Washington: Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions

US Official News

December 22, 2014 Monday

Length: 252628 words

Dateline: Washington

Body

US Federal Register has published the following document:

[Federal Register Volume 79, Number 245 (Monday, December 22, 2014)]
[Unknown Section]
[Pages 76455-76672]

From the Federal Register Online via the ***Government*** Printing Office [www.gpo.gov]
[FR Doc No: 2014-28927]

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Vol. 79

Monday,

No. 245

December 22, 2014

Part II

Regulatory Information Service Center

Introduction to the Regulatory Plan and the Unified Agenda ***of*** Federal Regulatory and Deregulatory Actions

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The Regulatory Plan

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REGULATORY INFORMATION SERVICE CENTER

Introduction to the Unified Agenda ***of*** Federal Regulatory and Deregulatory Actions

AGENCY: Regulatory Information Service Center.

ACTION: Introduction to the Regulatory Plan and the Unified Agenda ***of*** Federal Regulatory and Deregulatory Actions.

SUMMARY: The Regulatory Flexibility Act requires that agencies publish semiannual regulatory agendas in the Federal Register describing regulatory actions they are developing that may have a significant economic impact on a substantial number ***of*** small entities (5 U.S.C. 602). Executive Order 12866 ``Regulatory Planning and Review,'' signed September 30, 1993 (58 FR 51735), and incorporated in Executive Order 13563, ``Improving Regulation and Regulatory Review'' issued on January 18, 2011 (76 FR 3821) establish guidelines and procedures for agencies' agendas, including specific types ***of*** information for each entry.

The Unified Agenda ***of*** Federal Regulator and Deregulatory Actions (Unified Agenda) helps agencies fulfill these requirements. All Federal regulatory agencies have chosen to publish their regulatory agendas as part ***of*** the Unified Agenda. The complete 2014 Unified Agenda and Regulatory Plan, which contains the regulatory agendas for Federal agencies, is available to the public at *http://reginfo.gov*.

The fall 2014 Unified Agenda publication appearing in the Federal Register consists ***of*** The Regulatory Plan and agency regulatory flexibility agendas, in accordance with the publication requirements ***of*** the Regulatory Flexibility Act. Agency regulatory flexibility agendas contain only those Agenda entries for rules that are likely to have a significant economic impact on a substantial number ***of*** small entities and entries that have been selected for periodic review under section 610 ***of*** the Regulatory Flexibility Act.

The complete fall 2014 Unified Agenda contains the Regulatory Plans ***of*** 30 Federal agencies and the regulatory agendas ***of*** 31 other Federal agencies.

ADDRESSES: Regulatory Information Service Center (MVE), General Services Administration, 1800 F Street NW., 2219F, Washington, DC

20405.

FOR FURTHER INFORMATION CONTACT: For further information about specific regulatory actions, please refer to the agency contact listed for each entry.

To provide comment on or to obtain further information about this publication, contact: John C. Thomas, Executive Director, Regulatory Information Service Center (MVE), General Services Administration, 1800 F Street NW., 2219F, Washington, DC 20405, (202) 482-7340. You may also send comments to us by email at: *risc@gsa.gov*

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INTRODUCTION TO THE REGULATORY PLAN AND THE UNIFIED AGENDA ***OF*** FEDERAL REGULATORY AND DEREGULATORY ACTIONS

I. What are the Regulatory Plan and the Unified Agenda?

The Regulatory Plan serves as a defining statement ***of*** the Administration's regulatory and deregulatory policies and priorities.

The Plan is part ***of*** the fall edition ***of*** the Unified Agenda. Each participating agency's regulatory plan contains: (1) A narrative

statement ***of*** the agency's regulatory and deregulatory priorities, and,

for the most part, (2) a description ***of*** the most important significant regulatory and deregulatory actions that the agency reasonably expects to issue in proposed or final form during the upcoming fiscal year.

This edition includes the regulatory plans ***of*** 30 agencies.
The Unified Agenda provides information about regulations that the

Government is considering or reviewing. The Unified Agenda has appeared in the Federal Register twice each year since 1983 and has been available online since 1995. The complete Unified Agenda is available

to the public at *http://reginfo.gov*. The online Unified Agenda offers flexible search tools and access to the historic Unified Agenda

database to 1995.

The fall 2014 Unified Agenda publication appearing in the Federal Register consists ***of*** The Regulatory Plan and agency regulatory flexibility

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agendas, in accordance with the publication requirements ***of*** the Regulatory Flexibility Act. Agency regulatory flexibility agendas contain only those Agenda entries for rules that are likely to have a significant economic impact on a substantial number ***of*** small entities and entries that have been selected for periodic review under section 610 ***of*** the Regulatory Flexibility Act. Printed entries display only the fields required by the Regulatory Flexibility Act. Complete agenda information for those entries appears, in a uniform format, in the online Unified Agenda at *http://reginfo.gov*.

These publication formats meet the publication mandates ***of*** the Regulatory Flexibility Act and Executive Order 12866 (incorporated in Executive Order 13563), as well as moved the Agenda process to the goal ***of*** online availability, resulting in a reduced cost in printing. The current online format does not reduce the amount ***of*** information available to the public. The complete online edition ***of*** the Unified Agenda includes regulatory agendas from 61 Federal agencies. Agencies ***of*** the United States Congress are not included.

The following agencies have no entries identified for inclusion in the printed regulatory flexibility agenda. An asterisk (*) indicates agencies that appear in The Regulatory Plan. The regulatory agendas ***of*** these agencies are available to the public at *http://reginfo.gov*.

Department ***of*** Housing and Urban Development*

Department ***of*** State

Department ***of*** Treasury*

Department ***of*** Veterans Affairs*
Advisory Council on Historic Preservation
Agency for International Development
Commission on Civil Rights

Committee for Purchase From People ***Who*** Are Blind or Severely Disabled
Corporation for National and Community Service

Court Services and Offender Supervision Agency for the District ***of*** Columbia
Equal Employment Opportunity Commission*

Institute ***of*** Museum and Library Services
National Archives and Records Administration*
National Endowment for the Arts
National Endowment for the Humanities
National Science Foundation

Office ***of*** ***Government*** Ethics

Office ***of*** Management and Budget

Office ***of*** Personnel Management*
Peace Corps

Pension ***Benefit*** Guaranty Corporation*
Railroad Retirement Board
Social Security Administration*
Consumer Financial Protection Bureau*
Consumer Product Safety Commission*
Farm Credit Administration
Federal Deposit Insurance Corporation
Federal Energy Regulatory Commission
Federal Housing Finance Agency
Federal Maritime Commission
Federal Trade Commission*
Gulf Coast Ecosystem Restoration CouncilNational Credit Union Administration
National Credit Union Administration
National Indian Gaming Commission*
National Labor Relations Board
National Transportation Safety Board
Postal Regulatory Commission
Recovery Accountability and Transparency Board

The Regulatory Information Service Center compiles the Unified Agenda for the Office ***of*** Information and Regulatory Affairs (OIRA), part ***of*** the Office ***of*** Management and Budget. OIRA is responsible for overseeing the Federal ***Government***'s regulatory, paperwork, and information resource management activities, including implementation ***of*** Executive Order 12866 (incorporated in Executive Order 13563). The Center also provides information about Federal regulatory activity to the President and his Executive Office, the Congress, agency officials,

and the public.

The activities included in the Agenda are, in general, those that will have a regulatory action within the next 12 months. Agencies may choose to include activities that will have a longer timeframe than 12 months. Agency agendas also show actions or reviews completed or withdrawn since the last Unified Agenda. Executive Order 12866 does not require agencies to include regulations concerning military or foreign affairs functions or regulations related to agency organization, management, or personnel matters.

Agencies prepared entries for this publication to give the public notice ***of*** their plans to review, propose, and issue regulations. They have tried to predict their activities over the next 12 months as accurately as possible, but dates and schedules are subject to change.

Agencies may withdraw some ***of*** the regulations now under development, and they may issue or propose other regulations not included in their agendas. Agency actions in the rulemaking process may occur before or after the dates they have listed. The Regulatory Plan and Unified Agenda do not create a legal obligation on agencies to adhere to schedules in this publication or to confine their regulatory activities to those regulations that appear within it.

II. Why Are The Regulatory Plan and the Unified Agenda published?

The Regulatory Plan and the Unified Agenda helps agencies comply with their obligations under the Regulatory Flexibility Act and various Executive orders and other statutes.

Regulatory Flexibility Act

The Regulatory Flexibility Act requires agencies to identify those rules that may have a significant economic impact on a substantial number ***of*** small entities (5 U.S.C. 602). Agencies meet that requirement by including the information in their submissions for the Unified Agenda. Agencies may also indicate those regulations that they are reviewing as part ***of*** their periodic review ***of existing*** rules under the Regulatory Flexibility Act (5 U.S.C. 610). Executive Order 13272 entitled ``Proper Consideration ***of*** Small Entities in Agency Rulemaking,'' signed August 13, 2002 (67 FR 53461), provides additional guidance on compliance with the Act.

Executive Order 12866

Executive Order 12866 entitled ``Regulatory Planning and Review,'' signed September 30, 1993 (58 FR 51735), requires covered agencies to

prepare an agenda ***of*** all regulations under development or review. The Order also requires that certain agencies prepare annually a regulatory plan ***of*** their ``most important significant regulatory actions,'' which appears as part ***of*** the fall Unified Agenda. Executive Order 13497, signed January 30, 2009 (74 FR 6113), revoked the amendments to Executive Order 12866 that were contained in Executive Order 13258 and Executive Order 13422.

Executive Order 13563

Executive Order 13563 entitled ``Improving Regulation and Regulatory Review,'' issued on January 18, 2011, supplements and reaffirms the principles, structures, and definitions governing contemporary regulatory review that were established in Executive Order 12866, which includes the general principles ***of*** regulation and public participation, and orders integration and innovation in coordination across agencies; flexible approaches where relevant, feasible, and consistent with regulatory approaches; scientific integrity in any scientific or technological information and processes used to support the agencies' regulatory actions; and retrospective analysis ***of*** ***existing*** regulations.

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Executive Order 13132

Executive Order 13132 entitled ``Federalism,'' signed August 4, 1999 (64 FR 43255), directs agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development ***of*** regulatory policies that have ``federalism implications'' as defined in the Order. Under the Order, an agency that is proposing a regulation with federalism implications, which either preempt State law or impose non-statutory unfunded substantial direct compliance costs on State and local ***governments***, must consult with State and local officials early in the process ***of*** developing the regulation. In addition, the agency must provide to the Director ***of*** the Office ***of*** Management and Budget a federalism summary impact statement for such a regulation, which consists ***of*** a description ***of*** the extent ***of*** the agency's prior consultation with State and local officials, a summary ***of*** their concerns and the agency's position supporting the need

to issue the regulation, and a statement ***of*** the extent to which those concerns have been met. As part ***of*** this effort, agencies include in their submissions for the Unified Agenda information on whether their regulatory actions may have an effect on the various levels ***of*** ***government*** and whether those actions have federalism implications.

Unfunded Mandates Reform Act ***of*** 1995

The Unfunded Mandates Reform Act ***of*** 1995 (Pub. L. 104-4, title II) requires agencies to prepare written assessments ***of*** the costs and ***benefits*** ***of*** significant regulatory actions ``that may result in the expenditure by State, local, and tribal ***governments***, in the aggregate, or by the private sector, ***of*** $100,000,000 or more . . . in any 1 year . . . . '' The requirement does not apply to independent regulatory agencies, nor does it apply to certain subject areas excluded by section 4 ***of*** the Act. Affected agencies identify in the Unified Agenda those regulatory actions they believe are subject to title II ***of*** the Act.

Executive Order 13211

Executive Order 13211 entitled ``Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' signed May 18, 2001 (66 FR 28355), directs agencies to provide, to the extent possible, information regarding the adverse effects that agency actions may have on the supply, distribution, and use ***of*** energy. Under the Order, the agency must prepare and submit a Statement ***of*** Energy Effects to the Administrator ***of*** the Office ***of*** Information and Regulatory Affairs, Office ***of*** Management and Budget, for ``those matters identified as significant energy actions.'' As part ***of*** this effort, agencies may optionally include in their submissions for the Unified Agenda information on whether they have prepared or plan to prepare a Statement ***of*** Energy Effects for their regulatory actions.

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (Pub. L. 104-121, title II) established a procedure for congressional review ***of*** rules (5 U.S.C. 801 et seq.), which defers, unless exempted, the

effective date ***of*** a ``major'' rule for at least 60 days from the publication ***of*** the final rule in the Federal Register. The Act specifies that a rule is ``major'' if it has resulted, or is likely to result, in an annual effect on the economy ***of*** $100 million or more or meets other criteria specified in that Act. The Act provides that the Administrator ***of*** OIRA will make the final determination as to whether a rule is major.

III. How Are The Regulatory Plan and the Unified Agenda organized?

The Regulatory Plan appears in part II in a daily edition ***of*** the Federal Register. The Plan is a single document beginning with an introduction, followed by a table ***of*** contents, followed by each agency's section ***of*** the Plan. Following the Plan in the Federal Register, as separate parts, are the regulatory flexibility agendas for each agency ***whose*** agenda includes entries for rules which are likely to have a significant economic impact on a substantial number ***of*** small entities or rules that have been selected for periodic review under section 610 ***of*** the Regulatory Flexibility Act. Each printed agenda appears as a separate part. The sections ***of*** the Plan and the parts ***of*** the Unified Agenda are organized alphabetically in four groups: Cabinet departments; other executive agencies; the Federal Acquisition Regulation, a joint authority (Agenda only); and independent regulatory agencies. Agencies may in turn be divided into subagencies. Each printed agency agenda has a table ***of*** contents listing the agency's printed entries that follow. Each agency's part ***of*** the Agenda contains a preamble providing information specific to that agency. Each printed agency agenda has a table ***of*** contents listing the agency's printed entries that follow.

Each agency's section ***of*** the Plan contains a narrative statement ***of*** regulatory priorities and, for most agencies, a description ***of*** the agency's most important significant regulatory and deregulatory actions. Each agency's part ***of*** the Agenda contains a preamble providing information specific to that agency plus descriptions ***of*** the agency's regulatory and deregulatory actions.

The online, complete Unified Agenda contains the preambles ***of*** all participating agencies. Unlike the printed edition, the online Agenda

has no fixed ordering. In the online Agenda, users can select the particular agencies ***whose*** agendas they want to see. Users have broad flexibility to specify the characteristics ***of*** the entries ***of*** interest to them by choosing the desired responses to individual data fields. To see a listing ***of*** all ***of*** an agency's entries, a user can select the agency without specifying any particular characteristics ***of*** entries.

Each entry in the Agenda is associated with one ***of*** five rulemaking stages. The rulemaking stages are:

1. Prerule Stage--actions agencies will undertake to determine whether or how to initiate rulemaking. Such actions occur prior to a Notice ***of*** Proposed Rulemaking (NPRM) and may include Advance Notices ***of*** Proposed Rulemaking (ANPRMs) and reviews ***of existing*** regulations.
2. Proposed Rule Stage--actions for which agencies plan to publish a Notice ***of*** Proposed Rulemaking as the next step in their rulemaking process or for which the closing date ***of*** the NPRM Comment Period is the next step.
3. Final Rule Stage--actions for which agencies plan to publish a final rule or an interim final rule or to take other final action as the next step.
4. Long-Term Actions--items under development but for which the agency does not expect to have a regulatory action within the 12 months after publication ***of*** this edition ***of*** the Unified Agenda. Some ***of*** the entries in this section may contain abbreviated information.
5. Completed Actions--actions or reviews the agency has completed or withdrawn since publishing its last agenda. This section also includes items the agency began and completed between issues ***of*** the Agenda.

Long-Term Actions are rulemakings reported during the publication cycle that are outside ***of*** the required 12-month reporting period for which the Agenda was intended. Completed Actions in the publication cycle are rulemakings that are ending their lifecycle either by Withdrawal or completion ***of*** the rulemaking process. Therefore, the Long-Term and Completed RINs do not represent the

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ongoing, forward-looking nature intended for reporting developing rulemakings in the Agenda pursuant to Executive Order 12866, section

4(b) and 4(c). To further differentiate these two stages ***of*** rulemaking in the Unified Agenda from active rulemakings, Long-Term and Completed Actions are reported separately from active rulemakings, which can be any ***of*** the first three stages ***of*** rulemaking listed above. A separate search function is provided on http://reginfo.gov to search for Completed and Long-Term Actions apart from each other and active RINs.

A bullet () preceding the title ***of*** an entry indicates that the entry is appearing in the Unified Agenda for the first time.

In the printed edition, all entries are numbered sequentially from the beginning to the end ***of*** the publication. The sequence number preceding the title ***of*** each entry identifies the location ***of*** the entry in this edition. The sequence number is used as the reference in the printed table ***of*** contents. Sequence numbers are not used in the online Unified Agenda because the unique Regulation Identifier Number (RIN) is able to provide this cross-reference capability.

Editions ***of*** the Unified Agenda prior to fall 2007 contained several indexes, which identified entries with various characteristics. These included regulatory actions for which agencies believe that the Regulatory Flexibility Act may require a Regulatory Flexibility Analysis, actions selected for periodic review under section 610(c) ***of*** the Regulatory Flexibility Act, and actions that may have federalism implications as defined in Executive Order 13132 or other effects on levels ***of government***. These indexes are no longer compiled, because users ***of*** the online Unified Agenda have the flexibility to search for entries with any combination ***of*** desired characteristics. The online edition retains the Unified Agenda's subject index based on the Federal Register Thesaurus ***of*** Indexing Terms. In addition, online users have the option ***of*** searching Agenda text fields for words or phrases.

IV. What information appears for each entry?

All entries in the online Unified Agenda contain uniform data elements including, at a minimum, the following information:

Title ***of*** the Regulation--a brief description ***of*** the subject ***of*** the regulation. In the printed edition, the notation ``Section 610 Review'' following the title indicates that the agency has selected the rule for its periodic review ***of existing*** rules under the Regulatory Flexibility

Act (5 U.S.C. 610(c)). Some agencies have indicated completions ***of*** section 610 reviews or rulemaking actions resulting from completed section 610 reviews. In the online edition, these notations appear in a separate field.

Priority--an indication ***of*** the significance ***of*** the regulation.

Agencies assign each entry to one ***of*** the following five categories ***of*** significance.

(1) Economically Significant

As defined in Executive Order 12866, a rulemaking action that will have an annual effect on the economy ***of*** $100 million or more or will adversely affect in a material way the economy, a sector ***of*** the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal ***governments*** or communities. The definition ***of*** an ``economically significant'' rule is similar but not identical to the definition ***of*** a ``major'' rule under 5 U.S.C. 801 (Pub. L. 104-121). (See below.)

(2) Other Significant

A rulemaking that is not Economically Significant but is considered Significant by the agency. This category includes rules that the agency anticipates will be reviewed under Executive Order 12866 or rules that are a priority ***of*** the agency head. These rules may or may not be included in the agency's regulatory plan.

(3) Substantive, Nonsignificant

A rulemaking that has substantive impacts but is neither Significant, nor Routine and Frequent, nor Informational/ Administrative/Other.

(4) Routine and Frequent

A rulemaking that is a specific case ***of*** a multiple recurring application ***of*** a regulatory program in the Code ***of*** Federal Regulations and that does not alter the body ***of*** the regulation.

(5) Informational/Administrative/Other

A rulemaking that is primarily informational or pertains to agency matters not central to accomplishing the agency's regulatory mandate but that the agency places in the Unified Agenda to inform the public

of the activity.

Major--whether the rule is ``major'' under 5 U.S.C. 801 (Pub. L. 104-121) because it has resulted or is likely to result in an annual effect on the economy ***of*** $100 million or more or meets other criteria specified in that Act. The Act provides that the Administrator ***of*** the Office ***of*** Information and Regulatory Affairs will make the final determination as to whether a rule is major.

Unfunded Mandates--whether the rule is covered by section 202 ***of*** the Unfunded Mandates Reform Act ***of*** 1995 (Pub. L. 104-4). The Act requires that, before issuing an NPRM likely to result in a mandate that may result in expenditures by State, local, and tribal ***governments***, in the aggregate, or by the private sector ***of*** more than $100 million in 1 year, agencies, other than independent regulatory agencies, shall prepare a written statement containing an assessment ***of*** the anticipated costs and ***benefits*** ***of*** the Federal mandate.

Legal Authority--the section(s) ***of*** the United States Code (U.S.C.) or Public Law (Pub. L.) or the Executive order (E.O.) that authorize(s) the regulatory action. Agencies may provide popular name references to laws in addition to these citations.

CFR Citation--the section(s) ***of*** the Code ***of*** Federal Regulations that will be affected by the action.

Legal Deadline--whether the action is subject to a statutory or judicial deadline, the date ***of*** that deadline, and whether the deadline pertains to an NPRM, a Final Action, or some other action.

Abstract--a brief description ***of*** the problem the regulation will address; the need for a Federal solution; to the extent available, alternatives that the agency is considering to address the problem; and potential costs and ***benefits*** ***of*** the action.

Timetable--the dates and citations (if available) for all past steps and a projected date for at least the next step for the regulatory action. A date displayed in the form 12/00/14 means the agency is predicting the month and year the action will take place but not the day it will occur. In some instances, agencies may indicate what the next action will be, but the date ***of*** that action is ``To Be Determined.'' ``Next Action Undetermined'' indicates the agency does not know what action it will take next.

Regulatory Flexibility Analysis Required--whether an analysis is

required by the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) because the rulemaking action is likely to have a significant economic impact on a substantial number ***of*** small entities as defined by the Act.

Small Entities Affected--the types ***of*** small entities (businesses, governmental jurisdictions, or organizations) on which the rulemaking action is likely to have an impact as defined by the Regulatory Flexibility Act. Some agencies have chosen to indicate likely effects on small entities even though they believe

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that a Regulatory Flexibility Analysis will not be required.

Government Levels Affected--whether the action is expected to affect levels ***of government*** and, if so, whether the ***governments*** are State, local, tribal, or Federal.

International Impacts--whether the regulation is expected to have international trade and investment effects, or otherwise may be ***of*** interest to the Nation's international trading partners.

Federalism--whether the action has ``federalism implications'' as defined in Executive Order 13132. This term refers to actions ``that have substantial direct effects on the States, on the relationship between the national ***government*** and the States, or on the distribution ***of*** power and responsibilities among the various levels ***of government***.'' Independent regulatory agencies are not required to supply this information.

Included in the Regulatory Plan--whether the rulemaking was included in the agency's current regulatory plan published in fall 2014.

Agency Contact--the name and phone number ***of*** at least one person in the agency ***who*** is knowledgeable about the rulemaking action. The agency may also provide the title, address, fax number, email address, and TDD for each agency contact.

Some agencies have provided the following optional information:

RIN Information URL--the Internet address ***of*** a site that provides more information about the entry.

Public Comment URL--the Internet address ***of*** a site that will accept public comments on the entry. Alternatively, timely public comments may be submitted at the Governmentwide e-rulemaking site, http://www.regulations.gov.

Additional Information--any information an agency wishes to include

that does not have a specific corresponding data element.

Compliance Cost to the Public--the estimated gross compliance cost ***of*** the action.

Affected Sectors--the industrial sectors that the action may most affect, either directly or indirectly. Affected sectors are identified by North ***American*** Industry Classification System (NAICS) codes.

Energy Effects--an indication ***of*** whether the agency has prepared or plans to prepare a Statement ***of*** Energy Effects for the action, as required by Executive Order 13211 ``Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' signed May 18, 2001 (66 FR 28355).

Related RINs--one or more past or current RIN(s) associated with activity related to this action, such as merged RINs, split RINs, new activity for previously completed RINs, or duplicate RINs.

Statement ***of*** Need--a description ***of*** the need for the regulatory action.

Summary ***of*** the Legal Basis--a description ***of*** the legal basis for the action, including whether any aspect ***of*** the action is required by statute or court order.

Alternatives--a description ***of*** the alternatives the agency has considered or will consider as required by section 4(c)(1)(B) ***of*** Executive Order 12866.

Anticipated Costs and ***Benefits***--a description ***of*** preliminary estimates ***of*** the anticipated costs and ***benefits*** ***of*** the action.

Risks--a description ***of*** the magnitude ***of*** the risk the action addresses, the amount by which the agency expects the action to reduce this risk, and the relation ***of*** the risk and this risk reduction effort to other risks and risk reduction efforts within the agency's jurisdiction.

V. Abbreviations

The following abbreviations appear throughout this publication:

ANPRM--An Advance Notice ***of*** Proposed Rulemaking is a preliminary notice, published in the Federal Register, announcing that an agency is considering a regulatory action. An agency may issue an ANPRM before it develops a detailed proposed rule. An ANPRM describes the general area that may be subject to regulation and usually asks for public comment

on the issues and options being discussed. An ANPRM is issued only when an agency believes it needs to gather more information before

proceeding to a notice ***of*** proposed rulemaking.

CFR--The Code ***of*** Federal Regulations is an annual codification ***of*** the general and permanent regulations published in the Federal Register

by the agencies ***of*** the Federal ***Government***. The Code is divided into 50 titles, each title covering a broad area subject to Federal regulation.

The CFR is keyed to and kept up to date by the daily issues ***of*** the Federal Register.

EO--An Executive order is a directive from the President to Executive agencies, issued under constitutional or statutory authority. Executive orders are published in the Federal Register and in title 3

of the Code ***of*** Federal Regulations.

FR--The Federal Register is a daily Federal ***Government*** publication that provides a uniform system for publishing Presidential documents,

all proposed and final regulations, notices ***of*** meetings, and other official documents issued by Federal agencies.

FY--The Federal fiscal year runs from October 1 to September 30.

NPRM--A Notice ***of*** Proposed Rulemaking is the document an agency issues and publishes in the Federal Register that describes and solicits public comments on a proposed regulatory action. Under the Administrative Procedure Act (5 U.S.C. 553), an NPRM must include, at a minimum:

A statement ***of*** the time, place, and nature ***of*** the public rulemaking proceeding;

a reference to the legal authority under which the rule is proposed; and

either the terms or substance ***of*** the proposed rule or a

description ***of*** the subjects and issues involved.

Public Law (or Pub. L.)--A public law is a law passed by Congress and signed by the President or enacted over his veto. It has general applicability, unlike a private law that applies only to those persons or entities specifically designated. Public laws are numbered in

sequence throughout the 2-year life ***of*** each Congress; for example, Pub.

L. 112-4 is the fourth public law ***of*** the 112th Congress.

RFA--A Regulatory Flexibility Analysis is a description and

analysis ***of*** the impact ***of*** a rule on small entities, including small

businesses, small governmental jurisdictions, and certain small not-for-profit organizations. The Regulatory Flexibility Act (5 U.S.C. 601 et seq.) requires each agency to prepare an initial RFA for public comment when it is required to publish an NPRM and to make available a final RFA when the final rule is published, unless the agency head certifies that the rule would not have a significant economic impact on a substantial number ***of*** small entities.

RIN--The Regulation Identifier Number is assigned by the Regulatory Information Service Center to identify each regulatory action listed in the Regulatory Plan and the Unified Agenda, as directed by Executive Order 12866 (section 4(b)). Additionally, OMB has asked agencies to include RINs in the headings ***of*** their Rule and Proposed Rule documents when publishing them in the Federal Register, to make it easier for the public and agency officials to track the publication history ***of*** regulatory actions throughout their development.

Seq. No.--The sequence number identifies the location ***of*** an entry in the printed edition ***of*** the Regulatory Plan and the Unified Agenda. Note that a specific regulatory action will have the

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same RIN throughout its development but will generally have different sequence numbers if it appears in different printed editions ***of*** the Unified Agenda. Sequence numbers are not used in the online Unified Agenda.

U.S.C.--The United States Code is a consolidation and codification ***of*** all general and permanent laws ***of*** the United States. The U.S.C. is divided into 50 titles, each title covering a broad area ***of*** Federal law.

VI. How can users get copies ***of*** the plan and the agenda?

Copies ***of*** the Federal Register issue containing the printed edition ***of*** The Regulatory Plan and the Unified Agenda (agency regulatory flexibility agendas) are available from the Superintendent ***of*** Documents, U.S. ***Government*** Printing Office, P.O. Box 371954, Pittsburgh, PA 15250-7954. Telephone: (202) 512-1800 or 1-866-512-1800 (toll-free).

Copies ***of*** individual agency materials may be available directly from the agency or may be found on the agency's Web site. Please

contact the particular agency for further information.

All editions ***of*** The Regulatory Plan and the Unified Agenda ***of*** Federal Regulatory and Deregulatory Actions since fall 1995 are available in electronic form at http://reginfo.gov, along with flexible search tools.

The ***Government*** Printing Office's GPO FDsys Web site contains copies ***of*** the Agendas and Regulatory Plans that have been printed in the Federal Register. These documents are available at http://www.fdsys.gov.

Dated: September 19, 2014.
John C. Thomas,
Executive Director.

INTRODUCTION TO THE 2014 REGULATORY PLAN

Executive Order 12866, issued in 1993, requires the production ***of*** a Unified Regulatory Agenda and Regulatory Plan. Executive Order 13563, issued in 2011, reaffirmed the requirements ***of*** Executive Order 12866.

Consistent with these Executive Orders, the Office ***of*** Information and Regulatory Affairs is providing the 2014 Unified Regulatory Agenda (Agenda) and the Regulatory Plan (Plan) for public review. The Agenda and Plan are preliminary statements ***of*** regulatory and deregulatory policies and priorities under consideration. The Agenda and Plan include ``active rulemakings'' that agencies could possibly conclude over the next year. As in previous years, however, this list may also include some rules that agencies will not end up issuing in the coming year.

The Plan provides a list ***of*** important regulatory actions that agencies are considering for issuance in proposed or final form during the 2015 fiscal year. In contrast, the Agenda is a more inclusive list, including numerous ministerial actions and routine rulemakings, as well as long-term initiatives that agencies do not plan to complete in the coming year but on which they are actively working.

A central purpose ***of*** the Agenda is to involve the public, including State, local, and tribal officials, in federal regulatory planning. The public examination ***of*** the Agenda and Plan will facilitate public participation in a regulatory system that, in the words ***of*** Executive Order 13563, protects ``public health, welfare, safety, and our environment while promoting economic growth, innovation,

competitiveness, and job creation.'' We emphasize that rules listed on the Agenda must still undergo significant development and review before they are issued. No regulatory action can become effective until it has gone through the legally required processes, which generally include public notice and comment. Any proposed or final action must also satisfy the requirements ***of*** relevant statutes, Executive Orders, and Presidential Memoranda. Those requirements, public comments, and new information may or may not lead an agency to go forward with an action that is currently under contemplation.

Among other information, the Agenda also provides an initial classification ***of*** whether a rulemaking is ``significant'' or ``economically significant'' under the terms ***of*** Executive Orders 12866 and 13563. Whether a regulation is listed on the Agenda as ``economically significant'' within the meaning ***of*** Executive Order 12866 (generally, having an annual effect on the economy ***of*** $100 million or more) does not necessarily indicate whether it imposes high costs on the private sector. Economically significant actions may impose small costs or even no costs.

Regulations may count as economically significant because they confer large ***benefits*** or remove significant burdens. For example, the Department ***of*** Health and Human Services issues regulations on an annual basis, pursuant to statute, to govern annual changes in Medicare payments. These payment regulations effectively authorize transfers ***of*** billions ***of*** dollars to hospitals and other health care providers each year. Regulations might therefore count as economically significant not because they impose significant regulatory costs on the private sector, but because they involve transfer payments as required or authorized by law.

EOs 13563 and 13610: The Retrospective Review ***of*** Regulation

Executive Order 13563 reaffirms the principles, structures, and definitions in Executive Order 12866, which has long governed regulatory review. Executive Order 13563 explicitly points to the need for predictability and certainty, as well as for use ***of*** the least burdensome means to achieving regulatory ends. These Executive Orders include the requirement that, to the extent permitted by law, agencies should not proceed with rulemaking in the absence ***of*** a reasoned determination that the ***benefits*** justify the costs; they establish

public participation, integration and innovation, flexible approaches,

scientific integrity, and retrospective review as areas ***of*** emphasis in regulation. In particular, Executive Order 13563 explicitly draws

attention to the need to measure and to improve ``the actual results ***of***

regulatory requirements''--a clear reference to the importance ***of*** retrospective evaluation.

Executive Order 13563 addresses new regulations that are under

development as well as retrospective review ***of existing*** regulations

that are already in place. With respect to agencies' review ***of existing*** regulations, the Executive Order calls for careful reassessment based on empirical analysis. The prospective analysis required by Executive

Order 13563 may depend on a degree ***of*** prediction and speculation about

a rule's likely impacts, and the actual costs and ***benefits of*** a regulation may be lower or higher than what was anticipated when the rule was originally developed.

Executive Order 13610, Identifying and Reducing Regulatory Burdens, issued in 2012, institutionalizes the retrospective or lookback mechanism set out in Executive Order 13563 by requiring agencies to report to OMB and the public twice each year (January and July) on the

status ***of*** their retrospective review efforts, to ``describe progress, anticipated accomplishments, and proposed timelines for relevant actions.''

Executive Orders 13563 and 13610 recognize that circumstances may

change in a way that requires reconsideration ***of*** regulatory

requirements. Lookback analysis allows agencies to reevaluate ***existing*** rules and to streamline, modify, or eliminate those regulations that do not make sense in their current form. The agencies' lookback efforts so far during this Administration have yielded nearly $20 billion in near term savings for the

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American public, with significantly more to come.

The Administration is continuing to work with agencies to institutionalize retrospective review so that agencies regularly review

existing rules on the books to ensure they remain effective, cost-justified, and based on the best available science. By

institutionalizing retrospective review ***of*** regulations, the Administration will continue to examine what is working and what is not, and eliminate unjustified and outdated regulations.

Regulatory lookback is an ongoing exercise, and continues to be a high priority for the Administration. As part ***of*** that prioritization, the Administration requires that agencies regularly report about recent progress and coming initiatives. In accordance with Executive Order 13610 and Executive Order 13563, in July 2014, agencies submitted to OIRA the latest updates ***of*** their retrospective review plans. Federal agencies will again update their retrospective review plans this winter. We have also asked agencies to continue to emphasize regulatory lookbacks in their latest Regulatory Plans.

Reflecting that focus, the current agenda lists 83 rules that are characterized as retroactively reviewing ***existing*** programs. Below are some examples ***of*** agency plans to reevaluate current practices, in accordance with Executive Orders 13563 and 13610:

--The Department ***of*** Health and Human Services (HHS) is working on a rule to revise the requirements that Long-Term Care facilities must meet to participate in the Medicare and Medicaid programs. These proposed changes are necessary to reflect the substantial advances that have been made over the past several years in the theory and practice ***of*** service delivery and safety. These proposals are also an integral part ***of*** HHS's efforts to achieve broad-based improvements both in the quality ***of*** health care furnished through Federal programs, and in patient safety, while at the same time reducing procedural burdens on providers.

--The Department ***of*** Housing and Urban Development (HUD) is working on a final rule to streamline the inspection and home warranty requirements for Federal Housing Administration (FHA) single family mortgage insurance and, in doing so, would increase choice and lower the costs for FHA borrowers. First, HUD would remove regulations that require the use ***of*** an inspector from the FHA Inspector Roster as a condition for FHA mortgage insurance. This change is based on the recognition ***of*** the sufficiency and quality ***of*** inspections carried out by local jurisdictions, and HUD expects the rule will increase competition and choice ***of*** inspectors among lenders. Second, this rule would also remove the regulations requiring homeowners to purchase 10-year protection plans from FHA-approved warranty issuers in order to qualify for high loan-to-value FHA-insured mortgages. This change is based on the increased quality ***of*** construction materials and the standardization ***of*** building codes and building code enforcement, and HUD expects the rule

will reduce burden on homeowners that do not want to purchase warranties and increase choice for the homeowners that still want to purchase warranties. In total, HUD estimates up to $29 million in warranty expenditures avoided, $100,000 in paperwork burden savings for the public, and $50,000 in administrative cost savings for HUD.

--The Department ***of*** Labor is working to revise ***existing*** Sex Discrimination Guidelines, which have not been substantively updated since 1973, and to replace them with regulations that align with current law and legal principles in order to address their application to current workplace practices and issues.

E.O. 13609: International Regulatory Cooperation

In addition to using regulatory lookback as a tool to make our regulatory system more efficient, the Administration has been focused on promoting international regulatory cooperation. International regulatory cooperation supports economic growth, job creation, innovation, trade and investment, while also protecting public health, safety, and welfare. In May 2012 President Obama issued Executive Order 13609, Promoting International Regulatory Cooperation, which emphasizes the importance ***of*** these efforts as a key tool for eliminating unnecessary differences in regulation between the United States and its major trading partners. Additionally, as part ***of*** the regulatory lookback initiative, Executive Order 13609 requires agencies to ``consider reforms to ***existing*** significant regulations that address unnecessary differences in regulatory requirements between the United States and its major trading partners . . . when stakeholders provide adequate information to the agency establishing that the differences are unnecessary."

Executive Order 13609 also directed agencies to submit a Regulatory Plan that includes ``a summary ***of*** its international regulatory cooperation activities that are reasonably anticipated to lead to significant regulations, with an explanation ***of*** how these activities advance the purposes ***of*** Executive Order 13563," and Executive Order 13609. Further, Executive Order 13609 requires agencies to ``ensure that significant regulations that the agency identifies as having significant international impacts are designated as such" in the Regulatory Agenda. In furtherance ***of*** this focus on international regulatory cooperation, this summer, the Administration and Canada released the U.S.-Canada Regulatory Cooperation Council (RCC) Joint Forward Plan.\1\ The Forward Plan represents a significant pivot point

for the Administration's regulatory cooperation relationships with Canada, and outlines new Federal agency-level partnership arrangements to help institutionalize the way our regulators work together. The Forward Plan will help remove duplicative requirements, develop common standards, and identify potential areas where future regulation may

unnecessarily differ. This kind ***of*** international cooperation on regulations between the United States and Canada will help eliminate barriers to doing business in the United States or with U.S. companies, grow the economy, and create jobs. The Forward Plan identifies 24 areas

of cooperation where the United States and Canada will work together to implement over the next three to five years in order to modernize our thinking around international regulatory cooperation and develop a

toolbox ***of*** strategies to address international regulatory issues as they arise. We expect that future Agendas will reflect strong evidence

of this partnership.

\1\ Available at: *http://www.whitehouse.gov/sites/default/files/omb/oira/irc/us-canada-rcc-joint-forward-plan.pdf*.

The Administration continues to foster a regulatory system that

emphasizes that careful consideration ***of*** costs and ***benefits***, public participation, integration and innovation, flexible approaches, and science. These requirements are meant to produce a regulatory system that draws on recent learning, that is driven by evidence, and that is

suited to the distinctive circumstances ***of*** the twenty-first century.

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Department ***of*** Agriculture

Regulation
Sequence No. Title identifier No. Rulemaking stage

1..... National Organic Program, 0581-AD08 Proposed Rule Stage.

Origin ***of*** Livestock, NOP-
11-0009.

2..... National Organic Program, 0581-AD20 Proposed Rule Stage.

Organic Pet Food
Standards.

3..... National Organic Program, 0581-AD31 Proposed Rule Stage.

Organic Apiculture

Practice Standard, NOP-
12-0063.
4..... National Organic 0581-AD34 Proposed Rule Stage.
Program_Organic
Aquaculture Standards.

5..... Exemption ***of*** Producers 0581-AD37 Proposed Rule Stage.

and Handlers ***of*** Organic
Products From Assessment
Under a Commodity
Promotion Law.
6..... Noninsured Crop Disaster 0560-AI20 Final Rule Stage.
Assistance Program.
7..... Conservation Compliance.. 0560-AI26 Final Rule Stage.
8..... Conservation Reserve 0560-AI30 Final Rule Stage.
Program (CRP).
9..... Brucellosis and Bovine 0579-AD65 Proposed Rule Stage.

Tuberculosis; Update ***of***
General Provisions.
10..... Establishing a 0579-AD71 Proposed Rule Stage.
Performance Standard for
Authorizing the
Importation and

Interstate Movement ***of***
Fruits and Vegetables.
11..... Viruses, Serums, Toxins, 0579-AD64 Final Rule Stage.
and Analogous Products;
Single Label Claim for
Veterinary Biological
Products.
12..... User Fees for 0579-AD77 Final Rule Stage.
Agricultural Quarantine
and Inspection Services.
13..... Emergency Supplemental 0584-AE00 Proposed Rule Stage.
Nutrition Assistance for

Victims ***of*** Disasters
Procedures.
14..... Child Nutrition Program 0584-AE08 Proposed Rule Stage.
Integrity.
15..... Child and Adult Care Food 0584-AE18 Proposed Rule Stage.
Program: Meal Pattern
Revisions Related to the

Healthy, Hunger-Free

Kids Act ***of*** 2010.

16..... Enhancing Retailer 0584-AE27 Proposed Rule Stage.
Eligibility Standards in
SNAP.

17..... Supplemental Nutrition 0584-AD88 Final Rule Stage.
Assistance Program: Farm

Bill ***of*** 2008 Retailer
Sanctions.

18..... Child Nutrition Programs: 0584-AE25 Final Rule Stage.
Local School Wellness
Policy Implementation
Under the Healthy,

Hunger-Free Kids Act ***of***
2010.

19..... SNAP: Employment and 0584-AE33 Final Rule Stage.
Training (E&T)
Performance Measurement,
Monitoring and Reporting
Requirements.

20..... Requirements for the 0583-AD54 Proposed Rule Stage.

Disposition ***of*** Non-
Ambulatory Disabled Veal
Calves.

21..... Mandatory Inspection ***of*** 0583-AD36 Final Rule Stage.

Fish ***of*** the order
Siluriformes and
Products Derived From
Such Fish.

22..... Electronic Export 0583-AD41 Final Rule Stage.
Application and
Certification as a
Reimbursable Service and
Flexibility in the
Requirements for
Official Export
Inspection Marks,
Devices, and
Certificates.

23..... Descriptive Designation 0583-AD45 Final Rule Stage.

for Needle- or Blade-
Tenderized (Mechanically
Tenderized) Beef
Products.

24..... Records to be Kept by 0583-AD46 Final Rule Stage.
Official Establishments
and Retail Stores That
Grind Raw Beef Products.

25..... Forest Service Manual 0596-AC82 Final Rule Stage.
2020_Ecological
Restoration and
Resilience Policy.

26..... Land Management Planning 0596-AD06 Final Rule Stage.
Rule Policy.

27..... Rural Energy for America 0570-AA76 Final Rule Stage.
Program.

28..... Business and Industry 0570-AA85 Final Rule Stage.
(B&I) Guaranteed Loan
Program.

29..... Biorefinery, Renewable 0570-AA93 Final Rule Stage.
Chemical, and Biobased
Product Manufacturing
Assistance Program.

30..... Agricultural Conservation 0578-AA61 Final Rule Stage.
Easement Program.

31..... Environmental Quality 0578-AA62 Final Rule Stage.
Incentives Program
(EQIP) Interim Rule.

32..... Conservation Stewardship 0578-AA63 Final Rule Stage.
Program Interim Rule.

Department ***of*** Commerce

Regulation
Sequence No. Title identifier No. Rulemaking stage

33..... Requirements for 0648-AY15 Proposed Rule Stage.

Importation ***of*** Fish and
Fish Product under the
U.S. Marine Mammal
Protection Act.

34..... Designation ***of*** Critical 0648-AY54 Proposed Rule Stage.
Habitat for the North
Atlantic Right Whale.

35..... Revision ***of*** Hawaiian Monk 0648-BA81 Proposed Rule Stage.
Seal Critical Habitat.

36..... Revision ***of*** the National 0648-BB92 Proposed Rule Stage.
Standard 1 Guidelines.
37..... Fishery Management Plan 0648-AS65 Final Rule Stage.
for Regulating Offshore
Marine Aquaculture in

the Gulf ***of*** Mexico.

Department ***of*** Defense

Regulation
Sequence No. Title identifier No. Rulemaking stage

38..... Limitations on Terms ***of*** 0790-AJ10 Proposed Rule Stage.
Consumer Credit Extended
to Service Members and
Dependents.
39..... Defense Industrial Base 0790-AJ14 Proposed Rule Stage.
(DIB) Cyber Security/
Information Assurance
(CS/IA) Activities:
Amendment.
40..... Service Academies..... 0790-AI19 Final Rule Stage.

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41..... Foreign Commercial 0750-AI32 Final Rule Stage.
Satellite Services
(DFARS Case 2014-D010).
42..... CHAMPUS/TRICARE: Pilot 0720-AB60 Final Rule Stage.

Program for Refills ***of***
Maintenance Medications
for TRICARE For Life
Beneficiaries Through
the TRICARE Mail Order
Program.

Department ***of*** Education

Regulation
Sequence No. Title identifier No. Rulemaking stage

43..... Pay As You Earn..... 1840-AD18 Proposed Rule Stage.
44..... Workforce Innovation and 1830-AA21 Proposed Rule Stage.
Opportunity Act.

Department ***of*** Energy

Regulation Sequence No.	Title	identifier No.	Rulemaking stage
45	Energy Conservation Standards for General Service Lamps.	1904-AD09	Prerule Stage.
46	Energy Efficiency Standards for Manufactured Housing.	1904-AC11	Proposed Rule Stage.
47	Energy Conservation Standards for Residential Non-weatherized Gas Furnaces.	1904-AD20	Proposed Rule Stage.

Department ***of*** Health and Human Services

Regulation Sequence No.	Title	identifier No.	Rulemaking stage
48	Current Good Manufacturing Practice and Hazard Analysis and Risk-Based Preventive Controls for Food for Animals.	0910-AG10	Proposed Rule Stage.
49	Standards for the Growing, Harvesting, Packing, and Holding ***of*** Produce for Human Consumption.	0910-AG35	Proposed Rule Stage.
50	Current Good Manufacturing and Hazard Analysis, and Risk-Based Preventive Controls for Human Food.	0910-AG36	Proposed Rule Stage.
51	Reports ***of*** Distribution and Sales Information for Antimicrobial Active Ingredients Used in Food-Producing Animals.	0910-AG45	Proposed Rule Stage.
52	Foreign Supplier Verification Program.	0910-AG64	Proposed Rule Stage.
53	``Tobacco Products'' Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act.	0910-AG38	Final Rule Stage.

54..... Food Labeling: Calorie 0910-AG56 Final Rule Stage.

Labeling ***of*** Articles ***of***
Food Sold in Vending
Machines.
55..... Food Labeling: Nutrition 0910-AG57 Final Rule Stage.

Labeling ***of*** Standard
Menu Items in
Restaurants and Similar
Retail Food
Establishments.

56..... Accreditation ***of*** Third- 0910-AG66 Final Rule Stage.
Party Auditors/
Certification Bodies to
Conduct Food Safety
Audits and to Issue
Certifications.

57..... Revision ***of*** Postmarketing 0910-AG88 Final Rule Stage.
Reporting Requirements
Discontinuance or
Interruption in Supply

of Certain Products
(Drug Shortages).
58..... Supplemental Applications 0910-AG94 Final Rule Stage.
Proposing Labeling
Changes for Approved
Drugs and Biological
Products.
59..... Veterinary Feed Directive 0910-AG95 Final Rule Stage.

60..... Reform ***of*** Requirements 0938-AR61 Proposed Rule Stage.
for Long-Term Care
Facilities (CMS-3260-P).
61..... Mental Health Parity and 0938-AS24 Proposed Rule Stage.

Addiction Equity Act ***of***
2008; the Application to
Medicaid Managed Care,
CHIP, and Alternative

Benefit Plans (CMS-2333-
P).
62..... Electronic Health Record 0938-AS26 Proposed Rule Stage.
(EHR) Incentive
Programs_Stage 3 (CMS-
3310-P).
63..... CY 2016 Revisions to 0938-AS40 Proposed Rule Stage.
Payment Policies under
the Physician Fee
Schedule and Other
Revisions to Medicare

Part B (CMS-1631-P).
64..... Hospital Inpatient 0938-AS41 Proposed Rule Stage.
Prospective Payment
System for Acute Care
Hospitals and the Long-
Term Care Hospital
Prospective Payment
System and FY 2016 Rates
(CMS-1632-P).
65..... CY 2016 Hospital 0938-AS42 Proposed Rule Stage.
Outpatient PPS Policy
Changes and Payment
Rates and Ambulatory
Surgical Center Payment
System Policy Changes
and Payment Rates (CMS-
1633-P).
66..... Eligibility Notices, Fair 0938-AS27 Final Rule Stage.
Hearing and Appeal
Processes for Medicaid
and Exchange Eligibility
Appeals, and Other
Eligibility and
Enrollment Provisions
(CMS-2334-F2).
67..... Child Care and 0970-AC53 Final Rule Stage.
Development Fund Reforms
to Support Child
Development and Working
Families.

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Department ***of*** Homeland Security

Regulation
Sequence No. Title identifier No. Rulemaking stage

68..... Ammonium Nitrate Security 1601-AA52 Final Rule Stage.
Program.
69..... Asylum and Withholding 1615-AA41 Proposed Rule Stage.
Definitions.
70..... New Classification for 1615-AA67 Proposed Rule Stage.

Victims ***of*** Criminal
Activity; Eligibility
for the U Nonimmigrant
Status.
71..... Exception to the 1615-AB89 Proposed Rule Stage.
Persecution Bar for
Asylum, Refugee, and
Temporary Protected

Status, and Withholding

of Removal.
72..... Administrative Appeals 1615-AB98 Proposed Rule Stage.
Office: Procedural
Reforms to Improve
Efficiency.
73..... Classification for 1615-AA59 Final Rule Stage.

Victims ***of*** Severe Forms

of Trafficking in
Persons; Eligibility for
T Nonimmigrant Status.

74..... Application ***of*** 1615-AB77 Final Rule Stage.
Immigration Regulations

to the Commonwealth ***of***
the Northern Mariana
Islands.
75..... Special Immigrant 1615-AB81 Final Rule Stage.
Juvenile Petitions.
76..... Employment Authorization 1615-AB92 Final Rule Stage.
for Certain H-4
Dependent Spouses.
77..... Enhancing Opportunities 1615-AC00 Final Rule Stage.
for H-1B1, CW-1, and E-3
Nonimmigrants and EB-1
Immigrants.
78..... Vessel Requirements for 1625-AA99 Final Rule Stage.

Notices ***of*** Arrival and
Departure, and Automatic
Identification System.

79..... Inspection ***of*** Towing 1625-AB06 Final Rule Stage.
Vessels.
80..... Transportation Worker 1625-AB21 Final Rule Stage.
Identification
Credential (TWIC); Card
Reader Requirements.
81..... Amendments to Importer 1651-AA98 Proposed Rule Stage.
Security Filing and
Additional Carrier
Requirements.
82..... Air Cargo Advance 1651-AB04 Proposed Rule Stage.
Screening (ACAS).
83..... Changes to the Visa 1651-AA72 Final Rule Stage.
Waiver Program To
Implement the Electronic
System for Travel
Authorization (ESTA)
Program.

84..... Implementation ***of*** the 1651-AA77 Final Rule Stage.
Guam-CNMI Visa Waiver
Program.

85..... Definition ***of*** Form I-94 1651-AA96 Final Rule Stage.
to Include Electronic
Format.
86..... Security Training for 1652-AA55 Proposed Rule Stage.
Surface Mode Employees.
87..... Standardized Vetting, 1652-AA61 Proposed Rule Stage.
Adjudication, and
Redress Services.
88..... Passenger Screening Using 1652-AA67 Final Rule Stage.
Advanced Imaging
Technology.
89..... Adjustments to 1653-AA63 Final Rule Stage.
Limitations on
Designated School
Official Assignment and
Study By F-2 and M-2
Nonimmigrants.

Department ***of*** Housing and Urban Development

Regulation
Sequence No. Title identifier No. Rulemaking stage

90..... Economic Opportunities 2529-AA91 Proposed Rule Stage.
for Low- and Very Low-
Income Persons (FR-4893).

Department ***of*** Justice

Regulation
Sequence No. Title identifier No. Rulemaking stage

91..... Implementation ***of*** the ADA 1190-AA60 Proposed Rule Stage.

Amendments Act ***of*** 2008

(Section 504 ***of*** the

Rehabilitation Act ***of***
1973).
92..... Nondiscrimination on the 1190-AA61 Proposed Rule Stage.

Basis ***of*** Disability;

Accessibility ***of*** Web
Information and Services

of Public Accommodations.

93..... Nondiscrimination on the 1190-AA63 Proposed Rule Stage.

Basis ***of*** Disability;
Movie Captioning and
Audio Description.
94..... Nondiscrimination on the 1190-AA65 Proposed Rule Stage.

Basis ***of*** Disability:

Accessibility ***of*** Web
Information and Services

of State and Local

Governments.

95..... Implementation ***of*** the ADA 1190-AA59 Final Rule Stage.

Amendments Act ***of*** 2008
(Title II and Title III

of the ADA).

Department ***of*** Labor

Regulation
Sequence No. Title identifier No. Rulemaking stage

96..... Workforce Innovation and 1205-AB73 Proposed Rule Stage.
Opportunity Act.
97..... Respirable Crystalline 1219-AB36 Proposed Rule Stage.
Silica.
98..... Criteria and Procedures 1219-AB72 Proposed Rule Stage.
for Proposed Assessment

of Civil Penalties.
99..... Proximity Detection 1219-AB78 Proposed Rule Stage.
Systems for Mobile
Machines in Underground
Mines.
100..... Proximity Detection 1219-AB65 Final Rule Stage.
Systems for Continuous
Mining Machines in
Underground Coal Mines.
101..... Infectious Diseases..... 1218-AC46 Prerule Stage.
102..... Occupational Exposure to 1218-AB70 Proposed Rule Stage.
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103..... Improve Tracking ***of*** 1218-AC49 Final Rule Stage.
Workplace Injuries and
Illnesses.

Department ***of*** Transportation

Regulation Sequence No.	Title	identifier No.	Rulemaking stage
104	Operation and Certification ***of*** Small Unmanned Aircraft Systems (sUAS).	2120-AJ60	Proposed Rule Stage.
105	Slot Management and Transparency for LaGuardia Airport, John F. Kennedy International Airport, and Newark Liberty International Airport.	2120-AJ89	Proposed Rule Stage.
106	Drug and Alcohol Testing ***of*** Certain Maintenance Provider Employees Located Outside ***of*** the United States.	2120-AK09	Proposed Rule Stage.
107	Pilot Records Database (HR 5900).	2120-AK31	Proposed Rule Stage.
108	Safety Management Systems for Certificate Holders.	2120-AJ86	Final Rule Stage.
109	National Goals and Performance Management Measures (MAP-21).	2125-AF53	Proposed Rule Stage.
110	National Goals and Performance Management Measures (MAP-21).	2125-AF54	Proposed Rule Stage.
111	Carrier Safety Fitness Determination.	2126-AB11	Proposed Rule Stage.
112	Electronic Logging Devices and Hours ***of*** Service Supporting Documents (MAP-21).	2126-AB20	Proposed Rule Stage.
113	Commercial Driver's License Drug and Alcohol Clearinghouse (MAP-21).	2126-AB18	Final Rule Stage.
114	Fuel Efficiency Standards for Medium- and Heavy-Duty Vehicles and Work Trucks: Phase 2.	2127-AL52	Proposed Rule Stage.
115	Sound for Hybrid and Electric Vehicles.	2127-AK93	Final Rule Stage.
116	Electronic Stability Control Systems for Heavy Vehicles (MAP-21).	2127-AK97	Final Rule Stage.
117	State Safety Oversight	2132-AB19	Proposed Rule Stage.

(MAP-21).
118..... Pipeline Safety: Safety 2137-AE66 Proposed Rule Stage.
of On-Shore Liquid
Hazardous Pipelines.
119..... Pipeline Safety: Gas 2137-AE72 Proposed Rule Stage.
Transmission (RRR).
120..... Hazardous Materials: 2137-AE91 Final Rule Stage.
Enhanced Tank Car
Standards and
Operational Controls for
High-Hazard Flammable
Trains.

Department ***of*** Veterans Affairs

Regulation
Sequence No. Title identifier No. Rulemaking stage

121..... Expedited Senior 2900-AP30 Final Rule Stage.
Executive Removal
Authority.

Environmental Protection Agency

Regulation
Sequence No. Title identifier No. Rulemaking stage

122..... Review ***of*** the National 2060-AP38 Proposed Rule Stage.
Ambient Air Quality
Standards for Ozone.
123..... Review ***of*** the National 2060-AQ44 Proposed Rule Stage.
Ambient Air Quality
Standards for Lead.
124..... Carbon Pollution Emission 2060-AR33 Proposed Rule Stage.
Guidelines for ***Existing***
Stationary Sources: EGUs
in Indian Country and
U.S. Territories.
125..... Greenhouse Gas Emissions 2060-AS16 Proposed Rule Stage.
and Fuel Efficiency
Standards for Medium-
and Heavy-Duty Engines
and Vehicles_Phase 2.
126..... Renewable Fuel 2015 2060-AS22 Proposed Rule Stage.
Volume Standards.
127..... Pesticides; Certification 2070-AJ20 Proposed Rule Stage.
of Pesticide Applicators.

128..... Polychlorinated Biphenyls 2070-AJ38 Proposed Rule Stage.
(PCBs); Reassessment ***of***
Use Authorizations.
129..... Lead; Renovation, Repair, 2070-AJ56 Proposed Rule Stage.
and Painting Program for
Public and Commercial
Buildings.
130..... Revisions to the National 2050-AE87 Proposed Rule Stage.
Oil and Hazardous
Substances Pollution
Contingency Plan;
Subpart J Product
Schedule Listing
Requirements.
131..... User Fee Schedule for 2050-AG80 Proposed Rule Stage.
Electronic Hazardous
Waste Manifest.

132..... Modernization ***of*** the 2050-AG82 Proposed Rule Stage.
Accidental Release
Prevention Regulations
Under Clean Air Act.
133..... Petroleum Refinery Sector 2060-AQ75 Final Rule Stage.
Risk and Technology
Review and New Source
Performance Standards.

134..... Standards ***of*** Performance 2060-AQ91 Final Rule Stage.
for Greenhouse Gas
Emissions From New
Stationary Sources:
Electric Utility
Generating Units.

135..... Implementation ***of*** the 2060-AR34 Final Rule Stage.
2008 National Ambient
Air Quality Standards
for Ozone: State
Implementation Plan
Requirements.
136..... Carbon Pollution 2060-AR88 Final Rule Stage.
Standards for Modified
and Reconstructed
Stationary Sources:
Electric Utility
Generating Units.
137..... Pesticides; Agricultural 2070-AJ22 Final Rule Stage.
Worker Protection
Standard Revisions.
138..... Formaldehyde; Third-Party 2070-AJ44 Final Rule Stage.
Certification Framework
for the Formaldehyde
Standards for Composite

Wood Products.

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139..... Formaldehyde Emissions 2070-AJ92 Final Rule Stage.
Standards for Composite
Wood Products.
140..... Standards for the 2050-AE81 Final Rule Stage.

Management ***of*** Coal
Combustion Residuals
Generated by Commercial
Electric Power Producers.
141..... Revising Underground 2050-AG46 Final Rule Stage.
Storage Tank
Regulations_Revisions to

Existing Requirements
and New Requirements for
Secondary Containment
and Operator Training.
142..... Effluent Limitations 2040-AF14 Final Rule Stage.
Guidelines and Standards
for the Steam Electric
Power Generating Point
Source Category.
143..... Water Quality Standards 2040-AF16 Final Rule Stage.
Regulatory Revisions.

144..... Definition ***of*** ``Waters ***of*** 2040-AF30 Final Rule Stage.
the United States''
Under the Clean Water
Act.

Equal Employment Opportunity Commission

Regulation
Sequence No. Title identifier No. Rulemaking stage

145..... Federal Sector Equal 3046-AB00 Prerule Stage.
Employment Opportunity
Process.
146..... The Federal Sector's 3046-AA94 Proposed Rule Stage.
Obligation To Be a Model

Employer ***of*** Individuals
With Disabilities.
147..... Amendments to Regulations 3046-AB01 Proposed Rule Stage.
Under the Americans With
Disabilities Act.
148..... Amendments to Regulations 3046-AB02 Proposed Rule Stage.
Under the Genetic
Information

Nondiscrimination Act ***of***
2008.

Social Security Administration

Regulation
Sequence No. Title identifier No. Rulemaking stage

149..... Revised Medical Criteria 0960-AG65 Proposed Rule Stage.
for Evaluating Digestive
Disorders (3441P).
150..... Revisions to 0960-AH63 Proposed Rule Stage.

Representative Code ***of***
Conduct (3835P).
151..... Revised Medical Criteria 0960-AF35 Final Rule Stage.
for Evaluating
Neurological Impairments
(806F).
152..... Revised Medical Criteria 0960-AF88 Final Rule Stage.
for Evaluating
Hematological Disorders
(974F).
153..... Revised Medical Criteria 0960-AG28 Final Rule Stage.
for Evaluating Growth
Disorders and Weight
Loss in Children (3163F).

154..... Use ***of*** Date ***of*** Written 0960-AG58 Final Rule Stage.
Statement as Filing Date
(3431F).
155..... Revised Medical Criteria 0960-AG71 Final Rule Stage.
for Evaluating Immune
(HIV) System Disorders
(3466F).
156..... Revised Medical Criteria 0960-AH43 Final Rule Stage.
for Evaluating Cancer
(Malignant Neoplastic
Diseases) (3757F).

157..... Submission ***of*** Evidence in 0960-AH53 Final Rule Stage.
Disability Claims
(3802F).
158..... Social Security Number 0960-AH68 Final Rule Stage.
Card Applications
(3855I).

Nuclear Regulatory Commission

Regulation
Sequence No. Title identifier No. Rulemaking stage

159..... Revision ***of*** Fee 3150-AJ44 Proposed Rule Stage.
Schedules: Fee Recovery
for FY 2015 [NRC-2014-
0200].

BILLING CODE 6820-27-P

DEPARTMENT ***OF*** AGRICULTURE (USDA)

Statement ***of*** Regulatory Priorities

In FY 2015, USDA will focus on a number ***of*** high-priority

regulations necessary to implement the Agricultural Act ***of*** 2014 (Farm Bill). This legislation, which was signed into law on February 7, 2014, provides authorization for services and programs that impact every

American and millions ***of*** people around the world. The new Farm Bill builds on historic economic gains in rural America over the past five

years, while achieving meaningful reform and billions ***of*** dollars in savings for the taxpayer. The new Farm Bill will allow USDA to continue

record accomplishments on behalf ***of*** the ***American*** people, while providing new opportunity and creating jobs across rural America. It will enable USDA to further expand markets for agricultural products at home and abroad, strengthen conservation efforts, create new opportunities for local and regional food systems and grow the biobased economy. It will provide a dependable safety net for America's farmers, ranchers and growers. It will maintain important agricultural research and ensure access to safe and nutritious food for all Americans. USDA's

regulatory efforts in the coming year will modify ***existing*** regulations and introduce new regulatory actions necessary to implement the 2014 Farm Bill and to achieve the following goals identified in the Department's Strategic Plan for 2010-2015:

Assist rural communities to create prosperity so they are self-sustaining, re-populating, and economically thriving. USDA is the leading advocate for rural America. The Department supports rural

communities and enhances quality ***of*** life for rural residents by improving

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their economic opportunities, community infrastructure, environmental

health, and the sustainability ***of*** agricultural production. The common goal is to help create thriving rural communities with good jobs where people want to live and raise families where children have economic

opportunities and a bright future.

Ensure our national forests and private working lands are conserved, restored, and made more resilient to climate change, while enhancing our water resources. America's prosperity is inextricably linked to the health ***of*** our lands and natural resources. Forests, farms, ranches, and grasslands offer enormous environmental ***benefits*** as a source ***of*** clean air, clean and abundant water, and wildlife habitat. These lands generate economic value by supporting the vital agriculture and forestry sectors, attracting tourism and recreational visitors, sustaining green jobs, and producing ecosystem services, food, fiber, timber and non-timber products. They are also ***of*** immense social importance, enhancing rural quality ***of*** life, sustaining scenic and culturally important landscapes, and providing opportunities to engage in outdoor activity and reconnect with the land.

Help America promote agricultural production and biotechnology exports as America works to increase food security. A productive agricultural sector is critical to increasing global food security. For many crops, a substantial portion ***of*** domestic production is bound for overseas markets. USDA helps ***American*** farmers and ranchers use efficient and sustainable production, biotechnology, and other emergent technologies to enhance food security around the world and find export markets for their products.

Ensure that all ***of*** America's children have access to safe, nutritious, and balanced meals. A plentiful supply ***of*** safe and nutritious food is essential to the well-being ***of*** every family and the healthy development ***of*** every child in America. USDA provides nutrition assistance to children and low-income people ***who*** need it and works to improve the healthy eating habits ***of*** all Americans, especially children. In addition, the Department safeguards the quality and wholesomeness ***of*** meat, poultry, and processed egg products, and it addresses and prevents loss or damage from pests and disease outbreaks.

Important regulatory activities supporting the accomplishment ***of*** these goals in 2015 will include the following:

Strengthening Food Safety Inspection. USDA will continue to develop science-based regulations that improve the safety ***of*** meat, poultry, and processed egg products in the least burdensome and most

cost-effective manner. ***Existing*** regulations will be revised to address emerging food safety challenges, streamlined to remove excessively prescriptive requirements, and updated to be made consistent with Hazard Analysis and Critical Control Point principles. Among other actions, USDA will amend regulations so that information presented on food packaging is useful in assisting consumers with purchasing and preparation decisions. The agency will also use technology to streamline and improve the integrity ***of*** export certificates. To help small businesses comply with food safety regulatory requirements, FSIS will continue its collaboration with other USDA and State partners in its small business outreach program.

Improving Access to Nutrition Assistance and Dietary Behaviors. As changes are made to the nutrition assistance programs, USDA will work to ensure access to program ***benefits***, strengthen program integrity, improve diets and healthy eating, and promote physical activity consistent with the national effort to reduce obesity. In support ***of*** these activities in 2014, the Food and Nutrition Service (FNS) plans to publish a proposed rule updating meal pattern revisions for the Child and Adult Care Food Program, as well as a proposal to enhance the eligibility standards for SNAP retailers to increase access to more healthful foods. FNS will continue to work to implement rules that minimize participant and vendor fraud in its nutrition assistance programs.

Collaborating with Producers to Conserve Natural Resources. The Natural Resources Conservation Service (NRCS) is amending the Conservation Stewardship Program (CSP) and Environmental Quality Incentives Program (EQIP) regulations to incorporate programmatic changes as authorized by the Farm Bill. CSP promotes consultation at the local level to identify priority resource concerns in geographic areas within a State. CSP encourages producers to address environmental concerns while improving and conserving the quality and condition ***of*** natural resources in a comprehensive manner. EQIP provides assistance to landowners to address natural resource issues that impact soil, water and related natural resources, including grazing lands, wetlands, and wildlife habitat. The Farm Bill folded the former Wildlife Habitat Incentives Program (WHIP) into EQIP.

Promoting Innovation through Partnerships. NRCS has a long history ***of*** providing science-based, technically sound, and proven conservation practices, advice, and alternatives to America's farmers and ranchers. Traditionally, NRCS has worked with USDA agencies, universities, and other nongovernmental organizations to identify and

refine new cutting-edge technology through on-farm trials and research. Using this approach, NRCS continually reviews and revises conservation practices based on new research or changes in technology.

Through the Conservation Innovation Grants (CIG) component ***of*** EQIP, NRCS involves additional partners in identifying and demonstrating new approaches for possible NRCS adoption. CIG's purpose is to stimulate the adoption ***of*** innovative conservation approaches and technologies in agricultural production and leverage additional investments in conservation. Partners assist NRCS with meeting the CIG goals ***of*** identifying new conservation technologies and practices, conducting demonstrations and field tests, and integrating widely applicable technologies and practices into NRCS' toolkit ***of*** practices and activities to help agricultural producers better address natural resource concerns. NRCS is updating the CIG section ***of*** the EQIP regulation to be consistent with Farm Bill amendments.

Protecting Productive Agricultural Lands and Wetlands. The Farm Bill combined several NRCS easement programs, including the Wetlands Reserve Program (WRP), the Farm and Ranch Lands Protection Program (FRPP), and the Grassland Reserve Program (GRP) into the new Agricultural Conservation Easement Program (ACEP). ACEP will require its own regulation to replace those ***of*** the repealed WRP, FRPP, and GRP programs. ACEP will have two components: an agricultural land easement component under which NRCS assists eligible entities to protect agricultural land by limiting non-agricultural land uses and a wetland reserve easement component under which NRCS provides technical and financial assistance directly to landowners to restore, protect and enhance wetlands through the purchase ***of*** wetlands reserve easements. NRCS will maintain the ***existing*** easements and contracts formed under the previous programs; however, they will all be considered part ***of*** ACEP enrollment.

Addressing Conservation Concerns on a Regional Level. The Farm Bill established the Regional Conservation

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Partnership Program (RCPP) to promote the implementation ***of*** conservation activities through providing support for agreements between producers and partner groups. Producers receive technical and financial assistance through RCPP while NRCS and its partners help producers install and maintain conservation activities. These projects

may focus on water quality and quantity, soil erosion, wildlife habitat, drought mitigation, flood control, and other regional priorities. Partners include producer associations, State or local ***governments***, Indian tribes, non-governmental organizations, and institutions ***of*** higher education. RCPP projects affect multiple agricultural or nonindustrial private forest operations on a local, regional, State, or multistate level. The Farm Bill combined several regional conservation initiatives into this program. RCPP is implemented through an announcement ***of*** program funding through Grants.gov; however, NRCS is publishing updates in the CSP, EQIP and ACEP regulations to indicate that these are covered programs through which RCPP can operate.

Establish Framework for Managing our Nation's Forests and Grasslands. The Forest Service will publish proposed guidance for implementation ***of*** the 2012 Land Management Planning Rule. This guidance will provide the detailed monitoring, assessment, and documentation requirements that the managers ***of*** our national forests and grasslands require to begin revising their land management plans under the 2012 Planning Rule. Currently 70 ***of*** the 120 Forest Service's Land Management Plans are expired and in need ***of*** revision.

Making Marketing and Regulatory Programs More Focused. The Animal and Plant Health Inspection Service (APHIS) plans to amend its veterinary biologics regulations to provide for the use ***of*** a simpler, uniform label format to better meet the needs ***of*** veterinary biologics consumers. APHIS also plans to revise tuberculosis and brucellosis regulations to better reflect the distribution ***of*** these diseases and thereby minimize the impacts on livestock producers while continuing to address these livestock diseases. In the area ***of*** plant health, APHIS proposes to expand the streamlined method ***of*** considering the importation and interstate movement ***of*** fruits and vegetables. The Agricultural Marketing Service (AMS) will support the organic sector by updating the National List ***of*** Allowed and Prohibited Substances as advised by the National Organic Standards Board, streamlining organic regulatory enforcement actions, developing organic pet food standards, and proposing that all ***existing*** and replacement dairy animals from which milk or milk products are intended to be sold as organic must be

managed organically from the last third ***of*** gestation.

Promoting Biobased Products. USDA will continue to promote sustainable economic opportunities to create jobs in rural communities through the purchase and use ***of*** biobased products through the BioPreferred[supreg] program. USDA will finalize regulations to revise the BioPreferred[supreg] program guidelines to continue adding designated product categories to the preferred procurement program, including intermediates and feedstocks and finished products made ***of*** intermediates and feedstocks. The Federal preferred procurement and the certified label parts ***of*** the program are voluntary; both are designed to assist biobased businesses in securing additional sales.

Retrospective Review ***of Existing*** Regulations

Pursuant to section 6 ***of*** Executive Order 13563 ``Improving Regulation and Regulatory Review (Jan. 18, 2011), the following initiatives are identified in the Department's Final Plan for Retrospective Analysis. The final agency plans, as well as periodic status updates for each initiative, are available online at *http://www.whitehouse.gov/21stcenturygov/actions/21st-century-regulatory-system*.

RIN	Title	Significantly reduce burdens on small businesses
0583-AC59	Prior Labeling Approval System: Generic Label Approval.	Yes.
0583-AD41	Electronic Export Application and Certification Fee.	Yes.
0583-AD32	Modernization ***of*** Poultry Slaughter Inspection.	Yes.
0570-AA76	Rural Energy America Program.	Yes.
0570-AA85	Business and Industry Loan Guaranteed Program.	Yes.
0575-AC91	Community Facilities Loan and Grants.	Yes.
0596-AD01	National Environmental Policy Act (NEPA) Efficiencies.	Yes.

Subsequent to EO 13563 and consistent with its goals as well as the importance ***of*** public participation, President Obama issued Executive Order 13610 on Identifying and Reducing Regulatory Burdens in May 2012. Executive Order 13610 directs agencies, in part, to give priority consideration to those initiatives that will produce cost savings or significant reductions in paperwork burdens. Accordingly, reducing the regulatory burden on the ***American*** people and our trading partners is a priority for USDA, and we will continually work to improve the effectiveness ***of*** our ***existing*** regulations. As a result ***of*** our ongoing regulatory review and burden reduction efforts, USDA has identified the following burden-reducing initiatives:

Increase Use ***of*** Generic Approval and Regulations Consolidation. FSIS is finalizing a rule that will expand the circumstances in which the labels ***of*** meat and poultry products will be deemed to be generically approved by FSIS. The rule will reduce regulatory burdens and generate a discounted Agency cost savings ***of*** $3.3 million over 10 years (discounted at 7 percent).

Implement Electronic Export Application for Meat and Poultry Products. FSIS is finalizing a rule to provide exporters a fee-based option for transmitting U.S. certifications to foreign importers and ***governments*** electronically. Automating the export application and certification process will facilitate the export ***of*** U.S. meat, poultry, and egg products by streamlining the processes that are used while ensuring that foreign regulatory requirements are met.

Streamline Forest Service National Environmental Policy Act (NEPA) Compliance. The Forest Service, in cooperation with the Council on Environmental Quality, is promulgating rulemaking to establish three new Categorical Exclusions for simple restoration activities. These Categorical Exclusions will improve and streamline the NEPA process and reduce the paperwork burden, as it applies to Forest Service projects without reducing environmental protection.

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Increase Accessibility to the Rural Energy for America Program (REAP). Under REAP, Rural Development provides guaranteed loans and grants to support the purchase, construction, or retrofitting ***of*** a renewable energy system. This rulemaking will streamline the application process for grants, lessening the burden on the applicant.

The rulemaking is expected to reduce the information collection.

Reduced Duplication in Farm Programs. The Farm and Foreign Agricultural Services (FFAS) mission area is reducing the paperwork burden on program participants by consolidating the information collections required to participate in farm programs administered by the Farm Service Agency (FSA) and the Federal crop insurance program administered by the Risk Management Agency (RMA). As a result, producers will be able to spend less time reporting information to USDA. Additionally, FSA and RMA will be better able to share information, thus improving operational efficiency. FFAS is simplifying and standardizing, to the extent practical, acreage reporting processes, program dates, and data definitions across the various USDA programs and agencies. FFAS is making improvements to allow producers to use information from their farm-management and precision agriculture systems for reporting production, planted and harvested acreage, and other key information needed to participate in USDA programs. FFAS is also streamlining the collection ***of*** producer information by FSA and RMA with the agricultural production information collected by the National Agricultural Statistics Service. These process changes allow for program data that is common across agencies to be collected once and utilized or redistributed to agency programs in which the producer chooses to participate. FFAS will conduct a pilot project in spring 2015 to test the ability ***of*** FSA county offices to receive electronic acreage reports through a third-party service provider; the pilot will add additional States following the 2014 small ``proof-***of***-concept'' in Illinois.

Periodic status updates for these burden-reducing initiatives can be found online at: *http://www.whitehouse.gov/21stcenturygov/actions/21st-century-regulatory-system*.

In addition to regulatory review initiatives identified under Executive Order 13563 and the paper work burden reduction initiatives identified under the Executive Order 13610, USDA has plans to initiate the following additional streamlining initiatives in 2015.

Simplify FSA NEPA Compliance. FSA proposed revisions to its regulations that implement NEPA to update, improve, and clarify requirements. It also proposed new categorical exclusions and removing obsolete provisions. FSA will revise the regulations with any additional improvements being made based on public comments to the proposed rule. Annual cost savings to FSA as a result ***of*** this rule could be $345,000 from conducting 314 fewer environmental assessments per year, while retaining strong environmental protection.

Simplify Equipment Contracts for Rural Utilities Service

(RUS) Loans. RUS is proposing a rule that would result in a new standard Equipment Contract Form for use by Telecommunications Program borrowers. This new standardized contract would ensure that certain standards and specifications are met, and this new form would replace the current process that requires all construction providers to use their own resources to develop a contract for each project.

Consolidate Community Facilities Programs Loan and Grant Requirements. The Rural Housing Service (RHS) is proposing to consolidate seven ***of*** the regulations used to service Community Facilities direct loans and grants into one streamlined regulation. This rule will reduce the time burden on RHS staff and provide the public with a single document that clearly outlines the requirements for servicing Community Facilities direct loans and grants.

Update Tuberculosis and Brucellosis Programs. Given the success USDA has had in nearly eradicating tuberculosis and brucellosis in ruminants, APHIS will propose rulemaking to update and consolidate its regulations regarding these diseases to better reflect the current distribution ***of*** these diseases and the changes in which cattle, bison, and captive cervid are produced in the United States.

Promoting International Regulatory Cooperation Under Executive Order 13609:

President Obama issued Executive Order 13609 on promoting international regulatory cooperation in May 2012. The Executive order charges the Regulatory Working Group, an interagency working group chaired by the Administrator ***of*** Office ***of*** Information and Regulatory Affairs (OIRA), with examining appropriate strategies and best practices for international regulatory cooperation. The Executive order also directs agencies to identify factors that should be taken into account in evaluating the effectiveness ***of*** regulatory approaches used by trading partners with ***whom*** the U.S. is engaged in regulatory cooperation. At this time, USDA is identifying international regulatory cooperation activities that are reasonably anticipated to lead to significant regulations, while working closely with the Administration to refine the guidelines implementing the Executive order. Apart from international regulatory cooperation, the Department has continued to identify regulations with international impacts, as it has done in the past. Such regulations are those that are expected to have international trade and investment effects or otherwise may be ***of*** interest to our international trading partners.

USDA is diligently working to carry out the President's Executive order mandate with regard to regulatory cooperation as new regulations are developed. Several agencies within the Department are also actively engaged in interagency and Departmental regulatory cooperation

initiatives being pursued as part ***of*** the U.S.-Mexico High Level Regulatory Cooperation Council (HLRCC) and the U.S.-Canada Regulatory Cooperation Council (RCC), as well as other fora. Specific projects are being pursued by USDA agencies such as AMS, APHIS, and FSIS and address

a variety ***of*** regulatory oversight processes and requirements related to meat, poultry, and animal and plant health. Projects related to electronic certification, equivalence, meat nomenclature, and the

efficient and safe flow ***of*** plants, animals and food across our shared borders are all regulatory cooperation pursuits these agencies are undertaking in order to secure better alignment among our countries

without compromising the high standards ***of*** safety we have in place in the U.S. relative to food safety and public health, as well as plant

and animal health, that are so critical to ***American*** agriculture.

Major Regulatory Priorities

This following represents summary information on prospective priority regulations as called for in Executive Orders 12866 and 13563:
Food and Nutrition Service
Mission: FNS works to end hunger and obesity through the

administration ***of*** federal nutrition assistance programs including WIC, Supplemental Nutrition Assistance Program (SNAP), and school meals.

