

**REPORT OF THE  
Director of the Virginia Office of Intergovernmental Affairs**

**Federal Mandates and Regulations that may have an impact on the  
Commonwealth**

**TO THE GOVERNOR OF VIRGINIA**



**COMMONWEALTH OF VIRGINIA  
2015**

## **Federal Mandate Report**

January 1, 2015

To

June 30, 2015



**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, 2015 to June 30, 2015. **Of the bills reviewed by the CBO, two federally unfunded mandates as defined by UMRA have passed one chamber.**

## Part I - Mandates in Public Law

---

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 2015, which are adjusted annually for inflation, are \$77 million or more a year for intergovernmental mandates (state, local, or tribal governments) and \$154 million or more per year for the private sector.

NOTE: Of the bills reviewed by the CBO and identified to have been greater than the UMRA thresholds, zero bills have become law during the period January 1, 2015 – June 30, 2015. It is important to take note that the CBO does not review appropriation bills for UMRA thresholds.

## Part II – Unfunded Mandates that have Passed One Chamber of Congress

---

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 2015, which are adjusted annually for inflation, are \$77 million or more a year for intergovernmental mandates (state, local, or tribal governments) and \$154 million or more per year for the private sector.

NOTE: Of the bills reviewed by the CBO and identified to have been greater than the UMRA thresholds, two bills have passed one chamber of Congress during the period January 1, 2015 – June 30, 2015. It is important to take note that the CBO does not review appropriation bills for UMRA thresholds.

Bill Number	Bill Title	Unfunded Mandate on State	Bill Status
H.R. 1731	National Cybersecurity Protection Advancement Act of 2015	H.R. 1731 would largely codify the role of the National Cybersecurity and Communications Integration Center of the Department of Homeland Security in exchanging information about cyber threats with other federal agencies and nonfederal entities. The legislation also would require that certain additional procedures be followed when that information is shared, such as checking for and expunging personal information. Finally, the bill would require several reports to the Congress on cybersecurity information sharing. CBO anticipates that approximately 20 additional personnel would be needed to administer the new aspects of the program, prepare the required reports, and manage	4/13/2015 Introduced in House 4/17/2015 Reported (Amended) by the Committee on Homeland Security. 4/23/2015 Passed/agreed to in House: Passed by recorded vote: 355 - 63  Yeas: Congressmen Scott, Wittman, Rigell, Goodlatte, Hurt, Forbes, Brat, Beyer, Griffith, Comstock, Connolly

		<p>the exchange of information. Based on information from the Department of Homeland Security, the Office of Management and Budget, and other cybersecurity experts, CBO estimates that the requirements imposed by H.R. 1731 would cost approximately \$20 million over the 2016-2020 period, assuming appropriation of the estimated amounts.</p> <p>H.R. 1731 would make the government liable if an agency or department violates privacy and civil liberty guidelines and restrictions on the use of information required by the bill. While such liability could result in additional direct spending, CBO does not have sufficient basis to estimate the type or frequency of violations or the budgetary effect that might occur if the legislation was enacted. Because the bill could affect direct spending, pay-as-you-go procedures apply. H.R. 1731 would not affect revenues.</p> <p>H.R. 1731 would impose intergovernmental and private-sector mandates, as defined in the Unfunded Mandates Reform Act (UMRA), by extending civil and criminal liability protection to cybersecurity providers and other entities that monitor, share, or use information on cyber threats. Doing so would prevent public and private entities from seeking compensation for damages from those protected entities for sharing or using cybersecurity information. The bill also would impose additional intergovernmental mandates on state and local governments by preempting disclosure and liability laws</p>	
--	--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

