COMMONWEALTH of VIRGINIA

Office of the Governor

January 31, 2016

The Honorable Terence R. McAuliffe
Office of the Governor
Patrick Henry Building, 3rd Floor
Richmond, Virginia 23219

Dear Governor McAuliffe:

Pursuant to the requirements of § 2.2 – 302(9) of the *Code of Virginia*, I am submitting the Federal Mandates and Regulations Report due on January 31, 2016.

Sincerely,

Maribel Ramos

Maribel E. Ramos
Director of the Virginia Office of Intergovernmental Affairs

Cc: The Honorable Emmett Hanger, Co-Chairman of the Senate Finance Committee
The Honorable Thomas Norment, Co-Chairman of the Senate Finance Committee
The Honorable S. Chris Jones, Chairman of the House Appropriations Committee

Hall of the States • 444 North Capitol Street, NW, Suite 214 • Washington, D.C. 20001
(202) 783 - 1789
www.governor.virginia.gov

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
2016

January 31, 2016

Federal Mandate Report

July 1, 2015

To

December 31, 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 July 1, 2015 to December 31, 2015. Of the bills reviewed by the CBO, one federally unfunded mandate as defined by UMRA has been made public law.

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 met UMRA thresholds, one bill has become law during the period July 1, 2015 – December 31, 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. 22	**DRIVE Act**	CBO has determined that the nontax provisions of the bill would impose several intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). Mandates that would affect both public and private entities would require: • Rail carriers, including public commuter rail carriers and Amtrak, to post signage along tracks, install recording devices in some cars, and take other actions to increase rail safety; • Some state and local governments and Amtrak to create plans and submit reports about the capital assets of intercity passenger rail systems; and • Sponsors of large construction projects to submit notices to federal agencies in some cases. To the extent that federal agencies	01/06/2015: Introduced in House 01/06/2015: Passed/agreed to in House: On motion to suspend the rules and pass the bill Agreed to by the Yeas and Nays: (2/3 required): 412 – 0 02/12/2015: Committee on Finance. Reported by Senator Hatch without amendment 07/30/2015: Passed/agreed to in Senate: Passed Senate with an amendment and an amendment to the Title by Yea-Nay Vote. 65 –

		would collect fees, the duty to pay those fees also would be a mandate. The bill also would impose mandates on public entities by preempting certain state laws and regulations. The most costly intergovernmental mandates are those that impose rail safety requirements. Depending on how DOT implemented related regulations, the costs of those requirements could exceed the annual threshold established in UMRA for intergovernmental mandates ($77 million in 2015, adjusted annually for inflation). The bill also would impose new safety and reporting requirements on private entities, including manufacturers of motor vehicles and tires, transporters of hazardous materials, and rental car companies, and it would increase customs user fees. CBO estimates that those fees would total more than $1 billion over the 2016-2020 period. Consequently, CBO estimates that the aggregate cost of the private-sector mandates would greatly exceed the annual threshold established in UMRA ($154 million in 2015, adjusted annually for inflation).	34. 11/05/2015: To conference: Mr. Shuster moved that the House agree with an amendment to the Senate amendments, insist upon its amendment to the Senate amendment, and request a conference. 11/18/2015: Conference committee actions: Conference held. 12/01/2015: Conference report filed: Conference report H. Rept. 114-357 filed. 12/03/2015: Conference report agreed to in House: On agreeing to the conference report Agreed to by the Yeas and Nays: 359 – 65. • Wittman – Yea • Rigell – Yea • Scott – Yea • Forbes – Yea • Hurt – Nay • Goodlatte – Yea • Brat – Nay

			• Beyer – Yea • Griffith – Yea • Comstock – Yea • Connolly - Yea 12/03/2015: Conference report agreed to in Senate: Senate agreed to conference report, under the order of 12/3/2015, having achieved 60 votes in the affirmative, by Yea-Nay Vote. 83 – 16. • Kaine - Yea • Warner - Yea 12/04/2015: Presented to President.

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

Title II of the Unfunded Mandate Reform Act (UMRA) of 1995 contains the Congressional Budget Office (CBO) statements for bills approved by one chamber of Congress but has not become law. 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.

Bill Number	Bill Title	Unfunded Mandate on State	Bill Status
H.R. 1599	**Safe and Accurate Food Labeling Act of 2015**	H.R. 1599 would establish a program, to be administered by the U.S. Department of Agriculture (USDA), to certify genetically engineered food. The bill also would prohibit an unregulated plant that is genetically engineered from being introduced into interstate commerce for use in food unless it was certified to be safe by the Food and Drug Administration (FDA). USDA would be required to publish information about certain genetically engineered plants intended for use in food on a public website. Finally, the bill would establish labeling requirements for genetically engineered and natural foods. CBO estimates that implementing H.R. 1599 would cost a total of $4 million over the 2016-2020 period, subject to appropriation of the specified and necessary amounts. In addition, enacting the bill would increase both revenues	3/25/2015 Introduced in House 7/16/2015 Reported (Amended) by the Committee on Agriculture. H. Rept. 114-208, Part I. 7/21/2015 Supplemental report filed by the Committee on Agriculture, H. Rept. 114-208, Part II. 7/23/2015 Passed/agreed to in House: On passage Passed by recorded vote: 275 - 150 (Roll no. 462).

