 visa workers for new facilities to make certifications about their operations and financial circumstances. CBO estimates that the fees would apply to about 75,000 workers each year and that the direct cost of complying with those mandates would be at least $170 million per year. **Requirements for Employers Dependent on Workers with H-1B and L-1 Visas.** Certain employers with 50 or more employees in the United States would be required to pay additional fees, beyond those noted above, for each H-1B or L-1 visa application. If between 30 percent and 50 percent of the applicant's employees were H-1B or L-1 workers, the fee would be $5,000 for each L-1 application beginning in fiscal year 2014 and for each H-1B application beginning in fiscal year 2015. If between 50 percent and 75 percent of the applicant's employees were H-1B or L-1 workers, the fee per application would be $10,000 and would apply in fiscal years 2014 through 2017 for L-1 applications and fiscal years 2015 through 2017 for H-1B applications. CBO estimates that the direct cost of complying with those mandates would be at least $50 million per year. **Requirements for Employers of Workers with H-2B Visas.** The bill also would require the Department of Labor to impose a fee of $500 on employers who submit an application for employment certification for an H-2B visa worker (seasonal nonagricultural worker). Such an	

		employer also would have to certify and attest that the employee would not displace another worker in the same geographic area who was authorized to work. The employer also would be required to pay certain transportation costs for the H-2B employee. CBO estimates that the direct cost of complying with the mandate to pay the fee would be at least $2 million annually. Because of limited information on where employees would be coming from and where they would travel to after their employment ends, CBO cannot estimate the transportation costs that employers would have to reimburse annually. **Requirements for Employers of W-Visa Workers.** S. 744 would create the W-visa program to bring in temporary workers to perform labor and services for agricultural and nonagricultural employers; that program would replace the H-2A visa program, which would be phased out. Employers seeking to hire a W-visa worker would face some additional certification requirements not included in the H-2A program and would have 61 to pay application and registration fees in amounts to be determined by DHS. The bill would impose an additional fee for each worker on entities that had certain percentages of employees who were not U.S. workers as defined in the bill. The fee would be $1,750 if the entity was a small business and between 50 percent and 75 percent of its employees were not U.S. workers. The fee would be $3,500 for small businesses if more than 75 percent of their employees were not U.S. workers, and also for entities that were not small businesses if the fraction of their employees who were not U.S. workers was between 15 percent and 30 percent. CBO estimates that the direct cost of complying with those mandates would be at least $130 million per year. **Other Mandates.** The bill would impose additional mandates on private-sector entities, including the following: • Individuals would be required to provide additional documentation to verify employment eligibility; • Employers under the L-1 visa program would be prohibited from retaliating against an employee because the employee had disclosed certain information; • Certain students with F-visas who are currently in the United	

		States would be required to attend accredited institutions; • Operators of commercial aircraft and vessels departing from the United States would be required to collect and transmit certain manifest information; and • Flight schools not certified by the Federal Aviation Administration would have to obtain certification to continue operating. On the basis of information from industry sources about the limited costs of complying with each of those mandates, CBO expects that the aggregate direct costs on private-sector entities would be small. **Other Impacts on State, Local, or Tribal Governments** By 2033, S. 744 would increase the U.S. population by an estimated 16 million people. As a result of that growth in population, some state, local, and tribal governments would collect more tax revenues but also would face significant additional costs to provide education, health care, and other services to those immigrants. CBO has not estimated the overall effects of S. 744 on the budgets of state and local governments. In assessing the impact of the bill on the federal budget, CBO estimated its effect on federal and state spending for Medicaid. S. 744 would have the result of increasing the number of individuals who would become eligible for either full Medicaid or for more limited emergency benefits. State spending is estimated to increase by about $20 billion 62 over the 2014–2023 period. Because states have broad flexibility to alter optional benefits and eligibility to offset such costs, the increased spending would not result from an intergovernmental mandate as defined in UMRA. In addition, assuming appropriation of the authorized amounts, CBO estimates that state, local, and tribal governments would receive more than $2 billion over fiscal years 2014 through 2023 from grant programs created or extended by the legislation.	

H.R. 2218	Coal Residuals Reuse and Management Act of 2013	H.R. 2218 would impose intergovernmental mandates as defined in UMRA by expanding an existing preemption of state laws that regulate greenhouse gases from motor vehicles and by requiring states to tell EPA whether they will adopt and implement a permit program for CCR. Although the preemption would limit the application of state law, CBO estimates that it would impose no duty on state governments that would result in additional spending. CBO estimates that the cost, if any, of the notification requirement would be small. If states chose to adopt and implement a CCR program, any costs they incurred would result from participation in a voluntary federal program and not from the requirements of an intergovernmental mandate. By establishing minimum federal requirements for the management and disposal of CCR, the bill would impose an intergovernmental and private-sector mandate on owners and operators of structures that receive CCR. Based on information from EPA, a small number of public entities would be required to comply with the federal standards, and CBO estimates that the cost for those entities to comply would fall below UMRA's annual threshold for intergovernmental mandates ($75 million in 2013, adjusted annually for inflation). The cost of the mandate on the private sector would depend on the number of entities that would need to take corrective action. Based on information from EPA and industry sources, CBO estimates that those costs would amount to $150 million or more annually. Consequently, the cost of the mandates would probably exceed the annual threshold established in UMRA for private-sector mandates ($150 million in 2013, adjusted annually for inflation).	6/3/2013 Introduced in the House 7/25/2013 Passed in the House 265-155 Yeas: Cantor, Forbes, Goodlatte, Griffith, Wittman Nays: Connolly, Moran, Scott, Wolf 7/29/2013 Received in the Senate
H.R. 1797	Pain-Capable Unborn Child Protection Act	H.R. 1797 would impose both intergovernmental and private-sector mandates on physicians who perform abortions and would preempt state and local laws that regulate abortions. Physicians would be prohibited, with some exceptions, from either terminating or attempting to terminate pregnancies 20 weeks or more after fertilization. The costs of those mandates would be the net income forgone by public and private physicians and clinics. Forty-one states currently prohibit abortions after	4/6/2013 Introduced in the House 6/18/2013 Passed in the House 228-196 Yeas: Cantor, Forbes, Goodlatte, Griffith, Hurt, Rigell, Wittman, Wolf