		and by preempting any laws that restrict the cybersecurity monitoring, sharing, and countermeasure activities authorized by the bill. Because of uncertainty about the number of cases that would be limited and any foregone compensation that would result from compensatory damages that might otherwise go to private-sector entities, CBO cannot determine whether the costs of the mandate would exceed the annual thresholds.	
H. R. 1560	Protecting Cyber Networks Act	<p>H.R. 1560 would establish within the Office of the Director of National Intelligence (ODNI) a center that would be responsible for analyzing and integrating information from the intelligence community related to cyber threats. In addition, the bill would require the government to establish procedures for sharing information and data on cyber threats between the federal government and nonfederal entities. CBO estimates that implementing the bill would cost \$186 million over the 2016-2020 period, assuming appropriation of the estimated amounts.</p> <p>In addition, the bill would allow information shared with the government to be used in certain criminal prosecutions, which could increase federal revenues from fines as well as direct spending from the Crime Victims Fund. However, CBO anticipates that the number of cases that could be affected would be small and that any additional revenues and spending would be insignificant. Finally, section 5 of H.R. 1560 would make the government liable if an agency or department were to violate the privacy and civil liberty</p>	<p>3/24/2015 Introduced in House</p> <p>4/13/2015 Reported (Amended) by the Committee on Intelligence.</p> <p>4/22/2015 Passed/agreed to in House: Passed by recorded vote: 307 – 116</p> <p>Yeas: Beyer, Comstock, Connolly, Forbes, Goodlatte, Hurt, Rigell, Wittman,</p> <p>Nays: Brat, Griffith, Scott</p> <p>4/27/2015 Received in the Senate.</p>

		<p>guidelines required by the bill. While such liability could result in additional direct spending, CBO does not have sufficient basis to estimate the type or frequency of violations or budgetary impact that might occur if the legislation was enacted. Because the bill would affect direct spending and revenues, pay-as-you-go procedure apply.</p> <p>H.R. 1560 would impose intergovernmental and private-sector mandates, as defined in the Unfunded Mandates Reform Act (UMRA), by extending civil and criminal liability protection to cybersecurity providers and other entities that monitor, share, or use cyber threat information. Doing so would prevent public and private entities from seeking compensation for damages from those protected entities if they share or use cybersecurity information. The bill also would impose additional intergovernmental mandates on state and local governments by preempting disclosure and liability laws and by preempting any laws that restrict activities authorized by the bill.</p>	
--	--	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

## Part III- Federal Regulatory Mandates

---

The Regulatory Information Service Center of the General Services Administration identified 41 completed federal regulatory actions published within the time period of January 1, 2015 – July 31, 2015 that may affect many states, many of which may impact the Commonwealth of Virginia.

**TITLE:** Guaranteed Single-Family Housing

**RIN:** 0575-AC18

**AGENCY:** Department of Agriculture (USDA)

**ABSTRACT:** The Guaranteed Single-Family Housing Loan Program interim final rule encourages new residential construction in rural areas. The new rule provides for a "construction-to-permanent financing" process. Lenders will be able to obtain a loan note guarantee when construction commences, in a "single close" transaction, rather than first obtaining short-term construction financing and then later obtaining the guaranteed loan. The new rule streamlines the financing of building new homes. The interim final rule also expands the types of lenders who are eligible to participate, increasing the reach of the program to small community banks in remote areas and to credit unions with memberships who are teachers as well as other groups. The rule change will allow participation by any lending entity supervised and regulated by the Federal Deposit Insurance Corporation, the National Credit Union Administration, the Office of the Comptroller of the Currency, the Federal Reserve Banks, or the Federal Housing Finance Board. Currently, these entities may not be eligible lenders.

**TITLE:** Professional Standards for State and Local School Nutrition Programs Personnel as Required by the Healthy, Hunger-Free Kids Act of 2010

**RIN:** 0584-AE19

**AGENCY:** Department of Agriculture (USDA)

**ABSTRACT:** This final rule codifies section 306 of the Healthy, Hunger-Free Kids Act (Pub. L. 111-296; the Act) under 7 CFR parts 210 and 220, which requires the Secretary to establish a program of required education, training, and certification for all school food



service directors responsible for the management of a school food authority; and criteria and standards for States to use in the selection of State agency directors with responsibility for the school lunch program and the school breakfast program.

**TITLE: Marine Mammal Protection Act Permit Regulation Revisions**

**RIN: 0648-AV82**

**AGENCY: Department of Commerce (DOC)**

**ABSTRACT:** This action would consider revisions to the implementing regulations governing the issuance of permits for activities under section 104 of the Marine Mammal Protection Act. The intent of this action would be to streamline and update (using plain language) the general permitting information and the specific requirements for the four categories of permits: scientific research (including the General Authorization); enhancement; educational and commercial photography; and public display. The revisions would also simplify procedures for collection, possession, and transfer of marine mammals parts collected before the effective date of the Marine Mammal Protection Act, and also clarify reporting requirements for public display facilities holding marine mammals.