		and direct spending by about $1 million annually, therefore pay-as-you-go procedures apply. CBO estimates that the net effect on the deficit of those changes in revenues and direct spending over the 2015-2025 period would be insignificant. H.R. 1599 would impose intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) by doing the following: Prohibiting entities from introducing into commerce certain genetically engineered plants for use in food unless they consult with FDA and notify the Secretary of Agriculture; Requiring entities (including schools and universities) that sell or label food as produced with or without the use of genetic engineering to meet certain standards and pay fees to obtain certification; Requiring entities that label their food products as natural to comply with FDA regulations; and Preempting state laws that regulate the use of genetically engineered plants in food and the labeling of food as genetically engineered or natural. Most entities already consult with FDA before marketing genetically engineered plants or products. Therefore, CBO estimates that the incremental administrative cost of the consultation and notification mandate would be small. The incremental cost of complying with the standards for	• Wittman – Yea • Rigell – Yea • Scott – Nay • Forbes – Yea • Hurt – Yea • Goodlatte – Yea • Brat – Yea • Beyer – Nay • Griffith – Yea • Comstock – Yea • Connolly – Nay 7/24/2015 Referred to Senate committee: Received in the Senate and Read twice and referred to the Committee on Agriculture, Nutrition, and Forestry.

		selling or labeling food products as produced with or without the use of genetic engineering would probably be small for some producers and handlers of products that are independently verified or certified as organic under the NOP. CBO estimates that the fees to obtain certification would amount to about $1 million per year, but CBO has not been able to determine the total cost of that mandate. The costs to producers of foods labeled as natural would depend on future regulations to be issued by the FDA. Because of uncertainty about the scope and nature of future regulations, CBO cannot determine whether the aggregate cost of the mandates on private entities would exceed the annual threshold established in UMRA for private-sector mandates ($154 million in 2015, adjusted annually for inflation). Very few public entities are actively engaged in the promotion of genetically modified products, and certified organic farms run by universities would already meet many of the bill's requirements. Although the bill would limit the application of state laws, it would impose no duty on states that would result in additional spending or a loss of revenues. Consequently, CBO estimates that the aggregate cost of the mandates on public entities would fall below the intergovernmental threshold established in UMRA ($77 million in 2015, adjusted annually for inflation).	

Part III- Federal Regulatory Mandates

The Regulatory Information Service Center of the General Services Administration identified 39 completed federal regulatory actions published within the time period of July 1, 2015 - December 31, 2015 that may affect many states, many of which may impact the Commonwealth of Virginia.

TITLE: Reserve Account Dual Signature Requirement
RIN: 0575-AC99
AGENCY: Department of Agriculture (USDA)
ABSTRACT: Through this action, the Rural Housing Service (RHS) proposes to amend its regulation at 7 CFR section 3560.306 to change the requirements of the Reserve Account for the section 515 Rural Rental Housing (RRH) program. The action would address reserve account requirements of requiring an Agency countersignature with the borrower when a section 538 guaranteed loan is involved and also clarifying that reserve account funds cannot be used to pay for fees associated with the section 538 guarantee loan program.

TITLE: 2015 Annual Determination to Implement the Sea Turtle Observer Requirement
RIN: 0648-BE35
AGENCY: Department of Commerce (DOC)
ABSTRACT: Through the Annual Determination, the National Marine Fisheries Service (NMFS) identifies U.S. fisheries operating in the Atlantic Ocean, Gulf of Mexico, and Pacific Ocean that will be required to take observers upon NMFS request, pursuant to its authority under the Endangered Species Act. The purpose of observing identified fisheries is to learn more about sea turtle interactions in a given fishery, evaluate existing measures to prevent or reduce prohibited sea turtle takes, and to determine whether additional measures to implement the prohibition against sea turtle takes may be necessary. Fisheries that were identified in the 2015 Annual Determination will remain on the Annual Determination for a 5-year period and are required to carry observers upon NMFS request until December 31, 2019.

TITLE: Current Good Manufacturing Practice and Hazard Analysis and Risk-Based Preventive Controls for Food for Animals

RIN: 0910-AG10
AGENCY: Department of Health and Human Services (HHS)
ABSTRACT: This rule establishes requirements for good manufacturing practice, and requires that certain facilities establish and implement hazard analysis and risk-based preventive controls for animal food, including ingredients and mixed animal feed. This action is intended to provide greater assurance that food for all animals, including pets, is safe.

TITLE: Survey, Certification, and Enforcement Procedures (CMS-3255-F)
RIN: 0938-AQ33
AGENCY: Department of Health and Human Services (HHS)
ABSTRACT: This final rule revises the survey, certification, and enforcement procedures related to Centers for Medicare & Medicaid Services oversight of national accreditation organizations (AOs). These revisions implement certain provisions under the Medicare Improvements for Patients and Providers Act of 2008 (MIPPA). The revisions also clarify and strengthen oversight of AOs that apply for, and are granted, recognition and approval of an accreditation program in accordance with the Social Security Act.

TITLE: Methods for Assuring Access to Covered Medicaid Services (CMS-2328-FC)
RIN: 0938-AQ54
AGENCY: Department of Health and Human Services (HHS)
ABSTRACT: This rule creates a standardized, transparent process for States to follow as part of their broader efforts to "assure that payments are consistent with efficiency, economy, and quality of care and are sufficient to enlist enough providers so that care and services are available under the plan at least to the extent that such care and services are available to the general population in the geographic area" as required by section 1902(a)(30)(A) of the Social Security Act (the Act). This rule also recognizes, as States have requested, electronic publication as an optional means of communicating State plan amendments (SPAs) and proposed rate-setting policy changes to the public.