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Priorities: In addition to responding to provisions ***of*** legislation authorizing and modifying Federal nutrition assistance programs, FNS's 2015 regulatory plan supports USDA's Strategic Goal to ``ensure that

all ***of*** America's children have access to safe, nutritious and balanced meals'' and its related objectives:
Increase Access to Nutritious Food. This objective represents FNS's efforts to improve nutrition by providing access to

program ***benefits*** (food consumed at home, school meals, commodities) and distributing State administrative funds to support program operations. To advance this objective, FNS plans to publish a final rule

implementing the Healthy, Hunger-Free Kids Act ***of*** 2010's Community

Eligibility Provision, which eliminates the burden ***of*** household

applications and increases access to free school lunches and breakfasts for children in eligible high-poverty schools. FNS will also publish a proposed rule to codify procedures for providing temporary SNAP ***benefits*** during emergencies for victims ***of*** disasters.

Improve Program Integrity. FNS also plans to publish a number ***of*** rules to increase efficiency, reduce the burden ***of*** program operations, and further reduce improper payments. Program integrity provisions will continue to be strengthened in the SNAP and Child Nutrition programs to ensure Federal taxpayer dollars are spent effectively. To support this objective, FNS plans to publish a final rule from the 2008 Farm Bill that increases the penalty for SNAP authorized stores that are involved in the trafficking ***of*** Program ***benefits***. Additionally, FNS plans to publish a proposed rule to establish consistent, outcome-focused performance measures for the SNAP Employment and Training Program. For Child Nutrition, FNS plans to publish a proposed rule to strengthen oversight requirements and institution disqualification procedures, allow the imposition ***of*** fines by USDA or State agencies for egregious and/or repeated program violations, and address several deficiencies identified through program audits and reviews.

Promote Healthy Diet and Physical Activity Behaviors. This objective represents FNS's efforts to ensure that program ***benefits*** meet appropriate standards to effectively improve nutrition for program participants, to improve the diets ***of*** its clients through nutrition education, and to support the national effort to reduce obesity by promoting healthy eating and physical activity. To implement provisions included in the Healthy Hunger Free Kids Act ***of*** 2010. FNS plans to publish a proposed rule that updates the meal patterns for the Child and Adult Care Food Program to align them with the latest Dietary Guidelines for Americans and final rules that establish professional standards for school food service and State child nutrition program directors, require schools to develop local wellness policies that promote the health ***of*** students and address the growing problem ***of*** childhood obesity. Additionally, FNS plans to publish a proposed rule to implement the 2014 Farm Bill governing the eligibility ***of*** retail food stores participating in SNAP that will improve SNAP participants' access to healthy food options.

Food Safety and Inspection Service

Mission: FSIS is responsible for ensuring that meat, poultry, and

processed egg products in interstate and foreign commerce are wholesome, not adulterated, and are properly marked, labeled, and packaged.

Priorities: FSIS is committed to developing and issuing science-based regulations intended to ensure that meat, poultry, and processed egg products are wholesome and not adulterated or misbranded. FSIS regulatory actions support the objective to protect public health by ensuring that food is safe under USDA's goal to ensure access to safe food. To reduce the number ***of*** foodborne illnesses and increase program efficiencies, FSIS will continue to review its ***existing*** authorities and regulations to ensure that it can address emerging food safety challenges, to streamline excessively prescriptive regulations, and to revise or remove regulations that are inconsistent with the FSIS's Hazard Analysis and Critical Control Point (HACCP) regulations. FSIS is also working with the Food and Drug Administration (FDA) to improve coordination and increase the effectiveness ***of*** inspection activities. FSIS's priority initiatives are as follows:

Implement Inspection ***of*** Certain Fish, Including Catfish and Catfish Products. FSIS plans to issue a final rule to implement a new inspection system for all fish ***of*** the order Siluriformes, as required by the 2014 Farm Bill. The rule will define inspection requirements for this type ***of*** fish and will take into account the conditions under which the fish is raised and transported to a processing establishment.

Streamline Export Application Processes through the Public Health Information System (PHIS). To support its food safety inspection activities, FSIS is continuing to implement PHIS, a user-friendly and Web-based system that automates many ***of*** the Agency's business processes. PHIS also enables greater exchange ***of*** information between FSIS and other Federal agencies, such as U.S. Customs and Border Protection, which is involved alongside FSIS in tracking cross-border movement ***of*** import and export shipments ***of*** meat, poultry, and processed egg products. To facilitate the implementation ***of*** some PHIS components, FSIS is finalizing regulations to provide for electronic export application and certification processes.

Update Nutrition Facts Panels for Meat and Poultry Products. FSIS will propose to amend its regulations so that the nutrition labeling requirements for meat and poultry products reflect recent scientific research and dietary recommendations and to improve

the presentation ***of*** nutrition information to assist consumers in maintaining healthy dietary practices. These revisions will be consistent with the recent changes that the Food and Drug Administration proposed for conventional foods and will ensure that there is consistency in how nutrition information is presented across the food supply.

Ensure Accurate Labeling ***of*** Mechanically Tenderized Beef. FSIS has concluded that without proper labeling, raw or partially cooked mechanically tenderized beef products could be mistakenly perceived by consumers to be whole, intact muscle cuts. The fact that a cut ***of*** beef has been needle or blade-tenderized is a characterizing feature ***of*** the product and, as such, is a material fact likely to affect consumers' purchase decisions and should affect their preparation ***of*** the product. FSIS has also concluded that the addition ***of*** validated cooking instruction is required to ensure that potential pathogens throughout the product are destroyed. Without thorough cooking, pathogens that may have been introduced to the interior ***of*** the product during the tenderization process may remain in the product. The Agency will finalize regulations requiring that raw, mechanically tenderized (needle or blade) beef products be labeled to indicate that they are ``mechanically tenderized.''

Improve the Efficiency ***of*** Product Recalls. FSIS is developing a final rule that will amend recordkeeping regulations to specify that all official establishments and retail stores that grind or chop raw beef products for sale in commerce must keep records that disclose the identity ***of*** the supplier ***of*** all source materials that they use in the preparation ***of*** each lot ***of*** raw ground or chopped product and identify the names ***of*** those source materials. FSIS

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investigators and public health officials frequently use records kept by all levels ***of*** the food distribution chain, including the retail level, to identify and trace back product that is the source ***of*** the illness to the suppliers that produced the source material for the product. Access to this information will improve FSIS's ability to conduct timely and effective consumer foodborne illness investigations and other public health activities throughout the stream ***of*** commerce.

Improve Compliance with the Humane Methods ***of*** Slaughter

Act. FSIS has concluded that prohibiting the slaughter ***of*** all non-ambulatory disabled veal calves will improve compliance with the Humane

Methods ***of*** Slaughter Act ***of*** 1978 (7 U.S.C. 1901 et seq.) and will also improve the Agency's inspection efficiency by eliminating the time that FSIS inspection program personnel spend re-inspecting non-ambulatory disabled veal calves. FSIS plans to propose to amend its regulations on ante-mortem inspection to remove a provision that permits establishments to set apart and hold for treatment veal calves that are unable to rise from a recumbent position and walk because they are tired or cold (9 CFR 309.13(b)). Under the proposed rule, non-ambulatory disabled veal calves that are offered for slaughter will be condemned and promptly euthanized.

FSIS Small Business Implications. The great majority ***of*** businesses regulated by FSIS are small businesses. FSIS conducts a small business outreach program that provides critical training, access to food safety experts, and information resources, such as compliance guidance and questions and answers on various topics, in forms that are uniform, easily comprehended, and consistent. FSIS collaborates in this effort with other USDA agencies and cooperating State partners. For

example, FSIS makes plant owners and operators aware ***of*** loan programs available through USDA's Rural Business and Cooperative programs to help them in upgrading their facilities. FSIS employees will meet with small and very small plant operators to learn more about their specific needs and explore how FSIS can tailor regulations to better meet the

needs ***of*** small and very small establishments, while maintaining the

highest level ***of*** food safety.

Animal and Plant Health Inspection Service

Mission: A major part ***of*** the mission ***of*** APHIS is to protect the

health and value ***of*** ***American*** agricultural and natural resources. APHIS

conducts programs to prevent the introduction ***of*** exotic pests and diseases into the United States and conducts surveillance, monitoring, control, and eradication programs for pests and diseases in this country. These activities enhance agricultural productivity and competitiveness and contribute to the national economy and the public health. APHIS also conducts programs to ensure the humane handling,

care, treatment, and transportation ***of*** animals under the Animal Welfare Act.

Priorities: APHIS continues to pursue initiatives to update its

regulations to make them more flexible and performance-based. For example, in the area ***of*** animal health, APHIS is preparing a final rule to amend its veterinary biologics regulations to provide for the use ***of*** a simpler, uniform label format that would allow biologics licensees and permittees to more clearly communicate product performance information to the end user. In addition, the rule would simplify the evaluation ***of*** efficacy studies and reduce the amount ***of*** time required by APHIS to evaluate study data, thus allowing manufacturers to market their products sooner. APHIS has also prepared a proposed rule that would revise and consolidate its regulations regarding bovine tuberculosis and brucellosis to better reflect the distribution ***of*** these diseases and the current nature ***of*** cattle, bison, and captive cervid production in the United States. In the area ***of*** plant health, APHIS has prepared a proposed rule that would establish performance standards and a notice-based process for approving the interstate movement ***of*** fruits and vegetables from Hawaii and the U.S. Territories and the importation ***of*** those articles from other countries. In addition, APHIS will revise agricultural quarantine and inspection user fees so that fees collected are commensurate with the cost ***of*** providing the activity.

Agricultural Marketing Service

Mission: AMS's mission is to facilitate the competitive and efficient marketing ***of*** agricultural products. AMS provides marketing services to producers, manufacturers, distributors, importers, exporters, and consumers ***of*** food products. AMS also manages the ***government***'s food purchases, supervises food quality grading, maintains food quality standards, supervises the Federal research and promotion programs, and oversees the country ***of*** origin labeling program as well as the National Organic Program (NOP).

Priorities: AMS intends to support the ***government***'s initiative to streamline regulatory actions by establishing a process to communicate fees for our voluntary user fee programs annually through publication ***of*** a Federal Register notice. AMS is also committed to ensuring the integrity ***of*** USDA organic products in the U.S. and throughout the world. In addition to its ongoing work to develop organic pet food, apiculture, and aquaculture standards, the Agency is moving forward

with the following priority rulemakings that affect the organic industry:

Research and Promotion Programs Organic Exemption. USDA intends to implement the 2014 Farm Bill provision to expand the organic exemption for research and promotion program assessments. This action would exempt organic operations with ``100 percent organic'' and ``organic'' products, including certain split operations, from paying research and promotion program assessments.

Transitioning Dairy Animals into Organic Production.

Members ***of*** the organic community, including dairy producers, organic interest groups, and the National Organic Standards Board have advocated for rulemaking on the allowance for transitioning dairy animals into organic production. Stakeholders have interpreted the current standard differently, creating inconsistencies across dairy producers. AMS has submitted a proposed rule for clearance on this issue. This proposed change to the organic standards is intended to level the playing field for organic dairy producers.

Farm Service Agency

Mission: FSA's mission is to deliver timely, effective programs and services to America's farmers and ranchers to support them in sustaining our Nation's vibrant agricultural economy, as well as to provide first-rate support for domestic and international food aid

efforts. FSA has successfully expedited the implementation ***of*** several major regulatory priorities resulting from the 2014 Farm Bill, including new programs such as the Agriculture Risk Coverage Program, Price Loss Coverage Program, Margin Protection Program for Dairy, Dairy Product Donation Program, Cotton Transition Assistance Program, and

improvements to ***existing*** programs such as disaster assistance programs, entity eligibility for Farm Loan Programs, and Microloans. FSA supports USDA's strategic goals by stabilizing farm income, providing credit to

new or ***existing*** farmers and ranchers ***who*** are temporarily unable to obtain credit from commercial sources, and helping farm operations

recover from the effects ***of*** disaster. FSA administers several conservation programs directed toward

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agricultural producers. The largest program is the Conservation Reserve

Program, which protects up to 32 million acres ***of*** environmentally sensitive land.

Priorities: FSA is focused on continuing to implement the 2014 Farm

Bill while providing the best possible service to producers while protecting the environment by updating and streamlining environmental compliance. FSA's priority initiatives are as follows:

Noninsured Crop Disaster Assistance Program (NAP). FSA will revise its NAP regulations to implement the 2014 Farm Bill changes. The 2014 Farm Bill changes include enhanced protection under NAP, which is also known as NAP buy-up to allow producers to buy additional NAP coverage for an additional premium; revised NAP eligibility requirements for coverage on tilled native sod; added coverage for sweet sorghum and biomass sorghum; service fee waivers for beginning and socially disadvantaged farmers.

Conservation Compliance. FSA, working in coordination with NRCS and RMA, will revise the USDA conservation compliance regulations to implement the 2014 Farm Bill changes. The 2014 Farm Bill changes linking eligibility for any premium subsidy paid by FCIC on a policy or plan ***of*** federally reinsured crop insurance to be in compliance with Highly Erodible Land Conservation and Wetlands Conservation provisions.

Since enactment ***of*** the 1985 Farm Bill, eligibility for most commodity, disaster, and conservation programs has been linked to compliance with the Highly Erodible Land Conservation and Wetland Conservation provisions. The 2014 Farm Bill continues the requirement that producers adhere to conservation compliance guidelines to be eligible for most programs administered by FSA and NRCS.

Marketing Assistance Loans (MAL) and Loan Deficiency Payments (LDP). FSA will revise its MAL and LDP regulations to implement the 2014 Farm Bill changes. The 2014 Farm Bill changes reauthorize MAL and LDP for all eligible commodities including cotton, honey, and sugar loans, for the 2014 through 2018 crop years. The MAL and LDP Programs allow producers to receive short-term loans against their crops so that producers can market their crops at a time that is convenient for them, rather than being forced to sell immediately after harvest to pay the bills. The MAL and LDP programs are continued with no changes to the loan rates except for cotton, and there are no other changes to the basic structure ***of*** the programs. The changes extend the program years and add clarity to the regulations. MALs, LDPs and sugar loans are Commodity Credit Corporation (CCC) programs administered by the Farm Service Agency (FSA).

Farm Loan Programs (FLP) changes. FSA will revise its FLP regulations to implement the 2014 Farm Bill changes. The 2014 Farm Bill changes include expanding lending opportunities for thousands ***of*** farmers and ranchers to begin and continue operations, including

greater flexibility in determining eligibility, raising loan limits, and emphasizing beginning and socially disadvantaged producers. Specific changes include: Eliminating loan term limits for guaranteed operating loans, modifying the definition ***of*** beginning farmers, allowing debt forgiveness on youth loans, increasing the guaranteed amount on conservation loans from 75 to 80 percent and 90 percent for beginning farmers and socially disadvantaged producers, changing the interest rate on Direct Farm Ownership loans that are made in conjunction with other lenders, and increasing the maximum loan amount for the down payment loan program from $225,000 to $300,000.

Biomass Crop Assistance Program (BCAP). FSA will revise its BCAP regulations to implement the 2014 Farm Bill changes. The 2014 Farm Bill changes include extending BCAP through 2018 and revising BCAP to add some new payment amounts and eligibility restrictions. Specific changes include: revising eligible materials to remove bagasse, add materials used for research material, and require that all woody biomass be harvested directly from the land and reducing the payment for collection, harvest, storage, and transportation matching payments to $20 per dry ton. BCAP provides financial assistance to producers ***who*** establish and harvest biomass crops and requires at least 10 percent ***of*** payments to be matching payments.

Conservation Reserve Program (CRP). FSA will revise its CRP regulations to implement the 2014 Farm Bill changes. The 2014 Farm Bill changes include extending the authority to enroll acreage in CRP through September 30, 2018, and requiring enrollment to be no more than 24 million acres beginning October 1, 2016. There are 25.6 million acres enrolled in CRP, ***of*** which 2 million expired on September 30, 2014.

Streamline Environmental Compliance (NEPA). FSA will revise its regulations that implement NEPA. The changes improve the efficiency, transparency, and consistency ***of*** NEPA implementation. Changes include aligning the regulations to NEPA regulations and guidance from the President's Council on Environmental Quality, providing a single set ***of*** regulations that reflect the Agency's current structure, clarifying the types ***of*** actions that require an Environmental Assessment (EA), and adding to the list ***of*** actions that are categorically excluded from further environmental review because they have no significant effect on the human environment. FSA will develop any additional changes resulting from public comments to the

proposed rule.

Forest Service

Mission: FS's mission is to sustain the health, productivity, and diversity ***of*** the Nation's forests and rangelands to meet the needs ***of*** present and future generations. This includes protecting and managing National Forest System lands; providing technical and financial assistance to States, communities, and private forest landowners, plus developing and providing scientific and technical assistance; and the exchange ***of*** scientific information to support international forest and range conservation. FS regulatory priorities support the Department's goal to ensure our National forests are conserved, restored, and made more resilient to climate change, while enhancing our water resources.

Priorities: FS is committed to developing and issuing science-based regulations intended to ensure public participation in the management ***of*** our Nation's national forests and grasslands, while also moving forward the Agency's ability to plan and conduct restoration projects on National Forest System lands. FS will continue to review its ***existing*** authorities and regulations to ensure that it can address emerging challenges, to streamline excessively burdensome business practices, and to revise or remove regulations that are inconsistent with the USDA's vision for restoring the health and function ***of*** the lands it is charged with managing. FS's priority initiatives are as follows:

Implement Land Management Planning Framework. The Forest Service promulgated a new Land Management Planning Rule at 36 CFR part 219 in April 2012 that sets out the requirements for developing, amending, and revising land management plans for units ***of*** the National Forest System. The planning directives, once finalized, will be used to implement the planning framework which fosters collaboration with the public during land management planning, is science-based and responsive to change and promotes

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social, economic, and ecological sustainability.

Strengthen Ecological Restoration Policies. This policy would recognize the adaptive capacity ***of*** ecosystems and includes the role ***of*** natural disturbances and uncertainty related to climate and other environmental change. The need for ecological restoration ***of*** National Forest System lands is widely recognized, and the Forest

Service has conducted restoration-related activities across many programs for decades. ``Restoration'' is a common way ***of*** describing much ***of*** the Agency's work, and the concept is threaded throughout ***existing*** authorities, program directives, and collaborative efforts such as the National Fire Plan, a 10-Year comprehensive strategy and implementation plan, and the Healthy Forests Restoration Act. However, the Agency did not have a definition ***of*** ``restoration'' established in policy. The lack ***of*** a definition was identified as a barrier to collaborating with the public and partners to plan and accomplish restoration work.

Rural Development

Mission: Rural Development (RD) promotes a dynamic business environment in rural America that creates jobs, community infrastructure, and housing opportunities in partnership with the private sector and community-based organizations by providing financial assistance and business planning services and supporting projects that create or preserve quality jobs, advance energy efficiency and the bioeconomy, and strengthen local and regional food systems while focusing on the development ***of*** single- and multi-family housing and community infrastructure. RD financial resources are often leveraged with those ***of*** other public and private credit source lenders to meet business and credit needs in under-served areas. Recipients ***of*** these programs may include individuals, corporations, partnerships, cooperatives, public bodies, nonprofit corporations, Indian tribes, and private companies.

Priorities: RD regulatory priorities will facilitate sustainable renewable energy development and enhance the opportunities necessary for rural families to thrive economically. RD's rules will minimize program complexity and the related burden on the public while enhancing program delivery and Rural Business-Cooperative Service oversight.

Increase Accessibility to the Rural Energy for America Program (REAP). Under REAP, Rural Development provides guaranteed loans and grants to support the purchase, construction, or retrofitting ***of*** a renewable energy system. This rulemaking will streamline the application process for grants, lessening the burden to the customer. The rulemaking is expected to reduce the information collection. REAP will also be revised to ensure a larger number ***of*** applicants will be made available through the issuing ***of*** smaller grants. As a result,

funding will be distributed evenly across the applicant pool and

encourage greater development ***of*** renewable energy.

Broadband Access Loans. Increasing access to broadband

service is a critical factor in improving the quality ***of*** life in rural America and in providing the foundation needed for creating jobs. The A 2014 Farm Bill revises program provisions particularly with regard to broadband speed and application priority. Revised regulations for the Broadband Access Loan Program are anticipated to be published in the

Federal Register in the spring ***of*** 2015.

Modify review ***of*** Single Family Housing Direct Loans. RD will publish the certified loan packager regulation to streamline

oversight ***of*** the agency's vast network ***of*** committed Agency-certified packagers. This action will help low- and very low-income people become homeowners. It will also reduce the burden on program staff, enabling them to focus on implementation and delivery, and will ensure specialized support is available to them to complete the application

for assistance, improving the quality ***of*** loan application packages.

Departmental Management

Mission: Departmental Management's mission is to provide management leadership to ensure that USDA administrative programs, policies,

advice and counsel meet the needs ***of*** USDA programs, consistent with laws and mandates, and provide safe and efficient facilities and services to customers.

Priorities:

Promote Biobased Products: In support ***of*** the Department's goal to increase prosperity in rural areas, USDA's Departmental Management plans to publish regulations to implement the requirement in

the Agricultural Act ***of*** 2014 (Farm Bill) to establish eligibility criteria for forest and other traditional biobased products in the BioPreferred[supreg] program.

Aggregate Costs and ***Benefits***

USDA will ensure that its regulations provide ***benefits*** that exceed

costs, but are unable to provide an estimate ***of*** the aggregated impacts

of its regulations. Problems with aggregation arise due to differing baselines, data gaps, and inconsistencies in methodology and the type

of regulatory costs and ***benefits*** considered. Some ***benefits*** and costs

associated with rules listed in the regulatory plan cannot currently be quantified as the rules are still being formulated. For 2015, USDA's focus will be to implement the changes to programs in such a way as to provide ***benefits*** while minimizing program complexity and regulatory burden for program participants.

USDA--Agricultural Marketing Service (AMS)

Proposed Rule Stage

1. National Organic Program, Origin ***of*** Livestock, NOP-11-0009

Priority: Other Significant.
Legal Authority: 7 U.S.C. 6501
CFR Citation: 7 CFR 205.
Legal Deadline: NPRM, Statutory, December 31, 2014.
The proposed action would eliminate the two-track system and require that upon transition, all ***existing*** and replacement dairy animals from which milk or milk products are intended to be sold, labeled, or represented as organic, must be managed organically from the last third ***of*** gestation.
Abstract: The current regulations provide two tracks for replacing dairy animals which are tied to how dairy farmers transition to organic production. Farmers ***who*** transition an entire distinct herd must thereafter replace dairy animals with livestock that has been under organic management from the last third ***of*** gestation. Farmers ***who*** do not transition an entire distinct herd may perpetually obtain replacement animals that have been managed organically for 12 months prior to marketing milk or milk products as organic. The proposed action would eliminate the two-track system and require that upon transition, all ***existing*** and replacement dairy animals from which milk or milk products are intended to be sold, labeled, or represented as organic must be managed organically from the last third ***of*** gestation.

Statement ***of*** Need: This action is being taken because ***of*** concerns raised by various parties, including the National Organic Standards Board (NOSB), about the dual tracks for dairy replacement animals. The proposed action would institute the same requirements across all producers.

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Summary ***of*** Legal Basis: The National Organic Program regulations stipulate the requirements for dairy replacement animals in section

205.236(a)(2) Origin ***of*** Livestock. In addition, in response to the final ruling in the 2005 case, Harvey v. Johanns, the USDA committed to rulemaking to address the concerns about dairy replacement animals.

Alternatives: The program considered initiating the rulemaking with an ANPRM. It was determined that there is sufficient awareness ***of*** the expectations ***of*** the organic community to proceed with a proposed rule. As alternatives, we considered the status quo, however, this would continue the disparity between producers ***who*** can continually transition conventional dairy animals into organic production and producers ***who*** source dairy animals that are organic from the last third ***of*** gestation. We also considered an action that would restrict the source ***of*** breeder stock and movement ***of*** breeder stock after they are brought onto an organic operation; however, this would minimize the flexibility ***of*** producers to purchase breeder stock from any source as specified under the Organic Foods Production Act.

Anticipated Cost and ***Benefits***:

Risks: Continuation ***of*** the two-track system jeopardizes the viability ***of*** the market for organic heifers. A potential risk associated with the rulemaking would be a temporary supply shortage ***of*** dairy replacement animals due to the increased demand.

Timetable:

Action	Date	FR Cite
NPRM	12/00/14	
Final Action	05/00/16	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses, Organizations.

Government Levels Affected: None.

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RIN: 0581-AD08

USDA--AMS

2. National Organic Program, Organic Pet Food Standards

Priority: Other Significant.
Legal Authority: 7 U.S.C. 6501.
CFR Citation: 7 CFR 205.
Legal Deadline: NPRM, Statutory, April 30, 2015.
The National Organic Program (NOP) is establishing national standards governing the marketing ***of*** organically produced agricultural products.
Abstract: The National Organic Program (NOP) is establishing national standards governing the marketing ***of*** organically produced agricultural products. In 2004, the National Organic Standards Board (NOSB) initiated the development ***of*** organic pet food standards, which had not been incorporated into the NOP regulations, by forming a task force which included pet food manufacturers, organic consultants, etc. Collectively, these experts drafted organic pet food standards consistent with the Organic Foods Production Act ***of*** 1990, Food and Drug Administration requirements, and the Association ***of American*** Feed Control Officials (AAFCO) Model Regulations for Pet and Specialty Pet Food. The AAFCO regulations are scientifically based regulations for voluntary adoption by State jurisdictions to ensure the safety, quality, and effectiveness ***of*** feed. In November 2008, the NOSB approved a final recommendation for organic pet food standards incorporating the provisions drafted by the pet food task force.

Statement ***of*** Need: This action is necessary to ensure consistency in the composition and labeling ***of*** pet food products bearing organic claims. While the NOP has maintained that pet food may be certified in accordance with the ***existing*** USDA organic regulations, the requirements for processed products are intended for human foods and are not entirely applicable to pet food. The uncertainty about pet food composition and labeling requirements causes confusion in the marketplace with potentially negative impacts for the credibility ***of*** the organic label in general. This action responds to a 2008 recommendation ***of*** the National Organic Standards Board (NOSB) and industry requests for organic pet food standards.

Summary ***of*** Legal Basis: The Organic Foods Production Act ***of*** 1990 (OFPA) authorizes the Secretary ***of*** Agriculture to establish an organic certification program for producers and handlers ***of*** agricultural products that have been produced using organic methods (7 U.S.C. 6503(a)). The OFPA also authorizes the NOSB to provide recommendations to the Secretary regarding the implementation ***of*** the National Organic Program (7 U.S.C. 6518(k)(1)).

Alternatives: AMS has considered the implications ***of*** developing specific composition and labeling standards for organic pet food versus maintaining the status quo and not pursuing regulatory action. In addition, AMS is examining options regarding potential implementation periods. Finally, AMS considered the viability ***of*** composition requirements that vary from those recommended by the NOSB.

Anticipated Cost and ***Benefits***: This proposed rule would facilitate the marketing ***of*** organic pet food by establishing clear, enforceable requirements for the composition and labeling ***of*** these products. This action will clarify how pet food may be produced, certified, and marketed as organic and the significance ***of*** organic claims on pet food. That standardization would provide certainty to pet food handlers and certifying agents for manufacturing and certifying pet foods, respectively, and bolster consumer confidence. AMS does not expect this action to result in significant costs for the $109 million organic pet food sector (2012 sales). This action may be an incentive for some handlers that are using organic claims on noncertified pet food products to pursue certification. AMS intends to solicit specific public comments to validate this expectation.

Risks: AMS does not anticipate risks to be associated with this action. The NOSB and industry participated in the development ***of*** organic pet food standards and have strongly encouraged their adoption since 2008. This action may provoke questions about the Agency's intent with regard to a separate 2013 NOSB recommendation that would, in effect, prohibit the use ***of*** certain amino acids in organic pet food. AMS is evaluating the impact ***of*** that action; however, that recent recommendation is not expected to affect this rulemaking.

Timetable:

Action Date FR Cite

NPRM..... 04/00/15 .....
Final Action..... 08/00/16 .....

Regulatory Flexibility Analysis Required: Yes.
Small Entities Affected: Businesses, Organizations.

Government Levels Affected: Federal, Local, Tribal.
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RIN: 0581-AD20

USDA--AMS

3. National Organic Program, Organic Apiculture Practices Standard, NOP-12-0063

Priority: Other Significant.
Legal Authority: 7 U.S.C. 6501.
CFR Citation: 7 CFR 205.
Legal Deadline: NPRM, Statutory, July 31, 2015.
This action proposes to amend the USDA organic regulations to reflect an October 2010 recommendation submitted to the Secretary by the National Organic Standards Board (NOSB) concerning the production

of organic apicultural (i.e. beekeeping) products.
Abstract: This action proposes to amend the USDA organic regulations to reflect an October 2010 recommendation submitted to the Secretary by the National Organic Standards Board (NOSB) concerning the

production ***of*** organic apicultural (i.e. beekeeping) products. Instead

of continuing to allow certifying agents to certify apiculture to the organic livestock standards, this action would establish certification standards specifically for organic bees and bee products.

Statement ***of*** Need: This action is necessary to establish uniform

standards for certification ***of*** organic apiculture operations. Currently, certifying agents adapt the organic livestock standards to certify organic apiaries. This action is necessary to distinguish apiculture as a unique production system that merits separate organic

standards and would address practices that are not covered in the general organic livestock requirements. This action is needed to ensure consistency across certifying agents in the inspection and certification ***of*** apiculture operations.

Summary ***of*** Legal Basis: Bees are regarded as ``nonplant life'' under definitions in the current Organic Foods Production Act (OFPA) and implementing regulations. Based on these definitions, apicultural products (bees and bee products) may currently be certified under the livestock provisions ***of*** the USDA organic regulations (7 CFR part 205).

Alternatives: AMS is considering variations in the implementation period needed for any ***existing*** organic honey producers to comply with a new proposed forage zone requirement. The agency is also considering an alternative to align with Canadian and EU apiculture which require land within the forage zone to be ``organically managed,'' rather than certified as crop or wild crop.

Anticipated Cost and ***Benefits***: Issuing standards for management ***of*** bees and bee products will ***benefit*** the industry by bringing greater consistency across certifiers. The introduction ***of*** formal standards will encourage new producers to enter the market and increase consumer confidence in apiculture products marketed under the USDA organic seal.

In terms ***of*** costs, accredited certifying agents that currently certify apiculture operations as livestock would be required to request to extend the scope (current possible scopes ***of*** accreditation are crops, livestock, handling, and wild crop) ***of*** their accreditation to include apiculture. AMS is currently evaluating how the new rule would impact the costs to ***existing*** organic producers.

Risks: AMS does not expect controversy as a result ***of*** this action. One provision that AMS anticipates public comment on during rulemaking pertains to a 1.8 mile forage zone radius around bee hives. Under the proposed standard, this forage zone would need to be comprised ***of*** certified organic cropland and/or certified wild crop harvest area. This provision may limit new producers in some parts ***of*** the world from entering the market. However, there is widespread recognition ***of*** the proposed requirements among certified operations, as many certifiers have started using the 2010 NOSB recommendation as guidance for certification ***of*** apiculture operations.

Timetable:

Action Date FR Cite

NPRM..... 07/00/15 .....
Final Action..... 12/00/16 .....

Regulatory Flexibility Analysis Required: Yes.
Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations.

Government Levels Affected: Federal, Local, State, Tribal.
Agency Contact: Melissa R. Bailey, Director, Standards Division,

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RIN: 0581-AD31

USDA--AMS

4. National Organic Program--Organic Aquaculture Standards

Priority: Economically Significant. Major under 5 U.S.C. 801.
Unfunded Mandates: Undetermined.
Legal Authority: 7 U.S.C. 6501 to 6522
CFR Citation: 7 CFR 205.
Legal Deadline: NPRM, Statutory, February 28, 2015.
This action will establish standards for organic farmed aquatic animals and their products to allow U.S. producers to compete in the organic seafood market. The Organic Foods Production Act authorizes the NOP to regulate organic claims on fish used for food. The USDA organic regulations do not include organic aquaculture standards. This action will open the market for U.S. organic aquaculture production and ensure that organic aquatic animal products sold in the U.S. meet a consistent standard.
Abstract: This action proposes to establish standards for organic production and certification ***of*** farmed aquatic animals and their products in the USDA organic regulations. This action would also add aquatic animals as a scope ***of*** certification and accreditation under the National Organic Program. This action is necessary to establish standards for organic farmed aquatic animals and their products which

would allow U.S. producers to compete in the organic seafood market. This action is also necessary to address multiple recommendations provided by USDA by the National Organic Standards Board (NOSB). In 2007 through 2009, the NOSB made five recommendations to establish

standards for the certification ***of*** organic farmed aquatic animals and their products. Finally, the U.S. currently has organic standards equivalence arrangements with Canada and the European Union (EU). Both Canada and the EU have recently established standards for organic aquaculture products. Because the U.S. does not have organic aquaculture standards, the U.S. is unable to include aquaculture in the

scope ***of*** these arrangements. Establishing U.S. organic aquaculture may provide a basis for expanding those trade partnerships.

Statement ***of*** Need: In 2005, The Secretary ***of*** Agriculture appointed an Aquaculture Working Group to advise the National Organic Standards

Board (NOSB) on drafting a recommendation on the production ***of*** organic farmed aquatic animals. The NOSB considered the Aquaculture Working

Group's draft recommendations and provided USDA with a series ***of*** five recommendations

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from 2007-2009 for technical standards for the production and

certification ***of*** organic farmed aquatic animals. Based on the NOSB recommendations, this action proposed to establish standards for

organic production and certification ***of*** farmed aquatic animals and their products in the USDA organic regulations. This action would also

add aquatic animals as an area ***of*** certification and accreditation under NOP.

Summary ***of*** Legal Basis: The Agricultural Marketing Service (AMS) National Organic Program (NOP) is authorized by the Organic Foods

Production Act ***of*** 1990 (OFPA) to establish national standards governing

the marketing ***of*** organically produced agricultural products (7 U.S.C. 6501-6522). The USDA organic regulations set the requirements for the

organic certification ***of*** agricultural products (7 CFR Part 205). Participation under the NOP is voluntary. However, if organic producers or handlers choose to sell, represent, or label more than $5,000 in organic products, certification under the USDA organic regulations is required.

Alternatives: An alternative to providing organic aquatic animal

standards would be to not publish such standards and allow aquatic animal products to continue to be sold as organic based on private standards or other countries standards. Organic seafood producers have expressed a strong interest in having USDA organic standards for fish and other aquatic animal products. U.S. aquaculture operations are generally hesitant to invest in organic aquaculture without published standards for organic aquatic animals and their products. Selecting such an alternative could result in failure for this sector ***of*** organic agriculture to develop in the United States.

Anticipated Cost and ***Benefits***: The cost for ***existing*** conventional aquaculture operations to convert and participate in this voluntary marketing program will generally be incurred in the cost ***of*** changing management practices, increased feed costs, and obtaining organic certification. There will also be some costs to certifying agents ***who*** would need to add aquaculture to their areas ***of*** accreditation under the USDA organic regulations. These costs include application fees and expanded audits to ensure certifying agents meet the accreditation requirements needed for providing certification services to aquaculture operations. Certification ***of*** organic operations under the NOP is provided as a user-fee service by AMS-accredited private sector certifying agents and State agencies. AMS provides accreditation services to private and State agency certifiers on a cost-recovery, user-fee basis. AMS will not require additional appropriated funds to implement this program. By providing organic standards for organic aquatic animal products, producers will be able to sell certified organic aquatic animal products for up to 75-100 percent above the price ***of*** conventionally produced seafood. In addition, organic aquatic animal products imported into the U.S. from other countries will be required to meet a consistent, enforced standard. Organic consumers will be assured that organic aquatic animal products comply with the USDA organic regulations. The new standards will also provide the basis for expanding our organic standards equivalency agreements to include this additional area ***of*** organic products.

Risks: There are no known risks to providing these additional standards for certification ***of*** organic products.

Timetable:

Action Date FR Cite

NPRM..... 02/00/15 .....
Final Action..... 07/00/16 .....

Regulatory Flexibility Analysis Required: Yes.
Small Entities Affected: Businesses, Organizations.

Government Levels Affected: Federal.
Federalism: This action may have federalism implications as defined in EO 13132.
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USDA--AMS

5. Exemption ***of*** Producers and Handlers ***of*** Organic Products From Assessment Under a Commodity Promotion Law

Priority: Other Significant.
Unfunded Mandates: Undetermined.
Legal Authority: 7 U.S.C. 7401; Pub. L. 113-79.
CFR Citation: 7 CFR 900.
Legal Deadline: NPRM, Statutory, November 30, 2014.
This action would amend the general regulations that apply to the 29 marketing orders for fruits, vegetables, and specialty crops and the

orders and/or rules and regulations ***of*** the 22 research and promotion programs under AMS oversight.

Abstract: As a result ***of*** this action, certified ``organic'' commodities (those comprising at least 95 percent organic components) would no longer be subject to assessment for promotion activities conducted under marketing order or research and promotion programs. In addition, certified organic commodities that are produced, handled, marketed, or imported by operations that also deal in conventional products would be eligible for exemptions. Currently, only products that are certified ``100 percent organic'' and that are produced and handled by entities that deal exclusively with organic products are exempt from assessments. This action is expected to reduce the assessment obligation for organic industry operators by as much as $13.7 million. Conversely, the impact on the marketing programs will be

a loss ***of*** approximately $13.7 million in funds for generic commodity promotions.

Statement ***of*** Need: Section 501 ***of*** the Federal Agriculture

Improvement and Reform Act ***of*** 1996 (7 U.S.C. 7401) (FAIR Act), as amended, currently exempts entities that produce and market solely 100

percent organic products from payment ***of*** assessments under commodity

promotion laws. Section 10004 ***of*** the Agricultural Act ***of*** 2014 (Pub. L. 113-79) (Farm Bill) further amended the FAIR Act to provide exemptions for all certified organic products, including those produced and handled by operators that also deal in conventional products. This

action is needed to bring ***existing*** Federal regulations governing commodity promotion activities into compliance with the FAIR Act, as amended by the Farm Bill.

Summary ***of*** Legal Basis: Section 10004 ***of*** the Agricultural Act ***of*** 2014 (Pub. L. 113-79) (Farm Bill) further amended the FAIR Act to provide exemptions for all certified organic products, including those produced and handled by operators that also deal in conventional

products. This action is needed to bring ***existing*** Federal regulations governing commodity promotion activities into compliance with the FAIR Act, as amended by the Farm Bill.

Alternatives: Currently, only products that are certified ``100 percent organic'' and that are produced and handled by entities that deal exclusively with organic products are exempt from assessments. So the alternative, would be to continue in this manner.

Anticipated Cost and ***Benefits***: This action is expected to reduce the assessment obligation for organic

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industry operators by as much as $13.7 million.

Risks: Conversely, the impact on the marketing programs will be a

loss ***of*** approximately $13.7 million in funds for generic commodity promotions.

Timetable:

Action Date FR Cite

NPRM..... 11/00/14 .....

Final Action..... 07/00/15 .....

Regulatory Flexibility Analysis Required: Yes.
Small Entities Affected: Governmental Jurisdictions.

Government Levels Affected: Undetermined.
Agency Contact: Michael V. Durando, Chief, Marketing Order

Administration Branch, Department ***of*** Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250-0237, Phone: 202 720-2491, Fax: 202 720-8938.
RIN: 0581-AD37

USDA--Farm Service Agency (FSA)

Final Rule Stage

6. Noninsured Crop Disaster Assistance Program

Priority: Other Significant.
Legal Authority: 7 U.S.C. 7333.
CFR Citation: 7 CFR 1437.
Legal Deadline: None.
Abstract: The Commodity Credit Corporation (CCC) is amending regulations for the Noninsured Crop Disaster Assistance Program (NAP). NAP is administered for CCC by the Farm Service Agency (FSA). NAP provides producers ***of*** crops that are not eligible for crop insurance with a basic level ***of*** risk management coverage. NAP provides financial assistance to producers ***of*** non-insurable crops when low yield, loss ***of*** inventory, or prevented plantings occur due to a natural disaster. The rule includes changes to NAP required by the 2014 Farm Bill. The changes include revised NAP eligibility requirements for coverage on tilled native sod, and added coverage for sweet sorghum and biomass sorghum. Beginning and socially disadvantaged farmers will be eligible for service fee waivers. New ``buy up'' provisions will allow producers to buy additional NAP coverage for an additional premium. While the rule does not have a statutory deadline, the 2014 Farm Bill requires changes to the NAP program beginning with the 2015 coverage year, which begins as early as May 2014. In addition to the 2014 Farm Bill changes, the rule also makes the following changes:
Adds NAP coverage for organic crops.
Expands NAP coverage for mollusks, a common aquaculture crop. Specifically, it removes the current requirement that eligible mollusk inventory be seeded and raised in containers or similar devices designed to protect the aquaculture species.

Statement ***of*** Need: This rule is needed to update the FSA regulations to implement the 2014 Farm Bill changes.

Summary ***of*** Legal Basis: The Agricultural Act ***of*** 2014 (Pub. L. 113-79).

Alternatives: There are no alternatives to this rule, the changes are legislatively mandated.

Anticipated Cost and ***Benefits***: A cost ***benefit*** analysis was prepared for this rule and will be made available when the rule is published.

Risks: None.

Timetable:

Action Date FR Cite

Interim Final Rule..... 12/00/14 .....

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

URL For Public Comments: regulations.gov.

Agency Contact: Deirdre Holder, Director, Regulatory Review Group, Department ***of*** Agriculture, Farm Service Agency, 1400 Independence Avenue SW., Washington, DC 20250-0572, Phone: 202 205-5851, Fax: 202 720-5233, Email: *deirdre.holder@wdc.usda.gov*

RIN: 0560-AI20

USDA--FSA

7. Conservation Compliance

Priority: Other Significant.

Legal Authority: 7 U.S.C. 1501 et seq.; 16 U.S.C. 3811 and 3812; 16 U.S.C. 3821 and 3822.

CFR Citation: 7 CFR 12.

Legal Deadline: None.

Abstract: The interim rule implements mandatory changes to the conservation compliance regulations in 7 CFR part 12 as required by the Agricultural Act ***of*** 2014 (the 2014 Farm Bill). The current regulations require participants in most USDA programs to comply with conservation compliance measures on any land that is highly erodible or that is considered a wetland. The 2014 Farm Bill expands current conservation compliance requirements to apply to producers ***who*** obtain subsidized Federal crop insurance under the Federal Crop Insurance Act. It also slightly modifies the ***existing*** wetlands ``Mitigation Banking'' program to remove the requirement that USDA hold easements in the mitigation

program.

Statement ***of*** Need: This rule is needed to update the FSA regulations to implement the 2014 Farm Bill changes.

Summary ***of*** Legal Basis: The Agricultural Act ***of*** 2014 (Pub. L. 113-79).
Alternatives: There are no alternatives to this rule; the changes are legislatively mandated.

Anticipated Cost and ***Benefits***: A cost ***benefit*** analysis was prepared for this rule and will be made available when the rule is published.
Risks: None.
Timetable:

Action Date FR Cite

Interim Final Rule..... 02/00/15 .....

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: Businesses.

Government Levels Affected: None.
URL For Public Comments: regulations.gov.
Agency Contact: Deirdre Holder, Director, Regulatory Review Group,

Department ***of*** Agriculture, Farm Service Agency, 1400 Independence Avenue SW., Washington, DC 20250-0572, Phone: 202 205-5851, Fax: 202

720-5233, Email: *deirdre.holder@wdc.usda.gov*
RIN: 0560-AI26

USDA--FSA

8. Conservation Reserve Program (CRP)

Priority: Other Significant.
Legal Authority: 16 U.S.C. 3831 to 3835.
CFR Citation: 7 CFR 1410.
Legal Deadline: None.
Abstract: The rule implements changes to CRP required by the 2014 Farm Bill. CRP assists producers in conserving and improving soil, water, and wildlife resources by converting highly erodible and other environmentally sensitive acreage to a long-term vegetative cover. The

core scope ***of*** CRP will not change. The changes required by the 2014 Farm Bill include providing an ``early out'' for contract cancellations in 2015, removing the requirement for a payment reduction for emergency

haying and grazing, and allowing non-cropland (grasslands) in CRP. CRP is a Commodity Credit

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Corporation (CCC) program administered by the Farm Service Agency (FSA).

Statement ***of*** Need: This rule is needed to update the FSA regulations to implement the 2014 Farm Bill changes.

Summary ***of*** Legal Basis: The Agricultural Act ***of*** 2014 (Pub. L. 113-79).
Alternatives: There are no alternatives to the rule; the changes are legislatively mandated.

Anticipated Cost and ***Benefits***: A cost-***benefit*** analysis will be prepared for the rule and will be made available when the rule is published.
Risks: None.
Timetable:

Action Date FR Cite

Interim Final Rule..... 04/00/15 .....

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: Businesses.

Government Levels Affected: None.
URL For Public Comments: regulations.gov.
Agency Contact: Deirdre Holder, Director, Regulatory Review Group,

Department ***of*** Agriculture, Farm Service Agency, 1400 Independence Avenue SW., Washington, DC 20250-0572, Phone: 202 205-5851, Fax: 202

720-5233, Email: *deirdre.holder@wdc.usda.gov*
RIN: 0560-AI30

USDA--Animal and Plant Health Inspection Service (APHIS)

Proposed Rule Stage

9. Brucellosis and Bovine Tuberculosis; Update ***of*** General Provisions

Priority: Other Significant.
Legal Authority: 7 U.S.C. 1622; 7 U.S.C. 8301 to 8317; 15 U.S.C. 1828; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701.
CFR Citation: 9 CFR 50 and 51; 9 CFR 71; 9 CFR 76 to 78; 9 CFR 86;

9 CFR 93; 9 CFR 161.

Legal Deadline: None.

Abstract: This rulemaking would consolidate the regulations governing bovine tuberculosis (TB), currently found in 9 CFR part 77, and those governing brucellosis, currently found in 9 CFR part 78. As part ***of*** this consolidation, we are proposing to transition the TB and brucellosis programs away from a State status system based on disease prevalence. Instead, States and tribes would implement an animal health plan that identifies sources ***of*** the diseases within the State or tribe and specifies mitigations to address the risk posed by these sources. The consolidated regulations would also set forth standards for surveillance, epidemiological investigations, and affected herd management that must be incorporated into each animal health plan, with certain limited exceptions; conditions for the interstate movement ***of*** cattle, bison, and captive cervids; and conditions for APHIS approval ***of*** tests for bovine TB or brucellosis. Finally, the rulemaking would revise the import requirements for cattle and bison to make these requirements clearer and ensure that they more effectively mitigate the risk ***of*** introduction ***of*** the diseases into the United States.

Statement ***of*** Need: The current regulations were issued during a time when the prevalence rates for the disease in domestic, cattle, bison, and captive cervids were much higher than they are today. As a result, the regulations specify measures that are necessary to prevent these diseases from spreading through the interstate movement ***of*** infected animals. The regulations are effective in this regard, but do not address reservoirs ***of*** tuberculosis and brucellosis that ***exist*** in certain States. Moreover, the regulations presuppose one method ***of*** dealing with infected herds--whole-herd depopulation--and do not take into consideration the development ***of*** other methods, such as test-and-remove protocols, that are equally effective but less costly for APHIS and producers. Finally, our current regulations governing the importation ***of*** cattle and bison do not always address the risk that such animals may pose ***of*** spreading brucellosis or bovine tuberculosis, and need to be updated to allow APHIS to take appropriate measures when prevalence rates for bovine tuberculosis or brucellosis increase or decrease in foreign regions.

Summary ***of*** Legal Basis: Under the Animal Health Protection Act (7

U.S.C. 8301 et seq.), the Secretary ***of*** Agriculture has the authority to issue orders and promulgate regulations to prevent the introduction into the United States and the dissemination within the United States ***of*** any pest or disease ***of*** livestock.

Alternatives: One alternative would be to leave the current regulations unchanged. As noted above, the current regulations are effective in preventing the interstate movement ***of*** infected animals, but do not address reservoirs ***of*** brucellosis and tuberculosis that ***exist*** in certain States and thus do not address the root cause ***of*** such infection. They also are written in a prescriptive manner which does not allow States to take into consideration scientific developments and other emerging information in determining how best to deal with infected animals and herds. Finally, APHIS' current regulations governing the importation ***of*** cattle and bison do not always address the risk that such animals may pose ***of*** spreading bovine tuberculosis or brucellosis.

A second alternative considered was to limit the scope ***of*** the regulatory changes to the Agency's domestic tuberculosis and brucellosis program. However, in recent years, when tuberculosis-affected animals have been discovered at slaughtering facilities within the United States, these animals have usually been ***of*** foreign origin. This has led us to reexamine the current import regulations. As a result ***of*** this reevaluation, we have determined that the import regulations need to be revised to assure that they more effectively mitigate the risk ***of*** introduction ***of*** these diseases into the United States.

Anticipated Cost and ***Benefits***: Certain additional costs may be incurred by producers as a result ***of*** this rule. For example, the proposed rule would impose new interstate movement restrictions on rodeo, event, and exhibited cattle and bison and impose additional costs for producers ***of*** such cattle and bison. These new testing requirements could cost, in aggregate, between $651,000 and $1 million. Also, the proposed additional restrictions for the movement ***of*** captive cervids could result in additional costs for producers. Adhering to these new requirements may have a total cost to the captive cervid industry ***of*** between about $157,000 and $485,000 annually. States and

tribes would incur costs associated with this proposed rule, in particular in developing animal health plans for bovine tuberculosis and brucellosis. The proposed animal health plans for brucellosis and bovine tuberculosis would build significantly on ***existing*** operations with respect to these diseases. We anticipate that all 50 States and as many as 3 tribes would develop animal health plans. Based on our estimates ***of*** plan development costs, the total cost ***of*** the development ***of*** these 53 animal health plans could be between about $750,000 and $2.9 million. We expect that under current circumstances, four or five States are likely to develop recognized management area plans as proposed in this rule as part ***of*** their animal health plans. Based on our estimates ***of*** recognized management area plan development costs, the cost ***of*** developing recognized management area plans by these States could total

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between $56,000 and $274,000. While direct effects ***of*** this proposed rule for producers should be small, whether the entity affected is small or large, consolidation ***of*** the brucellosis and bovine tuberculosis regulations is expected to ***benefit*** the affected livestock industries. Disease management would be more focused, flexible and responsive, reducing the number ***of*** producers incurring costs when disease concerns arise in an area. Also, the competitiveness ***of*** the United States in international markets depends on its reputation for producing healthy animals. The proposed rule would enhance this reputation through its comprehensive approach to the control ***of*** identified reservoirs ***of*** bovine tuberculosis or brucellosis in wildlife populations in certain parts ***of*** the United States and more stringent import regulations consistent with domestic restrictions. We expect that the ***benefits*** would justify the costs.

Risks: If we do not issue this proposed rule, reservoirs ***of*** brucellosis and tuberculosis that ***exist*** in certain States will not be adequately evaluated and addressed. Additionally, our current regulations regarding the importation ***of*** cattle and bison do not always address the risk that such animals may pose ***of*** spreading brucellosis or

bovine tuberculosis.
Timetable:

Action Date FR Cite

NPRM..... 01/00/15 .....
NPRM Comment Period End..... 03/00/15 .....

Regulatory Flexibility Analysis Required: Yes.
Small Entities Affected: Businesses, Governmental Jurisdictions.

Government Levels Affected: Local, State, Tribal.
Additional Information: Additional information about APHIS and its

programs is available on the Internet at http://www.aphis.usda.gov.
Agency Contact: Langston Hull, National Center for Import and

Export, VS, Department ***of*** Agriculture, Animal and Plant Health
Inspection Service, 4700 River Road, Unit 39, Riverdale, MD 20737,
Phone: 301 851-3300.
C. William Hench, Senior Staff Veterinarian, Ruminant Health

Programs, National Center for Animal Health Programs, VS, Department ***of***
Agriculture, Animal and Plant Health Inspection Service, 2150 Centre
Avenue, Building B-3E20, Ft. Collins, CO 80526, Phone: 970 494-7378.
RIN: 0579-AD65

USDA--APHIS

10. Establishing a Performance Standard for Authorizing the Importation

and Interstate Movement ***of*** Fruits and Vegetables

Priority: Other Significant.
Legal Authority: 7 U.S.C. 450; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781
to 7786; 21 U.S.C. 136 and 136a.
CFR Citation: 7 CFR 318 and 319.
Legal Deadline: None.
Abstract: This rulemaking would amend our regulations governing the

importations ***of*** fruits and vegetables by broadening our ***existing***

performance standard to provide for consideration ***of*** all new fruits and
vegetables for importation into the United States using a notice-based
process. Rather than authorizing new imports through proposed and final
rules and specifying import conditions in the regulations, the notice-
based process uses Federal Register notices to make risk analyses
available to the public for review and comment, with authorized

commodities and their conditions ***of*** entry subsequently being listed on the Internet. It would also remove the region- or commodity-specific phytosanitary requirements currently found in these regulations.

Likewise, we are proposing an equivalent revision ***of*** the performance standard in our regulations governing the interstate movements ***of*** fruits and vegetables from Hawaii and the U.S. territories (Guam, Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands) and the removal ***of*** commodity-specific phytosanitary requirements from those regulations. This proposal would allow for the consideration ***of*** requests to authorize the importation or interstate movement ***of*** new fruits and vegetables in a manner that enables a more flexible and responsive regulatory approach to evolving pest situations in both the United States and exporting countries. It would not, however, alter the science-based process in which the risk associated with importation or interstate movement ***of*** a given fruit or vegetable is evaluated or the manner in which risks associated with the importation or interstate movement ***of*** a fruit or vegetable are mitigated.

Statement ***of*** Need: The revised regulations are needed to streamline the administrative process involved in consideration ***of*** fruits and vegetables currently not authorized for interstate movement or importation, while continuing to provide opportunity for public comment and engagement on the science and risk-based analysis associated with such imports and interstate movements. The proposal would also enable us to adapt our import requirements more quickly in the event ***of*** any changes to a country's pest or disease status or as a result ***of*** new scientific information or treatment options.

Summary ***of*** Legal Basis: Under section 7701 ***of*** the Plant Protection Act (PPA), given that the smooth movement ***of*** enterable plants and plant products into, out ***of***, or within the United States is vital to the U.S. economy, it is the responsibility ***of*** the Secretary ***of*** Agriculture to facilitate exports, imports, and interstate commerce in agricultural products and other commodities that pose a risk ***of*** harboring plant pests or noxious weeds in ways that will reduce, to the extent practicable, as determined by the Secretary, the risk ***of*** dissemination ***of*** plant pests or noxious weeds. Decisions regarding exports, imports,

and interstate commerce are required to be based on sound science.
Alternatives: We considered taking no action at this time and leaving the regulations as they are currently written. We decided against this alternative because leaving the regulations unchanged would not address the needs identified immediately above.

Anticipated Cost and ***Benefits***: Consumers and businesses would ***benefit*** from the more timely access to fruits and vegetables for which entry or movement would currently require rulemaking. This ***benefit*** would be reduced to the extent that certain businesses would face increased competition for the subject fruits and vegetables sooner due to their more timely approval. APHIS has not identified other costs that may be incurred because ***of*** the proposed rule.
Risks: The performance-based process more closely links APHIS' decision to authorize importation ***of*** a fruit or vegetable with the pest risk assessment and brings us in line with other countries that authorize importation ***of*** a fruit or vegetable with the pest risk assessment. Some countries have viewed the rulemakings for fruits and vegetables that follow completion ***of*** the pest risk assessment as a non-technical trade barrier and may have slowed the approval ***of*** U.S. exports (including, but not limited to, fruits and vegetables) into their markets, or placed additional restrictions on ***existing*** exports from the United States.
Timetable:

Action Date FR Cite

NPRM..... 09/09/14 79 FR 53346
NPRM Comment Period End..... 11/10/14 .....

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Final Rule..... 04/00/15 .....

Regulatory Flexibility Analysis Required: Yes.
Small Entities Affected: Businesses.

Government Levels Affected: Federal.
International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be ***of*** international interest.

Additional Information: Additional information about APHIS and its

programs is available on the Internet at http://www.aphis.usda.gov.
Agency Contact: Matthew Rhoads, Associate Executive Director, Plant

Health Programs, PPQ, Department ***of*** Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 131, Riverdale, MD 20737-1231, Phone: 301 851-2133.
RIN: 0579-AD71

USDA--APHIS

Final Rule Stage

11. Viruses, Serums, Toxins, and Analogous Products; Single Label Claim for Veterinary Biological Products

Priority: Other Significant.
Legal Authority: 21 U.S.C. 151 to 159
CFR Citation: 9 CFR 112.
Legal Deadline: None.
Abstract: This rulemaking will amend the Virus-Serum-Toxin Act

regulations to replace the current label format, which reflects any ***of***

four different levels ***of*** effectiveness, with a single, uniform label format. It will also require biologics licensees to provide a standardized summary, with confidential business information removed,

of the efficacy and safety data submitted to the Animal and Plant

Health Inspection Service in support ***of*** the issuance ***of*** a full product license or conditional license. A single label format along with publicly available safety and efficacy data will help biologics producers to more clearly communicate product performance to their customers.

Statement ***of*** Need: The intent ***of*** this proposal is to address a request made by our stakeholders and to more clearly communicate product performance information to the user by requiring a uniform

label format and a summary ***of*** efficacy and safety data (with confidential business information removed).

Summary ***of*** Legal Basis: APHIS administers and enforces the Virus-Serum-Toxin Act, as amended (21 U.S.C. 151 to 159). The regulations issued pursuant to the Act are intended to ensure that veterinary biological products are pure, safe, potent, and efficacious when used according to label instructions.
Alternatives: We could retain the current APHIS labeling guidance,

but maintaining the status quo would not address the concern reported by stakeholders concerning the interpretation ***of*** product performance.

Anticipated Cost and ***Benefits***: APHIS anticipates that the only costs associated with the proposed labeling format would be one-time costs incurred by licensees and permittees in having labels for ***existing*** licensed products updated in accordance with the proposed new format. A simpler, uniform label format would allow biologics licensees and permittees to more clearly communicate product performance information to the end user. In addition, the rule would simplify the evaluation ***of*** efficacy studies and reduce the amount ***of*** time required by APHIS to evaluate study data, thus allowing manufacturers to market their products sooner.

Risks: APHIS has not identified any risks associated with this proposed action.

Timetable:

Action Date FR Cite

Notice..... 05/24/11 76 FR 30093
Comment Period End..... 07/25/11 .....
NPRM..... 04/21/14 79 FR 22048
NPRM Comment Period End..... 06/20/14 .....
Final Action..... 05/00/15 .....

Regulatory Flexibility Analysis Required: Undetermined.

Small Entities Affected: Businesses.

Government Levels Affected: None.

Additional Information: Additional information about APHIS and its programs is available on the Internet at http://www.aphis.usda.gov.

Agency Contact: Donna L Malloy, Operational Support Section, Center for Veterinary Biologics, Policy, Evaluation, and Licensing, VS, Department ***of*** Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 148, Riverdale, MD 20737-1231, Phone: 301 851-3426.

RIN: 0579-AD64

USDA--APHIS

12. User Fees for Agricultural Quarantine and Inspection Services

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 7 U.S.C. 8301 to 8317; 21 U.S.C. 136 and 136a; 49 U.S.C. 80503
CFR Citation: 7 CFR 354.
Legal Deadline: None.
Abstract: This rulemaking will amend the user fee regulations by adding new fee categories and adjusting current fees charged for certain agricultural quarantine and inspection services that are provided in connection with certain commercial vessels, commercial trucks, commercial railroad cars, commercial aircraft, and international passengers arriving at ports in the customs territory ***of*** the United States. It will also adjust the fee caps associated with commercial vessels, commercial trucks, and commercial railcars. Based on the conclusions ***of*** a third party assessment ***of*** the user fee program and on other considerations, we have determined that revised user fee categories and revised user fees are necessary to recover the costs ***of*** the current level ***of*** activity, to account for actual and projected increases in the cost ***of*** doing business, and to more accurately align fees with the costs associated with each fee service.

Statement ***of*** Need: Regarding certain agricultural quarantine and inspection services that are provided in connection with certain commercial vessels, commercial trucks, commercial railroad cars, commercial aircraft, and international passengers arriving at ports in the customs territory ***of*** the United States, we have determined that revised user fee categories and revised user fees are necessary to recover the costs ***of*** the current level ***of*** activity, to account for actual and projected increases in the cost ***of*** doing business, and to more accurately align fees with the costs associated with each fee service.

Summary ***of*** Legal Basis: Section 2509(a) ***of*** the Food, Agriculture, Conservation, and Trade (FACT) Act ***of*** 1990 (21 U.S.C. 136a) authorizes APHIS to collect user fees for certain agricultural quarantine and inspection (AQI) services. The FACT Act was amended on April 4, 1996, and May 13, 2002. The FACT Act, as amended, authorizes APHIS to collect user fees for AQI services provided in connection with the arrival, at a port in the customs territory ***of*** the United States, ***of*** commercial vessels, commercial trucks, commercial railroad cars, commercial aircraft, and international passengers. According to the FACT Act, as

amended, these user fees should recover the costs ***of***:

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Providing the AQI services for the conveyances and the passengers listed above;

Providing preclearance or preinspection at a site outside the customs territory ***of*** the United States to international passengers, commercial vessels, commercial trucks, commercial railroad cars, and commercial aircraft;

Administering the user fee program; and

Maintaining a reasonable reserve.

In addition, the FACT Act, as amended, contains the following requirement:

The fees should be commensurate with the costs with respect to the class ***of*** persons or entities paying the fees. This is intended to avoid cross-subsidization ***of*** AQI services.

Alternatives: APHIS focused on three alternatives composed ***of*** different combinations ***of*** paying classes. The first or preferred alternative is the proposed rule; the second alternative differed from the first by not including user fees for recipients ***of*** AQI treatment services; and under the third alternative, recipients ***of*** commodity import permits and pest import permits would pay user fees, in addition to the classes that would pay fees under the proposed rule. The latter two alternatives were rejected.

Anticipated Cost and ***Benefits***: The proposed changes in user fees would ensure that the program can continue to protect America's agricultural industries and natural resource base against invasive species and diseases while more closely aligning, by class, the cost ***of*** AQI services provided and user fee revenue received.

Risks: AQI services ***benefit*** U.S. agricultural and natural resources by protecting them from the inadvertent introduction ***of*** foreign pests and diseases that may enter the country and the threat ***of*** intentional introduction ***of*** pests or pathogens as a means ***of*** agroterrorism. In the extreme, failure to maintain the nation's biosecurity could disrupt ***American*** agricultural production, erode confidence in the U.S. food supply, and destabilize the U.S. economy.

Timetable:

Action Date FR Cite

NPRM..... 04/25/14 79 FR 22895
NPRM Comment Period End..... 06/24/14 .....
NPRM Comment Period Reopened..... 07/01/14 79 FR 37231
NPRM Comment Period Reopened End.... 07/24/14 .....
Final Rule..... 12/00/14 .....

Regulatory Flexibility Analysis Required: Undetermined.
Small Entities Affected: Businesses.

Government Levels Affected: Federal.
International Impacts: This regulatory action will be likely to

have international trade and investment effects, or otherwise be ***of*** international interest.
Additional Information: Additional information about APHIS and its

programs is available on the Internet at http://www.aphis.usda.gov.

Agency Contact: William E Thomas, Senior Agriculturist, Office ***of***

the Deputy Administrator, PPQ, Department ***of*** Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 130, Riverdale, MD 20737, Phone: 301 851-2306.
Kris Caraher, Branch Chief, Review and Analysis, Financial

Management Division, MRPBS, Department ***of*** Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 55, Riverdale, MD 20737, Phone: 301 851-2834.
RIN: 0579-AD77

USDA--FOOD AND NUTRITION SERVICE (FNS)

Proposed Rule Stage

13. Emergency Supplemental Nutrition Assistance for Victims ***of*** Disasters Procedures

Priority: Other Significant.

Legal Authority: Food and Nutrition Act ***of*** 2008
CFR Citation: 7 CFR 280.
Legal Deadline: None.

Abstract: The Food and Nutrition Act ***of*** 2008 (FNA) provides

authority for the Secretary ***of*** Agriculture to establish temporary

emergency standards ***of*** eligibility for the duration ***of*** an emergency for households ***who*** are victims ***of*** a disaster that disrupts commercial channels ***of*** food distribution. FNS plans to publish a Proposed Rule for D-SNAP that will codify longstanding policies disseminated through previous guidance.

Statement ***of*** Need: A 2007 Office ***of*** Inspector General (OIG) report (Audit 27099-49-Te: Disaster Food Stamp Program for Hurricanes Katrina and Rita--Louisiana, Mississippi, and Texas--Final Report) found some deficits in the design and review ***of*** State D-SNAP plans ***of*** operation and inadequate controls to prevent recipient fraud and duplicate participation. OIG attributed the deficits, in part, to a lack ***of*** detailed procedures in regulations and, in response, recommended that FNS amend D-SNAP policy on those specific topics and promulgate D-SNAP regulations.

Summary ***of*** Legal Basis: The Food and Nutrition Act ***of*** 2008 (FNA) provides authority for the Secretary ***of*** Agriculture to establish temporary emergency standards ***of*** eligibility for the duration ***of*** an emergency for households ***who*** are victims ***of*** a disaster which disrupts commercial channels ***of*** food distribution.
Alternatives: None identified; this Proposed Rule primarily will codify long-standing D-SNAP procedures.

Anticipated Cost and ***Benefits***: As the Proposed Rule primarily will codify longstanding D-SNAP procedures, FNS anticipates that this rule will not result in any significant costs.
Risks: No risks are anticipated as the proposed rule will codify longstanding procedures.
Timetable:

Action Date FR Cite

NPRM..... 03/00/15 .....
NPRM Comment Period End..... 05/00/15 .....

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: Local, State.
Agency Contact: Charles H. Watford, Regulatory Review Specialist,

Department ***of*** Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, VA 22302, Phone: 703 605-0800, Email:

charles.watford@fns.usda.gov

Lynnette M. Thomas, Chief, Planning and Regulatory Affairs Branch,

Department ***of*** Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, VA 22302, Phone: 703 605-4782, Email:

lynnette.thomas@fns.usda.gov

RIN: 0584-AE00

USDA--FNS

14. Child Nutrition Program Integrity

Priority: Other Significant.
Legal Authority: Pub. L. 111-296.
CFR Citation: 7 CFR 210; 7 CFR 215; 7 CFR 220; 7 CFR 225; 7 CFR 226; 7 CFR 235.
Legal Deadline: None.

Abstract: This rule proposes to codify three provisions ***of*** the

Healthy, Hunger-Free Kids Act ***of*** 2010 (the Act). Section 303 ***of*** the Act requires the Secretary to establish criteria for imposing fines against schools, school food authorities, or State agencies that fail to

correct severe mismanagement ***of*** the program,

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fail to correct repeat violations ***of*** program requirements, or disregard

a program requirement ***of*** which they had been informed. Section 322 ***of*** the Act requires the Secretary to establish procedures for the

termination and disqualification ***of*** organizations participating in the

Summer Food Service Program (SFSP). Section 362 ***of*** the Act requires that any school, institution, service institution, facility, or individual that has been terminated from any program authorized under the Richard B. Russell National School Lunch Act or the Child Nutrition

Act ***of*** 1966, and appears on either the SFSP or the Child and Adult Care Food Program's (CACFP's) disqualified list, may not be approved to participate in or administer any other programs authorized under those two Acts.

Statement ***of*** Need: There are currently no regulations imposing fines on schools, school food authorities, or State agencies for program violations and mismanagement. This rule will: (1) Establish

criteria for imposing fines against schools, school food authorities, or State agencies that fail to correct severe mismanagement ***of*** the program or repeated violations ***of*** program requirements; (2) establish procedures for the termination and disqualification ***of*** organizations participating in the Summer Food Service Program (SFSP); and (3) require that any school, institutions, or individual that has been terminated from any Federal Child Nutrition Program and appears on either the SFSP or the Child and Adult Care Food Program's (CACFP's) disqualified list may not be approved to participate in or administer any other Child Nutrition Program.

Summary ***of*** Legal Basis: This rule codifies Sections 303, 322, and 362 ***of*** the Healthy, Hunger-Free Kids Act ***of*** 2010 (Pub. L. 111-296).
Alternatives: None identified; this rule implements statutory requirements.

Anticipated Cost and ***Benefits***: This rule is expected to help promote program integrity in all ***of*** the child nutrition programs. FNS anticipates that these provisions will have no significant costs and no major increase in regulatory burden to States.
Risks: None identified.
Timetable:

Action Date FR Cite

NPRM..... 01/00/15 .....
NPRM Comment Period End..... 03/00/15 .....

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: Local, State.
Federalism: This action may have federalism implications as defined in EO 13132.
Agency Contact: James F Herbert, Regulatory Review Specialist, Department ***of*** Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, VA 22302, Phone: 703 305-2572, Email: *james.herbert@fns.usda.gov*
Lynnette M Thomas, Chief, Planning and Regulatory Affairs Branch, Department ***of*** Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, VA 22302, Phone: 703 605-4782, Email:

lynnette.thomas@fns.usda.gov
RIN: 0584-AE08

USDA--FNS

15. Child and Adult Care Food Program: Meal Pattern Revisions Related

to the Healthy, Hunger-Free Kids Act ***of*** 2010

Priority: Other Significant.
Legal Authority: Pub. L. 111-296
CFR Citation: 7 CFR 210; 7 CFR 215; 7 CFR 220; 7 CFR 226.
Legal Deadline: None.

Abstract: This proposal would implement section 221 ***of*** the Healthy,

Hunger-Free Kids Act ***of*** 2010 (Pub. L. 111-296; the Act) which requires USDA to review and update, no less frequently than once every 10 years, requirements for meals served under the Child and Adult Care Food Program (CACFP) to ensure that meals are consistent with the most recent Dietary Guidelines for Americans and relevant nutrition science.

Statement ***of*** Need: Section 221 ***of*** the Healthy, Hunger-Free Kids Act

of 2010 (Pub. L. 111-296, the Act) requires USDA to review and update, no less frequently than once every 10 years, requirements for meals served under the Child and Adult Care Food Program (CACFP) to ensure that meals are consistent with the most recent Dietary Guidelines for Americans and relevant nutrition science. The Act also clarifies the

purpose ***of*** the program, restricts the use ***of*** food as a punishment or reward, outlines requirements for milk and milk substitution, and

introduces requirements for the availability ***of*** water. This rule will establish the criteria and procedures for implementing these provisions

of the Act.

Summary ***of*** Legal Basis: Section 221 ***of*** the Healthy, Hunger-Free

Kids Act ***of*** 2010 (Pub. L. 111-296).
Alternatives: There are several instances throughout this rule and its associated Regulatory Impact Analysis that offer alternatives for review and comment to the various criteria and procedures discussed in this proposed rule.

Anticipated Cost and ***Benefits***: This rule is expected to improve the

nutritional quality ***of*** meals served and the overall health ***of*** children participating in the CACFP. Most CACFP meals are served to children from low-income households. At this time, we cannot estimate the

financial impact the proposed rule will have on State agencies, sponsoring organizations, and child care institutions, but we expect that there will be a small cost increase associated with the

implementation ***of*** improved meal pattern requirements. A regulatory impact analysis will be conducted to determine these cost implications.
Risks: None identified.
Timetable:

Action Date FR Cite

NPRM..... 11/00/14 .....
NPRM Comment Period End..... 01/00/15 .....

Regulatory Flexibility Analysis Required: Yes.
Small Entities Affected: Governmental Jurisdictions.

Government Levels Affected: Local, State.
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RIN: 0584-AE18

USDA--FNS

16. Enhancing Retailer Eligibility Standards In SNAP

Priority: Other Significant.
Legal Authority: Sec 3, U.S.C. 2012; sec 9, U.S.C. 2018
CFR Citation: 7 CFR 271.2; 7 CFR 278.1.
Legal Deadline: None.
Abstract: This rulemaking will address the criteria used to

authorize redemption ***of*** SNAP ***benefits*** (especially by restaurant-type operations).

Statement ***of*** Need: The 2014 Farm Bill amended the Food and Nutrition

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Act ***of*** 2008 to increase the requirement that certain SNAP authorized retail food stores have available on a continual basis at least three varieties ***of*** items in each ***of*** four staple food categories to a mandatory minimum ***of*** seven. The 2014 Farm Bill also amended the Act to increase for certain SNAP authorized retail food stores the minimum number ***of*** categories in which perishable foods are required from two to three. This rule would codify these mandatory requirements. Further, using ***existing*** authority in the Act and feedback from an expansive Request for Information, the rulemaking also proposes changes to address depth ***of*** stock, redefine staple and accessory foods, and amend the definition ***of*** retail food store to clarify when a retailer is a restaurant rather than a retail food store.

Summary ***of*** Legal Basis: Section 3(k) ***of*** the Food and Nutrition Act ***of*** 2008 (the Act) generally (with limited exception) (1) requires that food purchased with SNAP ***benefits*** be meant for home consumption and (2) forbids the purchase ***of*** hot foods with SNAP ***benefits***. The intent ***of*** those statutory requirements can be circumvented by selling cold foods, which may be purchased with SNAP ***benefits***, and offering onsite heating or cooking ***of*** those same foods, either for free or at an additional cost. In addition, Section 9 ***of*** the Act provides for approval ***of*** retail food stores and wholesale food concerns based on their ability to effectuate the purposes ***of*** the Program.

Alternatives: Because this proposed rule is under development, alternatives are not yet articulated.

Anticipated Cost and ***Benefits***: The proposed changes will allow FNS to improve access to healthy food choices for SNAP participants and to ensure that participating retailers effectuate the purposes ***of*** the Program. FNS anticipates that these provisions will have no significant costs to States.

Risks: None identified.

Timetable:

Action Date FR Cite

NPRM..... 08/00/15 .....

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: State.
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RIN: 0584-AE27

USDA--FNS

Final Rule Stage

17. Supplemental Nutrition Assistance Program: Farm Bill ***of*** 2008 Retailer Sanctions

Priority: Economically Significant. Major under 5 U.S.C. 801.
Legal Authority: Pub. L. 110-246
CFR Citation: 7 CFR 276.
Legal Deadline: None.
Abstract: This final rule would implement provisions under section 4132 ***of*** the Food, Conservation, and Energy Act ***of*** 2008, giving the Department ***of*** Agriculture's Food and Nutrition Service (FNS) the authority to assess a civil penalty and to disqualify a retail or wholesale food store authorized to participate in SNAP.

Statement ***of*** Need: This final rule implements the provisions ***of*** the 2008 Farm Bill that provide the U.S. Department ***of*** Agriculture greater flexibility in assessing sanctions against retail food stores and wholesale food concerns found in violation ***of*** the Supplemental Nutrition Assistance Program rules. This rule updates SNAP retailer sanction regulations to include authority granted in the 2008 Farm Bill to allow the Food and Nutrition Service (FNS) to impose a civil penalty in addition to disqualification, raise the allowable penalties per violation and provide greater flexibility to the Department for minor violations.

Summary ***of*** Legal Basis: Section 4132, Food, Conservation, and Energy Act ***of*** 2008 (Pub. L. 110-246).

Alternatives: For the new trafficking civil penalty, FNS considered alternatives for assessing a civil penalty in addition to permanent disqualification for stores sanctioned for trafficking.

Anticipated Cost and ***Benefits***: The changes to the retailer sanction regulations will improve program integrity by increasing the deterrent effect ***of*** sanctions on the small number ***of*** authorized firms that commit program violations.

Risks: The risk that retail or wholesale food stores will violate SNAP rules, or continue to violate SNAP rules, is expected to be reduced by refining program sanctions for participating retailers and wholesalers.

Timetable:

Action Date FR Cite

NPRM..... 08/14/12 77 FR 48461
NPRM Comment Period End..... 10/15/12 .....
Final Action..... 01/00/15 .....

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: State.

Additional Information: Note: This RIN replaces the previously issued RIN 0584-AD78.

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RIN: 0584-AD88

USDA--FNS

18. Child Nutrition Programs: Local School Wellness Policy Implementation Under the Healthy, Hunger-Free Kids Act ***of*** 2010

Priority: Other Significant.

Legal Authority: Pub. L. 111-296

CFR Citation: 7 CFR 210; 7 CFR 220.
Legal Deadline: None.

Abstract: This final rule codifies a provision ***of*** the Healthy, Hunger-Free Kids Act (Pub. L. 111-296; the Act) under 7 CFR parts 210 and 220. Section 204 ***of*** the Act requires each local educational agency (LEA) to establish, for all schools under its jurisdiction, a local school wellness policy. The Act requires that the wellness policy include goals for nutrition, nutrition education, physical activity, and other school-based activities that promote student wellness. In addition, the Act requires that local educational agencies ensure stakeholder participation in development ***of*** their local school wellness policies, and periodically assess compliance with the policies, and disclose information about the policies to the public.

Statement ***of*** Need: Schools play a critical role in promoting student health, preventing childhood obesity, and combating problems associated with poor nutrition and physical inactivity. To formalize and encourage this role, section 204 ***of*** the Child Nutrition and WIC Reauthorization Act ***of*** 2004 (Pub. L. 108-265), required each

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local educational agency (LEA) participating in the National School Lunch Program (NSLP) and/or the School Breakfast Program (SBP) to establish a local school wellness policy by School Year 2006.

Subsequently, section 204 ***of*** the Healthy, Hunger-Free Kids Act ***of*** 2010 (HHFKA, Pub. L. 111-296, December 13, 2010) added a new section 9A to the Richard B. Russell National School Lunch Act (NSLA) (42 U.S.C. 1758b) which expands the scope ***of*** wellness policies; brings additional stakeholders into the development, implementation, and review ***of*** local school wellness policies; and requires public updates on the content and implementation ***of*** the wellness policies.

Summary ***of*** Legal Basis: Section 204 ***of*** the Child Nutrition and WIC Reauthorization Act ***of*** 2004 (Pub. L. 108-265); Section 204 ***of*** the Healthy, Hunger-Free Kids Act ***of*** 2010 (HHFKA, Pub. L. 111-296).

Alternatives: Alternatives to some ***of*** the policy provisions were outlined in the proposed rule and will be discussed in the final rule.

Anticipated Cost and ***Benefits***: The rule strengthens local school wellness policy requirements. As described in the Regulatory Impact

Analysis, we expect this to improve health outcomes for students,

though we are not able to quantify these ***benefits***. Minimal administrative expenses are estimated in relation to additional reporting and recordkeeping requirements.

Risks: None identified.

Timetable:

Action Date FR Cite

NPRM..... 02/26/14 79 FR 10693

NPRM Comment Period End..... 04/28/14 .....

Final Action..... 04/00/15 .....

Regulatory Flexibility Analysis Required:: Yes.

Small Entities Affected: Governmental Jurisdictions.

Government Levels Affected: Local, State.

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RIN: 0584-AE25

USDA--FNS

19. SNAP: Employment and Training (E&T) Performance Measurement, Monitoring and Reporting Requirements

Priority: Other Significant.

Legal Authority: Pub. L. 113-79

CFR Citation: 7 CFR 273.

Legal Deadline: None.

Abstract: This rule will implement the E&T provisions ***of*** section

4022 ***of*** The Agricultural Act ***of*** 2014. The provisions ***of*** the

Agricultural Act ***of*** 2014 require reporting measures for States' E&T programs.

Statement ***of*** Need: Section 4022 ***of*** Agricultural Act ***of*** 2014 states that ``Not later than 18 months after the date ***of*** enactment ***of*** this Act, the Secretary shall issue interim final regulations implementing the amendments made by subsection (a)(2).'' This interim rule will address the amendments in subsection (a)(2). This rule will also address the USDA Office ***of*** Inspector General (OIG) audit entitled ``Food Stamp Employment and Training Program'' (OIG #27601-16-AT), released March 31, 2008, that recommended FNS establish performance measures for the SNAP E&T Program. This rule will bring closure to that audit recommendation.

Summary ***of*** Legal Basis: Section 4022 ***of*** Agricultural Act ***of*** 2014.
Alternatives: Alternatives will be identified in the interim final rule.

Anticipated Cost and ***Benefits***: Costs and ***Benefits*** will be identified in the interim final rule.
Risks: Risks, if applicable, will be identified in the interim final rule.
Timetable:

Action Date FR Cite

Interim Final Rule..... 04/00/15 .....