**TITLE: Amendment and Updates to the Bottlenose Dolphin Take Reduction Plan**

**RIN: 0648-BB37**

**AGENCY: Department of Commerce (DOC)**

**ABSTRACT:** This action amended regulations under the Bottlenose Dolphin Take Reduction Plan (Plan) to reduce bottlenose dolphin serious injuries and mortalities incidental to the Virginia Pound net fishery. The Plan recommends the year-round use of modified leaders for offshore pound nets within parts of the Chesapeake Bay and Virginia coastal waters. Regulations for Virginia Pound Nets are implemented under the Endangered Species Act for sea turtle conservation. The Plan recommended similar regulations to those currently enacted under the Endangered Species Act; however, the regulations under the Plan offer greater conservation benefits to both bottlenose dolphins and sea turtles. Because the regulations may affect current sea turtle regulations, a joint-rulemaking was conducted under both the Marine Mammal Protection Act and Endangered Species Act to amend: (1) the Plan

under the Marine Mammal Protection Act, proposing Virginia pound net requirements; and (2) current federal sea turtle regulations for Virginia pound nets under the Endangered Species Act to ensure consistency between regulations.

**TITLE: Food Labeling: Calorie Labeling of Articles of Food Sold in Vending Machines**

**RIN: 0910-AG56**

**AGENCY: Department of Health and Human Services (HHS)**

**ABSTRACT:** FDA published a proposed rule to establish requirements for nutrition labeling of certain food items sold in certain vending machines. FDA also proposed the terms and conditions for vending machine operators registering to voluntarily be subject to the requirements. FDA is issuing a final rule, and taking this action to carry out section 4205 of the Patient Protection and Affordable Care Act.

**TITLE:** **Food Labeling: Nutrition Labeling of Standard Menu Items in Restaurants and Similar Retail Food Establishments**

**RIN:** 0910-AG57

**AGENCY:** Department of Health and Human Services (HHS)

**ABSTRACT:** FDA published a proposed rule in the Federal Register to establish requirements for nutrition labeling of standard menu items in chain restaurants and similar retail food establishments. FDA also proposed the terms and conditions for restaurants and similar retail food establishments registering to voluntarily be subject to the Federal requirements. FDA is issuing a final rule, and taking this action to carry out section 4205 of the Patient Protection and Affordable Care Act.

**TITLE:** **Medicaid Disproportionate Share Hospital Payments Uninsured Definition (CMS-2315-F)**

**RIN:** 0938-AQ37

**AGENCY:** Department of Health and Human Services (HHS)

**ABSTRACT:** This rule addresses the hospital-specific limitation on Medicaid disproportionate share hospital (DSH) payments under section 1923(g)(1)(A) of the Social Security Act. Under this limitation, DSH payments to a hospital cannot exceed the uncompensated costs of furnishing hospital services by the hospital to individuals who are Medicaid-eligible or "have no health insurance (or other source of third party coverage) for the services furnished during the year."

**TITLE:** **CY 2016 Notice of Benefit and Payment Parameters (CMS- 9944-F)**

**RIN:** 0938-AS19

**AGENCY:** Department of Health and Human Services (HHS)

**ABSTRACT:** This final rule sets forth payment parameters and provisions related to the risk adjustment, reinsurance, and risk corridors programs; cost sharing parameters and cost-sharing reductions; and user fees for Federally-facilitated Exchanges. It also provides additional standards for the annual open enrollment period for 2016, essential health benefits, network adequacy, essential community providers, quality improvement strategies, the sale of non-qualified health plans through Exchanges, the good faith compliance enforcement safe harbor, a suppression status for QHPs, the Small Business Health Options Program, guaranteed availability and guaranteed renewability, minimum essential coverage, and the medical loss ratio program.

**TITLE: Amendments to Excepted Benefits (CMS-9946-F2)**

**RIN: 0938-AS52**

**AGENCY: Department of Health and Human Services (HHS)**

**ABSTRACT:** This second final rule amends the regulations regarding excepted benefits under the Employee Retirement Income Security Act of 1974, the Internal Revenue Code, and the Public Health Service Act. Excepted benefits are generally exempt from the requirements that were added to those laws by the Health Insurance Portability and Accountability Act and the Affordable Care Act.