TITLE: Electronic Health Record Incentive Program--Stage 3 and Modifications to Meaningful Use in 2015 through 2017 (CMS-3310-F)
RIN: 0938-AS26
AGENCY: Department of Health and Human Services (HHS)
ABSTRACT: This final rule specifies the requirements that eligible professionals, eligible hospitals, and critical access hospitals must meet in order to qualify for Medicare and Medicaid electronic health record (EHR) incentive payments and avoid downward payment adjustments under the Medicare EHR Incentive Program. In addition, it changes the Medicare and Medicaid EHR Incentive Programs

reporting period in 2015 to a 90-day period aligned with the calendar year. This rule also removes reporting requirements on measures that have become redundant, duplicative, or topped out from the Medicare and Medicaid EHR incentive programs. In addition, this rule establishes the requirements for Stage 3 of the program as optional in 2017 and required for all participants beginning in 2018. The rule continues to encourage the electronic submission of clinical quality measure data, establishes requirements to transition the program to a single stage, and aligns reporting for providers in the Medicare and Medicaid EHR Incentive Programs.

TITLE: FY 2016 Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities (CMS-1622-F)
RIN: 0938-AS44
AGENCY: Department of Health and Human Services (HHS)
ABSTRACT: This annual final rule updates the payment rates used under the prospective payment system for Skilled Nursing Facilities for fiscal year 2016.

TITLE: CY 2016 Home Health Prospective Payment System Refinements and Rate Update (CMS-1625-F)
RIN: 0938-AS46
AGENCY: Department of Health and Human Services (HHS)
ABSTRACT: This annual final rule updates the 60-day national episode rate based on the applicable home health market basket update and case-mix adjustment. It also updates the national per-visit rates used to calculate low utilization payment adjustments (LUPAs) and outlier payments under the Medicare prospective payment system for home health agencies. These changes apply to services furnished during home health episodes beginning on or after January 1, 2016. Additionally, this rule will implement a Home Health value-based purchasing model, beginning January 1, 2016, in which all Medicare-Certified Home Health Agencies in selected states will be required to participate.

TITLE: Electronic Health Record Incentive Program--Modifications to Meaningful Use in 2015 through 2017 (CMS-3311-F)
RIN: 0938-AS58
AGENCY: Department of Health and Human Services (HHS)

ABSTRACT: This rule would implement changes to the Medicare and Medicaid Electronic Health Record (EHR) Incentive Program EHR reporting requirements. These changes will be finalized in the "Electronic Health Record Incentive Program-Stage 3 and Modifications to Meaningful Use in 2015 through 2017" final rule.

TITLE: Refuge-Specific Hunting and Sport Fishing Regulations; 2015-2016
RIN: 1018-BA57
AGENCY: Department of the Interior (DOI)
ABSTRACT: We made additions to refuge-specific regulations for the 2015 to 2016 hunting season. This action is part of an annual update for the National Wildlife Refuge System that ensures adequate public notice of openings and changes. We operate hunting and fishing programs on refuges to implement the National Wildlife Refuge System Improvement Act of 1997 directives to facilitate compatible priority wildlife-dependent recreational opportunities.

TITLE: Migratory Bird Hunting; 2015-2016 Migratory Game Bird Hunting Regulations
RIN: 1018-BA67
AGENCY: Department of the Interior (DOI)
ABSTRACT: We issue annual hunting regulations for certain migratory game birds for the 2015-2016 hunting season. We annually prescribe outside limits (frameworks), within which States may select hunting seasons. We also request proposals from Indian tribes that wish to establish special migratory bird hunting regulations on Federal Indian reservations and ceded lands and proposals for the 2015-2016 spring/summer migratory bird subsistence season in Alaska. Migratory game bird hunting seasons provide hunting opportunities for recreation and sustenance; aid Federal, State, and tribal governments in the management of migratory game birds; and permit harvests at levels compatible with migratory bird population status and habitat conditions.

TITLE: Hearing Process Concerning Acknowledgment of American Indian Tribes
RIN: 1094-AA54
AGENCY: Department of the Interior (DOI)
ABSTRACT: This rule establishes procedures for hearings related to Federal acknowledgment of Indian tribes. A companion rule (at 25 CFR part 83) provides a Federal acknowledgment petitioner the opportunity to request a hearing upon a negative proposed finding. This rule establishes the procedures for the hearing, based on procedures used in other types of hearings

TITLE: Coverage of Certain Preventive Services Under the Affordable Care Act
RIN: 1210-AB67
AGENCY: Department of Labor (DOL)
ABSTRACT: The Patient Protection and Affordable Care Act of 2010 (the Affordable Care Act) amended title I of ERISA, by adding a new section 715 which encompasses various health reform provisions of the Public Health Service (PHS) Act. Section 2713 of the PHS Act requires coverage without cost sharing of certain preventive health services by non-grandfathered group health plans and health insurance coverage.

TITLE: Summary of Benefits and Coverage and Uniform Glossary
RIN: 1210-AB69
AGENCY: Department of Labor (DOL)
ABSTRACT: The Patient Protection and Affordable Care Act of 2010 (the Affordable Care Act) amended title I of ERISA, by adding a new section 715 which encompasses various health reform provisions of the Public Health Service (PHS) Act. Section 2715 of the PHS Act directs the Departments of Labor, Treasury, and Health and Human Services to develop standards for use by a group health plan and a health insurance issuer offering group or individual health insurance coverage in compiling and providing a summary of benefits and coverage (SBC) that accurately describes the benefits and coverage under the applicable plan or coverage. PHS Act section 2715 also calls for the development of standards for the definitions of terms used in health insurance coverage.