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: Local, State.
Agency Contact: Charles H. Watford, Regulatory Review Specialist, Department ***of*** Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, VA 22302, Phone: 703 605-0800, Email:

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RIN: 0584-AE33

USDA--Food Safety and Inspection Service (FSIS)

Proposed Rule Stage

20. Requirements for the Disposition ***of*** Non-Ambulatory Disabled Veal

Calves

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.
Legal Authority: Federal Meat Inspection Act (21 U.S.C. 601 et seq.)
CFR Citation: 9 CFR 309.
Legal Deadline: None.
Abstract: FSIS is proposing to amend the ante-mortem inspection regulations to remove a provision that permits establishments to set apart and hold for treatment veal calves that are unable to rise from a recumbent position and walk because they are tired or cold (9 CFR 309.13(b)). The regulations permit such calves to proceed to slaughter if they are able to rise and walk after being warmed or rested. FSIS is proposing to require that non-ambulatory disabled (NAD) veal calves that are offered for slaughter be condemned and promptly euthanized.

The ***existing*** regulations require that NAD mature cattle be condemned on ante-mortem inspection and that they be promptly euthanized (9 CFR

309.3(e)). FSIS believes that prohibiting the slaughter ***of*** all NAD veal

calves would improve compliance with the Humane Methods ***of*** Slaughter

Act ***of*** 1978 (HMSA), and the humane slaughter implementing regulations. It would also improve the Agency's inspection efficiency by eliminating the time that FSIS inspection program personnel (IPP) spend assessing

and supervising the treatment ***of*** NAD veal calves.

Statement ***of*** Need: Removing the provision from 9 CFR 309.13(b) would eliminate uncertainty as to what is to be done with veal calves that are non-ambulatory disabled because they are tired or cold, or because they are injured or sick, thereby ensuring the appropriate

disposition ***of*** these animals. In addition, removing the provision in 9 CFR 309.13(b) would improve inspection efficiency by eliminating the

time that FSIS IPP spend assessing the treatment ***of*** non-ambulatory disabled veal calves.

Summary ***of*** Legal Basis: 21 U.S.C. 603 (a) and (b).
Alternatives: The Agency considered two alternatives to the

proposed amendment: The status quo and prohibiting the slaughter ***of*** non-ambulatory disabled ``bob veal,'' which are calves generally less than one week old.

Anticipated Cost and ***Benefits***: If the proposed rule is adopted, non-

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ambulatory disabled veal calves will not be re-inspected during ante-mortem inspection. The veal calves that are condemned during ante-mortem inspection will be euthanized. The estimated annual cost to the veal industry would range between $2,368 and $161,405.

The expected ***benefits*** ***of*** this proposed rule are not quantifiable.

However, the proposed rule will ensure the humane disposition ***of*** the non-ambulatory disabled veal calves. It will also increase the

efficiency and effective implementation ***of*** inspection and humane handling requirements at official establishments.

Risks: None.

Timetable:

Action Date FR Cite

NPRM..... 04/00/15 .....

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

Agency Contact: Dr. Daniel L. Engeljohn, Assistant Administrator,

Office ***of*** Policy and Program Development, Department ***of*** Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, 349-E JWB, Washington, DC 20250, Phone: 202 205-0495, Fax: 202 720-2025,

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RIN: 0583-AD54

USDA--FSIS

Final Rule Stage

21. Mandatory Inspection ***of*** Fish ***of*** the Order Siluriformes and Products Derived From Such Fish

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 to 695); Pub. L. 110-246, sec 11016; Pub. L. 113-79, sec 12106

CFR Citation: 9 CFR ch III, subchapter F (new).

Legal Deadline: Final, Statutory, Final Regulations not later than

60 days after enactment ***of*** the Agricultural Act ***of*** 2014 (Pub. L. 113-

79). The Agriculture Act ***of*** 2014 directs the Department to publish

final regulations not later than 60 days after the date ***of*** enactment.
Abstract: The 2008 Farm Bill (Pub. L. 110-246, sec. 11016), amended the Federal Meat Inspection Act (FMIA) to make ``catfish'' a species amenable to the FMIA and, therefore, subject to FSIS inspection. In addition, the 2008 Farm Bill gave FSIS the authority to define the term ``catfish.'' On February 24, 2011, FSIS published a proposed rule that outlined a mandatory catfish inspection program and presented two options for defining ``catfish.'' The 2014 Farm Bill (Pub. L. 113-79, sec. 12106), amended the FMIA to remove the term ``catfish'' and to

make ``all fish ***of*** the order Siluriformes'' subject to FSIS

jurisdiction and inspection. As a result, FSIS inspection ***of*** Siluriformes is mandated by law and non-discretionary.

Statement ***of*** Need: The 2008 and 2014 Farm Bills amended the Federal

Meat Inspection Act, making all fish ***of*** the order Siluriformes amenable species to the FMIA, requiring FSIS inspection.

Summary ***of*** Legal Basis: 21 U.S.C. 601 to 695, Public Law 110-246, section 11016, Public Law 113-79, section 12106.

Alternatives: The option ***of*** no rulemaking is unavailable.

Anticipated Cost and ***Benefits***: FSIS anticipates ***benefits*** from uniform standards and the more extensive and intensive inspection service it will provide. The requirements for imported Siluriformes will be equivalent to those applied to domestically raised and

processed fish ***of*** this type.
Risks: In the final rule, the Agency will consider any risks to public health or other pertinent risks associated with the production,

processing, and distribution ***of*** catfish and catfish products.
Timetable:

Action Date FR Cite

NPRM..... 02/24/11 76 FR 10434
NPRM Comment Period End..... 06/24/11 .....
Final Action..... 12/00/14 .....

Regulatory Flexibility Analysis Required: Yes.
Small Entities Affected: Businesses.

Government Levels Affected: None.
International Impacts: This regulatory action will be likely to

have international trade and investment effects, or otherwise be ***of*** international interest.

Agency Contact: Dr. Daniel L. Engeljohn, Assistant Administrator,

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RIN: 0583-AD36

USDA--FSIS

22. Electronic Export Application and Certification as a Reimbursable Service and Flexibility in the Requirements for Official Export Inspection Marks, Devices, and Certificates

Priority: Other Significant.

Legal Authority: Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 to 695); Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 to 470); Egg Products Inspection Act (EPIA) (21 U.S.C. 1031 to 1056); Agricultural Marketing Act (AMA) (7 U.S.C. 1622(h)

CFR Citation: 9 CFR 312.8; 9 CFR 322.1 and 322.2; 9 CFR 350.7; 9 CFR 362.5; 9 CFR 381.104 to 381.106; 9 CFR 590.407; 9 CFR 592.20 and 592.500.

Legal Deadline: None.

Abstract: FSIS is developing final regulations to amend the meat, poultry, and egg product inspection regulations to provide for an electronic export application and certification system. The electronic export application and certification system will be a component ***of*** the Agency's Public Health Information System (PHIS). The export component ***of*** PHIS will be available as an alternative to the paper-based application and certification process. FSIS intends to charge users for the use ***of*** the system. FSIS is establishing a formula for calculating the fee. FSIS is also providing establishments that export meat, poultry, and egg products with flexibility in the official export inspection marks, devices, and certificates. In addition, FSIS is amending the egg product export regulations to parallel the meat and poultry export regulations.

Statement ***of*** Need: These regulations will facilitate the electronic processing ***of*** export applications and certificates through the Public Health Information System (PHIS), a computerized, Web-based inspection information system. This rule will provide the electronic export system

as a reimbursable certification service charged to the exporter.

Summary ***of*** Legal Basis: 21 U.S.C. 601 to 695; 21 U.S.C. 451 to 470; 21 U.S.C. 1031 to 1056; 7 U.S.C. 1622(h).
Alternatives: The electronic export applications and certification system is being proposed as a voluntary service; therefore, exporters

have the option ***of*** continuing to use the current paper-based system. Therefore, no alternatives were considered.

Anticipated Cost and ***Benefits***: FSIS is charging exporters an application fee for the electronic export system. Automating the export application and certification process will facilitate the exportation

of U.S. meat, poultry, and

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egg products by streamlining and automating the processes that are in use, while ensuring that foreign regulatory requirements are met. The

cost to an exporter would depend on the number ***of*** electronic applications submitted. An exporter that submits only a few applications per year would not be likely to experience a significant economic impact. Under this rate, inspection personnel workload will be

reduced through the elimination ***of*** the physical handling and processing

of applications and certificates. When an electronic ***government***-to-

government system interface or data exchange is used, fraudulent transactions, such as false alterations and reproductions, will be significantly reduced, if not eliminated. The electronic export system is designed to ensure authenticity, integrity, and confidentiality. Exporters will be provided with a more efficient and effective application and certification process. The egg product export regulations provide the same export requirements across all products regulated by FSIS and consistency in the export application and certification process. The total annual paperwork burden to the egg processing industry to fill out the paper-based export application is

approximately $32,340 per year for a total ***of*** 924 hours a year. The average establishment burden would be 11 hours, and $385.00 per establishment.
Risks: None.
Timetable:

Action Date FR Cite

NPRM..... 01/23/12 77 FR 3159
NPRM Comment Period End..... 03/23/12 .....
Final Action..... 02/00/15 .....

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: Businesses.

Government Levels Affected: None.
International Impacts: This regulatory action will be likely to

have international trade and investment effects, or otherwise be ***of*** international interest.
Agency Contact: Rita Kishore, Acting Director, Import/Export

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RIN: 0583-AD41

USDA--FSIS

23. Descriptive Designation for Needle- or Blade-Tenderized (Mechanically Tenderized) Beef Products

Priority: Other Significant.
Legal Authority: 21 U.S.C. 601 to 695
CFR Citation: 9 CFR 317.2(e)(3).
Legal Deadline: None.

Abstract: FSIS has proposed regulations to require the use ***of*** the

descriptive designation ``mechanically tenderized'' on the labels ***of*** raw or partially cooked needle- or blade-tenderized beef products, including beef products injected with marinade or solution, unless such products are destined to be fully cooked at an official establishment. Beef products that have been needle- or blade-tenderized are referred to as ``mechanically tenderized'' products. This rule would require that the product name for such beef products include the descriptive

designation ``mechanically tenderized,'' and an accurate description ***of*** the beef component. The rule would also require that the print for all words in the descriptive designation as the product name appear in the same style, color, and size, and on a single-color contrasting

background. In addition, this rule would require that labels ***of*** raw and

partially-cooked needle- or blade-tenderized beef products destined for household consumers, hotels, restaurants, or similar institutions include validated cooking instructions stating that these products need to be cooked to a specified minimum internal temperature, and whether they need to be held at that minimum internal temperature for a specified time before consumption, i.e., dwell time or rest time, to ensure that they are thoroughly cooked.

Statement ***of*** Need: FSIS has concluded that without proper labeling, raw or partially cooked mechanically tenderized beef products could be mistakenly perceived by consumers to be whole, intact muscle cuts. The fact that a cut ***of*** beef has been needle- or blade-tenderized is a characterizing feature ***of*** the product and, as such, a material fact that is likely to affect consumers' purchase decisions and that should affect their preparation ***of*** the product. FSIS has also concluded that the addition ***of*** validated cooking instruction is necessary to ensure that potential pathogens throughout the product are destroyed. Without thorough cooking, pathogens that may have been introduced to the interior ***of*** the product during the tenderization process may remain in the product.

Summary ***of*** Legal Basis: 21 U.S.C. 601 to 695.
Alternatives: The Agency considered two options: Option 1, extend labeling requirements to include vacuum-tumbled beef products and enzyme-formed beef products; and Option 2, extend the proposed labeling requirements to all needle- or blade-tenderized meat and poultry products.

Anticipated Cost and ***Benefits***: The proposed rule estimated the one-time cost to produce labels for mechanically tenderized beef at $1.05 million. The annualized cost is $140,000 at 7 percent for 10 years ($120,000 and when annualized at 3 percent for 10 years). The proposed rule estimated an additional one-time total cost to produce labels for mechanically tenderized beef at $1.57 million or $209,000 when annualized at 7 percent for 10 years ($179,000 when annualized at 3 percent for 10 years), if this proposed rule becomes final before the added-solution rule is finalized. The proposed rule estimated the expected number ***of*** E. coli O157:H7 illnesses prevented would be 453 per year, with a range ***of*** 133 to 1,497, if the predicted percentages ***of*** beef steaks and roasts are cooked to an internal temperature ***of*** 160 [deg]F (or 145 [deg]F and 3 minutes ***of*** dwell time). These prevented

illnesses amount to $1,486,000 per year in ***benefits*** with a range ***of*** $436,000 to $4,912,000. Therefore, the expected annualized net ***benefits*** are $296,000 to $4,772,000, with a primary estimate ***of*** $1,346,000. If, however, this rule is in effect before the added solutions rule, the expected annualized net ***benefits*** are then $1,137,000, with a range ***of*** $87,000 to $4,563,000, plus the unquantifiable ***benefits*** ***of*** increased consumer information and market efficiency, minus an unquantified consumer surplus loss and an unquantified cost associated with food service establishments changing their standard operating procedures.

Risks: FSIS estimates that approximately 1,965 illnesses annually are attributed to mechanically tenderized beef, either with or without added solutions. If all the servings are cooked to a minimum ***of*** 160 degrees F then the number ***of*** illnesses drops to 78. This number ***of*** illnesses is due to a data set for all STEC and not just O157 data.

FSIS estimates that 1,887 out ***of*** 1,965 would be prevented annually if mechanically tenderized meat were cooked to 160 degrees F.

Timetable:

Action Date FR Cite

NPRM..... 06/10/13 78 FR 34589
NPRM Comment Period End..... 08/09/13 .....

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NPRM Comment Period Extended..... 08/09/13 78 FR 48631
NPRM Comment Period Reopened..... 12/03/13 78 FR 72597
Final Action..... 12/00/14 .....

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

Agency Contact: Rosalyn Murphy-Jenkins, Director, Labeling and Program Delivery Staff (LPDS), Department ***of*** Agriculture, Food Safety and Inspection Service, Office ***of*** Policy and Program Development, Patriots Plaza 3, 1400 Independence Avenue SW., Room 8-148, Mailstop 5273, Washington, DC 20250-5273, Phone: 301 504-0879, Fax: 202 245-4792, Email: *rosalyn.murphy-jenkins@fsis.usda.gov*

RIN: 0583-AD45

USDA--FSIS

24. Record To Be Kept by Official Establishments and Retail Stores That Grind Raw Beef Products

Priority: Other Significant.
Legal Authority: 21 U.S.C. 601 et seq.
CFR Citation: 9 CFR 320.
Legal Deadline: None.
Abstract: FSIS proposed to amend its recordkeeping regulations to specify that all official establishments and retail stores that grind raw beef products for sale in commerce must keep records that disclose the identity ***of*** the supplier ***of*** all source materials that they use in the preparation ***of*** each lot ***of*** raw ground product, and identify the names ***of*** those source materials.

Statement ***of*** Need: Under the authority ***of*** the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 et seq.) and its implementing regulations, FSIS investigates complaints and reports ***of*** consumer foodborne illness possibly associated with FSIS-regulated meat products. Many such investigations into consumer foodborne illnesses involve those caused by the consumption ***of*** raw beef ground, by official establishments or retail stores. FSIS investigators and public health officials frequently use records kept by all levels ***of*** the food distribution chain, including the retail level, to identify and traceback product that is the source ***of*** the illness to the suppliers that produced the source material for the product. The Agency, however, has often been thwarted in its effort to traceback ground beef products, some associated with consumer illness, to the suppliers that provided source materials for the products. In some situations, official establishments and retail stores have not kept records necessary to allow traceback and traceforward activities to occur. Without such necessary records, FSIS's ability to conduct timely and effective consumer foodborne illness investigations and other public health activities throughout the stream ***of*** commerce is also affected, thereby placing the consuming public at risk. Therefore, for FSIS to be able to conduct traceback and traceforward investigations, foodborne illnesses investigations, or to monitor product recalls, the records kept by official establishments and retail stores that grind raw beef products must disclose the identity ***of*** the supplier and the names ***of***

the sources ***of*** all materials that they use in the preparation ***of*** each lot ***of*** raw ground beef product.

Summary ***of*** Legal Basis: Under 21 U.S.C. 642, official establishments and retail stores that grind raw beef products for sale in commerce are persons, firms, or corporations that must keep such records and correctly disclose all transactions involved in their businesses subject to the Act. This is because they engage in the business ***of*** preparing products ***of*** an amenable species for use as human food, and they engage in the business ***of*** buying or selling (as meat brokers, wholesalers or otherwise) in commerce products ***of*** carcasses ***of*** an amenable species. These businesses must also provide access to, and inspection ***of***, these records by FSIS personnel. Further, under 9 CFR 320.1(a), every person, firm, or corporation required by section 642 ***of*** the FMIA to keep records must keep those records that will fully and correctly disclose all transactions involved in his or its business subject to the Act. Records specifically required to be kept under section 320.1(b) include, but are not limited to, bills ***of*** sale; invoices; bills ***of*** lading; and receiving and shipping papers. With respect to each transaction, the records must provide the name or description ***of*** the livestock or article; the net weight ***of*** the livestock or article; the number ***of*** outside containers; the name and address ***of*** the buyer or seller ***of*** the livestock or animal; and the date and method ***of*** shipment.

Alternatives: FSIS considered two alternatives to the proposed requirements: The status quo and a voluntary recordkeeping program.

Anticipated Cost and ***Benefits***: Costs occur because about 76,093 retail stores and official establishments will need to develop and maintain records, and make those records available for the Agency's review. Using the best available data, FSIS believes that industry recordkeeping costs would be approximately $1.46 million. Agency costs ***of*** approximately $0.01 million would result from record reviews at official establishments and retail stores, as well as travel time to and from retail stores. Annual ***benefits*** from this rule come from estimated averted Shiga toxin-producing E.coli illnesses and averted cases ***of*** Salmonellosis. Non-monetized ***benefits*** will accrue to industry

due to an expected smaller volume ***of*** recalls, given everything else being equal, and due to the reduced industry vulnerability to

reputation-damaging food safety events. Avoiding loss ***of*** business

reputation is an indirect ***benefit***. The ***Government*** will ***benefit*** in that the rule will enable it to operate in a more efficient manner in

identifying and tracking recalls ***of*** adulterated raw ground beef

products. Consumers will ***benefit*** from a reduction in foodborne

illnesses due to quicker recalls, correction ***of*** process failures at establishments producing ground beef, and improved guidance and industry practices.

Risks: None.

Timetable:

Action Date FR Cite

NPRM..... 07/22/14 79 FR 42464
NPRM Comment Period End..... 10/22/14 .....
Final Action..... 07/00/15 .....

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

Agency Contact: Victoria Levine, Program Analyst, Issuances Staff

(IS), Department ***of*** Agriculture, Food Safety and Inspection Service,

Office ***of*** Policy and Program Development, 1400 Independence Avenue SW., Room 6079, South Building, Washington, DC 20250-3700, Phone: 202 720-

5627, Fax: 202 690-0486, Email: *victoria.levine@fsis.usda.gov*

RIN: 0583-AD46

USDA--FOREST SERVICE (FS)

Final Rule Stage

25. Forest Service Manual 2020--Ecological Restoration and Resilience Policy

Priority: Other Significant.

Legal Authority: FSM 2020

CFR Citation: None.

Legal Deadline: None.

Abstract: This policy establishes a common definition for

ecological restoration and resilience that is

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consistent with the 2012 Land Planning rule. The directive provides additional guidance in implementing the definition throughout Forest Service program areas by incorporating it into the Forest Service

Manual. Restoration objectives span a number ***of*** initiatives in various

program areas, including the invasive species strategy; recovery ***of*** areas affected by high-severity fires, hurricanes, and other catastrophic disturbances; fish habitat restoration and remediation;

riparian area restoration; conservation ***of*** threatened and endangered

species; and restoration ***of*** impaired watersheds and large-scale watershed restoration projects. The restoration policy allows agency employees to more effectively communicate Forest Service work in meeting restoration needs at the local, regional, and national levels. Currently an internal Forest Service interim policy for this final directive has been implemented in the field units, without any issues. This final directive brings the Forest Service policy into alignment with current ecological restoration science and with congressional and Forest Service authorizations and initiatives.

Statement ***of*** Need: There is a critical need for ecological

restoration on National Forest System lands and the concept ***of***

restoration is threaded throughout ***existing*** agency authorities and collaborative efforts such as the National Fire Plan. However, without a definition in Forest Services' Directive System there has not been consistent interpretation and application. This established policy was necessary for consistency and for the landscape to better weather disturbances, especially under future environmental conditions.

Summary ***of*** Legal Basis: The Forest Service amended the Forest Service Manual (FSM) to add a new title: FSM 2020 Ecological Restoration and Resilience. This final directive reinforced adaptive

management, use ***of*** science, and collaboration in planning and decision

making. These foundational land management policies, including use ***of*** restoration to achieve desired conditions, underwent formal public

review during revision ***of*** the Planning Rule (36 CFR 219) and amendment

of associated directives (FSM 1900, 1920).
Alternatives: No alternatives were considered as an established policy is necessary for agency consistency.

Anticipated Cost and ***Benefits***: This final directive had no monetary effect to the agency or the public. The final directive helped agency employees and partners to more effectively communicate restoration needs and accomplishments at the local, regional, and national levels.

Risks: There is no risk identified with this rulemaking.

Timetable:

Action Date FR Cite

Proposed Directive..... 09/12/13 78 FR 56202

Proposed Directive Comment Period 11/12/13 .....

End.

Final Directive..... 02/00/15 .....

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: LaRenda C. King, Assistant Director, Directives and Regulations, Department ***of*** Agriculture, Forest Service, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW., Washington, DC 20250-0003, Phone: 202 205-6560, Email: *larendacking@fs.fed.us*

RIN: 0596-AC82

USDA--FS

26. Land Management Planning Rule Policy

Priority: Other Significant.

Legal Authority: 5 U.S.C. 302; 16 U.S.C. 1604; 16 U.S.C. 1613

CFR Citation: 36 CFR 219.

Legal Deadline: None.

Abstract: The Forest Service issued proposed planning directives on February 27, 2013 (RIN # 0596-AD06), which would provide guidance to agency staff on implementation ***of*** the recently revised land management planning regulation at 36 CFR 219 (RIN 0596-AC94) (the ``2012 Planning Rule''), which was effective May 9, 2012. A 60-day period, extended for an additional 15 days, for the public to comment on the proposed directives concluded on May 24, 2013. The proposed directives have been revised, based on public comment, and the agency seeks to publish a Notice ***of*** Availability ***of*** the final Directives.

The National Forest Management Act (NFMA) requires that the Forest

Service develop land management plans for each unit ***of*** the National Forest System, and the agency maintain regulations (Planning Rule) that guide the development and content ***of*** such plans. In addition to formal regulations, the agency uses its system ***of*** directives to provide more detailed guidance on how to meet the requirements ***of*** the Planning Rule.

Statement ***of*** Need: The ***existing*** direction in the Forest Service Manual 1920 and the Forest Service Handbook 1909.12 regarding Land Management Planning needs to be updated to support implementation ***of*** the 2012 Planning Rule (36 CFR 219). This brings the planning directives in line with the new planning rule and clarifies substantive and procedural requirements to implement the rule. The updated directives implements a planning framework that fosters collaboration with the public during land management planning, and is science-based, responsive to change, and promotes social, economic, and ecological sustainability.

Summary ***of*** Legal Basis: The Forest Service promulgated a new land management planning regulation at 36 CFR 219 (the ``2012 Planning Rule''). The final Planning rule and record ***of*** decision was published on April 9, 2012 (77 FR 21162).

Alternatives: The Forest Service finalized the directives to bring the Forest Services' internal directives in-line with the CFR.

Anticipated Cost and ***Benefits***: No new costs to the agency or the public are associated with these directives. The amended directives results in more effective and efficient planning within the Agency's capability.

Risks: There are no risks to the public or to the Forest Service associated with this rulemaking.

Timetable:

Action Date FR Cite

Proposed Directive..... 02/27/13 78 FR 13316
Comment Period End..... 04/29/13 .....
Final Directive..... 02/00/15 .....

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: LaRenda C. King, Assistant Director, Directives and

Regulations, Department ***of*** Agriculture, Forest Service, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW., Washington, DC 20250-0003, Phone:

202 205-6560, Email: *larendacking@fs.fed.us*
RIN: 0596-AD06

USDA--Rural Business-Cooperative Service (RBS)

Final Rule Stage

27. Rural Energy for America Program

Priority: Economically Significant. Major status under 5 U.S.C. 801 is undetermined.

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Legal Authority: 7 U.S.C. 8107
CFR Citation: 7 CFR 4280-B.
Legal Deadline: None.
Abstract: The Agency published a proposed rule for the Rural Energy for America Program (REAP) on April 12, 2013 (78 FR 22044). The agency

is authorized under section 9007 ***of*** the Food, Conservation, and Energy

Act ***of*** 2008 (as amended by the Agricultural Act ***of*** 2014) to provide grants for energy audits and renewable energy development assistance; grants for renewable energy system feasibility studies; and financial assistance for energy efficiency improvements and renewable energy

systems. The 2014 Farm Bill directs that at least 20 percent ***of*** funds

be used for grants ***of*** $20,000 or less, and up to 4 percent ***of*** mandatory funds for energy audits and Renewable Energy Development Assistance Grants. Eligible entities for energy audits and renewable energy

development assistance include units ***of*** State, tribal, or local

government; an instrumentality ***of*** a State, tribal, or local ***government***;

land grant or other institutions ***of*** higher education; rural electric cooperatives; RCID Councils or public power entities. Eligible entities for financial assistance for energy efficiency improvements and renewable energy systems include agricultural producers and rural small

businesses. The agency identified REAP as one ***of*** the Department's

periodic retrospective review ***of*** regulations under Executive Order 13563, and has proposed a tiered application approach that reduces applicant burden for technical reports and streamlines the narrative

portion ***of*** the application.

Statement ***of*** Need: The agency needs to incorporate amendments from the Agricultural Act ***of*** 2014. Prior to the Agricultural Act ***of*** 2014, the agency modified the program to reduce the applicant burden and improve program delivery. In order to make these changes to 7 CFR 4280, subpart B, a final rule needs to be published.

Summary ***of*** Legal Basis: REAP was authorized by the 2002 Farm Bill, and continued by the 2014 Farm Bill which made available $50,000,000 in mandatory funding for 2014, and each year thereafter through 2018, and authorized for appropriations $20,000,000 in discretionary funding for each fiscal year 2014 through 2018. The program provides for grants and guaranteed loans for renewable energy systems and energy efficiency improvements, and grants for energy audit and renewable energy development assistance. The purpose ***of*** the program is to reduce the energy consumption and increase renewable energy production.
Alternatives: The alternatives are to: (1) Continue operating the program under the 7 CFR 4280, subpart B as it currently is written; (2) revise 7 CFR 4280, subpart B based on public comments received on the interim rule and issue a final rule.

Anticipated Cost and ***Benefits***: ***Benefits*** ***of*** the rule may include a reduction in energy consumption, an increase in renewable energy production and reduced burden for certain loan and grant applications.
Risks: There are no associated risks to the public health, safety or the environment.
Timetable:

Action Date FR Cite

Interim Final Rule..... 04/14/11 76 FR 21109
Interim Final Rule Effective..... 04/14/11 .....
Interim Final Rule Comment Period 06/13/11 .....
End.
NPRM..... 04/12/13 78 FR 22044
Final Action..... 11/00/14 .....

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: Businesses.

Government Levels Affected: None.

Agency Contact: Kelley Oehler, Branch Chief, Department ***of***

Agriculture, Rural Business-Cooperative Service, STOP 3225, 1400 Independence Avenue SW., Washington, DC 20250-3225, Phone: 202 720-6819, Fax: 202 720-2213, Email: kelley.oehler@wdc.usda.gov
RIN: 0570-AA76

USDA--RBS

28. Business and Industry (B&I) Guaranteed Loan Program

Priority: Other Significant.
Legal Authority: Consolidated Farm and Rural Development Act
CFR Citation: 7 CFR 4287; 7 CFR 4279.
Legal Deadline: None.
Abstract: The Agency published a proposed rule for the Business and Industry Guaranteed Loan Program on September 15, 2014 (78 FR 22044), which, when finalized, would revise the 1996 B&I regulations. While there have been some minor modifications to the B&I Guaranteed Loan Program regulations since 1996, this action is in response to the implement 2014 Farm Bill provisions and makes needed refinements to the regulation. These changes are design to enhance the program, improve efficiency, correct minor inconsistencies, clarify the regulations, and ultimately reduce delinquencies. The Agency held several lender meetings throughout the country to see how changes to the program could ***benefit*** lenders ***who*** utilize the program. The proposed changes being considered may result in a lower the subsidy rate. The rule, when finalized, is intended to increase lending activity, expand business opportunities, and create more jobs in rural areas, particularly in areas that have historically experienced economic distress.

Statement ***of*** Need: With the passage ***of*** the 2014 Farm Bill, there is the need to conform certain portions ***of*** the B&I Guaranteed Loan Program regulations with requirements found in the 2014 Farm Bill, such as the addition ***of*** cooperative equity security guarantees, the locally and regionally grown agricultural food products initiative, and exceptions to the rural area definition. In addition, with the passage ***of*** time, the Agency proposed revisions intended to improve program delivery and administration, leverage program resources, better align the regulation with the program's goals and purposes, clarify the regulations, and reduce delinquencies and defaults. These proposed revisions may also improve program subsidy costs. A reduction in program subsidy costs may increase funding availability for additional projects, further improving the economic conditions ***of*** rural America. This may result in

increased lending activity, the expansion ***of*** business opportunities,

and the creation ***of*** more jobs in rural areas.

Summary ***of*** Legal Basis: Consolidated Farm and Rural Development Act, as amended by the 2008 and 2014 Farm Bill.
Alternatives: The only alternative would be the status quo, which is not an acceptable alternative.

Anticipated Cost and ***Benefits***: The ***benefits*** ***of*** the proposed rule include a possible reduction in loan losses, a lower subsidy rate, and streamline program delivery. The program changes have a cumulative

effect ***of*** lowering the program cost; however, the amount ***of*** the change in cost cannot be estimated with any reasonable precision.
Risks: There are no associated risks to the public health, safety or the environment.
Timetable:

Action Date FR Cite

Proposed Rule..... 09/15/14 79 FR 55316
Final Rule..... 09/00/15 .....

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Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.
Agency Contact: Brenda Griffin, Loan Specialist, B&I Processing

Division, Department ***of*** Agriculture, Rural Business-Cooperative Service, 1400 Independence Avenue SW., Washington, DC 20250, Phone: 202

720-6802, Fax: 202 720-6003, Email: *brenda.griffin@wdc.usda.gov*
RIN: 0570-AA85

USDA--RBS

29. Biorefinery, Renewable Chemical, and Biobased Product Manufacturing Assistance Program

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.
Legal Authority: 7 U.S.C. 8103
CFR Citation: 7 CFR 4279 subpart C; 7 CFR 4287 subpart D.
Legal Deadline: None.
Abstract: The Biorefinery Assistance Program was authorized under

the 2008 Farm Bill. The 2014 Farm Bill continues the authority established by the 2008 Farm Bill but made changes to the program that require revisions to ***existing*** regulations. The 2014 Farm Bill changed the program's name to the Biorefinery, Renewable Chemical, and Biobased Product Manufacturing Assistance Program and mandated that the program provide loan guarantees for the development, construction, and retrofitting ***of*** commercial-scale biorefineries as well as biobased product manufacturing facilities. Increasing production ***of*** homegrown renewable fuels, chemicals, and biobased products has grown; so has the need to develop and produce them. Rural Business--Cooperative Service (RBS) offers opportunities to producers to develop and manufacture such products through the Biorefinery, Renewable Chemical, and Biobased Product Manfacturing Assistance Program. RBS published the Biorefinery Assistance Program proposed rule in the Federal Register on April 18, 2010, (75 FR 20044) and an interim rule on February 14, 2011, both with 60-day comment periods. Comments were received from biofuel and bio-products producers, banking and investment institutions, attorneys, and research and development companies. In addition to the program changes required by the 2014 Farm Bill, RBS needs to address the comments received to the February 14, 2011, interim rule. The Biorefinery, Renewable Chemical, and Biobased Product Manufacturing Assistance Program focuses on accelerating the commercialization ***of*** production ***of*** advanced biofuels and renewable chemicals, as well as biobased product manufacturing.

Statement ***of*** Need: The 2014 Farm Bill made changes to the program that require revisions to the program rule, and RBS needs to address the comments received on the interim rule published on February 14, 2011.

Summary ***of*** Legal Basis: The Biorefinery Assistance Program was authorized under the 2008 Farm Bill. The 2014 Farm Bill continues the authority and provides $100 million for the program in fiscal year 2014 and $50 million in both fiscal years 2015 and 2016, ***of*** which not more than 15 percent can be used for Biobased Product Manufacturing.

Alternatives: The alternatives are: (1) Implement the Section 9003 provisions ***of*** the Farm Bill immediately through publishing a subsequent interim rule. This alternative will require the Department to exercise the Hardin memo exemption to implement the Farm Bill amendments; however, it will also enable Rural Development to respond to the comments received to the interim rule published in 2011 and incorporate

updates into the subsequent interim rule. Option 1 is the agency's preferred alternative. (2) Implement the Section 9003 Farm Bill provisions immediately by publishing a final rule. This alternative will also require the Department to exercise the Hardin memo exemption the Farm Bill amendments; however, this alternative precludes stakeholder and public comment to the new rule. (3) Implement the Section 9003 Farm Bill provisions by publishing a proposed rule. This alternative is the Department's traditional rulemaking process and

enables public comment, but would delay implementation ***of*** the program

and utilization ***of*** funding into fiscal year 2015 (or beyond) and may

increase the risk ***of*** a rescission ***of*** fiscal year 2014 funds.

Anticipated Cost and ***Benefits***: ***Benefits*** include increase in renewable energy/advance biofuel, renewable chemical, and biobased manufacturing.
Risks: There are no associated risks to the public health, safety or the environment.
Timetable:

Action Date FR Cite

Interim Final Rule..... 03/00/15 .....
Interim Final Rule Effective..... 04/00/15 .....
Interim Final Rule Comment Period 05/00/15 .....
End.

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations.

Government Levels Affected: None.
Agency Contact: Todd Hubbell, Loan Specialist, Specialty Lenders

Division, Department ***of*** Agriculture, Rural Business--Cooperative Service, STOP 3225, 1400 Independence Avenue SW., Washington, DC 20250-

3225, Phone: 202 690-2516, Email: *todd.hubbell@wdc.usda.gov*
RIN: 0570-AA93

USDA--NATURAL RESOURCES CONSERVATION SERVICE (NRCS)

Final Rule Stage

30. Agricultural Conservation Easement Program

Priority: Other Significant.
Legal Authority: Pub. L. 113-79
CFR Citation: Not Yet Determined.
Legal Deadline: Other, Statutory, November 4, 2014, 270 days from

enactment ***of*** Public Law 113-79.

Abstract: The Agricultural Act ***of*** 2014 (the 2014 Act) consolidated the Wetlands Reserve Program (WRP), the Farm and Ranch Lands Protection Program (FRPP), and the Grassland Reserve Program (GRP) into a single Agricultural Conservation Easement Program (ACEP). The consolidated easement program has two components--an agricultural land easement component and a wetland reserve easement component. The agricultural land easement component is patterned after the former FRPP with GRP's land eligibility components merged into it. The wetland reserve easement component is patterned after WRP. Land previously enrolled in the three contributing programs is considered enrolled in the new ACEP.

Statement ***of*** Need: The Agricultural Act ***of*** 2014 (2014 Act)

consolidated several ***of*** the Title XII (***of*** the Food Security Act ***of*** 1985) conservation easement programs and provided for the continued

operations ***of*** former programs. NRCS is promulgating a consolidated conservation easement regulation to reflect the 2014 Act's

consolidation ***of*** the WRP, FRPP, and GRP programs.

Summary ***of*** Legal Basis: NRCS seeks to publish an interim rule to implement

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the consolidated conservation easement program. This regulation action

is pursuant to section 1246 ***of*** the Food Security Act ***of*** 1985, as amended by the 2014 Act, which requires regulations necessary to

implement Title II ***of*** the 2014 Act through an interim rule with request for comments.
Alternatives: NRCS determined that rulemaking was the appropriate

mechanism through which to implement the 2014 Act consolidation ***of*** the three source conservation easement programs. Additionally, NRCS determined that the Agency needs standard criteria for implementing the program and program participants need predictability when initiating an application and conveying an easement. The regulation aims to establish a comprehensive framework for working with program participants to

implement ACEP. Upon consideration ***of*** public comment, NRCS will

promulgate final program regulations.

Anticipated Cost and ***Benefits***: The 2014 Act has consolidated three conservation easement programs into a single conservation easement program with two components. The program will be implemented under the general supervision and direction ***of*** the Chief ***of*** NRCS, ***who*** is a Vice President ***of*** the Commodity Credit Corporation (CCC). Through ACEP, NRCS will continue to purchase wetland reserve easements directly and will contribute funds to eligible entities for their purchase ***of*** agricultural land easements that protect working farm and grazing lands. Participation in the program is voluntary.

The primary ***benefits*** associated with this rulemaking are:
Provides an opportunity for public comment in program regulations.
Provides a regulatory framework for NRCS to implement a consolidated conservation easement program.
Provides transparency to the public potential applicants on NRCS program requirements.
The primary costs imposed by this regulation are:
The costs incurred by private landowners are negative or zero since this is a voluntary program and they are compensated for the rights that they transfer.
Other costs incurred by society through market changes are localized or negligible.
Risks: N/A.
Timetable:

Action Date FR Cite

Interim Final Rule..... 12/00/14 .....
Final Rule..... 07/00/15 .....

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: No.

Government Levels Affected: None.
Agency Contact: Leslie Deavers, Acting Farm Bill Coordinator, Department ***of*** Agriculture, Natural Resources Conservation Service, 1400 Independence Avenue, Washington, DC 20250, Phone: 202 720-5484, Email: leslie.deavers@wdc.usda.gov

RIN: 0578-AA61

USDA--NRCS

31. Environmental Quality Incentives Program (EQIP) Interim Rule

Priority: Other Significant.
Legal Authority: 15 U.S.C. 714b and 714c; 16 U.S.C. 3839AA-3839-8
CFR Citation: 7 CFR 1466.
Legal Deadline: Other, Statutory, November 4, 2014, 270 days from enactment ***of*** Public Law 113-79.
Abstract: NRCS promulgated the current EQIP regulation on January 15, 2009 through an interim rule. The interim rule incorporated programmatic changes authorized by the Food, Conservation, and Energy Act ***of*** 2008 (the 2008 Act). NRCS published a correction to the interim rule on March 12, 2009, and an amendment to the interim rule on May 29, 2009. NRCS has implemented EQIP in FY 2009 through FY 2013 under the current regulation. The Agricultural Act ***of*** 2014 (2014 Act) amended Chapter 4 ***of*** Subtitle D ***of*** Title XII ***of*** the Food Security Act ***of*** 1985 by making the following changes to EQIP program requirements: (1) Eliminates requirement that contract must remain in place for a minimum ***of*** 1 year after last practice implemented, but keeps requirement that the contract term is not to exceed 10 years, (2) Consolidates elements ***of*** Wildlife Habitat Incentives Program (WHIP), and repeals WHIP authority, (3) Replaces rolling 6-year payment limitation with payment limitation for FY 2014-FY 2018, 4) Requires Conservation Innovation Grants (CIG) reporting no later than December 31, 2014 and every 2 years thereafter, (4) Establishes payment limitation established at $450,000 and eliminates waiver authority, (5) Modifies the special rule for foregone income payments for certain associated management practices and resource concern priorities, (6) Makes advance payments are available up to 50 percent for eligible historically underserved participants to purchase material or contract services instead ***of*** the previous 30 percent, (7) Provides flexibility for repayment ***of*** advance payment if not expended within 90 days, and (8) Requires that for each fiscal year from ***of*** the FY 2014 to FY 2018, at least five percent ***of*** available EQIP funds shall be targeted for wildlife related conservation practices. The 2014 Act further identifies EQIP as a contributing program authorized to accomplish the purposes ***of*** the

Regional Conservation Partnership Program (RCPP) (Subtitle I ***of*** Title XII ***of*** the Food Security Act ***of*** 1985, as amended). RCPP replaces the Agricultural Water Enhancement Program (AWEP), Chesapeake Bay Watershed Program (CBWP), Cooperative Conservation Partnership Initiative (CCPI), and the Great Lakes Basin Program for soil erosion and sediment control. Like the programs it replaces, RCPP will operate through regulations in place for contributing programs. The other contributing programs include the Conservation Stewardship Program, the Healthy Forests Reserve Program, and the new Agricultural Conservation Easement Program (ACEP). NRCS seeks to publish an interim rule to incorporate the 2014 Act changes to EQIP program administration. This regulation action is pursuant to Section 1246 ***of*** the Food Security Act ***of*** 1985, as amended by section 2608 ***of*** the 2014 Act, which requires regulations necessary to implement Title II ***of*** the 2014 Act be promulgated through the interim rule process.

Statement ***of*** Need: The Agricultural Act ***of*** 2014 (the 2014 Act) consolidated several ***of*** the Title XII conservation programs and provided for the continued operations ***of*** former programs. NRCS is updating the EQIP regulation to incorporate the 2014 Act changes, including consolidation ***of*** the purposes formerly addressed through the Wildlife Habitat Incentives Program (WHIP).

Summary ***of*** Legal Basis: The 2014 Act has reauthorized and amended the Environmental Quality Incentives Program (EQIP). EQIP was first added to the Food Security Act ***of*** 1985 (1985 Act) (16 U.S.C. 3801 et seq.) by the Federal Agriculture Improvement and Reform Act ***of*** 1996 (1996 Act) (16 U.S.C. 3839aa). The program is implemented under the general supervision and direction ***of*** the Chief ***of*** NRCS, ***who*** is a Vice President ***of*** the Commodity Credit Corporation (CCC).

Alternatives: NRCS considered only making the changes mandated by the 2014 Farm Bill. This alternative would have missed opportunities to improve the implementation ***of*** the program.

Anticipated Cost and ***Benefits***: Through EQIP, NRCS provides assistance to farmers and ranchers to

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conserve and enhance soil, water, air, and related natural resources on their land. Eligible lands include cropland, grassland, rangeland,

pasture, wetlands, nonindustrial private forest land, and other agricultural land on which agricultural or forest-related products, or livestock are produced and natural resource concerns may be addressed. Participation in the program is voluntary.

The primary ***benefits*** associated with this rulemaking are:
Provides continued consistency for the NRCS to implement EQIP.
Provides transparency to potential applicants on NRCS program requirements.
The primary costs imposed by this regulation:
All program participants must follow the same requirements, even though they are very different types ***of*** agricultural operations in different resource contexts.
Most program participants are required to contribute at least 25 percent ***of*** the resources needed to implement program practices. However, such costs are standard for such financial assistance programs.
Risks: N/A.
Timetable:

Action Date FR Cite

Interim Final Rule..... 11/00/14 .....
Final Rule..... 07/00/15 .....

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: No.

Government Levels Affected: None.
Agency Contact: Leslie Deavers, Acting Farm Bill Coordinator, Department ***of*** Agriculture, Natural Resources Conservation Service, 1400 Independence Avenue, Washington, DC 20250, Phone: 202 720-5484, Email: leslie.deavers@wdc.usda.gov
RIN: 0578-AA62

USDA--NRCS

32. Conservation Stewardship Program Interim Rule

Priority: Other Significant.
Legal Authority: 16 U.S.C. 3838d to 3838g.
CFR Citation: 7 CFR 1470.

Legal Deadline: None.

Abstract: NRCS seeks to publish an interim rule to incorporate the 2014 Act changes to Conservation Stewardship Program (CSP) program administration. This regulation action is pursuant to Section 1246 ***of*** the Food Security Act ***of*** 1985, as amended by the 2014 Act, which requires regulations necessary to implement Title II ***of*** the 2014 Act through an interim rule with request for comments. Background: The Food, Conservation, and Energy Act ***of*** 2008 Act (2008 Act) amended the Food Security Act ***of*** 1985 (1985 Act) to establish CSP and authorize the program in fiscal years 2009 through 2013. The Agriculture Act ***of*** 2014 (the 2014 Act) re-authorizes and revises CSP. The purpose ***of*** CSP is to encourage producers to address priority resource concerns and improve and conserve the quality and condition ***of*** the natural resources in a comprehensive manner by: (1) Undertaking additional conservation activities; and (2) improving, maintaining, and managing ***existing*** conservation activities. The Secretary ***of*** Agriculture delegated authority to the Chief, Natural Resources Conservation Service (NRCS), to administer CSP. Through CSP, NRCS provides financial and technical assistance to eligible producers to conserve and enhance soil, water, air, and related natural resources on their land. Eligible lands include private or tribal cropland, grassland, pastureland, rangeland, non-industrial private forest lands and other land in agricultural areas (including cropped woodland, marshes, and agricultural land or capable ***of*** being used for the production ***of*** livestock) on which resource concerns related to agricultural production could be addressed. Participation in the program is voluntary. CSP encourages land stewards to improve their conservation performance by installing and adopting additional activities, and improving, maintaining, and managing ***existing*** activities on eligible land. NRCS makes funding for CSP available nationwide on a continuous application basis.

Statement ***of*** Need: The Agricultural Act ***of*** 2014 (the 2014 Act) amended several ***of*** the Title XII conservation programs and provided for the continued operations ***of*** former programs. NRCS is updating the CSP regulation to incorporate the 2014 Act changes.

Summary ***of*** Legal Basis: The 2014 Act has reauthorized and amended the Conservation Stewardship Program (CSP). CSP was first added to the

Food Security Act ***of*** 1985 (1985 Act) (16 U.S.C. 3801 et seq.) by the Food, Conservation, and Energy Act ***of*** 2008. The program is implemented under the general supervision and direction ***of*** the Chief ***of*** NRCS, ***who*** is a Vice President ***of*** the Commodity Credit Corporation (CCC).

Alternatives: NRCS considered only making the changes mandated by the 2014 Farm Bill. This alternative would have missed opportunities to improve the implementation ***of*** the program. NRCS would consider alternatives suggested during the public comment period.

Anticipated Cost and ***Benefits***: CSP is a voluntary program that encourages agricultural and forestry producers to address priority resource concerns by: (1) Undertaking additional conservation activities, and (2) improving and maintaining ***existing*** conservation systems. CSP provides financial and technical assistance to help land stewards conserve and enhance soil, water, air, and related natural resources on their land.

CSP is available to all producers, regardless ***of*** operation size or crops produced, in all 50 States, the District ***of*** Columbia, and the Caribbean and Pacific Island areas. Eligible lands include cropland, grassland, prairie land, improved pastureland, rangeland, nonindustrial private forest land, and agricultural land under the jurisdiction ***of*** an Indian tribe. Applicants may include individuals, legal entities, joint operations, or Indian tribes.

CSP pays participants for conservation performance the higher the performance, the higher the payment. It provides two possible types ***of*** payments. An annual payment is available for installing new conservation activities and maintaining ***existing*** practices. A supplemental payment is available to participants ***who*** also adopt a resource conserving crop rotation.

Through five-year contracts, NRCS makes payments as soon as practical after October 1 ***of*** each fiscal year for contract activities installed and maintained in the previous year. A person or legal entity may have more than one CSP contract but, for all CSP contracts combined, may not receive more than $40,000 in any year or more than $200,000 during any five-year period.

The primary ***benefits*** associated with this rulemaking are:

Provides continued consistency for the NRCS to implement CSP.

Provides transparency to potential applicants on NRCS program requirements.

The primary costs imposed by this regulation are that all program participants must follow the same basic programmatic requirements, even though they are very different types ***of*** agricultural operations in different resource contexts.

The 2014 Act further identifies CSP as a contributing program authorized to accomplish the purposes ***of*** the Regional Conservation Partnership Program

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(RCPP) (subtitle I ***of*** title XII ***of*** the Food Security Act ***of*** 1985, as amended). RCPP replaces the Agricultural Water Enhancement Program (AWEP), Chesapeake Bay Watershed Program (CBWP), Cooperative Conservation Partnership Initiative (CCPI), and the Great Lakes Basin Program for soil erosion and sediment control. Like the programs it replaces, RCPP will operate through regulations in place for contributing programs. The other contributing programs include the Environmental Quality Incentives Program, the Healthy Forests Reserve Program, and the new Agricultural Conservation Easement Program (ACEP).

Risks: N/A.

Timetable:

Action Date FR Cite

Interim Final Rule..... 11/05/14 79 FR 65835
Interim Final Rule Effective..... 11/05/14 .....
Interim Final Rule Comment Period 01/05/15 .....
End.
Final Rule..... 07/00/15 .....

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Leslie Deavers, Acting Farm Bill Coordinator, Department ***of*** Agriculture, Natural Resources Conservation Service, 1400 Independence Avenue, Washington, DC 20250, Phone: 202 720-5484, Email: leslie.deavers@wdc.usda.gov

RIN: 0578-AA63

BILLING CODE 3410-90-S

DEPARTMENT ***OF*** COMMERCE (DOC)

Statement ***of*** Regulatory and Deregulatory Priorities

Established in 1903, the Department ***of*** Commerce (Commerce) is one ***of*** the oldest Cabinet-level agencies in the Federal ***Government***. Commerce's mission is to create the conditions for economic growth and opportunity by promoting innovation, entrepreneurship, competitiveness, and environmental stewardship. Commerce has 12 operating units, which are responsible for managing a diverse portfolio ***of*** programs and services, ranging from trade promotion and economic development assistance to broadband and the National Weather Service.

Commerce touches Americans daily, in many ways--making possible the daily weather reports and survey research; facilitating technology that all ***of*** us use in the workplace and in the home each day; supporting the development, gathering, and transmission ***of*** information essential to competitive business; enabling the diversity ***of*** companies and goods found in America's and the world's marketplace; and supporting environmental and economic health for the communities in which Americans live.

Commerce has a clear and compelling vision for itself, for its role in the Federal ***Government***, and for its roles supporting the ***American*** people, now and in the future. To achieve this vision, Commerce works in partnership with businesses, universities, communities, and workers to:

Innovate by creating new ideas through cutting-edge science and technology from advances in nanotechnology, to ocean exploration, to broadband deployment, and by protecting ***American*** innovations through the patent and trademark system;

Support entrepreneurship and commercialization by enabling community development and strengthening minority businesses and small manufacturers;

Maintain U.S. economic competitiveness in the global marketplace by promoting exports, ensuring a level playing field for U.S. businesses, and ensuring that technology transfer is consistent with our nation's economic and security interests;

Provide effective management and stewardship ***of*** our nation's resources and assets to ensure sustainable economic opportunities; and

Make informed policy decisions and enable better

understanding ***of*** the economy by providing accurate economic and demographic data.

Commerce is a vital resource base, a tireless advocate, and Cabinet-level voice for job creation.

The Regulatory Plan tracks the most important regulations that implement these policy and program priorities, several ***of*** which involve regulation ***of*** the private sector by Commerce.

Responding to the Administration's Regulatory Philosophy and Principles

The vast majority ***of*** the Commerce's programs and activities do not involve regulation. ***Of*** Commerce's 12 primary operating units, only the National Oceanic and Atmospheric Administration (NOAA) will be planning actions that are considered the ``most important'' significant preregulatory or regulatory actions for FY 2015. During the next year, NOAA plans to publish five rulemaking actions that are designated as Regulatory Plan actions. The Bureau ***of*** Industry and Security (BIS) may also publish rulemaking actions designated as Regulatory Plan actions. Further information on these actions is provided below.

Commerce has a long-standing policy to prohibit the issuance ***of*** any regulation that discriminates on the basis ***of*** race, religion, gender, or any other suspect category and requires that all regulations be written so as to be understandable to those affected by them. The Secretary also requires that Commerce afford the public the maximum possible opportunity to participate in Departmental rulemakings, even where public participation is not required by law.

National Oceanic and Atmospheric Administration

NOAA establishes and administers Federal policy for the conservation and management ***of*** the Nation's oceanic, coastal, and atmospheric resources. It provides a variety ***of*** essential environmental and climate services vital to public safety and to the Nation's economy, such as weather forecasts, drought forecasts, and storm warnings. It is a source ***of*** objective information on the state ***of*** the environment. NOAA plays the lead role in achieving Commerce's goal ***of*** promoting stewardship by providing assessments ***of*** the global environment.

Recognizing that economic growth must go hand-in-hand with environmental stewardship, Commerce, through NOAA, conducts programs

designed to provide a better understanding ***of*** the connections between environmental health, economics, and national security. Commerce's emphasis on ``sustainable fisheries'' is designed to boost long-term

economic growth in a vital sector ***of*** the U.S. economy while conserving the resources in the public trust and minimizing any economic dislocation necessary to ensure long-term economic growth. Commerce is where business and environmental interests intersect, and the classic

debate on the use ***of*** natural resources is transformed into a ``win-win'' situation for the environment and the economy.

Three ***of*** NOAA's major components, the National Marine Fisheries Services (NMFS), the National Ocean Service (NOS), and the National Environmental Satellite, Data, and Information Service (NESDIS), exercise regulatory authority.

NMFS oversees the management and conservation ***of*** the Nation's marine

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fisheries, protects threatened and endangered marine and anadromous

species and marine mammals, and promotes economic development ***of*** the U.S. fishing industry. NOS assists the coastal States in their

management ***of*** land and ocean resources in their coastal zones, including estuarine research reserves; manages the national marine sanctuaries; monitors marine pollution; and directs the national program for deep-seabed minerals and ocean thermal energy. NESDIS administers the civilian weather satellite program and licenses private organizations to operate commercial land-remote sensing satellite systems.

Commerce, through NOAA, has a unique role in promoting stewardship

of the global environment through effective management ***of*** the Nation's marine and coastal resources and in monitoring and predicting changes in the Earth's environment, thus linking trade, development, and technology with environmental issues. NOAA has the primary Federal responsibility for providing sound scientific observations,

assessments, and forecasts ***of*** environmental phenomena on which resource management, adaptation, and other societal decisions can be made.

In the environmental stewardship area, NOAA's goals include: Rebuilding and maintaining strong U.S. fisheries by using market-based tools and ecosystem approaches to management; increasing the

populations ***of*** depleted, threatened, or endangered species and marine

mammals by implementing recovery plans that provide for their recovery while still allowing for economic and recreational opportunities; promoting healthy coastal ecosystems by ensuring that economic development is managed in ways that maintain biodiversity and long-term productivity for sustained use; and modernizing navigation and positioning services. In the environmental assessment and prediction area, goals include: Understanding climate change science and impacts,

and communicating that understanding to ***government*** and private sector stakeholders enabling them to adapt; continually improving the National Weather Service; implementing reliable seasonal and interannual climate forecasts to guide economic planning; providing science-based policy advice on options to deal with very long-term (decadal to centennial) changes in the environment; and advancing and improving short-term warning and forecast services for the entire environment.

Magnuson-Stevens Fishery Conservation and Management Act

Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-

Stevens Act) rulemakings concern the conservation and management ***of*** fishery resources in the U.S. Exclusive Economic Zone (generally 3-200 nautical miles). Among the several hundred rulemakings that NOAA plans

to issue in FY 2015, a number ***of*** the preregulatory and regulatory

actions will be significant. The exact number ***of*** such rulemakings is

unknown, since they are usually initiated by the actions ***of*** eight regional Fishery Management Councils (FMCs) that are responsible for preparing fishery management plans (FMPs) and FMP amendments, and for drafting implementing regulations for each managed fishery. NOAA issues regulations to implement FMPs and FMP amendments. Once a rulemaking is triggered by an FMC, the Magnuson-Stevens Act places stringent deadlines upon NOAA by which it must exercise its rulemaking responsibilities. FMPs and FMP amendments for Atlantic highly migratory species, such as bluefin tuna, swordfish, and sharks, are developed directly by NOAA, not by FMCs.

FMPs address a variety ***of*** issues including maximizing fishing opportunities on healthy stocks, rebuilding overfished stocks, and

addressing gear conflicts. One ***of*** the problems that FMPs may address is

preventing overcapitalization (preventing excess fishing capacity) ***of*** fisheries. This may be resolved by market-based systems such as catch

shares, which permit shareholders to harvest a quantity ***of*** fish and which can be traded on the open market. Harvest limits based on the best available scientific information, whether as a total fishing limit

for a species in a fishery or as a share assigned to each vessel participant, enable stressed stocks to rebuild. Other measures include staggering fishing seasons or limiting gear types to avoid gear conflicts on the fishing grounds and establishing seasonal and area closures to protect fishery stocks.

The FMCs provide a forum for public debate and, using the best scientific information available, make the judgments needed to determine optimum yield on a fishery-by-fishery basis. Optional management measures are examined and selected in accordance with the national standards set forth in the Magnuson-Stevens Act. This process, including the selection ***of*** the preferred management measures, constitutes the development, in simplified form, ***of*** an FMP. The FMP, together with draft implementing regulations and supporting documentation, is submitted to NMFS for review against the national standards set forth in the Magnuson-Stevens Act, in other provisions ***of*** the Act, and other applicable laws. The same process applies to amending an ***existing*** approved FMP.

Marine Mammal Protection Act

The Marine Mammal Protection Act ***of*** 1972 (MMPA) provides the authority for the conservation and management ***of*** marine mammals under U.S. jurisdiction. It expressly prohibits, with certain exceptions, the take ***of*** marine mammals. The MMPA allows NMFS to permit the collection ***of*** wild animals for scientific research or public display or to enhance the survival ***of*** a species or stock. NMFS initiates rulemakings under the MMPA to establish a management regime to reduce marine mammal mortalities and injuries as a result ***of*** interactions with fisheries.

The MMPA also established the Marine Mammal Commission, which makes recommendations to the Secretaries ***of*** the Departments ***of*** Commerce and the Interior and other Federal officials on protecting and conserving marine mammals. The Act underwent significant changes in 1994 to allow for takings incidental to commercial fishing operations, to provide certain exemptions for subsistence and scientific uses, and to require the preparation ***of*** stock assessments for all marine mammal stocks in waters under U.S. jurisdiction.

Endangered Species Act

The Endangered Species Act ***of*** 1973 (ESA) provides for the conservation ***of*** species that are determined to be ``endangered'' or

``threatened,'' and the conservation ***of*** the ecosystems on which these species depend. The ESA authorizes both NMFS and the Fish and Wildlife

Service (FWS) to jointly administer the provisions ***of*** the MMPA. NMFS manages marine and ``anadromous'' species, and FWS manages land and freshwater species. Together, NMFS and FWS work to protect critically

imperiled species from extinction. ***Of*** the approximately 1,300 listed species found in part or entirely in the United States and its waters, NMFS has jurisdiction over approximately 60 species. NMFS' rulemaking actions are focused on determining whether any species under its responsibility is an endangered or threatened species and whether those

species must be added to the list ***of***

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protected species. NMFS is also responsible for designating, reviewing, and revising critical habitat for any listed species. In addition, under the ESA's procedural framework, Federal agencies consult with NMFS on any proposed action authorized, funded, or carried out by that

agency that may affect one ***of*** the listed species or designated critical habitat, or is likely to jeopardize proposed species or adversely modify proposed critical habitat that is under NMFS' jurisdiction.

NOAA's Regulatory Plan Actions

While most ***of*** the rulemakings undertaken by NOAA do not rise to the level necessary to be included in Commerce's regulatory plan, NMFS is

undertaking five actions that rise to the level ***of*** ``most important''

of Commerce's significant regulatory actions and thus are included in

this year's regulatory plan. A description ***of*** the five regulatory plan actions is provided below.

1. Revisions to the General section and Standards 1, 3, and 7 ***of*** the National Standard Guidelines (0648-BB92): This action would propose revisions to the National Standard 1 (NS1) guidelines. National

Standard 1 ***of*** the Magnuson-Stevens Fishery Conservation and Management Act states that ``conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.'' The National Marine Fisheries Service last revised the NS1 Guidelines in 2009 to reflect the requirements enacted by the Magnuson-Stevens

Fishery Conservation and Management Reauthorization Act ***of*** 2006 for annual catch limits and accountability measures to end and prevent

overfishing. Since 2007, the National Marine Fisheries Service (NMFS) and the Regional Fishery Management Councils have been implementing the new annual catch limit and accountability measures requirements. Based on experience gained from implementing annual catch limits and accountability measures, NMFS has developed new perspectives and identified issues regarding the application ***of*** the NS1 guidelines that may warrant them to be revised to more fully meet the intended goal ***of*** preventing overfishing while achieving, on a continuing basis, the optimum yield from each fishery. The focus ***of*** this action is to improve the NS1 guidelines.

2. Proposed Rule To Designate Critical Habitat for North Atlantic Right Whale (0648-AY54): The National Marine Fisheries Service (NMFS) proposes to revise critical habitat for the North Atlantic right whale. This proposal would modify the critical habitat previously designated in 1994.

3. Fishery Management Plan for Regulating Offshore Marine Aquaculture in the Gulf ***of*** Mexico (0648-AS65): The purpose ***of*** this fishery management plan is to develop a regional permitting process for regulating and promoting environmentally sound and economically sustainable aquaculture in the Gulf ***of*** Mexico exclusive economic zone. This fishery management plan consists ***of*** ten actions, each with an associated range ***of*** management alternatives, which would facilitate the permitting ***of*** an estimated 5 to 20 offshore aquaculture operations in the Gulf ***of*** Mexico over the next 10 years, with an estimated annual production ***of*** up to 64 million pounds. By establishing a regional permitting process for aquaculture, the Gulf ***of*** Mexico Fishery Management Council will be positioned to achieve their primary goal ***of*** increasing maximum sustainable yield and optimum yield ***of*** federal fisheries in the Gulf ***of*** Mexico by supplementing harvest ***of*** wild caught species with cultured product. This rulemaking would outline a regulatory permitting process for aquaculture in the Gulf ***of*** Mexico, including: (1) Required permits; (2) duration ***of*** permits; (3) species allowed; (4) designation ***of*** sites for aquaculture; (5) reporting requirements; and (6) regulations to aid in enforcement.

4. Requirements for Importation ***of*** Fish and Fish Products Under the

U.S. Marine Mammal Protection Act (0648-AY15): With this action, the National Marine Fisheries Service is developing procedures to implement the provisions ***of*** section 101(a)(2) ***of*** the Marine Mammal Protection Act for imports ***of*** fish and fish products. Those provisions require the Secretary ***of*** Treasury to ban imports ***of*** fish and fish products from fisheries with bycatch ***of*** marine mammals in excess ***of*** U.S. standards. The provisions further require the Secretary ***of*** Commerce to insist on reasonable proof from exporting nations ***of*** the effects on marine mammals ***of*** bycatch incidental to fisheries that harvest the fish and fish products to be imported.

5. Revised Proposed Rule To Designate Critical Habitat for the Hawaiian Monk Seal (0648-BA81): The National Marine Fisheries Service (NMFS) is developing a rule to designate critical habitat for the Hawaiian monk seal in the main and Northwestern Hawaiian Islands. In response to a 2008 petition from the Center for Biological Diversity, Kahea, and the Ocean Conservancy to revise Hawaiian monk seal critical habitat, NMFS published a proposed rule in June 2011 to revise Hawaiian monk seal critical habitat by adding critical habitat in the main Hawaiian Islands and extending critical habitat in the Northwestern Hawaiian Islands. Proposed critical habitat includes both marine and terrestrial habitats (e.g., foraging areas to 500 meter depth, pupping beaches, etc.). To address public comments on the proposed rule, NOAA Fisheries is augmenting its prior economic analysis to better describe the anticipated costs ***of*** the designation. NOAA Fisheries is analyzing new tracking data to assess monk seal habitat use in the main Hawaiian Islands.

At this time, NOAA is unable to determine the aggregate cost ***of*** the identified Regulatory Plan actions as several ***of*** these actions are currently under development.

Bureau ***of*** Industry and Security

The Bureau ***of*** Industry and Security (BIS) advances U.S. national security, foreign policy, and economic objectives by maintaining and strengthening adaptable, efficient, and effective export control and treaty compliance systems as well as by administering programs to prioritize certain contracts to promote the national defense and to protect and enhance the defense industrial base.

In August 2009, the President directed a broad-based interagency

review ***of*** the U.S. export control system with the goal ***of*** strengthening national security and the competitiveness ***of*** key U.S. manufacturing and technology sectors by focusing on the current threats and adapting to the changing economic and technological landscape. In August 2010, the President outlined an approach under which agencies that administer export controls will apply new criteria for determining what items need to be controlled and a common set ***of*** policies for determining when an export license is required. The control list criteria are to be based on transparent rules, which will reduce the uncertainty faced by our Allies, U.S. industry and its foreign customers, and will allow the ***Government*** to erect higher walls around the most sensitive export items in order to enhance national security.

Under the President's approach, agencies will apply the criteria and revise the lists ***of*** munitions and dual-use items that are controlled for export so that they:

Distinguish the types ***of*** items that should be subject to stricter or more

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permissive levels ***of*** control for different destinations, end-uses, and end-users;

Create a ``bright line'' between the two current control lists to clarify jurisdictional determinations and reduce ***Government*** and industry uncertainty about whether particular items are subject to the control ***of*** the State Department or the Commerce Department; and

Are structurally aligned so that they potentially can be combined into a single list ***of*** controlled items.

BIS' current regulatory plan action is designed to implement the initial phase ***of*** the President's directive, which will add to BIS' export control purview, military related items that the President determines no longer warrant control under rules administered by the State Department.

Major Programs and Activities

BIS administers four sets ***of*** regulations. The Export Administration Regulations (EAR) regulate exports and reexports to protect national security, foreign policy, and short supply interests. The EAR also regulates participation ***of*** U.S. persons in certain boycotts administered by foreign ***Governments***. The National Defense Industrial

Base Regulations provide for prioritization ***of*** certain contracts and allocations ***of*** resources to promote the national defense, require reporting ***of*** foreign ***Government***-imposed offsets in defense sales, and address the effect ***of*** imports on the defense industrial base. The Chemical Weapons Convention Regulations implement declaration, reporting, and on-site inspection requirements in the private sector necessary to meet United States treaty obligations under the Chemical Weapons Convention treaty. The Additional Protocol Regulations implement similar requirements with respect to an agreement between the United States and the International Atomic Energy Agency.

BIS also has an enforcement component with nine offices with enforcement responsibilities covering the United States. BIS export control officers are also stationed at several U.S. embassies and consulates abroad. BIS works with other U.S. ***Government*** agencies to promote coordinated U.S. ***Government*** efforts in export controls and other programs. BIS participates in U.S. ***Government*** efforts to strengthen multilateral export control regimes and to promote effective export controls through cooperation with other ***Governments***.

BIS' Regulatory Plan Actions

As the agency responsible for leading the administration and enforcement ***of*** U.S. export controls on dual-use and other items warranting controls but not under the provisions ***of*** export control regulations administered by other departments, BIS plays a central role in the Administration's efforts to fundamentally reform the export control system. Changing what we control, how we control it and how we enforce and manage our controls will help strengthen our national security by focusing our efforts on controlling the most critical products and technologies, and by enhancing the competitiveness ***of*** key U.S. manufacturing and technology sectors.

In FY 2011, BIS took several steps to implement the President's Export Control Reform Initiative (ECRI). BIS published a final rule (76 FR 35275, June 16, 2011) implementing a license exception that authorizes exports, reexports and transfers to destinations that do not pose a national security concern, provided certain safeguards against diversion to other destinations are taken. BIS also proposed several rules to control under the EAR items that the President has determined do not warrant control under the International Traffic in Arms Regulations (ITAR), administered by the Department ***of*** State rule (76 FR

41957), and its United States Munitions List (USML).

In FY 2012, BIS followed up on its FY 2011 successes with the ECRI and proposed rules that would move items currently controlled in nine categories ***of*** the USML to control under the Commerce Control List (CCL), administered by BIS. In addition, BIS proposed a rule to ease the implementation process for transitioning items and re-proposed a revised key definition from the July 15 Rule, ``specially designed,'' that had received extensive public comment. In FY 2013, after State Department notification to Congress ***of*** the transfer ***of*** items from the USML, BIS expects to be able to publish a final rule incorporating many ***of*** the proposed changes and revisions based on public responses to the proposals.

In FY 2013, BIS activities crossed an important milestone with publication ***of*** two final rules that began to put ECRI policies into place. An Initial Implementation rule (73 FR 22660, April 16, 2013) sets in place the structure under which items the President determines no longer warrant control on the United States Munitions List will be controlled on the Commerce Control List. It also revises license exceptions and regulatory definitions, including the definition ***of*** ``specially designed'' to more make those exceptions and definitions clearer and to more close align them with the International Traffic in Arms Regulations, and adds to the CCL certain military aircraft, gas turbine engines and related items. A second final rule (78 FR 40892, July 8 2012) followed on by adding to the CCL military vehicles, vessels ***of*** war submersible vessels, and auxiliary military equipment that President determined no longer warrant control on the USML.

In FY 2014, BIS continued its emphasis on the ECRI by publishing three final rules adding to the Commerce Control List, items the President determined no long warrant control on the United States Munitions List (including a rule returning jurisdiction over Commercial Satellites to the Department ***of*** Commerce), as follows:

January 2--Control ***of*** Military Training Equipment, Energetic Materials, Personal Protective Equipment, Shelters, Articles Related to Launch Vehicles, Missiles, Rockets, Military Explosives and Related Items;

May 13--Revisions to the Export Administration Regulations (EAR):

Control ***of*** Spacecraft Systems and Related Items the President Determines No Longer Warrant Control Under the United States Munitions List (USML); and

July 1--Revisions to the Export Administration Regulations (EAR):

Control ***of*** Military Electronic Equipment and Other Items the President Determines No Longer Warrant Control Under the United States Munitions List

BIS expects to publish additional ECRI final rules in FY 2015.

Promoting International Regulatory Cooperation

As the President noted in Executive Order 13609, ``international regulatory cooperation, consistent with domestic law and prerogatives

and U.S. trade policy, can be an important means ***of*** promoting'' public health, welfare, safety, and our environment as well as economic growth, innovation, competitiveness, and job creation. Accordingly, in EO 13609, the President requires each executive agency to include in

its Regulatory Plan a summary ***of*** its international regulatory cooperation activities that are reasonably anticipated to lead to significant regulations.

The Department ***of*** Commerce engages with numerous international bodies in

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various forums to promote the Department's priorities and foster

regulations that do not ``impair the ability ***of American*** business to export and compete internationally.'' EO 13609(a). For example, the United States Patent and Trademark Office is working with the European Patent Office to develop a new classification system for both offices'

use. The Bureau ***of*** Industry and Security, along with the Department ***of***

State and Department ***of*** Defense, engages with other countries in the Wassenaar Arrangement, through which the international community

develops a common list ***of*** items that should be subject to export controls because they are conventional arms or items that have both military and civil uses. Other multilateral export control regimes include the Missile Technology Control Regime, the Nuclear Suppliers Group, and the Australia Group, which lists items controlled for chemical and biological weapon nonproliferation purposes. In addition, the National Oceanic and Atmospheric Administration works with other countries' regulatory bodies through regional fishery management organizations to develop fair and internationally-agreed-to fishery standards for the High Seas.

BIS is also engaged, in partnership with the Departments ***of*** State

and Defense, in revising the regulatory framework for export control, through the President's Export Control Reform Initiative (ECRI).

Through this effort, the United States ***Government*** is moving certain items currently controlled by the United States Military List (USML) to the Commerce Control List (CCL) in BIS' Export Administration

Regulations. The objective ***of*** ECRI is to improve interoperability ***of***

U.S. military forces with those ***of*** allied countries, strengthen the U.S. industrial base by, among other things, reducing incentives for foreign manufacturers to design out and avoid U.S.-origin content and

services, and allow export control officials to focus ***Government*** resources on transactions that pose greater concern. Once fully

implemented, the new export control framework also will ***benefit*** companies in the United States seeking to export items through more flexible and less burdensome export controls.

Retrospective Review ***of*** ***Existing*** Regulations

Pursuant to section 6 ***of*** Executive Order 13563 ``Improving Regulation and Regulatory Review'' (Jan. 18, 2011), the Department has identified several rulemakings as being associated with retrospective

review and analysis in the Department's final retrospective review ***of*** regulations plan. Accordingly, the Agency is reviewing these rules to

determine whether action under E.O. 13563 is appropriate. Some ***of*** these entries on this list may be completed actions, which do not appear in The Regulatory Plan. However, more information can be found about these

completed rulemakings in past publications ***of*** the Unified Agenda on Reginfo.gov in the Completed Actions section for the Agency. These rulemakings can also be found on Regulations.gov. The final Agency

retrospective analysis plan can be found at: *http://open.commerce.gov/sites/default/files/Commerce%20Plan%20for%20Retrospective%20Analysis%20of%20Existing%20Rules%20-%202011-08-22%20Final.pdf*

DOC--National Oceanic and Atmospheric Administration (NOAA)

Proposed Rule Stage

33. Requirements for Importation ***of*** Fish and Fish Product Under the U.S. Marine Mammal Protection Act

Priority: Other Significant.
Legal Authority: 16 U.S.C. 1371 et seq.
CFR Citation: 50 CFR 216.
Legal Deadline: None.

Abstract: With this action, NMFS is developing procedures to implement the provisions ***of*** section 101(a)(2) ***of*** the Marine Mammal Protection Act for imports ***of*** fish and fish products. Those provisions require the Secretary ***of*** Treasury to ban imports ***of*** fish and fish products from fisheries with bycatch ***of*** marine mammals in excess ***of*** U.S. standards. The provisions further require the Secretary ***of*** Commerce to insist on reasonable proof from exporting nations ***of*** the effects on marine mammals ***of*** bycatch incidental to fisheries that harvest the fish and fish products to be imported. Implementation ***of*** this rule may have trade implications. However, the impacts will be limited primarily to foreign entities, with no anticipated impacts to U.S. fishermen.

Statement ***of*** Need: The Marine Mammal Protection Act requires that the United States prohibit imports ***of*** fish caught in a manner that results in bycatch ***of*** marine mammals in excess ***of*** U.S. standards.

Summary ***of*** Legal Basis: Marine Mammal Protection Act.

Alternatives: An alternative to this rulemaking that would facilitate marine mammal conservation overseas would be through cooperation and assistance programs. While the U.S. has developed effective bycatch mitigation techniques and applied these in many fisheries, there is no guarantee that these methods will be freely adopted in foreign fisheries. Technical and financial assistance for the development and implementation ***of*** marine mammal bycatch mitigation measures would not be precluded by this rulemaking, but market access incentives will increase the likelihood ***of*** action by harvesting nations exporting to the U.S.

Anticipated Cost and ***Benefits***: Potential ***benefits*** ***of*** this rulemaking include: an incentive for exporting nations to adopt and implement marine mammal conservation standards comparable to the U.S. as a condition for access to the U.S. seafood market, establishing a review process for determining the effectiveness ***of*** mitigation measures adopted by foreign nations; decreasing the likelihood that marine mammal stocks will be further depleted; and increasing the availability ***of*** information on marine mammal distribution and abundance and the threats posed by fisheries interactions. Anticipated costs include:

increased administrative costs ***of*** monitoring trade and making

determinations about foreign fisheries bycatch ***of*** marine mammals; increased costs on seafood importers related to certifying import eligibility, and increased requests for international cooperation and assistance and attendant costs to implement mitigation measures.

Risks: Prohibiting imports from seafood exporting nations that

cause bycatch ***of*** marine mammals in excess ***of*** U.S. standards will

diminish the risk ***of*** further declines in marine mammal stocks that are affected by foreign fisheries.

Timetable:

Action Date FR Cite

ANPRM..... 04/30/10 75 FR 22731
Reopening ANPR comment period..... 07/01/10 75 FR 38070
NPRM..... 02/00/15 .....
Final Action..... 08/00/15 .....

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

International Impacts: This regulatory action will be likely to

have international trade and investment effects, or otherwise be ***of*** international interest.

Agency Contact: Rodney Mcinnis, Director, Office ***of*** International

Affairs, Department ***of*** Commerce, National Oceanic and Atmospheric

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980-4005, Email: *rod.mcinnis@noaa.gov*

Related RIN: Related to 0648-AX36

RIN: 0648-AY15

DOC--NOAA

34. Designation ***of*** Critical Habitat for the North Atlantic Right Whale

Priority: Other Significant.

Legal Authority: 16 U.S.C. 1361 et seq.; 16 U.S.C. 1531 to 1543.

CFR Citation: 50 CFR 226; 50 CFR 229.

Legal Deadline: None.
Abstract: National Marine Fisheries Service proposes to revise critical habitat for the North Atlantic right whale. This proposal would result in modifying the critical habitat that was designated in 1994.

Statement ***of*** Need: Under section 4 ***of*** the Endangered Species Act, NOAA Fisheries is required to designate critical habitat for newly listed species and revise as new information becomes available.

Summary ***of*** Legal Basis: Endangered Species Act
Alternatives: Critical habitat is defined as (i) the specific areas within the geographical area occupied by the species, at the time it is listed, on which are found those physical or biological features (I)

essential to the conservation ***of*** the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed, upon a determination by the Secretary that such areas are

essential for the conservation ***of*** the species. In developing this rule, NOAA Fisheries is analyzing best available information regarding where these areas occur and performing economic impact analysis to inform designation.

Anticipated Cost and ***Benefits***: Because this rule is presently in

the beginning stages ***of*** development, no analysis has been completed at

this time to assess costs and ***benefits***.

Risks: Loss ***of*** critical habitat for a species listed as protected under the ESA and Marine Mammals Protection Act, as well as potential

loss ***of*** right whales due to habitat loss.
Timetable:

Action Date FR Cite

NPRM..... 01/00/15 .....

2Regulatory Flexibility Analysis Required: Yes.
Small Entities Affected: Businesses.

Government Levels Affected: None.

Agency Contact: Donna Wieting, Fishery Biologist, Office ***of***

Protected Resources, Department ***of*** Commerce, National Oceanic and

Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, Phone: 301 713-2322.
RIN: 0648-AY54

DOC--NOAA

35. Revision ***of*** Hawaiian Monk Seal Critical Habitat

Priority: Other Significant.
Legal Authority: 16 U.S.C. 1533
CFR Citation: 50 CFR 226.
Legal Deadline: None.
Abstract: National Oceanic and Atmospheric Administration (NOAA) Fisheries is developing a revised proposed rule to designate critical habitat for the Hawaiian monk seal in the main and Northwestern Hawaiian Islands. In response to a 2008 petition from the Center for Biological Diversity, Kahea, and the Ocean Conservancy to revise Hawaiian monk seal critical habitat, NOAA Fisheries published a proposed rule in June 2011 to revise Hawaiian monk seal critical habitat by adding critical habitat in the main Hawaiian Islands and extending critical habitat in the Northwestern Hawaiian Islands. Proposed critical habitat includes both marine and terrestrial habitats (e.g., foraging areas to 500 meter depth, pupping beaches, etc.). To address public comments on the proposed rule, NOAA Fisheries is augmenting its prior economic analysis to better describe the

anticipated costs ***of*** the designation. NOAA Fisheries is analyzing new tracking data to assess monk seal habitat use in the main Hawaiian Islands.

Statement ***of*** Need: Hawaiian monk seal critical habitat was last designated in 1988. Since the 1988 designation, new information regarding Hawaiian monk seal habitat use has become available. A revision to this designation would allow NMFS to more accurately define those features and areas that are important to support Hawaiian monk

seal conservation by modifying ***existing*** critical habitat in the Northwestern Hawaiian Islands and proposing critical habitat in the main Hawaiian Islands. NMFS published a proposed rule to designate critical habitat in 2011. The agency has made changes to the 2011 proposed rule in response to public comment, and now plans to release a second, revised proposed rule to provide an opportunity for the public to comment on these changes.