		some point in a pregnancy, but only eight states prohibit them after 20 weeks. Information from the Centers for Disease Control (CDC) and other industry experts indicates that only a relatively small number of abortions would be prohibited. Therefore, CBO estimates that the direct cost of the mandates would fall below the annual thresholds established in UMRA for both intergovernmental and private-sector mandates. (Adjusted annually for inflation, the thresholds are $75 million and $150 million in 2013 for intergovernmental and private-sector mandates, respectively.) H.R. 1797 would result in increased spending for Medicaid. Since a portion of Medicaid is paid for by state governments, CBO estimates that state spending on the program would increase by about $170 million over the 2014-2023 period. Because states have broad flexibility to alter optional benefits and eligibility to offset such costs, the increased spending would not result from an intergovernmental mandate as defined in UMRA.	Nays: Connolly, Moran, Scott 6/19/2013 Received in the Senate, Referred to the Committee on the Judiciary
H.R. 1960	National Defense Authorization Act	H.R. 1960 would impose intergovernmental and private-sector mandates as defined in UMRA on mortgage lending institutions. The bill would require mortgage lenders to consider active-duty servicemembers who have been relocated for certain reasons to be considered the occupants of the residences that secure mortgages for the purpose of refinancing. Because of the small number of loans that would be affected, CBO estimates that the costs of complying with the mandate would be small and well below the annual threshold established in UMRA for intergovernmental mandates ($75 million in 2013, adjusted annually for inflation). Based on information about current industry practices, CBO estimates that the costs to private lending institutions of complying with the mandate would probably fall below the annual threshold established in UMRA for private-sector mandates ($150 million in 2013, adjusted annually for inflation). Section 552 would preempt state laws governing child custody if those laws are inconsistent with or provide less protection to the rights of a parent who is a servicemember than those provided under the bill. That	5/14/2013 Introduced in the House 6/14/2013 Passed in the House 315-108 Yeas: Cantor, Connolly, Forbes, Goodlatte, Hurt, Rigell, Scott, Wittman, Wolf Nays: Griffith, Moran 7/8/2013 Received in Senate

		preemption would be an intergovernmental mandate as defined in UMRA. While the mandate would limit the application of state laws, it would impose no duty on states that would result in additional spending.	
H.R. 1341	Financial Competitive Act of 2013	H.R. 1341 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments. Assuming that the Financial Stability Oversight Council increases fees to offset the costs of conducting the study required by the bill, H.R. 1341 would impose a private-sector mandate by increasing the cost of an existing mandate on financial institutions required to pay those fees. Based on information from the FSOC, CBO estimates that the cost of the mandate would total about $1 million over the next 10 years, and thus fall well below the annual threshold for private-sector mandates established in UMRA ($150 million in 2013, adjusted annually for inflation).	3/21/2013 Introduced in the House 7/8/2013 Passed in the House 353-24 Yeas: Cantor, Connolly, Forbes, Goodlatte, Griffith Hurt, Moran, Scott Wittman Wolf Nays: N/A Not Voting: Rigell 7/9/2013 Received in the Senate, Referred to the Committee on Banking, Housing, and Urban Affairs
S.601	Water Resources Development Act of 2013	S. 601 would impose intergovernmental and private-sector mandates, as defined in UMRA, by authorizing the Corps of Engineers to carry out watercraft inspections or other measures to prevent the spread of invasive species. Public and private entities would have to comply with requirements established by the Corps. Because the number of affected entities and the cost of compliance would probably be small, CBO expects that the costs of 7 the mandates would fall below the annual thresholds established in UMRA for intergovernmental and private-sector mandates ($75 million and $150 million in 2013, respectively, adjusted annually for inflation). **Other Impacts** Water resource projects and activities authorized in the bill would benefit state, local, and tribal governments. Governments that chose to participate in programs or applied for grants authorized by the bill could incur costs, but those costs would be incurredvoluntarily as conditions of federal assistance.	3/18/2013 Introduced In Senate 5/15/2013 Passed in the Senate 83 – 14 Yeas: Kaine, Warner 5/15/2013 Held at the desk.

H.R.1062	SEC Regulatory Accountability Act	H.R. 1062 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. Assuming that the SEC increases fees to offset the costs of implementing the additional regulatory activities required by the bill, H.R. 1062 would increase the cost of an existing mandate on private entities required to pay those fees. Based on information from the SEC, CBO estimates that the aggregate cost of the mandate would fall well below the annual threshold for private-sector mandates established in UMRA ($150 million in 2013, adjusted annually for inflation).	3/12/2013 Introduced in House 5/17/2013 Passed in House 235 - 161 Yeas: Cantor, Forbes, Goodlatte, Griffith, Hurt, Rigell, Wittman, Wolf Nays: Connolly, Moran, Scott 5/20/2013 Received in the Senate, referred to the Committee on Banking, Housing, and Urban Affairs.
H.R.1256	Swap Jurisdiction Certainty Act	H.R. 1256 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. Assuming that the SEC increases fees to offset the costs of implementing the additional regulatory activities required by the bill, H.R. 1256 would increase the cost of an existing mandate on private entities required to pay those fees. Based on information from the SEC, CBO estimates that the aggregate cost of the mandate would fall well below the annual threshold for private-sector mandates established in UMRA ($150 million in 2013, adjusted annually for inflation).	3/19/2013 Introduced in the House 6/12/2013 Passed in the House 301 - 124 Yeas: Cantor, Connolly, Forbes, Goodlatte, Griffith, Hurt, Rigell, Wittman, Wolf. Nays: Moran, Scott 6/13/2013 Received in the Senate, referred to the Committee on Agriculture, Nutrition, and Forestry.
H.R.271	Resolving Environmental and Grid Reliability Conflicts Act of 2013	The bill would impose an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA) by preempting state and local environmental and liability laws. Energy facilities would be exempt from complying with such laws if those laws conflict with an emergency order issued by the Federal Energy Regulatory Commission (FERC) to provide temporary connections of public facilities for electrical transmission.	1/15/13 Introduced in the House 5/22/2013 Passed in the House by voice vote. 5/23/2013 Received in the Senate