TITLE: Offset of Tax Refund Payments to Collect State Income Tax Obligations and Unemployment Debts Owed to States
RIN: 1530-AA02
AGENCY: Department of the Treasury (TREAS)
ABSTRACT: The Department of the Treasury (Treasury), Bureau of the Fiscal Service is amending its regulation governing the offset of Federal tax refunds to collect delinquent State income tax obligations. The SSI Extension for Elderly and Disabled Refugees Act of 2008, amended section 6402 of the Internal Revenue Code to authorize the offset of overpayments of Federal taxes (referred to as Federal tax refunds) to collect certain delinquent unemployment compensation debts owed to States by taxpayers. Treasury will incorporate the procedures necessary to collect State unemployment compensation debts reported by States as part of the Treasury Offset Program (TOP), a centralized offset program operated by Bureau of the Fiscal service.

TITLE: Title I--Improving the Academic Achievement of the Disadvantaged
RIN: 1810-AB16
AGENCY: Department of Education (ED)
ABSTRACT: The Secretary amended the regulations governing title I, part A of the Elementary and Secondary Education Act of 1965, as amended (ESEA), to phase out the authority of States to define modified academic achievement standards and develop alternate assessments based on those modified academic achievement standards in order to satisfy ESEA assessment and accountability requirements. These regulations also make conforming amendments to the regulations in 34 CFR part 300.

TITLE: Charter Schools Grants to SEAs
RIN: 1855-AA12
AGENCY: Department of Education (ED)
ABSTRACT: These regulations will establish priorities, requirements, definitions, and selection criteria to govern this program and future discretionary grant competitions under this program. This action will support development of high-quality charter schools by strengthening several components of the program including grantee accountability; accountability and oversight for authorized public chartering agencies; and support to educationally disadvantaged students.

TITLE: Test Procedure for Refrigerated Bottled or Canned Beverage Vending Machines
RIN: 1904-AD07
AGENCY: Department of Energy (DOE)
ABSTRACT: EPCA, as amended by EISA 2007, requires the Secretary to review test procedures for refrigerated beverage vending machines and determine if an amended test procedure would more accurately or fully comply with requirements under EPCA.

TITLE: Determination Regarding Energy Efficiency Improvements in the 2015 IECC
RIN: 1904-AD33
AGENCY: Department of Energy (DOE)
ABSTRACT: DOE is required by statute to issue a determination as to whether updated editions of the International Energy Conservation Code (IECC) would improve energy efficiency in residential buildings subject to the code. If this determination is finalized, States will be required by statute to certify that they have reviewed the provisions of their residential building code

regarding energy efficiency and made a determination as to whether to update their code to meet or exceed the 2015 IECC. Additionally, this notice provides guidance to States on certifications and requests for extensions of deadlines for certification statements.

TITLE: Test Procedure for External Power Supplies
RIN: 1904-AD36
AGENCY: Department of Energy (DOE)
ABSTRACT: The Energy Policy and Conservation Act of 1975 (EPCA), as amended, requires that test procedures be established for covered products, including external power supplies. This rulemaking seeks to clarify certain testing requirements in the existing test procedure for external power supplies codified in Appendix Z of subpart B of 10 CFR 430.

TITLE: NPDES Electronic Reporting Rule
RIN: 2020-AA47
AGENCY: Environmental Protection Agency (EPA)
ABSTRACT: This rule converts National Pollutant Discharge Elimination System (NPDES) required paper reports to electronic reports and will save authorized State, tribe and territorial NPDES programs considerable resources, make reporting easier for NPDES-regulated entities, streamline permit renewals and NPDES data exchange between States and EPA, improve environmental decision-making, and more effectively protect human health and the environment. This rule changes the mode for transmitting NPDES information by requiring that NPDES-regulated entities electronically submit the following permit and compliance monitoring information: Discharge Monitoring Reports (DMRs); Notices of Intent (NOIs) and similar notices to discharge in compliance with NPDES general permits; and a number of required NPDES program reports. This change will expedite the collection and processing of the data and make data more accurate and timely. Importantly, the rule does not require any new reporting by NPDES-regulated entities under existing federal regulations. EPA anticipates that the rule will save significant resources for States, tribes, and territories, EPA and NPDES permit holders, increase accuracy, streamline the reporting process, and improve data quality.

TITLE: Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category
RIN: 2040-AF14
AGENCY: Environmental Protection Agency (EPA)
ABSTRACT: The EPA establishes national technology-based regulations, called effluent limitations guidelines and standards, to reduce discharges of pollutants from industries to waters of the U.S. These requirements are incorporated into National Pollutant Discharge Elimination System (NPDES) discharge permits issued by the EPA and states and through the national pretreatment program. The steam electric effluent limitations guidelines and standards apply to steam electric power plants using nuclear or fossil fuels, such as coal, oil and natural gas. There are about 1,200 nuclear- and fossil-fueled steam electric power plants nationwide; approximately 500 of these power plants are coal-fired. In a study completed in 2009, EPA found that the current regulations, which were last updated in 1982, do not adequately address the pollutants being discharged and have not kept pace with changes that have occurred in the electric power industry over the last three decades. The rulemaking may address discharges associated with coal ash waste and flue gas desulfurization (FGD) air pollution controls, as well as other power plant waste streams. Power plant discharges can have major impacts on water quality, including reduced organism abundance and species diversity, contamination of drinking water sources, and contamination of fish. Pollutants of concern include metals (e.g., mercury, arsenic, and selenium), nutrients, and total dissolved solids.