Summary ***of*** Legal Basis: Endangered Species Act.
Alternatives: In the 2011 proposed rule, NMFS considered the

alternative ***of*** not revising critical habitat for the Hawaiian monk seal, the alternative ***of*** designating all potential critical habitat areas, and the alternative ***of*** designating a subset ***of*** all potential critical habitat areas, excluding those areas where the ***benefits of*** exclusion outweigh the ***benefits of*** designation in accordance with 4(b)(2) ***of*** the Endangered Species Act. Under the preferred alternative NMFS proposed for designation 10 specific areas in the Northwestern Hawaiian Islands and 6 specific areas in the main Hawaiian Islands which support terrestrial pupping and haul-out areas as well as marine foraging areas. Within four ***of*** the main Hawaiian Islands specific areas, NMFS proposed exclusions to reduce the impacts to national security.

Anticipated Cost and ***Benefits***: The economic analysis is currently being revised to reflect changes in response to public comments received. The primary ***benefit of*** designation is the protection afforded under section 7 ***of*** the Endangered Species Act, requiring all Federal agencies to insure their actions are not likely to destroy or adversely modify designated critical habitat. In addition to these protections, the designation may also result in other forms ***of benefits*** including, but not limited to: Educational awareness and outreach ***benefits***, ***benefits*** to tourism and recreation, and improved or sustained habitat quality. The designation ***of*** critical habitat typically does not impose additional costs in occupied habitat, where Federal agencies are already required to consult with NMFS as a consequence ***of*** the listed species being present. However, in unoccupied habitat the rule may impose administrative costs on Federal agencies as well as costs on Federal agencies and third parties stemming from project modifications to mitigate impacts to critical habitat.

Risks: The Endangered Species Act requires designation ***of*** critical habitat following the listing ***of*** a species. If critical habitat is not designated, the species will not be protected to the extent provided for in the Endangered Species Act, posing a risk to the species continued existence and recovery.

Timetable:

Action Date FR Cite

NPRM..... 06/02/11 76 FR 32026

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Notice ***of*** Public Meetings..... 07/14/11 76 FR 41446
Other..... 06/25/12 77 FR 37867
Second NPRM..... 02/00/15 .....

Regulatory Flexibility Analysis Required: Yes.
Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations.

Government Levels Affected: Federal, Local, State.

Agency Contact: Donna Wieting, Fishery Biologist, Office ***of***

Protected Resources, Department ***of*** Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, Phone: 301 713-2322.
Related RIN: Related to 0648-AX23
RIN: 0648-BA81

DOC--NOAA

36. Revision ***of*** the National Standard 1 Guidelines

Priority: Other Significant.
Legal Authority: 16 U.S.C. 1801 et seq.; Pub. L. 94-265.
CFR Citation: 50 CFR 600.
Legal Deadline: None.
Abstract: This action would propose revisions to the National

Standard 1 (NS1) guidelines. National Standard 1 ***of*** the Magnuson-Stevens Fishery Conservation and Management Act states that conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry. National Oceanic and Atmospheric Administration Fisheries last revised the NS1 Guidelines in 2009 to reflect the requirements enacted by the Magnuson-Stevens

Fishery Conservation and Management Reauthorization Act ***of*** 2006 for annual catch limits and accountability measures to end and prevent overfishing. Since 2007, the National Marine Fisheries Service and the Regional Fishery Management Councils have been implementing the new annual catch limit and accountability measures requirements. Based on experience gained from implementing annual catch limits and accountability measures, NMFS has developed new perspectives and

identified issues regarding the application ***of*** the NS1 guidelines that may warrant them to be revised to more fully meet the intended goal ***of*** preventing overfishing while achieving, on a continuing basis, the optimum yield from each fishery. The focus ***of*** this action is to improve the NS1 guidelines.

Statement ***of*** Need: Since 2007, fisheries management within the U.S. has experienced many changes, in particular the implementation ***of*** annual catch limits and accountability measures under all fishery management plans. Based on this experience, the NMFS believes the National Standard guidelines can be improved to enhance the utility ***of*** the guidelines for managers and the public. The objective ***of*** the proposed revisions is to improve and streamline the guidelines, address concerns raised during the implementation ***of*** annual catch limits and accountability measures, and provide flexibility within current statutory limits to address fishery management issues.

Summary ***of*** Legal Basis: Magnuson-Stevens Fishery Conservation and Management Act.

Alternatives: The rule attempts to improve fisheries management by proposing alternatives that clarify guidance in the following topic areas: (1) Identifying fishery management objectives; (2) identifying whether stocks require conservation and management; (3) managing data limited stocks; (4) stock complexes; (5) aggregate maximum sustainable yield estimates; (6) depleted stocks; (7) multi-year overfishing determinations; (8) optimum yield; (9) acceptable biological catch control rules; (10) accountability measures; (11) establishing annual catch limits and accountability measures mechanisms in Fishery Management Plans; and (12) flexibility in rebuilding stocks.

Anticipated Cost and ***Benefits***: The changes to the guidelines would not establish any new requirements and thus are technical in nature. As such, the changes would allow, but do not require the Fishery Management Councils or the Secretary ***of*** Commerce, to make changes to their Fishery Management Plans. Because changes to the guidelines would not directly alter the behavior ***of*** any entities that operate in federally managed fisheries, no direct economic effects are expected to result from this action. The potential ***benefits of*** revising the National Standard guidelines include: improving and streamlining the guidance, providing additional clarity, and providing flexibility to address fishery management issues.

Risks: NMFS anticipates that a revision to the National Standard guidelines would enhance the utility ***of*** the guidelines. NMFS does not foresee any risks associated with revising the National Standard guidelines.

Timetable:

Action	Date	FR Cite
ANPRM	05/03/12	77 FR 26238
ANPRM Comment Period Extended	07/03/12	77 FR 39459
NPRM	12/00/14	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal.

Agency Contact: Alan Risenhoover, Director, Office ***of*** Sustainable Fisheries, Department ***of*** Commerce, National Oceanic and Atmospheric Administration, Room 13362, 1315 East-West Highway, Silver Spring, MD 20910, Phone: 301 713-2334, Fax: 301 713-0596, Email: *alan.risenhoover@noaa.gov*

Related RIN: Related to 0648-AV60

RIN: 0648-BB92

DOC--NOAA

Final Rule Stage

37. Fishery Management Plan for Regulating Offshore Marine Aquaculture in the Gulf ***of*** Mexico

Priority: Other Significant.

Legal Authority: 16 U.S.C. 1801 et seq.

CFR Citation: 50 CFR 622.

Legal Deadline: None.

Abstract: The purpose ***of*** this fishery management plan is to develop a regional permitting process for regulating and promoting environmentally sound and economically sustainable aquaculture in the Gulf ***of*** Mexico exclusive economic zone. This fishery management plan consists ***of*** ten actions, each with an associated range ***of*** management alternatives, which would facilitate the permitting ***of*** an estimated 5

to 20 offshore aquaculture operations in the Gulf ***of*** Mexico over the next 10 years, with an estimated annual production ***of*** up to 64 million pounds. By establishing a regional permitting process for aquaculture, the Gulf ***of*** Mexico Fishery Management Council will be positioned to achieve their primary goal ***of*** increasing maximum sustainable yield and optimum yield ***of*** federal fisheries in the Gulf ***of*** Mexico by supplementing harvest ***of*** wild caught species with cultured product. This rulemaking would outline a regulatory permitting process for aquaculture in the Gulf ***of*** Mexico, including: (1) Required permits; (2) duration ***of*** permits; (3) species allowed;

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(4) designation ***of*** sites for aquaculture; (5) reporting requirements; and (6) regulations to aid in enforcement.

Statement ***of*** Need: Demand for protein is increasing in the United States and commercial wild-capture fisheries will not likely be adequate to meet this growing demand. Aquaculture is one method to meet current and future demands for seafood. Supplementing the harvest ***of*** domestic fisheries with cultured product will help the U.S. meet consumers' growing demand for seafood and may reduce the Nation's dependence on seafood imports. Currently, the U.S. imports over 80 percent ***of*** the seafood consumed in the country, and the annual U.S seafood trade deficit is at an all time high ***of*** over $9 billion.

Summary ***of*** Legal Basis: Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq.
Alternatives: The Council's Aquaculture FMP includes 10 actions, each with an associated range ***of*** alternatives. These actions and alternatives are collectively intended to establish a regional permitting process for offshore aquaculture. Management actions in the FMP include: (1) Aquaculture permit requirements, eligibility, and transferability; (2) duration aquaculture permits are effective; (3) aquaculture application requirements, operational requirements, and restrictions; (4) species allowed for aquaculture; (5) allowable aquaculture systems; (6) marine aquaculture siting requirements and conditions; (7) restricted access zones for aquaculture facilities; (8) recordkeeping and reporting requirements; (9) biological reference points and status determination criteria; and (10) framework procedures

for modifying biological reference points and regulatory measures.

Anticipated Cost and ***Benefits***: Environmental and social/economic costs and ***benefits*** are described in detail in the Council's Aquaculture FMP. Potential ***benefits*** include: establishing a rigorous review process for reviewing and approving/denying aquaculture permits; increasing optimum yield by supplementing the harvest ***of*** wild domestic fisheries with cultured products; and reducing the Nation's dependence on imported seafood. Anticipated costs include increased administration and oversight ***of*** an aquaculture permitting process, and potential negative environmental impacts to wild marine resources. Approval ***of*** an aquaculture permitting system may also ***benefit*** fishing communities by creating new jobs.

Risks: Currently, 90% ***of*** seafood consumed in the United States is imported. Offshore aquaculture operations will aid in meeting the increasing demand for seafood and improve U.S. food security.

Timetable:

Action Date FR Cite

Notice ***of*** Availability..... 06/04/09 74 FR 26829
NPRM..... 08/28/14 79 FR 26829
Final Action..... 05/00/15 .....

Regulatory Flexibility Analysis Required: Yes.
Small Entities Affected: Businesses.

Government Levels Affected: None.
Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department ***of*** Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, Phone: 727 824-5305, Fax: 727 824-5308, Email: roy.crabtree@noaa.gov
RIN: 0648-AS65
BILLING CODE 3510-12-P

DEPARTMENT ***OF*** DEFENSE

Statement ***of*** Regulatory Priorities

Background

The Department ***of*** Defense (DoD) is the largest Federal department, consisting ***of*** three Military departments (Army, Navy, and Air Force), nine Unified Combatant Commands, 17 Defense Agencies, and ten DoD Field Activities. It has 1,357,218 military personnel and 853,102 civilians assigned as ***of*** June 30, 2014, and over 200 large and medium installations in the continental United States, U. S. territories, and foreign countries. The overall size, composition, and dispersion ***of*** DoD, coupled with an innovative regulatory program, presents a challenge to the management ***of*** the Defense regulatory efforts under Executive Order 12866 ``Regulatory Planning and Review'' ***of*** September 30, 1993.

Because ***of*** its diversified nature, DoD is affected by the regulations issued by regulatory agencies such as the Departments ***of*** Commerce, Energy, Health and Human Services, Housing and Urban Development, Labor, State, Transportation, and the Environmental Protection Agency. In order to develop the best possible regulations that embody the principles and objectives embedded in E.O. 12866, there must be coordination ***of*** proposed regulations among the regulatory agencies and the affected DoD components. Coordinating the proposed regulations in advance throughout an organization as large as DoD is a straightforward, yet formidable, undertaking.

DoD issues regulations that have an effect on the public and can be significant as defined in E.O. 12866. In addition, some ***of*** DoD's regulations may affect other agencies. DoD, as an integral part ***of*** its program, not only receives coordinating actions from other agencies, but coordinates with the agencies that are affected by its regulations as well.

Overall Priorities

The Department needs to function at a reasonable cost, while ensuring that it does not impose ineffective and unnecessarily burdensome regulations on the public. The rulemaking process should be responsive, efficient, cost-effective, and both fair and perceived as fair. This is being done in DoD while reacting to the contradictory pressures ***of*** providing more services with fewer resources. The Department ***of*** Defense, as a matter ***of*** overall priority for its regulatory program, fully incorporates the provisions ***of*** the

President's priorities and objectives under Executive Order (E.O.) 12866.

International Regulatory Cooperation

As the President noted in Executive Order 13609, ``international regulatory cooperation, consistent with domestic law and prerogatives and U.S. trade policy, can be an important means ***of*** promoting'' public health, welfare, safety, and our environment as well as economic growth, innovation, competitiveness, and job creation. Accordingly, in Executive Order 13609, the President requires each executive agency to include in its Regulatory Plan a summary ***of*** its international regulatory cooperation activities that are reasonably anticipated to lead to significant regulations.

The Department ***of*** Defense, along with the Department ***of*** State and the Department ***of*** Commerce, engages with other countries in the Wassenaar Arrangement, through which the international community develops a common list ***of*** items that should be subject to export controls.

Retrospective Review ***of*** ***Existing*** Regulations

Pursuant to section 6 ***of*** Executive Order 13563 ``Improving Regulation and Regulatory Review (January 18, 2011), the following Regulatory Identifier Numbers (RINs) have been identified as associated with retrospective review and analysis in the Department's final retrospective review ***of*** regulations plan.

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All are ***of*** particular interest to small businesses. Some ***of*** these entries on this list may be completed actions, which do not appear in The Regulatory Plan. However, more information can be found about these completed rulemakings in past publications ***of*** the Unified Agenda on Reginfo.gov in the Completed Actions section for that agency. These rulemakings can also be found on Regulations.gov. The final agency plan and all updates to the plan can be found at: *http://www.regulations.gov/#!docketDetail;D=DOD-2011-OS-0036*.

Rule title (* expected to significantly
RIN reduce burdens on small businesses)

0701-AA76..... Air Force Freedom ***of*** Information Act

Program.
0701-AA77..... Air Force Privacy Act Program.
0703-AA87..... United States Navy Regulations and Official Records.
0703-AA90..... Guidelines for Archaeological Investigation Permits and Other Research on Sunken Military Craft and Terrestrial Military Craft Under the Jurisdiction ***of*** the Department ***of*** the Navy.
0703-AA91..... Unofficial Use ***of*** the Seal, Emblem, Names, or Initials ***of*** the Marine Corps.
0703-AA92..... Professional Conduct ***of*** Attorneys Practicing Under the Cognizance and Supervision ***of*** the Judge Advocate General.
0710-AA66..... Civil Monetary Penalty Inflation Adjustment Rule.
0710-AA60..... Nationwide Permit Program Regulations.*
0750-AG47..... Safeguarding Unclassified Controlled Technical Information (DFARS Case 2011-D039).
0750-AG62..... Patents, Data, and Copyrights (DFARS Case 2010-D001).
0750-AH11..... Only One Offer (DFARS Case 2011-D013).
0750-AH19..... Accelerated Payments to Small Business (DFARS Case 2011-D008).
0750-AH54..... Performance-Based Payments (DFARS Case 2011-D045).
0750-AH70..... Defense Trade Cooperation Treaty With Australia and the United Kingdom (DFARS Case 2012-D034).
0750-AH86..... Forward Pricing Rate Proposal Adequacy Checklist (DFARS Case 2012-D035).
0750-AH87..... System for Award Management Name Changes, Phase 1 Implementation (DFARS Case 2012-D053).
0750-AH90..... Clauses With Alternates.
0750-AH94.....
0750-AH95.....
0750-AI02.....
0750-AI10.....

0750-AI19.....
0750-AI27.....

0750-AI03..... Approval ***of*** Rental Waiver Requests (DFARS Case 2013-D006).

0750-AI07..... Storage, Treatment, and Disposal ***of*** Toxic or Hazardous Materials_Statutory Update (DFARS Case 2013-D013).
0750-AI18..... Photovoltaic Devices (DFARS Case 2014-D006).

0750-AI34..... State Sponsors ***of*** Terrorism (DFARS Case 2014-D014).

0790-AI24..... DoD Freedom ***of*** Information Act (FOIA) Program Regulation.
0790-AI30..... Defense Contract Management Agency (DCMA) Privacy Program.
0790-AI42..... Personnel Security Program.

0790-AI51..... DoD Freedom ***of*** Information Act (FOIA) Program; Amendment.

0790-AI54..... Defense Support ***of*** Civilian Law Enforcement Agencies.
0790-AI63..... Alternative Dispute Resolution.
0790-AI71..... National Industrial Security Program (NISP):

Procedures for ***Government*** Activities Relating to Foreign Ownership, Control or Influence (FOCI).

0790-AI73..... Withholding ***of*** Unclassified Technical Data From Public Disclosure.

0790-AI75..... Presentation ***of*** DoD-Related Scientific and Technical Papers at Meetings.

0790-AI77..... Provision ***of*** Early Intervention and Special Education Services to Eligible DoD Dependents.
0790-AI84..... National Defense Science and Engineering Graduate (NDSEG) Fellowships.
0790-AI86..... Defense Logistics Agency Privacy Program.

0790-AI87..... Defense Logistics Agency Freedom ***of*** Information Act Program.
0790-AI88..... Shelter for the Homeless.

0790-AI90..... DoD Assistance to Non-***Government***,

Entertainment-Oriented Media Productions.
0790-AI92..... Inspector General; Privacy Act;
Implementation.
0790-AJ00..... Civilian Employment and Reemployment Rights

of Applicants for, and Service Members and

Former Service Members, ***of*** the Uniformed
Services.
0790-AJ03..... DoD Privacy Program.

0790-AJ04..... Unlawful Discrimination (On the Basis ***of***
Race, Color, National Origin, or Age in
Programs or Activities Receiving Federal
Financial Assistance From the DoD).
0790-AJ05..... End Use Certificates (EUCs).
0790-AJ06..... Voluntary Education Programs.

0790-AJ07..... Historical Research in the Files ***of*** the

Office ***of*** the Secretary ***of*** Defense (OSD).

0790-AJ10..... Enhancement ***of*** Protections on Consumer

Credit for Members ***of*** the Armed Forces and
Their Dependents.
0790-AJ20..... DoD Privacy Program
Pursuant to Executive Order 13563, DoD also

removed 32 CFR part 513, ``Indebtedness ***of***
Military Personnel,'' because the part is
obsolete and the governing policy is now
codified at 32 CFR part 112.

Administration Priorities

1. Rulemakings That Are Expected To Have High Net ***Benefits*** Well in

Excess ***of*** Costs
The Department plans to--

Finalize the DFARS rule to implement section 806 ***of*** the
National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2011, as

amended by section 806 ***of*** the NDAA for FY 2013. Section 806 requires

the evaluation ***of*** offerors' supply chain risks for information
technology purchases relating to national security systems. This rule
enables agencies to exclude sources that are identified as having a
supply chain risk in order to minimize

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the potential risk for purchased supplies and services to maliciously introduce unwanted functions and degrade the integrity and operation ***of*** sensitive information technology systems.

Finalize the DFARS rule to provide guidance to contractors for the submittal ***of*** forward pricing rate proposals to ensure the adequacy ***of*** forward pricing rate proposals submitted to the ***Government***. The rule provides guidance to contractors to ensure that forward pricing rate proposals are thorough, accurate, and complete.

Finalize the DFARS rule to implement section 1602 ***of*** the NDAA for FY 2014. Section 1602 prohibits award ***of*** a contract for commercial satellite services from certain foreign entities if the Secretary ***of*** Defense reasonably believes that the foreign entity is one in which the ***government of*** a foreign country has an ownership interest that enables the ***government*** to affect satellite operations. There is a potential risk to national security if DoD uses commercial satellite services for DoD communications and the ***government of*** a covered foreign country has an ownership interest that enables the ***government*** to affect satellite operations. Likewise, if launch or other satellite services under the contract are occurring in a covered country, the ***government of*** that country could impact the ability ***of*** the foreign entity to adequately provide those services.

2. Rulemakings ***of*** Particular Interest to Small Businesses

The Department plans to--

Finalize the DFARS rule to delete text in DFARS part 219 that implemented 10 U.S.C. 2323 because 10 U.S.C. 2323 has expired.

Removal ***of*** the obsolete implementing coverage for 10 U.S.C. 2323 will bring DFARS up to date and provide accurate and indisputable regulations affecting the small business and vendor communities. 10 U.S.C. 2323 had provided the underlying statutory authority for DoD's Small Disadvantaged Business (SDB) Program and served as the basis for DoD's use ***of*** certain solicitation techniques to further its SDB participation rate. Notwithstanding removal ***of*** this statutory authority from the DFARS, DoD's fundamental procurement policies continue to provide strong support for SDB participation as evidenced by DoD meeting or exceeding the annual Governmentwide statutory SDB prime

contracting goals since 2001.

Through ``Policy for Domestic, Municipal, and Industrial Water Supply Uses ***of*** Reservoir Projects Operated by the Department ***of*** the Army, U.S. Army Corps ***of*** Engineers,'' (RIN 0710-AA72), update and clarify the policies governing the use ***of*** storage in U.S. Army Corps ***of*** Engineers reservoir projects for domestic, municipal, and industrial water supply.

3. Rulemakings That Streamline Regulations, Reduce Unjustified Burdens, and Minimize Burdens on Small Businesses

The Department plans to--

Finalize the DFARS rule to implement section 802 ***of*** the NDAA for FY 2012 to allow a covered litigation support contractor access to technical, proprietary, or confidential data for the sole purpose ***of*** providing litigation support. DFARS Case 2012-D029, Disclosure to Litigation Support to Contractors, pertains.

Finalize the DFARS rule to require scientific and technical reports be submitted in electronic format. This rule, DFARS Case 2014-D0001, will streamline the submission process by no longer requiring the electronically initiated report to be printed for submission.

4. Rules To Be Modified, Streamlined, Expanded, or Repealed To Make the Agency's Regulatory Program More Effective or Less Burdensome in Achieving the Regulatory Objectives

DFARS Cases 2013-D005, Clauses with Alternates--Foreign Acquisition, 2013-D025, Clauses with Alternates--Taxes, and 2014-D004, Clauses with Alternates--Special Contracting Methods, Major System Acquisition, and Service Contract--Propose a new convention for prescribing clauses with alternates to provide alternate clauses in full text. This will facilitate selection ***of*** alternate clauses using automated contract writing systems. The inclusion ***of*** the full text ***of*** the alternate clauses in the regulation for use in solicitations and contracts should make the terms ***of*** the alternate clauses clearer to offerors and contractors by clarifying paragraph substitutions. As a result, inapplicable paragraphs from the basic clause that are superseded by the alternate will not be included in solicitations or contracts, reducing the potential for confusion.

Finalize the rule for DFARS, DFARS Case 2014-D014, State Sponsors ***of*** Terrorism, to clarify and relocate coverage relating to state sponsors ***of*** terrorism, add an explicit representation, and

conform the terminology to replace the term ``terrorist country'' with the more accurate term ``country that is a state sponsor ***of*** terrorism.'' DFARS subpart 209.1 text is being relocated to subpart 225.7. Subpart 225.7 is a better location because the prohibition is based on ownership or control ***of*** an offeror by the ***government*** ***of*** specified countries, rather than the responsibility ***of*** the individual offeror. Correspondingly, the provision at 252.209-7001 is being removed and replaced by a newly proposed provision 252.225-70XX.

5. Rulemakings That Have a Significant International Impact

Finalize the rule to revise the DFARS to improve awareness, compliance, and enforcement ***of*** DoD policies on combating trafficking in persons. The rule will further improve stability, productivity, and certainty in the contingency operations that DoD supports and ensure that DoD contractors do not ***benefit*** from the use ***of*** coerced labor.

Specific DoD Priorities

For this regulatory plan, there are six specific DoD priorities, all ***of*** which reflect the established regulatory principles. DoD has focused its regulatory resources on the most serious environmental, health, and safety risks. Perhaps most significant is that each ***of*** the priorities described below promulgates regulations to offset the resource impacts ***of*** Federal decisions on the public or to improve the quality ***of*** public life, such as those regulations concerning acquisition, health affairs, education, and cyber security.

1. Defense Procurement and Acquisition Policy

The Department ***of*** Defense continuously reviews the DFARS and continues to lead ***Government*** efforts to--

Revise the DFARS to improve presentation and clarity ***of*** the regulations by (1) initiating a new convention to construct clauses with alternates in a manner whereby the alternate clauses are included in full text making the terms ***of*** the alternates clearer by clarifying paragraph substitutions and (2) streamline the DFARS by screening the text to identify any DoD procedural guidance that does not have a significant effect beyond the internal operating procedures ***of*** DoD or have a significant cost or administrative impact on contractors or offerors, which should be more correctly relocated from the DFARS to the DFARS Procedures, Guidance, and Information (PGI).

Employ methods to facilitate and improve efficiency ***of*** the contracting process such as (1) employing a checklist to assist

contractors in providing initial submission ***of*** FPRA proposals that are thorough, accurate, and complete and (2) requiring

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scientific and technical reports to be submitted electronically.

2. Health Affairs, Department ***of*** Defense

The Department ***of*** Defense is able to meet its dual mission ***of*** wartime readiness and peacetime health care by operating an extensive

network ***of*** medical treatment facilities. This network includes DoD's own military treatment facilities supplemented by civilian health care providers, facilities, and services under contract to DoD through the TRICARE program. TRICARE is a major health care program designed to

improve the management and integration ***of*** DoD's health care delivery system. The program's goal is to increase access to health care services, improve health care quality, and control health care costs.

The Defense Health Agency plans to publish the following rule:

Final Rule: CHAMPUS/TRICARE: Pilot Program for Refills ***of*** Maintenance Medications for TRICARE Life Beneficiaries through the

TRICARE Mail Order Program. This final rule implements section 716 ***of*** the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112-239), which establishes a 5-year pilot program that would generally require TRICARE for Life beneficiaries to obtain all refill prescriptions for covered maintenance medications from the TRICARE mail order program or military treatment facility pharmacies. Covered maintenance medications are those that involve recurring prescriptions for chronic conditions, but do not include medications to treat acute

conditions. Beneficiaries may opt out ***of*** the pilot program after one

year ***of*** participation. This rule includes procedures to assist beneficiaries in transferring covered prescriptions to the mail order pharmacy program. The interim final rule was published December 11,

2013 (78 FR 75245) with an effective date ***of*** February 14, 2014. DoD

anticipates publishing a final rule in the first quarter ***of*** FY 2015.

3. Personnel and Readiness, Department ***of*** Defense

The Department ***of*** Defense plans to publish a rule regarding Service Academies:

Final Rule: Service Academies. This rule establishes policy, assigns responsibilities, and prescribes procedures for Department ***of*** Defense oversight ***of*** the Service Academies. Administrative costs are negligible, and ***benefits*** are clear, concise rules that enable the Secretary ***of*** Defense to ensure that the Service Academies are efficiently operated and meet the needs ***of*** the armed forces. The proposed rule was published October 18, 2007 (72 FR 59053), and included policy that has since changed. The final rule, particularly the explanation ***of*** separation policy, will reflect recent changes in the ``Don't Ask, Don't Tell'' policy. It will also incorporate changes resulting from interagency coordination. DoD anticipates publishing the final rule in the first or second quarter ***of*** FY 2015.

4. Military Community and Family Policy, Department ***of*** Defense

The Department ***of*** Defense has proposed a revision to the regulation implementing the Military Lending Act, which prescribes limitations on the terms ***of*** consumer credit extended to Service members and dependents:

Proposed Rule: Limitations on Terms ***of*** Consumer Credit Extended to Service Members and Dependents. In this proposed rule, the Department ***of*** Defense (Department) proposes to amend its regulation that implements the Military Lending Act, herein referred to as the ``MLA''. Among other protections for Service members, the MLA limits the amount ***of*** interest that a creditor may charge on ``consumer credit'' to a maximum annual percentage rate ***of*** 36 percent. The Department proposed to amend its ***existing*** regulation primarily for the purpose ***of*** extending the protections ***of*** the MLA to a broader range ***of*** closed-end and open-end credit products, rather than the limited credit products currently defined as consumer credit. In addition, the Department proposed to amend its ***existing*** regulation to amend the provisions governing a tool a creditor may use in assessing whether a consumer is a ``covered borrower,'' modify the disclosures that a creditor must provide to a covered borrower implement the enforcement provisions ***of*** the MLA, as amended, among other purposes. The revisions to this rule are part ***of*** DoD's retrospective plan under Executive Order

13563 completed in August 2011.

5. Chief Information Officer, Department ***of*** Defense

The Department ***of*** Defense plans to amend the voluntary cyber security information sharing program between DoD and eligible cleared defense contractors:
Proposed Rule: Defense Industrial Base (DIB) Voluntary Cyber Security/Information Assurance (CS/IA) Activities. The Department proposes to amend the DoD-DIB CS/IA Voluntary Activities regulation (32 CFR part 236) in response to section 941 National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013, which requires the Secretary ***of*** Defense to establish procedures that require each cleared defense contractor (CDC) to report to DoD when a network or information system has a cyber-intrusion. The revised rule also expands eligibility to participate in the DIB CS/IA voluntary cyber threat information sharing program to all CDCs. DoD anticipates publishing a proposed rule in the first or second quarter ***of*** FY 2015.

DOD--OFFICE ***OF*** THE SECRETARY (OS)

Proposed Rule Stage

38. Limitations on Terms ***of*** Consumer Credit Extended to Service Members and Dependents

Priority: Economically Significant. Major under 5 U.S.C. 801.
Legal Authority: 10 U.S.C. 987
CFR Citation: 32 CFR 232.
Legal Deadline: None.

Abstract: The Department ***of*** Defense (``Department'') proposes to amend its regulation that implements the Military Lending Act, herein referred to as the ``MLA.'' Among other protections for servicemembers, the MLA limits the amount ***of*** interest that a creditor may charge on ``consumer credit'' to a maximum annual percentage rate ***of*** 36 percent. The Department is proposing to amend its ***existing*** regulation primarily for the purpose ***of*** extending the protections ***of*** the MLA to a broader range ***of*** closed-end and open-end credit products, rather than the limited credit products currently defined as consumer credit. In addition, the Department is proposing to amend its ***existing*** regulation to amend the provisions governing a tool a creditor may use in assessing whether a consumer is a ``covered borrower,'' modify the

disclosures that a creditor must provide to a covered borrower,

implement the enforcement provisions ***of*** the MLA, as amended, and for

other purposes. The revisions to this rule are part ***of*** DoD's
retrospective plan under Executive Order 13563 completed in August

2011. DoD's full plan can be accessed at: *http://exchange.regulations.gov/exchange/topic/eo-13563*.

Statement ***of*** Need: This regulation identifies the negative impact

of high-cost consumer credit lending on servicemembers and their

dependents quality ***of*** life and on general troop readiness.
Servicemembers are younger than the population as a whole with 43

percent 25 years old or less. Thirty-five percent ***of*** enlisted
servicemembers in

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the grades E1-E4 are married and 20 percent ***of*** them have children. This

is compared with approximately 12 percent ***of*** their contemporaries in

the U.S. population 18 through 24 ***who*** are married (2012 U.S. Census

Bureau). The majority ***of*** recruits come to the military from high school
with little financial literacy education.
The initial indoctrination provided to servicemembers is critical
providing basic requirements for their professional and personal
responsibilities and their successful adjustment to military life. Part

of this training is in personal finance which is an integral part ***of***

their personal and often professional success. The Department ***of***
Defense (the Department) continues to provide them messages to save,
invest, and manage their money wisely throughout their career.

A major concern ***of*** the Department has been the debt accumulation ***of***
some servicemembers and the continued financial turmoil caused by their

use ***of*** credit particularly high-cost credit. The regulation has

provided limitation on the use ***of*** credit posing the most significant
concerns (short-term high-cost credit secured by pay, vehicle title, or

tax return). Other forms ***of*** high-cost credit outside ***of*** the definitions
in the regulation have been developed since the regulation was
initially released in 2007 and the proposed changes to the regulation
have been developed in part to extend protections to servicemembers and
their families to cover these new developments.
The Department views the support provided to military families as

essential to sustaining force readiness and military capability. From this perspective it is not sufficient for the Department to train servicemembers on how best to use their financial resources. Financial protections are an important part ***of*** fulfilling the Departments compact with servicemembers and their families and most importantly ***of*** sustaining force readiness and military capability.

Summary ***of*** Legal Basis: Public Law 109-364 the John Warner National Defense Authorization Act for Fiscal Year 2007 670 Limitations on Terms ***of*** Consumer Credit Extended to Servicemembers and Dependents (October 17 2006). Section 670 ***of*** Public Law 109-364 which was codified as 10 U.S.C. 987 requires the Secretary ***of*** Defense to prescribe regulations to carry out the new section.

Alternatives: No other regulatory alternatives are available. Education represents a non-regulatory alternative that is an important aspect ***of*** the overall protection provided servicemembers and their families. However education has not been proven to change behavior and has not been sufficient to prepare many ***of*** servicemembers to avoid financial products and services that can cause them financial harm. This regulation works in tandem with on-going efforts to educate Service members and prepare them to manage their finances.

Anticipated Cost and ***Benefits***: Increased costs to the creditors as a result ***of*** the Regulation have been articulated in the Paperwork Reduction Act Submission as part ***of*** the EO 12866 review. The Department anticipates that its regulation, if adopted as proposed, might impose costs ***of*** approximately $96 million during the first year, as creditors adapt their systems to comply with the requirements ***of*** the MLA and the Department's regulation. However, after the first year and on an ongoing basis, the annual effect on the economy is expected to be between approximately $7 million net (quantitative) costs and $117 million net (quantitative) ***benefits***. The potentially anticipated net ***benefits*** ***of*** the proposed regulation are attributable to the cost savings to the Department that would result from the reduction in involuntary separations ***of*** Service members due to financial distress; at some points in the range ***of*** estimates the Department has used to assess the proposal, these savings are estimated to exceed the compliance costs that would be borne by creditors.

Risks: The Regulation currently covers payday loans, vehicle-title loans, and tax refund anticipation loans (RALs). Some other credit products with favorable terms as well as terms that can increase the interest rate well beyond the limits prescribed by 10 U.S.C. 987 were not initially covered by the regulation. However access to payday and vehicle title loans has changed to include variations that are no longer covered by the regulation and there are other high-cost credit products that have become more ***of*** an issue for servicemembers and their families ***who*** have over extended their credit.

The regulation continues to complement other actions taken by the Department to include initial and follow-on financial education financial awareness campaigns savings campaigns free financial counseling at military installations and available 24 hours 7 days per week through Military OneSource. To complement these efforts Military Aid Societies provide grants and no-interest loans and a growing number ***of*** financial institutions located on military installations are providing low-cost small-dollar loans.

Timetable:

Action Date FR Cite

ANPRM..... 06/17/13 78 FR 36134
ANPRM Comment Period End..... 08/01/13 .....
NPRM..... 09/29/14 79 FR 58601
NPRM Comment Period End..... 11/28/14 .....
Final Action..... 05/00/15 .....

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Marcus Beauregard, Department ***of*** Defense, Office ***of*** the Secretary, 4000 Defense Pentagon, Washington, DC 20301-4000, Phone: 571 372-5357.

RIN: 0790-AJ10

DOD--OS

39. Defense Industrial Base (DIB) Cyber Security/Information Assurance (CS/IA) Activities: Amendment

Priority: Other Significant.
Legal Authority: EO 12829

CFR Citation: 32 CFR 236.
Legal Deadline: None.
Abstract: This rule amends the DoD-DIB CS/IA Voluntary Activities regulation in response to section 941 National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013 which requires the Secretary ***of*** Defense to establish procedures that require each cleared defense contractor (CDC) to report when a network or information system that meets the criteria reports cyber intrusions.

Statement ***of*** Need: The Department ***of*** Defense (DoD) will amend the DoD-DIB CS/IA Voluntary Activities (32 CFR part 236) regulation to incorporate changes as required by section 941 NDAA for FY 2013 to include mandated cyber intrusion incident reporting by all cleared defense contractors (CDCs).

Summary ***of*** Legal Basis: This regulation is proposed under the authorities ***of*** section 941 NDAA for FY 2013.
Alternatives: DoD analyzed the requirements in section 941 NDAA for FY 2013 and determined that implementation must be accomplished through the rulemaking process. This will allow the public to comment on the implementation strategy.

Anticipated Cost and ***Benefits***: Implementing the amended rule to meet the requirements ***of*** section 941 NDAA for FY 2013 affects approximately 8,700 CDCs. Each company will require DoD approved, medium assured certificates

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to submit the mandatory cyber incident reporting to the DoD-access controlled Web site. The cost per certificate is $175. In addition, it is estimated that the average burden per reported incident is 7 hours, which includes identifying the cyber incident details, gathering and maintaining the data needed, reviewing the collection ***of*** information to be reported, and completing the report. Note, these costs are the same as those associated with 32 CFR part 236 (DoD-DIB CS/IA Voluntary Activities), but are now applicable across a larger population ***of*** defense contractors. The ***benefit of*** this amended rule is satisfying the legal mandate from section 941 NDAA for FY 2013 as well as informing the Department ***of*** incidents that impact DoD programs and information. DoD needs to have the ability to assess the strategic and operational impacts ***of*** cyber incidents and determine appropriate mitigation

activities.

Risks: There will likely be significant public interest in DoD's implementation ***of*** section 941 NDAA for FY 2013. DoD will need to assure the public that DoD will provide for the reasonable protection ***of*** trade secrets, commercial or financial information, and information that can be used to identify a specific person that may be evident through the cyber incident reporting and media analysis.

Timetable:

Action	Date	FR Cite
NPRM	03/00/15	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

Agency Contact: Vicki Michetti, Department ***of*** Defense, Office ***of*** the Secretary, 6000 Defense Pentagon, Washington, DC 20301-6000, Phone: 703 604-3177, Email: *vicki.d.michetti.civ@mail.mil*

RIN: 0790-AJ14

DOD--OS

Final Rule Stage

40. Service Academies

Priority: Other Significant.

Legal Authority: 10 U.S.C. 403; 10 U.S.C. 603; 10 U.S.C. 903

CFR Citation: 32 CFR 217

Legal Deadline: None.

Abstract: The Department is revising and updating policy guidance and oversight ***of*** the military service academies. This rule implements 10 U.S.C. 403, 603, and 903 for the establishment and operation ***of*** the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy. The proposed rule was published October 18, 2007 (72 FR 59053), and included policy that has since changed. The final rule, particularly the explanation ***of*** separation policy, will reflect recent changes in the Don't Ask, Don't Tell policy.

Statement ***of*** Need: The Department ***of*** Defense revises and updates

the current rule providing the policy guidance and oversight ***of*** the military service academies. This rule implements 10 U.S.C. 403, 603,

and 903 for the establishment and operation ***of*** the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy.

Summary ***of*** Legal Basis: 10 U.S.C. chapters 403, 603, 903.

Alternatives: None. The Federal statute directs the Department ***of*** Defense to develop policy, assign responsibilities, and prescribe

procedures for operations and oversight ***of*** the service academies.

Anticipated Cost and ***Benefits***: Administrative costs are negligible

and ***benefits*** would be clear, concise rules that enable the Secretary ***of*** Defense to ensure that the service academies are efficiently operated

and meet the needs ***of*** the Armed Forces.

Risks: None.

Timetable:

Action Date FR Cite

NPRM..... 10/18/07 72 FR 59053
NPRM Comment Period End..... 12/17/07 .....
Final Action..... 02/00/15 .....

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Additional Information: DoD Instruction 1322.22.

Agency Contact: Paul Nosek, Department ***of*** Defense, Office ***of*** the Secretary, 4000 Defense Pentagon, Washington, DC 20301-4000, Phone: 703 695-5529.

RIN: 0790-AI19

DOD--Defense Acquisition Regulations Council (DARC)

Final Rule Stage

41. Foreign Commercial Satellite Services (DFARS Case 2014-D010)

Priority: Other Significant.

Legal Authority: 41 U.S.C. 1303; Pub. L. 113-66, sec 1602

CFR Citation: 48 CFR 204; 48 CFR 212; 48 CFR 225; 48 CFR 252.

Legal Deadline: Other, Statutory, December 26, 2013, 10 U.S.C. 2279, as added by sec 1602 ***of*** the NDAA for FY 2014 (Pub. L. 113-66), which was effective on enactment 12/26/13.

Abstract: DoD issued an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement section 1602 ***of*** the National Defense Authorization Act for Fiscal Year 2014, which prohibits award ***of*** a contract for commercial satellite services to a foreign entity if the Secretary ***of*** Defense believes that the foreign entity (1) is an entity in which the ***government*** ***of*** a covered foreign country has an ownership interest that enables the ***government*** to affect satellite operations; or (2) plans to, or is expected to, provide or use launch or other satellite services under the contract from a covered foreign country. This rule is not expected to have a significant economic impact on a substantial number ***of*** small entities.

Statement ***of*** Need: This action is necessary because 10 U.S.C. 2279 as added by section 1602 ***of*** the National Defense Authorization Act for FY 2014 (Pub. L. 113-66) became effective upon enactment on December 26 2013. 10 U.S.C. 2279 restricts the acquisition ***of*** commercial satellite services from certain foreign entities. The statute prohibits the award ***of*** contracts for commercial satellite services to a foreign entity that (1) is an entity in which the ***government*** ***of*** a covered foreign country (i.e., the Peoples Republic ***of*** China, North Korea, Cuba, Iran, Sudan, or Syria) has an ownership interest that enables the ***government*** to affect satellite operations; or (2) plans to or is expected to provide or use launch or other satellite services under the contract from a covered foreign country.

Summary ***of*** Legal Basis: This rule is proposed under the authority ***of*** title 10 U.S.C. 2279 as added by section 1602 ***of*** the National Defense Authorization Act for FY 2014 (Pub. L. 113-66).

Alternatives: DoD was not able to identify any alternatives that meet the statutory requirements ***of*** 10 U.S.C. 2279 and the objectives ***of*** this rule.

Anticipated Cost and ***Benefits***: ***Benefits*** associated with this rule outweigh the cost ***of*** compliance. The rule reduces the potential risk to

national security by prohibiting the acquisition ***of*** commercial satellite services from certain foreign entities as in those case where the foreign entity is either (1) an entity in which the ***government of*** a covered foreign country has an ownership interest that enables the ***government*** to affect satellite

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operations; or (2) plans to or is expected to provide or use launch or other satellite services under the contract from a covered foreign country. The rule requires an annual representation as to whether the offeror is or is not a foreign entity subject to the prohibitions ***of*** the statute or is or is not offering commercial satellite services provided by such a foreign entity. DoD estimates that the total estimated annual public burden for the collection ***of*** this information is negligible (approximately $4275.00) based on Federal Procurement Data System data for FY 2013. There were 380 unique contractors that received contract or orders for PSC D304 (ADP Telecommunications and Transmission Services) ***of*** which commercial satellite services are a subset so 380 is an estimate at the highest end ***of*** the possible range ***of*** respondents. We estimate that these respondent will spend an average ***of*** 0.25 hours to complete and submit one response per year. Additionally DoD estimates that the rule will not have a significant impact on small entities unless they are offering commercial satellite services provided by a foreign entity that is subject to the restrictions ***of*** this rule. According to the FPDS data for fiscal year 2013, 111 small entities were awarded contracts or orders for services in PSC D304 (ADP Telecommunications and Transmission Services) ***of*** which commercial satellite services are a subset.

Risks: Until this statute is implemented in the DFARS there is risk that contracting officers may acquire commercial satellite services in violation ***of*** the law increasing the risk to the U.S. military operations and lost opportunities for the U.S. industrial base.

Timetable:

Action Date FR Cite

Interim Final Rule..... 08/05/14 79 FR 45662
Interim Final Rule Effective..... 08/05/14 .....

Interim Final Rule Comment Period 10/06/14 .....
End.
Final Action..... 03/00/15 .....

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: No.

Government Levels Affected: Federal.
International Impacts: This regulatory action will be likely to

have international trade and investment effects, or otherwise be ***of*** international interest.

Agency Contact: Manuel Quinones, Department ***of*** Defense, Defense Acquisition Regulations Council, 4800 Mark Center Drive, Suite 15D07-2, Alexandria, VA 22350, Phone: 571 372-6088, Email:

manuel.quinones.civ@mail.mil
RIN: 0750-AI32

DOD--Office ***of*** Assistant Secretary for Health Affairs (DODOASHA)

Final Rule Stage

42. Champus/TRICARE: Pilot Program for Refills ***of*** Maintenance

Medications for TRICARE for Life Beneficiaries Through the TRICARE Mail Order Program

Priority: Economically Significant. Major under 5 U.S.C. 801.
Legal Authority: 5 U.S.C. 301; 10 U.S.C. ch 55
CFR Citation: 32 CFR 199.
Legal Deadline: None.

Abstract: This interim final rule implements section 716 ***of*** the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112-239), which establishes a 5-year pilot program that would generally require TRICARE for Life beneficiaries to obtain all refill prescriptions for covered maintenance medications from the TRICARE mail order program or military treatment facility pharmacies. Covered maintenance medications are those that involve recurring prescriptions for chronic conditions, but do not include medications to treat acute

conditions. Beneficiaries may opt out ***of*** the pilot program after 1 year

of participation. This rule includes procedures to assist beneficiaries in transferring covered prescriptions to the mail-order pharmacy program. This regulation is being issued as an interim final rule in order to comply with the express statutory intent that the program

begin in calendar year 2013.

Statement ***of*** Need: The Department ***of*** Defense (DoD) proposed rule establishes processes for the new program ***of*** refills ***of*** maintenance medications for TRICARE for Life beneficiaries through military treatment facility pharmacies and the mail order pharmacy program.

Summary ***of*** Legal Basis: This regulation is proposed under 5 U.S.C. 301; 10 U.S.C. chapter 55; 32 CFR 199.21.
Alternatives: The rule fulfills a statutory requirement, therefore there are no alternatives.

Anticipated Cost and ***Benefits***: The effect ***of*** the statutory requirement, implemented by this rule, is to shift a volume ***of*** prescriptions from retail pharmacies to the most cost-effective point-***of***-service venues ***of*** military treatment facility pharmacies and the mail order pharmacy program. This will produce savings to the Department ***of*** approximately $104 million per year, and savings to beneficiaries ***of*** approximately $34 million per year in reduced copayments.

Risks: Loss ***of*** savings to both the Department and beneficiaries. No risk to the public.
Timetable:

Action Date FR Cite

Interim Final Rule..... 12/11/13 78 FR 75245
Interim Final Rule Comment Period 02/10/14
End.
Interim Final Rule Effective..... 02/14/14
Final Action..... 01/00/15

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: Businesses.

Government Levels Affected: None.

Agency Contact: George Jones, Department ***of*** Defense, Office ***of*** Assistant Secretary for Health Affairs, Defense Pentagon, Washington, DC 20301, Phone: 703 681-2890.
RIN: 0720-AB60
BILLING CODE 5001-06-P

DEPARTMENT ***OF*** EDUCATION

Statement ***of*** Regulatory Priorities

I. Introduction

The U.S. Department ***of*** Education (Department) supports States, local communities, institutions ***of*** higher education, and others in improving education nationwide and in helping to ensure that all Americans receive a high-quality education. We provide leadership and financial assistance pertaining to education at all levels to a wide range ***of*** stakeholders and individuals, including State educational and other agencies, local school districts, providers ***of*** early learning programs, elementary and secondary schools, institutions ***of*** higher education, career and technical schools, nonprofit organizations, postsecondary students, members ***of*** the public, families, and many others. These efforts are helping to ensure that all children and students from pre-kindergarten through grade 12 will be ready for, and succeed in, postsecondary education and that students attending postsecondary institutions are prepared for a profession or career.

We also vigorously monitor and enforce the implementation ***of*** Federal civil rights laws in educational

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programs and activities that receive Federal financial assistance, and support innovative programs, research and evaluation activities, technical assistance, and the dissemination ***of*** research and evaluation findings to improve the quality ***of*** education.

Overall, the laws, regulations, and programs that the Department administers will affect nearly every ***American*** during his or her life. Indeed, in the 2014-2015 school year, about 55 million students will attend an estimated 130,000 elementary and secondary schools in approximately 13,600 districts, and about 21 million students will enroll in degree-granting postsecondary schools. All ***of*** these students may ***benefit*** from some degree ***of*** financial assistance or support from the Department.

In developing and implementing regulations, guidance, technical assistance, and monitoring related to our programs, we are committed to working closely with affected persons and groups. Specifically, we work with a broad range ***of*** interested parties and the general public,

including families, students, and educators; State, local, and tribal

governments; and neighborhood groups, community-based early learning programs, elementary and secondary schools, colleges, rehabilitation service providers, adult education providers, professional associations, advocacy organizations, businesses, and labor organizations.

If we determine that it is necessary to develop regulations, we seek public participation at the key stages in the rulemaking process. We invite the public to submit comments on all proposed regulations through the Internet or by regular mail. We also continue to seek greater public participation in our rulemaking activities through the

use ***of*** transparent and interactive rulemaking procedures and new technologies.

To facilitate the public's involvement, we participate in the Federal Docketing Management System (FDMS), an electronic single

Government-wide access point (*www.regulations.gov*) that enables the

public to submit comments on different types ***of*** Federal regulatory documents and read and respond to comments submitted by other members

of the public during the public comment period. This system provides the public with the opportunity to submit comments electronically on

any notice ***of*** proposed rulemaking or interim final regulations open for comment, as well as read and print any supporting regulatory documents.

We are continuing to streamline information collections, reduce the burden on information providers involved in our programs, and make information easily accessible to the public.

II. Regulatory Priorities

A. The Higher Education Act ***of*** 1965, as Amended

Gainful Employment. On March 25, 2014, the Secretary issued a

notice ***of*** proposed rulemaking for the Federal Student Aid programs

authorized under title IV ***of*** the Higher Education Act ***of*** 1965, as amended (HEA). Specifically, the proposed regulations would amend the regulations on institutional eligibility under the HEA and the Student Assistance General Provisions to establish measures for determining whether certain postsecondary educational programs prepare students for gainful employment in a recognized occupation, the conditions under which these educational programs remain eligible for the title IV Federal Student Aid programs, and requirements for reporting and

disclosure ***of*** relevant information. The public comment period for the

proposed regulations closed on May 27, 2014, and the Department published final regulations on October 31, 2014.

Pay As You Earn. On June 9, 2014, the President issued a memorandum directing the Secretary to propose regulations by June 9, 2015, that will allow additional students ***who*** borrowed Federal Direct Loans to cap their Federal student loan payments at 10 percent ***of*** their income. The memorandum further directed the Secretary to issue final regulations after considering all public comments with the goal ***of*** making the repayment option available to borrowers by December 31, 2015. On September 3, 2014, we published a notice announcing our intention to establish a negotiated rulemaking committee to prepare proposed regulations governing the Federal William D. Ford Direct Loan Program. We also invited public comments regarding additional issues that should be considered for action by the negotiating committee.

Teacher Preparation. On April 25, 2014, the President directed the Department to propose a plan to strengthen America's teacher preparation programs for public comment and to publish a final rule within the next year. The Administration seeks to encourage and support States in developing systems that recognize excellence and provide all programs with information to help them improve, while holding them accountable for how well they prepare teachers to succeed in today's classrooms and throughout their careers. Specifically, the Department is preparing to issue proposed regulations under title II ***of*** the HEA that require States to provide more meaningful data in their State report cards on the performance ***of*** each teacher preparation program located in the State and to amend the regulations governing the Teacher Education Assistance for College and Higher Education (TEACH) Grant Program to update, clarify, and improve the current regulations and align them with data reported by States under title II.

B. Elementary and Secondary Education Act ***of*** 1965, as Amended

In 2010, the Administration released the ``Blueprint for Reform: The Reauthorization ***of*** the Elementary and Secondary Education Act'', the President's plan for revising the Elementary and Secondary Education Act ***of*** 1965 (ESEA) and replacing the No Child Left Behind Act ***of*** 2001 (NCLB). The blueprint can be found at the following Web site: http://www2.ed.gov/policy/elsec/leg/blueprint/index.html.

Additionally, as we continue to work with Congress on reauthorizing the ESEA, we continue to provide flexibility on certain provisions ***of***

current law for States that are willing to embrace reform. The mechanisms we are using will ensure continued accountability and commitment to high-quality education for all students while providing States with increased flexibility to implement State and local reforms to improve student achievement.

C. Carl D. Perkins Career and Technical Education Act ***of*** 2006

In 2012, we released ``Investing in America's Future: A Blueprint for Transforming Career and Technical Education'', our plan for reauthorizing the Carl D. Perkins Career and Technical Education Act ***of*** 2006 (2006 Perkins Act). The Blueprint can be found at the following Web site: *http://www2.ed.gov/about/offices/list/ovae/pi/cte/transforming-career-technical-education.pdf*. The 2006 Perkins Act made important changes in Federal support for career and technical education (CTE), such as the introduction ***of*** a requirement that all States offer ``programs ***of*** study.'' These changes helped to improve the learning experiences ***of*** CTE students but did not go far enough to systemically create better outcomes for students and employers ***who*** are competing in a 21st-century global

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economy. The Administration's Blueprint would usher in a new era ***of*** rigorous, relevant, and results-driven CTE shaped by four core principles: (1) Alignment; (2) Collaboration; (3) Accountability; and (4) Innovation. The Administration's Blueprint proposal reflects a commitment to promoting equity and quality across these alignment, collaboration, accountability, and innovation efforts in order to ensure that more students have access to high-quality CTE programs.

D. Individuals With Disabilities Education Act

On September 18, 2013, the Secretary issued a notice ***of*** proposed rulemaking to amend regulations under Part B ***of*** the Individuals with Disabilities Education Act (IDEA) regarding local maintenance ***of*** effort (MOE) to ensure that all parties involved in implementing, monitoring, and auditing local educational agency (LEA) compliance with MOE requirements understand the rules. The Secretary intends to issue final regulations to amend the ***existing*** regulations that will clarify ***existing*** policy and make other related changes regarding: (1) The compliance standard; (2) the eligibility standard; (3) the level ***of***

fiscal effort required ***of*** an LEA in the year after it fails to maintain that effort; and (4) the consequence for a failure to maintain local effort.

E. Workforce Innovation and Opportunity Act

President Obama signed the Workforce Innovation and Opportunity Act (WIOA) into law on July 22, 2014. WIOA replaced the Workforce Investment Act ***of*** 1998 (WIA), including the Adult Education and Family Literacy Act (AEFLA), and amended the Wagner-Peyser Act and the Rehabilitation Act ***of*** 1973 (Rehabilitation Act). WIOA promotes the integration ***of*** the workforce development system's four ``core programs'', including AEFLA and the vocational rehabilitation program under Title I ***of*** the Rehabilitation Act), into the revamped workforce development system under Title I ***of*** WIOA. In collaboration with the Department ***of*** Labor (DOL), the Department must issue an NPRM by January 18, 2015, and final regulations by January 22, 2016. The Department is working with DOL to meet this statutory deadline. The Department will also regulate on the programs it administers under the Rehabilitation Act and AEFLA that were changed by WIOA.

III. Retrospective Review ***of*** ***Existing*** Regulations

Pursuant to section 6 ***of*** Executive Order 13563, ``Improving Regulation and Regulatory Review'' (signed by the President on Jan. 18, 2011), the following Regulatory Identifier Numbers (RINs) have been identified as associated with retrospective review and analysis in the Department's final retrospective review ***of*** regulations plan. Some ***of*** the entries on this list may be completed actions that do not appear in The Regulatory Plan. However, more information can be found about these completed rulemakings in past publications ***of*** the Unified Agenda on Reginfo.gov in the Completed Actions section. These rulemakings can also be found on Regulations.gov. The final agency plan can be found at: *www.ed.gov*.

Do we expect this rulemaking

RIN Title ***of*** to significantly reduce
Rulemaking burden on small businesses?

1810-AB16..... Title I_Improving No.

the Academic

Achievement ***of*** the Disadvantaged.

1820-AB65..... Assistance to States for the Education ***of*** Children with Disabilities_Maintenance ***of*** Effort. No.

1820-AB66..... ***American*** Indian Vocational Rehabilitation Services Program. No.

1820-AB68..... Workforce Innovation and Opportunity Act (OSERS). Undetermined.

1830-AA21..... Workforce Innovation and Opportunity Act (OCTAE). Undetermined.

1840-AD08..... Titles III and V ***of*** the Higher Education Act, as Amended. No.

1840-AD14..... Negotiated Rulemaking Under Title IV ***of*** the HEA. No.

1840-AD15..... Gainful Employment. No.

1840-AD16..... Violence Against Women Act. No.

1840-AD17..... William D. Ford Federal Direct Loan Program. No.

IV. Principles for Regulating

Over the next year, we may need to issue other regulations because ***of*** new legislation or programmatic changes. In doing so, we will follow the Principles for Regulating, which determine when and how we will regulate. Through consistent application ***of*** those principles, we have eliminated unnecessary regulations and identified situations in which major programs could be implemented without regulations or with limited regulatory action.

In deciding when to regulate, we consider the following:

Whether regulations are essential to promote quality and equality ***of*** opportunity in education.

Whether a demonstrated problem cannot be resolved without regulation.

Whether regulations are necessary to provide a legally binding interpretation to resolve ambiguity.

Whether entities or situations subject to regulation are similar enough that a uniform approach through regulation would be meaningful and do more good than harm.

Whether regulations are needed to protect the Federal interest, that is, to ensure that Federal funds are used for their intended purpose and to eliminate fraud, waste, and abuse.

In deciding how to regulate, we are mindful ***of*** the following principles:

Regulate no more than necessary.

Minimize burden to the extent possible, and promote multiple approaches to meeting statutory requirements if possible.

Encourage coordination ***of*** federally funded activities with State and local reform activities.

Ensure that the ***benefits*** justify the costs ***of*** regulating.

To the extent possible, establish performance objectives rather than specify compliance behavior.

Encourage flexibility, to the extent possible and as needed to enable institutional forces to achieve desired results.

ED--OFFICE ***OF*** POSTSECONDARY EDUCATION (OPE)

Proposed Rule Stage

43. Pay as you Earn

Priority: Other Significant. Major under 5 U.S.C. 801.

[[Page 76510]]

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined.
Legal Deadline: None.
Abstract: On June 9 2014, the President issued a memorandum (79 FR 33843) directing the Secretary to propose regulations by June 9, 2015, that will allow additional students ***who*** borrowed Federal Direct Loans to cap their Federal student loan payments at 10 percent ***of*** their income. The memorandum further directed the Secretary to issue final regulations after considering all public comments with the goal ***of*** making the repayment option available to borrowers by December 31, 2015.

Statement ***of*** Need: The President has issued a memorandum directing the Secretary to propose regulations by June 9, 2015, that will allow additional student borrowers Federal Direct Loans to cap their Federal student loan payments at 10 percent ***of*** their income. The memorandum further directed the Secretary to issue final regulations after considering all public comments with the goal ***of*** making the repayment option available to borrowers by December 31, 2015.

Summary ***of*** Legal Basis: The President directed the Secretary to propose regulations that will allow additional student borrowers Federal Direct Loans to cap their Federal student loan payments at 10 percent ***of*** their income.

Alternatives: These will be discussed in the notice ***of*** proposed rulemaking.

Anticipated Cost and ***Benefits***: These will be discussed in the notice ***of*** proposed rulemaking.

Risks: These will be discussed in the notice ***of*** proposed rulemaking.
Timetable:

Action Date FR Cite

Notice ***of*** Intent to Establish 09/03/14 79 FR 52273
Negotiated Rulemaking Committee.
NPRM..... 06/00/15 .....

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.
Federalism: Undetermined.

URL For Public Comments: *www.regulations.gov*.

Agency Contact: Wendy Macias, Department ***of*** Education, Office ***of*** Postsecondary Education, Room 8017, 1990 K Street NW., Washington, DC

20006, Phone: 202 502-7526, Email: *wendy.macias@ed.gov*
RIN: 1840-AD18

ED--OFFICE ***OF*** CAREER, TECHNICAL, AND ADULT EDUCATION (OCTAE)

Proposed Rule Stage

44. Workforce Innovation and Opportunity Act

Priority: Economically Significant. Major status under 5 U.S.C. 801 is undetermined.
Legal Authority: Pub. L. 113-128
CFR Citation: Not Yet Determined.
Legal Deadline: NPRM, Statutory, January 18, 2015, No later than 180 days after enactment. Final, Statutory, January 22, 2016, 18 months after enactment.
Abstract: WIOA was signed into law on July 22, 2014. It replaced

the Workforce Investment Act ***of*** 1998, including the Adult Education and Family Literacy Act (AEFLA), and amended the Wagner-Peyser Act and the

Rehabilitation Act ***of*** 1973. WIOA promotes the integration ***of*** the workforce development system's four core programs. In collaboration

with the Department ***of*** Labor (DOL), the Department must issue an NPRM by January 18, 2015 and final regulations by January 22, 2016. To meet this statutory timeline, the Department will work with DOL on various issues. The Department will also regulate on the programs it administers under the Rehabilitation Act and the AEFLA that were changed by WIOA.

Statement ***of*** Need: WIOA replaces the Workforce Investment Act ***of*** 1998, including the AEFLA, and amends the Wagner-Peyser Act and the

Rehabilitation Act ***of*** 1973. In collaboration with the Department ***of*** Labor (DOL), the Department must issue proposed regulations on the

integration ***of*** the workforce development system's four core programs, and will also regulate on the programs it administers under the Rehabilitation Act and the AEFLA that were changed by WIOA.

Summary ***of*** Legal Basis: The Department will issue proposed

regulations on the integration ***of*** the workforce development system's four core programs, and on the programs it administers under that were changed by WIOA.

Alternatives: These will be discussed in the NPRM Regulations.

Anticipated Cost and ***Benefits***: These will be discussed in the NPRM Regulations.

Risks: These will be discussed in the NPRM Regulations.

Timetable:

Action Date FR Cite

NPRM..... 01/00/15

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

URL For Public Comments: *www.regulations.gov*.

Agency Contact: Mary Louise Dirrigl, Department ***of*** Education, Office ***of*** Special Education and Rehabilitative Services, Room 5156, PCP, 550 12th Street SW., Washington, DC 20202, Phone: 202 245-7324.

Cheryl Keenan, Department ***of*** Education, Office ***of*** Career, Technical, and Adult Education, 550 12th Street SW., Washington, DC 20202, Phone: 202 245-7810.

RIN: 1830-AA21.

BILLING CODE 4001-01-P

DEPARTMENT ***OF*** ENERGY

Statement ***of*** Regulatory and Deregulatory Priorities

The Department ***of*** Energy (Department or DOE) makes vital contributions to the Nation's welfare through its activities focused on improving national security, energy supply, energy efficiency, environmental remediation, and energy research. The Department's mission is to:

Promote dependable, affordable and environmentally sound production and distribution ***of*** energy;

Advance energy efficiency and conservation;

Provide responsible stewardship ***of*** the Nation's nuclear weapons;

Provide a responsible resolution to the environmental

legacy ***of*** nuclear weapons production; and

Strengthen U.S. scientific discovery, economic

competitiveness, and improve quality ***of*** life through innovations in science and technology.

The Department's regulatory activities are essential to achieving

its critical mission and to implementing major initiatives ***of*** the President's National Energy Policy. Among other things, the Regulatory Plan and the Unified Agenda contain the rulemakings the Department will be engaged in during the coming year to fulfill the Department's

commitment to meeting deadlines for issuance ***of*** energy conservation standards and related test procedures. The Regulatory Plan and Unified Agenda also reflect the Department's continuing commitment to cut costs, reduce regulatory burden, and increase responsiveness to the public.

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Retrospective Review ***of Existing*** Regulations

Pursuant to section 6 ***of*** Executive Order 13563 ``Improving Regulation and Regulatory Review'' (Jan. 18, 2011), several regulations have been identified as associated with retrospective review and

analysis in the Department's final retrospective review ***of*** regulations

plan. Some ***of*** these entries on this list may be completed actions, which do not appear in the Regulatory Plan. However, more information

can be found about these completed rulemakings in past publications ***of*** the Unified Agenda on Reginfo.gov in the Completed Actions section for that agency. These rulemakings can also be found on Regulations.gov.

The final agency plan can be found at *http://www.whitehouse.gov/sites/default/files/other/2011-regulatory-action-plans/departmentofenergyregulatoryreformplanaugust2011.pdf*.

Energy Efficiency Program for Consumer Products and Commercial Equipment

The Energy Policy and Conservation Act (EPCA) requires DOE to set appliance efficiency standards at levels that achieve the maximum improvement in energy efficiency that is technologically feasible and economically justified. The Department continues to follow its schedule for setting new appliance efficiency standards. These rulemakings are

expected to save ***American*** consumers billions ***of*** dollars in energy costs.

The overall plan for implementing the schedule is contained in the Report to Congress under section 141 ***of*** EPACT 2005, which was released on January 31, 2006. This plan was last updated in the August 2014 report to Congress and now includes the requirements ***of*** the Energy Independence and Security Act ***of*** 2007 (EISA 2007) and the ***American*** Energy Manufacturing Technical Corrections Act (AEMTCA). The reports to Congress are posted at: *http://www.eere.energy.gov/buildings/appliance_standards/schedule_setting.html*.

Estimate ***of*** Combined Aggregate Costs and ***Benefits***

In FY 2014, the Department published final rules that adopted new or amended energy conservation standards for seven different products, including metal halide lamp fixtures, external power supplies, commercial refrigeration equipment, walk-in coolers and freezers, through the wall air conditioners and heat pumps, electric motors, and furnace fans. These standards when combined with the other final rules adopting standards since January 2009, are expected to save consumers hundreds ***of*** billions ***of*** dollars on their utility bills through 2030.

DOE believes that the three rulemakings that make up the Regulatory Plan will also substantially ***benefit*** the Nation. However, because ***of*** their current stage in the rulemaking process, DOE has not yet proposed candidate standard levels for these products and cannot provide an estimate ***of*** combined aggregate costs and ***benefits*** for these actions. DOE will, however, in compliance with all applicable law, issue standards that provide the maximum energy savings that are technologically feasible and economically justified. Estimates ***of*** energy savings will be provided when DOE issues the notice ***of*** proposed rulemakings for manufactured housing, general service lamps, and non-weatherized gas furnaces.

DOE--ENERGY EFFICIENCY AND RENEWABLE ENERGY (EE)

Prerule Stage

45. Energy Conservation Standards for General Service Lamps

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.
Unfunded Mandates: Undetermined.
Legal Authority: 42 U.S.C. 6295(i)(6)(A) and (B)
CFR Citation: 10 CFR 430.
Legal Deadline: Final, Statutory, January 1, 2017.

Abstract: Amendments to Energy Policy and Conservation Act (EPCA)

in the Energy Independence and Security Act ***of*** 2007 (EISA) direct DOE to conduct two rulemaking cycles to evaluate energy conservation

standards for GSLs, the first ***of*** which must be initiated no later than

January 1, 2014. EISA specifically states that the scope ***of*** the rulemaking is not limited to incandescent lamp technologies. EISA also states that DOE must consider in the first rulemaking cycle the minimum

backstop requirement ***of*** 45 lumens per watt for GSLs effective January 1, 2020, established by EISA. This rulemaking constitutes DOE's first rulemaking cycle.

Statement ***of*** Need: EPCA requires minimum energy efficiency standards for certain appliances and commercial equipment.

Summary ***of*** Legal Basis: Title III ***of*** the Energy Policy and

Conservation Act ***of*** 1975 (EPCA or the Act) Public Law 94163 (42 U.S.C. 62916309 as codified) established the Energy Conservation Program for Consumer Products Other Than Automobiles. Pursuant to EPCA any new or

amended energy conservation standard that the U.S. Department ***of*** Energy (DOE) prescribes for certain products such as general service lamps shall be designed to achieve the maximum improvement in energy efficiency that is technologically feasible and economically justified

(42 U.S.C. 6295(o)(2)(A)) and result in a significant conservation ***of*** energy (42 U.S.C. 6295(o)(3)(B)).

Alternatives: The statute requires DOE to conduct rulemakings to review standards and to revise standards to achieve the maximum improvement in energy efficiency that the Secretary determines is technologically feasible and economically justified. In making this

determination DOE conducts a thorough analysis ***of*** the alternative

standard levels including the ***existing*** standard based on the criteria specified by the statute.

Anticipated Cost and ***Benefits***: Because DOE has not yet proposed

energy efficiency standards, DOE cannot provide an estimate ***of*** combined

aggregate costs and ***benefits*** for these actions. DOE will, however, in compliance with all applicable law, issue standards that provide for increased energy efficiency that are economically justified. Estimates

of energy savings will be provided when DOE issues the notice ***of*** proposed rulemaking action.

Risks:
Timetable:

Action Date FR Cite

Framework Document Availibility; 12/09/13 78 FR 73737
Public Meeting.
Framework Document Comment Period 01/23/14 79 FR 3742
Extended.
Framework Document Comment Period 02/07/14
End.
Preliminary Analysis..... 12/00/14
NPRM..... 02/00/16

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.
Federalism: Undetermined.
URL For More Information: www1.eere.energy.gov/buildings/appliance_standards/rulemaking.aspx?ruleid=83.

URL For Public Comments: *www.regulations.gov*/#!docketDetail;D=EERE-2013-BT-STD-0051.

Agency Contact: Lucy DeButts, Office ***of*** Buildings Technologies Program, EE-

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5B, Department ***of*** Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585, Phone: 202 287-1604,

Email: *lucy.debutts@ee.doe.gov*
RIN: 1904-AD09

DOE--EE

Proposed Rule Stage

46. Energy Efficiency Standards for Manufactured Housing

Priority: Economically Significant. Major under 5 U.S.C. 801.
Unfunded Mandates: This action may affect the private sector under Pub. L. 104-4.
Legal Authority: 42 U.S.C. 17071
CFR Citation: 10 CFR 460.
Legal Deadline: Final, Statutory, December 19, 2011.

Abstract: Section 413 ***of*** EISA requires that DOE establish standards

for energy efficiency in manufactured housing. See 42 U.S.C. 17071(a)(1). DOE is directed to base the energy efficiency standards on the most recent version ***of*** the International Energy Conservation Code (IECC), except where DOE finds that the IECC is not cost effective, or a more stringent standard would be more cost effective, based on the impact ***of*** the IECC on the purchase price ***of*** manufactured housing and on total life-cycle construction and operating costs. On June 13, 2014, DOE published a notice ***of*** intent to establish a negotiated rulemaking working group for the manufactured housing rulemaking under the Appliance Standards and Rulemaking Federal Advisory Committee (ASRAC) in accordance with the Federal Advisory Committee Act (FACA) and the Negotiated Rulemaking Act (NRA) to negotiate proposed Federal standards for the energy efficiency ***of*** manufactured homes (79 FR 33873). The purpose ***of*** the working group is to discuss and, if possible, reach consensus on a proposed rule for the energy efficiency ***of*** manufactured homes.

Statement ***of*** Need: EISA requires DOE to establish minimum energy efficiency standards for manufactured housing.

Summary ***of*** Legal Basis: Section 413 ***of*** EISA 2007, 42 U.S.C. 17071, directs DOE to develop and publish energy standards for manufactured housing.

Alternatives: The statute requires DOE to conduct a rulemaking to establish standards based on the most recent version ***of*** the International Energy Conservation Code (IECC), except in cases in which the Secretary finds that the IECC is not cost effective or a more stringent standard would be more cost effective based on the impact ***of*** the IECC on the purchase price ***of*** manufactured housing and on total lifecycle construction and operating costs.

Anticipated Cost and ***Benefits***: Because DOE has not yet proposed energy efficiency standards, DOE cannot provide an estimate ***of*** combined aggregate costs and ***benefits*** for these actions. DOE will, however, in compliance with all applicable law, issue standards that provide for increased energy efficiency that are economically justified. Estimates ***of*** energy savings will be provided when DOE issues the notice ***of*** proposed rulemaking.

Timetable:

Action Date FR Cite

ANPRM..... 02/22/10 75 FR 7556
ANPRM Comment Period End..... 03/24/10 .....
Request for Information..... 06/25/13 78 FR 37995
NPRM..... 11/00/14 .....

Extension ***of*** Term; Notice ***of*** Public 10/01/14 79 FR 59154
Meeting.
NPRM..... 02/00/15

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: None.
URL For More Information: www1.eere.energy.gov/buildings/appliance_standards/rulemaking.aspx?ruleid=97.

URL For Public Comments: *www.regulations.gov*/#!docketDetail;D=EERE-2009-BT-BC-0021.

Agency Contact: Joseph Hagerman, Office ***of*** Building Technologies,

EE-2J, Department ***of*** Energy, Energy Efficiency and Renewable Energy,
1000 Independence Ave. SW., Washington, DC 20585, Phone: 202 586-4549,

Email: *joseph.hagerman@ee.doe.gov*
RIN: 1904-AC11

DOE--EE

47. Energy Conservation Standards for Residential Non-weatherized Gas Furnaces

Priority: Economically Significant. Major under 5 U.S.C. 801.
Unfunded Mandates: Undetermined.
Legal Authority: 42 U.S.C. 6295(f)(4)(e); 42 U.S.C. 6295(m)(1); 42 U.S.C. 6295(gg)(3)
CFR Citation: 10 CFR 430.
Legal Deadline: NPRM, Judicial, April 24, 2015, One year after

issuance ***of*** the proposed rule. Final, Judicial, April 24, 2016.

Abstract: The Energy Policy and Conservation Act ***of*** 1975 (EPCA), as amended, prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including residential furnaces. EPCA also requires the DOE to periodically determine whether more-stringent amended standards would be technologically feasible and economically justified and would save a

significant amount ***of*** energy. DOE is amending its energy conservation standards for residential non-weatherized gas furnaces and mobile home

gas furnaces in partial fulfillment ***of*** a court-ordered remand ***of*** DOE's 2011 rulemaking for these products.

Statement ***of*** Need: EPCA requires minimum energy efficiency standards for certain appliances and commercial equipment, including residential furnaces.

Summary ***of*** Legal Basis: Title III ***of*** the Energy Policy and

Conservation Act ***of*** 1975 (EPCA or the Act), Public Law 94-163 (42 U.S.C. 6291-6309, as codified), established the Energy Conservation Program for Consumer Products Other Than Automobiles. Pursuant to EPCA, any new or amended energy conservation standard that the U.S.

Department ***of*** Energy (DOE) prescribes for certain products, such as residential furnaces, shall be designed to achieve the maximum improvement in energy efficiency that is technologically feasible and economically justified (42 U.S.C. 6295(o)(2)(A)) and result in a

significant conservation ***of*** energy (42 U.S.C. 6295(o)(3)(B)).
Alternatives: The statute requires DOE to conduct rulemakings to review standards and to revise standards to achieve the maximum improvement in energy efficiency that the Secretary determines is technologically feasible and economically justified. In making this

determination, DOE conducts a thorough analysis ***of*** the alternative

standard levels, including the ***existing*** standard, based on the criteria specified by the statute.

Anticipated Cost and ***Benefits***: Because DOE has not yet proposed

energy efficiency standards, DOE cannot provide an estimate ***of*** combined

aggregate costs and ***benefits*** for these actions. DOE will, however, in compliance with all applicable laws, issue standards that provide for increased energy efficiency that are economically justified. Estimates

of energy savings will be provided when

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DOE issues the notice ***of*** proposed rulemaking.
Risks:
Timetable:

Action Date FR Cite

Notice ***of*** Public Meeting..... 10/30/14 79 FR 64517
NPRM..... 12/00/14 .....
Final Action..... 12/00/15 .....

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Local, State.
Federalism: Undetermined.
URL For More Information: www1.eere.energy.gov/buildings/appliance_standards/product.aspx/productid/72.

URL For Public Comments: *www.regulations.gov*.

Agency Contact: John Cymbalsky, Office ***of*** Building Technologies

Program, EE-5B, Department ***of*** Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585, Phone: 202

287-1692, Email: *john.cymbalsky@ee.doe.gov*
RIN: 1904-AD20
BILLING CODE 6450-01-P

DEPARTMENT ***OF*** HEALTH AND HUMAN SERVICES

Statement ***of*** Regulatory Priorities for Fiscal Year 2015

As the Federal agency with lead responsibility for protecting the health ***of*** all Americans and for providing supportive services for vulnerable populations, the Department ***of*** Health and Human Services (HHS) implements programs that strengthen the health care system; advance scientific knowledge and innovation; improve the health, safety, and well-being ***of*** the ***American*** people; and strengthen the Nation's health and human services infrastructure.

The Department's regulatory priorities for Fiscal Year 2015 reflect this complex mission through planned rulemakings structured to: Further increase access to health care for all Americans, especially by strengthening the Medicare, Medicaid and Children's Health Insurance programs; build from previous experiences to safeguard the Nation's food supply; provide consumers with information to help them make healthy choices; and marshal the best research and technology available to streamline and modernize the health care delivery and medical-product availability systems. The following overview highlights forthcoming rulemakings exemplifying these priorities.

Encouraging Delivery System Reforms To Ensure Consumer Access to High Quality, Affordable Care

The Affordable Care Act expands access to health insurance through improvements in Medicaid, the establishment ***of*** Affordable Insurance Exchanges, and coordination between Medicaid, the Children's Health Insurance Program, and the Exchanges. A forthcoming final rule will bring to completion regulatory provisions that support our efforts to assist States in implementing Medicaid eligibility determinations, appeals, enrollment changes, and other State health subsidy programs stemming from the Affordable Care Act. The intent ***of*** the rule is to afford each State substantial discretion in the design and operation ***of*** that State's exchange, with standardization provided only where directed by the Act or where there are compelling practical, efficiency or consumer-protection reasons.

A forthcoming proposed rule would establish policies related to ``Stage 3'' ***of*** the Medicare/Medicaid Electronic Health Record (EHR) Incentive Programs. The rule is necessary to further implement provisions ***of*** the ***American*** Recovery and Reinvestment Act that provide incentive payments to eligible providers, hospitals, and critical access hospitals participating in Medicare and Medicaid programs that adopt certified EHR technology. The proposal will offer for comment specific criteria that these providers and facilities would need to meet in order to successfully demonstrate ``meaningful use,'' focusing on advanced use ***of*** EHR technology to promote improved outcomes for patients.

The Mental Health Parity and Addiction Equity Act (MHPAEA) requires parity between mental health or substance use disorder ***benefits*** and medical/surgical ***benefits***, with respect to financial requirements and treatment limitations under group health plans. A new proposed rule would build on the 2013 final rule implementing MHPAEA by proposing standards for Medicaid alternative ***benefit*** plans, Medicaid managed care organizations, and the Children's Health Insurance Program.

Another proposed rule would revise the requirements that long-term care facilities must meet to participate in the Medicare and Medicaid programs. The proposed changes are necessary to reflect advances in the theory and practice ***of*** service delivery and safety for patients in long-term care settings. The proposals are also an integral part ***of*** our efforts to achieve broad-based improvements both in the quality ***of*** health care furnished through Federal programs, and in patient safety, while at the same time reducing procedural burdens on providers.

In addition, nine Medicare payment rules will be updated to better reflect the current state ***of*** medical practice and to respond to feedback from providers seeking financial predictability and flexibility to better serve patients.

Streamlining Regulations Through Retrospective Review

Consistent with the President's Executive Order 13563, ``Improving Regulation and Regulatory Review,'' the Department remains committed to reducing regulatory burden on States, health care providers and suppliers, and other regulated entities by updating current rules to align them with emerging health and safety standards, and by eliminating outdated procedural provisions.

For example, CMS will continue its retrospective review efforts by finalizing an April 2014, proposal to amend the fire safety standards for hospitals, long-term care facilities, ambulatory surgery centers, and a variety ***of*** other inpatient care settings. Further, this rule will adopt the most recent edition ***of*** the Life Safety Code (LSC) and eliminate references in our regulations to all earlier editions, which will give clear guidance to providers and institutions for these important safety standards.

Similarly, a forthcoming final rule from the Administration for Children and Families (ACF) will provide the first comprehensive update ***of*** Child Care and Development Fund (CCDF) regulations since 1998. The CCDF is a Federal program that provides formula grants to States, territories, and tribes. The program provides financial assistance to low-income families to access child care so that they can work or attend a job-training or educational program. It also provides funding to improve the quality ***of*** child care and increase the supply and availability ***of*** child care for all families, including those ***who*** receive no direct assistance through CCDF.

Another ACF effort would modify ***existing*** Head Start performance standards to take into account increased knowledge in the early childhood field since the standards were last updated more than 15 years ago. Changes would strengthen requirements on curriculum and assessment, supervision, health and safety, and governance. The notice ***of*** proposed rulemaking would also streamline ***existing*** regulations to

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eliminate unnecessary or duplicative requirements.