		While the preemption would limit the application of state law, CBO estimates that it would impose no duty on state, local, or tribal governments that would result in additional spending. (As a result, the threshold established by UMRA for costs of intergovernmental mandates would not be exceeded.) The bill would impose a private-sector mandate to the extent that it eliminates an existing right to seek compensation for damages under environmental laws from utilities operating in compliance with a federal emergency order issued by DOE. The cost of the mandate would be the forgone value of awards and settlements in such claims. Because DOE has issued emergency orders infrequently, CBO expects that claims would be uncommon in the future. Consequently, CBO expects that the cost of the mandates would fall below the annual threshold for private-sector mandates ($150 million in 2013, adjusted annually for inflation).	
S.954	Agriculture Reform, Food, and Jobs Act of 2013	S. 954 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). In general, state, local, and tribal governments would benefit from the continuation of existing agricultural assistance and the creation of new grant programs. S. 954 would impose private-sector mandates, as defined in UMRA, by expanding reporting requirements on manufacturers of dairy products and establishing regulations for dairy handlers that purchase milk from dairy producers participating in the Dairy Market Stabilization Program. Additionally, the bill would prohibit individuals from attending animal fighting ventures in states and U.S. territories that permit such ventures. Because the compliance cost for dairy handlers would depend on future regulations, CBO has no basis to determine whether the aggregate cost of the mandates in the bill would exceed the annual threshold established in UMRA for private-sector mandates ($150 million in 2013, adjusted annually for inflation).	5/14/2013 Introduced in the Senate 6/10/2013 Passed in the Senate 66 – 27 Yea: Kaine Not Voting: Warner 6/11/2013 Received in the House. 7/11/2013 House passed H.R. 2642, the Federal Agriculture Reform and Risk Management Act of 2013, 216 – 208. Yeas: Cantor, Forbes, Goodlatte, Griffith, Hurt, Rigell, Wittman, Wolf Nays: Connolly, Moran, Scott 7/18/2013 Senate struck all after the

			Enacting Clause of H.R. 2642 and substituted the language of S. 954. 7/18/2013 H.R. 2642 passed the Senate by Unanimous Consent. 7/18/2013 Senate insisted on its amendment, requested a conference.
H.R.1919	Safeguarding America's Pharmaceuticals Act of 2013	H.R. 1919 would require the Food and Drug Administration (FDA) to establish national standards for monitoring the movement of prescription drugs through the drug distribution system. The "drug distribution system" encompasses the network of companies that produce, handle, distribute, and dispense drug products. The legislation would impose new regulatory requirements on such companies relating to the handling of drug products and recordkeeping of transactions, and would create notification rules concerning drugs that are potentially unsuitable for distribution. The bill also would require the FDA to establish a licensing program for certain third parties that provide logistic services to support pharmaceutical manufacturers, wholesalers, and dispensers. The bill would authorize FDA to collect and spend fees to cover the costs of the licensing program. H.R. 1919 would impose both intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) by requiring public and private-sector entities to comply with standards for monitoring the movement of prescription drugs through the distribution system. Because few public entities manufacture, distribute, or dispense prescription drugs, CBO estimates that the costs to public entities to comply with the mandates in the bill would be small and below the intergovernmental threshold established in UMRA ($75 million in 2013, adjusted annually for inflation). CBO estimates that the costs to private entities would exceed the threshold established in UMRA ($150 million in 2013, adjusted annually for inflation).	5/9/2013 Introduced in the House 6/3/2013 Agreed to by voice vote 6/4/2013 Received in the Senate and referred to the Committee on Health, Education, Labor, and Pensions.

Part III - Federal Regulatory Mandates

The Regulatory Information Service Center of the General Services Administration identified 46 completed federal regulatory actions published within the time period January 2013 to June 30, 2013 that may affect states, many which may impact the Commonwealth of Virginia.

TITLE: Handling of Animals; Contingency Plans
AGENCY: Department of Agriculture (USDA)
RIN: 0579-AC69
ABSTRACT: This rulemaking amends the Animal Welfare Act regulations to add requirements for contingency planning and training of personnel by research facilities and by dealers, exhibitors, intermediate handlers, and carriers. We are taking this action because we believe all licensees and registrants should develop a contingency plan for all animals regulated under the Animal Welfare Act in an effort to better prepare for potential disasters. This action will heighten the awareness of licensees and registrants regarding their responsibilities and help ensure a timely and appropriate response should an emergency or disaster occur.

TITLE: Animal Disease Traceability
AGENCY: Department of Agriculture (USDA)
RIN: 0579-AD24
ABSTRACT: This rulemaking amends the regulations to establish minimum national official identification and documentation requirements for the traceability of livestock moving interstate. Under this rulemaking, unless specifically exempted, livestock belonging to species covered by the regulations that are moved interstate must be officially identified and accompanied by minimal documentation. These regulations specify approved forms of official identification for each species but allow the livestock covered under this rulemaking to be moved interstate with another form of identification, if agreed upon by animal health officials in the shipping and receiving States or Tribes. The purpose of this rulemaking is to improve our ability to trace livestock in the event that disease is found.

TITLE: Importation of Horses From Contagious Equine Metritis-Affected Countries
AGENCY: Department of Agriculture (USDA)
RIN: 0579-AD31
ABSTRACT: We are adopting as a final rule, with changes, an interim rule that amended the regulations regarding the importation of horses from countries affected with contagious equine metritis (CEM) by incorporating an additional certification requirement for imported horses 731 days of age or less and adding new testing protocols for test mares and imported stallions and mares more than 731 days of age. This document revises certain CEM-testing requirements for imported stallions and mares, and for test mares, that were amended in the interim rule. The interim rule was necessary to provide additional safeguards against the introduction of CEM through the importation of affected horses.

TITLE: National Organic Program, Amendments to the National List (potassium hydroxide), NOP-12-0016
AGENCY: Department of Agriculture (USDA)
RIN: 0581-AD27
ABSTRACT: The Organic Foods Production Act of 1990 (OFPA) and the National Organic Program regulations specifically prohibit the use of any synthetic substance in organic production and handling unless the synthetic substance is on the National List. This rule is necessary to broaden the options for organic peach processing, increase the use of organic inputs in organic processing, and align the restrictive annotation for beta-carotene extract with the listing for the category "colors" on the National List.

TITLE: Mandatory Country of Origin Labeling of Beef, Pork, Lamb, Chicken, Goat Meat, Perishable Agricultural Commodities, Peanuts, Pecans, Macadamia Nuts, Ginseng, etc., LS-13-0004
AGENCY: Department of Agriculture (USDA)
RIN: 0581-AD29
ABSTRACT: The Farm Security and Rural Investment Act of 2002 (2002 Farm Bill) (Pub. L. 107-171), the 2002 Supplemental Appropriations Act (2002 Appropriations)(Pub. L. 107-206), and the Food, Conservation and Energy Act of 2008 (2008 Farm Bill)(Pub. L. 110-234) amended the Agricultural Marketing Act of 1946 (Act)(7 U.S.C. 1621 et seq.) to require retailers to notify their customers of the country of origin of covered commodities. Covered commodities include muscle cuts of beef (including veal), lamb, chicken, goat, and pork; ground beef, ground lamb, ground chicken, ground goat, and ground pork; wild and farm-raised fish and shellfish; perishable agricultural commodities; macadamia nuts; pecans; ginseng; and peanuts.