**TITLE: Child Care and Development Fund Reforms to Support Child Development and Working Families**

**RIN: 0970-AC53**

**Agency: Department of Health and Human Services (HHS)**

**ABSTRACT:** This rule would provide the first comprehensive update of Child Care and Development Fund (CCDF) regulations since 1998. It would make changes in four key areas: (1) Improving health and safety; (2) improving the quality of child care; (3) establishing family-friendly policies; and (4) strengthening program integrity. The rule seeks to retain much of the flexibility afforded to States, territories, and tribes consistent with the nature of a block grant.

**TITLE: Removal of Child Abuse Prevention and Treatment Act (CAPTA) Regulations**

**RIN: 0970-AC65**

**AGENCY: Department of Health and Human Services (HHS)**

**ABSTRACT:** This rule would remove the existing regulations for the Child Abuse Prevention and Treatment Act (CAPTA). There have been major and extensive legislative changes to CAPTA since the regulations were issued in 1983 and updated in 1990. Consequently, the existing regulations for CAPTA (at 45 CFR 1340) are outdated and no longer apply to the CAPTA programs they were designed to implement.

**TITLE: Older Americans Act—Ombudsman Program**

**RIN: 0938-AS14**

**AGENCY: Department of Health and Human Services (HHS)**

**ABSTRACT:** This final rule implements title VII, chapter 2, of the Older Americans Act, as amended, i.e., the Ombudsman Program. Since 1992, the functions of this program have been delineated in 42 U.S.C. 305g; however, regulations have not been promulgated for any title VII program. In the absence of regulatory guidance, there has been significant variation in the interpretation and implementation of these provisions among States. Recent inquiries from States and an Administration on Aging compliance review in one State have highlighted the difficulty of determining State compliance in carrying out the program functions.

**TITLE: Wildlife and Fisheries; Boating Infrastructure Grant Program; Financial Assistance**

**RIN: 1018-AW64**

**AGENCY: Department of the Interior (DOI)**

**ABSTRACT:** We published a proposed rule for the Boating Infrastructure Grant (BIG) program on March 28, 2012, with a 60-day comment period. We accepted comments and determined to make significant changes based on those comments and our further review. We published a second proposed rule on April 25, 2014, with a 90-day comment period. We reviewed the 13 comments we received, and published a final rule. The purpose of the final rule is to clarify program requirements, update approaches based on legal and technical changes since 2001, apply lessons learned, and address issues in program management that were identified in a June 2005 report, "A Review of the BIG Program, 2000-2003," by the Sport Fishing and Boating Partnership Council, which is chartered by the Federal Advisory Committee Act.

**TITLE: Endangered and Threatened Wildlife and Plants; ESA Section 7 Consultation Regulations; Incidental Take Statements**

**RIN: 1018-AX85**

**AGENCY: Department of the Interior (DOI)**

**ABSTRACT:** Court decisions rendered over the last decade regarding the adequacy of incidental take statements have prompted us, along with the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration to clarify our regulations concerning two aspects of issuance of incidental take statements during section 7 consultation under the Endangered Species Act. The regulatory changes specifically address the use of surrogates to express the limit of exempted take and the circumstances under which inclusion of an incidental take statement with a biological opinion on a programmatic action is appropriate.

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

**RIN: 1018-AZ19**

**AGENCY: Department of Interior (DOI)**

**ABSTRACT:** Various populations of light geese (greater and lesser snow geese and Ross's geese) have undergone rapid growth during the past 30 years, and have become seriously injurious to their own habitat, as well as to habitat important to other migratory birds and to agricultural interests. The U.S. Fish and Wildlife Service believes that several of these populations have exceeded the long-term carrying capacity of their breeding and/or migration habitats and must be reduced. In 1999, we implemented regulations that authorized new methods of take and created a conservation order to increase harvest of certain populations of light geese in the Central and Mississippi Flyways (64 FR 7507). Subsequently, we prepared an environmental impact statement and record of decision in 2008 to revise the regulations to include the Atlantic Flyway (73 FR 65926). This rule would reduce the information collection

requirements of conservation order participants and reduce the burden on State wildlife agencies that are required to submit annual light goose harvest reports to the Service.