Additionally, the Department, in collaboration with the President's

Office ***of*** Science and Technology Policy will propose revisions to ***existing*** rules governing research on human subjects, often referred to as the Common Rule. This rule would apply to institutions and researchers supported by HHS as well as researchers throughout much ***of*** the Federal ***Government*** ***who*** are conducting research involving human subjects. The proposed revisions will aim to better protect human subjects while facilitating research, and also reducing burden, delay, and ambiguity for investigators.

Helping Consumers Identify Healthy Choices in the Marketplace

Since 1980, the prevalence ***of*** obesity among children and adolescents has almost tripled. Obesity has both immediate and long-term effects on the health and quality ***of*** life ***of*** those affected, increasing their risk for chronic diseases, including heart disease, type 2 diabetes, certain cancers, stroke, and arthritis--as well as increasing medical costs for the individual and the health system.

Building on the momentum ***of*** the First Lady's ``Let's Move'' initiative, HHS has mobilized skills and expertise from across the Department to address this epidemic with research, public education, and public health strategies.

Adding to this effort, the Food and Drug Administration (FDA) plans to issue four final rules designed to provide more useful, easy to understand dietary information tools that will help millions ***of*** ***American*** families identify healthy choices in the marketplace. These rules, each ***benefiting*** from input received in extended public comment periods, will:

Require restaurants and similar retail food establishments with 20 or more locations to list calorie content information for standard menu items on restaurant menus and drive-through menu boards. Other nutrient information--total calories, fat, saturated fat, cholesterol, sodium, total carbohydrates, sugars, fiber, and total protein--would have to be made available in writing upon request;

Require vending machine operators ***who*** own or operate 20 or more vending machines to disclose calorie content for some items. The Department anticipates that such information will ensure that patrons ***of*** chain restaurants and vending machines have access to essential nutrition information;

Revise the nutrition and supplement facts labels on packaged food, which has not been updated since 1993 when mandatory

nutrition labeling ***of*** food was first required. The aim ***of*** the proposed revision is to provide updated and easier to read nutrition information on the label to help consumers maintain healthy dietary practices; and

Update the serving-size information provided within the food label, providing current nutrition information based on the amount ***of*** food that is typically eaten as a serving, to assist consumers in maintaining healthy dietary practices.

Implementing the Food Safety Modernization Act

FDA will maintain the agency's ongoing effort to promulgate rules required under the Food Safety Modernization Act (FSMA), working with public and private partners to build a new system ***of*** food safety oversight. Responding to extensive feedback from stakeholders, the agency recently issued for further public comment supplemental proposals structured to:

Establish preventive controls in the manufacture and distribution ***of*** human foods and ***of*** animal feeds. These regulations constitute the heart ***of*** the FSMA food safety program by instituting uniform practices for the manufacture and distribution ***of*** food products, to ensure that those products are safe for consumption and will not cause or spread disease.

Ensure that produce sold in the United States meets rigorous safety standards. The regulation would set enforceable, science-based standards for the safe production and harvesting ***of*** fresh produce at the farm and the packing house, to minimize the risk ***of*** adverse health consequences.

Require food importers to establish a verification program to improve the safety ***of*** food imported into the United States. Specifically, FDA will outline proposed standards that foreign food suppliers must meet to ensure that imported food is produced in a manner that is as safe as food produced in the United States.

Reducing Tobacco Use

In 2009, Congress enacted the Family Smoking Prevention and Tobacco Control Act, authorizing FDA to regulate the manufacture, marketing, and distribution ***of*** tobacco products, to protect the public health and to reduce tobacco use by minors. In the coming fiscal year, ***benefiting*** from public scrutiny ***of*** an April 2014, regulatory proposal, FDA plans

to issue a final rule that will clarify which products containing tobacco, in addition to cigarettes, are subject to the Agency's oversight. This rule would also allow FDA to establish regulatory

standards on the sale and distribution ***of*** tobacco products, such as age-related access restrictions on advertising and promotion, as appropriate, to protect public health.

Modernizing Medical-Product Safety and Availability

In 2012, Congress provided new authorities under the Food and Drug

Administration Safety and Innovation Act to support its mission ***of***

safeguarding the quality ***of*** medical products available to the public

while ensuring the availability ***of*** innovative products. FDA is implementing this new authority with a focus on protecting the quality

of medical products in the global drug supply chain; improving the

availability ***of*** needed drugs and devices; and promoting better-informed decisions by health professionals and patients.

For example, the Agency plans to issue a final rule this year to

require manufacturers ***of*** certain drugs, such as drugs used for cancer treatments, anesthesia drugs, and other drugs that are critical to the

treatment ***of*** serious diseases and life-threatening conditions, to

report discontinuances or interruptions in the manufacturing ***of*** these products. This rule will help FDA address and potentially prevent drug shortages, and it will help inform providers and public health officials earlier about potential drug shortages.

Another forthcoming final rule will update FDA's regulations to

reflect the increased use ***of*** generic drugs in the current marketplace, and will describe approaches for brand name and generic drug manufacturers to update product labeling. This rule will revise and clarify procedures for updates to product labeling to reflect certain

types ***of*** newly acquired safety information through submission ***of*** a ``changes being effected'' supplement.

Reducing Gun Violence

As part ***of*** the President's continuing efforts to reduce gun violence, HHS will issue a final rule to remove unnecessary legal barriers under the HIPAA Privacy Rule that may prevent States from reporting certain information to the National Instant Criminal Background Check System (NICS). The NICS helps to ensure that guns are

not sold to those prohibited by law from having them, including felons,

those convicted ***of*** domestic violence, and individuals involuntarily committed to a mental institution. However, the background check system is only as effective as the

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information that is available to it. The rule will give States and certain covered entities added flexibility to ensure accurate but limited information is reported to the NICS, which would not include clinical, diagnostic, or other mental health information. Instead, certain covered entities would be permitted to disclose the minimum

necessary identifying information about individuals ***who*** have been involuntarily committed to a mental institution or otherwise have been determined by a lawful authority to be a danger to themselves or others.

HHS--FOOD AND DRUG ADMINISTRATION (FDA)

Proposed Rule Stage

48. Current Good Manufacturing Practice and Hazard Analysis and Risk-Based Preventive Controls for Food for Animals

Priority: Economically Significant. Major under 5 U.S.C. 801.
Unfunded Mandates: This action may affect the private sector under Pub. L. 104-4.
Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 342; 21 U.S.C. 350c; 21 U.S.C. 350d note; 21 U.S.C. 350g; 21 U.S.C. 350g note; 21 U.S.C. 371; 21 U.S.C. 374; 42 U.S.C. 264; 42 U.S.C. 243; 42 U.S.C. 271;
CFR Citation: 21 CFR 507.
Legal Deadline: Final, Statutory, July 2012. Final, Judicial, August 30, 2015.
The FDA Food Safety Modernization Act (FSMA) mandates that FDA promulgate final regulations to establish preventive controls not later

than 18 months after the date ***of*** enactment ***of*** FSMA. Certain requirements regarding standards for pet food and other animal feeds

mandated by the FDA Amendment Act ***of*** 2007 will be subsumed in the FSMA rulemaking. Per consent decree, FDA will submit the final rule to the Federal Register for publication by 08/30/2015.
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.

Statement ***of*** Need: Regulatory oversight ***of*** the animal food industry has traditionally been limited and focused on a few known safety issues so there could be problems that remain unaddressed potentially affecting animal health. The massive pet food recall due to adulteration with melamine and cyanuric acid in 2007 is an example. Actions taken by two protein suppliers in China affected a large number ***of*** pet food manufacturers in the United States and created a nationwide problem. By the time the cause ***of*** the problem was identified melamine- and cyanuric-acid contaminated ingredients had resulted in the adulteration ***of*** millions ***of*** individual servings ***of*** pet food sickening and killing pets. Salmonella contaminated pet food has been the cause ***of*** illness in humans: In 2007 people became ill handling pet food contaminated with a rare Salmonella serotype; over 200 people in the United Kingdom and United States became ill from handling Salmonella contaminated frozen mice (used for pet food) that came from a U.S. facility; and people were infected with Salmonella in 2012 that originated from contaminated dog and cat food. Other animal food recalls have resulted from contamination with aflatoxins, dioxins excessive vitamin D, and insufficient thiamine. Congress passed FSMA which the President signed into law on January 4, 2011 (Pub. L. 111-353). Section 103 ***of*** FSMA amended the Federal Food Drug and Cosmetic Act (FD&C Act) by adding section 418 (21 U.S.C. 350g) Hazard Analysis and Risk-Based Preventive Controls. In enacting FSMA Congress sought to improve the safety ***of*** food in the United States by taking a risk-based approach to food safety emphasizing prevention. Section 418 ***of*** the FD&C Act requires owners, operators, or agents in charge ***of*** food facilities to develop and implement a written hazard analysis and preventive controls to significantly minimize or prevent the occurrence ***of*** hazards and help prevent adulteration ***of*** food.

Summary ***of*** Legal Basis: FDA's authority for issuing this rule is provided in FSMA (Pub. L. 111-353), which amended the FD&C Act by establishing section 418, which directed FDA to publish implementing regulations. FSMA also amended section 301 ***of*** the FD&C Act to add 301(uu) that states the operation ***of*** a facility that manufactures, processes, packs, or holds food for sale in the United States, if the

owner, operator, or agent in charge ***of*** such facility is not in compliance with section 418 ***of*** the FD&C Act, is a prohibited act. FDA is also issuing this rule under the certain provisions ***of*** section 402 ***of*** the FD&C Act (21 U.S.C. 342) regarding adulterated food. In addition, section 701(a) ***of*** the FD&C Act (21 U.S.C. 371(a)) authorizes the Agency to issue regulations for the efficient enforcement ***of*** the Act. To the extent the regulations are related to communicable disease, FDA's legal authority also derives from sections 311, 361, and 368 ***of*** the Public Health Services Act (42 U.S.C. 243, 264, and 271). Finally, FDA is acting under the direction ***of*** section 1002(a) ***of*** title X ***of*** FDAAA ***of*** 2007 (21 U.S.C. 2102) which requires the Secretary to establish processing standards for pet food.

Alternatives: The Food Safety Modernization Act requires FDA to promulgate regulations to establish hazard analyses and risk-based preventive controls.

Anticipated Cost and ***Benefits***: The ***benefits*** ***of*** the proposed rule would be fewer cases ***of*** contaminated animal food. Discovering contaminated food ingredients before they are used in a finished product would reduce the number ***of*** recalls ***of*** contaminated animal food products. ***Benefits*** would include reduced medical treatment costs for animals, reduced loss ***of*** market value ***of*** livestock, reduced loss ***of*** animal companionship, and reduced loss in value ***of*** animal food. More stringent requirements for animal food manufacturing would maintain public confidence in the safety ***of*** animal food, and protect animal and human health. FDA lacks sufficient data to quantify the ***benefits*** ***of*** the proposed rule. The compliance costs ***of*** the proposed rule would result from the additional labor and capital required to perform the hazard analyses, write and implement the preventive controls, monitor and verify the preventive controls, take corrective actions if preventive controls fail to prevent food from becoming contaminated, and implement the current good manufacturing practice regulations.

Risks: FDA is proposing this rule to provide greater assurance that food intended for animals is safe, and will not cause illness or injury to animals. This rule would implement a risk-based, preventive controls food safety system intended to prevent animal food containing hazards, which may cause illness or injury to animals or humans, from entering

the food supply. The rule would apply to domestic and imported animal

food (including raw materials and ingredients). Fewer cases ***of*** animal

food contamination would reduce the risk ***of*** serious illness and death
to animals.
Timetable:

Action Date FR Cite

NPRM..... 10/29/13 78 FR 64736

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NPRM Comment Period Extension..... 02/03/14 79 FR 6111
NPRM Comment Period End..... 02/26/14 .....
NPRM Comment Period Extension End... 03/31/14 .....
Supplemental NPRM..... 09/29/14 79 FR 58475
Supplemental NPRM Comment Period End 12/15/14 .....
Final Rule..... 08/00/15 .....

Regulatory Flexibility Analysis Required: Yes.
Small Entities Affected: Businesses.

Government Levels Affected: State.
Federalism: This action may have federalism implications as defined
in EO 13132.

Agency Contact: Kim Young, Deputy Director, Division ***of*** Compliance,

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RIN: 0910-AG10

HHS--FDA

49. Standards for the Growing, Harvesting, Packing, and Holding ***of***
Produce for Human Consumption

Priority: Economically Significant. Major under 5 U.S.C. 801.
Unfunded Mandates: This action may affect the private sector under
Pub. L. 104-4.
Legal Authority: 21 U.S.C. 342; 21 U.S.C. 350h; 21 U.S.C. 371; 42
U.S.C. 264; Pub. L. 111-353 (signed on January 4, 2011)
CFR Citation: 21 CFR 112.
Legal Deadline: Final, Judicial, October 2015.

Abstract: This rule will establish science-based minimum standards for the safe production and harvesting ***of*** those types ***of*** fruits and vegetables that are raw agricultural commodities for which the Secretary has determined that such standards minimize the risk ***of*** serious adverse health consequences or death. The purpose ***of*** the rule is to reduce the risk ***of*** illness associated with fresh produce.

Statement ***of*** Need: FDA is taking this action to meet the requirements ***of*** the FSMA and to address the food safety challenges associated with fresh produce and, thereby, protect the public health. Data indicate that between 1973 and 1997, outbreaks ***of*** foodborne illness in the U.S. associated with fresh produce increased in absolute numbers and as a proportion ***of*** all reported foodborne illness outbreaks. The Agency issued general good agricultural practice guidelines for fresh fruits and vegetables over a decade ago. Incorporating prevention-oriented public health principles, and incorporating what we have learned in the past decade into a regulation is a critical step in establishing standards for the production and harvesting ***of*** produce, and reducing the foodborne illness attributed to fresh produce.

Summary ***of*** Legal Basis: FDA is relying on the amendments to the Federal Food, Drug, and Cosmetic Act (the FD&C Act), provided by section 105 ***of*** the Food Safety Modernization Act (codified primarily in section 419 ***of*** the FD&C Act (21 U.S.C. 350h)). FDA's legal basis also derives in part from sections 402(a)(3), 402(a)(4), and 701(a) ***of*** the FD&C Act (21 U.S.C. 342(a)(3), 342(a)(4), and 371(a)). FDA also intends to rely on section 361 ***of*** the Public Health Service Act (PHS Act) (42 U.S.C. 264), which gives FDA authority to promulgate regulations to control the spread ***of*** communicable disease.

Alternatives: Section 105 ***of*** the Food Safety Modernization Act requires FDA to conduct this rulemaking.

Anticipated Cost and ***Benefits***: FDA estimates that the costs to more than 300,000 domestic and foreign producers and packers ***of*** fresh produce from the proposal would include one-time costs (e.g., new tools and equipment) and recurring costs (e.g., monitoring, training, recordkeeping). FDA anticipates that the ***benefits*** would be a reduction

in foodborne illness and deaths associated with fresh produce. The monetized annual ***benefits*** ***of*** this rule are estimated to be $1 billion, and the monetized annual costs are estimated to be $460 million, domestically.

Risks: This regulation would directly and materially advance the Federal ***Government***'s substantial interest in reducing the risks for illness and death associated with foodborne infections associated with the consumption ***of*** fresh produce. Less restrictive and less comprehensive approaches have not been sufficiently effective in reducing the problems addressed by this regulation. FDA anticipates that the regulation would lead to a significant decrease in foodborne illness associated with fresh produce consumed in the United States.

Timetable:

Action	Date	FR Cite
NPRM	01/16/13	78 FR 3503
NPRM Comment Period End	05/16/13	
NPRM Comment Period Extended	04/26/13	78 FR 24692
NPRM Comment Period Extended End	09/16/13	
NPRM Comment Period Extended	08/09/13	78 FR 48637
NPRM Comment Period Extended End	11/15/13	
Notice ***of*** Intent To Prepare an Environmental Impact Statement for the Proposed Rule.	08/19/13	78 FR 50358
Notice ***of*** Intent To Prepare Environmental Impact Statement for the Proposed Rule Comment Period End.	11/15/13	
NPRM Comment Period Extended	11/20/13	78 FR 69605
NPRM Comment Period Extended End	11/22/13	
Environmental Impact Statement for the Proposed Rule; Comment Period Extended.	03/11/14	79 FR 13593
Environmental Impact Statement for the Proposed Rule; Comment Period Extended End.	04/18/14	
Supplemental NPRM	09/29/14	79 FR 58433
Supplemental NPRM Comment Period End	12/15/14	
Final Rule	10/00/15	

Regulatory Flexibility Analysis Required: Yes.
Small Entities Affected: Businesses.

Government Levels Affected: None
Agency Contact: Samir Assar, Supervisory Consumer Safety Officer,

Department ***of*** Health and Human Services, Food and Drug Administration,

Center for Food Safety and Applied Nutrition, Office ***of*** Food Safety,
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RIN: 0910-AG35

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HHS--FDA

50. Current Good Manufacturing and Hazard Analysis, and Risk-Based Preventive Controls for Human Food

Priority: Economically Significant. Major under 5 U.S.C. 801.
Unfunded Mandates: This action may affect the private sector under Pub. L. 104-4.
Legal Authority: 21 U.S.C. 342; 21 U.S.C. 371; 42 U.S.C. 264; Pub. L. 111-353 (signed on Jan. 4, 2011)
CFR Citation: 21 CFR 117.
Legal Deadline: Final, Statutory, July 4, 2012, Final rule must be published no later than 18 months after the date ***of*** enactment ***of*** the FDA Food Safety Modernization Act.
Abstract: This rule would require a food facility to have and implement preventive controls to significantly minimize or prevent the occurrence ***of*** hazards that could affect food manufactured, processed, packed, or held by the facility. This action is intended to prevent or, at a minimum, quickly identify foodborne pathogens before they get into the food supply.

Statement ***of*** Need: FDA is taking this action to meet the requirements ***of*** FSMA and to better address changes that have occurred in the food industry and thereby protect public health. High-profile outbreaks ***of*** foodborne illness over the last decade and data showing that such illnesses strike one in six Americans each year have caused a widespread recognition that we need a new modern food safety system that prevents food safety problems in the first place not a system that

just reacts once they happen. Section 103 ***of*** FSMA amended the Federal Food Drug and Cosmetic Act (FD&C Act) by adding section 418 (21 U.S.C. 350g) Hazard Analysis and Risk Based Preventive Controls. In enacting

FSMA Congress sought to improve the safety ***of*** food in the United States by taking a risk-based approach to food safety emphasizing prevention.

Section 418 ***of*** the FD&C Act requires owners operators or agents in

charge ***of*** food facilities to develop and implement a written plan that describes and documents how their facility will implement the hazard analysis and preventive controls required by this section. In addition to containing new provisions requiring hazard analysis and risk-based

preventive controls this rule would also revise the ***existing*** Current Good Manufacturing Practice (CGMP) requirements found in 21 CFR part 110 that were last updated in 1986.

Summary ***of*** Legal Basis: FDA is relying on section 103 ***of*** the FSMA.

FDA is also relying on sections 402(a)(3), (a)(4) and 701(a) ***of*** the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C.

342(a)(3), (a)(4), and 371(a)). Under section 402(a)(3) ***of*** the FD&C

Act, a food is adulterated if it consists in whole, or in part, ***of*** any filthy, putrid, or decomposed substance, or if it is otherwise unfit for food. Under section 402(a)(4), a food is adulterated if it has been prepared, packed, or held under unsanitary conditions whereby it may have become contaminated with filth, or may have been rendered

injurious to health. Under section 701(a) ***of*** the FD&C Act, FDA is

authorized to issue regulations for the efficient enforcement ***of*** the

FD&C Act. FDA's legal basis also derives from section 361 ***of*** the Public Health Service Act (PHS Act) (42 U.S.C. 264), which gives FDA authority

to promulgate regulations to control the spread ***of*** communicable disease.

Alternatives: An alternative to this rulemaking is not to update the CGMP regulations, and instead issue separate regulations to implement the FDA Food Safety Modernization Act.

Anticipated Cost and ***Benefits***: FDA estimates that the costs from

the proposal to domestic and foreign producers and packers ***of*** processed

foods would include new one-time costs (e.g., adoption ***of*** written food safety plans, setting up training programs, implementing allergen controls, and purchasing new tools and equipment) and recurring costs

(e.g., auditing and monitoring suppliers ***of*** sensitive raw materials and ingredients, training employees, and completing and maintaining records used throughout the facility). FDA anticipates that the ***benefits*** would be a reduced risk ***of*** foodborne illness and death from processed foods, and a reduction in the number ***of*** safety-related recalls.

Risks: This regulation will directly and materially advance the Federal ***Government***'s substantial interest in reducing the risks for illness and death associated with foodborne infections. Less restrictive and less comprehensive approaches have not been effective in reducing the problems addressed by this regulation. The regulation will lead to a significant decrease in foodborne illness in the U.S.

Timetable:

Action Date FR Cite

NPRM..... 01/16/13 78 FR 3646
NPRM Comment Period End..... 05/16/13 .....
NPRM Comment Period Extended..... 04/26/13 78 FR 24691
NPRM Comment Period Extended End.... 09/16/13 .....
NPRM Comment Period Extended..... 08/09/13 78 FR 48636
NPRM Comment Period Extended End.... 11/15/13 .....
NPRM Comment Period Extended..... 11/20/13 78 FR 69604
NPRM Comment Period Extended End.... 11/22/13 .....
Supplemental NPRM..... 09/29/14 79 FR 58523
Supplemental NPRM Comment Period End 12/15/14 .....
Final Rule..... 08/00/15 .....

Regulatory Flexibility Analysis Required: Yes.
Small Entities Affected: Businesses.

Government Levels Affected: None.
Additional Information: Includes Retrospective Review under E.O. 13563.

Agency Contact: Jenny Scott, Senior Advisor, Department ***of*** Health and Human Services, Food and Drug Administration, Office ***of*** Food Safety, 5100 Paint Branch Parkway, College Park, MD 20740, Phone: 240 402-1488, Email: *jenny.scott@fda.hhs.gov*
RIN: 0910-AG36

HHS--FDA

51. Reports ***of*** Distribution and Sales Information for Antimicrobial Active Ingredients Used in Food-Producing Animals

Priority: Other Significant.
Legal Authority: 21 U.S.C. 360b(l)(3)
CFR Citation: 21 CFR 514.80.
Legal Deadline: None.

Abstract: This proposed rule would require that the sponsor ***of*** each approved or conditionally approved antimicrobial new animal drug product submit an annual report to the Food and Drug Administration (FDA or Agency) on the amount ***of*** each antimicrobial active ingredient in the drug product that is sold or distributed for use in food-producing animals, including any distributor-labeled product. In addition to codifying these requirements, FDA is exploring other requirements for the collection ***of*** additional drug distribution data.

Statement ***of*** Need: Section 105 ***of*** the Animal Drug User Fee Amendments ***of*** 2008 (ADUFA) amended section 512 ***of*** the Federal Food, Drug, and Cosmetic Act (FD&C Act) to require that the sponsor ***of*** each approved or conditionally appoved new animal drug

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product that contains an antimicrobial active ingredient submit an annual report to FDA on the amount ***of*** each antimicrobial active ingredient in the drug product that is sold or distributed for use in food-producing animals, including information on any distributor-labeled product. This legislation was enacted to assist FDA in its continuing analysis ***of*** the interactions (including drug resistance), efficacy, and safety ***of*** antibiotics approved for use in both humans and food-producing animals (H. Rpt. 110-804). This proposed rulemaking is to codify these requirements. In addition, FDA is exploring the establishment ***of*** other reporting requirements to provide for the collection ***of*** additional drug distribution data, including reporting sales and distribution data by species.

Summary ***of*** Legal Basis: Section 105 ***of*** ADUFA (Pub. L. 110-316; 122 Stat. 3509) amended section 512 ***of*** the FD&C Act (21 U.S.C. 360b) to require that sponsors ***of*** approved or conditionally approved applications for new animal drugs containing an antimicrobial active ingredient submit an annual report to the Food and Drug Administration

on the amount ***of*** each such ingredient in the drug that is sold or distributed for use in food-producing animals, including information on any distributor-labeled product. FDA is also issuing this rule under

its authority under section 512(l) ***of*** the FD&C Act to collect information relating to approved new animal drugs.

Alternatives: This rulemaking codifies the congressional mandate ***of*** ADUFA section 105. The annual reporting required under ADUFA section 105 is necessary to address potential problems concerning the safety

and effectiveness ***of*** antimicrobial new animal drugs. Less frequent data collection would hinder this purpose.

Anticipated Cost and ***Benefits***: Sponsors ***of*** antimicrobial drugs sold for use in food-producing animals currently report sales and

distribution data to the Agency under section 105 ***of*** ADUFA; this rulemaking will codify in FDA's regulations a current statutory requirement. There may be a minimal additional labor cost if any other reporting requirement is proposed. Additional data beyond the reporting requirements specified in ADUFA section 105 will help the Agency better

understand how the use ***of*** medically important antimicrobial drugs in food-producing animals may relate to antimicrobial resistance.

Risks: Section 105 ***of*** ADUFA was enacted to address the problem ***of*** antimicrobial resistance, and to help ensure that FDA has the necessary

information to examine safety concerns related to the use ***of*** antibiotics in food-producing animals. 154 Congressional Record H7534.
Timetable:

Action Date FR Cite

ANPRM..... 07/27/12 77 FR 44177
ANPRM Comment Period End..... 09/25/12 .....
ANPRM Comment Period Extended..... 09/26/12 77 FR 59156
ANPRM Comment Period End..... 11/26/12 .....
NPRM..... 05/00/15 .....

Regulatory Flexibility Analysis Required: Undetermined.
Small Entities Affected: Businesses.

Government Levels Affected: None.
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Officer, Department ***of*** Health and Human Services, Food and Drug

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RIN: 0910-AG45

HHS--FDA

52. Foreign Supplier Verification Program

Priority: Economically Significant. Major under 5 U.S.C. 801.
Unfunded Mandates: This action may affect the private sector under Pub. L. 104-4.

Legal Authority: 21 U.S.C. 384a; title III, sec 301 ***of*** FDA Food

Safety Modernization Act, Pub. L. 111-353, establishing sec 805 ***of*** the Federal Food, Drug, and Cosmetic Act (FD&C Act)
CFR Citation: Not Yet Determined.
Legal Deadline: Final, Statutory, January 4, 2012.
Abstract: This rule describes what a food importer must do to verify that its foreign suppliers produce food that is as safe as food produced in the United States. FDA is taking this action to improve the

safety ***of*** food that is imported into the United States.

Statement ***of*** Need: The proposed rule is needed to help improve the

safety ***of*** food that is imported into the United States. Imported food products have increased dramatically over the last several decades.

Data indicate that about 15 percent ***of*** the U.S. food supply is imported. FSMA provides the Agency with additional tools and authorities to help ensure that imported foods are safe for U.S. consumers. Included among these tools and authorities is a requirement that importers perform risk-based foreign supplier verification activities to verify that the food they import is produced in compliance with U.S. requirements, as applicable, and is not

adulterated or misbranded. This proposed rule on the content ***of*** foreign supplier verification programs (FSVPs) sets forth the proposed steps that food importers would be required to take to fulfill their

responsibility to help ensure the safety ***of*** the food they bring into this country.

Summary ***of*** Legal Basis: Section 805(c) ***of*** the FD&C Act (21 U.S.C.

384a(c)) directs FDA, not later than 1 year after the date ***of*** enactment

of FSMA, to issue regulations on the content ***of*** FSVPs. Section

805(c)(4) states that verification activities under such programs may include monitoring records for shipments, lot-by-lot certification ***of*** compliance, annual onsite inspections, checking the hazard analysis and risk-based preventive control plans ***of*** foreign suppliers, and periodically testing and sampling shipments ***of*** imported products.

Section 301(b) ***of*** FSMA amends section 301 ***of*** the FD&C Act (21 U.S.C. 331) by adding section 301(zz), which designates as a prohibited act the importation or offering for importation ***of*** a food if the importer (as defined in section 805) does not have in place an FSVP in compliance with section 805. In addition, section 301(c) ***of*** FSMA amends section 801(a) ***of*** the FD&C Act (21 U.S.C. 381(a)) by stating that an article ***of*** food being imported or offered for import into the United States shall be refused admission if it appears, from an examination ***of*** a sample ***of*** such an article or otherwise, that the importer is in violation ***of*** section 805.

Alternatives: We are considering a range ***of*** alternative approaches to the requirements for foreign supplier verification activities. These might include: (1) establishing a general requirement that importers determine and conduct whatever verification activity would adequately address the risks associated with the foods they import; (2) allowing importers to choose from a list ***of*** possible verification mechanisms, such as the activities listed in section 805(c)(4) ***of*** the FD&C Act; (3) requiring importers to conduct particular verification activities for certain types ***of*** foods or risks (e.g., for high-risk foods), but allowing flexibility in verification activities for other types ***of*** foods or risks; and (4) specifying use ***of*** a particular verification activity for each particular kind ***of*** food or risk. To the extent possible while still ensuring that verification activities are adequate to ensure that foreign suppliers are

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producing food in accordance with U.S. requirements, we will seek to give importers the flexibility to choose verification procedures that are appropriate to adequately address the risks associated with the importation ***of*** a particular food, and accounted for in the proposed

rules that contain these requirements.

Anticipated Cost and ***Benefits***: We are still estimating the cost and ***benefits*** for this proposed rule. However, the available information suggests that, if finalized, the costs will be significant. Our preliminary analysis ***of*** FY10 OASIS data suggests that this rule will cover about 60,000 importers, 240,000 unique combinations ***of*** importers and foreign suppliers, and 540,000 unique combinations ***of*** importers, products, and foreign suppliers. These numbers imply that provisions that require activity for each importer, each unique combination ***of*** importer and foreign supplier, or each unique combination ***of*** importer, product, and foreign supplier will generate significant costs. An example ***of*** a provision linked to combinations ***of*** importers and foreign suppliers would be a requirement to conduct a verification activity, such as an onsite audit, under certain conditions. The cost ***of*** onsite audits will depend, in part, on whether foreign suppliers can provide the same onsite audit results to different importers, or whether every importer will need to take some action with respect to each ***of*** their foreign suppliers. The ***benefits*** ***of*** this proposed rule will consist ***of*** the reduction ***of*** adverse health events linked to imported food that could result from increased compliance with applicable requirements, and are accounted for in the proposed rules that contain those requirements and are accounted for in the proposed rules that contain those requirements.

Risks: As stated above, about 15 percent ***of*** the U.S. food supply is imported, and many ***of*** these imported foods are high-risk commodities. According to recent data from the Centers for Disease Control and Prevention, each year, about 48 million Americans get sick, 128,000 are hospitalized, and 3,000 die from foodborne diseases. We expect that the adoption ***of*** FSVPs by food importers will ***benefit*** the public health by helping to ensure that imported food is produced in compliance with other applicable food safety regulations.

Timetable:

Action Date FR Cite

NPRM..... 07/29/13 78 FR 45729

NPRM Comment Period End..... 11/26/13 .....
NPRM Comment Period Extended..... 11/20/13 78 FR 69602
NPRM Comment Period Extended End.... 01/27/14 .....
Supplemental NPRM..... 09/29/14 79 FR 58573
Supplemental NPRM Comment Period End 12/15/14 .....
Final Rule..... 10/00/15 .....

Regulatory Flexibility Analysis Required: Yes.
Small Entities Affected: Businesses.

Government Levels Affected: None.
International Impacts: This regulatory action will be likely to

have international trade and investment effects, or otherwise be ***of*** international interest.
Agency Contact: Brian L. Pendleton, Senior Policy Advisor,

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RIN: 0910-AG64

HHS--FDA

Final Rule Stage

53. ``Tobacco Products'' Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act

Priority: Economically Significant. Major under 5 U.S.C. 801.
Unfunded Mandates: This action may affect the private sector under Pub. L. 104-4.
Legal Authority: 21 U.S.C. 301 et seq.; The Federal Food, Drug, and Cosmetic Act; Pub. L. 111-31; The Family Smoking Prevention and Tobacco Control Act
CFR Citation: Not Yet Determined.
Legal Deadline: None.
Abstract: The Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act) provides the Food and Drug Administration (FDA) authority to regulate cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco. The Federal Food, Drug, and Cosmetic Act (FD&C Act), as amended by the Tobacco Control Act, permits FDA to issue regulations deeming other tobacco products to be subject to the

FD&C Act. This rule would deem additional products meeting the

statutory definition ***of*** ``tobacco product'' to be subject to the FD&C Act, and would specify additional restrictions.

Statement ***of*** Need: Currently, the Tobacco Control Act provides FDA with immediate authority to regulate cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco. The Tobacco Control Act also permits FDA to issue regulations deeming other tobacco products

that meet the statutory definition ***of*** ``tobacco product'' to also be subject to the FD&C Act. This regulation is necessary to afford FDA the authority to regulate additional products which include hookah, electronic cigarettes, cigars, pipe tobacco, other novel tobacco products, and future tobacco products.

Summary ***of*** Legal Basis: Section 901 ***of*** the FD&C Act, as amended by the Tobacco Control Act, permits FDA to issue regulations deeming other tobacco products to be subject to the FD&C Act. Section 906(d) provides FDA with the authority to propose restrictions on the sale and

distribution ***of*** tobacco products, including restrictions on the access

to, and the advertising and promotion ***of***, tobacco products if FDA determines that such regulation would be appropriate for the protection

of the public health.

Alternatives: In addition to the ***benefits*** and costs ***of*** both options

for the proposed rule, FDA assessed the ***benefits*** and costs ***of*** several alternatives to the proposed rule: e.g., deeming only, but exempt newly-deemed products from certain requirements; exempt certain classes

of products from certain requirements; deeming only, with no additional provisions; and changes to the compliance periods.

Anticipated Cost and ***Benefits***: The proposed rule consists ***of*** two coproposals, option 1 and option 2. The proposed option 1 deems all

products meeting the statutory definition ***of*** ``tobacco product'' except

accessories ***of*** a proposed deemed tobacco product to be subject to

chapter IX ***of*** the FD&C Act. Option 1 also proposes additional provisions that would apply to proposed deemed products as well as to certain other tobacco products. Option 2 is the same as option 1 except that it exempts premium cigars. We expect that asserting our authority over these tobacco products will enable us to take further regulatory action in the future as appropriate; those actions will have their own

costs and ***benefits***. The proposed rule would generate some direct

benefits by providing information to consumers about the risks and

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characteristics ***of*** tobacco products which may result in consumers

reducing their use ***of*** cigars and other tobacco products. Other

potential ***benefits*** follow from premarket requirements which could prevent more harmful products from appearing on the market and

worsening the health effects ***of*** tobacco product use. The proposed rule

would impose costs in the form ***of*** registration submission labeling and other requirements; other likely costs are not quantifiable based on current data.

Risks: Adolescence is the peak time for tobacco use initiation and experimentation. In recent years, new and emerging tobacco products, sometimes referred to as ``novel tobacco products,'' have been developed and are becoming an increasing concern to public health due, in part, to their appeal to youth and young adults. Non-regulated tobacco products come in many forms, including electronic cigarettes, nicotine gels, and certain dissolvable tobacco products (i.e., those

dissolvable products that do not currently meet the definition ***of*** smokeless tobacco under 21 U.S.C. 387(18) because they do not contain cut, ground, powdered, or leaf tobacco, and instead contain nicotine extracted from tobacco), and these products are widely available. This deeming rule is necessary to provide FDA with authority to regulate these products (e.g., registration, product and ingredient listing, user fees for certain products, premarket requirements, and adulteration and misbranding provisions). In addition, the additonal restrictions that FDA seeks to promulgate for the proposed deemed products will protect youth by restricting minors' access to these

products and will increase consumer understanding ***of*** the impact ***of*** these products on public health. This rule is consistent with other approaches that the Agency has taken to address the tobacco epidemic and is particularly necessary, given that consumer use may be gravitating to the proposed deemed products.

Timetable:

Action Date FR Cite

NPRM..... 04/25/14 79 FR 23142
NPRM Comment Period End..... 07/09/14 .....

NPRM Comment Period Extended..... 06/24/14 79 FR 35711
NPRM Comment Period End..... 08/08/14 .....
Final Action..... 06/00/15 .....

Regulatory Flexibility Analysis Required: Yes.
Small Entities Affected: Businesses.

Government Levels Affected: Undetermined.
Federalism: Undetermined.
International Impacts: This regulatory action will be likely to

have international trade and investment effects, or otherwise be ***of*** international interest.
Agency Contact: Gerie Voss, Senior Regulatory Counsel, Department

of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, Document Control Center, Building 71, Room G335, 10903 New Hampshire Avenue, Silver Spring, MD 20993, Phone: 877 287-

1373, Fax: 301 595-1426, Email: *ctpregulations@fda.hhs.gov*
RIN: 0910-AG38

HHS--FDA

54. Food Labeling: Calorie Labeling ***of*** Articles ***of*** Food Sold in Vending Machines

Priority: Economically Significant. Major under 5 U.S.C. 801.
Legal Authority: 21 U.S.C. 321; 21 U.S.C. 343; 21 U.S.C. 371
CFR Citation: Not Yet Determined.
Legal Deadline: None.
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.

Statement ***of*** Need: This rulemaking was mandated by section 4205 ***of*** the Patient Protection and Affordable Care Act (Affordable Care Act).

Summary ***of*** Legal Basis: On March 23, 2010, the Affordable Care Act (Pub. L. 111-148) was signed into law. Section 4205 amended 403(q)(5)

of the Federal Food, Drug, and Cosmetic Act (FD&C Act) by, among other things, creating new clause (H) to require that vending machine

operators, ***who*** own or operate 20 or more machines, disclose calories for certain food items. FDA has the authority to issue this rule under sections 403(q)(5)(H) and 701(a) ***of*** the FD&C Act (21 U.S.C. 343(q)(5)(H), and 371(a)). Section 701(a) ***of*** the FD&C Act vests the Secretary ***of*** Health and Human Services, and, by delegation, the Food and Drug Administration (FDA) with the authority to issue regulations for the efficient enforcement ***of*** the FD&C Act.

Alternatives: Section 4205 ***of*** the Affordable Care Act requires the Secretary (and by delegation, the FDA) to establish by regulation requirements for calorie labeling ***of*** articles ***of*** food sold from covered vending machines. Therefore, there are no alternatives to rulemaking. FDA has analyzed alternatives that may reduce the burden ***of*** the rulemaking, including analyzing the ***benefits*** and costs ***of***: restricting the flexibility ***of*** the format for calorie disclosure, lengthening the compliance time, and extending the coverage ***of*** the rule to bulk vending machines without selection buttons.

Anticipated Cost and ***Benefits***: Any vending machine operator operating fewer than 20 machines may voluntarily choose to be covered by the national standard. It is anticipated that vending machine operators that own or operate 20 or more vending machines will bear costs associated with adding calorie information to vending machines. FDA initially estimated that the total cost ***of*** complying with section 4205 ***of*** the Affordable Care Act and this rulemaking would be approximately $25.8 million initially, with a recurring cost ***of*** approximately $24 million.

Because comprehensive national data for the effects ***of*** vending machine labeling do not ***exist***, FDA did not quantify the ***benefits*** associated with section 4205 ***of*** the Affordable Care Act and this rulemaking in the proposed rule. Some studies have shown that some consumers consume fewer calories when calorie content information is displayed at the point ***of*** purchase. Consumers will ***benefit*** from having this important nutrition information to assist them in making healthier choices when consuming food away from home. Given the very high costs associated with obesity and its associated health risks, FDA estimated that if 0.02 percent ***of*** the adult obese population reduces energy

intake by at least 100 calories per week, then the ***benefits*** ***of*** section

4205 ***of*** the Affordable Care Act and this rulemaking would be at least as large as the costs.

Risks: Americans now consume an estimated one-third ***of*** their total

calories from foods prepared outside the home, and spend almost half ***of*** their food dollars on such foods. This rule will provide consumers with

information about the nutritional content ***of*** food to enable them to

make healthier food choices, and may help mitigate the trend ***of*** increasing obesity in America.

Timetable:

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Action Date FR Cite

NPRM..... 04/06/11 76 FR 19238
NPRM Comment Period End..... 07/05/11 .....
Final Action..... 11/00/14 .....

Regulatory Flexibility Analysis Required: Yes.
Small Entities Affected: Businesses, Governmental Jurisdictions.

Government Levels Affected: Federal, Local, State.
Federalism: This action may have federalism implications as defined in EO 13132.

Agency Contact: Daniel Reese, Food Technologist, Department ***of*** Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFS-820), 5100 Paint Branch Parkway, College Park, MD 20740, Phone: 240 402-2126, Email:

daniel.reese@fda.hhs.gov

RIN: 0910-AG56

HHS--FDA

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

Priority: Economically Significant. Major under 5 U.S.C. 801.
Unfunded Mandates: This action may affect the private sector under Pub. L. 104-4.
Legal Authority: 21 U.S.C. 321; 21 U.S.C. 343; 21 U.S.C. 371
CFR Citation: Not Yet Determined.

Legal Deadline: None.

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.

Statement ***of*** Need: This rulemaking was mandated by section 4205 ***of*** the Patient Protection and Affordable Care Act (Affordable Care Act).

Summary ***of*** Legal Basis: On March 23, 2010, the Affordable Care Act (Pub. L. 111-148) was signed into law. Section 4205 ***of*** the Affordable Care Act amended 403(q)(5) ***of*** the Federal Food, Drug, and Cosmetic Act (FD&C Act) by, among other things, creating new clause (H) to require that certain chain restaurants and similar retail food establishments with 20 or more locations disclose certain nutrient information for standard menu items. FDA has the authority to issue this rule under sections 403(a)(1), 403(q)(5)(H), and 701(a) ***of*** the FD&C Act (21 U.S.C. 343(a)(1), 343(q)(5)(H), and 371(a)). Section 701(a) ***of*** the FD&C Act vests the Secretary ***of*** Health and Human Services, and, by delegation, the Food and Drug Administration (FDA) with the authority to issue regulations for the efficient enforcement ***of*** the FD&C Act.

Alternatives: Section 4205 ***of*** the Affordable Care Act requires the Secretary, and by delegation the FDA, to establish by regulation requirements for nutrition labeling ***of*** standard menu items for covered restaurants and similar retail food establishments. Therefore, there are no alternatives to rulemaking. FDA has analyzed alternatives that may reduce the burden ***of*** this rulemaking, including analyzing the ***benefits*** and costs ***of*** expanding and contracting the set ***of*** establishments covered by this rule, and shortening or lengthening the compliance time relative to the rulemaking.

Anticipated Cost and ***Benefits***: Chain restaurants and similar retail food establishments covered by the Federal law operating in local jurisdictions that impose different nutrition labeling requirements will ***benefit*** from having a uniform national standard. Any restaurant or

similar retail food establishment with fewer than 20 locations may voluntarily choose to be covered by the national standard. It is anticipated that chain restaurants with 20 or more locations will bear costs for adding nutrition information to menus and menu boards. FDA initially estimated that the total cost ***of*** section 4205 and this rulemaking would be approximately $80 million, annualized over 10 years, with a low annualized estimate ***of*** approximately $33 million and a high annualized estimate ***of*** approximately $125 million over 10 years. These costs (which are subject to change in the final rule) included an initial cost ***of*** approximately $320 million with an annually recurring cost ***of*** $45 million.

Because comprehensive national data for the effects ***of*** menu labeling do not ***exist***, FDA did not quantify the ***benefits*** associated with section 4205 ***of*** the Affordable Care Act and this rulemaking. Some studies have shown that some consumers consume fewer calories when menus have information about calorie content displayed. Consumers will ***benefit*** from having important nutrition information for the approximately 30 percent ***of*** calories consumed away from home. Given the very high costs associated with obesity and its associated health risks, FDA estimated that if 0.6 percent ***of*** the adult obese population reduces energy intake by at least 100 calories per week, then the ***benefits*** ***of*** section 4205 ***of*** the Affordable Care Act and this rule would be at least as large as the costs.

Risks: Americans now consume an estimated one-third ***of*** their total calories on foods prepared outside the home, and spend almost half ***of*** their food dollars on such foods. Unlike packaged foods that are labeled with nutrition information, foods in restaurants, for the most part, do not have nutrition information that is readily available when ordered. Dietary intake data have shown that obese Americans consume over 100 calories per meal more when eating food away from home, rather than food at home. This rule will provide consumers information about the nutritional content ***of*** food to enable them to make healthier food choices, and may help mitigate the trend ***of*** increasing obesity in America.

Timetable:

Action Date FR Cite

NPRM..... 04/06/11 76 FR 19192
NPRM Comment Period End..... 07/05/11 .....
Final Action..... 11/00/14 .....

Regulatory Flexibility Analysis Required: Yes.
Small Entities Affected: Businesses, Governmental Jurisdictions.

Government Levels Affected: Federal, Local, State.
Federalism: This action may have federalism implications as defined in EO 13132.

Agency Contact: Daniel Reese, Food Technologist, Department ***of*** Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFS-820), 5100 Paint Branch Parkway, College Park, MD 20740, Phone: 240 402-2126, Email:

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RIN: 0910-AG57

HHS--FDA

56. Accreditation ***of*** Third-Party Auditors/Certification Bodies To Conduct Food Safety Audits and To Issue Certifications

Priority: Other Significant.
Legal Authority: 21 U.S.C. 384d; Pub. L. 111-353; sec 307 FDA Food

Safety Modernization Act; other sections ***of*** FDA Food Safety Modernization Act, as appropriate; 21 U.S.C. 371; 21 U.S.C. 381; 21 U.S.C. 384b; . . .

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CFR Citation: 21 CFR 1.
Legal Deadline: Final, Statutory, July 2012, Promulgate implementing regulations.
Final, Judicial, October 31, 2015.
Per Public Law 111-353, section 307, promulgate, within 18 months

of enactment, certain implementing regulations for accreditation ***of*** third-party auditors to conduct food safety audits. Per consent decree, FDA will submit the final rule to the Federal Register for publication by 10/31/15.

Abstract: This rule establishes regulations for accreditation ***of*** third-party auditors to conduct food safety audits. FDA is taking this

action to improve the safety ***of*** food that is imported into the United States.

Statement ***of*** Need: The use ***of*** accredited third-party auditors to certify food imports will assist in ensuring the safety ***of*** food from foreign origin entering U.S. commerce. Accredited third-party auditors auditing foreign facilities can increase FDA's information about foreign facilities that FDA may not have adequate resources to inspect in a particular year. FDA will establish identified standards creating overall uniformity to complete the task. Audits that result in issuance ***of*** facility certificates will provide FDA information about the compliance status ***of*** the facility. Additionally, auditors will be required to submit audit reports that may be reviewed by FDA for purposes ***of*** compliance assessment and work planning.

Summary ***of*** Legal Basis: Section 808 ***of*** the FD&C Act directs FDA to establish, not later than 2 years after the date ***of*** enactment, a system for the recognition ***of*** accreditation bodies that accredit third-party auditors, ***who***, in turn, certify that their eligible entities meet the requirements. If within 2 years after the date ***of*** the establishment ***of*** the system, FDA has not identified and recognized an accreditation body, FDA may directly accredit third party auditors.

Alternatives: FSMA described in detail the framework for, and requirements ***of***, the accredited third-party auditor program. Alternatives include certain oversight activities required ***of*** recognized accreditation bodies that accredit third-party auditors, as distinguished from third-party auditors directly accredited by FDA. Another alternative relates to the nature ***of*** the required standards and the degree to which those standards are prescriptive or flexible.

Anticipated Cost and ***Benefits***: The ***benefits*** ***of*** the proposed rule would be less unsafe or misbranded food entering U.S. commerce. Additional ***benefits*** include the increased flow ***of*** credible information to FDA regarding the compliance status ***of*** foreign firms and their foods that are ultimately offered for import into the United States, which information, in turn, would inform FDA's work planning for inspection ***of*** foreign food facilities and might result in a signal ***of*** possible problems with a particular firm or its products, and with sufficient

signals, might raise questions about the rigor ***of*** the food safety regulatory system ***of*** the country ***of*** origin. The compliance costs ***of*** the proposed rule would result from the additional labor and capital required ***of*** accreditation bodies seeking FDA recognition and ***of*** third-party auditors seeking accreditation to the extent that will involve the assembling ***of*** information for an application unique to the FDA third-party program. The compliance costs associated with certification will be accounted for separately under the costs associated with participation in the voluntary qualified importer program, and the costs associated with mandatory certification for high-risk food imports. The third-party program is funded through revenue neutral-user fees, which will be developed by FDA through rulemaking. User fee costs will be accounted for in that rulemaking.

Risks: FDA is proposing this rule to provide greater assurance the food offered for import into the United States is safe and will not cause injury or illness to animals or humans. The rule would implement a program for accrediting third-party auditors to conduct food safety audits ***of*** foreign food entities, including registered foreign food facilities, and based on the findings ***of*** the regulatory audit, to issue certifications to foreign food entities found to be in compliance with FDA requirements. The certifications could be used by importers seeking to participate in the Voluntary Qualified Importer Program for expedited review and entry ***of*** product, and would be a means to provide assurance ***of*** compliance as required by FDA based on risk-related considerations. The rule would apply to any foreign or domestic accreditation body seeking FDA recognition, any foreign or domestic third-party auditor seeking accreditation, any registered foreign food facility or other foreign food entity subject to a food safety audit (including a regulatory audit conducted for purposes ***of*** certification), and any importer seeking to participate in the Voluntary Qualified Importer Program. Fewer instances ***of*** unsafe or misbranded food entering U.S. commerce would reduce the risk ***of*** serious illness and death to humans and animals.

Timetable:

Action Date FR Cite

NPRM..... 07/29/13 78 FR 45781

NPRM Comment Period End..... 11/26/13 .....
NPRM Comment Period Extended..... 11/20/13 78 FR 69603
NPRM Comment Period Extended End.... 01/27/14 .....
Final Action..... 10/00/15 .....

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: Undetermined.
International Impacts: This regulatory action will be likely to

have international trade and investment effects, or otherwise be ***of*** international interest.

Agency Contact: Charlotte A. Christin, Acting Director, Division ***of***

Dietary Supplement Programs, Department ***of*** Health and Human Services,

Food and Drug Administration, Division ***of*** Dietary Supplement Programs, Center for Food Safety and Applied Nutrition, 4D042, College Park, MD

20740, Phone: 240 402-3708, Email: *charlotte.christin@fda.hhs.gov*
RIN: 0910-AG66

HHS--FDA

57. Revision ***of*** Postmarketing Reporting Requirements Discontinuance or

Interruption in Supply ***of*** Certain Products (Drug Shortages)

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: secs 506c, 506c-1, 506d, and 506f ***of*** the FDA&C

Act, as amended by title X (Drug Shortages) ***of*** FDASIA, Pub. L. 112-144, July 9, 2012
CFR Citation: 21 CFR 314.81; 21 CFR 314.91.
Legal Deadline: NPRM, Statutory, January 9, 2014, Not later than 18

months after the date ***of*** enactment ***of*** FDASIA, FDA must adopt the final regulation implementing section 506C as amended.

Section 1001 ***of*** FDASIA states that not later than 18 months after

the date ***of*** enactment ***of*** FDASIA, the Secretary shall adopt a final regulation implementing section 506(c) as amended.

Abstract: This rule would require manufacturers ***of*** certain drug products to report discontinuances or

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interruptions in the manufacturing ***of*** these products 6 months prior to the discontinuance or interruption, or if that is not possible, as soon

as practicable. Manufacturers must notify FDA ***of*** a discontinuance or interruption in the manufacture ***of*** drugs that are life-supporting, life-sustaining, or intended for use in the prevention or treatment ***of*** a debilitating disease or condition.

Statement ***of*** Need: The Food and Drug Administration Safety and Innovation Act (FDASIA), Public Law 112-144 (July 9, 2012), amends the FD&C Act to require manufacturers ***of*** certain drug products to report to FDA discontinuances or interruptions in the production ***of*** these products that are likely to meaningfully disrupt supply 6 months prior to the discontinuance or interruption, or if that is not possible, as soon as practicable. FDASIA also amends the FD&C Act to include other provisions related to drug shortages. Drug shortages have a significant impact on patient access to critical medications, and the number ***of*** drug shortages has risen steadily since 2005 to a high ***of*** 251 shortages in 2011. Notification to FDA ***of*** a shortage or an issue that may lead to a shortage is critical--FDA was able to prevent more than 100 shortages in the first 3 quarters ***of*** 2012 due to early notification. This rule will implement the FDASIA drug shortages provisions, allowing FDA to more quickly and efficiently respond to shortages, thereby improving patient access to critical medications, and promoting public health.

Summary ***of*** Legal Basis: Sections 506(c), 506(c)-1, 506(d), 506(e), and 506(f) ***of*** the FD&C Act, as amended by title X (Drug Shortages) ***of*** FDASIA.

Alternatives: The principal alternatives assessed were to provide guidance on voluntary notification to FDA, or to continue to rely on the requirements under the current interim final rule on notification. These alternatives would not meet the statutory requirement to issue the final regulation required by title X, section 1001 ***of*** FDASIA.

Anticipated Cost and ***Benefits***: The rule would increase the modest reporting costs associated with notifying FDA ***of*** discontinuances or interruptions in the production ***of*** certain drug products. The rule would generate ***benefits*** in the form ***of*** the value ***of*** public health gains through more rapid and effective FDA responses to potential, or actual drug shortages that otherwise would limit patient access to critical medications.

Risks: Drug shortages can significantly impede patient access to

critical, sometimes life-saving, medications. Drug shortages, therefore, can pose a serious risk to public health and patient safety.

This rule will require early notification ***of*** potential shortages, enabling FDA to more quickly and effectively respond to potential or actual drug shortages that otherwise would limit patient access to critical medications.

Timetable:

Action Date FR Cite

NPRM..... 11/04/13 78 FR 65904
NPRM Comment Period End..... 01/03/14 .....
Final Action..... 01/00/15 .....

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: None.

Agency Contact: Valerie Jensen, Associate Director, CDER Drug Shortage Staff, Department ***of*** Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO Building 22, Room 6202, 10903 New Hampshire Avenue, Silver Spring, MD 20903, Phone: 301 796-0737.

RIN: 0910-AG88

HHS--FDA

58. Supplemental Applications Proposing Labeling Changes for Approved Drugs and Biological Products

Priority: Other Significant.

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 352; 21 U.S.C. 353; 21 U.S.C. 355; 21 U.S.C. 371; 42 U.S.C. 262; . . .

CFR Citation: 21 CFR 314.70; 21 CFR 314.97; 21 CFR 314.150; 21 CFR 601.12.

Legal Deadline: None.

Abstract: This rule would amend the regulations regarding new drug applications (NDAs), abbreviated new drug applications (ANDAs), and biologics license applications (BLAs) to revise and clarify procedures for changes to the labeling ***of*** an approved drug to reflect certain types ***of*** newly acquired information in advance ***of*** FDA's review ***of*** such change.

Statement ***of*** Need: In the current marketplace, approximately 80

percent ***of*** drugs dispensed are generic drugs approved in ANDAs. ANDA holders, like NDA holders and BLA holders, are required to promptly review all adverse drug experience information obtained or otherwise received, and comply with applicable reporting and recordkeeping requirements. However, under current FDA regulations, ANDA holders are not permitted to use the CBE supplement process in the same manner as NDA holders and BLA holders to independently update product labeling with certain newly acquired safety information. This regulatory difference recently has been determined to mean that an individual can bring a product liability action for ``failure to warn'' against an NDA holder, but generally not an ANDA holder. This may alter the incentives for generic drug manufacturers to comply with current requirements to conduct robust postmarketing surveillance, evaluation, and reporting, and to ensure that their product labeling is accurate and up-to-date. Accordingly, there is a need for ANDA holders to be able to independently update product labeling to reflect certain newly acquired safety information as part ***of*** the ANDA holder's independent responsibility to ensure that its product labeling is accurate and up-to-date.

Summary ***of*** Legal Basis: The FD&C Act (21 U.S.C. 301 et seq.) and the PHS Act (42 U.S.C. 201 et seq.) provide FDA with authority over the labeling for drugs and biological products, and authorize the Agency to enact regulations to facilitate FDA's review and approval ***of*** applications regarding the labeling for those products. FDA's authority to extend the CBE supplement process for certain safety-related labeling changes to ANDA holders arises from the same authority under which FDA's regulations relating to NDA holders and BLA holders were issued.

Alternatives: FDA is considering several alternatives described in comments submitted to the public docket established for the proposed rule.

Anticipated Cost and ***Benefits***: FDA is reviewing comments submitted to the public docket and evaluating the anticipated costs and ***benefits*** that would be associated with a final rule.

Risks: This rule is intended to remove obstacles to the prompt communication ***of*** safety-related labeling changes that meet the regulatory criteria for a CBE supplement. The rule may encourage generic drug companies to participate more actively with FDA in ensuring the timeliness, accuracy, and completeness ***of*** drug safety labeling in accordance with current regulatory requirements. FDA's

posting ***of*** information on its Web site regarding the safety-related labeling changes proposed in pending CBE supplements would enhance transparency, and facilitate access by health care providers and the public so that such information may be used to inform treatment decisions.

Timetable:

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Action Date FR Cite

NPRM..... 11/13/13 78 FR 67985
NPRM Comment Period End..... 01/13/14 .....
NPRM Comment Period Extended..... 12/27/13 78 FR 78796
NPRM Comment Period End..... 03/13/14 .....
Final Rule..... 09/00/15 .....

Regulatory Flexibility Analysis Required: Yes.
Small Entities Affected: Businesses.

Government Levels Affected: Undetermined.
Agency Contact: Janice L. Weiner, Senior Regulatory Counsel,

Department ***of*** Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 51, Room 6268, 10903 New Hampshire Avenue, Silver Spring, MD 20993-0002, Phone: 301 796-3601,

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RIN: 0910-AG94

HHS--FDA

59. Veterinary Feed Directive

Priority: Other Significant.
Legal Authority: 21 U.S.C. 354; 21 U.S.C. 360b; 21 U.S.C. 360ccc; 21 U.S.C. 360ccc-1; 21 U.S.C. 371
CFR Citation: 21 CFR 514; 21 CFR 558.
Legal Deadline: None.
Abstract: The Animal Drug Availability Act created a new category

of products called veterinary feed directive (VFD) drugs. This

rulemaking is intended to provide for the increased efficiency ***of*** the VFD program.

Statement ***of*** Need: Before 1996, two options ***existed*** for regulating

the distribution ***of*** animal drugs, including drugs in animal feed: (1) Over-the-counter (OTC); and (2) prescription (Rx). In 1996, the Animal Drug Availability Act (ADAA) created a new category ***of*** products called veterinary feed directive (VFD) drugs. VFD drugs are new animal drugs intended for use in or on animal feed, which are limited to use under the professional supervision ***of*** a licensed veterinarian in the course ***of*** the veterinarian's professional practice. In order for animal feed containing a VFD drug to be used in animals, a licensed veterinarian must first issue an order, called a veterinary feed directive (or VFD), providing for such use. The Food and Drug Administration (FDA, the Agency) finalized its regulation to implement the VFD-related provisions ***of*** the ADAA in December 2000. Since that time, FDA has received informal comments that the VFD process is overly burdensome. As a result, FDA began exploring ways to improve the VFD program's efficiency. To that end, FDA published an advanced notice ***of*** proposed rulemaking on March 29, 2010 (75 FR 15387), and draft text ***of*** a proposed regulation, which it published April 13, 2012 (77 FR 22247). The proposed revisions to the VFD process are also intended to support the Agency's initiative to transition certain new animal drug products containing medically important antimicrobial drugs from an OTC status to a status that requires veterinary oversight. The proposed rule, if finalized, will make the following changes to the VFD regulations at section 558.6 (21 CFR 558.6): (1) Reorganize the VFD regulations to make them more user-friendly. This proposal will replace the six subsections ***of*** the ***existing*** regulations with three subsections that better identify what is expected from each party involved in the VFD process; (2) provide increased flexibility for licensed veterinarians and animal producers to align with the most recent practice standards, technological and medical advances, and practical considerations, to assure the safe and effective use ***of*** VFD drugs; (3) provide for the continued availability through the current feed mill distribution system ***of*** those Category I drugs that move to VFD dispensing status. This will prevent potential shortages ***of*** antimicrobial drugs needed by food animal producers for judicious therapeutic uses on their farms and ranches; and (4) lower the recordkeeping burden for all involved parties to align with other feed manufacturing recordkeeping requirements, thus eliminating the need for two separate filing systems.

Summary ***of*** Legal Basis: FDA's authority for issuing this rule is provided in the ADAA (Pub. L. 104-250), which amended the Federal Food, Drug, & Cosmetic Act (FD&C Act) by establishing section 504.

Alternatives: An alternative to the proposed rule that would ease the burden on VFD drug manufacturers would be to allow additional time to comply with the proposed labeling requirements for currently approved VFD drugs, for example, 1 or more years after the final rule becomes effective. This would not affect any new VFD drug approvals after the effective date ***of*** the final rule, and it could provide a transition period for current VFD manufacturers to coordinate the labeling changes to the specimen labeling, representative labeling, the VFD form itself, and advertising within the usual frequency ***of*** label changes.

Anticipated Cost and ***Benefits***: The estimated one-time costs to industry from this proposed rule, if finalized, are the costs to review the rule and prepare a compliance plan. In addition, FDA estimates that the ***government*** will incur costs associated with reviewing the VFD drug labeling supplements that are expected to be submitted by the ***existing*** VFD drug manufacturers. The expected ***benefit*** ***of*** this proposal is a general improvement in the efficiency ***of*** the VFD process. Additionally, the reduction in veterinarian labor costs due to this rule is expected to result in an annual cost savings.

Risks: As FDA continues to implement the judicious use principles for medically important antimicrobial drugs based on the framework set forth in Guidance for Industry #209, which published April 13, 2012, it is critical that the Agency makes the VFD program as efficient as possible for stakeholders while maintaining adequate protection for human and animal health. The provisions included in this proposed rule are based on stakeholder input received in response to multiple opportunities for public comment, and represent FDA's best effort to strike the appropriate balance between protection ***of*** human and animal health and programmatic efficiency.

Timetable:

Action	Date	FR Cite
ANPRM	03/29/10	75 FR 15387
ANPRM Comment Period End	06/28/10	
NPRM	12/12/13	78 FR 75515

NPRM Comment Period End..... 03/12/14 .....
Final Rule..... 04/00/15 .....

Regulatory Flexibility Analysis Required: Yes.
Small Entities Affected: Businesses.

Government Levels Affected: None.
Agency Contact: Sujaya Dessai, Supervisory Veterinary Medical

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RIN: 0910-AG95

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HHS--CENTERS FOR MEDICARE & MEDICAID SERVICES (CMS)

Proposed Rule Stage

60. Reform ***of*** Requirements for Long-Term Care Facilities (CMS-3260-P) (Rulemaking Resulting From a Section 610 Review)

Priority: Economically Significant. Major under 5 U.S.C. 801.
Unfunded Mandates: This action may affect the private sector under Pub. L. 104-4.
Legal Authority: Pub. L. 111-148, sec 6102; 42 U.S.C. 263a; 42 U.S.C. 1302, 1395hh, 1395rr
CFR Citation: 42 CFR 405; 42 CFR 431; 42 CFR 447; 42 CFR 482; 42 CFR 483; 42 CFR 485; 42 CFR 488.
Legal Deadline: None.
Abstract: This proposed rule would revise the requirements that Long-Term Care facilities must meet to participate in the Medicare and Medicaid programs. These proposed changes are necessary to reflect the substantial advances that have been made over the past several years in the theory and practice ***of*** service delivery and safety. These proposals are also an integral part ***of*** our efforts to achieve broad-based improvements both in the quality ***of*** health care furnished through Federal programs, and in patient safety, while at the same time reducing procedural burdens on providers.

Statement ***of*** Need: CMS has not comprehensively reviewed the entire set ***of*** requirements for participation it imposes on facilities in many years. Over the years, the Agency and its stakeholders have identified

problematic requirements. Accordingly, we conducted a review ***of*** the requirements in an effort to improve the quality ***of*** life, care, and services in facilities; optimize resident safety; reflect current professional standards; and improve the logical flow ***of*** the regulations. Based on our analysis, we decided to pursue those regulatory revisions that would reflect the advances that have been made in health care delivery and that would improve resident safety.

Summary ***of*** Legal Basis: The Medicare requirements for participation for long-term care facilities were published in the Federal Register on February 2, 1989. These regulations have been revised and added to since that time, principally as a result ***of*** legislation or a need to address a specific issue; however, they have not been comprehensively reviewed and updated since September 26, 1991, despite substantial changes in service delivery in this setting. Additionally, we are proposing to add the statutory authority citations for sections 1128I(b) and (c) ***of*** the Act to include the compliance and ethics program and Quality Assurance and Performance Improvement (QAPI) requirements under section 6102 ***of*** the Affordable Care Act.

Alternatives: The requirements for long-term care facilities have not been comprehensively updated in many years, but the effective and efficient delivery ***of*** health care services has changed substantially in that time. We could choose not to make any regulatory changes; however, we believe the changes we are proposing are necessary to ensure the requirements are consistent with current standards ***of*** practice and continue to meet statutory obligations. They will ensure that residents receive care that maintains or enhances quality ***of*** life and attains or maintains the resident's highest practicable physical, mental, and psychosocial well-being.

Anticipated Cost and ***Benefits***: This proposed rule would implement comprehensive changes intended to update the current requirements for long-term care facilities and create new efficiencies and flexibilities for facilities. In addition, these changes will support improved resident quality ***of*** life and quality ***of*** care. Many ***of*** the quality ***of*** life improvements we are proposing are grounded in the concepts ***of*** person-centered care and culture change. These changes not only result in improved quality ***of*** life for the resident, but can result in improvements in the caregiver's quality ***of*** work life and in savings to

the facility. Savings can be accrued through reduced turnover,

decreased use ***of*** agency labor and decreased worker compensation costs.

Facilities may also ***benefit*** from improved bed occupancy rates. As we

move toward publication, estimates ***of*** the cost and ***benefits*** ***of*** these important initiatives will be included in the rule.

Risks: None. The proposed requirements in this rule would update

the ***existing*** requirements for long-term care facilities to reflect

current standards ***of*** practice. In addition, proposed changes would provide added flexibility to providers, improve efficiency and

effectiveness, enhance resident quality ***of*** care and quality ***of*** life, and potentially improve clinical outcomes.

Timetable:

Action Date FR Cite

NPRM..... 03/00/15 .....

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses, Governmental Jurisdictions.

Government Levels Affected: State.

Additional Information: Includes Retrospective Review under E.O. 13563.

Agency Contact: Ronisha Davis, Health Insurance Specialist,

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RIN: 0938-AR61.

HHS--CMS

61. Mental Health Parity and Addiction Equity Act ***of*** 2008; The

Application to Medicaid Managed Care, Chip, And Alternative ***Benefit*** Plans (CMS-2333-P)

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: Undetermined.

Legal Authority: 42 U.S.C. 1302; Pub. L. 110-343; Pub. L. 111-148, Sec 2001

CFR Citation: 42 CFR 438; 42 CFR 440; 42 CFR 456; 42 CFR 457.
Legal Deadline: None.
Abstract: This proposed rule would address the requirements under the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act ***of*** 2008 (MHPAEA) to Medicaid Alternative ***Benefit*** Plans (ABPs), Children's Health Insurance Program (CHIP), and Medicaid managed care organizations (MCOs).

Statement ***of*** Need: A final rule implementing MHPAEA was published in the Federal Register on November 13, 2013. These final MHPAEA provisions do not apply to Medicaid MCOs, ABPs, or CHIP State plans. This rule proposes to address how MHPAEA requirements, including those implemented in the November 13, 2013, final rule, apply to MCOs, ABPs, and CHIP.

Summary ***of*** Legal Basis: There are several statutes that are directly related to MHPAEA application to Medicaid. These include the MHPAEA, sections 511 and 512 ***of*** the Tax Extenders and Alternative Minimum Tax Relief Act ***of*** 2008, the Employee Retirement Income Security Act ***of*** 1974 (ERISA), the Public Health Service Act (PHS Act), and the Internal Revenue Code ***of*** 1986 (Code). Section 2103(c) ***of*** the Social Security Act (the Act) added paragraph (6), which incorporates, by reference, provisions added to section 2705 ***of*** the Public Health Service Act (PHSA) to apply MHPAEA to CHIP. Finally, the

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Affordable Care Act expanded the application ***of*** MHPAEA to ***benefits*** in Medicaid ABPs.

Alternatives: None. A rule is needed to address the provisions ***of*** MHPAEA as they apply to Medicaid benchmark and benchmark-equivalent, CHIP, and MCOs.

Anticipated Cost and ***Benefits***: As we move toward publication, estimates ***of*** the cost and ***benefits*** ***of*** these provisions will be included in the rule.

Risks: None. This rule approaches the application ***of*** MHPAEA to Medicaid MCOs, ABPs, and CHIP by building upon the policies set forth in the final MHPAEA regulation. Our goal is to align as much as possible with the approach taken in the final MHPAEA regulation in order to avoid confusion or conflict, while remaining true to the

intent ***of*** the MHPAEA statute and the Medicaid program and CHIP.
Timetable:

Action Date FR Cite

NPRM..... 03/00/15 .....

Regulatory Flexibility Analysis Required: Undetermined.
Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations.

Government Levels Affected: Federal, Local, State, Tribal.
Federalism: Undetermined.
Agency Contact: John O'Brien, Health Insurance Specialist,

Department ***of*** Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicaid and CHIP Services, MS: S2-14-26, 7500 Security Blvd., Baltimore, MD 21244, Phone: 410 786-5529, Email:

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RIN: 0938-AS24

HHS--CMS

62. Electronic Health Record (EHR) Incentive Programs--Stage 3 (CMS-3310-P)

Priority: Economically Significant. Major under 5 U.S.C. 801.
Unfunded Mandates: Undetermined.

Legal Authority: Pub. L. 111-5, title IV ***of*** Division B
CFR Citation: 45 CFR 170; 42 CFR 412; 42 CFR 413; 42 CFR 495.
Legal Deadline: None.
Abstract: This proposed rule would establish policies related to Stage 3 ***of*** meaningful use for the Medicare and Medicaid EHR Incentive Programs. Stage 3 will focus on improving health care outcomes and further advance interoperability.

Statement ***of*** Need: This rule is necessary to implement the provisions ***of*** the ***American*** Recovery and Reinvestment Act (ARRA) that provide incentive payments to eligible professionals (EPs), eligible hospitals, and critical access hospitals (CAHs) participating in Medicare and Medicaid programs that adopt and meaningfully use certified EHR technology. The rule specifies applicable criteria for demonstrating Stage 3 ***of*** meaningful use.

Summary ***of*** Legal Basis: ARRA amended titles XVIII and XIX ***of*** the Social Security Act (the Act) to authorize incentive payments to EPs, eligible hospitals, CAHs, and Medicare Advantage (MA) Organizations to promote the adoption and meaningful use ***of*** certified EHR technology. Alternatives: None. In this proposed rule, CMS will implement Stage 3, another stage ***of*** the Medicare and Medicaid EHR Incentive Program as required by ARRA. We are proposing the Stage 3 criteria that EP's, eligible hospitals, and CAHs must meet in order to successfully demonstrate meaningful use under the Medicare and Medicaid EHR Incentive Programs, focusing on advanced use ***of*** EHR technology to promote improved outcomes for patients. Stage 3 will also propose changes to the reporting period, timelines, and structure ***of*** the program, including providing a single definition ***of*** meaningful use. These changes will provide a flexible, yet, clearer framework to ensure future sustainability ***of*** the EHR program and reduce confusion stemming from multiple stage requirements.

Anticipated Cost and ***Benefits***:

We expect that ***benefits*** to the program will accrue in the form ***of*** savings to Medicare through the Medicare payment adjustments. Expected qualitative ***benefits***, such as improved quality ***of*** care and better health outcomes are unable to be quantified at this time, but we believe that savings will likely result from reductions in the cost ***of*** providing care.

Risks: CMS anticipates many positive effects ***of*** adopting EHR on health care providers, apart from the incentive payments to be provided under this proposed rule. We believe there are ***benefits*** that can be obtained by eligible hospitals and EPs, including: Reductions in medical recordkeeping costs, reductions in repeat tests, decreases in length ***of*** stay, and reduced errors. When used effectively, EHRs can enable providers to deliver health care more efficiently. For example, EHRs can reduce the duplication ***of*** diagnostic tests, prompt providers to prescribe cost effective generic medications, remind patients about preventive care, reduce unnecessary office visits, and assist in managing complex care.

We are working with the Office ***of*** the National Coordinator for Health Information Technology to ensure that the Stage 3 meaningful use

definition coordinates with the standards and certification requirements being proposed and that there is sufficient time to upgrade and implement these changes. Stage 2 has been extended so that Stage 3 will not begin until 2017.

Timetable:

Action Date FR Cite

NPRM..... 02/00/15

Regulatory Flexibility Analysis Required: Undetermined.
Small Entities Affected: Businesses, Governmental Jurisdictions.

Government Levels Affected: State.
Federalism: Undetermined.
Agency Contact: Elizabeth S. Holland, Director, HIT Initiatives

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RIN: 0938-AS26

HHS--CMS

63. CY 2016 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Medicare Part B (CMS-1631-P)

Priority: Economically Significant. Major under 5 U.S.C. 801.
Unfunded Mandates: Undetermined.
Legal Authority: Social Security Act, secs 1102, 1871, 1848
CFR Citation: Not Yet Determined.
Legal Deadline: Final, Statutory, November 1, 2015.
Abstract: This annual proposed rule would revise payment polices under the Medicare physician fee schedule, and make other policy changes to payment under Medicare Part B. These changes would apply to services furnished beginning January 1, 2016.

Statement ***of*** Need: The statute requires that we establish each year, by regulation, payment amounts for all physicians' services furnished in all fee schedule areas. This rule would implement changes affecting Medicare Part B payment to physicians and other Part B suppliers. The final rule has a statutory publication date ***of*** November 1, 2015, and an implementation date ***of*** January 1, 2016.

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Summary ***of*** Legal Basis: Section 1848 ***of*** the Social Security Act (the Act) establishes the payment for physician services provided under Medicare. Section 1848 ***of*** the Act imposes an annual deadline ***of*** no later than November 1 for publication ***of*** the final rule or final physician fee schedule.

Alternatives: None. This implements a statutory requirement.

Anticipated Cost and ***Benefits***: Total expenditures will be adjusted for CY 2016.

Risks: If this regulation is not published timely, physician services will not be paid appropriately, beginning January 1, 2016.

Timetable:

Action Date FR Cite

NPRM..... 06/00/15 .....

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

Agency Contact: Kathy Bryant, Director, Division ***of*** Practitioner Services, Department ***of*** Health and Human Services, Centers for Medicare & Medicaid Services, Mail Stop C4-01-27, 7500 Security Boulevard, Baltimore, MD 21244, Phone: 410 786-3448, Email: *kathy.bryant@cms.hhs.gov*

RIN: 0938-AS40

HHS--CMS

64. Hospital Inpatient Prospective Payment System for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and FY 2016 Rates (CMS-1632-P)

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: Undetermined.

Legal Authority: sec 1886(d) ***of*** the Social Security Act

CFR Citation: Not Yet Determined.

Legal Deadline: NPRM, Statutory, April 1, 2015.

Final, Statutory, August 1, 2015.

Abstract: This annual proposed rule would revise the Medicare hospital inpatient and long-term care hospital prospective payment systems for operating and capital-related costs. This proposed rule would implement changes arising from our continuing experience with these systems.

Statement ***of*** Need: CMS annually revises the Medicare hospital inpatient prospective payment systems (IPPS) for operating and capital-related costs to implement changes arising from our continuing experience with these systems. In addition, we describe the proposed changes to the amounts and factors used to determine the rates for Medicare hospital inpatient services for operating costs and capital-related costs. Also, CMS annually updates the payment rates for the Medicare prospective payment system (PPS) for inpatient hospital services provided by long-term care hospitals (LTCHs). The rule solicits comments on the proposed IPPS and LTCH payment rates and new policies. CMS will issue a final rule containing the payment rates for the FY 2016 IPPS and LTCHs at least 60 days before October 1, 2015.

Summary ***of*** Legal Basis: The Social Security Act (the Act) sets forth a system ***of*** payment for the operating costs ***of*** acute care hospital inpatient stays under Medicare Part A (Hospital Insurance) based on prospectively set rates. The Act requires the Secretary to pay for the capital-related costs ***of*** hospital inpatient and long-term care stays under a PPS. Under these systems, Medicare payment for hospital inpatient and long-term care operating and capital-related costs is made at predetermined, specific rates for each hospital discharge. These changes would be applicable to services furnished on or after October 1, 2015.

Alternatives: None. This implements a statutory requirement.

Anticipated Cost and ***Benefits***: Total expenditures will be adjusted for FY 2016.

Risks: If this regulation is not published timely, inpatient hospital and LTCH services will not be paid appropriately beginning October 1, 2015.

Timetable:

Action Date FR Cite

NPRM..... 04/00/15 .....

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Federal.

Agency Contact: Donald Thompson, Deputy Director, Division ***of*** Acute

Care, Department ***of*** Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4-01-26, 7500 Security Boulevard, Baltimore, MD 21244, Phone: 410 786-6504, Email:

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RIN: 0938-AS41

HHS--CMS

65. CY 2016 Hospital Outpatient PPS Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS-1633-P)

Priority: Economically Significant. Major under 5 U.S.C. 801.
Unfunded Mandates: Undetermined.

Legal Authority: sec 1833 ***of*** the Social Security Act
CFR Citation: Not Yet Determined.
Legal Deadline: Final, Statutory, November 1, 2015.
Abstract: This annual proposed rule would revise the Medicare hospital outpatient prospective payment system to implement statutory requirements and changes arising from our continuing experience with this system. The proposed rule describes changes to the amounts and factors used to determine payment rates for services. In addition, the rule proposes changes to the ambulatory surgical center payment system

list ***of*** services and rates.

Statement ***of*** Need: Medicare pays over 4,000 hospitals for outpatient department services under the hospital outpatient

prospective payment system (OPPS). The OPPS is based on groups ***of*** clinically similar services called ambulatory payment classification groups (APCs). CMS annually revises the APC payment amounts based on the most recent claims data, proposes new payment policies, and updates the payments for inflation using the hospital operating market basket. Medicare pays roughly 5,000 Ambulatory Surgical Centers (ASCs) under the ASC payment system. CMS annually revises the payment under the ASC payment system, proposes new policies, and updates payments for inflation. CMS will issue a final rule containing the payment rates for the 2016 OPPS and ASC payment system at least 60 days before January 1, 2016.

Summary ***of*** Legal Basis: Section 1833 ***of*** the Social Security Act

establishes Medicare payment for hospital outpatient services and ASC services. The rule revises the Medicare hospital OPPS and ASC payment system to implement applicable statutory requirements. In addition, the rule describes changes to the outpatient APC system, relative payment weights, outlier adjustments, and other amounts and factors used to determine the payment rates for Medicare hospital outpatient services paid under the prospective payment system as well as changes to the rates and services paid under the ASC payment system. These changes would be applicable to services furnished on or after January 1, 2016.

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Alternatives: None. This is a statutory requirement.

Anticipated Cost and ***Benefits***: Total expenditures will be adjusted for CY 2016.
Risks: If this regulation is not published timely, outpatient hospital and ASC services will not be paid appropriately beginning January 1, 2016.
Timetable:

Action Date FR Cite

NPRM..... 07/00/15 .....

Regulatory Flexibility Analysis Required: Yes.
Small Entities Affected: Businesses.