AMS published a final rule for all covered commodities on January 15, 2009, which took effect on March 16, 2009. The Department proposes to amend the COOL regulations to modify the labeling provisions for muscle cut covered commodities as a result of the recent World Trade Organization dispute and to make other minor modifications to enhance the overall operation of the program.

TITLE: Updated Trafficking Definition and SNAP-FDPIR Dual Participation
AGENCY: Department of Agriculture (USDA)
RIN: 0584-AD97
ABSTRACT: Title IV-Part IV: Program Integrity, section 4132 (Civil Penalties and Disqualification of Retail Food Stores and Wholesale Food Concerns) and section 4131 (Eligibility Disqualification) provisions clarify current intentional Program violation (IPV) regulations to include: (1) The selling of food purchased with Supplemental Nutrition Assistance Program (SNAP) benefits in exchange for cash or other considerations; and (2) SNAP recipients buying and intentionally dumping food and beverages purchased with SNAP benefits in exchange for cash redeemed from bottle deposits. These provisions amend 7 CFR part 271.2 to include (1) and (2) above in the definition of trafficking.

Title IV-Part II: Food Distribution on Indian Reservations, section 4211(b)(3) (Disqualified Participants) provision prohibits clients from participating in Food Distribution on Indian Reservations (FDPIR) and the Supplemental Nutrition Assistance Program (SNAP) at the same time. It also restricts them from participating in one of these programs if they have been disqualified from the other. In this regulation, we delineate timeframes and penalties for those who seek to participate in SNAP (09-008).

TITLE: National School Lunch Program: Direct Certification Continuous Improvement Plans Required by the Healthy, Hunger-Free Kids Act of 2010
AGENCY: Department of Agriculture (USDA)
RIN: 0584-AE10
ABSTRACT: This rule codifies sections 101 of the Healthy, Hunger-Free Kids Act of 2010 (Pub. L. 111-296), requiring States to submit Direct Certification Continuous Improvement Plans if they fail to meet required percentages in directly certifying children for free meals in the National School Lunch Program (NSLP) when the children are in households receiving Supplemental Nutrition Assistance Program (SNAP) benefits.

TITLE: Child Nutrition Programs: Nondiscretionary Amendments Related to the Healthy, Hunger-Free Kids Act of 2010
AGENCY: Department of Agriculture (USDA)
RIN: 0584-AE14
ABSTRACT: This final rule codified the following provisions of the Healthy, Hunger Free Kids Act (Pub. L. 111-296; the Act) as appropriate, under 7 CFR parts 210, 215, 220, 225, 226, and 245:

* Provide categorical eligibility for free meals to foster children whose care and placement is the responsibility of a State foster care agency or a court.

* Eliminate an existing limit on the number of feeding sites and site enrollment that private nonprofit sponsors may be approved to operate in the Summer Food Service Program (SFSP).

* Require each State agency administering the National School Lunch Program to ensure school food authorities participating in the Program cooperate with SFSP service institutions to inform families of the availability of free and reduced price breakfast during the school year and of the availability and location of SFSP free meals when the school year ends.

* Expand the allowable sources of area eligibility information in the Child and Adult Care Food Program (CACFP) to include free and reduced price certification data from any school.

* Specify, as a condition of eligibility, that applications for free or reduced-price meals and free milk must include the last four digits of the social security number of the person who signs the application.

* Require that the school food safety program established for meals served in the Child Nutrition Programs applies to any facility, or part of a facility, in which Program foods are stored, prepared, or served.

* Require State agencies and SFSP sponsors to enter into permanent agreements.

* Require State agencies and institutions in CACFP to enter into permanent agreements.

TITLE: Automatic Income Eligibility in the Commodity Supplemental Food Program (CSFP)
AGENCY: Department of Agriculture (USDA)
RIN: 0584-AE23
ABSTRACT: The Food and Nutrition Service (FNS) proposes to establish categorical eligibility for elderly participants of the Supplemental Nutrition Assistance Program (SNAP) in the Commodity Supplemental Food Program (CSFP). This rulemaking would amend 7 CFR 247.9(c) to conform to the proposed changes in eligibility.

TITLE: Resumption of the Population Estimates Challenge Program and Changes to the Program
AGENCY: Department of Commerce (DOC)
RIN: 0607-AA51
ABSTRACT: The Census Bureau is resuming the Population Estimates Challenge Program in 2012 for the 2011 estimates forward and amending the Code of Federal Regulations (CFR) to rename the current Census program from Procedure for Challenging of Certain Population and Income Estimates to Procedure for Requesting an Estimates Review and Update. The Census Bureau also is updating references to the method by which population estimates are officially released to reflect widespread use of the Internet for disseminating official demographic data. Finally, the Census Bureau is eliminating per capita income from the Procedure for Requesting Population Estimates Review and Update because the Census Bureau no longer produces per capita income estimates mandated by the General Revenue Sharing Act of 1972. The General Revenue Sharing program was discontinued in 1980 for the states; and in 1986 for local governments.

TITLE: Magnuson-Stevens Fishery Conservation and Management Act Provisions and Interjurisdictional Fisheries Act Disaster Assistance Programs
AGENCY: Department of Commerce (DOC)
RIN: 0648-AW38
ABSTRACT: This action would establish definitions and characteristics of commercial fishery failures; serious disruptions affecting future production; and harm incurred by fishermen during fishery resource disasters. This action would establish the requirements for initiating a review by NMFS, and the administrative process it will follow in processing such applications. The intended effect of these procedures and requirements is to

clarify the fishery disaster assistance provisions and thereby facilitate the processing of requests.

TITLE: Reduce Sea Turtle Bycatch in Atlantic Trawl Fisheries
AGENCY: Department of Commerce (DOC)
RIN: 0648-AY61
ABSTRACT: NMFS is initiating a rulemaking action to reduce injury and mortality to endangered and threatened sea turtles resulting from incidental take, or by catch, in trawl fisheries in the Atlantic waters. NMFS will address the size of the turtle excluder device (TED) escape opening currently required in the summer flounder trawl fishery, the definition of a summer flounder trawler, and the use of TEDs in this fishery. This action will address the use of TEDs in the croaker and weakfish flynet, whelk, Atlantic sea scallop, and calico scallop trawl fisheries of the Atlantic Ocean, as well as new seasonal and temporal boundaries for TED requirements. In addition, this rule will address the definition of the Gulf Area applicable to the shrimp trawl fishery in the southeast Atlantic and Gulf of Mexico. The purpose of the rule is to aid in the protection and recovery of listed sea turtle populations by reducing mortality in trawl fisheries through the use of TEDs.