TITLE: Water Quality Standards Regulatory Revisions
RIN: 2040-AF16
AGENCY: Environmental Protection Agency (EPA)
ABSTRACT: On August 21, 2015, the EPA finalized updates to the federal water quality standards (WQS) regulation at 40 CFR part 131 that interprets part of the Clean Water Act (CWA). The rulemaking addresses the following six key areas: 1) Administrator's determination that new or revised WQS are necessary, 2) designated uses, 3) triennial review requirements, 4) antidegradation, 5) variances to WQS, and 6) compliance schedule authorizing provisions. The updates result in a better-defined pathway for States, territories, and authorized tribes to improve water quality and protect high quality waters through enhancements in the regulation's effectiveness, WQS transparency, and opportunities for meaningful public engagement at the State, territorial, tribal and local levels. The EPA initially proposed revisions to the WQS regulation on September 4, 2013. The core of the previous WQS regulation had been in place since 1983.

TITLE: Revising Underground Storage Tank Regulations--Revisions to Existing Requirements and New Requirements for Secondary Containment and Operator Training
RIN: 2050-AG46
AGENCY: Environmental Protection Agency (EPA)
ABSTRACT: The Underground Storage Tank (UST) regulations were first promulgated in 1988 primarily to prevent releases from retail petroleum marketers (gas stations) and other facilities into the environment. These regulations have reduced the incidents of contamination. However, the agency needed to revise the regulations to incorporate changes to the UST program from the Energy Policy Act of 2005, as well as to update outdated portions of the regulations due to changes in technology since the 1980s. On August 8, 2005, President Bush signed the Energy Policy Act of 2005 (EPAct). Title XV, subtitle B of this act (entitled the Underground Storage Tank Compliance Act of 2005), amends subtitle I of the Solid Waste Disposal Act, the original legislation that created the UST program. There are key provisions of the EPAct that apply to States receiving Federal UST funding but do not apply in Indian Country, including requirements for secondary containment and operator training. The agency also used knowledge of the program gained over the last 20 years to update and revise the regulations to make targeted changes to improve implementation and prevent UST releases. Changes to the regulations included: adding secondary containment requirements for new and replaced tanks and piping; adding operator training requirements; adding periodic operation and maintenance requirements for UST systems; addressing UST systems deferred in the 1988 UST regulation; adding new release prevention and detection technologies; updating codes of practice; making editorial and technical corrections; and updating State program approval requirements to incorporate these new changes.

TITLE: Review of the National Ambient Air Quality Standards for Ozone
RIN: 2060-AP38
AGENCY: Environmental Protection Agency (EPA)
ABSTRACT: Under the Clean Air Act, the EPA is required to review and, if appropriate, revise the air quality criteria for the primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS) every 5 years. On March 23, 2008, the EPA published a final rule to revise the primary and secondary NAAQS for ozone to provide increased protection of public health and welfare. With regard to the primary standard for ozone, the EPA revised the level of the 8-hour ozone standard to 0.075 ppm. With regard to the secondary ozone standard, the EPA made it identical in all respects to the primary ozone standard, as revised. The D.C. Circuit upheld the primary standard, but remanded the secondary standard back to the EPA. The EPA initiated the current review in

October 2008 with a workshop to discuss key policy-relevant issues around which the EPA would structure the review. This review includes the preparation of an Integrated Science Assessment, Risk/Exposure Assessment, and a Policy Assessment Document by the EPA, with opportunities for review by EPA's Clean Air Scientific Advisory Committee and the public. The EPA proposed revisions to the primary and secondary ozone NAAQS on December 17, 2014.

TITLE: Phosphoric Acid Manufacturing and Phosphate Fertilizer Production RTR and Standards of Performance for Phosphate Processing
RIN: 2060-AQ20
AGENCY: Environmental Protection Agency (EPA)
ABSTRACT: The Clean Air Act requires the EPA to review maximum achievable control technology (MACT) standards and to revise them "as necessary (taking into account developments in practices, processes and control technologies)" no less frequently than every 8 years. Under the "residual risk" provision of the Clean Air Act, the EPA must evaluate the MACT standards within 8 years after promulgation and promulgate standards if required to provide an ample margin of safety to protect public health or prevent an adverse environmental effect. The MACT for phosphoric acid and phosphate fertilizer were promulgated in June 1999. Facilities subject to these rules were required to be in compliance by June 2002. This final action addresses both the residual risk and technology reviews for the phosphoric acid and phosphate fertilizer source categories, as well as address other regulatory actions for the source category as deemed appropriate. During this rulemaking, five NSPS for phosphate rock processing source categories were also reviewed, and based on the 8-year review of the current NSPS for these source categories, the EPA determined that no revisions to the numeric emission limits are warranted. The production processes for these two source categories typically are located at the same facilities.

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 (EPA)
ABSTRACT: The final Carbon Pollution Standards establish carbon dioxide (CO2) emission standards for certain new, modified, and reconstructed fossil fuel-fired electric utility generating units (EGU). These include fossil fuel-fired steam generating EGUs (utility boilers and Integrated Gasification Combined Cycle, or IGCC, units) and stationary combustion turbines.