Government Levels Affected: Federal.
Federalism: Undetermined.
Agency Contact: Marjorie Baldo, Health Insurance Specialist,

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RIN: 0938-AS42

HHS--CMS

Final Rule Stage

66. Eligibility Notices, Fair Hearing and Appeal Processes for Medicaid and Exchange Eligibility Appeals, and Other Eligibility and Enrollment Provisions (CMS-2334-F2)

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: Pub. L. 111-148, secs 1411, 1413, 1557, 1943, 2102, 2201, 2004, 2303, et al
CFR Citation: 42 CFR 430; 42 CFR 431; 42 CFR 433; 42 CFR 435; 42 CFR 457.
Legal Deadline: None.
Abstract: The Affordable Care Act expands access to health insurance through improvements in Medicaid; the establishment ***of*** Affordable Insurance Exchanges; and coordination between Medicaid, the Children's Health Insurance Program (CHIP), and Exchanges. This rule finalizes the remaining provisions proposed in the January 19, 2013, proposed rule, but not finalized in the July 15, 2013, final rule to continue our efforts to assist states in implementing Medicaid eligibility, appeals, and enrollment changes, and other State health subsidy programs.

Statement ***of*** Need: This final rule will implement provisions ***of*** the Affordable Care Act and the Children's Health Insurance Program Reauthorization Act ***of*** 2009 (CHIPRA). This rule reflects new statutory eligibility provisions; changes to provide States more flexibility to coordinate Medicaid and CHIP eligibility notices, appeals, and other related administrative procedures with similar procedures used by other health coverage programs authorized under the Affordable Care Act; modernizes and streamlines ***existing*** rules, eliminates obsolete rules, and updates provisions to reflect Medicaid eligibility pathways; implements other CHIPRA eligibility-related provisions, including eligibility for newborns ***whose*** mothers were eligible for and receiving Medicaid or CHIP coverage at the time ***of*** birth. With publication ***of*** this final rule, we desire to make our implementing regulations available to States and the public as soon as possible to facilitate continued efficient operation ***of*** the State flexibility authorized under section 1937 ***of*** the Act.

Summary ***of*** Legal Basis: The Affordable Care Act extends and simplifies Medicaid eligibility. In the July 15, 2013, Federal Register, we issued the ``Medicaid and Children's Health Insurance Programs: Essential Health ***Benefits*** in Alternative ***Benefit*** Plans, Eligibility Notices, Fair Hearing and Appeal Processes, and Premiums and Cost Sharing; Exchanges: Eligibility and Enrollment'' final rule that finalized certain key Medicaid and CHIP eligibility provisions included in the January 22, 2013, proposed rule. In this final rule, we

are addressing the remaining provisions ***of*** the January 22, 2013, proposed rule.

Alternatives: The majority ***of*** Medicaid and CHIP eligibility provisions proposed in this rule serve to implement the Affordable Care Act. All ***of*** the provisions in this final rule are a result ***of*** the passage ***of*** the Affordable Care Act and are largely self-implementing. Therefore, alternatives considered for this final rule were constrained due to the statutory provisions.

Anticipated Cost and ***Benefits***: The March 23, 2012 Medicaid eligibility final rule detailed the impact ***of*** the Medicaid eligibility changes related to implementation ***of*** the Affordable Care Act. The majority ***of*** provisions included in this final rule were described in detail in that rule, but in summary, we estimate a total savings ***of*** $465 million over 5 years, including $280 million in cost savings to the Federal ***Government*** and $185 million in savings to States.

Risks: None. Delaying publication ***of*** this final rule delays states from moving forward with implementing changes to Medicaid and CHIP, and aligning operations between Medicaid, CHIP and the Exchanges.

Timetable:

Action Date FR Cite

Final Action..... 11/00/14 .....

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal, Local, State, Tribal.

Agency Contact: Sarah DeLone, Health Insurance Specialist, Department ***of*** Health and Human Services, Centers for Medicare & Medicaid Services, Mail Stop S2-01-16, 7500 Security Boulevard, Baltimore, MD 21244, Phone: 410 786-0615, Email: sarah.delone@cms.hhs.gov

Related RIN: Related to 0938-AR04.

RIN: 0938-AS27

HHS--ADMINISTRATION FOR CHILDREN AND FAMILIES (ACF)

Final Rule Stage

67. Child Care and Development Fund Reforms To Support Child Development and Working Families

Priority: Other Significant.

Legal Authority: Sec 658E and other provisions ***of*** the Child Care and Development Block Grant Act ***of*** 1990, as amended
CFR Citation: 45 CFR 98.
Legal Deadline: None.

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.

Statement ***of*** Need: The CCDF program has far-reaching implications for America's poorest children. It provides child care assistance to 1.6 million children from nearly 1 million low-income working families and families ***who*** are attending school or job training. Half ***of*** the children served are living at or below poverty level. In addition, children ***who*** receive CCDF are cared for alongside children ***who*** do not receive CCDF, by approximately

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570,000 participating child care providers, some ***of*** ***whom*** lack basic assurances needed to ensure children are safe, healthy, and learning.

Since 1996, a body ***of*** research has demonstrated the importance ***of*** the early years on brain development and has shown that high-quality, consistent child care can positively impact later success in school and life. This is especially true for low-income children ***who*** face a school readiness and achievement gap and can ***benefit*** the most from high-quality early learning environments. In light ***of*** this research, many States, territories, and tribes, working collaboratively with the Federal ***Government***, have taken important steps over the last 15 years to make the CCDF program more child-focused and family-friendly; however, implementation ***of*** these evidence-informed practices is uneven

across the country and critical gaps remain. This regulatory action is needed in order to increase accountability in the CCDF program by ensuring that all children receiving federally funded child care assistance are in safe, quality programs that both support their parent's labor market participation, and help children develop the tools and skills they need to reach their full potential. A major focus ***of*** this final rule is to raise the bar on quality by establishing a floor ***of*** health and safety standards for child care paid for with Federal funds. National surveys have demonstrated that most parents logically assume that their child care providers have had a background check, have had training in child health and safety, and are regularly monitored. However, State policies surrounding the training and oversight ***of*** child care providers vary widely. In some States, many children receiving CCDF subsidies are cared for by providers that have little to no oversight with respect to compliance with basic standards designed to safeguard children's well-being, such as first-aid and safe sleep practices. This can leave children in unsafe conditions, even as their care is being funded with public dollars. In addition, the final rule empowers all parents ***who*** choose child care, regardless ***of*** whether they receive a Federal subsidy, with better information to make the best choices for their children. This includes providing parents with information about the quality ***of*** child care providers and making information about providers' compliance with health and safety regulations more transparent so that parents can be aware ***of*** the safety track record ***of*** providers when it's time to choose child care.

Summary ***of*** Legal Basis: This final regulation is being issued under the authority granted to the Secretary ***of*** Health and Human Services by the CCDBG Act (42 U.S.C. 9858 et seq.) and section 418 ***of*** the Social Security Act (42 U.S.C. 618).

Alternatives: The Administration for Children and Families considered a range ***of*** approaches to improve early childhood care and education, including administrative and regulatory action. ACF has taken administrative actions to recommend that States adopt stronger health and safety requirements and provided technical assistance to States. Despite these efforts to assist States in making voluntary reforms, unacceptable health and safety lapses remain. An alternative to this rule would be to take no regulatory action or to limit the nature ***of*** the required standards and the degree to which those

standards are prescriptive. ACF believes this rulemaking is the preferable alternative to ensure children's health and safety and promote their learning and development.

Anticipated Cost and ***Benefits***: Changes in this final rule directly ***benefit*** children and parents ***who*** use CCDF assistance to pay for child care. The 1.6 million children ***who*** are in child care funded by CCDF would have stronger protections for their health and safety, which addresses every parent's paramount concern. All children in the care ***of*** a participating CCDF provider will be safer because that provider is more knowledgeable about health and safety issues. In addition, the families ***of*** the 12 million children ***who*** are served in child care will ***benefit*** from having clear, accessible information about the safety compliance records and quality indicators ***of*** providers available to them as they make critical choices about where their children will be cared for while they work. Provisions also will ***benefit*** child care providers by encouraging States to invest in high quality child care providers and professional development and to take into account quality when they determine child care payment rates. A primary reason for revising the CCDF regulations is to better reflect current State and local practices to improve the quality ***of*** child care. Therefore, there are a significant number ***of*** States, territories, and tribes that have already implemented many ***of*** these policies. The cost ***of*** implementing the changes in this final rule will vary depending on a State's specific situation. ACF does not believe the costs ***of*** this final regulatory action would be economically significant and that the tremendous ***benefits*** to low-income children justify costs associated with this final rule.

Risks: Not applicable.

Timetable:

Action Date FR Cite

NPRM..... 05/20/13 78 FR 29422
NPRM Comment Period End..... 08/05/13 .....
Final Action..... 12/00/14 .....

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: No.

Government Levels Affected: State, Tribal.
Agency Contact: Andrew Williams, Policy Division Director,

Department ***of*** Health and Human Services, Administration for Children

and Families, Office ***of*** Child Care, 370 L'Enfant Promenade SW., Washington, DC 20447, Phone: 202 401-4795, Fax: 202 690-5600, Email:

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RIN: 0970-AC53
BILLING CODE 4150-24-P

DEPARTMENT ***OF*** HOMELAND SECURITY (DHS)

Fall 2014 Statement ***of*** Regulatory Priorities

The Department ***of*** Homeland Security (DHS or Department) was created

in 2003 pursuant to the Homeland Security Act ***of*** 2002, Public Law 107-296. DHS has a vital mission: To secure the Nation from the many

threats we face. This requires the dedication ***of*** more than 225,000 employees in jobs that range from aviation and border security to emergency response, from cybersecurity analyst to chemical facility inspector. Our duties are wide-ranging, but our goal is clear--keeping America safe.

Our mission gives us six main areas ***of*** responsibility:
1. Prevent Terrorism and Enhance Security,
2. Secure and Manage Our Borders,
3. Enforce and Administer our Immigration Laws,
4. Safeguard and Secure Cyberspace,
5. Ensure Resilience to Disasters, and
6. Mature and Strengthen DHS

In achieving these goals, we are continually strengthening our partnerships with communities, first responders, law enforcement, and

government agencies--at the State, local, tribal, Federal, and

international levels. We are accelerating the deployment ***of*** science, technology, and innovation in order to make America more secure, and we are becoming

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leaner, smarter, and more efficient, ensuring that every security resource is used as effectively as possible. For a further discussion

of our main areas ***of*** responsibility, see the DHS Web site at http://www.dhs.gov/our-mission.

The regulations we have summarized below in the Department's fall 2014 regulatory plan and in the agenda support the Department's responsibility areas listed above. These regulations will improve the Department's ability to accomplish its mission.

The regulations we have identified in this year's fall regulatory plan continue to address legislative initiatives including, but not limited to, the following acts: The Implementing Recommendations ***of*** the 9/11 Commission Act ***of*** 2007 (9/11 Act), Public Law 110-53 (Aug. 3, 2007); the Consolidated Natural Resources Act ***of*** 2008 (CNRA), Public Law 110-229 (May 8, 2008); the Security and Accountability for Every Port Act ***of*** 2006 (SAFE Port Act), Public Law 109-347 (Oct. 13, 2006); and the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, Public Law 110-329 (Sep. 30, 2008).

DHS strives for organizational excellence and uses a centralized and unified approach in managing its regulatory resources. The Office ***of*** the General Counsel manages the Department's regulatory program, including the agenda and regulatory plan. In addition, DHS senior leadership reviews each significant regulatory project to ensure that the project fosters and supports the Department's mission.

The Department is committed to ensuring that all ***of*** its regulatory initiatives are aligned with its guiding principles to protect civil rights and civil liberties, integrate our actions, build coalitions and partnerships, develop human resources, innovate, and be accountable to the ***American*** public.

DHS is also committed to the principles described in Executive Orders 13563 and 12866 (as amended). Both Executive Orders direct agencies to assess the costs and ***benefits*** ***of*** available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net ***benefits*** (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance ***of*** quantifying both costs and ***benefits***, ***of*** reducing costs, ***of*** harmonizing rules, and ***of*** promoting flexibility.

Finally, the Department values public involvement in the development ***of*** its regulatory plan, agenda, and regulations, and takes particular concern with the impact its rules have on small businesses.

DHS and each ***of*** its components continue to emphasize the use ***of*** plain language in our notices and rulemaking documents to promote a better understanding ***of*** regulations and increased public participation in the Department's rulemakings.

Retrospective Review ***of Existing*** Regulations

Pursuant to Executive Order 13563 ``Improving Regulation and Regulatory Review'' (Jan. 18, 2011), DHS identified the following regulatory actions as associated with retrospective review and analysis. Some ***of*** the regulatory actions on the below list may be completed actions, which do not appear in The Regulatory Plan. You can find more information about these completed rulemakings in past publications ***of*** the Unified Agenda (search the Completed Actions sections) on *www.reginfo.gov*. Some ***of*** the entries on this list, however, are active rulemakings. You can find entries for these rulemakings on *www.regulations.gov*.

RIN Rule

1601-AA58..... Professional Conduct for Practitioners Rules and Procedures, and Representation and Appearances.

1615-AB92..... Employment Authorization for Certain H-4 Spouses.

1615-AB95..... Immigration ***Benefits*** Business Transformation: Nonimmigrants; Student and Exchange Visitor Program.

1615-AC00..... Enhancing Opportunities for H-1B1, CW-1, and E-3 Nonimmigrants and EB-1 Immigrants.

1625-AB38..... Update to Maritime Security.

1625-AB80..... Revision to

Transportation Worker Identification Credential (TWIC) Requirements for Mariners.

1651-AA96..... Definition ***of*** Form I-94 to Include Electronic Format.

1651-AB05..... Freedom ***of*** Information Act (FOIA) Procedures.

1652-AA61..... Standardized Vetting, Adjudication, and Redress Services.

1653-AA44..... Amendment to Accommodate Process Changes with SEVIS II Implementation.

1653-AA63..... Adjustments to Limitations on Designated School Official Assignment and Study By F-2 and M-2 Nonimmigrants.

1660-AA77..... Change in Submission Requirements for State Mitigation Plans.

Promoting International Regulatory Cooperation

Pursuant to Sections 3 and 4(b) ***of*** Executive Order 13609 ``Promoting International Regulatory Cooperation'' (May 1, 2012), DHS has identified the following regulatory actions that have significant international impacts. Some ***of*** the regulatory actions on the below list may be completed actions. You can find more information about these completed rulemakings in past publications ***of*** the Unified Agenda (search the Completed Actions sections) on *www.reginfo.gov*. Some ***of*** the entries on this list, however, are active rulemakings. You can find entries for these rulemakings on *www.regulations.gov*.

RIN Rule

1625-AB38..... Updates to Maritime Security.
1651-AA70..... Importer Security Filing and Additional Carrier Requirements.
1651-AA72..... Changes to the Visa Waiver Program To Implement the Electronic System for Travel Authorization (ESTA) Program.
1651-AA98..... Amendments to Importer Security Filing and Additional Carrier Requirements.

1651-AA96..... Definition ***of*** Form I-94 to Include Electronic Format.

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DHS participates in some international regulatory cooperation activities that are reasonably anticipated to lead to significant regulations. For example, the U.S. Coast Guard is the primary U.S. representative to the International Maritime Organization (IMO) and plays a major leadership role in establishing international standards in the global maritime community. IMO's work to establish international standards for maritime safety, security, and environmental protection closely aligns with the U.S. Coast Guard regulations. As an IMO member nation, the U.S. is obliged to incorporate IMO treaty provisions not

already part ***of*** U.S. domestic policy into regulations for those vessels affected by the international standards. Consequently, the U.S. Coast Guard initiates rulemakings to harmonize with IMO international standards such as treaty provisions and the codes, conventions, resolutions, and circulars that supplement them.

Also, President Obama and Prime Minister Harper created the Canada-U.S. Regulatory Cooperation Council (RCC) in February 2011. The RCC is

an initiative between both federal ***governments*** aimed at pursuing

greater alignment in regulation, increasing mutual recognition ***of*** regulatory practices and establishing smarter, more effective and less

burdensome regulations in specific sectors. The Canada-U.S. RCC initiative arose out ***of*** the recognition that high level, focused, and sustained effort would be required to reach a more substantive level ***of*** regulatory cooperation. Since its creation in early 2011, the U.S. Coast Guard has participated in stakeholder consultations with their Transport Canada counterparts and the public, drafted items for inclusion in the RCC Action Plan, and detailed work plans for each included Action Plan item.

The fall 2014 regulatory plan for DHS includes regulations from DHS components--including U.S. Citizenship and Immigration Services (USCIS), the U.S. Coast Guard (Coast Guard), U.S. Customs and Border Protection (CBP), the U.S. Immigration and Customs Enforcement (ICE), and the Transportation Security Administration (TSA), which have active regulatory programs. In addition, it includes regulations from the Department's major offices and directorates such as the National Protection and Programs Directorate (NPPD). Below is a discussion ***of*** the fall 2014 regulatory plan for DHS regulatory components, offices, and directorates.

United States Citizenship and Immigration Services

U.S. Citizenship and Immigration Services (USCIS) administers immigration ***benefits*** and services while protecting and securing our homeland. USCIS has a strong commitment to welcoming individuals ***who*** seek entry through the U.S. immigration system, providing clear and useful information regarding the immigration process, promoting the values ***of*** citizenship, and assisting those in need ***of*** humanitarian protection. Based on a comprehensive review ***of*** the planned USCIS regulatory agenda, USCIS will promulgate several rulemakings to directly support these commitments and goals.

Regulations to Facilitate Retention ***of*** High-Skilled Workers

Employment Authorization for Certain H-4 Dependent Spouses. On May 12, 2014, USCIS published a proposed rule intended to encourage professionals with high-demand skills to remain in the country and help spur innovation and growth ***of*** U.S. businesses. In the proposed rule, USCIS proposed to extend eligibility for employment authorization to H-4 dependent spouses ***of*** principal H-1B nonimmigrants ***who*** have begun the process ***of*** seeking lawful permanent resident status through employment and have extended their authorized period ***of*** admission or ``stay'' in

the United States under section 104(c) or 106(a) ***of*** Public Law 106-313, also known as the ***American*** Competitiveness in the Twenty-First Century Act ***of*** 2000. USCIS plans to issue a final rule in the coming year.

Enhancing Opportunities for High-Skilled Workers. Also on May 12, 2014, USCIS published a proposed rule intended to encourage and facilitate the employment and retention ***of*** certain high-skilled and transitional workers. In the proposed rule, USCIS proposed to amend its regulations relating to the nonimmigrant classifications for specialty occupation professionals from Chile and Singapore (H-1B1) and from Australia (E-3), to include these classifications in the list ***of*** classes ***of*** aliens authorized for employment incident to status with a specific employer, to extend automatic employment authorization extensions with pending extension ***of*** stay requests, and to update filing procedures. USCIS also proposed to amend regulations regarding continued employment authorization for nonimmigrant workers in the Commonwealth ***of*** the Northern Mariana Islands (CNMI)-only Transitional Worker (CW-1) classification. Finally, USCIS also proposed to amend regulations related to the immigration classification for employment-based first preference (EB-1) outstanding professors or researchers to allow the submission ***of*** comparable evidence. USCIS plans to issue a final rule in the coming year.

Improvements to the Immigration System

Requirements for Filing Motions and Administrative Appeals. USCIS will propose to revise the procedural regulations governing appeals and motions to reopen or reconsider before its Administrative Appeals Office, and to require that applicants and petitioners exhaust administrative remedies before seeking judicial review ***of*** an unfavorable decision. The changes proposed by the rule will streamline the procedures before the Administrative Appeals Office and improve the efficiency ***of*** the adjudication process.

Regulations Related to the Commonwealth ***of*** Northern Mariana Islands. This final rule amends DHS and Department ***of*** Justice (DOJ) regulations to comply with the Consolidated Natural Resources Act ***of*** 2008 (CNRA). The CNRA extends the immigration laws ***of*** the United States to the Consolidated Northern Mariana Islands (CNMI). In 2009, USCIS issued an interim final rule to implement conforming amendments to the DHS and DOJ regulations. This joint DHS-DOJ final rule titled

``Application ***of*** Immigration Regulations to the CNMI'' would finalize the 2009 interim final rule.

Regulatory Changes Involving Humanitarian ***Benefits***

Asylum and Withholding Definitions. USCIS plans a regulatory proposal to amend the regulations that govern asylum eligibility and refugee status determinations. The amendments are expected to revise the portions ***of*** the ***existing*** regulations that deal with determinations ***of*** whether suffered or feared persecution is on account ***of*** a protected ground, the requirements for establishing that the ***government*** is unable or unwilling to protect the applicant, and the definition ***of*** membership in a particular social group. This proposal would provide greater clarity and consistency in this important area ***of*** the law.

Exception to the Persecution Bar for Asylum, Refugee, or Temporary Protected Status, and Withholding ***of*** Removal. In a joint rulemaking, DHS and DOJ will propose amendments to ***existing*** DHS and DOJ regulations to resolve ambiguity in the statutory

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language precluding eligibility for asylum, refugee resettlement, temporary protected status, and withholding or removal ***of*** an applicant ***who*** ordered, incited, assisted, or otherwise participated in the persecution ***of*** others. The proposed rule would provide a limited exception for persecutory actions taken by the applicant under duress and would clarify the required level ***of*** the applicant's knowledge ***of*** the persecution.

``T'' and ``U'' Nonimmigrants. USCIS plans additional regulatory initiatives related to T nonimmigrants (victims ***of*** trafficking) and U nonimmigrants (victims ***of*** criminal activity). Through these regulatory initiatives, USCIS hopes to provide greater consistency in eligibility and application requirements for these vulnerable groups, their advocates, and the community. These rulemakings will contain provisions to adjust documentary requirements for this vulnerable population and provide greater clarity to the law enforcement community.

Special Immigrant Juvenile Petitions. This final rule makes procedural changes and resolves interpretive issues following statutory amendments. The Secretary may grant Special Immigrant Juvenile classification to aliens ***whose*** reunification with one or both parents

is not viable due to abuse, neglect, abandonment, or a similar basis found under State law. Such classification can regularize immigration status for these aliens and allow for adjustment ***of*** status to lawful permanent resident.

United States Coast Guard

The U.S. Coast Guard (Coast Guard) is a military, multi-mission, maritime service ***of*** the United States and the only military organization within DHS. It is the principal federal agency responsible for maritime safety, security, and stewardship and delivers daily value to the Nation through multi-mission resources, authorities, and capabilities.

Effective governance in the maritime domain hinges upon an integrated approach to safety, security, and stewardship. The Coast Guard's policies and capabilities are integrated and interdependent, delivering results through a network ***of*** enduring partnerships. The Coast Guard's ability to field versatile capabilities and highly-trained personnel is one ***of*** the U.S. ***Government***'s most significant and important strengths in the maritime environment.

America is a maritime nation, and our security, resilience, and economic prosperity are intrinsically linked to the oceans. Safety, efficient waterways, and freedom ***of*** transit on the high seas are essential to our well-being. The Coast Guard is leaning forward, poised to meet the demands ***of*** the modern maritime environment. The Coast Guard creates value for the public through solid prevention and response efforts. Activities involving oversight and regulation, enforcement, maritime presence, and public and private partnership foster increased maritime safety, security, and stewardship.

The statutory responsibilities ***of*** the Coast Guard include ensuring marine safety and security, preserving maritime mobility, protecting the marine environment, enforcing U.S. laws and international treaties, and performing search and rescue. The Coast Guard supports the Department's overarching goals ***of*** mobilizing and organizing our Nation to secure the homeland from terrorist attacks, natural disasters, and other emergencies. The rulemaking projects identified for the Coast Guard in the Unified Agenda, and the rules appearing in the fall 2014 Regulatory Plan below, contribute to the fulfillment ***of*** those responsibilities and reflect our regulatory policies.

Vessel Requirements for Notices ***of*** Arrival and Departure, and

Automatic Identification System. The Coast Guard intends to expand the applicability ***of*** notice ***of*** arrival and departure (NOAD) and automatic identification system (AIS) requirements to include more commercial vessels. This rule, once final, would expand the applicability ***of*** notice ***of*** arrival (NOA) requirements to include additional vessels, establish a separate requirement for certain vessels to submit notices ***of*** departure (NOD), set forth a mandatory method for electronic submission ***of*** NOA and NOD, and modify related reporting content, timeframes, and procedures. This rule would also extend the applicability ***of*** AIS requirements beyond Vessel Traffic Service (VTS) areas and require additional commercial vessels install and use AIS. These changes are intended to improve navigation safety, enhance our ability to identify and track vessels, and heighten the Coast Guard's overall maritime domain awareness, thus helping the Coast Guard address threats to maritime transportation safety and security and mitigate the possible harm from such threats.

Inspection ***of*** Towing Vessels. The Coast Guard has proposed regulations governing the inspection ***of*** towing vessels, including an optional towing safety management system (TSMS). The regulations for this large class ***of*** vessels would establish operations, lifesaving, fire protection, machinery and electrical systems and equipment, and construction and arrangement standards for towing vessels. This rulemaking would also set standards for the optional TSMS and related third-party organizations, as well as procedures for obtaining a certificate ***of*** inspection under either the TSMS or Coast Guard annual-inspection option. This rulemaking would implement section 415 ***of*** the Coast Guard and Maritime Transportation Act ***of*** 2004. The intent ***of*** this rulemaking, which would establish a new subchapter dedicated to towing vessels, is to promote safer work practices and reduce towing vessel casualties.

Transportation Worker Identification Credential (TWIC)--Reader Requirements. In accordance with the Maritime Transportation Safety Act ***of*** 2002 (MTSA) and the Security and Accountability For Every Port Act ***of*** 2006 (SAFE Port Act), the Coast Guard is establishing rules requiring electronic TWIC readers at high-risk vessels and facilities. These rules would ensure that prior to being granted unescorted access to a designated secure area at a high-risk vessel or facility: (1) The

individual will have his or her TWIC electronically authenticated; (2) the status ***of*** the individual's credential will be electronically validated against an up-to-date list maintained by the TSA; and (3) the individual's identity will be electronically confirmed by comparing his or her fingerprint with a biometric template stored on the credential. By promulgating these rules, the Coast Guard seeks to improve security at the highest risk vessels and facilities with broader use ***of*** electronic inspection ***of*** biometric credentials.

United States Customs and Border Protection

U.S. Customs and Border Protection (CBP) is the federal agency principally responsible for the security ***of*** our Nation's borders, both at and between the ports ***of*** entry and at official crossings into the United States. CBP must accomplish its border security and enforcement mission without stifling the flow ***of*** legitimate trade and travel. The primary mission ***of*** CBP is its homeland security mission, that is, to prevent terrorists and terrorist weapons from entering the United States. An important aspect ***of*** this priority mission involves improving security at our borders and ports ***of*** entry, but it also means extending our zone ***of*** security beyond our physical borders.

CBP is also responsible for administering laws concerning the importation into the United States ***of*** goods, and enforcing the laws concerning the entry ***of*** persons into the

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United States. This includes regulating and facilitating international trade; collecting import duties; enforcing U.S. trade, immigration and other laws ***of*** the United States at our borders; inspecting imports, overseeing the activities ***of*** persons and businesses engaged in importing; enforcing the laws concerning smuggling and trafficking in contraband; apprehending individuals attempting to enter the United States illegally; protecting our agriculture and economic interests from harmful pests and diseases; servicing all people, vehicles and cargo entering the United States; maintaining export controls; and protecting U.S. businesses from theft ***of*** their intellectual property.

In carrying out its priority mission, CBP's goal is to facilitate

the processing ***of*** legitimate trade and people efficiently without compromising security. Consistent with its primary mission ***of*** homeland security, CBP intends to issue several rules during the next fiscal year that are intended to improve security at our borders and ports ***of*** entry. CBP is also automating some procedures that increase efficiencies and reduce the costs and burdens to travelers. We have highlighted some ***of*** these rules below.

Electronic System for Travel Authorization (ESTA). During the next fiscal year, CBP intends to issue a final rule that will finalize two Electronic System for Travel Authorization (ESTA) rulemakings, the 2008 ESTA interim final rule and the 2010 ESTA fee interim final rule. On June 9, 2008, CBP published an interim final rule implementing the ESTA for aliens ***who*** wish to enter the United States under the Visa Waiver Program (VWP) at air or sea ports ***of*** entry. This rule was intended to fulfill the requirements ***of*** section 711 ***of*** the Implementing Recommendations ***of*** the 9/11 Commission Act ***of*** 2007 (9/11 Act). The rule established ESTA and required that each alien traveling to the United States under the VWP must obtain electronic travel authorization via the ESTA System in advance ***of*** such travel. VWP travelers may obtain the required ESTA authorization by electronically submitting to CBP biographic and other information that was previously submitted to CBP via the I-94W Nonimmigrant Alien Arrival/Departure Form (I-94W). ESTA became mandatory on January 12, 2009. Therefore, VWP travelers must either obtain travel authorization in advance ***of*** travel under ESTA or obtain a visa prior to traveling to the United States. On August 9, 2010, CBP published an interim final rule amending the ESTA regulations to require ESTA applicants to pay a congressionally mandated fee which is the sum ***of*** two amounts, a $10.00 travel promotion fee for an approved ESTA and a $4.00 operational fee for the use ***of*** ESTA set by the Secretary ***of*** Homeland Security to at least ensure the recovery ***of*** the full costs ***of*** providing and administering the ESTA system.

Importer Security Filing and Additional Carrier Requirements. On November 25, 2008, CBP published an interim final rule amending CBP regulations to require carriers and importers to provide to CBP, via a CBP approved electronic data interchange system, information necessary to enable CBP to identity high-risk shipments to prevent smuggling and ensure cargo safety and security. This rule, which became effective on

January 26, 2009, improves CBP risk assessment and targeting capabilities, facilitates the prompt release ***of*** legitimate cargo following its arrival in the United States, and assists CBP in increasing the security ***of*** the global trading system. To increase the accuracy and reliability ***of*** the advance information, CBP intends to publish a notice ***of*** proposed rulemaking during the next fiscal year that proposes some changes to the current importer security filing regulations.

Air Cargo Advance Screening (ACAS). The Trade Act ***of*** 2002, as amended, authorizes the Secretary ***of*** Homeland Security to promulgate regulations providing for the transmission to CBP through an electronic data interchange system, ***of*** information pertaining to cargo to be brought into the United States or to be sent from the United States, prior to the arrival or departure ***of*** the cargo. The cargo information required is that which the Secretary determines to be reasonably necessary to ensure cargo safety and security. CBP's current Trade Act regulations pertaining to air cargo require the electronic submission ***of*** various advance data to CBP no later than either the time ***of*** departure ***of*** the aircraft for the United States (from specified locations) or four hours prior to arrival in the United States for all other locations. CBP intends to propose amendments to these regulations to implement the Air Cargo Advance Screening (ACAS) program. To improve CBP's risk assessment and targeting capabilities and to enable CBP to target, and identify risky cargo prior to departure ***of*** the aircraft to the United States, ACAS would require the submission ***of*** certain ***of*** the advance electronic information for air cargo as early as practicable but no later than prior to loading the cargo onto an aircraft destined to or transiting through the United States at the last foreign port ***of*** departure. CBP, in conjunction with TSA, has been operating ACAS as a voluntary pilot program since 2010 and would like to implement ACAS as a regulatory program.

Implementation ***of*** the Guam-Commonwealth ***of*** the Northern Mariana Islands (CNMI) Visa Waiver Program. CBP published an interim final rule in November 2008 amending the DHS regulations to replace the current Guam Visa Waiver Program with a new Guam-Commonwealth ***of*** the Northern Mariana Islands (CNMI) Visa Waiver Program. This rule implements

portions ***of*** the Consolidated National Resources Act ***of*** 2008 (CNRA),

which extends the immigration laws ***of*** the United States to the CNMI and among others things, provides for a visa waiver program for travel to Guam and the CNMI. The amended regulations set forth the requirements

for nonimmigrant visitors ***who*** seek admission for business or pleasure and solely for entry into and stay on Guam or the CNMI without a visa.

The rule also establishes six ports ***of*** entry in the CNMI for purposes

of administering and enforcing the Guam-CNMI Visa Waiver Program. CBP intends to issue a final rule during the next fiscal year.

Definition ***of*** Form I-94 to Include Electronic Format. DHS issues the Form I-94 to certain aliens and uses the Form I-94 for various purposes such as documenting status in the United States, the approved

length ***of*** stay, and departure. DHS generally issues the Form I-94 to aliens at the time they lawfully enter the United States. On March 27,

2013, CBP published an interim final rule amending ***existing*** regulations

to add a new definition ***of*** the term ``Form I-94.'' The new definition

includes the collection ***of*** arrival/departure and admission or parole information by DHS, whether in paper or electronic format. The definition also clarified various terms that are associated with the

use ***of*** the Form I-94 to accommodate an electronic version ***of*** the Form I-94. The rule also added a valid, unexpired nonimmigrant DHS admission

or parole stamp in a foreign passport to the list ***of*** documents

designated as evidence ***of*** alien registration. These revisions enabled DHS to transition to an automated process whereby DHS creates a Form I-94 in an electronic format based on passenger, passport and visa information that DHS obtains electronically from air and sea carriers

and the Department ***of*** State as well as through the inspection process. CBP intends to publish a final rule during the next fiscal year.

In addition to the regulations that CBP issues to promote DHS's mission, CBP

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also issues regulations related to the mission ***of*** the Department ***of*** the

Treasury. Under section 403(1) ***of*** the Homeland Security Act ***of*** 2002,

the former-U.S. Customs Service, including functions ***of*** the Secretary

of the Treasury relating thereto, transferred to the Secretary ***of***

Homeland Security. As part ***of*** the initial organization ***of*** DHS, the Customs Service inspection and trade functions were combined with the immigration and agricultural inspection functions and the Border Patrol and transferred into CBP. It is noted that certain regulatory authority ***of*** the U.S. Customs Service relating to customs revenue function was retained by the Department ***of*** the Treasury (see the Department ***of*** the Treasury Regulatory Plan). In addition to its plans to continue issuing regulations to enhance border security, CBP, during fiscal year 2015, expects to continue to issue regulatory documents that will facilitate legitimate trade and implement trade ***benefit*** program. CBP regulations regarding the customs revenue function are discussed in the Regulatory Plan ***of*** the Department ***of*** the Treasury.

Federal Emergency Management Agency

The Federal Emergency Management Agency (FEMA) does not have any significant regulatory actions planned for fiscal year 2015.

Federal Law Enforcement Training Center

The Federal Law Enforcement Training Center (FLETC) does not have any significant regulatory actions planned for fiscal year 2015.

United States Immigration and Customs Enforcement

ICE is the principal criminal investigative arm ***of*** the Department ***of*** Homeland Security and one ***of*** the three Department components charged with the civil enforcement ***of*** the Nation's immigration laws. Its primary mission is to protect national security, public safety, and the integrity ***of*** our borders through the criminal and civil enforcement ***of*** Federal law governing border control, customs, trade, and immigration. During fiscal year 2015, ICE will focus rulemaking efforts on implementing and planning improvements in the area ***of*** student and exchange visitor programs and to advance initiatives related to F-1 and M-1 nonimmigrant students.

Adjustments to Limitations on Designated School Official Assignment and Study by F-2 and M-2 Nonimmigrants. On November 21, 2013, DHS published a notice ***of*** proposed rulemaking to revise the regulatory cap on the number ***of*** designated school officials (DSOs) that may be nominated for the oversight ***of*** each school's campus(es) where F-1 and/or M-1 students are enrolled. Currently, schools are limited to ten DSOs per school or per campus in a multi-campus school. In addition,

the proposed rule sought to modify the regulatory restrictions placed on the dependents ***of*** an F-1 or M-1 student, to permit F-2 and M-2 nonimmigrants to enroll in less than a full course ***of*** study at a school certified by the ICE Student and Exchange Visitor Program (SEVP). ICE intends to issue a final rule in FY 2015. ICE believes that, in many circumstances, elimination ***of*** a DSO limit may improve the capability ***of*** DSOs to meet their liaison, reporting, and oversight responsibilities. In addition, ICE recognizes that there is increasing global competition to attract the best and brightest international students to study in our schools. Allowing a more flexible approach to permit F-2 and M-2 spouses and children to engage in less than a full course ***of*** study at SEVP-certified schools will provide a greater incentive for international students to travel to the United States for their education.

National Protection and Programs Directorate

The National Protection and Programs Directorate's (NPPD) vision is a safe, secure, and resilient infrastructure where the ***American*** way ***of*** life can thrive. NPPD leads the national effort to protect and enhance the resilience ***of*** the nation's physical and cyber infrastructure.

Ammonium Nitrate Security Program. Recognizing both the economic importance ***of*** ammonium nitrate and the fact that ammonium nitrate is susceptible to use by terrorists in explosive devices, Congress, in section 563 ***of*** the Fiscal Year 2008 DHS Appropriations Act, granted DHS the authority to ``regulate the sale and transfer ***of*** ammonium nitrate by an ammonium nitrate facility . . . to prevent the misappropriation or use ***of*** ammonium nitrate in an act ***of*** terrorism.'' The statute directs DHS to promulgate regulations requiring potential buyers and sellers ***of*** ammonium nitrate to register with DHS, in order to obtain ammonium nitrate registration numbers from DHS. The statute also requires DHS to screen each applicant against the Terrorist Screening Database. The statute also requires sellers ***of*** ammonium nitrate to verify the identities ***of*** those individuals seeking to purchase ammonium nitrate; to record certain information about each sale or transfer ***of*** ammonium nitrate; and to report thefts and losses ***of*** ammonium nitrate to federal authorities.

On October 29, 2008, DHS published an Advance Notice ***of*** Proposed Rulemaking (ANPRM) for a Secure Handling ***of*** Ammonium Nitrate Program. DHS reviewed the public comments and, on August 3, 2011, published a notice ***of*** proposed rulemaking (NPRM). DHS received comment on the NPRM until December 1, 2011, and is now reviewing and adjudicating the public comments in order to develop a final rule. The final rule is intended to aid the Federal ***Government*** in its efforts to protect against the misappropriation ***of*** ammonium nitrate for use in acts ***of*** terrorism and to limit terrorists' abilities to threaten the Nation's critical infrastructure and key resources. By protecting the Nation's supply ***of*** ammonium nitrate through the implementation ***of*** this rule, it will be more difficult for terrorists to obtain ammonium nitrate materials for use in terrorist acts.

Transportation Security Administration

The Transportation Security Administration (TSA) protects the Nation's transportation systems to ensure freedom ***of*** movement for people and commerce. TSA is committed to continuously setting the standard for excellence in transportation security through its people, processes, and technology as we work to meet the immediate and long-term needs ***of*** the transportation sector.

In fiscal year 2014, responding to new legislative mandates in the Bipartisan Budget Act ***of*** 2013, Pub. L. 113-67 (Dec. 26, 2013) TSA published two statutorily-required regulations: One that restructured the fee imposed on passengers (known as the September 11th Security Fee) and another that repealed TSA's authority to impose a fee on air carriers (known as the Aviation Security Infrastructure Fee).

In fiscal year 2015, TSA will promote the DHS mission by emphasizing regulatory efforts that allow TSA to better identify, detect, and protect against threats against various modes ***of*** the transportation system, while facilitating the efficient movement ***of*** the traveling public, transportation workers, and cargo.

Passenger Screening Using Advanced Imaging Technology (AIT). TSA intends to issue a final rule to amend its civil aviation regulations to address whether screening and inspection ***of*** an individual, conducted to control access to the sterile area ***of*** an airport or to an aircraft, may include the use ***of*** advanced imaging technology (AIT).

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TSA published an NPRM on March 26, 2012, to comply with the decision rendered by the U.S. Court ***of*** Appeals for the District Columbia Circuit in Electronic Privacy Information Center (EPIC) v. U.S. Department ***of*** Homeland Security on July 15, 2011. 653 F.3d 1 (D.C. Cir. 2011). The Court directed TSA to conduct notice and comment rulemaking on the use ***of*** AIT in the primary screening ***of*** passengers.

Security Training for Surface Mode Employees. TSA will propose regulations to enhance the security ***of*** several non-aviation modes ***of*** transportation. In particular, TSA will propose regulations requiring freight railroad carriers, public transportation agencies (including rail mass transit and bus systems), passenger railroad carriers, and over-the-road bus operators to conduct security training for front line employees. This regulation would implement sections 1408 (Public Transportation), 1517 (Freight Railroads), and 1534(a) (Over-the-Road-Buses) ***of*** the Implementing Recommendations ***of*** the 9/11 Commission Act ***of*** 2007 (9/11 Act). In compliance with the definitions ***of*** frontline employees in the pertinent provisions ***of*** the 9/11 Act, the notice ***of*** proposed rulemaking (NPRM) would propose to define which employees are required to undergo training. This NPRM would also propose definitions for transportation ***of*** security-sensitive materials as required by section 1501 ***of*** the 9/11 Act.

Standardized Vetting, Adjudication, and Redress Process and Fees. TSA is developing a proposed rule to revise and standardize the procedures, adjudication criteria, and fees for most ***of*** the security threat assessments (STAs) ***of*** individuals that TSA conducts. TSA is considering a proposal that would include procedures for conducting STAs for transportation workers from almost all modes ***of*** transportation, including those covered under the 9/11 Act. In addition, TSA will propose equitable fees to cover the cost ***of*** the STAs and credentials for some personnel. TSA plans to identify new efficiencies in processing STAs and ways to streamline ***existing*** regulations by simplifying language and removing redundancies. As part ***of*** this proposed rule, TSA will propose revisions to the Alien Flight Student Program (AFSP) regulations. TSA published an interim final rule for the AFSP on September 20, 2004. TSA regulations require aliens

seeking to train at Federal Aviation Administration-regulated flight schools to complete an application and undergo an STA prior to beginning flight training. There are four categories under which

students currently fall; the nature ***of*** the STA depends on the student's category. TSA is considering changes to the AFSP that would improve

equity among fee payers and enable the implementation ***of*** new technologies to support vetting.

United States Secret Service

The United States Secret Service does not have any significant regulatory actions planned for fiscal year 2015.

DHS Regulatory Plan for Fiscal Year 2015

A more detailed description ***of*** the priority regulations that comprise DHS's fall 2014 regulatory plan follows.

DHS--OFFICE ***OF*** THE SECRETARY (OS)

Final Rule Stage

68. Ammonium Nitrate Security Program

Priority: Economically Significant. Major under 5 U.S.C. 801.
Unfunded Mandates: This action may affect the private sector under Pub. L. 104-4.
Legal Authority: Pub. L. 110-161, 2008 Consolidated Appropriations

Act, sec. 563, subtitle J--Secure Handling ***of*** Ammonium Nitrate
CFR Citation: 6 CFR 31

Legal Deadline: NPRM, Statutory, May 26, 2008, Publication ***of***

Notice ***of*** Proposed Rulemaking. Final, Statutory, December 26, 2008,

Publication ***of*** Final Rule.
Abstract: This rulemaking will implement the December 2007

amendment to the Homeland Security Act entitled ``Secure Handling ***of***

Ammonium Nitrate.'' The amendment requires the Department ***of*** Homeland

Security to ``regulate the sale and transfer ***of*** ammonium nitrate by an ammonium nitrate facility . . . to prevent the misappropriation or use

of ammonium nitrate in an act ***of*** terrorism.''

Statement ***of*** Need: Pursuant to section 563 ***of*** the 2008 Consolidated

Appropriations Act, subtitle J--Secure Handling ***of*** Ammonium Nitrate,

Public Law 110-161, the Department ***of*** Homeland Security is required to

promulgate a rulemaking to create a registration regime for certain buyers and sellers ***of*** ammonium nitrate. This rule would create that regime, and would aid the Federal ***Government*** in its efforts to protect against the misappropriation ***of*** ammonium nitrate for use in acts ***of*** terrorism. By protecting against such misappropriation, this rule could limit terrorists' abilities to threaten the public and to threaten the Nation's critical infrastructure and key resources. By securing the Nation's supply ***of*** ammonium nitrate, it should be much more difficult for terrorists to obtain ammonium nitrate materials for use in improvised explosive devices. As a result, there is a direct value in the deterrence ***of*** a catastrophic terrorist attack using ammonium nitrate, such as the Oklahoma City attack that killed over 160 and injured 853 people.

Summary ***of*** Legal Basis: Section 563 ***of*** the 2008 Consolidated Appropriations Act, subtitle J--Secure Handling ***of*** Ammonium Nitrate, Public Law 110-161, authorizes and requires this rulemaking.

Alternatives: The Department considered several alternatives when developing the Ammonium Nitrate Security Program proposed rule. The alternatives considered were: (a) Register individuals applying for an AN registered user number using a paper application (via facsimile or the U.S. mail) rather than through in person application at a local cooperative extension office or only through a Web-based portal; (b) verify AN purchasers through both an Internet-based verification portal and call center rather than only a verification portal or call center; (c) communicate with applicants for an AN registered user number through U.S. Mail rather than only through email or a secure Web-based portal; (d) establish a specific capability within the Department to receive, process, and respond to reports ***of*** theft or loss rather than leverage a similar capability which already ***exists*** with the Bureau ***of*** Alcohol, Tobacco, Firearms and Explosives (ATF); (e) require AN facilities to maintain records electronically in a central database provided by the Department rather than providing flexibility to the AN facility to maintain their own records either in paper or electronically; (f) require agents to register with the Department prior to the sale or transfer ***of*** ammonium nitrate involving an agent rather than allow oral confirmation ***of*** the agent with the AN purchaser on ***whose*** behalf the agent is working; and (g) exempt explosives from

this regulation rather than not exempting them. As part ***of*** its notice

of proposed rulemaking, the Department sought public comment on the numerous alternative ways in which the Department could carry out the

requirements ***of*** the Secure Handling ***of*** Ammonium Nitrate provisions ***of*** the Homeland Security Act.

Anticipated Cost and ***Benefits***: In its proposed rule, the Department

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estimated the number ***of*** entities that purchase ammonium nitrate to range from 64,950 to 106,200. These purchasers include farms, fertilizer mixers, farm supply wholesalers and cooperatives (co-ops), golf courses, landscaping services, explosives distributors, mines, retail garden centers, and lab supply wholesalers. The Department

estimated the number ***of*** entities that sell ammonium nitrate to be

between 2,486 and 6,236, many ***of*** which are also purchasers. These sellers include ammonium nitrate fertilizer and explosive manufacturers, fertilizer mixers, farm supply wholesalers and co-ops, retail garden centers, explosives distributors, fertilizer applicator services, and lab supply wholesalers. Individuals or firms that provide transportation services within the distribution chain may be categorized as sellers, agents, or facilities depending upon their business relationship with the other parties to the transaction. The

total number ***of*** potentially regulated farms and other businesses ranges from 64,986 to 106,236 (including overlap between the categories). The

cost ***of*** the proposed rule ranges from $300 million to $1,041 million over 10 years at a 7 percent discount rate. The primary estimate is the mean which is $670.6 million. For comparison, at a 3 percent discount

rate, the cost ***of*** the program ranges from $364 million to $1.3 billion

with a primary (mean) estimate ***of*** $814 million. The average annualized cost for the program ranges from $43 million to $148 million (with a

mean ***of*** $96 million), also employing a 7 percent discount rate. Because

the value ***of*** the ***benefits*** ***of*** reducing risk ***of*** a terrorist attack is a

function ***of*** both the probability ***of*** an attack and the value ***of*** the consequence, it is difficult to identify the particular risk reduction

associated with the implementation ***of*** this rule. These elements and

related qualitative ***benefits*** include point ***of*** sale identification requirements and requiring individuals to be screened against the

Terrorist Screening Database (TSDB), resulting in known bad actors being denied the ability to purchase ammonium nitrate. The Department ***of*** Homeland Security aims to prevent terrorist attacks within the United States and to reduce the vulnerability ***of*** the United States to terrorism. By preventing the misappropriation or use ***of*** ammonium nitrate in acts ***of*** terrorism, this rulemaking will support the Department's efforts to prevent terrorist attacks and reduce the Nation's vulnerability to terrorist attacks. This rulemaking is complementary to other Department programs seeking to reduce the risks posed by terrorism, including the Chemical Facility Anti-Terrorism Standards program (which seeks in part to prevent terrorists from gaining access to dangerous chemicals) and the Transportation Worker Identification Credential program (which seeks in part to prevent terrorists from gaining access to certain critical infrastructure), among other programs.

Risks: Explosives containing ammonium nitrate are commonly used in terrorist attacks. Such attacks have been carried out both domestically and internationally. The 1995 Murrah Federal Building attack in Oklahoma City claimed the lives ***of*** 167 individuals and demonstrated firsthand to America how ammonium nitrate could be misused by terrorists. In addition to the Murrah Building attack, the Provisional Irish Republican Army used ammonium nitrate as part ***of*** its London, England, bombing campaign in the early 1980s. More recently, ammonium nitrate was used in the 1998 East African Embassy bombings and in the November 2003 bombings in Istanbul, Turkey. Additionally, since the events ***of*** 9/11, stores ***of*** ammonium nitrate have been confiscated during raids on terrorist sites around the world, including sites in Canada, England, India, and the Philippines.

Timetable:

Action Date FR Cite

ANPRM..... 10/29/08 73 FR 64280
Correction..... 11/05/08 73 FR 65783
ANPRM Comment Period End..... 12/29/08
NPRM..... 08/03/11 76 FR 46908
Notice ***of*** Public Meetings..... 10/07/11 76 FR 62311
Notice ***of*** Public Meetings..... 11/14/11 76 FR 70366
NPRM Comment Period End..... 12/01/11

Final Rule..... 04/00/15

Regulatory Flexibility Analysis Required: Yes.
Small Entities Affected: Businesses.

Government Levels Affected: Federal, Local, State.
Federalism: This action may have federalism implications as defined in EO 13132.

URL for More Information: *www.regulations.gov*.

URL for Public Comments: *www.regulations.gov*.
Agency Contact: Jon MacLaren, Chief, Rulemaking Section, Department ***of*** Homeland Security, National Protection and Programs Directorate, Infrastructure Security Compliance Division (NPPD/ISCD), 245 Murray Lane, Mail Stop 0610, Arlington, VA 20598-0610, Phone: 703 235-5263,

Fax: 703 603-4712, Email: *jon.m.maclaren@hq.dhs.gov*
RIN: 1601-AA52

DHS--U.S. CITIZENSHIP AND IMMIGRATION SERVICES (USCIS)

Proposed Rule Stage

69. Asylum and Withholding Definitions

Priority: Other Significant.
Legal Authority: 8 U.S.C. 1103; 8 U.S.C. 1158; 8 U.S.C. 1226; 8 U.S.C. 1252; 8 U.S.C. 1282
CFR Citation: 8 CFR 2; 8 CFR 208.
Legal Deadline: None.

Abstract: This rule proposes to amend Department ***of*** Homeland Security regulations that govern eligibility for asylum and withholding ***of*** removal. The amendments focus on portions ***of*** the regulations that deal with the definitions ***of*** membership in a particular social group, the requirements for failure ***of*** State protection, and determinations about whether persecution is inflicted on account ***of*** a protected ground. This rule codifies long-standing concepts ***of*** the definitions. It clarifies that gender can be a basis for membership in a particular social group. It also clarifies that a person ***who*** has suffered or fears domestic violence may under certain circumstances be eligible for asylum on that basis. After the Board ***of*** Immigration Appeals published

a decision on this issue in 1999, Matter ***of*** R-A-, Int. Dec. 3403 (BIA 1999), it became clear that the governing regulatory standards required clarification. The Department ***of*** Justice began this regulatory initiative by publishing a proposed rule addressing these issues in 2000.

Statement ***of*** Need: This rule provides guidance on a number ***of*** key interpretive issues ***of*** the refugee definition used by adjudicators deciding asylum and withholding ***of*** removal (withholding) claims. The interpretive issues include whether persecution is inflicted on account ***of*** a protected ground, the requirements for establishing the failure ***of*** State protection, and the parameters for defining membership in a particular social group. This rule will aid in the adjudication ***of*** claims made by applicants ***whose*** claims fall outside ***of*** the rubric ***of*** the protected grounds ***of*** race, religion, nationality, or political opinion. One example ***of*** such claims which often fall within the particular social group ground concerns people ***who*** have suffered or fear domestic

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violence. This rule is expected to consolidate issues raised in a proposed rule in 2000 and to address issues that have developed since the publication ***of*** the proposed rule. This rule should provide greater stability and clarity in this important area ***of*** the law. This rule will also provide guidance to the following adjudicators: USCIS asylum officers, Department ***of*** Justice Executive Office for Immigration Review (EOIR) immigration judges, and members ***of*** the EOIR Board ***of*** Immigration Appeals (BIA).

Summary ***of*** Legal Basis: The purpose ***of*** this rule is to provide guidance on certain issues that have arisen in the context ***of*** asylum and withholding adjudications. The 1951 Geneva Convention relating to the Status ***of*** Refugees contains the internationally accepted definition ***of*** a refugee. United States immigration law incorporates an almost identical definition ***of*** a refugee as a person outside his or her country ***of*** origin ``***who*** is unable or unwilling to return to, and is

unable or unwilling to avail himself or herself ***of*** the protection ***of***, that country because ***of*** persecution or a well-founded fear ***of*** persecution on account ***of*** race, religion, nationality, membership in a particular social group, or political opinion.'' Section 101(a)(42) ***of*** the Immigration and Nationality Act.

Alternatives: A sizable body ***of*** interpretive case law has developed around the meaning ***of*** the refugee definition. Historically, much ***of*** this case law has addressed more traditional asylum and withholding claims based on the protected grounds ***of*** race, religion, nationality, or political opinion. In recent years, however, the United States increasingly has encountered asylum and withholding applications with more varied bases, related, for example, to an applicant's gender or sexual orientation. Many ***of*** these new types ***of*** claims are based on the ground ***of*** ``membership in a particular social group,'' which is the least well-defined ***of*** the five protected grounds within the refugee definition.

On December 7, 2000, DOJ published a proposed rule in the Federal Register providing guidance on the definitions ***of*** ``persecution'' and ``membership in a particular social group.'' Before DHS publishes a new proposed rule, DHS will consider how the nexus between persecution and a protected ground might be further conceptualized; how membership in a particular social group might be defined and evaluated; and what constitutes a State's inability or unwillingness to protect the applicant where the persecution arises from a non-State actor. The alternative to publishing this rule would be to allow the standards governing this area ***of*** law to continue to develop piecemeal through administrative and judicial precedent. This approach has resulted in inconsistent and confusing standards, and the Department has therefore determined that promulgation ***of*** the new proposed rule is necessary.

Anticipated Cost and ***Benefits***: By providing a clear framework for key asylum and withholding issues, we anticipate that adjudicators will have clear guidance, increasing administrative efficiency and consistency in adjudicating these cases. The rule will also promote a more consistent and predictable body ***of*** administrative and judicial precedent governing these types ***of*** cases. We anticipate that this will enable applicants to better assess their potential eligibility for

asylum, and to present their claims more efficiently when they believe that they may qualify, thus reducing the resources spent on adjudicating claims that do not qualify. In addition, a more consistent and predictable body ***of*** law on these issues will likely result in fewer appeals, both administrative and judicial, and reduce associated litigation costs. The Department has no way ***of*** accurately predicting how this rule will impact the number ***of*** asylum applications filed in the United States. Based on anecdotal evidence and on the reported experience ***of*** other nations that have adopted standards under which the results are similar to those we anticipate for this rule, we do not believe this rule will cause a change in the number ***of*** asylum applications filed.

Risks: The failure to promulgate a final rule in this area presents significant risk ***of*** further inconsistency and confusion in the law. The ***Government***'s interests in fair, efficient, and consistent adjudications would be compromised.

Timetable:

Action Date FR Cite

NPRM..... 12/07/00 65 FR 76588
NPRM Comment Period End..... 01/22/01
NPRM..... 05/00/15

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: No.

Government Levels Affected: None.
Additional Information: CIS No. 2092-00.
Transferred from RIN 1115-AF92

URL for More Information: *www.regulations.gov*.

URL for Public Comments: *www.regulations.gov*.

Agency Contact: Ted Kim, Deputy Chief, Asylum Division, Office ***of*** Refugee, Asylum, and International Operations, Department ***of*** Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW., Suite 6030, Washington, DC 20259, Phone: 202 272-1614, Fax: 202 272-1994, Email: *ted.h.kim@uscis.dhs.gov*

RIN: 1615-AA41

DHS--USCIS

70. New Classification for Victims ***of*** Criminal Activity; Eligibility for the U Nonimmigrant Status

Priority: Other Significant.
Legal Authority: 5 U.S.C. 552; 5 U.S.C. 552a; 8 U.S.C. 1101; 8 U.S.C. 1101 (note); 8 U.S.C. 1102; Pub. L. 113-4
CFR Citation: 8 CFR 103; 8 CFR 204; 8 CFR 212; 8 CFR 214; 8 CFR 299.
Legal Deadline: None.
Abstract: This rule proposes new application and eligibility requirements for U nonimmigrant status. The U classification is for non-U.S. citizen/lawful permanent resident victims ***of*** certain crimes ***who*** cooperate with an investigation or prosecution ***of*** those crimes.

There is a limit ***of*** 10,000 principals per fiscal year. This rule would propose to establish new procedures to be followed to petition for the U nonimmigrant classifications. Specifically, the rule would address the essential elements that must be demonstrated to receive the nonimmigrant classification, procedures that must be followed to file a petition and evidentiary guidance to assist in the petitioning process. Eligible victims would be allowed to remain in the United States if granted U nonimmigrant status. The Trafficking Victims Protection Reauthorization Act ***of*** 2008, Public Law 110-457, and the Violence Against Women Reauthorization Act (VAWA) ***of*** 2013, Public Law 113-4, made amendments to the U nonimmigrant status provisions ***of*** the Immigration and Nationality Act. The Department ***of*** Homeland Security had issued an interim final rule in 2007.

Statement ***of*** Need: This regulation is necessary to allow alien victims ***of*** certain crimes to petition for U nonimmigrant status. U nonimmigrant status is available to eligible victims ***of*** certain qualifying criminal activity ***who***: (1) Has suffered substantial physical or mental abuse as a result ***of*** the qualifying criminal activity; (2) the alien possesses information about the crime; (3) the alien has been, is being, or is likely to be helpful in the investigation

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or prosecution ***of*** the crime; and (4) the criminal activity took place

in the United States, including military installations and Indian country, or the territories or possessions ***of*** the United States. This rule addresses the eligibility requirements that must be met for classification as a U nonimmigrant alien and implements statutory amendments to these requirements, streamlines the procedures to petition for U nonimmigrant status, and provides evidentiary guidance to assist in the petition process.

Summary ***of*** Legal Basis: Congress created the U nonimmigrant classification in the Battered Immigrant Women Protection Act ***of*** 2000 (BIWPA) to provide immigration relief for alien victims ***of*** certain qualifying criminal activity and ***who*** are helpful to law enforcement in the investigation or prosecution ***of*** these crimes.

Alternatives: To provide victims with immigration ***benefits*** and services and keeping in mind the purpose ***of*** the U visa as a law enforcement tool, DHS is considering and using suggestions from stakeholders in developing this regulation. These suggestions came in the form ***of*** public comment from the 2007 interim final rule as well as USCIS' 6 years ***of*** experience with the U nonimmigrant status program, including regular meetings and outreach events with stakeholders and law enforcement.

Anticipated Cost and ***Benefits***: DHS estimated the total annual cost ***of*** the interim rule to petitioners to be $6.2 million in the interim final rule published in 2007. This cost included the biometric services fee, the opportunity cost ***of*** time needed to submit the required forms, the opportunity cost ***of*** time required and cost ***of*** traveling to visit a USCIS Application Support Center. DHS is currently in the process ***of*** updating our cost estimates since U nonimmigrant visa petitioners are no longer required to pay the biometric services fee. The anticipated ***benefits*** ***of*** these expenditures include assistance to victims ***of*** qualifying criminal activity and their families and increases in arrests and prosecutions ***of*** criminals nationwide. Additional ***benefits*** include heightened awareness by law enforcement ***of*** victimization ***of*** aliens in their community, and streamlining the petitioning process so that victims may ***benefit*** from this immigration relief.

Risks: There is a statutory cap ***of*** 10,000 principal U nonimmigrant visas that may be granted per fiscal year at 8 U.S.C. 1184(p)(2).

Eligible petitioners ***who*** are not granted principal U-1 nonimmigrant status due solely to the numerical limit will be placed on a waiting list maintained by U.S. Citizenship and Immigration Services (USCIS). To protect U-1 petitioners and their families, USCIS will use various

means to prevent the removal ***of*** U-1 petitioners and their eligible family members on the waiting list, including exercising its authority

to allow deferred action, parole, and stays ***of*** removal, in cooperation with other DHS components.

Timetable:

Action Date FR Cite

Interim Final Rule..... 09/17/07 72 FR 53013
Interim Final Rule Effective..... 10/17/07
Interim Final Rule Comment Period 11/17/07
End.
NPRM..... 10/00/15

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: No.

Government Levels Affected: Federal, Local, State.
Additional Information: Transferred from RIN 1115-AG39.

URL For More Information: *www.regulations.gov*.

URL For Public Comments: *www.regulations.gov*.
Agency Contact: Maureen A. Dunn, Chief, Family Immigration and

Victim Protection Division, Department ***of*** Homeland Security, U.S.

Citizenship and Immigration Services, Office ***of*** Policy and Strategy, 20 Massachusetts Avenue NW., Suite 1200, Washington, DC 20529, Phone: 202

272-1470, Fax: 202 272-1480, Email: *maureen.a.dunn@uscis.dhs.gov*
RIN: 1615-AA67

DHS--USCIS

71. Exception to the Persecution Bar for Asylum, Refugee, and Temporary

Protected Status, and Withholding ***of*** Removal

Priority: Other Significant.

Legal Authority: 8 U.S.C. 1101; 8 U.S.C. 1103; 8 U.S.C. 1158; 8 U.S.C. 1226; Pub. L. 107-26; Pub. L. 110-229.
CFR Citation: 8 CFR 1; 8 CFR 207; 8 CFR 208; 8 CFR 240; 8 CFR 244; 8 CFR 1001; 8 CFR 1208; 8 CFR 1240.
Legal Deadline: None.

Abstract: This joint rule proposes amendments to Department ***of*** Homeland Security (DHS) and Department ***of*** Justice (DOJ) regulations to describe the circumstances under which an applicant will continue to be eligible for asylum, refugee, or temporary protected status, special rule cancellation ***of*** removal under the Nicaraguan Adjustment and Central ***American*** Relief Act, and withholding ***of*** removal, even if DHS or DOJ has determined that the applicant's actions contributed, in some way, to the persecution ***of*** others when the applicant's actions were taken when the applicant was under duress.

Statement ***of*** Need: This rule resolves ambiguity in the statutory language precluding eligibility for asylum, refugee, and temporary protected status ***of*** an applicant ***who*** ordered, incited, assisted, or otherwise participated in the persecution ***of*** others. The proposed amendment would provide a limited exception for actions taken by the applicant under duress and clarify the required levels ***of*** the applicant's knowledge ***of*** the persecution.

Summary ***of*** Legal Basis: In Negusie v. Holder, 129 S. Ct. 1159 (2009), the Supreme Court addressed whether the persecutor bar should apply where an alien's actions were taken under duress. DHS believes that this is an appropriate subject for rulemaking and proposes to amend the applicable regulations to set out its interpretation ***of*** the statute. In developing this regulatory initiative, DHS has carefully considered the purpose and history behind enactment ***of*** the persecutor bar, including its international law origins and the criminal law concepts upon which they are based.

Alternatives: DHS did consider the alternative ***of*** not publishing a rulemaking on these issues. To leave this important area ***of*** the law without an administrative interpretation would confuse adjudicators and the public.

Anticipated Cost and ***Benefits***: The programs affected by this rule ***exist*** so that the United States may respond effectively to global

humanitarian situations and assist people ***who*** are in need. USCIS provides a number ***of*** humanitarian programs and protection to assist individuals in need ***of*** shelter or aid from disasters, oppression, emergency medical issues, and other urgent circumstances. This rule will advance the humanitarian goals ***of*** the asylum/refugee program, and other specialized programs. The main ***benefits*** ***of*** such goals tend to be intangible and difficult to quantify in economic and monetary terms.

These forms ***of*** relief have not been available to individuals ***who*** engaged in persecution ***of*** others under duress. This rule will allow an exception to this bar from protection for applicants ***who*** can meet the appropriate evidentiary standard. Consequently, this rule may result in a small increase in the number ***of*** applicants for humanitarian programs.

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To the extent a small increase in applicants occurs, there could be additional fee costs incurred by these applicants.

Risks: If DHS were not to publish a regulation, the public would face a lengthy period ***of*** confusion on these issues. There could also be inconsistent interpretations ***of*** the statutory language, leading to significant litigation and delay for the affected public.

Timetable:

Action Date FR Cite

NPRM..... 10/00/15

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Ronald W. Whitney, Deputy Chief, Refugee and Asylum Law Division, Department ***of*** Homeland Security, U.S. Citizenship and Immigration Services, Office ***of*** Chief Counsel, 20 Massachusetts Avenue NW., Washington, DC 20529, Phone: 415 293-1244, Fax: 415 293-1269, Email: *ronald.w.whitney@uscis.dhs.gov*

RIN: 1615-AB89

DHS--USCIS

72. Administrative Appeals Office: Procedural Reforms To Improve Efficiency

Priority: Other Significant.
Legal Authority: 5 U.S.C. 552; 5 U.S.C. 552a; 8 U.S.C. 1101; 8 U.S.C. 1103; 8 U.S.C. 1304; 6 U.S.C. 112.
CFR Citation: 8 CFR 103; 8 CFR 204; 8 CFR 205; 8 CFR 210; 8 CFR 214; 8 CFR 245a; 8 CFR 320; 8 CFR 105 (new); . . .
Legal Deadline: None.
Abstract: This proposed rule revises the requirements and procedures for the filing ***of*** motions and appeals before the Department ***of*** Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS), and its Administrative Appeals Office. The proposed changes are intended to streamline the ***existing*** processes for filing motions and appeals and will reduce delays in the review and appellate process. This rule also proposes additional changes necessitated by the establishment ***of*** DHS and its components.

Statement ***of*** Need: This rule proposes to make numerous changes to streamline the current appeal and motion processes which: (1) Will result in cost savings to the ***Government***, applicants, and petitioners; and (2) will provide for a more efficient use ***of*** USCIS officer and clerical staff time, as well as more uniformity with Board ***of*** Immigration Appeals appeal and motion processes.

Summary ***of*** Legal Basis: 5 U.S.C. 301; 5 U.S.C. 552; 5 U.S.C. 552a; 8 U.S.C. 1101 and notes 1102, 1103, 1151, 1153, 1154, 1182, 1184, 1185 note (sec. 7209 ***of*** Pub. L. 108-458; title VII ***of*** Pub. L. 110-229), 1186a, 1187, 1221,1223, 1225 to 1227, 1255a, and 1255a note, 1281, 1282, 1301 to 1305, 1324a, 1356, 1372, 1379, 1409(c), 1443 to 1444, 1448, 1452, 1455, 1641, 1731 to 1732; 31 U.S.C. 9701; 48 U.S.C. 1901, 1931 note; section 643, Public Law 104-208, 110, Stat. 3009-708; section 141 ***of*** the Compacts ***of*** Free Association with the Federated States ***of*** Micronesia and the Republic ***of*** the Marshall Islands, and with the ***Government*** ***of*** Palau; title VII ***of*** Public Law 110-229; Public Law 107-296, 116 Stat. 2135 (6 U.S.C. 1 et seq.); Public Law 82-414, 66 Stat. 173, 238, 254, 264; title VII ***of*** Public Law 110-229; Executive Order 12356.
Alternatives: The alternative to this rule would be to continue

under the current process without change.

Anticipated Cost and ***Benefits***: As a result ***of*** streamlining the appeal and motion process, DHS anticipates quantitative and qualitative

benefits to DHS and the public. We also anticipate cost savings to DHS

and applicants as a result ***of*** the proposed changes.

Risks:

Timetable:

Action Date FR Cite

NPRM..... 10/00/15

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Governmental Jurisdictions.

Government Levels Affected: None.

Additional Information: Previously 1615-AB29 (CIS 2311-04), which was withdrawn in 2007.

URL For More Information: *www.regulations.gov*.

URL For Public Comments: *www.regulations.gov*.

Agency Contact: William K. Renwick, Supervisory Citizenship and

Immigration Appeals Officer, Department ***of*** Homeland Security, U.S. Citizenship and Immigration Services, Administrative Appeals Office, Washington, DC 20529-2090, Phone: 703 224-4501, Email:

william.k.renwick@uscis.dhs.gov

Related RIN: Duplicate ***of*** 1615-AB29

RIN: 1615-AB98

DHS--USCIS

Final Rule Stage

73. Classification for Victims ***of*** Severe Forms ***of*** Trafficking in Persons; Eligibility for T Nonimmigrant Status

Priority: Other Significant.

Legal Authority: 5 U.S.C. 552; 5 U.S.C. 552a; 8 U.S.C. 1101 to 1104; 8 U.S.C. 1182; 8 U.S.C. 1184; 8 U.S.C. 1187; 8 U.S.C. 1201; 8 U.S.C. 1224 to 1227; 8 U.S.C. 1252 to 1252a; 22 U.S.C. 7101; 22 U.S.C. 7105; Pub. L. 113-4

CFR Citation: 8 CFR 103; 8 CFR 212; 8 CFR 214; 8 CFR 274a; 8 CFR

299.

Legal Deadline: None.

Abstract: The T nonimmigrant classification was created by the Victims ***of*** Trafficking and Violence Protection Act ***of*** 2000, Public Law 106-386. The classification was designed for eligible victims ***of*** severe forms ***of*** trafficking in persons ***who*** aid law enforcement with their investigation or prosecution ***of*** the traffickers, and ***who*** can establish that they would suffer extreme hardship involving unusual and severe harm if they were removed from the United States. The rule streamlines application procedures and responsibilities for the Department ***of*** Homeland Security (DHS) and provides guidance to the public on how to meet certain requirements to obtain T nonimmigrant status. Several reauthorizations, including the Violence Against Women Reauthorization Act ***of*** 2013, Public Law 113-4, have made amendments to the T nonimmigrant status provisions ***of*** the Immigration and Nationality Act. This rule implements those amendments.

Statement ***of*** Need: This rule addresses the essential elements that must be demonstrated for classification as a T nonimmigrant alien and implements statutory amendments to these elements, streamlines the procedures to be followed by applicants to apply for T nonimmigrant status, and evidentiary guidance to assist in the application process.

Summary ***of*** Legal Basis: Section 107(e) ***of*** the Victims ***of*** Trafficking and Violence Protection Act ***of*** 2000 Public Law 106-386, as amended, established the T classification to provide immigration relief for certain eligible victims ***of*** severe forms ***of*** trafficking in persons ***who*** assist law enforcement authorities in investigating and prosecuting the perpetrators ***of*** these crimes.

Alternatives: To provide victims with immigration ***benefits*** and services, keeping in mind the purpose ***of*** the T visa also being a law enforcement tool, DHS is considering and using suggestions from stakeholders in

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developing this regulation. These suggestions came in the form ***of*** public comment to the 2002 interim final rule, as well as from over 10 years ***of*** experience with the T nonimmigrant status program, including

regular meetings with stakeholders and regular outreach events.

Anticipated Cost and ***Benefits***: Applicants for T nonimmigrant status do not pay application or biometric fees. The anticipated ***benefits*** ***of*** these expenditures include: Assistance to trafficked victims and their families, prosecution ***of*** traffickers in persons, and the elimination ***of*** abuses caused by trafficking activities. ***Benefits*** which may be attributed to the implementation ***of*** this rule are expected to be: (1) An increase in the number ***of*** cases brought forward for investigation and/or prosecution; (2) heightened awareness by the law enforcement community ***of*** trafficking in persons; and (3) streamlining the application process for victims.

Risks: There is a 5,000-person limit to the number ***of*** individuals ***who*** can be granted T-1 status per fiscal year. Eligible applicants ***who*** are not granted T-1 status due solely to the numerical limit will be placed on a waiting list maintained by U.S. Citizenship and Immigration Services (USCIS). To protect T-1 applicants and their families, USCIS will use various means to prevent the removal ***of*** T-1 applicants on the waiting list, and their family members ***who*** are eligible for derivative T status, including its ***existing*** authority to grant deferred action, parole, and stays ***of*** removal, in cooperation with other DHS components.

Timetable:

Action Date FR Cite

Interim Final Rule..... 01/31/02 67 FR 4784
Interim Final Rule Effective..... 03/04/02
Interim Final Rule Comment Period 04/01/02
End.
Interim Final Rule..... 04/00/15

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: No.

Government Levels Affected: Federal, Local, State.
Additional Information: Transferred from RIN 1115-AG19.
Agency Contact: Maureen A. Dunn, Chief, Family Immigration and Victim Protection Division, Department ***of*** Homeland Security, U.S.

Citizenship and Immigration Services, Office ***of*** Policy and Strategy, 20 Massachusetts Avenue NW., Suite 1200, Washington, DC 20529, Phone: 202 272-1470, Fax: 202 272-1480, Email: *maureen.a.dunn@uscis.dhs.gov*
RIN: 1615-AA59

DHS--USCIS

74. Application ***of*** Immigration Regulations to the Commonwealth ***of*** the Northern Mariana Islands

Priority: Other Significant.
Legal Authority: Pub. L. 110-229; 8 U.S.C. 1101 and note; 8 U.S.C. 1102; 8 U.S.C. 1103; 8 U.S.C. 1182 and note; 8 U.S.C. 1184; 8 U.S.C. 1187; 8 U.S.C. 1223; 8 U.S.C. 1225; 8 U.S.C. 1226; 8 U.S.C. 1227; 8 U.S.C. 1255; 8 U.S.C. 1185 note; 8 U.S.C. 48; U.S.C. 1806; 8 U.S.C. 1186a; 8 U.S.C. 1187; 8 U.S.C. 1221; 8 U.S.C. 1281; 8 U.S.C. 1282; 8 U.S.C. 1301 to 1305 and 1372; Pub. L. 104-208; Pub. L. 106-386; Compacts ***of*** Free Association with the Federated States ***of*** Micronesia and the Republic ***of*** the Marshall Islands, and with the ***Government of*** Palau, sec 141; 48 U.S.C. 1901 note and 1931 note; Pub. L. 105-100; Pub. L. 105-277; 8 U.S.C. 1324a
CFR Citation: 8 CFR 212.4(k)(1) and (2); 8 CFR 214.16(a), (b), (c) and (d); 8 CFR 245.1(d)(1)(v) and (vi); 8 CFR 274a.12(b)(24); 8 CFR 1245.1(d)(1)(v), (vi), and (vii); 8 CFR part 2
Legal Deadline: Final, Statutory, November 28, 2009, Consolidated Natural Resources Act (CNRA) ***of*** 2008. Public Law 110-229, the Consolidated Natural Resources Act ***of*** 2008 (CNRA), was enacted on May 8, 2008. Title VII ***of*** this statute extended the provisions ***of*** the Immigration and Nationality Act (INA) to the Commonwealth ***of*** the Northern Mariana Islands (CNMI).

Abstract: This final rule amends the Department ***of*** Homeland Security (DHS) and the Department ***of*** Justice (DOJ) regulations to comply with the CNRA. The CNRA extends the immigration laws ***of*** the United States to the CNMI. This rule finalizes the interim rule and implements conforming amendments to their respective regulations.

Statement ***of*** Need: This rule finalizes the interim rule to conform ***existing*** regulations with the CNRA. Some ***of*** the changes implemented under the CNRA affect ***existing*** regulations governing both DHS immigration policy and procedures and proceedings before the

immigration judges and the Board. Accordingly, it is necessary to make amendments both to the DHS regulations and to the DOJ regulations. The Secretary and the Attorney General are making conforming amendments to their respective regulations in this single rulemaking document.

Summary ***of*** Legal Basis: Congress extended the immigration laws ***of*** the United States to the CNMI. The stated purpose ***of*** the CNRA is to ensure effective border control procedures, to properly address national security and homeland security concerns by extending U.S. immigration law to the CNMI (phasing-out the CNMI's nonresident contract worker program while minimizing to the greatest extent practicable the potential adverse economic and fiscal effects ***of*** that phase-out), to maximize the CNMI's potential for future economic and business growth, and to assure worker protections from the potential for abuse and exploitation.

Alternatives:

Anticipated Cost and ***Benefits***: Costs: The interim rule established basic provisions necessary for the application ***of*** the INA to the CNMI and updated definitions and ***existing*** DHS and DOJ regulations in areas that were confusing or in conflict with how they are to be applied to implement the INA in the CNMI. As such, that rule made no changes that had identifiable direct or indirect economic impacts that could be quantified. ***Benefits***: This final rule makes regulatory changes in order to lessen the adverse impacts ***of*** the CNRA on employers and employees in the CNMI and assist the CNMI in its transition to the INA.

Risks:

Timetable:

Action Date FR Cite

Interim Final Rule..... 10/28/09 74 FR 55725
Interim Final Rule Comment Period 11/27/09
End.
Correction..... 12/22/09 74 FR 67969
Final Action..... 03/00/15

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Additional Information: CIS 2460-08.

URL For More Information: www.regulations.gov.

URL For Public Comments: www.regulations.gov.

Agency Contact: Kevin J. Cummings, Chief, Business and Foreign Workers Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Policy and Strategy, 20 Massachusetts Avenue NW., Washington, DC 20529-2140, Phone: 202 272-1470, Fax: 202 272-1480, Email: kevin.j.cummings@uscis.dhs.gov

Related RIN: Related to 1615-AB76, Related to 1615-AB75

RIN: 1615-AB77

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DHS--USCIS

75. Special Immigrant Juvenile Petitions

Priority: Other Significant.

Legal Authority: 8 U.S.C. 1101; 8 U.S.C. 1103; 8 U.S.C. 1151; 8 U.S.C. 1153; 8 U.S.C. 1154.

CFR Citation: 8 CFR 204; 8 CFR 205; 8 CFR 245.

Legal Deadline: None.

Abstract: The Department of Homeland Security (DHS) proposes to amend its regulations governing the Special Immigrant Juvenile (SIJ) classification and related applications for adjustment of status to permanent resident. The Secretary may grant SIJ classification to aliens whose reunification with one or both parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law. This proposed rule would require a petitioner to be under the age of 21 only at the time of filing for SIJ classification. This proposed rule would require that juvenile court dependency be in effect at the time of filing for SIJ classification and continue through the time of adjudication unless the age of the juvenile prevents such continued dependency. Aliens granted SIJ classification are eligible immediately to apply for adjustment of status to that of permanent resident. The Department received comments on the proposed rule in 2011 and intends to issue a final rule in the coming year.

Statement of Need: SIJ classification is available to eligible alien children who: (1) Are present in the United States; (2) have been

declared dependent on a juvenile court or an individual or entity appointed by a State or juvenile court; (3) cannot reunify with one or both ***of*** the alien's parents due to abuse, abandonment, neglect, or a similar basis under State law; (4) it is not in the best interest to be returned to the home country. DHS must also consent to the grant ***of*** SIJ classification. This rule would address the eligibility requirements that must be met for SIJ classification and related adjustment ***of*** status, implement statutory amendments to these requirements, and provide procedural and evidentiary guidance to assist in the petition process.

Summary ***of*** Legal Basis: Congress established the SIJ classification in the Immigration Act ***of*** 1990 (IMMACT). The 1998 Appropriations Act amended the SIJ classification by linking eligibility to aliens declared dependent on a juvenile court due to abuse, abandonment, or neglect and creating consent functions. The Trafficking Victims Protection Reauthorization Act ***of*** 2008 made many changes to the SIJ classification including: (1) Creating a requirement that the alien's reunification with one or both parents not be viable due to abuse, abandonment, neglect, or a similar basis under State law; (2) expanding the aliens ***who*** may be eligible to include those placed by a juvenile court with an individual or entity; (3) modifying the consent functions; (4) providing age-out protection; and (5) creating a timeframe for adjudications.

Alternatives: To provide victims with immigration ***benefits*** and services, keeping in mind the humanitarian purpose ***of*** the SIJ classification and the vulnerable nature ***of*** alien children ***who*** have been abused, abandoned or neglected, DHS is considering and using suggestions from stakeholders in developing this regulation. These suggestions came in the form ***of*** public comment from the 2011 proposed rule.