TITLE: Mandatory Use of Turtle Excluder Devices (TEDs) in Skimmer Trawls, Pusher-Head Trawls, and Wing Nets (Butterfly Trawls)
AGENCY: Department of Commerce (DOC)
RIN: 0648-BC10
ABSTRACT: NMFS conducted an evaluation of the Southeastern U.S. shrimp fishery and produced a draft environmental impact statement (DEIS), as a result of elevated sea turtle strandings in the Northern Gulf of Mexico and additional information having been received indicating many of the strandings could be a result of fishery interactions. The DEIS identified a preferred alternative to withdraw alternative tow time restriction, which would require all vessels using skimmer trawls, pusher-head trawls, and wing nets (butterfly trawls) to use turtle excluder devices. The purpose of the proposed action is to aid in the protection and recovery of listed sea turtle populations by reducing incidental bycatch and mortality of sea turtles in the Southeastern U.S. shrimp fishery.

TITLE: Current Good Manufacturing Practice for Combination Products
AGENCY: Department of Health and Human Services (HHS)
RIN: 0910-AF81
ABSTRACT: The final rule is intended to clarify and codify the current good manufacturing practice (cGMP) requirements for combination products (combinations of a drug, device, and/or biological product). The final rule is intended to ensure consistency and appropriateness in the regulation of combination products.

TITLE: Food Labeling: Serving Sizes; Reference Amounts for Candies
AGENCY: Department of Health and Human Services (HHS)
RIN: 0910-AG83
ABSTRACT: FDA is proposing to change its serving size regulations to provide updated Reference Amounts Customarily Consumed for candies. FDA is taking this action in response to comments received on an advance notice of proposed rulemaking published in 2005. This RIN is being withdrawn from the Unified Agenda and merged with RIN 0910-AG82.

TITLE: Revision to Prohibition on FFP for "Data Mining" by Medicaid Fraud Control Units
AGENCY: Department of Health and Human Services (HHS)
RIN: 0936-AA01
ABSTRACT: This final rule modifies current regulations that prohibit State Medicaid Fraud Control Units (MFCUs) from using Federal matching funds to conduct efforts to identify situations in which a question of fraud may exist, including the screening of claims, analysis of patterns of practice, or routine verification with recipients of whether services billed by providers were actually received. The modifications allow data mining to be conducted by MFCUs under limited circumstances.

TITLE: Patient Protection and Affordable Care Act; Standards Related to Essential Health Benefits, Actuarial Value, and Accreditation (CMS-9980-F)
AGENCY: Department of Health and Human Services (HHS)
RIN: 0938-AR03
ABSTRACT: This final rule details standards for health insurance consistent with title I of the Affordable Care Act. Specifically, this rule outlines Exchange and issuer standards related to coverage of essential health benefits (EHB) and actuarial value (AV). This rule also establishes a timeline for qualified health plans to be accredited in Federally Facilitated Exchanges and an amendment that provides an application process for the recognition of additional accrediting entities for purposes of certification of qualified health plans.

TITLE: Federal Medicaid Assistance Percentages--Methodologies for Calculation of Enhanced Rate (CMS-2327-F)
AGENCY: Department of Health and Human Services (HHS)
RIN: 0938-AR38
ABSTRACT: The Affordable Care Act authorizes enhanced Federal Medical Assistance Percentages (FMAP) for newly eligible individuals as defined by the Act. This rule finalizes a section of the proposed rule published on August 17, 2011, that set forth methodologies for FMAP calculations.

TITLE: Patient Protection and Affordable Care Act; Health Insurance Market: Rate Review (CMS-9972-F)
AGENCY: Department of Health and Human Services (HHS)
RIN: 0938-AR40
ABSTRACT: This final rule implements the Affordable Care Act's policies related to fair health insurance premiums, guaranteed availability, guaranteed renewability, risk pools, and catastrophic plans. The rule clarifies the approach used to enforce the applicable requirements of the Affordable Care Act with respect to health insurance issuers and group health plans that are non-Federal governmental plans. The rule also revises the timing of the submission of requests for State-specific thresholds; revises the standards for health insurance issuers and States regarding reporting, utilization, and collection of data, and amends the requirements for a State to have an Effective Rate Review Program.

TITLE: Notice of Benefit and Payment Parameters (CMS-9964-F)
AGENCY: Department of Health and Human Services (HHS)
RIN: 0938-AR51
ABSTRACT: Under the Affordable Care Act, this final rule establishes parameters of the risk adjustment, reinsurance, risk corridors, advanced premium tax credit, and cost-sharing reduction programs.

TITLE: Garnishment of Accounts Containing Federal Benefit Payments
AGENCY: Social Security Administration (SSA)
RIN: 0960-AH18
ABSTRACT: Treasury, SSA, VA, RRB, and OPM (Agencies) are jointly issuing an interim final rule with request for public comment to implement statutory restrictions on the garnishment of Federal benefit payments. The rule establishes procedures that financial institutions must follow when they receive a garnishment order against an account holder who receives certain types of Federal benefit payments by direct deposit. The rule requires financial institutions that receive such a garnishment order to determine the sum of such Federal benefit payments deposited to the account during a two-month period, and to ensure that the account holder has access to a "protected amount" equal to that sum or to the current balance of the account, whichever is lower.

TITLE: Amendments to the Family and Medical Leave Act of 1993
AGENCY: Department of Labor (DOL)
RIN: 1235-AA03
ABSTRACT: The Department of Labor plans to amend the regulations implementing the Family and Medical Leave Act to incorporate amendments made by the National Defense Authorization Act for FY 2010 and the Airline Flight Crew Technical Corrections Act. When

initiated, this regulatory action was intended to review revisions to the regulations implementing the National Defense Authorization Act for FY 2008 for military family leave amendments and other revisions of the regulations implemented in January 2009. Subsequent to the initiation of this action, Congress passed the National Defense Authorization Act for FY 2010 and the Airline Flight Crew Technical Corrections Act. As a result of the Congressional action, the scope of this rulemaking has changed to implement the statutory amendments.

TITLE: Establishment of a Uniform National Threshold Entered Employment Rate for Veterans
AGENCY: Department of Labor (DOL)
RIN: 1293-AA18
ABSTRACT: This rulemaking will establish a national threshold entered employment rate for veterans under State employment service delivery systems, as required by 38 U.S.C. 4102(c)(3)(B).