TITLE: National Emission Standards for Hazardous Air Pollutants: Primary Aluminum Reduction Plants
RIN: 2060-AQ92
AGENCY: Environmental Protection Agency (EPA)
ABSTRACT: The Clean Air Act (CAA) requires EPA to review maximum achievable control technology (MACT) standards and to revise them "as necessary (taking into account developments in practices, processes and control technologies)" no less frequently than every 8 years. Under the "residual risk" provision of the CAA, EPA must evaluate the MACT standards within 8 years after promulgation and promulgate standards, if required, to provide an ample margin of safety to protect public health or prevent an adverse environmental effect while considering the economic impacts of controls, technological feasibility, uncertainties and any other relevant factors. The EPA promulgated National Emission Standards for Hazardous Air Pollutants (NESHAP) for Primary Aluminum Reduction Plants (found in 40 CFR part 63, subpart LL) in 1997. This NESHAP applies to the owner or operator of each new pitch storage tank or new or existing potline, paste production plant, or anode bake furnace associated with primary aluminum reduction which is located at a major source, as defined in 40 CFR section 63.2. The EPA proposed standards addressing residual risk and technology developments on December 6, 2011. The EPA published a supplemental proposal on December 8, 2014. If finalized, the amendments will include new emissions standards for carbonyl sulfide emissions from new and existing potlines; new emissions standards for particulate matter (PM, as a surrogate for HAP metals) emissions from new and existing potlines, anode bake furnaces and paste production plants; new emissions standards for polycyclic organic matter (POM) emissions from new and existing prebake potlines and existing pitch storage tanks; new risk-based emissions standards for arsenic and nickel emissions from new and existing Soderberg potlines; reduce the emissions standards for POM from existing Soderberg potlines; eliminate the startup, shutdown and malfunction exemption; and make certain other technical and editorial changes.

TITLE: Data Requirements Rule for the 1-Hour Sulfur Dioxide Primary National Ambient Air Quality Standard (NAAQS)
RIN: 2060-AR19
AGENCY: Environmental Protection Agency (EPA)
ABSTRACT: This rule described procedures for air agencies to characterize sulfur dioxide concentrations through ambient monitoring or air quality modeling techniques in targeted areas around the country in which the largest sources of emissions are located. The air quality information collected by the air agencies will then be used by the EPA to inform future determinations regarding sulfur dioxide national ambient air quality standard attainment status under the Clean Air Act. The rule references

appropriate recommended guidance on monitoring and modeling techniques, and it includes timelines for air agencies to conduct the recommended analyses and provide the data to the EPA.

TITLE: Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units
RIN: 2060-AR33
AGENCY: Environmental Protection Agency (EPA)
ABSTRACT: On June 25, 2013, President Obama issued a Presidential Memorandum directing the Environmental Protection Agency (EPA) to work expeditiously to complete greenhouse gas (GHG) standards for the power sector. The agency is using its authority under section 111(d) of the Clean Air Act (CAA) to issue emission guidelines to address GHG emissions from existing power plants. The Presidential Memorandum directs the EPA to issue proposed GHG guidelines for existing power plants by no later than June 1, 2014, and issue final guidelines by no later than June 1, 2015. In addition, the Presidential Memorandum directs the EPA to, in the guidelines, require States to submit to EPA the implementation plans required under section 111(d) of the CAA by no later than June 30, 2016. On June 18, 2014, the EPA proposed emission guidelines for States to follow in developing plans to address GHG emissions from existing fossil fuel-fired electrical generating units (EGU), using its authority under CAA 111(d). On November 4, 2014, the EPA published a supplemental proposal to address GHG emissions from existing fossil fuel-fired EGU on tribal lands and in U.S. territories. On August 3, 2015, the EPA Administrator signed the final Clean Power Plan rule.

TITLE: State Implementation Plans: Restatement and Update of EPA's SSM Policy; Findings of Substantial Inadequacy; and SIP Calls Related to Startup, Shutdown, and Malfunction
RIN: 2060-AR68
AGENCY: Environmental Protection Agency (EPA)
ABSTRACT: This final action responds to a petition submitted by the Sierra Club on June 30, 2011, concerning how State air agency rules in EPA-approved State Implementation Plans (SIPs) treat excess emissions during periods of startup, shutdown, or malfunction (SSM). The Petitioner requested that the EPA to issue SIP calls pursuant to the Clean Air Act (CAA) to require certain states to revise their SIPs where SIP provisions are substantially to comply with the requirements of the CAA or otherwise to remedy alleged deficiencies identified in the petition. This final action was preceded by two proposals. In a February 22, 2013, NPRM, the EPA proposed its response to all issues identified in the Petition, granting it in part and denying it in part, as well as proposing SIP calls for 36 States and inviting comment on its SSM policy applying to SIPs. Subsequent to that proposal, a Federal court ruled that the CAA precludes the authority of the EPA to create affirmative defense provisions applicable to private civil suits. As a result, the EPA issued

a supplemental NPRM stating its revised interpretation of the CAA based on that court ruling and inviting comment on how the revised interpretation should affect the response to the petition. In the supplemental NPRM, the EPA also proposed SIP calls for two additional States. This final action establishes a deadline of November 23, 2015, for 36 states to submit corrective SIP revisions. Further in this action the EPA is clarifying, restating and revising its SSM policy applying to SIPs.

TITLE: Prevention of Significant Deterioration Permitting for Greenhouse Gases: Providing Option for Rescission of EPA-Issued Tailoring Rule Step 2 Prevention of Significant Deterioration Permits
RIN: 2060-AS57
AGENCY: Environmental Protection Agency (EPA)
ABSTRACT: This final action revised the Prevention of Significant Deterioration (PSD) provisions for permit rescissions in 40 CFR 52.21(w) to allow the EPA to rescind PSD and title V Greenhouse Gas Tailoring Rule Step 2 PSD permits that were based on regulations that the U.S. Supreme Court determined to be invalid in the case titled UARG v. EPA, 134 S. Ct. 2427 (2014).