Anticipated Cost and ***Benefits***: In the 2011 proposed rule, DHS estimated there would be no additional regulatory compliance costs for petitioning individuals or any program costs for the ***government*** as a result ***of*** the proposed amendments. Qualitatively, DHS estimated that the proposed rule would codify the practices and procedures currently implemented via internal policy directives issued by USCIS, thereby establishing clear guidance for petitioners. DHS is currently in the

process ***of*** updating our final cost and ***benefit*** estimates.
Risks: The failure to promulgate a final rule in this area presents

significant risk ***of*** further inconsistency and confusion in the law. The

Government's interests in fair, efficient, and consistent adjudications
would be compromised.
Timetable:

Action Date FR Cite

NPRM..... 09/06/11 76 FR 54978
NPRM Comment Period End..... 11/07/11 .....
Final Rule..... 07/00/15 .....

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: No.

Government Levels Affected: Federal, State.

URL for More Information: *www.regulations.gov*.

URL for Public Comments: *www.regulations.gov*.
Agency Contact: Maureen A. Dunn, Chief, Family Immigration and

Victim Protection Division, Department ***of*** Homeland Security, U.S.

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RIN: 1615-AB81

DHS--USCIS

76. Employment Authorization for Certain H-4 Dependent Spouses

Priority: Other Significant.
Legal Authority: 8 U.S.C. 1101; 8 U.S.C. 1102; 8 U.S.C. 1103; 8
U.S.C. 1182; 8 U.S.C. 1184; 8 U.S.C. 1186a; 8 U.S.C. 1187; 8 U.S.C.
1221; 8 U.S.C. 1281; 8 U.S.C. 1282; 8 U.S.C. 1301 to 1305 and 1372;

Pub. L. 104-208, sec 643; Pub. L. 106-386; Compacts ***of*** Free Association

with the Federated States ***of*** Micronesia and the Republic ***of*** the

Marshall Islands, and with the ***Government*** ***of*** Palau, sec 141; 48 U.S.C.
1901 note and 1931 note; 48 U.S.C. 1806; 8 U.S.C. 1324a; Pub. L. 110-
229.
CFR Citation: 8 CFR 274a.12(c)(26); 8 CFR part 2; 8 CFR

214.2(h)(9)(iv).

Legal Deadline: None.

Abstract: The Department ***of*** Homeland Security (DHS) proposes to amend its regulations by extending the availability ***of*** employment authorization to certain H-4 dependent spouses ***of*** principal H-1B nonimmigrants ***who*** have begun the process ***of*** seeking lawful permanent resident status through employment. Allowing the eligible class ***of*** H-4 dependent spouses to work encourages professionals with high demand skills to remain in the country and help spur the innovation and growth ***of*** U.S. companies.

Statement ***of*** Need: Under current regulations, DHS does not list H-4 dependents (spouses and unmarried children under 21) ***of*** H-1B nonimmigrant workers among the classes ***of*** aliens eligible to work in the United States. See 8 CFR 274a.12. The lack ***of*** employment authorization for H-4 dependent spouses often gives rise to personal and economic hardship for the families ***of*** H-1B nonimmigrants the longer they remain in the United States. In many cases, for those H-1B nonimmigrants and their families ***who*** wish to remain permanently in the United States, the timeframe required for an H-1B nonimmigrant to acquire lawful permanent residence through his or her employment may be many years. As a result, retention ***of*** highly educated and highly skilled nonimmigrant workers in the United States can become problematic for employers. Retaining highly skilled persons ***who***

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intend to acquire lawful permanent residence is important to the United States given the contributions ***of*** these individuals to the U.S. economy, including advances in entrepreneurial and research and development endeavors, which correlate highly with overall economic growth and job creation. In this rule, DHS proposes to extend employment authorization to certain H-4 dependent spouses ***of*** H-1B nonimmigrants. DHS believes that this rule would further encourage H-1B skilled workers to remain in the United States, continue contributing to the U.S. economy, and not abandon their efforts to become lawful permanent residents, to the detriment ***of*** their U.S. employer, because their H-4 nonimmigrant spouses are unable to obtain work authorization.

This rule would also remove the disincentive for many H-1B families to start the immigrant process due to the lengthy waiting periods associated with acquiring status as a lawful permanent resident ***of*** the United States.

Summary ***of*** Legal Basis: Sections 103(a), and 274A(h)(3) ***of*** the Immigration and Nationality Act (INA) generally authorize the Secretary to provide for employment authorization for aliens in the United States. In addition, section 214(a)(1) ***of*** the INA authorizes the Secretary to prescribe regulations setting terms and conditions ***of*** admission ***of*** nonimmigrants.

Alternatives: In enacting the ***American*** Competitiveness in the Twenty-First Century Act ***of*** 2000 (AC21), Congress was especially concerned with avoiding the disruption to U.S. businesses caused by the required departure ***of*** H-1B nonimmigrant workers (for ***whom*** the businesses intended to file employment-based immigrant visa petitions) upon the expiration ***of*** workers' maximum 6-year period ***of*** authorized stay. See S. Rep. No. 106-260, at 15 (2000). DHS rejected this alternative as overbroad, since such an alternative would offer eligibility for employment authorization to those spouses ***of*** nonimmigrant workers ***who*** have not taken steps to demonstrate a desire to continue to remain in and contribute to the U.S. economy by seeking lawful permanent residence.

Anticipated Cost and ***Benefits***: The changes would impact spouses ***of*** H-1B workers ***who*** have been admitted or have extended their stay under the provisions ***of*** AC21 or ***who*** have an approved Immigrant Petition for Alien Worker, Form I-140. This population would include H-4 dependent spouses ***of*** H-1B nonimmigrants if the H-1B nonimmigrants are either the beneficiaries ***of*** an approved Immigrant Petition for Alien Worker, Form I-140, or have been granted an extension ***of*** their authorized period ***of*** admission in the United States under the AC21, amended by the 21st Century Department ***of*** Justice Appropriations Authorization Act. The costs ***of*** the rule stem from filing fees and the opportunity costs ***of*** time associated with filing an Application for Employment Authorization for those eligible H-4 spouses ***who*** decide to seek employment while

residing in the United States. Allowing certain H-4 spouses the opportunity to work results in a negligible increase to the overall domestic labor force. The ***benefits*** ***of*** this rule would accrue to U.S. employers and the U.S. economy by increasing the likelihood ***of*** retaining highly-skilled persons ***who*** intend to adjust to lawful permanent resident status. This is important when considering the contributions ***of*** these individuals to the U.S. economy, including advances in entrepreneurial and research and development endeavors, which are highly correlated with overall economic growth and job creation. In addition, the amendments bring U.S. immigration laws more in line with other countries that seek to attract skilled foreign workers.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	05/12/14	79 FR 26886
NPRM Comment Period End	07/11/14	
Final Action	12/00/14	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be ***of*** international interest.

Additional Information: Includes Retrospective Review under E.O. 13563.

Agency Contact: Kevin J. Cummings, Chief, Business and Foreign Workers Division, Department ***of*** Homeland Security, U.S. Citizenship and Immigration Services, Office ***of*** Policy and Strategy, 20 Massachusetts Avenue NW., Washington, DC 20529-2140, Phone: 202 272-1470, Fax: 202 272-1480, Email: *kevin.j.cummings@uscis.dhs.gov*

RIN: 1615-AB92

DHS--USCIS

77. Enhancing Opportunities for H-1B1, CW-1, and E-3 Nonimmigrants and

EB-1 Immigrants

Priority: Other Significant.
Legal Authority: 8 U.S.C. 1101; 8 U.S.C. 1103; 8 U.S.C. 1151; 8 U.S.C. 1153; 8 U.S.C. 1154; 8 U.S.C. 1182; 8 U.S.C. 1184; 8 U.S.C. 1186a; 8 U.S.C. 1255; 8 U.S.C. 1641; 8 U.S.C. 1187; 8 U.S.C. 1221; 8 U.S.C. 1281; 8 U.S.C. 1282; 8 U.S.C. 1301-1305 and 1372; Pub. L. 104-208, sec 643; Pub. L. 106-386; Compacts ***of*** Free Association with the Federated States ***of*** Micronesia and the Republic ***of*** Marshall Islands, and with the ***Government of*** Palau, sec 141; 48 U.S.C. 1901 note and 1931 note; Pub. L. 110-229; 8 U.S.C. 1258; 8 U.S.C. 1324a; 48 U.S.C. 1806; 8 U.S.C. 1102
CFR Citation: 8 CFR 204.5(i)(3)(ii)-(iv); 8 CFR 214.1(c)(1); 8 CFR 248.3(a); 8 CFR 274a.12(b)(9), (b)(20), (b)(23)-(25); 8 CFR part 2.
Legal Deadline: None.

Abstract: The Department ***of*** Homeland Security (DHS) is updating the regulations to include nonimmigrant high-skilled specialty occupation professionals from Chile and Singapore (H-1B1) and from Australia (E-3) in the list ***of*** classes ***of*** aliens authorized for employment incident to status with a specific employer, to clarify that H-1B1 and principal E-3 nonimmigrants are allowed to work without having to separately apply to DHS for employment authorization. DHS is also amending the regulations to provide authorization for continued employment with the same employer if the employer has timely filed for an extension ***of*** the nonimmigrant's stay. DHS is also providing for this same continued work authorization for Commonwealth ***of*** the Northern Mariana Islands (CNMI)-Only Transitional Worker (CW-1) nonimmigrants if a Petition for a CNMI-Only Nonimmigrant Transitional Worker, Form I-129CW, is timely filed to apply for an extension ***of*** stay. In addition, DHS is updating the regulations describing the filing procedures for extensions ***of*** stay and change ***of*** status requests to include the principal E-3 and H-1B1 nonimmigrant classifications. These changes harmonize the regulations for E-3, H-1B1, and CW-1 nonimmigrant classifications with ***existing*** regulations for other, similarly situated nonimmigrant classifications.

Finally, DHS is expanding the current list ***of*** evidentiary criteria for employment-based first preference (EB-1) outstanding professors and researchers to allow the submission ***of*** evidence comparable to the other

forms ***of***

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evidence already listed in the regulations. This harmonizes the regulations for EB-1 outstanding professors and researchers with other employment-based immigrant categories that already allow for submission

of comparable evidence. DHS is amending the regulations to ***benefit*** these high-skilled workers and CW-1 transitional workers by removing unnecessary hurdles that place such workers at a disadvantage when compared to similarly situated workers in other visa classifications.

Statement ***of*** Need: The proposal would improve the programs serving the E-3, H-1B1, and CW-1 nonimmigrant classifications and the EB-1 immigrant classification for outstanding professors and researchers. The proposed changes harmonize the regulations governing these classifications with regulations governing similar visa classifications by removing unnecessary hurdles that place E-3, H-1B1, CW-1 and certain EB-1 workers at a disadvantage.

Summary ***of*** Legal Basis: The Homeland Security Act ***of*** 2002, Public Law 107-296, section 102, 116 Stat. 2135 (Nov. 25, 2002), 6 U.S.C. 112,

and the Immigration and Nationality Act ***of*** 1952 (INA), charge the

Secretary ***of*** Homeland Security (Secretary) with administration and

enforcement ***of*** the immigration and nationality laws. See INA section 103, 8 U.S.C. 1103.

Alternatives: A number ***of*** the changes are part ***of*** DHS's

Retrospective Review Plan for ***Existing*** Regulations. During development

of DHS's Retrospective Review Plan, DHS received a comment from the public requesting specific changes to the DHS regulations that govern continued work authorization for E-3 and H-1B1 nonimmigrants when an

extension ***of*** status petition is timely filed, and to expand the types

of evidence allowable in support ***of*** immigrant petitions for outstanding researchers or professors. This rule is responsive to that comment, and

with the retrospective review principles ***of*** Executive Order 13563.

Anticipated Cost and ***Benefits***: The E-3 and H-1B1 provisions do not impose any additional costs on petitioning employers, individuals or

government entities, including the Federal ***government***. The regulatory amendments provide equity for E-3 and H-1B1 nonimmigrants relative to other employment-based nonimmigrants listed in 8 CFR 274a.12.(b)(20).

Additionally, this provision may allow employers ***of*** E-3 or H-1B1 nonimmigrant workers to avoid the cost ***of*** lost productivity resulting from interruptions ***of*** work while an extension ***of*** stay petition is pending. Additionally, the regulatory changes that clarify principal E-3 and H-1B1 nonimmigrant classifications are employment authorized incident to status with a specific employer, and that these nonimmigrant classifications that must file a petition with USCIS to make an extension ***of*** stay or change ***of*** status request simply codify current practice and impose no additional costs. Likewise, the regulatory amendments governing CW-1 nonimmigrants would not impose any additional costs for petitioning employers or for CW-1 nonimmigrant workers. The ***benefits of*** the rule are to provide equity for CW-1 nonimmigrant workers ***whose*** extension ***of*** stay request is filed by the same employer relative to other CW-1 nonimmigrant workers. Additionally, this provision mitigates any potential distortion in the labor market for employers ***of*** CW-1 nonimmigrant workers created by current inconsistent regulatory provisions which currently offer an incentive to file for extensions ***of*** stay with new employers rather than current employers. The portion ***of*** the rule addressing the evidentiary requirements for the EB-1 outstanding professor and researcher employment-based immigrant classification allows for the submission ***of*** comparable evidence (achievements not listed in the criteria such as important patents or prestigious, peer-reviewed funding grants) for that listed in 8 CFR 204.5(i)(3)(i)(A) through (F) to establish that the EB-1 professor or researcher is recognized internationally as outstanding in his or her academic field. Harmonizing the evidentiary requirements for EB-1 outstanding professors and researchers with other comparable employment-based immigrant classifications provides equity for EB-1 outstanding professors and researchers relative to those other employment-based visa categories.

Risks:

Timetable:

Action Date FR Cite

NPRM..... 05/12/14 79 FR 26870
NPRM Comment Period End..... 07/11/14
Final Action..... 04/00/15

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: Businesses, Organizations.

Government Levels Affected: None.
International Impacts: This regulatory action will be likely to

have international trade and investment effects, or otherwise be ***of*** international interest.
Additional Information: Includes Retrospective Review under Executive Order 13563.
Agency Contact: Kevin J. Cummings, Chief, Business and Foreign

Workers Division, Department ***of*** Homeland Security, U.S. Citizenship and

Immigration Services, Office ***of*** Policy and Strategy, 20 Massachusetts Avenue NW., Washington, DC 20529-2140, Phone: 202 272-1470, Fax: 202

272-1480, Email: kevin.j.cummings@uscis.dhs.gov
RIN: 1615-AC00

DHS--U.S. COAST GUARD (USCG)

Final Rule Stage

78. Vessel Requirements for Notices ***of*** Arrival and Departure, and Automatic Identification System

Priority: Other Significant.
Legal Authority: 33 U.S.C. 1223; 33 U.S.C. 1225; 33 U.S.C. 1231; 46

U.S.C. 3716; 46 U.S.C. 8502; 46 U.S.C. 701; sec 102 ***of*** Pub. L. 107-295; EO 12234
CFR Citation: 33 CFR 62; 33 CFR 66; 33 CFR 160; 33 CFR 161; 33 CFR 164; 33 CFR 165; 33 CFR 101; 33 CFR 110; 33 CFR 117; 33 CFR 151; 46 CFR 4; 46 CFR 148.
Legal Deadline: None.
Abstract: This rulemaking would expand the applicability for Notice

of Arrival and Departure (NOAD) and Automatic Identification System (AIS) requirements. These expanded requirements would better enable the Coast Guard to correlate vessel AIS data with NOAD data, enhance our ability to identify and track vessels, detect anomalies, improve navigation safety, and heighten our overall maritime domain awareness.

The NOAD portion ***of*** this rulemaking could expand the applicability ***of***

the NOAD regulations by changing the minimum size ***of*** vessels covered

below the current 300 gross tons, require a notice ***of*** departure when a vessel is departing for a foreign port or place, and mandate electronic

submission ***of*** NOAD notices to the National Vessel Movement Center. The AIS portion ***of*** this rulemaking would expand current AIS carriage requirements for the population identified in the Safety ***of*** Life at Sea (SOLAS) Convention and the Marine Transportation Marine Transportation Security Act (MTSA) ***of*** 2002.

Statement ***of*** Need: There is no central mechanism in place to capture vessel, crew, passenger, or specific cargo information on vessels less than or equal to 300 gross tons (GT) intending to arrive at or depart from U.S. ports unless they are arriving with certain

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dangerous cargo (CDC) or at a port in the 7th Coast Guard District; nor is there a requirement for vessels to submit notification ***of*** departure information. The lack ***of*** NOAD information ***of*** this large and diverse population ***of*** vessels represents a substantial gap in our maritime domain awareness (MDA). We can minimize this gap and enhance MDA by expanding NOAD applicability to vessels greater than 300 GT, all foreign commercial vessels and all U.S. commercial vessels coming from a foreign port, and further enhance (and corroborate) MDA by tracking those vessels (and others) with AIS. This information is necessary in order to expand our MDA and provide the Nation maritime safety and security.

Summary ***of*** Legal Basis: This rulemaking is based on congressional authority provided in the Ports and Waterways Safety Act (see 33 U.S.C. 1223(a)(5), 1225, 1226, and 1231) and section 102 ***of*** the Maritime Transportation Security Act ***of*** 2002 (codified at 46 U.S.C. 70114).
Alternatives: Our goal is to extend our MDA and to identify anomalies by correlating vessel NOAD data with AIS data. NOAD and AIS information from a greater number ***of*** vessels, as proposed in this rulemaking, would expand our MDA. We considered expanding NOAD and AIS to even more vessels, but we determined that we needed additional legislative authority to expand AIS beyond what we propose in this rulemaking, and that it was best to combine additional NOAD expansion with future AIS expansion. Although not in conjunction with a proposed rule, the Coast Guard sought comment regarding expansion ***of*** AIS carriage to other waters and other vessels not subject to the current requirements (68 FR 39369, July 1, 2003; USCG 2003-14878; see also 68 FR 39355). Those comments were reviewed and considered in drafting this

rule and are available in this docket. To fulfill our statutory obligations, the Coast Guard needs to receive AIS reports and NOADs from vessels identified in this rulemaking that currently are not required to provide this information. Policy or other nonbinding statements by the Coast Guard addressed to the owners ***of*** these vessels would not produce the information required to sufficiently enhance our MDA to produce the information required to fulfill our Agency obligations.

Anticipated Cost and ***Benefits***: This rulemaking will enhance the Coast Guard's regulatory program by making it more effective in achieving the regulatory objectives, which, in this case, is improved MDA. We provide flexibility in the type ***of*** AIS system that can be used, allowing for reduced cost burden. This rule is also streamlined to correspond with Customs and Border Protection's APIS requirements, thereby reducing unjustified burdens. We are further developing estimates ***of*** cost and ***benefit*** that were published in 2008. In the 2008 NPRM, we estimated that both segments ***of*** the proposed rule would affect approximately 42,607 vessels. The total number ***of*** domestic vessels affected is approximately 17,323 and the total number ***of*** foreign vessels affected is approximately 25,284. We estimated that the 10-year total present discounted value or cost ***of*** the proposed rule to U.S. vessel owners is between $132.2 and $163.7 million (7 and 3 percent discount rates, respectively, 2006 dollars) over the period ***of*** analysis. The Coast Guard believes that this rule, through a combination ***of*** NOAD and AIS, would strengthen and enhance maritime security. The combination ***of*** NOAD and AIS would create a synergistic effect between the two requirements. Ancillary or secondary ***benefits*** ***exist*** in the form ***of*** avoided injuries, fatalities, and barrels ***of*** oil not spilled into the marine environment. In the 2008 NPRM, we estimated that the total discounted ***benefit*** (injuries and fatalities) derived from 68 marine casualty cases analyzed over an 8-year data period from 1996 to 2003 for the AIS portion ***of*** the proposed rule is between $24.7 and $30.6 million using $6.3 million for the value ***of*** statistical life (VSL) at 7 percent and 3 percent discount rates, respectively. Just based on barrels ***of*** oil not spilled, we expect the AIS portion ***of*** the

proposed rule to prevent 22 barrels ***of*** oil from being spilled annually.

The Coast Guard may revise costs and ***benefits*** for the final rule to reflect changes resulting from public comments.

Risks: Considering the economic utility ***of*** U.S. ports, waterways, and coastal approaches, it is clear that a terrorist incident against our U.S. Maritime Transportation System (MTS) would have a direct impact on U.S. users and consumers and could potentially have a disastrous impact on global shipping, international trade, and the world economy. By improving the ability ***of*** the Coast Guard both to identify potential terrorists coming to the United States while the terrorists are far from our shores and to coordinate appropriate responses and intercepts before the vessel reaches a U.S. port, this rulemaking would contribute significantly to the expansion ***of*** MDA, and consequently is instrumental in addressing the threat posed by terrorist actions against the MTS.

Timetable:

Action Date FR Cite

NPRM..... 12/16/08 73 FR 76295

Notice ***of*** Public Meeting..... 01/21/09 74 FR 3534

Notice ***of*** Second Public Meeting..... 03/02/09 74 FR 9071
NPRM Comment Period End..... 04/15/09

Notice ***of*** Second Public Meeting 04/15/09
Comment Period End.
Final Rule..... 12/00/14

Regulatory Flexibility Analysis Required: Yes.
Small Entities Affected: Businesses.

Government Levels Affected: None.
Additional Information: We have indicated in past notices and rulemaking documents, and it remains the case, that we have worked to coordinate implementation ***of*** AIS MTSA requirements with the development ***of*** our ability to take advantage ***of*** AIS data (68 FR 39355 and 39370, Jul. 1, 2003).
Docket ID USCG-2005-21869.

URL for More Information: *www.regulations.gov*.

URL for Public Comments: www.regulations.gov.
Agency Contact:, LCDR Michael D. Lendvay, Program Manager, Office of Commercial Vessel, Foreign and Offshore Vessel Activities Div. (CG-CVC-2), Department of Homeland Security, U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE., STOP 7501, Washington, DC 20593-7501, Phone: 202 372-1218, Email: michael.d.lendvay@uscg.mil
Jorge Arroyo, Project Manager, Office of Navigation Systems (CG-NAV-1), Department of Homeland Security, U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE., STOP 7418, Washington, DC 20593-7418, Phone: 202 372-1563, Email: jorge.arroyo@uscg.mil
Related RIN: Related to 1625-AA93, Related to 1625-AB28
RIN: 1625-AA99

DHS--USCG

79. Inspection of Towing Vessels

Priority: Other Significant.
Legal Authority: 46 U.S.C. 3103; 46 U.S.C. 3301; 46 U.S.C. 3306; 46 U.S.C. 3308; 46 U.S.C. 3316; 46 U.S.C. 3703; 46 U.S.C. 8104; 46 U.S.C. 8904; DHS Delegation No 0170.1
CFR Citation: 46 CFR 2; 46 CFR 15; 46 CFR 136 to 144.

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Legal Deadline: NPRM, Statutory, January 13, 2011. Final, Statutory, October 15, 2011. On October 15, 2010, the Coast Guard Authorization Act of 2010 was enacted as Public Law 111-281. It requires that a proposed rule be issued within 90 days after enactment and that a final rule be issued within 1 year of enactment.

Abstract: This rulemaking would implement a program of inspection for certification of towing vessels, which were previously uninspected. It would prescribe standards for safety management systems and third-party auditors and surveyors, along with standards for construction, operation, vessel systems, safety equipment, and recordkeeping.

Statement of Need: This rulemaking would implement section 415 of the Coast Guard and Maritime Transportation Act of 2004. The intent of the proposed rule is to promote safer work practices and reduce casualties on towing vessels by ensuring that towing vessels adhere to prescribed safety standards. This proposed rule was developed in

cooperation with the Towing Vessel Safety Advisory Committee. It would establish a new subchapter dedicated to towing vessels, covering vessel equipment, systems, operational standards, and inspection requirements.

Summary ***of*** Legal Basis: Proposed new subchapter authority: 46 U.S.C. 3103, 3301, 3306, 3308, 3316, 8104, 8904; 33 CFR 1.05; DHS Delegation 0170.1. The Coast Guard and Maritime Transportation Act ***of*** 2004 (CGMTA 2004), Public Law 108-293, 118 Stat. 1028, (Aug. 9, 2004), established new authorities for towing vessels as follows: section 415 added towing vessels, as defined in section 2101 ***of*** title 46, United States Code (U.S.C.), as a class ***of*** vessels that are subject to safety inspections under chapter 33 ***of*** that title (Id. at 1047). Section 415 also added new section 3306(j) ***of*** title 46, authorizing the Secretary ***of*** Homeland Security to establish, by regulation, a safety management system appropriate for the characteristics, methods ***of*** operation, and nature ***of*** service ***of*** towing vessels (Id.). Section 409 added new section 8904(c) ***of*** title 46, U.S.C., authorizing the Secretary to establish, by regulation, ``maximum hours ***of*** service (including recording and recordkeeping ***of*** that service) ***of*** individuals engaged on a towing vessel that is at least 26 feet in length measured from end to end over the deck (excluding the sheer).'' (Id. at 1044-45.)

Alternatives: We considered the following alternatives for the notice ***of*** proposed rulemaking (NPRM): One regulatory alternative would be the addition ***of*** towing vessels to one or more ***existing*** subchapters that deal with other inspected vessels, such as cargo and miscellaneous vessels (subchapter I), offshore supply vessels (subchapter L), or small passenger vessels (subchapter T). We do not believe, however, that this approach would recognize the often ``unique'' nature and characteristics ***of*** the towing industry in general and towing vessels in particular. The same approach could be adopted for use ***of*** a safety management system by requiring compliance with title 33, Code ***of*** Federal Regulations, part 96 (Rules for the Safe Operation ***of*** Vessels and Safety Management Systems). Adoption ***of*** these requirements, without an alternative safety management system, would also not be ``appropriate for the characteristics, methods ***of*** operation, and nature

of service ***of*** towing vessels." The Coast Guard has had extensive public involvement (four public meetings, over 100 separate comments submitted to the docket, as well as extensive ongoing dialogue with members ***of*** the Towing Safety Advisory Committee (TSAC)) regarding development ***of*** these regulations. Adoption ***of*** one ***of*** the alternatives discussed above would likely receive little public or industry support, especially considering the TSAC efforts toward development ***of*** standards to be incorporated into a separate subchapter dealing specifically with the inspection ***of*** towing vessels. An approach that would seem to be more in keeping with the intent ***of*** Congress would be the adoption ***of*** certain ***existing*** standards from those applied to other inspected vessels. In some cases, these ***existing*** standards would be appropriately modified and tailored to the nature and operation ***of*** certain categories ***of*** towing vessels. The adopted standards would come from inspected vessels that have demonstrated ``good marine practice'' within the maritime community. These regulations would be incorporated into a subchapter specifically addressing the inspection for certification ***of*** towing vessels. The law requiring the inspection for certification ***of*** towing vessels is a statutory mandate, compelling the Coast Guard to develop regulations appropriate for the nature ***of*** towing vessels and their specific industry.

Anticipated Cost and ***Benefits***: We estimate that owners and operators ***of*** towing vessels would incur additional annualized costs in the range ***of*** $14.3 million to $17.1 million at 7 percent discounted from this rulemaking. The cost ***of*** this rulemaking would involve provisions for safety management systems, standards for construction, operation, vessel systems, safety equipment, and recordkeeping. Our cost assessment includes ***existing*** and new vessels. The Coast Guard developed the requirements in the proposed rule by researching both the human factors and equipment failures that caused towing vessel accidents. We believe that the proposed rule would address a wide range ***of*** causes ***of*** towing vessel accidents and supports the main goal ***of*** improving safety in the towing industry. The primary ***benefit*** ***of*** the proposed rule is an increase in vessel safety and a resulting decrease

in the risk ***of*** towing vessel accidents and their consequences. We

estimate an annualized ***benefit*** ***of*** $28.5 million from this rule.

Risks: This regulatory action would reduce the risk ***of*** towing vessel accidents and their consequences. Towing vessel accidents result in fatalities, injuries, property damage, pollution, and delays.
Timetable:

Action Date FR Cite

NPRM..... 08/11/11 76 FR 49976

Notice ***of*** Public Meetings..... 09/09/11 76 FR 55847
NPRM Comment Period End..... 12/09/11
Final Rule..... 08/00/15

Regulatory Flexibility Analysis Required: Yes.
Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations.

Government Levels Affected: State.
Additional Information: Docket ID USCG-2006-24412.

URL for More Information: *www.regulations.gov*.

URL for Public Comments: *www.regulations.gov*.

Agency Contact: LCDR William Nabach, Project Manager, Office ***of***

Design & Engineering Standards, CG-OES-2, Department ***of*** Homeland Security, U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE., STOP 7509, Washington, DC 20593-7509, Phone: 202 372-1386, Email:

william.a.nabach@uscg.mil
RIN: 1625-AB06

DHS--USCG

80. Transportation Worker Identification Credential (TWIC); Card Reader Requirements

Priority: Other Significant.

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Legal Authority: 33 U.S.C. 1226; 33 U.S.C. 1231; 46 U.S.C. 701; 50 U.S.C. 191; 50 U.S.C. 192; EO 12656
CFR Citation: 33 CFR, subchapter H.
Legal Deadline: Final, Statutory, August 20, 2010, SAFE Port Act,

codified at 46 U.S.C. 70105(k). The final rule is required 2 years after the commencement ***of*** the pilot program. The final rule is required 2 years after the commencement ***of*** the pilot program.

Abstract: The Coast Guard is establishing electronic card reader requirements for maritime facilities and vessels to be used in combination with TSA's Transportation Worker Identification Credential (TWIC). Congress enacted several statutory requirements within the Security and Accountability for Every (SAFE) Port Act ***of*** 2006 to guide regulations pertaining to TWIC readers, including the need to evaluate TSA's final pilot program report as part ***of*** the TWIC reader rulemaking. During the rulemaking process, we will take into account the final pilot data and the various conditions in which TWIC readers may be employed. For example, we will consider the types ***of*** vessels and facilities that will use TWIC readers, locations ***of*** secure and restricted areas, operational constraints, and need for accessibility. Recordkeeping requirements, amendments to security plans, and the requirement for data exchanges (i.e., Canceled Card List) between TSA and vessel or facility owners/operators will also be addressed in this rulemaking.

Statement ***of*** Need: The Maritime Transportation Security Act (MTSA) ***of*** 2002 explicitly required the issuance ***of*** a biometric transportation security card to all U.S. merchant mariners and to workers requiring unescorted access to secure areas ***of*** MTSA-regulated facilities and vessels. On May 22, 2006, the Transportation Security Administration (TSA) and the Coast Guard published a notice ***of*** proposed rulemaking (NPRM) to carry out this statute, proposing a Transportation Worker Identification Credential (TWIC) Program where TSA conducts security threat assessments and issues identification credentials, while the Coast Guard requires integration ***of*** the TWIC into the access control systems ***of*** vessels, facilities, and Outer Continental Shelf facilities. Based on comments received during the public comment period, TSA and the Coast Guard split the TWIC rule. The final TWIC rule, published in January ***of*** 2007, addressed the issuance ***of*** the TWIC and use ***of*** the TWIC as a visual identification credential at access control points. In an ANPRM, published in March ***of*** 2009, and a NPRM, published in April ***of*** 2013, the Coast Guard proposed a risk-based approach to TWIC reader requirements and included proposals to classify MTSA-regulated vessels

and facilities into one ***of*** three risk groups, based on specific factors related to TSI consequence, and apply TWIC reader requirements for vessels and facilities in conjunction with their relative risk-group placement. This rulemaking is necessary to comply with the SAFE Port Act and to complete the implementation ***of*** the TWIC Program in our ports. By requiring electronic card readers at vessels and facilities, the Coast Guard will further enhance port security and improve access control measures.

Summary ***of*** Legal Basis: The statutory authorities for the Coast Guard to prescribe, change, revise, or amend these regulations are provided under 33 U.S.C. 1226, 1231; 46 U.S.C. chapter 701; 50 U.S.C. 191, 192; Executive Order 12656, 3 CFR 1988 Comp., p. 585; 33 CFR 1.05-1, 6.04-11, 6.14, 6.16, and 6.19; Department ***of*** Homeland Security Delegation No. 0170.1.

Alternatives: The implementation ***of*** TWIC reader requirements is mandated by the SAFE Port Act. We considered several alternatives in the formulation ***of*** this proposal. These alternatives were based on risk analysis ***of*** different combinations ***of*** facility and vessel populations facing TWIC reader requirements. The preferred alternative selected allowed the Coast Guard to target the highest risk entities while minimizing the overall burden.

Anticipated Cost and ***Benefits***: The main cost drivers ***of*** this rule are the acquisition and installation ***of*** TWIC readers and the maintenance ***of*** the affected entity's TWIC reader system. Initial costs, which we would distribute over a phased-in implementation period, consist predominantly ***of*** the costs to purchase, install, and integrate approved TWIC readers into their current physical access control system. Recurring annual costs will be driven by costs associated with canceled card list updates, opportunity costs associated with delays and replacement ***of*** TWICs that cannot be read, and maintenance ***of*** the affected entity's TWIC reader system. As reported in the NPRM Regulatory Analysis, the total 10-year total industry and ***government*** cost for the TWIC is $234.3 million undiscounted and $186.1 discounted at 7 percent. We estimate the annualized cost ***of*** this rule to industry to be $26.5 million at a 7 percent discount rate. The ***benefits*** ***of*** the rulemaking include the enhancement ***of*** the security ***of*** vessel ports and

other facilities by ensuring that only individuals ***who*** hold valid TWICs are granted unescorted access to secure areas at those locations.

Risks: USCG used risk-based decision-making to develop this rulemaking. Based on this analysis, the Coast Guard has proposed requiring higher-risk vessels and facilities to meet the requirements for electronic TWIC inspection, while continuing to allow lower-risk vessels and facilities to use TWIC as a visual identification credential.

Timetable:

Action Date FR Cite

ANPRM..... 03/27/09 74 FR 13360

Notice ***of*** Public Meeting..... 04/15/09 74 FR 17444
ANPRM Comment Period End..... 05/26/09

Notice ***of*** Public Meeting Comment Period End. 05/26/09
NPRM..... 03/22/13 78 FR 20558
NPRM Comment Period Extended..... 05/10/13 78 FR 27335
NPRM Comment Period Extended End.... 06/20/13
Final Rule..... 04/00/15

Regulatory Flexibility Analysis Required: Yes.
Small Entities Affected: Businesses, Governmental Jurisdictions.

Government Levels Affected: None.
Additional Information: Docket ID USCG-2007-28915.

URL for More Information: *www.regulations.gov*.

URL for Public Comments: *www.regulations.gov*.

Agency Contact: LT Mason Wilcox, Project Manager, Department ***of*** Homeland Security, U.S. Coast Guard, Commandant (CG-FAC-2), 2703 Martin Luther King Jr Ave. SE., STOP 7501, Washington, DC 20593-7501, Phone:

202 372-1123, Email: *mason.c.wilcox@uscg.mil*
Related RIN: Related to 1625-AB02
RIN: 1625-AB21

DHS--U.S. CUSTOMS AND BORDER PROTECTION (USCBP)

Proposed Rule Stage

81. Amendments to Importer Security Filing and Additional Carrier

Requirements

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.
Legal Authority: Pub. L. 109-347, sec 203; 5 U.S.C. 301; 19 U.S.C. 66; 19

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U.S.C. 1431; 19 U.S.C. 1433; 19 U.S.C. 1434; 19 U.S.C. 1624; 19 U.S.C. 2071 (note); 46 U.S.C. 60105
CFR Citation: 19 CFR 4.7c; 19 CFR 149.1
Legal Deadline: None.
Abstract: The Importer Security Filing (ISF) regulations require carriers and importers to provide to CBP, via a CBP-approved electronic data interchange system, information necessary to assist CBP in identifying high-risk shipments to prevent smuggling and ensure cargo safety and security. Importers and carriers must currently submit specified information before the cargo is brought into the United States by vessel in accordance with specified time frames. To increase

the accuracy and reliability ***of*** the advance information, this rule will propose changes to the ISF regulations.

Statement ***of*** Need: Since 2009 CBP has collected advance data elements from importers and carriers carrying cargo to the United States by vessel. CBP uses these data to target incoming cargo and prevent dangerous or otherwise illegal cargo from arriving in the

United States. To increase the accuracy and reliability ***of*** this

information CBP intends to publish a notice ***of*** proposed rulemaking that proposes some changes to the current importer security filing regulations. This rule is needed to provide CBP with additional data that are needed to conduct security screening and to ensure that the party with the best access to the data is the party responsible for providing this information to CBP.

Summary ***of*** Legal Basis:
Alternatives:

Anticipated Cost and ***Benefits***: CBP anticipates that this rule will result in a cost to ISF importers to submit the additional data to CBP

and a security ***benefit*** resulting from improved targeting.
Risks:
Timetable:

Action Date FR Cite

NPRM..... 10/00/15

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: None.
International Impacts: This regulatory action will be likely to

have international trade and investment effects, or otherwise be ***of*** international interest.

URL for More Information: *www.regulations.gov*.

URL for Public Comments: *www.regulations.gov*.
Agency Contact: Craig Clark, Program Manager, Vessel Manifest &

Importer Security Filing, Office ***of*** Cargo and Conveyance Security,

Department ***of*** Homeland Security, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Washington, DC 20229, Phone: 202 344-

3052, Email: *craig.clark@cbp.dhs.gov*
Related RIN: Related to 1651-AA70
RIN: 1651-AA98

DHS--USCBP

82. Air Cargo Advance Screening (ACAS)

Priority: Other Significant.
Legal Authority: Not Yet Determined.
CFR Citation: Not Yet Determined.
Legal Deadline: None.
Abstract: U.S. Customs and Border Protection (CBP) is proposing to

amend the implementing regulations ***of*** the Trade Act ***of*** 2002 regarding

the submission ***of*** advance electronic information for air cargo and other provisions to provide for the Air Cargo Advance Screening (ACAS)

program. ACAS would require the submission ***of*** certain advance electronic information for air cargo. This will allow CBP to better target and identify dangerous cargo and ensure that any risk associated with such cargo is mitigated before the aircraft departs for the United States. CBP, in conjunction with TSA, has been operating ACAS as a voluntary pilot program since 2010 and would like to implement ACAS as a regulatory program.

Statement ***of*** Need: DHS has identified an elevated risk associated

with cargo being transported to the United States by air. This rule will help address this risk by giving DHS the data it needs to improve targeting ***of*** the cargo prior to takeoff.

Summary ***of*** Legal Basis:
Alternatives:

Anticipated Cost and ***Benefits***: Costs ***of*** this program to carriers include one-time costs to upgrade systems to facilitate transmission ***of*** these data to CBP and recurring per transmission costs. ***Benefits*** ***of*** the program include improved security that will result from having these data further in advance.
Risks:
Timetable:

Action Date FR Cite

NPRM..... 08/00/15 .....

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.
International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be ***of*** international interest.
Agency Contact: Regina Kang, Cargo and Conveyance Security, Office ***of*** Field Operations, Department ***of*** Homeland Security, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Washington, DC 20229,

Phone: 202 344-2368, Email: regina.kang@cbp.dhs.gov
RIN: 1651-AB04

DHS--USCBP

Final Rule Stage

83. Changes to the Visa Waiver Program to Implement the Electronic System for Travel Authorization (ESTA) Program

Priority: Economically Significant. Major under 5 U.S.C. 801.
Legal Authority: 8 U.S.C. 1103; 8 U.S.C. 1187.
CFR Citation: 8 CFR 217.5.
Legal Deadline: None.
Abstract: On June 9, 2008, CBP issued an interim final rule which

implemented the Electronic System for Travel Authorization (ESTA) for aliens ***who*** travel to the United States under the Visa Waiver Program (VWP) at air or sea ports ***of*** entry. Under the rule, VWP travelers must provide certain biographical information to CBP electronically before departing for the United States. This advance information allows CBP to determine before their departure whether these travelers are eligible to travel to the United States under the VWP and whether such travel poses a security risk. The interim final rule also fulfilled the requirements ***of*** section 711 ***of*** the Implementing recommendations ***of*** the 9/11 Commission Act ***of*** 2007 (9/11 Act). In addition to fulfilling a statutory mandate, the rule served the two goals ***of*** promoting border security and legitimate travel to the United States. By modernizing the VWP, the ESTA increases national security and provides for greater efficiencies in the screening ***of*** international travelers by allowing for vetting ***of*** subjects ***of*** potential interest well before boarding, thereby reducing traveler delays at the ports ***of*** entry. CBP requested comments on all aspects ***of*** the interim final rule and plans to issue a final rule after completion ***of*** the comment analysis.

Statement ***of*** Need: The rule fulfills the requirements ***of*** section 711 ***of*** the 9/11 Act to develop and implement a fully automated electronic travel

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authorization system in advance ***of*** travel for VWP travelers. The advance information allows CBP to determine before their departure whether VWP travelers are eligible to travel to the United States and to determine whether such travel poses a law enforcement or security risk. In addition to fulfilling a statutory mandate, the rule serves the twin goals ***of*** promoting border security and legitimate travel to the United States. ESTA increases national security by allowing for vetting ***of*** subjects ***of*** potential interest before they depart for the United States. It promotes legitimate travel to the United States by providing for greater efficiencies in the screening ***of*** travelers thereby reducing traveler delays upon arrival at U.S. ports ***of*** entry.

Summary ***of*** Legal Basis: The ESTA program is based on congressional

authority provided under section 711 ***of*** the Implementing

Recommendations ***of*** the 9/11 Commission Act ***of*** 2007 (Pub. L. 110-53) and

section 217 ***of*** the Immigration and Nationality Act (INA), 8 U.S.C.
1187.
Alternatives: When developing the interim final rule, CBP
considered three alternatives to this rule: (1) The ESTA requirements
in the rule, but with a $1.50 fee per each travel authorization (more
costly) (2) The ESTA requirements in the rule, but with only the name

of the passenger and the admissibility questions on the I-94W form
(less burdensome) (3) The ESTA requirements in the rule, but only for
the countries entering the VWP after 2009 (no new requirements for VWP,
reduced burden for newly entering countries). CBP determined that the

rule provides the greatest level ***of*** enhanced security and efficiency at
an acceptable cost to traveling public and potentially affected air
carriers.

Anticipated Cost and ***Benefits***: The purpose ***of*** ESTA is to allow DHS

and CBP to establish the eligibility ***of*** certain foreign travelers to
travel to the United States under the VWP, and whether the alien's
proposed travel to the United States poses a law enforcement or

security risk. Upon review ***of*** such information, DHS will determine
whether the alien is eligible to travel to the United States under the
VWP. Costs to Air & Sea Carriers: CBP estimated that 8 U.S.-based air
carriers and 11 sea carriers will be affected by the rule. An
additional 35 foreign-based air carriers and 5 sea carriers will be
affected. CBP concluded that costs to air and sea carriers to support

the requirements ***of*** the ESTA program could cost $137 million to $1.1

billion over the next 10 years depending on the level ***of*** effort
required to integrate their systems with ESTA, how many passengers they
need to assist in applying for travel authorizations, and the discount
rate applied to annual costs. Costs to Travelers: ESTA will present new

costs and burdens to travelers in VWP countries ***who*** were not previously

required to submit any information to the U.S. ***Government*** in advance ***of***

travel to the United States. Travelers from Roadmap countries ***who***
become VWP countries will also incur costs and burdens, though these
are much less than obtaining a nonimmigrant visa (category B1/B2),
which is currently required for short-term pleasure or business to
travel to the United States. CBP estimated that the total quantified
costs to travelers will range from $1.1 billion to $3.5 billion

depending on the number ***of*** travelers, the value ***of*** time, and the discount rate. Annualized costs are estimated to range from $133 million to $366 million. ***Benefits***: As set forth in section 711 ***of*** the 9/11 Act, it was the intent ***of*** Congress to modernize and strengthen the security ***of*** the Visa Waiver Program under section 217 ***of*** the Immigration and Nationality Act (INA, 8 U.S.C. 1187) by simultaneously enhancing program security requirements and extending visa-free travel privileges to citizens and eligible nationals ***of*** eligible foreign countries that are partners in the war on terrorism. By requiring passenger data in advance ***of*** travel, CBP may be able to determine, before the alien departs for the United States, the eligibility ***of*** citizens and eligible nationals from VWP countries to travel to the United States under the VWP, and whether such travel poses a law enforcement or security risk. In addition to fulfilling a statutory mandate, the rule serves the twin goals ***of*** promoting border security and legitimate travel to the United States. By modernizing the VWP, ESTA is intended to both increase national security and provide for greater efficiencies in the screening ***of*** international travelers by allowing for the screening ***of*** subjects ***of*** potential interest well before boarding, thereby reducing traveler delays based on potentially lengthy processes at U.S. ports ***of*** entry. CBP concluded that the total ***benefits*** to travelers could total $1.1 billion to $3.3 billion over the period ***of*** analysis. Annualized ***benefits*** could range from $134 million to $345 million. In addition to these ***benefits*** to travelers, CBP and the carriers should also experience the ***benefit of*** not having to administer the I-94W except in limited situations. While CBP has not conducted an analysis ***of*** the potential savings, it should accrue ***benefits*** from not having to produce, ship, and store blank forms. CBP should also be able to accrue savings related to data entry and archiving. Carriers should realize some savings as well, though carriers will still have to administer the Customs Declaration forms for all passengers aboard the aircraft and vessel.

Risks:

Timetable:

Action Date FR Cite

Interim Final Action..... 06/09/08 73 FR 32440
Interim Final Rule Effective..... 08/08/08 .....
Interim Final Rule Comment Period 08/08/08 .....
End.
Notice_Announcing Date Rule Becomes 11/13/08 73 FR 67354
Mandatory.
Final Action..... 03/00/15 .....

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.
International Impacts: This regulatory action will be likely to

have international trade and investment effects, or otherwise be ***of*** international interest.

Additional Information: http://www.cbp.gov/xp/cgov/travel/id_visa/esta/.

URL For More Information: www.regulations.gov.

URL For Public Comments: www.regulations.gov.
Agency Contact: Suzanne Shepherd, Director, Electronic System for

Travel Authorization, Department ***of*** Homeland Security, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Washington, DC 20229,

Phone: 202 344-2073, Email: suzanne.m.shepherd@cbp.dhs.gov
Related RIN: Related to 1651-AA83
RIN: 1651-AA72

DHS--USCBP

84. Implementation ***of*** the Guam-Cnmi Visa Waiver Program (Section 610 Review)

Priority: Other Significant. Major under 5 U.S.C. 801.
Legal Authority: Pub. L. 110-229, sec. 702.
CFR Citation: 8 CFR 100.4; 8 CFR 212.1; 8 CFR 233.5; 8 CFR 235.5; 19 CFR 4.7b; 19 CFR 122.49a.
Legal Deadline: Final, Statutory, November 4, 2008, Pub. L. 110-229.
Abstract: The IFR (or the final rule planned for the coming year)

rule amends Department ***of*** Homeland

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Security (DHS) regulations to implement section 702 ***of*** the Consolidated

Natural Resources Act ***of*** 2008 (CNRA). This law extends the immigration laws ***of*** the United States to the Commonwealth ***of*** the Northern Mariana Islands (CNMI) and provides for a joint visa waiver program for travel to Guam and the CNMI. This rule implements section 702 ***of*** the CNRA by amending the regulations to replace the current Guam Visa Waiver Program with a new Guam-CNMI Visa Waiver Program. The amended regulations set forth the requirements for nonimmigrant visitors ***who*** seek admission for business or pleasure and solely for entry into and stay on Guam or the CNMI without a visa. This rule also establishes six ports ***of*** entry in the CNMI for purposes ***of*** administering and enforcing the Guam-CNMI Visa Waiver Program. Section 702 ***of*** the Consolidated Natural Resources Act ***of*** 2008 (CNRA), subject to a transition period, extends the immigration laws ***of*** the United States to the Commonwealth ***of*** the Northern Mariana Islands (CNMI) and provides for a visa waiver program for travel to Guam and/or the CNMI. On January 16, 2009, the Department ***of*** Homeland Security (DHS), Customs and Border Protection (CBP), issued an interim final rule in the Federal Register replacing the then-***existing*** Guam Visa Waiver Program with the Guam-CNMI Visa Waiver Program and setting forth the requirements for nonimmigrant visitors seeking admission into Guam and/or the CNMI under the Guam-CNMI Visa Waiver Program. As ***of*** November 28, 2009, the Guam-CNMI Visa Waiver Program is operational. This program allows nonimmigrant visitors from eligible countries to seek admission for business or pleasure for entry into Guam and/or the CNMI without a visa for a period ***of*** authorized stay not to exceed 45 days. This rulemaking would finalize the January 2009 interim final rule.

Statement ***of*** Need: Previously, aliens ***who*** were citizens ***of*** eligible countries could apply for admission to Guam at a Guam port ***of*** entry as nonimmigrant visitors for a period ***of*** 15 days or less, for business or pleasure, without first obtaining a nonimmigrant visa, provided that they are otherwise eligible for admission. Section 702(b) ***of*** the CNRA supersedes the Guam visa waiver program by providing for a visa waiver program for Guam and the Commonwealth ***of*** the Northern Mariana Islands (Guam-CNMI Visa Waiver Program). Section 702(b) required DHS to promulgate regulations within 180 days ***of*** enactment ***of*** the CNRA to

allow nonimmigrant visitors from eligible countries to apply for admission into Guam and the CNMI, for business or pleasure, without a visa, for a period ***of*** authorized stay ***of*** no longer than 45 days. Under the interim final rule, a visitor seeking admission under the Guam-CNMI Visa Waiver Program must be a national ***of*** an eligible country and must meet the requirements enumerated in the current Guam visa waiver program as well as additional requirements that bring the Guam-CNMI Visa Waiver Program into soft alignment with the U.S. Visa Waiver Program provided for in 8 CFR 217. The country eligibility requirements take into account the intent ***of*** the CNRA and ensure that the regulations meet current border security needs. The country eligibility requirements are designed to: (1) ensure effective border control procedures, (2) properly address national security and homeland security concerns in extending U.S. immigration law to the CNMI, and (3) maximize the CNMI's potential for future economic and business growth. This interim rule also provided that visitors from the People's Republic ***of*** China and Russia have provided a significant economic ***benefit*** to the CNMI. However, nationals from those countries cannot, at this time, seek admission under the Guam-CNMI Visa Waiver Program due to security concerns. Pursuant to section 702(a) ***of*** the CNRA, which extends the immigration laws ***of*** the United States to the CNMI, this rule also establishes six ports ***of*** entry in the CNMI to enable the Secretary ***of*** Homeland Security (the Secretary) to administer and enforce the Guam-CNMI Visa Waiver Program.

Summary ***of*** Legal Basis: The Guam-CNMI Visa Waiver Program is based on congressional authority provided under 702(b) ***of*** the Consolidated Natural Resources Act ***of*** 2008 (CNRA).

Alternatives: None.

Anticipated Cost and ***Benefits***: CBP is currently evaluating the costs and ***benefits*** associated with finalizing the interim final rule. The most significant change for admission to the CNMI as a result ***of*** the rule was for visitors from those countries ***who*** are not included in either the ***existing*** U.S. Visa Waiver Program or the Guam-CNMI Visa Waiver Program established by the rule. These visitors must apply for U.S. visas, which require in-person interviews at U.S. embassies or consulates and higher fees than the CNMI assessed for its visitor entry

permits. These are losses associated with the reduced visits from

foreign travelers ***who*** no longer visited the CNMI upon implementation ***of***

this rule. The anticipated ***benefits*** ***of*** the rule were enhanced security

that would result from the federalization ***of*** the immigration functions
in the CNMI.
Risks: No risks.
Timetable:

Action Date FR Cite

Interim Final Rule..... 01/16/09 74 FR 2824
Interim Final Rule Effective..... 01/16/09 .....
Interim Final Rule Comment Period 03/17/09 .....
End.

Technical Amendment; Change ***of*** 05/28/09 74 FR 25387
Implementation Date.
Final Action..... 08/00/15 .....

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.
International Impacts: This regulatory action will be likely to

have international trade and investment effects, or otherwise be ***of***
international interest.

URL for More Information: *www.regulations.gov*.

URL for Public Comments: *www.regulations.gov*.
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Related RIN: Related to 1651-AA81
RIN: 1651-AA77

DHS--USCBP

85. Definition ***of*** Form I-94 To Include Electronic Format.

Priority: Other Significant.
Legal Authority: 8 U.S.C. 1101; 8 U.S.C. 1103; 8 U.S.C. 1201; 8
U.S.C. 1301; 8 U.S.C. 1303 to 1305; 5 U.S.C. 301; Pub. L. 107-296, 116

stat 2135; 6 U.S.C. 1 et seq..

CFR Citation: 8 CFR 1.4; 8 CFR 264.1(b).

Legal Deadline: None.

Abstract: The Form I-94 is issued to certain aliens upon arrival in the United States or when changing status in the United States. The Form I-94 is used to document arrival and departure and provides evidence ***of*** the terms ***of*** admission or parole. CBP is transitioning to an automated process whereby it will create a Form I-94 in an electronic format based on passenger, passport, and visa information currently obtained electronically from air and sea carriers and the Department ***of*** State as well as through the inspection process. Prior to this rule, the Form I-94 was

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solely a paper form that was completed by the alien upon arrival. After the implementation ***of*** the Advance Passenger Information System (APIS) following 9/11, CBP began collecting information on aliens traveling by air or sea to the United States electronically from carriers in advance ***of*** arrival. For aliens arriving in the United States by air or sea, CBP obtains almost all ***of*** the information contained on the paper Form I-94 electronically and in advance via APIS. The few fields on the Form I-94 that are not collected via APIS are either already collected by the Department ***of*** State and transmitted to CBP or can be collected by the CBP officer from the individual at the time ***of*** inspection. This means that CBP no longer needs to collect Form I-94 information as a matter ***of*** course directly from aliens traveling to the United States by air or sea. At this time, the automated process will apply only to aliens arriving at air and sea ports ***of*** entry.

Statement ***of*** Need: This rule makes the necessary changes to the regulations to enable CBP to transition to an automated process whereby CBP will create an electronic Form I-94 based on the information in its databases.

Summary ***of*** Legal Basis: Section 103(a) ***of*** the Immigration and Nationality Act (INA) generally authorizes the Secretary ***of*** Homeland Security to establish such regulations and prescribe such forms ***of*** reports, entries, and other papers necessary to carry out his or her authority to administer and enforce the immigration and nationality

laws and to guard the borders ***of*** the United States against illegal entry ***of*** aliens.

Alternatives: CBP considered two alternatives to this rule: eliminating the paper Form I-94 in the air and sea environments entirely and providing the paper Form I-94 to all travelers ***who*** are not B-1/B-2 travelers. Eliminating the paper Form I-94 option for refugees, applicants for asylum, parolees, and those travelers ***who*** request one would not result in a significant cost savings to CBP and would harm travelers ***who*** have an immediate need for an electronic Form I-94 or ***who*** face obstacles to accessing their electronic Form I-94. A second alternative to the rule is to provide a paper Form I-94 to any travelers ***who*** are not B-1/B-2 travelers. Under this alternative, travelers would receive and complete the paper Form I- 94 during their inspection when they arrive in the United States. The electronic Form I-94 would still be automatically created during the inspection, but the CBP officer would need to verify that the information appearing on the form matches the information in CBP's systems. In addition, CBP would need to write the Form I-94 number on each paper Form I-94 so that their paper form matches the electronic record. As noted in the analysis, 25.1 percent ***of*** aliens are non-B-1/B-2 travelers. Filling out and processing this many paper Forms I-94 at airports and seaports would increase processing times considerably. At the same time, it would only provide a small savings to the individual traveler.

Anticipated Cost and ***Benefits***: With the implementation ***of*** this rule, CBP will no longer collect Form I-94 information as a matter ***of*** course directly from aliens traveling to the United States by air or sea. Instead, CBP will create an electronic Form I-94 for foreign travelers based on the information in its databases. This rule makes the necessary changes to the regulations to enable CBP to transition to an automated process. Both CBP and aliens would bear costs as a result ***of*** this rule. CBP would bear costs to link its data systems and to build a Web site so aliens can access their electronic Forms I-94. CBP estimates that the total cost for CBP to link data systems, develop a secure Web site, and fully automate the Form I-94 fully will equal about $1.3 million in calendar year 2012. CBP will incur costs ***of*** $0.09 million in subsequent years to operate and maintain these systems. Aliens arriving as diplomats and students would bear costs when logging into the Web site and printing electronic I-94s. The temporary workers and aliens in the "Other/Unknown" category bear costs when logging

into the Web site, traveling to a location with public internet access, and printing a paper copy ***of*** their electronic Form I-94. Using the primary estimate for a traveler's value ***of*** time, aliens would bear costs between $36.6 million and $46.4 million from 2013 to 2016. Total costs for this rule for 2013 would range from $34.2 million to $40.1 million, with a primary estimate ***of*** costs equal to $36.7 million. CBP, carriers, and foreign travelers would accrue ***benefits*** as a result ***of*** this rule. CBP would save contract and printing costs ***of*** $15.6 million per year ***of*** our analysis. Carriers would save a total ***of*** $1.3 million in printing costs per year. All aliens would save the eight-minute time burden for filling out the paper Form I-94 and certain aliens ***who*** lose the Form I-94 would save the $330 fee and 25-minute time burden for filling out the Form I-102. Using the primary estimate for a traveler's value ***of*** time, aliens would obtain ***benefits*** between $112.6 million and $141.6 million from 2013 to 2016. Total ***benefits*** for this rule for 2013 would range from $110.7 million to $155.6 million, with a primary estimate ***of benefits*** equal to $129.5 million. Overall, this rule results in substantial cost savings (***benefits***) for foreign travelers, carriers, and CBP. CBP anticipates a net ***benefit*** in 2013 ***of*** between $59.7 million and $98.7 million for foreign travelers, $1.3 million for carriers, and $15.5 million for CBP. Net ***benefits*** to U.S. entities (carriers and CBP) in 2013 total $16.8 million. CBP anticipates the total net ***benefits*** to both domestic and foreign entities in 2013 range from $76.5 million to $115.5 million. In our primary analysis, the total net ***benefits*** are $92.8 million in 2013. For the primary estimate, annualized net ***benefits*** range from $78.1 million to $80.0 million, depending on the discount rate used. More information on costs and ***benefits*** can be found in the interim final rule.

Risks: N/A.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/27/13	78 FR 18457
Interim Final Rule Comment Period	04/26/13	

End.
Interim Final Rule Effective..... 04/26/13
Final Action..... 03/00/15

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.
International Impacts: This regulatory action will be likely to

have international trade and investment effects, or otherwise be ***of*** international interest.
Additional Information: Includes Retrospective Review under E.O. 13563.

URL for More Information: *www.regulations.gov*.

URL for Public Comments: *www.regulations.gov*.
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RIN: 1651-AA96

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DHS--TRANSPORTATION SECURITY ADMINISTRATION (TSA)

Proposed Rule Stage

86. Security Training for Surface Mode Employees

Priority: Economically Significant. Major under 5 U.S.C. 801.
Legal Authority: 49 U.S.C. 114; Pub. L. 110-53, secs 1408, 1517, and 1534.
CFR Citation: 49 CFR 1520; 49 CFR 1570; 49 CFR 1580; 49 CFR 1582 (new); 49 CFR 1584 (new).
Legal Deadline: Final, Statutory, November 1, 2007, Interim Rule

for public transportation agencies is due 90 days after date ***of*** enactment.
Final, Statutory, August 3, 2008, Rule for public transportation

agencies is due 1 year after date ***of*** enactment.
Final, Statutory, February 3, 2008, Rule for railroads and over-

the-road buses are due 6 months after date ***of*** enactment.

According to section 1408 ***of*** Public Law 110-53, Implementing

Recommendations ***of*** the 9/11 Commission Act ***of*** 2007 (Aug. 3, 2007; 121 Stat. 266), interim final regulations for public transportation agencies are due 90 days after the date ***of*** enactment (Nov. 1, 2007), and final regulations are due 1 year after the date ***of*** enactment ***of*** this Act. According to section 1517 ***of*** the same Act, final regulations for railroads and over-the-road buses are due no later than 6 months after the date ***of*** enactment.

Abstract: The Transportation Security Administration (TSA) intends to propose a new regulation to address the security ***of*** freight railroads, public transportation, passenger railroads, and over-the-road buses in accordance with the Implementing Recommendations ***of*** the 9/11 Commission Act ***of*** 2007 (9/11 Act). As required by the 9/11 Act, the rulemaking will propose that certain railroads, public transportation agencies, and over-the-road bus companies provide security training to their frontline employees in the areas ***of*** security awareness, operational security, and incident prevention and response. The rulemaking will also propose extending security coordinator and reporting security incident requirements applicable to rail operators under current 49 CFR part 1580 to the non-rail transportation components ***of*** covered public transportation agencies and over-the-road buses. The regulation will take into consideration any current security training requirements or best practices and will propose definitions for transportation ***of*** security-sensitive materials, as required by the 9/11 Act.

Statement ***of*** Need: Employee training is an important and effective tool for averting or mitigating potential terrorist attacks by terrorists or others with malicious intent ***who*** may target surface transportation and plan or perpetrate actions that may cause significant injuries, loss ***of*** life, or economic disruption.

Summary ***of*** Legal Basis:, 49 U.S.C. 114; sections 1408, 1517, and 1534 ***of*** Public Law 110-53, Implementing Recommendations ***of*** the 9/11 Commission Act ***of*** 2007 (Aug. 3, 2007; 121 Stat. 266).

Alternatives:, TSA is required by statute to publish regulations requiring security training programs for these owner/operators. As part ***of*** its notice ***of*** proposed rulemaking, TSA will seek public comment on the alternative ways in which the final rule could carry out the

requirements ***of*** the statute.

Anticipated Cost and ***Benefits***:, TSA is in the process ***of***

determining the costs and ***benefits*** ***of*** this rulemaking.

Risks:, The Department ***of*** Homeland Security aims to prevent terrorist attacks within the United States and to reduce the

vulnerability ***of*** the United States to terrorism. By providing for security training for personnel, TSA intends in this rulemaking to

reduce the risk ***of*** a terrorist attack on this transportation sector.

Timetable:

Action Date FR Cite

NPRM..... 10/00/15

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Local.

URL For Public Comments: *www.regulations.gov*.

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Related RIN:, Related to 1652-AA56, Merged with 1652-AA57, Merged with 1652-AA59

RIN: 1652-AA55

DHS--TSA

87. Standardized Vetting, Adjudication, and Redress Services

Priority: Economically Significant. Major under 5 U.S.C. 801.
Unfunded Mandates: Undetermined.
Legal Authority: 49 U.S.C. 114, 5103A, 44903 and 44936; 46 U.S.C. 70105; 6 U.S.C. 469; Pub. L. 110-53, secs 1411, 1414, 1520, 1522 and 1602.
CFR Citation: Not Yet Determined.
Legal Deadline: None.
Abstract: The Transportation Security Administration (TSA) intends to propose new regulations to revise and standardize the procedures, adjudication criteria, and fees for most ***of*** the security threat assessments (STA) ***of*** individuals for which TSA is responsible. The scope ***of*** the rulemaking will include transportation workers ***who*** are required to undergo an STA, including surface, maritime, and aviation workers. TSA will propose fees to cover the cost ***of*** all STAs. TSA plans to improve efficiencies in processing STAs and streamline ***existing*** regulations by simplifying language and removing redundancies. As part ***of*** this proposed interim final rule (IFR), TSA will propose revisions to the Alien Flight Student Program (AFSP) regulations. TSA published an interim final rule for AFSP on September 20, 2004. TSA regulations require aliens seeking to train at Federal Aviation Administration-regulated flight schools to complete an application and undergo an STA prior to beginning flight training. There are four categories under which students currently fall; the nature ***of*** the STA depends on the student's category. TSA is considering changes to the AFSP that would improve the equity among fee payers and enable the implementation ***of*** new technologies to support vetting.

Statement ***of*** Need: TSA proposes to meet the requirements ***of*** 6 U.S.C. 469, which requires TSA to fund security threat assessment and credentialing activities through user fees. The proposed rulemaking should reduce reliance on appropriations for certain vetting services; minimize redundant background checks; and increase transportation security by enhancing identification and immigration verification standards.

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Summary ***of*** Legal Basis: 49 U.S.C. 114(f): Under the Aviation and Transportation Security Act (ATSA) (Pub. L. 170-71, Nov. 19, 2001, 115 Stat. 597), TSA assumed responsibility to assess security in all modes ***of*** transportation and minimize threats to national and transportation security. TSA is required to vet certain aviation workers pursuant to 49 U.S.C. 44903 and 44936. TSA is required to vet individuals with unescorted access to maritime facilities pursuant to the Maritime Transportation Security Act (MTSA) (Pub. L. 107-295, sec. 102, Nov. 25, 2002, 116 Stat. 2064), codified at 46 U.S.C. 70105. Pursuant to the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act) (Pub. L. 107-56, Oct. 25, 2001, 115 Stat. 272), TSA vets individuals seeking hazardous materials endorsements (HME) for commercial drivers licensed by the States. In 6 U.S.C. 469, Congress directed TSA to fund vetting and credentialing programs in the field ***of*** transportation through user fees.

Alternatives: TSA considered a number ***of*** viable alternatives to the proposed regulation. These alternatives are discussed in detail in the proposed rule and regulatory impact analysis.

Anticipated Cost and ***Benefits***: TSA is in the process determining the costs and ***benefits*** ***of*** this proposed rulemaking.

Risks:

Timetable:

Action Date FR Cite

NPRM..... 08/00/15

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

Additional Information: Includes Retrospective Review under Executive Order 13563.

URL for More Information: *www.regulations.gov*.

URL for Public Comments: *www.regulations.gov*.

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Related RIN: Related to 1652-AA35

RIN: 1652-AA61

DHS--TSA

Final Rule Stage

88. Passenger Screening Using Advanced Imaging Technology

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: 49 U.S.C. 44925.

CFR Citation: 49 CFR 1540.107.

Legal Deadline: None.

Abstract: The Transportation Security Administration (TSA) intends to issue a final rule to address whether screening and inspection ***of*** an individual, conducted to control access to the sterile area ***of*** an airport or to an aircraft, may include the use ***of*** advanced imaging technology (AIT). The notice ***of*** proposed rulemaking (NPRM) was published on March 26, 2012, to comply with the decision rendered by the U.S. Court ***of*** Appeals for the District ***of*** Columbia Circuit in Electronic Privacy Information Center (EPIC) v. U.S. Department ***of*** Homeland Security on July 15, 2011. 653 F.3d 1 (D.C. Cir. 2011). The Court directed TSA to conduct notice and comment rulemaking on the use ***of*** AIT in the primary screening ***of*** passengers.

Statement ***of*** Need: TSA is issuing this rulemaking to respond to the

decision ***of*** the U.S. Court ***of*** Appeals for the District ***of*** Columbia Circuit in EPIC v. DHS 653 F.3d 1 (D.C. Cir. 2011).

Summary ***of*** Legal Basis: In its decision in EPIC v. DHS 653 F.3d 1 (D.C. Cir. 2011), the Court ***of*** Appeals for the District ***of*** Columbia Circuit found that TSA failed to justify its failure to conduct notice and comment rulemaking and remanded to TSA for further proceedings.

Alternatives: As alternatives to the preferred regulatory proposal presented in the NPRM, TSA examined three other options. These alternatives include a continuation ***of*** the screening environment prior to 2008 (no action), increased use ***of*** physical pat-down searches that supplements primary screening with walk through metal detectors (WTMDs), and increased use ***of*** explosive trace detection (ETD) screening that supplements primary screening with WTMDs. These alternatives, and the reasons why TSA rejected them in favor ***of*** the proposed rule, are discussed in detail in chapter 3 ***of*** the AIT NPRM regulatory evaluation.

Anticipated Cost and ***Benefits***: TSA reports that the net cost ***of*** AIT deployment from 2008-2011 has been $841.2 million (undiscounted) and that TSA has borne over 99 percent ***of*** all costs related to AIT deployment. TSA projects that from 2012-2015 net AIT related costs will be approximately $1.5 billion (undiscounted), $1.4 billion at a three percent discount rate, and $1.3 billion at a seven percent discount rate. During 2012-2015, TSA estimates it will also incur over 98 percent ***of*** AIT-related costs with equipment and personnel costs being the largest categories ***of*** expenditures. The operations described in this rule produce ***benefits*** by reducing security risks through the deployment ***of*** AIT that is capable ***of*** detecting both metallic and non-metallic weapons and explosives. Terrorists continue to test security measures in an attempt to find and exploit vulnerabilities. The threat to aviation security has evolved to include the use ***of*** non-metallic explosives. AIT is a proven technology based on laboratory testing and field experience and is an essential component ***of*** TSA's security screening because it provides the best opportunity to detect metallic and nonmetallic anomalies concealed under clothing. More information about costs and ***benefits*** can be found in the Notice ***of*** Proposed Rulemaking.

Risks: DHS aims to prevent terrorist attacks and to reduce the

vulnerability ***of*** the United States to terrorism. By screening passengers with AIT, TSA will reduce the risk that a terrorist will smuggle a non-metallic threat on board an aircraft.

Timetable:

Action Date FR Cite

NPRM..... 03/26/13 78 FR 18287
NPRM Comment Period End..... 06/24/13 .....
Final Rule..... 07/00/15 .....

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: No.

Government Levels Affected: None.

URL for Public Comments: *www.regulations.gov*.

[[Page 76553]]

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RIN: 1652-AA67

DHS--U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (USICE)

Final Rule Stage

89. Adjustments to Limitations on Designated School Official Assignment

and Study by F-2 and M-2 Nonimmigrants

Priority: Other Significant.
Legal Authority: 8 U.S.C. 1101 to 1103; 8 U.S.C. 1182; 8 U.S.C. 1184
CFR Citation: 8 CFR 214.2(f)(15); 8 CFR 214.3(a); 8 CFR 214.
Legal Deadline: None.
Abstract: This final rule will revise 8 CFR parts 214.2 and 214.3. As proposed, it would provide additional flexibility to schools in determining the number ***of*** designated school officials (DSOs) to nominate for the oversight ***of*** the school's campuses where F-1 and M-1 nonimmigrant students are enrolled. Current regulation limits the number ***of*** DSOs to 10 per school, or 10 per campus in a multi-campus school. Second, as proposed, the rule would permit F-2 and M-2 spouses and children accompanying academic and vocational nonimmigrant students with F-1 or M-1 nonimmigrant status to enroll in study at an SEVP-certified school so long as any study remains less than a full course ***of*** study.

Statement ***of*** Need: The rule would improve management ***of*** international student programs and increase opportunities for study by spouses and children ***of*** nonimmigrant students. The rule would grant school officials more flexibility in determining the number ***of*** designated school officials (DSOs) to nominate for the oversight ***of*** campuses. The rule would also provide greater incentive for international students to study in the United States by permitting accompanying spouses and children ***of*** academic and vocational nonimmigrant students with F-1 or M-1 nonimmigrant status to enroll in less than a full course ***of*** study at an SEVP-certified school.

Summary ***of*** Legal Basis:
Alternatives:

Anticipated Cost and ***Benefits***: The anticipated costs ***of*** the rule derive from the ***existing*** requirement for reporting to DHS additional DSOs and any training that new DSOs would undertake. The primary ***benefits*** ***of*** the NPRM are providing flexibility to schools in the number ***of*** DSOs allowed and providing greater incentive for international students to study in the United States by permitting accompanying spouses and children ***of*** academic and vocational nonimmigrant students

in F-1 or M-1 status to enroll in study at an SEVP-certified school so

long as they are not engaged in a full course ***of*** study.

Risks:

Timetable:

Action Date FR Cite

NPRM..... 11/21/13 78 FR 69778

NPRM Comment Period End..... 01/21/14 .....

Final Rule..... 02/00/15 .....

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

International Impacts: This regulatory action will be likely to

have international trade and investment effects, or otherwise be ***of*** international interest.

URL for More Information: *www.regulations.gov*.

URL for Public Comments: *www.regulations.gov*.

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Related RIN: Previously reported as 1615-AA19

RIN: 1653-AA63

BILLING CODE 9110-9B-P

DEPARTMENT ***OF*** HOUSING AND URBAN DEVELOPMENT

Statement ***of*** Regulatory Priorities

The Regulatory Plan for the Department ***of*** Housing and Urban Development (HUD) for Fiscal Year (FY) 2015, together with HUD's Fall

Semiannual Agenda ***of*** Regulations, highlights the most significant regulatory initiatives that HUD seeks to complete during the upcoming fiscal year. As described by Secretary Castro during his confirmation hearings, HUD is a critical federal agency because it directly impacts

American families, from enforcing fair housing rights to revitalizing distressed areas, from assisting veterans and finding permanent

housing, to helping communities rebuild after a natural disaster hits, HUD impacts small towns, big cities, rural communities and tribal communities across the country.\1\ Through its programs, HUD works to strengthen the housing market and protect consumers; meet the need for quality affordable rental homes; utilize housing as a platform for

improving quality ***of*** life; and build inclusive and sustainable communities free from discrimination.

\1\ Senate Banking, Housing and Urban Affairs Committee

Confirmation Hearing on the Nomination ***of*** Julian Castro to be Housing and Urban Development Secretary and Laura S. Wertheimer to be the Federal Housing Finance Agency Inspector General, 113th Cong.

(June 17, 2014) (Statement ***of*** Juli[aacute]n Castro).

As discussed in HUD's 2010-2015, Strategic Plan, a central feature

of HUD's mission is nurturing opportunities for job growth and business

expansion in ***American*** communities, particularly those that are economically distressed. HUD's experience is that job growth and business expansion are essential to creating viable communities that

provide residents opportunities that enhance their quality ***of*** life. Economic development, however, must be tailored to the assets and needs

of the community in a way that maintains and enhances affordability and local character. HUD utilizes several tools to achieve this goal, including the providing tax incentives and Federal financial assistance

that assist communities to carry out a wide range ***of*** community development activities directed toward neighborhood revitalization, economic development, and improved community facilities and services. Another tool that HUD has to support job growth and economic activity

is Section 3 ***of*** the Housing and Urban Development Act ***of*** 1968, as amended, which ensures that

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employment and other economic opportunities generated by Federal financial assistance for housing and community development programs are, to the greatest extent feasible, directed toward low- and very

low-income persons, particularly those ***who*** are recipients ***of government*** assistance for housing.

Consistent with its 2010-2015 Strategic Plan, HUD's Regulatory Plan

for FY2015 focuses on strengthening, through regulation, Section 3 to update and better align it with the statutory changes to HUD's housing and community development programs since HUD issued the regulation in 1994. This effort will also provide recipients ***of*** HUD financial assistance more discretion when carrying out their Section 3 responsibilities while simultaneously increasing their accountability to HUD and the communities that they serve.

Priority: Enhancing Economic Development and Job Creation Through Section 3

The purpose ***of*** Section 3 is to ensure that the employment and other economic opportunities generated by Federal financial assistance, to the greatest extent feasible, be directed to low-and very low-income persons, particularly those ***who*** are recipients ***of government*** assistance for housing. In this regard, the statute recognizes that the employment and other economic opportunities generated by projects and activities that receive Federal housing and community development assistance offer an effective means ***of*** empowering low- and very low-income persons and to business concerns that provide economic opportunities to these persons. Notwithstanding, HUD's Section 3 regulations have not been updated since 1994. In the 20 years that have passed since HUD promulgated its Section 3 regulations, significant legislation has been enacted that affects HUD programs that are subject Section 3. These legislative changes are not adequately addressed by HUD's current Section 3 regulations.

In addition, recipients ***of*** Section 3 covered HUD financial assistance, community advocates, representatives from national housing organizations, Section 3 residents and businesses, and other interested parties have expressed, in HUD's organized listening sessions, that the ***existing*** regulations are not sufficiently explicit about specific actions that could be undertaken to achieve compliance; that the ***existing*** regulations do not clearly describe the extent to which recipients may require subrecipients, contractors, and subcontractors to comply with Section 3; and actions that recipients may take to impose meaningful sanctions for noncompliance by their subrecipients, contractors, and subcontractors. Finally, HUD's Office ***of*** Inspector General (OIG) conducted an audit in 2013 to assess HUD's oversight ***of*** Section 3 in response to concerns about economic opportunities that were provided (or should have been provided) as a result ***of*** the

expenditure ***of*** financial assistance under the ***American*** Reinvestment and Recovery Act (Recovery Act) (Public Law 111-5, approved February 17, 2009).

As a result, HUD proposes to update and clarify its Section 3 regulations to better fulfill the purpose ***of*** Section 3 and maximize the employment and contracting opportunities available to the low and very low-income residents ***of*** communities enjoying the ***benefit of*** Federal financial assistance in support ***of*** economic development and to business concerns that provide economic opportunities to these persons.

Regulatory Action: Creating Economic Opportunities for Low- and Very Low-Income Persons and Eligible Businesses Through Strengthened ``Section 3'' Requirements

Section 3 ***of*** the Housing and Urban Development Act ***of*** 1968, as amended by the Housing and Community Development Act ***of*** 1992, contributes to the establishment ***of*** stronger, more sustainable communities by ensuring that employment and other economic opportunities generated by Federal financial assistance for housing and community development programs are, to the greatest extent feasible, directed toward low- and very low-income persons, particularly those ***who*** are recipients ***of government*** assistance for housing and to business concerns that provide economic opportunities to these persons. HUD is statutorily charged with the authority and responsibility to implement and enforce Section 3. HUD's regulations implementing the requirements ***of*** Section 3 have not been updated since 1994. This proposed rule would update HUD's Section 3 regulations to address new programs established since 1994 that are subject to the Section 3 requirements, and revise the regulations to both better promote compliance with the requirements ***of*** Section 3 by recipients ***of*** Section 3 covered financial assistance, while also recognizing barriers to compliance that may ***exist***, and overall strengthening HUD's oversight ***of*** Section 3.

Aggregate Costs and ***Benefits***

Executive Order 12866, as amended, requires the agency to provide its best estimate ***of*** the combined aggregate costs and ***benefits of*** all regulations included in the agency's Regulatory Plan that will be made effective in calendar year 2015. HUD expects that the neither the total economic costs nor the total efficiency gains will exceed $100 million.

Priority Regulations in HUD's FY 2015 Regulatory Plan

HUD--OFFICE ***OF*** THE SECRETARY

Proposed Rule Stage

Creating Economic Opportunities for Low- and Very Low-Income Persons and Eligible Businesses Through Strengthened ``Section 3'' Requirements
Priority: Significant.
Legal Authority: 12 U.S.C. 1701u; 42 U.S.C. 1450; 42 U.S.C. 3301; 42 U.S.C. 3535(d).
CFR Citation: 24 CFR 135.
Legal Deadline: None.
Abstract: This proposed rule would revise HUD's regulations found at 24 CFR part 135, which ensure that employment, training, and contracting opportunities generated by certain HUD financial assistance

shall, to the greatest extent feasible, and consistent with ***existing*** Federal, State, and local laws and regulations, be directed to low- and

very low-income persons, particularly those ***who*** are recipients ***of***

Government assistance for housing and to business concerns that provide economic opportunities to these persons. Part 135 was last revised to

incorporate the statutory amendments ***of*** the Housing and Community

Development Act ***of*** 1992. This proposed rule would update part 135 to:

(1) Reflect certain changes in the design and implementation ***of*** HUD programs that are subject to the section 3 regulations; (2) clarify the

obligations ***of*** covered recipient agencies; and (3) simplify the Department's section 3 complaint processing procedures.