TITLE: Garnishment of Accounts Containing Federal Benefit Payments
AGENCY: Department of Treasury (TREAS)
RIN: 1505-AC20
ABSTRACT: Treasury, SSA, VA, RRB, and OPM (Agencies) are issuing a rule to implement statutory restrictions on the garnishment of Federal benefit payments. The rule establishes procedures that financial institutions must follow when a garnishment order is received for a deposit account to which Federal benefit payments have been directly deposited. The rule requires financial institutions that receive a garnishment order for a deposit account to determine whether a Federal benefit payment was deposited to the account and, if so, requires the financial institution to ensure that the account holder has access to a designated "protected amount" of funds in the account.

TITLE: Withholding on Payments by Government Entities to Persons Providing Property or Services
AGENCY: Department of Treasury (TREAS)
RIN: 1545-BJ98
ABSTRACT: These regulations contain rules regarding withholding on payments by government entities for property and services.

TITLE: Test Procedures for Microwave Ovens (Standby and Off Mode)
AGENCY: Department of Energy (DOE)
RIN: 1904-AB78
ABSTRACT: The Energy Independence and Security Act of 2007 amends the Energy Policy and Conservation Act to require the test procedures for microwave ovens be amended to include standby mode and off mode energy consumption. The test procedure has been amended to include standby mode and off mode energy consumption using the most current industry standard.

TITLE: Test Procedures for Residential Water Heaters, Direct Heating Equipment, and Pool Heaters (Standby Mode and Off Mode)
AGENCY: Department of Energy (DOE)
RIN: 1904-AB95
ABSTRACT: The Energy Independence and Security Act of 2007 amends the Energy Policy and Conservation Act to require the test procedures for residential pool heaters, direct heating equipment, and water heaters to be amended to include standby mode and off mode energy consumption, taking into consideration the most recent applicable revisions of standards from the International Electrotechnical Commission (IEC).

TITLE: TRI; Response to Petition To Delete Acetonitrile From the Toxics Release Inventory List of Toxic Chemicals
AGENCY: Environmental Protection Agency (EPA)
RIN: 2025-AA19
ABSTRACT: This action responded to a petition received by EPA on June 28, 2002, to delete acetonitrile from the list of toxic chemicals reportable under section 313 of the

Emergency Planning and Community Right-to-Know Act (EPCRA). EPA denied a petition to remove acetonitrile from the list of chemicals subject to reporting requirements under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) and section 6607 of the Pollution Prevention Act of 1990 (PPA). EPA reviewed the available data on this chemical and determined that acetonitrile does not meet the deletion criterion of EPCRA section 313(d)(3). Specifically, EPA is denying this petition because EPA's review of the petition and available information resulted in the conclusion that acetonitrile meets the listing criterion of EPCRA section 313(d)(2)(B) due to its potential to cause death in humans.

TITLE: National Primary Drinking Water Regulations: Revisions to the Total Coliform Rule
AGENCY: Environmental Protection Agency (EPA)
RIN: 2040-AD94
ABSTRACT: The Environmental Protection Agency (EPA) has finalized revisions to the Total Coliform Rule (TCR), which was published in 1989. The Revised Total Coliform Rule (RTCR) targets public water systems (PWSs) that have distribution system microbial monitoring results that indicate a potential pathway for fecal contamination to enter the distribution system. The occurrence of indicators of contamination in the distribution system is an indication that waterborne pathogens may also be present. The RTCR provisions require systems that reach specified levels of contaminant indicators in the distribution system to conduct an assessment to determine if sanitary defects exist and, if found, correct them. The final RTCR maintains or improves public health protection, a requirement for all revisions to NPDWRs under SDWA. EPA convened a federal advisory committee to give the Agency advice on how to revise the TCR. In September 2008, all advisory committee members agreed to and signed an Agreement in Principle (AIP) that documented their recommendations. As part of the advisory committee's AIP, EPA committed to write a proposed rule that has the same substance and effect as the AIP. On July 14, 2010, EPA published proposed revisions to the TCR (75 FR 40926) that were consistent with the letter and spirit of this commitment. The final RTCR reflects consideration of the AIP and public comments.

TITLE: Concentrated Animal Feeding Operations Regulations Revision Rule
AGENCY: Environmental Protection Agency (EPA)
RIN: 2040-AF20
ABSTRACT: EPA originally entered into a settlement agreement with the Chesapeake Bay Foundation on May 10, 2010 to propose revisions to the National Pollutant Discharge Elimination System (NPDES) regulations for Concentrated Animal Feeding Operations (CAFOs). Under an amended agreement reached with the Chesapeake Bay Foundation on May 29, 2013, EPA will not propose revisions to these regulations.

TITLE: Air Quality: Revision to Definition of Volatile Organic Compounds--Exclusion of a Group of Four Hydrofluoropolyethers (HFPEs)
AGENCY: Environmental Protection Agency (EPA)
RIN: 2060-AO17
ABSTRACT: This final action will exclude a group of four hydrofluoropolyethers from the definition of volatile organic compounds (VOCs) on the basis that, as precursors, these chemical compounds make only a negligible contribution to the formation of tropospheric ozone. The chemical compounds to be excluded are (a) HCF2OCF2H (known as HFE134), (b) HCF2OCF2OCF2H (known as HFE-236cal2), (c) HCF2OCF2CF2OCF2H (known as HFE-338pcc13), and (d) HCF2OCF2OCF2CF2OCF2H (known as H-Galden 1040X and also H-Galden ZT 130 (or 150 or 180)). We are also taking comment on issues concerning the chemical compounds' toxicities, global warming potentials, and stratospheric ozone depletion potentials.

TITLE: Reconsideration of Final National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines
AGENCY: Environmental Protection Agency (EPA)
RIN: 2060-AQ58
ABSTRACT: On March 3, 2010, EPA issued a final rule establishing standards for emissions of hazardous air pollutants from existing stationary compression ignition engines located at major and area sources. On August 20, 2010, EPA finalized standards for emissions of HAP from existing stationary spark ignition engines located at major and area sources. EPA received several petitions to reconsider portions of the 2010 final rules. This action finalized amendments to the rule to address certain issues raised in the petitions. The final rule included alternative testing options for certain large spark ignition (generally natural gas-fueled) stationary reciprocating internal combustion engines, management practices for a subset of existing spark ignition stationary reciprocating internal combustion engines in sparsely populated areas, and alternative monitoring and compliance options for the same engines in populated areas. The final rule also established limitations on the use of emergency engines for emergency demand response and local reliability issues.