TITLE: Findings of Failure to Submit a Section 110 State Implementation Plans for Interstate Transport for the 2008 National Ambient Air Quality Standards for Ozone
RIN: 2060-AS70
AGENCY: Environmental Protection Agency (EPA)
ABSTRACT: This action was taken to comply with a court order requiring the EPA to issue findings of failure to submit (FFS) for States that have not submitted an interstate transport SIP addressing the 2008 ozone NAAQS. The FFS started a 2-year Federal implementation plan clock, which can be turned off by approval of a submitted SIP that corrects the deficiency.

TITLE: Pesticides; Agricultural Worker Protection Standard Revisions
RIN: 2070-AJ22
AGENCY: Environmental Protection Agency (EPA)
ABSTRACT: EPA promulgated a final rule to revise the federal regulations issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) that direct agricultural worker protection (40 CFR 170). The changes are in response to extensive stakeholder review of the regulation and its implementation since 1992, and reflect current research on how to mitigate occupational pesticide exposure to agricultural workers and pesticide handlers. The EPA strengthened the protections provided to agricultural

workers and handlers under the worker protection standard by improving elements of the existing regulation, such as training, notification, communication materials, use of personal protective equipment, and decontamination supplies. The EPA expects the revisions to prevent unreasonable adverse effects from exposure to pesticides among agricultural workers and pesticide handlers; vulnerable groups, such as minority and low-income populations, child farmworkers, and farmworker families; and the general public. The EPA recognizes the importance and independence of family-owned farms and therefore expanded the definition of immediate family and continued the exemption from many provisions of the WPS for owners of such farms and members of their immediate families.

TITLE: Affirmatively Furthering Fair Housing (FR-5173)
RIN: 2501-AD33
AGENCY: Department of Housing and Urban Development (HUD)
ABSTRACT: Through this rule, HUD provides HUD program participants with more effective means to affirmatively further the purposes and policies of the Fair Housing Act, which is title VIII of the Civil Rights Act of 1968. The former practice of affirmatively further fair housing carried out by HUD grantees, which involved an analysis of impediments to fair housing choice and a certification that the grantee was affirmatively furthering fair housing, has been found not as effective as envisioned. To better fulfill this statutory obligation, this rule replaces existing requirements with a fair housing assessment and planning process that is intended to aid HUD program participants in improving access to opportunity and advancing the ability for all families to make true housing choices. To facilitate this new approach, HUD will provide States, local governments, and public housing agencies, as well as the communities they serve, with local and regional data on, but not limited to, patterns of integration and segregation, and racially and ethnically concentrated areas of poverty. This rule further commits HUD to greater engagement and better guidance for program participants in fulfilling their obligation to affirmatively further fair housing.

TITLE: Volunteers in Service to America
RIN: 3045-AA58
AGENCY: Corporation for National and Community Service (CNCS)
ABSTRACT: The Corporation for National and Community Service (CNCS) is revising regulations governing its AmeriCorps VISTA (VISTA) program authorized under the Domestic Volunteer Service Act of 1973, as amended, 42 USC section 4950 et seq.

This proposed rule will provide additional information regarding policies and practices related to the operations, terms, conditions, and benefits of the VISTA program. The proposed rule contains updates as a result of changes in law and agency administration. For example, CNCS will remove all references to its predecessor agency ACTION and redesignate the regulations currently in 45 CFR chapter 12 to 45 chapter 25, where CNCS' AmeriCorps and other program regulations are published. Also, CNCS will update the regulations regarding prohibitions on electoral and lobbying activities, including Hatch Act restrictions on VISTA members and sponsors.

TITLE: Broadband Over Power Line Systems; ET Docket No. 04-37
RIN: 3060-AI24
AGENCY: Federal Communications Commission (FCC)
ABSTRACT: The Notice of Proposed Rulemaking (NPRM) proposed to amend part 15 of the Commission's rules to adopt new requirements and measurement guidelines for a new type of carrier current system that provides access to broadband services using electric utility company power lines. The Report and Order adopted new requirements and measurement guidelines for a new type of carrier current system that provides access to broadband services using electric utility companies' power lines. This new technology offers the potential for the establishment of a significant new medium for extending broadband access to American homes and businesses. Given that power lines reach virtually every residence and business in every community and geographic area in this country, Access BPL service could be made available nearly everywhere. This new broadband delivery medium could also serve to introduce additional competition to existing cable, DSL, and other broadband services. We believe these actions will promote the development of BPL systems by removing regulatory uncertainties for BPL operators and equipment manufacturers while ensuring that licensed radio services are protected from harmful interference. The Office of Engineering and Technology announced that the United Telecom Council (UTC) will serve as the Access Broadband over Power Line (Access BPL) database manager. The Memorandum Opinion and Order amended part 15 of the Commission's rules regarding the unlicensed operation of Access BPL systems. Specifically, the rules were amended to change the exclusion zone requirement for the ten listed radio astronomy facilities to a consultation requirement, and to add a new exclusion zone for one Very Large Array (VLA) radio astronomy observatory site at 73.0-74.6 MHz. The Commission also amended the rules to add prospective protection for relocated aeronautical facilities and to correct the coordinates and email contact for the aeronautical facilities subject to BPL consultation. The Commission affirmed the July 7, 2006, deadline for requiring certification for any equipment manufactured, imported, or installed on BPL systems, with the provision that uncertified equipment already in inventory can be used for replacing defective units or to supplement equipment on existing systems for one year within areas already in operation. The Commission believes these changes further the development and