**TITLE: Proposed Changes to NICS Intended to Promote Public Safety, to Enhance the Efficiency of NICS Operations, and to Resolve Difficulties Created by Unforeseen Processing Conflicts Within the System**

**RIN: 1110-AA27**

**AGENCY: Department of Justice (DOJ)**

**ABSTRACT:** The Department of Justice plans to propose amendments to title 28 of the Code of Federal Regulations, part 25 to promote public safety, to enhance the efficiency of the National Instant Criminal Background Check System (NICS) operations, and to resolve difficulties created by unforeseen processing conflicts within the system. The proposed amendments would address entities authorized to: (1) receive information in connection with the issuance of a firearm-related permit or license, (2) access to the FBI-maintained NICS Index to permit background checks for the purpose of returning firearms in the possession of a law enforcement or criminal justice agency, and (3) requirements for retention of records relating to denied transactions.

**TITLE: Family and Medical Leave Act of 1993, as Amended**

**RIN: 1235-AA09**

**AGENCY: Department of Labor (DOL)**

**ABSTRACT:** The Family Medical Leave Act (FMLA) entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had taken leave. Eligible employees may take FMLA leave, among other reasons, to care for the employee's spouse who has a serious health condition. The Department proposes to revise the definition of "spouse" in light of the United States Supreme Court's decision in *United States v. Windsor*.

**TITLE: Minimum Standards for Driver's Licenses and Identification Cards Acceptable by Federal Agencies for Official Purposes**

**RIN: 1601-AA74**

**AGENCY: Department of Homeland Security (DHS)**

**ABSTRACT:** Pursuant to REAL ID regulations, beginning December 1, 2014, Federal agencies may not accept State-issued driver's licenses or identification cards for official purposes from individuals born after December 1, 1964, unless the license or card is REAL ID-compliant and was issued by a compliant State as determined by DHS. Also, beginning December 1, 2017, Federal agencies may

not accept driver's licenses or identification cards for official purposes from any individual unless the card is REAL ID-compliant and was issued by a compliant State as determined by DHS. This final rule changes both document enrollment dates to October 1, 2020. Nothing in this rule affects the prohibition against Federal agencies accepting for official purposes licenses and identification cards issued by noncompliant States, pursuant to the REAL ID Act and in accordance to the phased enforcement schedule.

**TITLE: Standards for the Management of Coal Combustion Residuals Generated by Commercial Electric Power Producers**

**RIN: 2050-AE81**

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

**ABSTRACT:** The EPA finalized national regulations to provide a comprehensive set of requirements for the safe disposal of coal combustion residuals (CCRs), which are commonly known as coal ash, from coal-fired power plants. The final rule is the culmination of extensive study on the effects of coal ash on the environment and public health. The rule establishes technical requirements for CCR landfills and surface impoundments under subtitle D of the Resource Conservation and Recovery Act (RCRA), the nation's primary law for regulating solid waste. The final rule makes a number of changes from the proposal, including providing greater clarity on technical requirements in response to questions received during the comment period. These regulations address the risks from coal ash disposal -- leaking of contaminants into ground water, blowing of contaminants into the air as dust, and the catastrophic failure of coal ash surface impoundments. Additionally, the rule sets out recordkeeping and reporting requirements, as well as the requirement for each facility to establish and post specific information to a publicly accessible website. This final rule also supports the responsible recycling of CCRs by distinguishing safe, beneficial use from disposal.

**TITLE: Rulemaking on the Definition of Solid Waste**

**RIN: 2050-AG62**

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

**ABSTRACT:** On January 13, 2015, EPA revised several recycling-related provisions associated with the definition of solid waste used to determine hazardous waste regulation under subtitle C of the Resource Conservation and Recovery Act (RCRA). The purpose of these revisions is to ensure that the hazardous secondary materials recycling regulations, as implemented, encourage reclamation in a way that does not result in increased risk to human health and the environment from hazardous secondary material.