TITLE: Reconsideration of Chemical Manufacturing Area Sources National Emission Standards for Hazardous Air Pollutants; Amendments
AGENCY: Environmental Protection Agency (EPA)
RIN: 2060-AQ89
ABSTRACT: The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Chemical Manufacturing Area Sources was promulgated on October 29, 2009. The standards included requirements for nine source categories in one subpart. On February 12, 2010, EPA received a petition for reconsideration from the American Chemistry Council and the Society of Chemical Manufacturers & Affiliates. The petitioners requested that EPA reconsider six aspects of the final rule because the requirements were not described in, nor were logical outgrowth of, the proposed rule. The six provisions are: (1) Title V permits are required for sources that installed controls after 1990 to become area sources (the source categories were exempt from title V in proposal); (2) the requirement that sources with equipment subject to the final rule and another rule comply with either each provision independently or with the most stringent requirements of each rule; (3) the requirement that leak inspections include "direct and proximal (thorough)" inspection of all areas of potential leak within the chemical manufacturing process unit (CMPU); (4) the requirement that process vessels in hazardous air pollution (HAP) service be equipped with a cover or lid that must be in place at all times when the vessel contains HAP, except for material addition and sampling; (5) the requirement to conduct leak inspections only during those periods when equipment is in HAP service; and (6) the broad definition of "family of materials" in determining applicability of CMPUs. On June 15, 2010, EPA granted reconsideration and in the supplemental proposal EPA requested comment on the six provisions.

TITLE: Hospital/Medical/Infectious Waste Incinerators Federal Plan Requirements and Standards of Performance for New Stationary Sources
AGENCY: Environmental Protection Agency (EPA)
RIN: 2060-AR11
ABSTRACT: On October 6, 2009, EPA adopted amendments to the September 15, 1997, new source performance standards (NSPS) and emissions guidelines (EG) for hospital/medical/infectious waste incinerators (HMIWI). The amendments were developed in response to the March 2, 1999, remand of the 1997 HMIWI regulations by the U.S. Court of Appeals for the District of Columbia Circuit (the Court), which requested further explanation of EPA's reasoning in determining the minimum regulatory "floors" for new and existing HMIWI. Sections 111 and 129 of the Clean Air Act (CAA) require States with existing HMIWI subject to the EG to submit plans to EPA that implement and enforce the EG. State plans to implement the EG adopted on September 15, 1997, are already in place, and revised or new State plans to implement the amended EG

adopted on October 6, 2009, are currently undergoing EPA review. The deadline for States to submit revised/new State plans to EPA for review was October 6, 2010. If a State with existing HMIWI does not submit an approvable plan within 2 years after promulgation of the EG, sections 111(d) and 129 of the CAA require EPA to develop, implement, and enforce a Federal plan for HMIWI in the State. The EPA adopted a HMIWI Federal plan on August 15, 2000, to implement the September 15, 1997, EG. On April 23, 2012, the EPA proposed amendments to the hospital/medical/infectious waste incinerators Federal plan to implement the amended emission guidelines adopted on October 6, 2009, for those States that do not have an approved revised/new State plan implementing the emission guidelines, as amended, in place by October 6, 2011. Also on April 23, 2012, the EPA proposed to amend the new source performance standards to better reflect our original intent in the October 6, 2009, final rule in eliminating an exemption during startup, shutdown, and malfunction periods from the requirement to comply with standards at all times. This action will finalize the amendments to the hospital/medical/infectious waste incinerators Federal plan and amendments to the new source performance standards. This action will finalize the amendments to the hospital/medical/infectious waste incinerators Federal plan and amendments to the new source performance standards.

TITLE: Implementation of the New Source Review (NSR) Program for Particulate Matter Less Than 2.5 Micrometers: Amendment to the Definition "Regulated NSR Pollutant" Concerning Condensable Particulate Matter
AGENCY: Environmental Protection Agency (EPA)
RIN: 2060-AR30
ABSTRACT: This final rule amended the definition of "regulated NSR pollutant" in the Prevention of Significant Deterioration (PSD) regulations for SIP-approved programs and the Federal PSD program, and the New Source Review (NSR) regulation called the Emission Offset Interpretative Rule. This amendment corrected an inadvertent error that required the inclusion of the condensable PM fraction for "particulate matter emissions" under the PSD regulations and the Emission Offset Interpretive Rule. States that did not require the inclusion of the condensable PM fraction in the measurement of "particulate matter emissions" prior to the 2008 final rule will not be required to add such a new requirement. However, states have the authority to require a more stringent test method (e.g., the inclusion of the condensable PM fraction) if they choose to do so through their State Implementation Plans.

TITLE: Revision to Ambient Nitrogen Dioxide Monitoring Requirements
AGENCY: Environmental Protection Agency (EPA)
RIN: 2060-AR59
ABSTRACT: Nitrogen dioxide (NO2) monitoring requirements were revised in February 2010 as part of the revision to the NO2 National Ambient Air Quality Standards. The revised requirements included network design elements that required monitors for characterizing concentrations near major roads, across area-wide extents, and in areas with vulnerable and susceptible populations. The required deadline for the establishment of the revised NO2 network was January 1, 2013. The Annual Monitoring Network Plans addressing these revisions are due July 1, 2012, for approval by the Administrator. The EPA is finalizing revisions to the deadline for the near-road element of the network which establishes a phased approach that is more practical for states to implement and for EPA to fund. These changes will establish a series of deadlines that collectively implement the near-road network between January 1, 2014, and January 1, 2017, more closely matching the schedule for anticipated EPA grant funding as well as monitoring agency capacity for implementing the new sites. No changes are being finalized for the deadline affecting the area-wide and vulnerable and susceptible network elements. Additionally, no changes are being finalized to the population thresholds for monitoring finalized in the 2010 rule. The EPA is also changing the Annual Monitoring Network Plan approval authority from Administrator to Regional Administrator, as was originally

intended, which is consistent with the approval authority for other networks characterizing ozone and fine particles, for example.

TITLE: Reconsideration of Certain New Source Issues: Mercury and Air Toxics Standard (MATS)
AGENCY: Environmental Protection Agency (EPA)
RIN: 2060-AR62
ABSTRACT: EPA has reviewed new technical information associated with certain new-source limits for toxics emitted from new power plants under the Mercury and Air Toxics Standards (MATS). For example, the new information was incorporated into proposed new source standards for mercury from certain coal-fired power plants because the agency recognized that there may be technical challenges associated with monitoring mercury emissions at the levels set for new power plants. Notwithstanding the proposed changes to the mercury and certain other new source air toxics limits, new plants will continue to rely on the same proven pollution control technologies to reduce harmful mercury, acid gases and particle pollution, which will provide important health benefits to the American public. The agency believes this new information warranted further review and followed an expedited, open, and transparent process that included public comment on the proposed changes. Revisions to the new source limits were proposed on November 30, 2012, and were finalized in March 2013.