growth of BPL devices. The Commission denied the petitions for reconsideration in all other respects. The Further Request for Comment and FNPRM address certain issues from the Commission's Report and Order on rules for broadband over power line systems and devices (BPL Order) that was remanded by the United States Court of Appeals for the District of Columbia. In the BPL Order, the Commission established technical standards, operating restrictions, and measurement guidelines for Access BPL systems to promote the development of such systems while ensuring that licensed radio services are protected from harmful interference. In ARRL v. FCC, the court remanded the BPL Order to the Commission for further consideration and explanation of certain aspects of its decision. Specifically, the court directed the Commission to provide a reasonable opportunity for public comment on unredacted staff technical studies on which it relied to promulgate the rules, to make the studies part of the rulemaking record, and to provide a reasonable explanation of the choice of an extrapolation factor for use in measurement of emissions from Access BPL systems. In the Second Report and Order (Second Order), the Commission fundamentally affirmed its rules for Access BPL systems. The Commission also made certain minor modifications to improve and clarify the rules. These rules provide an appropriate balance between the dual objectives of providing for Access BPL technology that has potential applications for broadband and Smart Grid while protecting incumbent radio services against harmful interference. The Commission adopted rules for Access BPL systems in 2004 and affirmed those rules in 2006. The BPL rules were challenged by the national association for amateur radio, formally known as the American Radio Relay League (ARRL) in the United States Court of Appeals for the District of Columbia in ARRL v. FCC. In ARRL v. FCC, the court directed the Commission to: (1) Make part of the rulemaking record unredacted versions of several staff technical studies which the Commission considered in promulgating the rules; (2) provide a reasonable opportunity for public comment on those studies; and (3) provide a reasoned explanation of its choice of the extrapolation factor for use in measuring radiated emissions from Access BPL systems. In response, the Commission issued a Request for Further Comment and Further Notice of Proposed Rulemaking in this proceeding (RFC/FNPRM). In the RFC/FNPRM, the Commission took its first step in responding to the directives of the court in ARRL v. FCC and also took that opportunity to review the Access BPL extrapolation factor and propose certain changes to the BPL technical rules that appeared appropriate in view of new information and further consideration of this matter. In this Second Order, the Commission completes its action addressing the court's concerns and its proposals in the RFC/FNPRM. It finds that the information submitted in response to the RFC/FNPRM does not warrant any changes to the emissions standards or the extrapolation factor. However, the Commission is making several refinements to its Access BPL rules. In particular, it is: (1) Modifying the rules to increase the required notch filtering capability for systems operating below 30 MHz from 20 dB to 25 dB; (2) establishing a new alternative procedure for determining site specific extrapolation factors generally as described in the RFC/FNPRM; and (3) adopting a definition for the "slant range distance" used in the BPL measurement guidelines to further clarify its application. The Commission finds that the benefits of the changes to the rules outweigh their regulatory costs. In the Second

Memorandum Opinion and Order (BPL Second MO&O), the Commission addressed a petition for reconsideration filed by the national association for amateur radio, formally known as the American Radio Relay League (ARRL). ARRL seeks reconsideration of the Commission's Second Report and Order (BPL Second Order) in this proceeding relating to Access Broadband over Power Line (Access BPL) systems. The Commission concludes that its previous decisions in this proceeding strike an appropriate balance between the dual objectives of providing for Access BPL technology--which has potential applications for broadband and Smart Grid uses--while protecting incumbent radio services against harmful interference. The Commission denies the ARRL petition for reconsideration; it does not raise new arguments based on new information in the record or on the Commission's new analysis of limited points as directed by the Court, nor does it demonstrate any errors or omissions in the Commission's previous decisions.

TITLE: Revision of Fee Schedules: Fee Recovery for FY 2015 [NRC-2014-0200]
RIN: 3150-AJ44
AGENCY: Nuclear Regulatory Commission (NRC)
ABSTRACT: This final rule amends the licensing, inspection, and annual fees that the Commission charges its applicants and licensees. These amendments implement the Omnibus Budget Reconciliation Act of 1990 (OBRA-90) as amended, which requires that the NRC recover approximately 90 percent of its budget authority in Fiscal Year (FY) 2015, less the amounts appropriated from the Waste Incidental to Reprocessing, and generic homeland security activities.

TITLE: Amendments to FIRREA Concerning Appraisals (Minimum Requirements for Appraisal Management Companies)
RIN: 3170-AA44
AGENCY: Consumer Financial Protection Bureau (CFPB)
ABSTRACT: The CFPB is participating in interagency rulemaking processes with the Board of Governors of the Federal Reserve System (Board), the Office of the Comptroller of the Currency (OCC), the Federal Deposit Insurance Corporation (FDIC), the National Credit Union Administration Board (NCUA), and the Federal Housing Finance Agency (FHFA) (collectively, the Agencies) to develop regulations to implement the amendments made by the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) to the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) concerning appraisals. The amendments made by the Dodd-Frank Act to FIRREA require the Agencies to establish certain minimum requirements to be applied by states in the registration, reporting, and supervision of appraisal management companies (AMCs). The Agencies issued a final rule to implement these Dodd-Frank Act's AMC amendments to FIRREA on April 30, 2015, which was published in the Federal Register on June 9, 2015.