**TITLE: Standards of Performance for New Residential Wood Heaters and New Residential Hydronic Heaters and Forced Air Furnaces**

**RIN: 2060-AP93**

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

**ABSTRACT:** On February 3, 2015, EPA signed a final rule that made revisions to the New Source Performance Standards (NSPS) for new residential wood heaters. This action updates the 1988 NSPS to reflect significant advancements in wood heater technologies

and design, broadens the range of residential wood-heating appliances covered by the regulation, and improves and streamlines implementation procedures. This rule requires manufacturers to redesign wood heaters to be cleaner and lower emitting. In general, the design changes would also make the heaters perform better and be more efficient. The revisions will streamline the process for testing new model lines by allowing the use of International Standards Organization (ISO)-accredited laboratories and certifying bodies, which will expand the number of facilities that can be used for testing and certification of the new model lines. This action includes the following new residential wood-heating appliances: adjustable burn rate wood heaters, pellet stoves, single burn rate wood heaters, outdoor hydronic heaters (outdoor wood boilers), indoor hydronic heaters (indoor wood boilers), wood-fired forced air furnaces, and masonry heaters. These standards apply only to new residential wood heaters and not to existing residential wood-heating appliances.

**TITLE:** Revisions to the Air Emissions Reporting Requirements: Revisions to Lead (Pb) Reporting Threshold and Clarifications to Technical Reporting Details

**RIN:** 2060-AR29

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

**ABSTRACT:** The existing Air Emissions Reporting Requirements (AERR) in 40 CFR part 51 include a reporting threshold of 5 tons per year for lead (Pb). This action brings that threshold into line with the requirements of the revised Pb national standards (NAAQS) and its associated monitoring requirements of 0.5 tons per year. The EPA finalized technical corrections to appendix A of subpart A of the AERR final rule to make it consistent with the final implementation of the Emission Inventory System (EIS), which is used to collect the data required as part of the AERR. This rule affects state, local, and tribal agencies that are responsible for submitting data to EIS by requiring them to collect and submit data from additional Pb sources based on the lower emissions reporting threshold. This action also clarifies for these data submitters the technical elements of their submissions to the EIS by reducing inconsistencies with other features of Appendix A. This action was published on February 19, 2015 (80 FR 8787).

**TITLE:** Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements

**RIN:** 2060-AR34

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

**ABSTRACT:** This final rule addressed a range of state implementation requirements for the 2008 National Ambient Air Quality Standards (NAAQS) for ozone, including requirements pertaining to attainment demonstrations, reasonable further progress, reasonably available control technology, reasonably available control measures, nonattainment new source review, emission inventories, and the timing of State Implementation Plan (SIP) submissions and compliance with emission control measures in the

SIP. Other issues also addressed in this final rule were the revocation of the 1997 ozone NAAQS, and anti-backsliding requirements that apply when the 1997 NAAQS are revoked.

**TITLE:** Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating units

**RIN:** 2060-AQ91

**AGENCY:** Environmental Protection Agency

**ABSTRACT:** This rulemaking is combined with the Carbon Pollution Standards for Modified and Reconstructed Stationary Sources: Electric Utility Generating Units, RIN 2060-AR88. Once combined, this final rule will establish the first new source performance standards for greenhouse gas emissions. This rule will establish carbon dioxide (CO<sub>2</sub>) emission standards for certain new fossil fuel-fired electric generating units.

**TITLE:** NESHAP from Coal- and Oil-Fired Steam EGU Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Ind-Com-Institutional, and Small Ind-Com-Institutional Steam Generating Units

**RIN:** 2060-AS07

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

**ABSTRACT:** In April 2012, EPA issued the final Mercury and Air Toxics Standards (MATS) Rule. EPA received petitions for reconsideration of this final rule. In November 2012, EPA granted reconsideration on proposed revisions to and solicited comment on four issues raised in the petitions: certain revised new source standards in MATS, requirements applicable during periods of startup and shutdown in MATS, startup and shutdown provisions related to the Particulate Matter (PM) standard in the Utility NSPS, and definitional and monitoring provisions in the Utility NSPS. In April 2013, EPA finalized the revisions to the new source standards. The petitions for reconsideration related to the startup/shutdown provisions indicated that the public lacked an opportunity to comment on these provisions. In November 2012, EPA granted reconsideration to provide an opportunity for public comment on this issue (NPRM 2). In June 2013, EPA reopened the public comment period for the proposed reconsideration of the startup/shutdown issues. After review of the public comments received, with this action, EPA issued a final rule announcing our final decision on the proposed startup/shutdown reconsideration.