TITLE: Prions; Amendment of EPA's Regulatory Definition of Pests to Include Prion
AGENCY: Environmental Protection Agency (EPA)
RIN: 2070-AJ26
ABSTRACT: In 2003, the Agency decided that a prion (proteinaceous infectious particles) is a "pest" under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and that a product intended to reduce the infectivity of prions on inanimate surfaces (i.e., "prion product") is considered to be a pesticide. Any company seeking to distribute or sell such a product is required to register the product with EPA unless the product is exempt from registration requirements before it can be distributed or sold in the United States. In 2011, EPA proposed to formally declare a prion to be a pest and to amend its regulations to add prion to the list of pests (40 CFR part 152). A supplemental notice also proposed to amend the product performance data requirements (i.e., efficacy data) to specifically list prion-related products and announced the availability of draft efficacy testing guidance for comment. EPA believes that regulating prion-related products protects human health and the environment against unreasonable adverse effects and ensures that such products are effective.

TITLE: Safety Enhancements, Certification of Airports
AGENCY: Department of Transportation (DOT)
RIN: 2120-AJ70
ABSTRACT: This rulemaking would clarify the applicability language based only on passenger seats in passenger-carrying operations as determined by either the regulations or the aircraft type certificate. This rulemaking would also add a new section that prohibits intentional false or fraudulent statements concerning an airport operating certificate, and adopt administrative changes for internal consistency. These changes are necessary to ensure the reliability of records maintained by a certificate holder and reviewed by the FAA.

TITLE: Capital Project Management (MAP-21)
AGENCY: Department of Transportation (DOT)
RIN: 2132-AA92
ABSTRACT: In September 2011, FTA proposed to transform the current rule for project management oversight into a discrete set of managerial principles for sponsors of major capital projects. MAP-21 changed the potential universe of "major capital project" by repealing the Fixed Guideway Modernization program and enacting the Core Capacity Improvement and State of Good repair programs; also MAP-21 made fundamental changes to the New Starts project development process, which will affect FTA risk assessments for major capital projects. In light of MAP-21, FTA will either withdraw

the current NPRM and initiate a new rulemaking at a later date, or issue a supplemental NPRM revisiting the definition of "major capital project" and the agency´s practice for risk assessments.

TITLE: Implementation of the Fair Housing Act--Disparate Impact (FR-5508)
AGENCY: Department of housing and Urban Development (HUD)
RIN: 2529-AA96
ABSTRACT: This final rule would harmonize existing standards for determining when a housing practice with a discriminatory effect violates the Fair Housing Act. The rule would also discuss the liability standards where a facially neutral housing practice has a discriminatory effect.

TITLE: Garnishment of Accounts Containing Federal Benefit Payments
AGENCY: Department of Veterans' Affairs (VA)
RIN: 2900-AN67
ABSTRACT: This rulemaking is a joint issuance between Treasury, SSA, VA, RRB, and OPM to implement statutory restrictions on the garnishment of Federal benefit payments. The rule will establish procedures that financial institutions must follow when a garnishment order is received for an account into which Federal benefit payments have been directly deposited. The rule will require financial institutions that receive a garnishment order for an account to determine whether any Federal benefit payments were deposited to the account within 60 calendar days prior to receipt of the order and, if so, will require the financial institution to ensure that the account holder has access to an amount equal to the sum of such payments in the account.

TITLE: VA Homeless Providers Grant and Per Diem Program
AGENCY: Department of Veterans' Affairs (VA)
RIN: 2900-AN81
ABSTRACT: This document adopts as a final rule, with changes, the proposed rule to amend the Department of Veterans Affairs (VA) regulations concerning VA's Homeless Providers Grant and Per Diem Program (Program). This rulemaking updates and improves the clarity of these regulations, and implements and authorizes new VA policies.

TITLE: Fair and Accurate Credit Transactions Act of 2003
AGENCY: Federal Trade Commission (FTC)
RIN: 3084-AA94
ABSTRACT: The Fair and Accurate Credit Transactions Act of 2003 (the FACT Act or FACTA or the Act), which amended the Fair Credit Reporting Act, was enacted on December 4, 2003. The Act required that the Commission undertake a number of rulemakings and studies, which have primarily been completed. Many of these responsibilities were transferred on July 21, 2011, to the Consumer Financial Protection Bureau (CFPB) under the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111-203. IDENTITY THEFT Red Flags FACTA required the Commission to jointly promulgate with the banking agencies and the NCUA Identity Theft "Red Flag" Guidelines and Rules to implement these guidelines (the "ID Theft Red Flag Rule") and an Address Change Rule (the "Address Change Rule"). The ID Theft Red Flag Rule would, among other things, require card issuers to investigate requests for card changes. The Address Change Rule would require credit report users to investigate when the address on a credit report differs from the address on a credit application. The agencies jointly published proposed rules on July 18, 2006. 71 FR 40786. The comment period closed on September 18, 2006. The agencies reviewed the comments and issued a final rule on November 9, 2007. 72 FR 63718. The rule became effective on November 1, 2008. At the request of members of Congress, the Commission delayed enforcement of the Red Flags portion of the rule until January 1, 2011, for entities subject to enforcement by the Commission. On December 18, 2010, Congress enacted the Red Flag Program Clarification Act of 2010, Public Law No. 111-319, which limited the scope of entities required to comply with the Red Flag Rule. The Commission published its Interim Final Rule on December 6, 2012, which became effective on February 11, 2013. 77 FR 72712.

TITLE: Physical Protection of Byproduct Material [NRC-2008-0120]
AGENCY: Nuclear Regulatory Commission (NRC)
RIN: 3150-AI12
ABSTRACT: The final rule amends the Commission's regulations to put in place security requirements for the use of Category 1 and Category 2 quantities of radioactive material. The objective is to ensure that effective security measures are in place to prevent the dispersion of radioactive material for malevolent purposes. The final amendment also addresses background investigations and access controls, enhanced security for use, and transportation security for Category 1 and Category 2 quantities of radioactive material. This rulemaking subsumes RIN 3150-AI56, "Requirements for Fingerprinting and Criminal History Record Checks for Unescorted Access to Radioactive Material and Other Property (part 37)."

TITLE: Multi-State Exchanges; Implementations for Affordable Care Act Provisions
AGENCY: Office of Personnel Management (OPM)
RIN: 3206-AM47
ABSTRACT: The U.S. Office of Personnel Management (OPM) has issued final regulations for the implementation of provisions of the Affordable Care Act of 2010 that will enable OPM to contract with at least two multi-State plans for the Affordable Insurance Exchanges to be offered in 2014.