**TITLE:** Regulation Changes to Allow for Electronic Submittal of State Implementation Plans (SIPs)

**RIN:** 2060-AS20

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



**ABSTRACT:** This action amended certain sections of the Clean Air Act that pertain to State Implementation Plan (SIP) submissions to allow for electronic submissions. The rule supports the agency's commitment to institute electronic systems in place of existing paper based reporting to meet the agency's regulatory requirements. The rule moves SIP submissions toward the agency's priority for E-Reporting. Furthermore, it supports the Digital Government Strategy issued by the White House in 2012 that calls for the EPA to continue to evolve its reporting systems to take advantage of new technology and improve transparency of our stakeholders. This rule is a step forward in the agency's larger E-Enterprise for the Environment Initiative.

**TITLE:** Lead-Based Paint Program; Extension of Renovator Certifications

**RIN:** 2070-AK04

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

**ABSTRACT:** On January 14, 2015, EPA published a proposed rule that would, among other things, change the requirements for the refresher training course that renovators under its Renovation, Repair and Painting Program must take to become recertified so renovators can take the course online without having to travel to a training facility. In the proposed rule, EPA expressed concern that, by the time a final rule is published, many renovators would have already taken the refresher training that includes the hands-on learning and missed out on the expected burden savings that would result from the rulemaking, and sought public comment on whether the certifications of those renovators should therefore be extended. EPA is developing a final rule that would extend the certifications for this subset of renovators.

**TITLE:** Statewide and Nonmetropolitan Transportation Planning; Metropolitan Transportation Planning (MAP-21)

**RIN:** 2125-AF52

**AGENCY:** Department of Transportation (DOT)

**ABSTRACT:** This rulemaking would propose amendments to the regulation 23 CFR part 450 and 49 CFR part 613 under which the FHWA and the Federal Transit Administration (FTA) respectively administer the Metropolitan Transportation Planning program authorized by 23 USC 134 and 49 USC section 5303 and the Statewide Non-Metropolitan Transportation Planning Program authorized by 23 USC 135 and 49 USC 5304. Sections 1201 and 1202 of MAP-21 replace 23 USC 134 and 135 to require a continuing, comprehensive, and coordinated transportation planning and programming process in metropolitan areas, nonmetropolitan areas, and Statewide. The NPRM on Planning and Environmental Linkages (2125-AF66) has been merged with this rulemaking at the final rule stage. These provisions add an additional authority for the use of planning products in the environmental review process required under NEPA. Through this rulemaking, FHWA and FTA would interpret and implement MAP-21's additional authority for FHWA and FTA to use planning products developed by States, MPO's and other agencies during the transportation planning process in the environmental review process for a project.

**TITLE: Medical Examiner's Certification Integration (MAP-21)**

**RIN: 2126-AB40**

**AGENCY: Department of Transportation (DOT)**

**ABSTRACT:** This rulemaking would build upon the National Registry (2126-AA97) and Medical Certification (2126-AA10) final rules. This rulemaking would (1) require certified medical examiners (MEs) performing physical examinations on drivers of commercial motor vehicles (CMV) to use a newly developed Medical Examination Report (MER) form; (2) require MEs to use a prescribed form for the medical examiner's certificate; (3) require MEs to report results of all completed commercial drivers' physical examinations (including the results of examinations where the driver was found not to be qualified) to FMCSA by close of business on the day of the examination; (4) transmit information from the Medical Examiner's Certificate electronically from the National Registry system to the State Driver Licensing Agencies (SDLAs); (5) transmit to the SDLAs information about Medical Examiner's Certificates that have been invalidated because a subsequent examination has found that the driver is not physically qualified; and (6) require the Agency to transmit medical variance information for such drivers electronically to the SDLAs.

**TITLE: Amendment of the Rules Regarding Maritime Automatic Identification Systems (WT Docket No. 04-344)**

**RIN: 3060-AJ16**

**AGENCY: Federal Communications Commission (FCC)**

**ABSTRACT:** This action adopts additional measures for domestic implementation of Automatic Identification Systems (AIS), an advanced marine vessel tracking and navigation technology that significantly can enhance our Nation's homeland security as well as maritime safety.

**TITLE: Federal Property Management Regulations (FPMR); FPMR Case 2003-101-1; Federal Management Regulation (FMR) Case 2003-102-4; Disposition of Personal Property With Special Handling Requirements**

**RIN: 3090-AH21**

**AGENCY: General Services Administration (GSA)**

**ABSTRACT:** GSA is amending the Federal Property Management Regulations (FPMR) by revising coverage regarding hazardous materials and certain categories of personal property, removing existing regulatory provisions from the FPMR, and moving coverage into the Federal Management Regulation (FMR). Upon issuance of this final rule, the FMR addressed all types of personal property requiring special handling. A cross-reference is added to the FPMR to direct readers to the coverage in the FMR.

**TITLE: Federal Management Regulation (FMR); FMR Case 2012-102-2; Donation of Surplus Personal Property**

**RIN: 3090-AJ26**

**AGENCY: General Services Administration (GSA)**

**ABSTRACT:** The General Services Administration has amended the Federal Management Regulation (FMR) by changing its personal property policy. The changes include the addition of certain veterans organizations as eligible donation recipients, updating and clarifying language regarding the use of Standard Form 97, the United States Government Certificate to Obtain Title to a Vehicle (SF 97), instructing agencies to ensure against unauthorized use of blank copies of SF 97, making minor clarifying edits to existing policies, and removing and reserving certain regulations that are no longer required.

**TITLE:** Grants and Financial Assistance

**RIN:** 3095-AB83

**AGENCY:** National Archives and Records Administration (NARA)

**ABSTRACT:** On December 26, 2013, OMB updated its grant-making regulations at 2 CFR 200 (Uniform Administrative Requirements Cost Principles and Audit Requirements for Federal Awards) and issued guidance to agencies for grants/financial assistance reform. As stated in Part 200.110 of the guidance, Federal agencies must implement the OMB guidance on Federal awards by regulatory action. In accord with this requirement, NARA is adopting OMB's new guidance and is revising 36 CFR 1206, National Historical Publications and Records Commission (NARA's grant-making organization), and 2 CFR 2600, Nonprocurement Debarment and Suspension, to incorporate adoption of 2 CFR 200. NARA is also removing 36 CFR 1207 and 1210, which are rendered obsolete by the new provisions. Regulatory flexibility analysis, State, local, and tribal government impact, and impact on small business entities were assessed during OMB's revision of its rules, and substantial public comment and discussion were conducted. As a result, this regulatory action simply adopting those rules requires no further such assessment and will be published as part of a joint interim final rule in December 2014.

**TITLE:** Safeguards Information-Modified Handling Categorization; Change for Materials Facilities [NRC-2012-0140]

**RIN:** 3150-AJ18

**AGENCY:** Nuclear Regulatory Commission (NRC)

**ABSTRACT:** The direct final rule amends the Commission's regulations in 10 CFR part 73 to remove the Safeguards Information Modified Handling (SGI-M) designation of the security related information for large irradiators, manufacturer and distributors, and for transport of category 1 quantities of radioactive material. The rulemaking will also result in the removal of the SGI-M designation of the security-related information for the transportation of irradiated reactor fuel that weighs 100 grams or less in net weight of irradiated fuel. The security-related information for these facilities and the transportation of certain materials will no longer be designated as SGI-M and will be protected under the information protection requirements that apply to other materials licensees that possess category 1 and category 2 quantities of radioactive material. This approach achieves sufficient protection of sensitive

information while facilitating effective implementation of the part 37 requirements. Conforming changes would be made to 10 CFR parts 30, 37, and 150.

**TITLE:** Amendments to Small and Additional Issues Exemptions Under the Securities Act

**RIN:** 3235-AL39

**AGENCY:** Security and Exchange Commission (SEC)

**ABSTRACT:** The Commission adopted rules to implement section 401 of the JOBS Act. Section 401 added section 3(b)(2) to the Securities Act, which directs the Commission to adopt rules exempting from the registration requirements of the Securities Act securities offerings of up to \$50 million.