Statement ***of*** Need: Section 3 requirements have been governed by an interim regulation since 1994 and the Department is obligated to promulgate final regulations. Equally important, HUD programs subject to Section 3 have undergone significant legislative change. This includes, reforms made to HUD's Indian housing programs by the Native

American Housing Assistance and Self-Determination Act ***of*** 1996 (NAHASDA) (Public Law 104-330, approved October 26, 1996); public housing reforms made by the Quality Housing and Work Responsibility Act

of 1998 (QHWRA) (Public Law 105-276,

[[Page 76555]]

approved by October 21, 1998); reforms made to HUD's supportive housing

programs by the Section 202 Supportive Housing for the Elderly Act ***of***

2010 (Public Law 111-372, approved January 4, 2011), and the Frank

Melville Supportive Housing Investment Act ***of*** 2010 (Public Law 111-347, approved January 4, 2011); and more recently reforms made to HUD's public housing by the Rental Assistance Demonstration program authorized by the act appropriating 2012 funding for HUD, the Consolidated and Further Continuing Appropriations Act, 2012 (Public Law 112-55, approved November 18, 2011). HUD proposes to clarify and strengthen its Section 3 regulations to incorporate new programs established since 1994 that are subject to Section 3 requirements,

revise the ***existing*** regulation to enhance compliance by recipients ***of*** covered HUD assistance, and mitigate barriers to achieving compliance. In August 2010, HUD hosted a Section 3 Listening Forum \2\ that

brought together recipients ***of*** Section 3 covered HUD financial assistance, community advocates, representatives from national housing organizations, Section 3 residents and businesses, and other interested parties to highlight best practices and to discuss barriers to

implementation across the country. The forum offered recipients ***of*** Section 3 covered financial assistance the opportunity to identify challenges they were facing in complying with Section 3. Participants

stated that the ***existing*** regulations are not sufficiently explicit about specific actions that could be undertaken to achieve compliance;

that the ***existing*** regulations do not clearly describe the extent to which recipients may require subrecipients, contractors, and subcontractors to comply with Section 3; and actions that recipients may take to impose meaningful sanctions for noncompliance by their subrecipients, contractors, and subcontractors.

\2\ *https://nhlp.org/files/09%20Section%203%20Barriers%20and%20best%20practices%208%2024%2010%20Final%20with%20attachment.pdf*

In addition, HUD's Office ***of*** Inspector General (OIG) conducted an

audit in 2013 to assess HUD's oversight ***of*** Section 3 in response to concerns about economic opportunities that were provided (or should

have been provided) as a result ***of*** the expenditure ***of*** financial

assistance under the ***American*** Reinvestment and Recovery Act (Recovery Act) (Public Law 111-5, approved February 17, 2009). HUD's OIG

concluded that HUD did not enforce the reporting requirements ***of***

Section 3 for recipients ***of*** FY 2009 Recovery Act Public Housing Capital funds from HUD.\3\ HUD's OIG made several recommendations to address its findings including developing procedures to take administrative measures against recipients that fail to comply with Section 3 requirements and publishing a Section 3 final rule.

\3\ See: *http://www.hudoig.gov/reports-publications/audit-reports/hud-did-not-enforce-reporting-requirements-**of**-section-3-**of***.

Alternatives: Efforts have been made to improve HUD's Section 3 efforts independent ***of*** regulatory change, by increased reporting compliance, use ***of*** Notices ***of*** Financial Assistance (NOFA) competitions for Section 3 coordinators, and a business registry. These initiatives have been helpful, but as HUD's Office ***of*** Inspector General \4\ noted, regulatory change is important and necessary to clarify areas ***of*** confusion without subjecting recipients ***who*** operated in good faith to legal problems.

\4\ *http://www.hudoig.gov/reports-publications/audit-reports/hud-did-not-enforce-reporting-requirements-**of**-section-3-**of***

Anticipated Costs and ***Benefits***: The proposed rule will enhance employment opportunities for Section 3 residents and contracting opportunities for Section 3 businesses. In doing so, the proposed rule imposes additional recordkeeping, verification, procurement, monitoring, and complaint processing requirements on covered recipients. Additional administrative work will be one ***of*** the outcomes ***of*** an invigorated effort to provide economic opportunities to the greatest extent feasible. HUD has estimated that total reporting and record keeping burden would be $6.5 million the first year the rule goes into effect and $2.2 million annually in succeeding years.

Section 3 does not create additional jobs. Instead, a more rigorous targeting ***of*** economic opportunity will direct (transfer) positions and contracts to those eligible under Section 3. A reasonable estimate ***of*** the impact would be protection for an additional 1,400 Section 3 jobs annually from increased oversight and clarification ***of*** program standards. Finally, as tenant incomes rise, the federal rental subsidy

for those tenants would decline. Such an effect would constitute a transfer from tenants to the U.S. ***government*** and could be as large as $19 million annually.

This rule will not have any impact on the level ***of*** funding for the impacted programs. Funding is determined independently by congressional appropriations. It will, however, affect the allocation ***of*** resources.

Risks: This rule poses no risk to public health, safety, or the environment.

Timetable:

Action Date FR CITE

NPRM..... 12/00/ .....
2014

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: No.

Government Levels Affected: None.
Federalism Affected: No.
Energy Affected: No.
International Impacts: No.
Agency Contact:Agency Contact: Sara K. Pratt, Deputy Assistant Secretary for Enforcement and Programs, Department ***of*** Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, Phone: 202 402-6978.

RIN: 2529-AA91

HUD--Office ***of*** Fair Housing and Equal Opportunity (FHEO)

Proposed Rule Stage

90. Economic Opportunities for Low- and Very Low-Income Persons (FR-4893)

Priority: Other Significant.
Legal Authority: 12 U.S.C. 1701u; 42 U.S.C. 1450; 42 U.S.C. 3301; 42 U.S.C. 3535(d)
CFR Citation: 24 CFR 135.
Legal Deadline: None.
Abstract: This proposed rule would revise HUD's regulations found at 24 CFR part 135, which ensure that employment, training, and contracting opportunities generated by certain HUD financial assistance

shall, to the greatest extent feasible, and consistent with ***existing*** Federal, State, and local laws and regulations, be directed to low- and very low-income persons, particularly those ***who*** are recipients ***of*** ***Government*** assistance for housing and to business concerns that provide economic opportunities to these persons. Part 135 was last revised to incorporate the statutory amendments ***of*** the Housing and Community Development Act ***of*** 1992. This proposed rule would update part 135 to:

(1) Reflect certain changes in the design and implementation ***of*** HUD programs that are subject to the section 3 regulations; (2) clarify the obligations ***of*** covered recipient agencies; and (3) simplify the Department's section 3 complaint processing procedures.

Statement ***of*** Need: Section 3 requirements have been governed by an

[[Page 76556]]

interim regulation since 1994 and the Department is obligated to promulgate final regulations. Equally important, HUD programs subject to Section 3 have undergone significant legislative change. This includes, reforms made to HUD's Indian housing programs by the Native ***American*** Housing Assistance and Self-Determination Act ***of*** 1996 (NAHASDA) (Public Law 104-330, approved October 26, 1996); public housing reforms made by the Quality Housing and Work Responsibility Act ***of*** 1998 (QHWRA) (Public Law 105-276, approved by October 21, 1998); reforms made to HUD's supportive housing programs by the Section 202 Supportive Housing for the Elderly Act ***of*** 2010 (Public Law 111-372, approved January 4, 2011), and the Frank Melville Supportive Housing Investment Act ***of*** 2010 (Public Law 111-347, approved January 4, 2011); and more recently reforms made to HUD's public housing by the Rental Assistance Demonstration program authorized by the act appropriating 2012 funding for HUD, the Consolidated and Further Continuing Appropriations Act, 2012 (Public Law 112-55, approved November 18, 2011). HUD proposes to clarify and strengthen its Section 3 regulations to incorporate new programs established since 1994 that are subject to Section 3 requirements, revise the ***existing*** regulation to enhance compliance by recipients ***of*** covered HUD assistance, and mitigate barriers to achieving compliance.

In August 2010, HUD hosted a Section 3 Listening Forum \5\ that brought together recipients ***of*** Section 3 covered HUD financial

assistance, community advocates, representatives from national housing organizations, Section 3 residents and businesses, and other interested parties to highlight best practices and to discuss barriers to

implementation across the country. The forum offered recipients ***of*** Section 3 covered financial assistance the opportunity to identify challenges they were facing in complying with Section 3. Participants

stated that the ***existing*** regulations are not sufficiently explicit about specific actions that could be undertaken to achieve compliance;

that the ***existing*** regulations do not clearly describe the extent to which recipients may require subrecipients, contractors, and subcontractors to comply with Section 3; and actions that recipients may take to impose meaningful sanctions for noncompliance by their subrecipients, contractors, and subcontractors.

\5\ *https://nhlp.org/files/09%20Section%203%20Barriers%20and%20best%20practices%208%2024%2010%20Final%20with%20attachment.pdf*.

In addition, HUD's Office ***of*** Inspector General (OIG) conducted an

audit in 2013 to assess HUD's oversight ***of*** Section 3 in response to concerns about economic opportunities that were provided (or should

have been provided) as a result ***of*** the expenditure ***of*** financial

assistance under the ***American*** Reinvestment and Recovery Act (Recovery Act) (Public Law 111-5, approved February 17, 2009). HUD's OIG

concluded that HUD did not enforce the reporting requirements ***of***

Section 3 for recipients ***of*** FY 2009 Recovery Act Public Housing Capital funds from HUD \6\. HUD's OIG made several recommendations to address its findings including developing procedures to take administrative measures against recipients that fail to comply with Section 3 requirements and publishing a Section 3 final rule.

\6\ See: *http://www.hudoig.gov/reports-publications/audit-reports/hud-did-not-enforce-reporting-requirements-**of**-section-3-**of***.

Summary ***of*** Legal Basis: Section 3 was enacted as a part ***of*** the

Housing and Urban Development Act ***of*** 1968 (Public Law 90-448, approved August 1, 1968) to bring economic opportunities, generated by the

expenditure ***of*** certain HUD financial assistance, to the greatest extent feasible, to low- and very low-income persons residing in communities where the financial assistance is expended. Section 3 recognizes that HUD funds are often one ***of*** the largest sources ***of*** funds expended in low-income communities and, where such funds are spent on activities such as construction and rehabilitation ***of*** housing and other public facilities, the expenditure results in new jobs and other opportunities. By directing new economic opportunities to residents and businesses in the community in which the funds are expended, the expenditure can have the double ***benefit*** ***of*** creating new or rehabilitated housing or other facilities in such communities while also creating jobs for the residents ***of*** these communities. Section 3 was amended by the Housing and Community Development Act ***of*** 1992 (Public Law 102-550, approved October 28, 1992), which required the Secretary ***of*** HUD to promulgate regulations to implement Section 3, codified at 12 U.S.C. 1701u. HUD's Section 3 regulations were promulgated through an interim rule published on June 30, 1994, at 59 FR 33880, and are codified in 24 CFR part 135. This proposed rule would update HUD's Section 3 regulations to address new programs established since 1994 that are subject to the Section 3 requirements, and revise the regulations to both better promote compliance with the requirements ***of*** Section 3 by recipients ***of*** Section 3 covered financial assistance, while also recognizing barriers to compliance that may ***exist***, and overall strengthening HUD's oversight ***of*** Section 3.

Alternatives: Efforts have been made to improve HUD's Section 3 efforts independent ***of*** regulatory change, by increased reporting compliance, use ***of*** Notices ***of*** Financial Assistance (NOFA) competitions for Section 3 coordinators, and a business registry. These initiatives have been helpful, but as HUD's Office ***of*** Inspector General \7\ noted, regulatory change is important and necessary to clarify areas ***of*** confusion without subjecting recipients ***who*** operated in good faith to legal problems.

\7\ *http://www.hudoig.gov/reports-publications/audit-reports/hud-did-not-enforce-reporting-requirements-**of**-section-3-**of***.

Anticipated Cost and ***Benefits***: The proposed rule will enhance employment opportunities for Section 3 residents and contracting opportunities for Section 3 businesses. In doing so, the proposed rule imposes additional recordkeeping, verification, procurement, monitoring, and complaint processing requirements on covered recipients. Additional administrative work will be one ***of*** the outcomes ***of*** an invigorated effort to provide economic opportunities to the greatest extent feasible. HUD has estimated that total reporting and record keeping burden would be $6.5 million the first year the rule goes into effect and $2.2 million annually in succeeding years.

Section 3 does not create additional jobs. Instead, a more rigorous targeting ***of*** economic opportunity will direct (transfer) positions and contracts to those eligible under Section 3. A reasonable estimate ***of*** the impact would be protections for an additional 1,400 Section 3 jobs annually from increased oversight and clarification ***of*** program standards. Finally, as tenant incomes rise, the federal rental subsidy for those tenants would decline. Such an effect would constitute a transfer from tenants to the U.S. ***government*** and could be as large as $19 million annually.

This rule will not have any impact on the level ***of*** funding for the impacted programs. Funding is determined independently by congressional appropriations. It will, however, affect the allocation ***of*** resources.

Risks: This rule poses no risk to public health, safety, or the environment.

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Timetable:

Action Date FR Cite

NPRM..... 12/00/14

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Sara K. Pratt, Deputy Assistant Secretary for Enforcement and Programs, Department ***of*** Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, Phone: 202 402-6978.

RIN: 2529-AA91
BILLING CODE 4210-67-P

DEPARTMENT ***OF*** THE INTERIOR (DOI)

Statement ***of*** Regulatory Priorities

The Department ***of*** the Interior (DOI) is the principal Federal steward ***of*** our Nation's public lands and resources, including many ***of*** our cultural treasures. DOI serves as trustee to Native Americans and Alaska native trust assets and is responsible for relations with the island territories under United States jurisdiction. The Department manages more than 500 million acres ***of*** Federal lands, including 401 park units, 560 wildlife refuges, and approximately 1.7 billion submerged offshore acres. These areas include natural resources that are essential for America's industry--oil and gas, coal, and minerals such as gold and uranium. On public lands and the Outer Continental Shelf, Interior provides access for renewable and conventional energy development and manages the protection and restoration ***of*** surface-mined lands.

The Department protects and recovers endangered species; protects natural, historic, and cultural resources; manages water projects that are a lifeline and economic engine for many communities in the West; manages forests and fights wildfires; manages Federal energy resources; regulates surface coal mining operations; reclaims abandoned coal mines; educates children in Indian schools; and provides recreational opportunities for over 400 million visitors annually in the Nation's national parks, public lands, national wildlife refuges, and recreation areas.

DOI will continue to review and update its regulations and policies to ensure that they are effective and efficient, and that they promote accountability and sustainability. DOI will emphasize regulations and policies that:

Promote environmentally responsible, safe, and balanced development ***of*** renewable and conventional energy on our public lands and the Outer Continental Shelf (OCS);

Use the best available science to ensure that public resources are protected, conserved, and used wisely;

Preserve America's natural treasures for future generations;

Improve the nation-to-nation relationship with ***American*** Indian tribes and promote tribal self-determination and self-

governance;
Promote partnerships with States, tribes, local

governments, other groups, and individuals to achieve common goals; and
Promote transparency, fairness, accountability, and the
highest ethical standards while maintaining performance goals.

Major Regulatory Areas

The Department's bureaus implement congressionally mandated

programs through their regulations. Some ***of*** these regulatory programs
include:
Developing onshore and offshore energy, including
renewable, mineral, oil and gas, and other energy resources;
Regulating surface coal mining and reclamation operations
on public and private lands;
Managing migratory birds and preserving marine mammals and
endangered species;
Managing dedicated lands, such as national parks, wildlife

refuges, National Landscape Conservation System lands, and ***American***
Indian trust lands;
Managing public lands open to multiple use;

Managing revenues from ***American*** Indian and Federal
minerals;
Fulfilling trust and other responsibilities pertaining to

American Indians and Alaska Natives;
Managing natural resource damage assessments; and
Managing assistance programs.

Regulatory Policy

DOI's regulatory programs seek to operate programs transparently,

efficiently, and cooperatively while maximizing protection ***of*** our land,
resources, and environment in a fiscally responsible way by:
(1) Protecting Natural, Cultural, and Heritage Resources.
The Department's mission includes protecting and providing access
to our Nation's natural and cultural heritage and honoring our trust
responsibilities to tribes. We are committed to this mission and to
applying laws and regulations fairly and effectively. Our priorities
include protecting public health and safety, restoring and maintaining
public lands, protecting threatened and endangered species,
ameliorating land- and resource-management problems on public lands,
and ensuring accountability and compliance with Federal laws and
regulations.

(2) Sustainably Using Energy, Water, and Natural Resources.

Since the beginning ***of*** the Obama Administration, the Department has focused on renewable energy issues and has established priorities for environmentally responsible development ***of*** renewable energy on public lands and the OCS. Industry has responded by investing in the development ***of*** wind farms off the Atlantic seacoast and solar, wind, and geothermal energy facilities throughout the West. Power generation from these new energy sources produces virtually no greenhouse gases and, when done in an environmentally responsible manner, harnesses with minimum impact abundant renewable energy. The Department will continue its intra- and inter-departmental efforts to move forward with the environmentally responsible review and permitting ***of*** renewable energy projects on public lands, and will identify how its regulatory processes can be improved to facilitate the responsible development ***of*** these resources.

In implementing these priorities through its regulations, the Department will create jobs and contribute to a healthy economy while protecting our signature landscapes, natural resources, wildlife, and cultural resources.

(3) Empowering People and Communities.

The Department strongly encourages public participation in the regulatory process and will continue to actively engage the public in the implementation ***of*** priority initiatives. Throughout the Department, individual bureaus and offices are ensuring that the ***American*** people have an active role in managing our Nation's public lands and resources.

For example, every year FWS establishes migratory bird hunting seasons in partnership with flyway councils composed ***of*** State fish and wildlife agencies. FWS also holds a series ***of*** public meetings to give other interested parties, including hunters and other groups, opportunities to participate in establishing the upcoming season's regulations. Similarly, BLM uses Resource Advisory Councils to advise on management ***of*** public lands and resources. These citizen-based groups allow individuals from all

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backgrounds and interests to have a voice in management ***of*** public lands.

Retrospective Review ***of*** Regulations

President Obama's Executive Order 13563 directs agencies to make the regulatory system work better for the ***American*** public. Regulations should ``. . . protect public health, welfare, safety, and our environment while promoting economic growth, innovation, competitiveness, and job creation.'' DOI's plan for retrospective regulatory review identifies specific efforts to relieve regulatory burdens, add jobs to the economy, and make regulations work better for the ***American*** public while protecting our environment and resources. The DOI plan seeks to strengthen and maintain a culture ***of*** retrospective review by consolidating all regulatory review requirements into DOI's annual regulatory plan.

The Department routinely meets with stakeholders to solicit feedback and gather input on how to incorporate performance based standards. DOI has received helpful public input through this process and will continue to participate in this effort with relevant interagency partners as part ***of*** its retrospective regulatory review.

Under section 6 ***of*** Executive Order 13563 ``Improving Regulation and Regulatory Review'' (Jan. 18, 2011), the following Regulation Identifier Numbers (RINs) were identified as associated with retrospective review and analysis in the Department's final retrospective review ***of*** regulations plan, which can be viewed at http://www.doi.gov/open/regsreview.

Bureau	Title & RIN	Description	Reduces burdens on small business?
Office ***of*** Natural Resources Revenue.	Oil and Gas Royalty Valuation. 1012-AA13.....	DOI is exploring a simplified market-based approach to arrive at the value ***of*** oil and gas for royalty purposes that could dramatically reduce accounting and paperwork requirements and costs on industry and better ensure proper royalty	Yes.

valuation by creating a more transparent royalty calculation method.

Fish and Wildlife Service..... ESA Section 7 Consultation Process; Incidental Take Statements. 1018-AX85..... Court decisions over the last decade have prompted us, along with the National Marine Fisheries Service (NOAA, Commerce), to consider clarifying our regulations concerning incidental take statements during section 7 consultation under the Endangered Species Act. A proposed rule published on September 4, 2013. The proposed changes address use ***of*** surrogates to express the limit ***of*** exempted take and how to determine when deferral ***of*** an incidental take exemption is appropriate. This is a joint rulemaking with NOAA. No.

Fish and Wildlife Service..... Regulations Governing Designation ***of*** Critical Habitat Under Section 4 ***of*** the ESA. 1018-AX86..... The proposed rule would revise requirements for designating critical habitat under the Endangered Species Act. The proposed revisions would make minor edits to the scope and purpose, add and remove some definitions, and clarify the criteria No.

for designating critical habitat. A number ***of*** factors, including litigation and experience in interpreting and applying the statutory definition ***of*** critical habitat, have highlighted the need to clarify or revise the current regulations. This is a joint rulemaking with NOAA.

Fish and Wildlife Service..... Policy Regarding Implementation ***of*** This draft policy would explain how we consider Section 4(b)(2) ***of*** the Endangered Species Act. 1018-AX87..... partnerships and conservation plans; habitat conservation plans; and tribal, military, and Federal lands in the exclusion process. This draft policy is meant to complement our proposed regulatory amendments regarding exclusions from critical habitat and to clarify expectations regarding critical habitat. The policy would provide a credible, predictable, and simplified critical-habitat-exclusion process and foster clarity and consistency in designation ***of*** critical habitat. We will seek public review and comment on the No.

proposed policy. This
is a joint policy with
NOAA.
Fish and Wildlife Service..... ESA Section 7 The proposed rule would No.

Consultation amend the ***existing***
Regulations; regulations governing

Definition ***of*** section 7 consultation
``Destruction or under the Endangered
Adverse Species Act to revise

Modification'' ***of*** the definition ***of***
Critical Habitat. ``destruction or
1018-AX88..... adverse modification''

of critical habitat.
The current regulatory
definition has been
invalidated by the
courts for being
inconsistent with the

language ***of*** the
Endangered Species Act.
The revised definition
will provide the
Services and Federal
agencies with greater
clarity in how to
ensure that any action
they authorize, fund,
or carry out is not
likely to result in the
destruction or adverse

modification ***of***
critical habitat,
consistent with section

7(a)(2) ***of*** the ESA.
This is a joint
rulemaking with NOAA.

[[Page 76559]]

Bureau ***of*** Indian Affairs..... Procedures for The Department is No.
Establishing that examining its

an Indian Group regulations governing

Exists as an the process and
Indian Tribe. criteria by which
1076-AF18..... Indian groups are
federally acknowledged
as Indian tribes to
determine how
regulatory changes
could increase
transparency,
timeliness, efficiency,
and flexibility, while
maintaining the

integrity ***of*** the
acknowledgment process.

DOI bureaus work to make our regulations easier to comply with and understand. Our regulatory process ensures that bureaus share ideas on

how to reduce regulatory burdens while meeting the requirements ***of*** the

laws they enforce and improving their stewardship ***of*** the environment and resources. Results include:

Effective stewardship ***of*** our Nation's resources in a way

that is responsive to the needs ***of*** small businesses;

Increased ***benefits*** per dollar spent by careful evaluation

of the economic effects ***of*** planned rules; and

Improved compliance and transparency by use ***of*** plain language in our regulations and guidance documents.

Bureaus and Offices Within DOI

The following sections give an overview ***of*** some ***of*** the major

regulatory priorities ***of*** DOI bureaus and offices.

Bureau ***of*** Indian Affairs

The Bureau ***of*** Indian Affairs (BIA) provides services to approximately 1.9 million Indians and Alaska Natives, and maintains a

government-to-***government*** relationship with the 566 federally recognized Indian tribes. The Bureau also administers and manages 55 million acres

of surface land and 57 million acres ***of*** subsurface minerals held in trust by the United States for Indians and Indian tribes. BIA's mission

is to enhance the quality ***of*** life, promote economic opportunity, and

protect and improve the trust assets ***of*** ***American*** Indians, Indian tribes, and Alaska Natives, as well as to provide quality education opportunities to students in Indian schools.

In the coming year, BIA will continue its focus on improved management ***of*** trust responsibilities with each regulatory review and revision. The Bureau will also continue to promote economic development in Indian communities by ensuring the regulations support, rather than hinder, productive land management.

In addition, BIA will focus on updating Indian education regulations and on other regulatory changes to increase transparency in support ***of*** the President's Open ***Government*** Initiative.

In the coming year, BIA's regulatory priorities are to:

Develop regulations to meet the Indian trust reform goals for rights-***of***-ways across Indian land.

Develop regulatory changes necessary for improved Indian education.

BIA is reviewing regulations that require the Bureau ***of*** Indian Education to follow 23 different State adequate yearly progress standards; the review will determine whether a uniform standard would better meet the needs ***of*** students at Bureau-funded schools. With regard to undergraduate education, the Bureau ***of*** Indian Education is reviewing regulations that address grants to tribally controlled community colleges and other Indian education regulations. These reviews will identify provisions that need to be updated to comply with applicable statutes and ensure that the proper regulatory framework is in place to support students in Bureau-funded schools.

Develop regulatory changes to reform the process for Federal acknowledgment ***of*** Indian tribes.

Over the years, BIA has received significant comments from ***American*** Indian groups and members ***of*** Congress on the Federal acknowledgment process. Most ***of*** these comments criticize the current process as cumbersome, overly restrictive, and lacking transparency. BIA is reviewing the Federal acknowledgment regulations to determine how regulatory changes may streamline the acknowledgment process and clarify criteria by which an Indian group is examined.

Revise regulations to reflect updated statutory provisions and increase transparency.

BIA is making a concentrated effort to improve the readability and

precision ***of*** its regulations. Because trust beneficiaries often turn to the regulations for guidance on how a given BIA process works, BIA is ensuring that each revised regulation is written as clearly as possible and accurately reflects the current organization ***of*** the Bureau. The Bureau is also simplifying language and eliminating obsolete provisions. In the coming year, the Bureau also plans to revise regulations regarding rights-***of***-way (25 CFR 169); Indian Reservation Roads (25 CFR 170); and certain regulations specific to the Osage Nation.

Bureau ***of*** Land Management

BLM manages the 245-million-acre National System ***of*** Public Lands, located primarily in the western States, including Alaska, and the 700-million-acre subsurface mineral estate located throughout the Nation. In doing so, BLM manages such varied uses as energy and mineral development, outdoor recreation, livestock grazing, and forestry and woodlands products. BLM's complex multiple-use mission affects the lives ***of*** millions ***of*** Americans, including those ***who*** live near and visit the public lands, as well as those ***who*** ***benefit*** from the commodities, such as minerals, energy, or timber, produced from the lands' rich resources. In undertaking its management responsibilities, BLM seeks to conserve our public lands' natural and cultural resources and sustain the health and productivity ***of*** the public lands for the use and enjoyment ***of*** present and future generations. In the coming year, BLM's highest regulatory priorities include:

Revising outdated hydraulic fracturing regulations.

BLM's ***existing*** regulations applicable to hydraulic fracturing were promulgated over 20 years ago and do not reflect modern technology. In seeking to modernize its requirements and ensure the protection ***of*** our Nation's public lands, BLM will finalize a rule that will disclose to the public chemicals used in hydraulic fracturing on public land and Indian land, strengthen regulations related to well-bore integrity, and address issues related to recovered fluids.

Creating a competitive process for offering lands for solar and wind energy development.

BLM recently published a proposed rule that would establish an efficient competitive process for leasing public lands for solar and wind energy development. The amended regulations would establish competitive bidding procedures for lands within designated

[[Page 76560]]

solar and wind energy development leasing areas, define qualifications for potential bidders, and structure the financial arrangements necessary for the process. The rule would enhance BLM's ability to capture fair market value for the use ***of*** public lands, ensure fair access to leasing opportunities for renewable energy development, and foster the growth and development ***of*** the renewable energy sector ***of*** the economy.

Preventing waste ***of*** produced gas and ensuring fair return to the taxpayer.

BLM's current requirements regarding venting and flaring from oil and gas operations are over three decades old. The agency is currently preparing a proposed rule to address emissions reductions and minimize waste through improved standards for venting, flaring, and fugitive losses ***of*** methane from oil and gas production facilities on Federal and Indian lands.

Seeking public input on managing waste mine methane.

BLM issued an advance notice ***of*** proposed rulemaking (ANPRM) requesting information from the public that might assist the bureau in the establishment ***of*** a program to capture, use, or destroy waste mine methane from Federal coal leases and Federal leases for other solid minerals. The BLM is currently reviewing the information received through that process to identify potential appropriate regulatory approaches to reduce the waste ***of*** methane from mining operations on public lands.

Ensuring a fair return to the ***American*** taxpayer for oil shale development.

BLM is preparing a final rule that would ensure responsible development ***of*** federal oil shale resources and evaluate necessary safeguards to protect scarce water resources and important wildlife habitat while ensuring a fair royalty to the ***American*** people.

Bureau ***of*** Ocean Energy Management (BOEM)

The Bureau ***of*** Ocean Energy Management (BOEM) promotes energy independence, environmental protection, and economic development through responsible, science-based management ***of*** offshore conventional and renewable energy resources. It is dedicated to fostering the

development ***of*** both conventional and renewable energy and mineral resources on the Outer Continental Shelf (OCS) in an efficient and effective manner, balancing the need for economic growth with the protection ***of*** the environment. BOEM thoughtfully considers and balances the potential environmental impacts involved in exploring and extracting these resources. BOEM's near-term regulatory agenda will focus on a number ***of*** issues, including:

Expanding renewable energy resources.

As part ***of*** President Obama's comprehensive plan to expand domestic clean energy sources, BOEM has held multiple offshore renewable energy lease sales along the Atlantic coast. These lease sales are the result ***of*** years ***of*** collaboration, data gathering and analysis, and outreach and have resulted in the identification ***of*** areas that are rich with potential wind resources but also minimize conflicts with other important OCS uses. . Based on the experiences to date in the offshore renewable energy program, BOEM is evaluating lessons learned and identifying opportunities for improvement in the program. As a part ***of*** this effort, BOEM is conducting a comprehensive review ***of*** our renewable energy regulations and highlighting areas for potential revision. For example, the Bureau recently completed a rulemaking to provide additional time for renewable energy developers to submit certain plans, after BOEM determined that the previous timelines for submission were proving to be unreasonable. This change provides an appropriate balance between ensuring diligent progress on our renewable energy leases and accounting for the needs ***of*** the renewable energy development community.

Two proposed rulemakings address recommendations submitted to BOEM by the Transportation Research Board ***of*** the National Academies and its stakeholders. Specifically, these include recommendations to: develop and incorporate state ***of*** the art wind turbine design standards and to clarify the role ***of*** Certified Verification Agents as part ***of*** the process ***of*** designing, fabricating, and installing offshore wind energy facilities for the OCS.

Promoting safe drilling activities on the Arctic Outer Continental Shelf

BOEM, jointly with the Bureau ***of*** Safety and Environmental Enforcement (BSEE), is developing proposed rules to promote safe,

responsible, and effective drilling activities on the Alaska Outer Continental Shelf, while also ensuring the protection ***of*** Alaska's coastal communities and the marine environment.

Protecting the Environment.

In a continuing effort to ensure that the effects ***of*** any future potential oil spills can be minimized and fully mitigated, BOEM is amending its regulations to raise the limits ***of*** liability associated with future spills. BOEM has teamed with the U.S. Coast Guard and the Department ***of*** Justice in developing new regulations to ensure that necessary resources will be made available to address potential contingencies ***of*** any future oil spill and associated damages.

Updating BOEM's Air Quality Program.

BOEM's original air quality rules date largely from 1980 and have not been updated substantially since that time. From 1990 to 2012, DOI has exercised jurisdiction for air quality only for OCS sources operating in the Gulf ***of*** Mexico. In fiscal year 2012, Congress expanded DOI's authority by transferring to it responsibility for monitoring OCS air quality off the North Slope Borough ***of*** the State ***of*** Alaska, including the Beaufort Sea, the Chukchi Sea, and part ***of*** the Hope Basin. BOEM is in the process ***of*** updating its regulations to reflect changes that have occurred over the past thirty-four years and the new regulatory jurisdiction. In its development ***of*** proposed regulations, BOEM will continue to consult and coordinate its efforts with the U.S. Fish and Wildlife Service, the National Park Service and the Environmental Protection Agency.

Modernizing Oil and Gas Leasing Regulations.

BOEM is developing a final rule to update and streamline the ***existing*** OCS leasing regulations to better reflect modern policy priorities, including incentivizing diligent development, as well as to reflect changes in applicable laws that have occurred over the past several years. The final rule reorganizes leasing requirements to communicate more effectively and clearly the leasing process as it has evolved, and to better delineate the roles, responsibilities and associated liabilities ***of*** all parties having an economic interest in leases or facilities on the OCS.

Protecting OCS Sand, Gravel, and Shell Resources.

In light ***of*** the continuing need to provide resources to protect the

coast from natural disasters like Hurricane Sandy, BOEM is developing policies and goals to formally address the use ***of*** OCS sand, gravel, or shell resources funded by the Federal ***government***. These policies are intended to ensure that necessary sand and gravel resources remain available to help communities that have been harmed by hurricanes and other disasters, so that beaches and other natural resources can effectively be restored, without adversely impacting the development ***of*** transmission lines and pipelines needed for energy development projects. Taken together, these policies will ensure that the development ***of*** renewable and

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conventional energy resources continues to take place in areas adjacent to key sand and gravel resource zones and that sand and gravel resources continue to be available for construction projects, shore protection, beach replenishment, or wetlands restoration purposes.

Promoting Effective Financial Assurance and Risk Management.

BOEM has the responsibility to ensure that lessees and operators on the OCS do not engage in activities that could generate an undue risk ***of*** financial loss to the ***government***. BOEM formally established a program office to review these issues, and issued an advance notice ***of*** proposed rulemaking seeking feedback on potential regulatory approaches to promote effective financial assurance and risk management. Agency staff will continue to work with industry and others to determine how to improve the regulatory regime to better align with the realities ***of*** aging offshore infrastructure, hazard risks, and increasing costs ***of*** decommissioning.

Bureau ***of*** Safety and Environmental Enforcement

BSEE's mission is to regulate safety, emergency preparedness, environmental responsibility and appropriate development and conservation ***of*** offshore oil and natural gas resources. BSEE's regulatory priorities are guided by the BSEE FY 2012-2015 Strategic Plan, which includes two strategic goals to focus the Bureau's priorities in fulfillment ***of*** its mission:

Regulate, enforce, and respond to OCS development using the full range ***of*** authorities, policies, and tools to compel safety and

environmental responsibility and appropriate development ***of*** offshore oil and natural gas resources.

Build and sustain the organizational, technical, and intellectual capacity within and across BSEE's key functions--capacity that keeps pace with OCS industry technology improvements, innovates in regulation and enforcement, and reduces risk through systemic assessment and regulatory and enforcement actions.

BSEE has identified the following four areas ***of*** regulatory priorities: (1) Safety; (2) Oil Spill Response; (3) Arctic; and (4) Managing and Mitigating Risk via Improved Technology. Other regulatory topics under development include decommissioning costs, pipelines, and renewable energy.

Safety

BSEE will be requesting comments on regulatory options for improving aviation safety, crane safety, and safety management systems.

Oil Spill Response

BSEE will update regulations for offshore oil spill response planning and preparedness. This rule will incorporate lessons learned from the Deepwater Horizon incident, improved preparedness capability standards, and applicable research findings.

Arctic

BSEE is working with BOEM on a joint proposed rule to promote safe, responsible, and effective drilling activities on the Arctic OCS while ensuring protection ***of*** the Arctic's communities and marine environment.

Managing and Mitigating Risk via Improved Technology

BSEE will develop a proposed rule containing requirements on blowout preventers and critical reforms in the areas ***of*** well design, well control, casing, cementing, real-time monitoring, and subsea containment. This proposed rule will address and implement multiple recommendations resulting from various investigations from the Deepwater Horizon incident.

Additionally, BSEE will finalize revisions ***of*** its rule on production safety systems and life cycle analysis. This rule will expand the use ***of*** life cycle management ***of*** critical equipment. The rule addresses issues such as subsurface safety devices, safety device testing, and expands the requirements for operating production systems on the OCS.

Office ***of*** Natural Resources Revenue

ONRR will continue to collect, account for, and disburse revenues from Federal offshore energy and mineral leases and from onshore

mineral leases on Federal and Indian lands. The program operates nationwide and is primarily responsible for timely and accurate collection, distribution, and accounting for revenues associated with mineral and energy production. ONRR's regulatory plan is as follows:

Simplify valuation regulations

ONRR plans to simplify the regulations at title 30 ***of*** the Code ***of*** Federal Regulations (CFR) part 1206 for establishing the value for royalty purposes ***of*** (1) oil and natural gas produced from Federal leases; and (2) coal produced from Federal and Indian leases.

Additionally, the proposed rules would consolidate sections ***of*** the regulations common to all minerals, such as definitions and instructions regarding how a payor should request a valuation determination. ONRR published Advance Notices ***of*** Proposed Rulemaking (ANPRMs) to initiate the rulemaking process and to obtain input from interested parties.

Clarify and simplify issuing notices ***of*** noncompliance and civil penalties

This rule would amend ONRR civil penalty regulations to: (1) Codify application ***of*** those regulations to solid minerals and geothermal leases as the Omnibus Appropriations Act ***of*** 2009 authorizes; (2) adjust Federal Oil and Gas Royalty Management Act civil penalty amounts for inflation as the Federal Civil Penalty Inflation Adjustment Act requires; (3) clarify and simplify the ***existing*** regulations for issuing notices ***of*** noncompliance and civil penalties under 30 CFR part 1241; and (4) provide notice that ONRR will post its matrices for civil penalty assessments on the ONRR Web site.

Clarify and simplify distribution and disbursement ***of*** qualified revenues from certain leases under the GOMESA

ONRR would amend the regulations on the distribution and disbursement ***of*** qualified revenues from certain leases on the Gulf ***of*** Mexico's Outer Continental Shelf, under the provisions ***of*** the Gulf ***of*** Mexico Energy Security Act ***of*** 2006. These proposed regulations set forth the formulas and methodologies for calculating and allocating revenues during the second phase ***of*** revenue sharing to: The States ***of*** Alabama, Louisiana, Mississippi, and Texas; their eligible Coastal Political Subdivisions; the Land and Water Conservation Fund; and the United States Treasury. Additionally, in this proposed rule, the

Department ***of*** the Interior moves the Gulf ***of*** Mexico Energy Security Act

of 2006's Phase I regulations from the Bureau ***of*** Ocean Energy Management's 30 CFR chapter V to ONRR's 30 CFR chapter XII, and proposes additional clarification and minor definition changes to the current revenue-sharing regulations.

Clarify and simplify valuation regulations for Indian oil leases

ONRR would ensure that Indian lessors receive maximum revenues from their mineral resources, as required by statute and the Secretary's

trust responsibility. The ***existing*** rule was published in 1988 with some amendments published in December 2007. Changes in the oil markets have raised concerns regarding the valuation methods for Indian oil.

Generally, Indian leases have a provision that place the value ***of*** their

oil at the highest price paid for a major portion ***of*** production ***of*** like-quality oil from the same field or area. Proposed changes that followed the 1988 rule were met with disagreement from Tribes and industry.

In 2011, the Secretary convened the Indian Oil Negotiated Rulemaking Committee (Committee), established under the Federal Advisory Committee

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Act, to address the major portion provision ***of*** the current Indian oil and gas rule. The Committee submitted its recommendations to ONRR in

September 2013. Those recommendations form the basis ***of*** this proposed rule. By revising the method for valuing oil produced on Indian leases, the proposed rule provides clarity and certainty to all concerned parties while additionally assuring that Tribes and allottees receive, in a timely fashion, royalties that satisfy the major portion provision contained in most Indian leases.

Office ***of*** Surface Mining Reclamation and Enforcement

The Office ***of*** Surface Mining Reclamation and Enforcement (OSM) was

created by the Surface Mining Control and Reclamation Act ***of*** 1977 (SMCRA). Under SMCRA, OSM has two principal functions--the regulation

of surface coal mining and reclamation operations and the reclamation

and restoration ***of*** abandoned coal mine lands. In enacting SMCRA,

Congress directed OSM to ``strike a balance between protection ***of*** the environment and agricultural productivity and the Nation's need for

coal as an essential source ***of*** energy.'' In response to its statutory mandate, OSM has sought to develop and maintain a stable regulatory program that is safe, cost-effective, and environmentally sound. A stable regulatory program ensures that the coal mining industry has clear guidelines for operation and reclamation, and that citizens know how the program is being implemented.

OSM's Federal regulatory program sets minimum requirements for obtaining a permit for surface and underground coal mining operations, sets performance standards for those operations, requires reclamation ***of*** lands and waters disturbed by mining, and requires enforcement to ensure that the standards are met. OSM is the primary regulatory authority for SMCRA enforcement until a State or Indian tribe develops its own regulatory program, which is no less effective than the Federal program. When a State or Indian tribe achieves ``primacy,'' it assumes direct responsibility for permitting, inspection, and enforcement activities under its federally approved regulatory program. The regulatory standards in Federal program states and in primacy states are essentially the same with only minor, non-substantive differences.

Today, 24 States have primacy, including 23 ***of*** the 24 coal producing States. OSM's regulatory priorities for the coming year will focus on:

Stream Protection.

Protect streams and related environmental resources from the adverse effects ***of*** surface coal mining operations. OSM plans to revise its regulations to improve the balance between environmental protection and the Nation's need for coal by better protecting streams from the adverse impacts ***of*** surface coal mining operations.

Coal Combustion Residues.

Establish Federal standards for the beneficial use ***of*** coal combustion residues on active and abandoned coal mines.

U.S. Fish and Wildlife Service

The mission ***of*** the U.S. Fish and Wildlife Service (FWS) is to work with others to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the continuing ***benefit of*** the ***American*** people. FWS also provides opportunities for Americans to enjoy the outdoors and our shared natural heritage.

FWS fulfills its responsibilities through a diverse array ***of*** programs that:

Protect and recover endangered and threatened species;

Monitor and manage migratory birds;

Restore native aquatic populations and nationally significant fisheries;

Enforce Federal wildlife laws and regulate international trade;

Conserve and restore wildlife habitat such as wetlands;

Help foreign ***governments*** conserve wildlife through international conservation efforts;

Distribute Federal funds to States, territories, and tribes for fish and wildlife conservation projects; and

Manage the more than 150-million-acre National Wildlife Refuge System, which protects and conserves fish and wildlife and their habitats and allows the public to engage in outdoor recreational activities.

During the next year, FWS regulatory priorities will include:

Regulations under the Endangered Species Act (ESA):

We will issue multiple rules to add species to, remove species from, and reclassify species on the Lists ***of*** Endangered and Threatened Wildlife and Plants and to designate critical habitat for certain listed species, and rules to transform the processes for listing species and designating critical habitat. We will improve the listing process by issuing rules to more clearly describe areas where listed species are protected and revise the process for submitting petitions to list, delist, or reclassify species. We will further the protection ***of*** native species and their ecosystems through a policy that will provide incentives for voluntary conservation actions taken for species prior to their listing under the ESA. We will issue rules to improve the process ***of*** critical habitat designation, including clarifying definitions ***of*** ``critical habitat'' and ``destruction or adverse modification'' ***of*** critical habitat, and a policy to explain how we consider various factors in determining exclusions to critical habitat under section 4(b)(2) ***of*** the ESA.

Regulations under the Migratory Bird Treaty Act (MBTA):

In carrying out our responsibility to manage migratory bird populations, we issue annual migratory bird hunting regulations, which establish the frameworks (outside limits) for States to establish season lengths, bag limits, and areas for migratory game bird hunting. To ensure proper administration ***of*** the MBTA, we will revise our regulations to prevent the wanton waste ***of*** migratory game birds to clarify that the hunting public must make reasonable efforts to

retrieve birds that have been killed or injured. We will also revise our regulations regarding permits for certain take ***of*** eagles and eagle nests and propose regulations for the use ***of*** raptors other than eagles for abatement (the use ***of*** trained raptors to mitigate depredation problems caused by birds or other wildlife).

Regulations to administer the National Wildlife Refuge System (NWRS):

In carrying out our statutory responsibility to provide wildlife-dependent recreational opportunities on NWRS lands, we issue an annual rule to update the hunting and fishing regulations on specific refuges.

To ensure protection ***of*** NWRS resources, we will issue a proposed rule to ensure that businesses conducting oil or gas operations on NWRS lands do so in a manner that prevents or minimizes damage to the lands, visitor values, and management objectives. We will also issue a policy for managing cultural resources (archaeological resources, historic and architectural properties, and areas or sites ***of*** traditional or religious significance to Native Americans) on NWRS lands.

Regulations to carry out the Wildlife and Sport Fish Restoration (WSFR) Act:

To strengthen our partnership with State conservation organizations, we are working on several rules to update and clarify our WSFR regulations. States rely on FWS to distribute finances, and the FWS relies on the States to implement

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eligible conservation projects. We will expand on ***existing*** regulations that prescribe processes that applicants and grantees must follow when applying for and managing grants from FWS. Among other rules, we will also revise our regulations under the Clean Vessel Act and Boating Infrastructure Grant programs to improve management and execution ***of*** those programs.

In accordance with section 3(a) ***of*** Executive Order 13609 (``Promoting International Regulatory Cooperation''), we will issue the following rulemaking actions:

Regulations to carry out the Convention on International Trade in Endangered Species ***of*** Wild Fauna and Flora (CITES):

We will update our CITES regulations to incorporate provisions resulting from the 16th Conference ***of*** the Parties to CITES. The revisions will help us more effectively promote species conservation and help U.S. importers and exporters ***of*** wildlife products understand

how to conduct lawful international trade. We will also rewrite a substantial portion ***of*** our regulations for the importation, exportation, and transportation ***of*** wildlife by proposing changes to the port structure and inspection fees and making the regulations easier to understand.

To help protect African elephants, we will revise our regulations regarding ivory from African elephants to prohibit interstate commerce and export, except for antique specimens and certain other items. Import ***of*** sport-hunted trophies would still be allowed, but the number ***of*** trophies that could be imported by a hunter in a given year would be limited.

Finally, to protect native species and prevent the spread ***of*** injurious species, we will propose regulations to improve our process for making injurious wildlife determinations for foreign species under the Lacey Act to prevent the interstate transportation and commerce ***of*** injurious wildlife.

National Park Service

The NPS preserves unimpaired the natural and cultural resources and values within more than 400 units ***of*** the National Park System encompassing nearly 84 million acres ***of*** lands and waters for the enjoyment, education, and inspiration ***of*** this and future generations.

NPS also cooperates with partners to extend the ***benefits*** ***of*** natural and resource conservation and outdoor recreation throughout the United States and the world.

To achieve this mission NPS adheres to the following guiding principles:

Excellent Service: Providing the best possible service to park visitors and partners.

Productive Partnerships: Collaborating with Federal, State, tribal, and local ***governments***, private organizations, and businesses to work toward common goals.

Citizen Involvement: Providing opportunities for citizens to participate in the decisions and actions ***of*** the National Park Service.

Heritage Education: Educating park visitors and the general public about their history and common heritage.

Outstanding Employees: Empowering a diverse workforce committed to excellence, integrity, and quality work.

Employee Development: Providing developmental opportunities and training so employees have the ``tools to do the job'' safely and efficiently.

Wise Decisions: Integrating social, economic, environmental, and ethical considerations into the decision-making process.

Effective Management: Instilling a performance management philosophy that fosters creativity, focuses on results, and requires accountability at all levels.

Research and Technology: Incorporating research findings and new technologies to improve work practices, products, and services.

NPS regulatory priorities for the coming year include:

Managing Off-Road Vehicle Use

Rules for Fire Island National Seashore, Lake Meredith National Recreation Area, Glen Canyon National Recreation Area, and Cape Lookout National Seashore would allow for management ***of*** off-road vehicle (ORV) use, to protect and preserve natural and cultural resources, and provide a variety ***of*** visitor use experiences while minimizing conflicts among user groups. Further, the rules would designate ORV routes and establish operational requirements and restrictions.

Managing Bicycling

New rules would authorize and manage bicycling at Cuyahoga Valley National Park, and Bryce Canyon National Park.

Implementing the Native ***American*** Graves Protection and Repatriation Act

(1) A new rule would establish a process for disposition ***of*** Unclaimed Human Remains and Funerary Objects discovered after November 16, 1990, on Federal or Indian Lands.

(2) A rule revising the ***existing*** regulations would describe the NAGPRA process in plain language, eliminate ambiguity, clarify terms, and include Native Hawaiians in the process. The rule would eliminate unnecessary requirements for museums and would not add processes or collect additional information.

Regulating non-Federal oil and gas activity on NPS land

The rule would account for new technology and industry practices, eliminate regulatory exemptions, update new legal requirements, remove caps on bond amounts, and allow the NPS to recover compliance costs associated with administering the regulations.

Authorizing and managing service animals

The rule will define and differentiate service animals from pets, and will describe the circumstances under which service animals would

be allowed in a park area. The rule will ensure NPS compliance with

Section 504 ***of*** the Rehabilitation Act ***of*** 1973 (28 U.S.C. 794) and better align NPS regulations with the Americans with Disabilities Act

of 1990 (42 U.S.C. 1211 et seq.) and the Department ***of*** Justice Service

Animal regulations ***of*** 2011 (28 CFR 36.104).

Preserving and managing paleontological resources

This rule would implement provisions ***of*** the Paleontological Resources Protection Act. The rule would preserve, manage, and protect paleontological resources on Federal lands and ensure that these resources are available for current and future generations to enjoy as

part ***of*** America's national heritage. The rule would address management,

collection, and curation ***of*** paleontological resources from Federal

lands using scientific principles and expertise. Provisions ***of*** the rule will ensure that resources are collected in accordance with permits and curated in an approved repository. The rule would also protect confidential locality data, and authorize penalties for illegally collecting, damaging, altering, defacing, or selling paleontological resources.

Collecting plants for traditional cultural practices

The rule would propose authorizing Park Superintendents to enter into agreements with federally recognized tribes to permit tribal

members to collect limited quantities ***of*** plant resources in parks to be used for traditional cultural practices and activities.

Bureau ***of*** Reclamation

The Bureau ***of*** Reclamation's mission is to manage, develop, and protect water and related resources in an environmentally and

economically sound manner in the interest ***of*** the ***American*** public. To accomplish this

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mission, we employ management, engineering, and science to achieve effective and environmentally sensitive solutions.

Reclamation projects provide: Irrigation water service, municipal and industrial water supply, hydroelectric power generation, water quality improvement, groundwater management, fish and wildlife enhancement, outdoor recreation, flood control, navigation, river regulation and control, system optimization, and related uses. We have continued to focus on increased security at our facilities.

Our regulatory program focus in fiscal year 2015 is to publish a proposed minor amendment to 43 CFR part 429 to bring it into compliance with the requirements ***of*** the recently published final rule, 43 CFR part 5, Commercial Filming and Similar Projects and Still Photography on Certain Areas under Department Jurisdiction. Publishing this rule will implement the provisions ***of*** Public Law 106-206, which directs the establishment ***of*** permits and reasonable fees for commercial filming and certain still photography activities on public lands.
BILLING CODE 4310-10-P

DEPARTMENT ***OF*** JUSTICE (DOJ)--FALL 2014

Statement ***of*** Regulatory Priorities

The mission ***of*** the Department ***of*** Justice is to enforce the law and defend the interests ***of*** the United States according to the law, to ensure public safety against foreign and domestic threats, to provide Federal leadership in preventing and controlling crime, to seek just punishment for those guilty ***of*** unlawful behavior, and to ensure the fair and impartial administration ***of*** justice for all Americans. In carrying out its mission, the Department is guided by four core values: (1) Equal justice under the law; (2) honesty and integrity; (3) commitment to excellence; and (4) respect for the worth and dignity ***of*** each human being. The Department ***of*** Justice is primarily a law enforcement agency, not a regulatory agency; it carries out its principal investigative, prosecutorial, and other enforcement activities through means other than the regulatory process.

The regulatory priorities ***of*** the Department include initiatives in the areas ***of*** civil rights, criminal law enforcement and immigration. These initiatives are summarized below. In addition, several other components ***of*** the Department carry out important responsibilities through the regulatory process. Although their regulatory efforts are not separately discussed in this overview ***of*** the regulatory priorities, those components have key roles in implementing the Department's anti-terrorism and law enforcement priorities.

Civil Rights Division

The Department is including five disability nondiscrimination rulemaking initiatives in its Regulatory Plan: (1) Implementation ***of***

the ADA Amendments Act ***of*** 2008 in the ADA regulations (titles II and III); (2) Implementation ***of*** the ADA Amendments Act ***of*** 2008 in the Department's section 504 regulations; (3) Nondiscrimination on the Basis ***of*** Disability by Public Accommodations: Movie Captioning and Audio Description; (4) Accessibility ***of*** Web Information and Services ***of*** State and Local ***Governments***; and (5) Accessibility ***of*** Web Information and Services ***of*** Public Accommodations.

The Department's other disability nondiscrimination rulemaking initiatives, while important priorities for the Department's rulemaking agenda, will be included in the Department's long-term actions for fiscal year 2016. As will be discussed more fully below, these initiatives include: (1) Accessibility ***of*** Medical Equipment and Furniture; (2) Accessibility ***of*** Beds in Guestrooms with Mobility Features in Places ***of*** Lodging; (3) Next Generation 9-1-1 Services; and (4) Accessibility ***of*** Equipment and Furniture. The Department will also be revising its regulations for Coordination ***of*** Enforcement ***of*** Non-Discrimination in Federally Assisted Programs, as well as revising regulations implementing section 274B ***of*** the Immigration and Nationality Act.

ADA Amendments Act. In September 2008, Congress passed the ADA Amendments Act, which revises the definition ***of*** ``disability'' to more broadly encompass impairments that substantially limit a major life activity. On January 30, 2014, the Department published a Notice ***of*** Proposed Rulemaking (NPRM) proposing amendments to both its title II and title III ADA regulations in order to incorporate the statutory changes set forth in the ADA Amendments Act. The comment period closed on March 31, 2014. The Department expects to publish a final rule incorporating these changes into the ADA implementing regulations in the second quarter ***of*** fiscal year 2015. The Department also plans to propose amendments to its section 504 regulations to implement the ADA Amendments Act ***of*** 2008 in the third quarter ***of*** fiscal year 2015.

Captioning and Audio Description in Movie Theaters. Title III ***of*** the ADA requires public accommodations to take ``such steps as may be necessary to ensure that no individual with a disability is treated differently because ***of*** the absence ***of*** auxiliary aids and services, unless the covered entity can demonstrate that taking such steps would

cause a fundamental alteration or would result in an undue burden.'' 42 U.S.C. 12182(b)(2)(A)(iii). Both open and closed captioning and audio recordings are examples ***of*** auxiliary aids and services that should be provided by places ***of*** public accommodations, 28 CFR 36.303(b)(1)-(2). The Department stated in the preamble to its 1991 rule that ``[m]ovie theaters are not required . . . to present open-captioned films,'' 28 CFR part 36, app. C (2011), but it did not address closed captioning and audio description in movie theaters. In the movie theater context, ``closed captioning'' refers to captions that only the patron requesting the closed captions can see because the captions are delivered to the patron at or near the patron's seat. Audio description is a technology that enables individuals ***who*** are blind or have low vision to enjoy movies by providing a spoken narration ***of*** key visual elements ***of*** a visually delivered medium, such as actions, settings, facial expressions, costumes, and scene changes.

Since 1991, there have been many technological advances in the area ***of*** closed captioning and audio description for first-run movies. In June 2008, the Department issued an NPRM to revise the ADA title III regulation, 73 FR 34466, in which the Department stated that it was considering options for requiring that movie theater owners or operators exhibit movies that are captioned or that provide video (narrative) description. The Department issued an ANPRM on July 26, 2010, to obtain more information regarding issues raised by commenters; to seek comment on technical questions that arose from the Department's research; and to learn more about the status ***of*** digital conversion. In addition, the Department sought information regarding whether other technologies or areas ***of*** interest (e.g., 3D) have developed or are in the process ***of*** development that would either replace or augment digital cinema or make any regulatory requirements for captioning and audio description more difficult or expensive to implement. The Department received approximately 1171 public comments in response to its movie captioning and video description

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ANPRM. On August 1, 2014, the Department published its NPRM proposing to revise the ADA title III regulation to require movie theaters to have the capability to exhibit movies with closed movie captioning and audio description (which was described in the ANPRM as video description) for all showings ***of*** movies that are available with closed

movie captioning or audio description, to require theaters to provide notice to the public about the availability ***of*** these services, and to ensure that theaters have staff available ***who*** can provide information to patrons about the use ***of*** these services. In response to a request for an extension ***of*** the public comment period, the Department has issued a notice extending the comment period for 60 days until December 1, 2014.

Web site Accessibility. The Internet as it is known today did not ***exist*** when Congress enacted the ADA, yet today the World Wide Web plays a critical role in the daily personal, professional, civic, and business life ***of*** Americans. The ADA's expansive nondiscrimination mandate reaches goods and services provided by public accommodations and public entities using Internet Web sites. Being unable to access Web sites puts individuals at a great disadvantage in today's society, which is driven by a dynamic electronic marketplace and unprecedented access to information. On the economic front, electronic commerce, or ``e-commerce,'' often offers consumers a wider selection and lower prices than traditional, ``brick-and-mortar'' storefronts, with the added convenience ***of*** not having to leave one's home to obtain goods and services. For individuals with disabilities ***who*** experience barriers to their ability to travel or to leave their homes, the Internet may be their only way to access certain goods and services. Beyond goods and services, information available on the Internet has become a gateway to education, socializing, and entertainment.

The Internet is also dramatically changing the way that governmental entities serve the public. Public entities are increasingly providing their constituents access to ***government*** services and programs through their Web sites. Through ***Government*** Web sites, the public can obtain information or correspond with local officials without having to wait in line or be placed on hold. They can also pay fines, apply for ***benefits***, renew State-issued identification, register to vote, file taxes, request copies ***of*** vital records, and complete numerous other everyday tasks. The availability ***of*** these services and information online not only makes life easier for the public but also often enables governmental entities to operate more efficiently and at a lower cost.

The ADA's promise to provide an equal opportunity for individuals

with disabilities to participate in and ***benefit*** from all aspects ***of*** ***American*** civic and economic life will be achieved in today's technologically advanced society only if it is clear to State and local ***governments***, businesses, educators, and other public accommodations that their Web sites must be accessible. Consequently, the Department is considering amending its regulations implementing title II and title III ***of*** the ADA to require public entities and public accommodations that provide products or services to the public through Internet Web sites to make their sites accessible to and usable by individuals with disabilities.

In particular, the Department's ANPRM on Web site accessibility sought public comment regarding what standards, if any, it should adopt for Web site accessibility, whether the Department should adopt coverage limitations for certain entities, like small businesses, and what resources and services are available to make ***existing*** Web sites accessible to individuals with disabilities. The Department also solicited comments on the costs ***of*** making Web sites accessible and on the existence ***of*** any other effective and reasonably feasible alternatives to making Web sites accessible. The Department received approximately 440 public comments and is in the process ***of*** reviewing these comments. The Department will be publishing separate NPRMs addressing Web site accessibility pursuant to titles II and III ***of*** the ADA. On July 9, 2014, the Department submitted its title II Web site Accessibility NPRM to OMB for E.O. 12866 review with a goal ***of*** publishing the NPRM before the end ***of*** the 2014 calendar year. The Department plans to follow with the publication ***of*** the title III NPRM in the third quarter ***of*** fiscal year 2015.

The final rulemaking initiatives from the 2010 ANPRMs are included in the Department's long-term priorities projected for fiscal year 2016:

Next Generation 9-1-1. This ANPRM sought information on possible revisions to the Department's regulation to ensure direct access to Next Generation 9-1-1 (NG 9-1-1) services for individuals with disabilities. In 1991, the Department ***of*** Justice published a regulation to implement title II ***of*** the Americans with Disabilities Act ***of*** 1990 (ADA). That regulation requires public safety answering points (PSAPs)

to provide direct access to persons with disabilities ***who*** use analog telecommunication devices for the deaf (TTYs), 28 CFR 35.162. Since that rule was published, there have been major changes in the types ***of*** communications technology used by the general public and by people ***who*** have disabilities that affect their hearing or speech. Many individuals with disabilities now use the Internet and wireless text devices as their primary modes ***of*** telecommunications. At the same time, PSAPs are planning to shift from analog telecommunications technology to new Internet-Protocol (IP)-enabled NG 9-1-1 services that will provide voice and data (such as text, pictures, and video) capabilities. As PSAPs transition from the analog systems to the new technologies, it is essential that people with communication disabilities be able to use the new systems. Therefore, the Department published this ANPRM to begin to develop appropriate regulatory guidance for PSAPs that are making this transition. The Department is in the process ***of*** completing its review ***of*** the approximately 146 public comments it received in response to its NG 9-1-1 ANPRM and expects to publish an NPRM addressing accessibility ***of*** NG 9-1-1 in the first quarter ***of*** fiscal year 2016.

Equipment and Furniture. Both title II and title III ***of*** the ADA require covered entities to make reasonable modifications in their programs or services to facilitate participation by persons with disabilities. In addition, covered entities are required to ensure that people are not excluded from participation because facilities are inaccessible or because the entity has failed to provide auxiliary aids. The use ***of*** accessible equipment and furniture is often critical to an entity's ability to provide a person with a disability equal access to its services. Changes in technology have resulted in the development and improved availability ***of*** accessible equipment and furniture that ***benefit*** individuals with disabilities. The 2010 ADA Standards include accessibility requirements for some types ***of*** fixed equipment (e.g., ATMs, washing machines, dryers, tables, benches and vending machines) and the Department plans to look to these standards for guidance, where applicable, when it proposes accessibility standards for equipment and furniture that is not fixed. The ANPRM sought information about other categories ***of*** equipment, including beds in accessible guest rooms, and medical equipment and furniture. The Department received approximately 420

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comments in response to its ANPRM and is in the process ***of*** reviewing these comments. The Department plans to publish in early fiscal year 2016 a separate NPRM pursuant to title III ***of*** the ADA on beds in accessible guest rooms and a more detailed ANPRM pursuant to titles II and III ***of*** the ADA that focuses solely on accessible medical equipment and furniture. The remaining items ***of*** equipment and furniture addressed in the 2010 ANPRM will be the subject ***of*** an NPRM that the Department anticipates publishing in mid-fiscal year 2016.

Coordination ***of*** Enforcement ***of*** Non-Discrimination in Federally Assisted Programs. In addition, the Department is planning to revise the co-ordination regulations implementing title VI ***of*** the Civil Rights Act, which have not been updated in over 30 years. Among other things, the updates will revise outdated provisions, streamline procedural steps, streamline and clarify provisions regarding information and data collection, promote opportunities to encourage public engagement, and incorporate current law regarding meaningful access for individuals ***who*** are limited English proficient.

Implementation ***of*** Section 247B ***of*** the Immigration and Nationality Act. The Department also proposes to revise regulations implementing section 274B ***of*** the Immigration and Nationality Act. The proposed revisions are appropriate to conform the regulations to the statutory text as amended, simplify and add definitions ***of*** statutory terms, update and clarify the procedures for filing and processing charges ***of*** discrimination, ensure effective investigations ***of*** unfair immigration-related employment practices, and update outdated references. The regulations will also be revised to reflect the new name ***of*** the office within the Department charged with enforcing this statute.

Bureau ***of*** Alcohol, Tobacco, Firearms and Explosives (ATF)

ATF issues regulations to enforce the Federal laws relating to the manufacture and commerce ***of*** firearms and explosives. ATF's mission and regulations are designed to, among other objectives, curb illegal traffic in, and criminal use ***of***, firearms and explosives, and to assist State, local, and other Federal law enforcement agencies in reducing crime and violence. The Department is including one rulemaking initiative from ATF in its Regulatory Plan. The Department is planning

to finalize a proposed rule to amend ATF's regulations regarding the making or transferring ***of*** a firearm under the National Firearms Act. As proposed, this rule would (1) add a definition for the term ``responsible person''; (2) require each responsible person ***of*** a corporation, trust or legal entity to complete a specified form, and to submit photographs and fingerprints; and (3) modify the requirements regarding the certificate ***of*** the chief law enforcement officer.

ATF will continue, as a priority during fiscal year 2014, to seek modifications to its regulations governing commerce in firearms and explosives. ATF plans to issue regulations to finalize the current interim rules implementing the provisions ***of*** the Safe Explosives Act, title XI, subtitle C, ***of*** Public Law 107-296, the Homeland Security Act ***of*** 2002 (enacted Nov. 25, 2002). ATF also has begun a rulemaking process that will lead to promulgation ***of*** a revised set ***of*** regulations (27 CFR part 771) governing the procedure and practice for proposed denial ***of*** applications for explosives licenses or permits and proposed revocation ***of*** such licenses and permits. In addition, ATF also has several other rulemaking initiatives as part ***of*** the Department's rulemaking agenda.

Pursuant to Executive Order 13563 ``Improving Regulation and Regulatory Review,'' ATF has published a final rule to amend ***existing*** regulations and extend the term ***of*** import permits for firearms, ammunition, and defense articles from 1 year to 2 years. The additional time will allow importers sufficient time to complete the importation ***of*** an authorized commodity before the permit expires and eliminate the need for importers to submit new and duplicative import applications. ATF believes that extending the term ***of*** import permits will result in substantial cost and time savings for both ATF and industry.

Drug Enforcement Administration (DEA)

DEA is the primary agency responsible for coordinating the drug law enforcement activities ***of*** the United States and also assists in the implementation ***of*** the President's National Drug Control Strategy. DEA implements and enforces titles II and III ***of*** the Comprehensive Drug Abuse Prevention and Control Act ***of*** 1970 and the Controlled Substances

Import and Export Act (21 U.S.C. 801-971), as amended, and collectively referred to as the Controlled Substances Act (CSA). DEA's mission is to enforce the CSA and its regulations and bring to the criminal and civil justice system those organizations and individuals involved in the growing, manufacture, or distribution ***of*** controlled substances and listed chemicals appearing in or destined for illicit traffic in the United States. DEA promulgates the CSA implementing regulations in title 21 ***of*** the Code ***of*** Federal Regulations (CFR), parts 1300 to 1321. The CSA and its implementing regulations are designed to prevent, detect, and eliminate the diversion ***of*** controlled substances and listed chemicals into the illicit market while providing for the legitimate medical, scientific, research, and industrial needs ***of*** the United States.

Pursuant to its statutory authority, DEA continuously evaluates new and emerging substances to determine whether such substances should be controlled under the CSA. During fiscal year 2015, in addition to initiating temporary scheduling actions to prevent imminent hazard to the public safety, DEA will also consider petitions to control or reschedule various substances. Among other regulatory reviews and initiatives, the DEA will initiate the notice ***of*** proposed rulemaking titled, ``Transporting Controlled Substances Away from Principal Places ***of*** Business or Principal Places ***of*** Professional Practice on an As Needed and Random Basis.'' In this rule, the DEA proposes to amend its regulations governing the registration, security, reporting, recordkeeping, and ordering requirements in circumstances where practitioners transport controlled substances for dispensing to patients on an as needed and random basis. Lastly, the DEA will finalize its Interim Final Rule for Electronic Prescriptions for Controlled Substances. By this final rule, the DEA would finalize its regulations to clarify: (1) the criteria by which DEA-registered practitioners may electronically issue controlled substance prescriptions; and (2) the criteria by which DEA-registered pharmacies may receive and archive these electronic prescriptions.

Bureau ***of*** Prisons

The Federal Bureau ***of*** Prisons issues regulations to enforce the Federal laws relating to its mission: to protect society by confining offenders in the controlled environments ***of*** prisons and community-based facilities that are safe, humane, cost-efficient, and appropriately secure, and that provide work and other self-improvement opportunities

to assist offenders in becoming law-abiding citizens. During the next 12 months, in addition to other regulatory objectives aimed at accomplishing its mission, the Bureau will continue its ongoing efforts to: streamline regulations, eliminating unnecessary language and improving readability; improve disciplinary

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procedures through a revision ***of*** the subpart relating to the

disciplinary process; reduce the introduction ***of*** contraband through various means, such as clarifying drug and alcohol surveillance testing programs; protect the public from continuing criminal activity committed within prison; and enhance the Bureau's ability to more

closely monitor the communications ***of*** high-risk inmates.

Executive Office for Immigration Review (EOIR)

On March 1, 2003, pursuant to the Homeland Security Act ***of*** 2002 (HSA), the responsibility for immigration enforcement and border

security and for providing immigration-related services and ***benefits***, such as naturalization, immigrant petitions, and work authorization, was transferred from the Justice Department's former Immigration and

Naturalization Service (INS) to the Department ***of*** Homeland Security

(DHS). However, the immigration judges and the Board ***of*** Immigration

Appeals (Board) in EOIR remain part ***of*** the Department ***of*** Justice. The immigration judges adjudicate approximately 400,000 cases each year to determine whether aliens should be ordered removed from the United

States or should be granted some form ***of*** relief from removal. The Board

has jurisdiction over appeals from the decisions ***of*** immigration judges, as well as other matters. Accordingly, the Attorney General has a

continuing role in the conducting ***of*** removal hearings, the granting ***of*** relief from removal, and custody determinations regarding the detention

of aliens pending completion ***of*** removal proceedings. The Attorney General also is responsible for civil litigation and criminal prosecutions relating to the immigration laws.

In several pending rulemaking actions, the Department is working to revise and update the regulations relating to removal proceedings in

order to improve the efficiency and effectiveness ***of*** the hearings, including, but not limited to: a joint regulation with DHS to provide

guidance on a number ***of*** issues central to the adjudication ***of***

applications for asylum and withholding ***of*** removal; a joint regulation with DHS to provide, with respect to applicants ***who*** are found to have engaged in persecution ***of*** others, a limited exception for actions taken by the applicant under duress; a joint regulation with DHS to implement procedures that address the specialized needs ***of*** unaccompanied alien children in removal proceedings pursuant to the William Wilberforce Trafficking Victims Protection Reauthorization Act ***of*** 2008; a proposed regulation to establish procedures for the filing and adjudication ***of*** motions to reopen removal, deportation, and exclusion proceedings based upon a claim ***of*** ineffective assistance ***of*** counsel; and a proposed regulation to improve the recognition and accreditation process for organizations and representatives that appear in immigration proceedings before EOIR. Finally, in response to Executive Order 13653, the Department is retrospectively reviewing EOIR's regulations to eliminate regulations that unnecessarily duplicate DHS's regulations and update outdated references to the pre-2002 immigration system.

Retrospective Review ***of*** ***Existing*** Regulations

Pursuant to section 6 ***of*** Executive Order 13563 ``Improving Regulation and Regulatory Review'' (Jan. 18, 2011), the following Regulatory Identifier Numbers (RINs) have been identified as associated with retrospective review and analysis in the Department's final retrospective review ***of*** regulations plan. Some ***of*** these entries on this list may be completed actions, which do not appear in The Regulatory Plan. However, more information can be found about these completed rulemakings in past publications ***of*** the Unified Agenda on Reginfo.gov in the Completed Actions section for that agency. These rulemakings can also be found on Regulations.gov. The final Justice Department plan can be found at: *http://www.justice.gov/open/doj-rr-final-plan.pdf*

RIN Title Description

1140-AA40..... Rules ***of*** ATF has begun a Practice in rulemaking process Explosives that will lead to License and promulgation ***of*** a Permit revised set ***of***

Proceedings. regulations
governing the
procedure and
practice for

disapproval ***of***
applications for
explosives licenses
or permits. This

new set ***of***
regulations, 27
C.F.R. part 771
will replace the
regulations
previously codified
at 27 C.F.R. part

71 (2002), many ***of***
which are outmoded
and need to be
revised.

1125-AA71..... Retrospective Advance notice ***of***
Regulatory future rulemaking
Review Under concerning appeals

E.O. 13563 ***of*** ***of*** DHS decisions (8
8 CFR Parts C.F.R. part 1103),
1003, 1103, documentary
1211, 1212, requirements for
1215, 1216, aliens (8 C.F.R.
1235. parts 1211 and

1212), control ***of***
aliens departing
from the United
States (8 C.F.R.
part 1215),
procedures
governing
conditional
permanent resident
status (8 C.F.R.
part 1216), and

inspection ***of***

individuals applying for admission to the United States (8 C.F.R. part 1235).

A number ***of*** attorneys, firms, and organizations in immigration practice are small entities. EOIR believes this rule will improve the efficiency and

fairness ***of*** adjudications before EOIR by, for example, eliminating duplication, ensuring consistency with

the Department ***of*** Homeland Security's regulations in

chapter I ***of*** title

8 ***of*** the CFR, and delineating more clearly the authority and

jurisdiction ***of*** each agency.

1125-AA78..... Separate Representation for Custody and Bond Proceedings. This rule proposes to amend the Executive Office for Immigration Review (EOIR) regulations relating to the

representation ***of***

aliens in custody
and bond
proceedings.
Specifically, this
rule proposes to
allow a
representative to
enter an appearance
in custody and bond
proceedings before
EOIR without
committing to

appear on behalf ***of***
the alien for all
proceedings before
the Immigration
Court.

1117-NYD..... Implementation DEA is continuing to

of the consider possible
International changes to its

Trade Data ***existing***
System. regulations (e.g.,
21 CFR 1312.14,
1312.24) to take

account ***of*** the

submission ***of***
import and export
permits to U.S.
Customs and Border
Protection in
electronic form.

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Executive Order 13609--Promoting International Regulatory Cooperation

The Department is not currently engaged in international regulatory cooperation activities that are reasonably anticipated to lead to significant regulations.

Executive Order 13659

Executive Order 13659, ``Streamlining the Export/Import Process for

America's Businesses,'' provided new directives for agencies to improve the technologies, policies, and other controls governing the movement ***of*** goods across our national borders. This includes additional steps to implement the International Trade Data System as an electronic information exchange capability, or ``single window,'' through which businesses will transmit data required by participating agencies for the importation or exportation ***of*** cargo.

At the Department ***of*** Justice, stakeholders must obtain pre-import and pre-export authorizations from the Drug Enforcement Administration (DEA) (relating to controlled substances and listed chemicals), or from the Bureau ***of*** Alcohol, Tobacco, Firearms and Explosives (ATF) (relating to firearms, ammunition, and explosives). The ITDS ``single window'' will work in conjunction with these pre-import and pre-export authorizations.

Pursuant to section 6 ***of*** E.O. 13659, DEA and ATF have consulted with CBP and are continuing to study whether some modifications or technical changes to their ***existing*** regulations are needed to achieve the goals ***of*** E.O. 13659.

DOJ--CIVIL RIGHTS DIVISION (CRT)

Proposed Rule Stage

91. Implementation ***of*** the ADA Amendments Act ***of*** 2008 (Section 504 ***of*** the Rehabilitation Act ***of*** 1973)

Priority: Other Significant.

Legal Authority: Pub. L. 110-325; 29 U.S.C. 794 (sec 504 ***of*** the Rehabilitation Act ***of*** 1973, as amended); E.O. 12250 (45 FR 72955; 11/04/1980)

CFR Citation: 28 CFR 39; 28 CFR 41; 28 CFR 42, subpart G.

Legal Deadline: None.

Abstract:

This rule would propose to amend the Department's regulations implementing section 504 ***of*** the Rehabilitation Act ***of*** 1973, as amended, 28 CFR part 39 and part 42, subpart G, and its regulation implementing Executive Order 12250, 28 CFR part 41, to reflect statutory amendments to the definition ***of*** disability applicable to section 504 ***of*** the Rehabilitation Act, which were enacted in the ADA Amendments Act ***of*** 2008, Public Law 110-325, 122 Stat. 3553 (Sep. 25, 2008). The ADA

Amendments Act took effect on January 1, 2009.
The ADA Amendments Act revised 29 U.S.C. 705, to make the definition ***of*** disability used in the nondiscrimination provisions in title V ***of*** the Rehabilitation Act consistent with the amended ADA requirements. These amendments (1) add illustrative lists ***of*** ``major life activities,'' including ``major bodily functions,'' that provide more examples ***of*** covered activities and covered conditions than are now contained in agency regulations (sec. 3[2]); (2) clarify that a person ***who*** is ``regarded as'' having a disability does not have to be regarded as being substantially limited in a major life activity (sec. 3[3]); and (3) add rules ***of*** construction regarding the definition ***of*** disability that provide guidance in applying the term ``substantially limits'' and prohibit consideration ***of*** mitigating measures in determining whether a person has a disability (sec. 3[4]).
The Department anticipates that these changes will be published for comment in a proposed rule within the next 12 months. During the drafting ***of*** these revisions, the Department will also review the currently published rules to ensure that any other legal requirements under the Rehabilitation Act have been properly addressed in these regulations.

Statement ***of*** Need: This rule is necessary to bring the Department's prior section 504 regulations into compliance with the ADA Amendments Act ***of*** 2008, which became effective on January 1, 2009.

Summary ***of*** Legal Basis: The summary ***of*** the legal basis ***of*** authority for this regulation is set forth above in the abstract.
Alternatives: Because this NPRM implements statutory changes to the section 504 definition ***of*** disability, there are no appropriate alternatives to issuing this NPRM.

Anticipated Cost and ***Benefits***: The Department's preliminary assessment in this early stage ***of*** the rulemaking process is that this rule will not be ``economically significant,'' that is, that the rule will not have an annual effect on the economy ***of*** $100 million, or adversely affect in a material way the economy, a sector ***of*** the economy, the environment, public health or safety or State, local or tribal ***Governments*** or communities. The Department's section 504 rule will incorporate the same changes made by the ADA Amendments Act to the

definition ***of*** disability as are included in the proposed changes to the ADA title II and title III rules (1190-AA59), which will be published in the Federal Register in the near future. Therefore, we do not

believe that the revisions to the Department's ***existing*** section 504 federally assisted regulations will have any additional economic impact, because public and private entities that receive federal financial assistance from the Department are also likely to be subject

to titles II or III ***of*** the ADA. The Department expects to consider

further the economic impact ***of*** the proposed rule on the Department's

existing section 504 federally conducted regulations, but anticipates that the rule will not be economically significant within the meaning

of Executive Order 12866. This is because the revisions to these regulations will only apply to the Department's programs and activities and how those programs and activities are operated so as to ensure

compliance with the nondiscrimination requirements ***of*** section 504. In the NPRM, the Department will be soliciting public comment in response

to its initial assessment ***of*** the impact ***of*** the proposed rule.
Risks: Failure to update the Department's section 504 regulations to conform to statutory changes will interfere with the Department's enforcement efforts and lead to confusion about the law's requirements among entities that receive Federal financial assistance from the

Department or ***who*** participate in its federally conducted programs.
Timetable:

Action Date FR Cite

NPRM..... 05/00/15 .....

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: Businesses, Governmental Jurisdictions.

Government Levels Affected: Local, State.
Federalism: Undetermined.

Agency Contact: Rebecca B. Bond, Chief, Department ***of*** Justice, Civil Rights Division, Disability Rights Section, 950 Pennsylvania Ave. NW., Washington, DC 20530, Phone: 800 514-0301.
RIN: 1190-AA60

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DOJ--CRT

92. Nondiscrimination on the Basis ***of*** Disability; Accessibility ***of*** Web Information and Services ***of*** Public Accommodations

Priority: Economically Significant. Major under 5 U.S.C. 801.
Legal Authority: 42 U.S.C. 12101, et seq.
CFR Citation: 28 CFR 36.
Legal Deadline: None.

Abstract: The Department ***of*** Justice is considering proposed revisions to the regulation implementing title III ***of*** the Americans with Disabilities Act (ADA) in order to address the obligations ***of*** public accommodations to make goods, services, facilities, privileges, accommodations, or advantages they offer via the Internet, specifically at sites on the World Wide Web (Web), accessible to individuals with disabilities. The ADA requires that public accommodations provide individuals with disabilities with full and equal enjoyment ***of*** their goods, services, facilities, privileges, advantages, and accommodations. 42. U.S.C. 12182. The Internet as it is known today did not ***exist*** when Congress enacted the ADA. Today the Internet, most notably the sites on the Web, plays a critical role in the daily personal, professional, and business life ***of*** most Americans. Increasingly, private entities ***of*** all types are providing goods and services to the public through Web sites that operate as places ***of*** public accommodation under title III ***of*** the ADA. Many Web sites ***of*** public accommodations, however, render use by individuals with disabilities difficult or impossible due to barriers posed by Web sites designed without accessible features. Being unable to access Web sites puts individuals with disabilities at a great disadvantage in today's society, which is driven by a global marketplace and unprecedented access to information. On the economic front, electronic commerce, or ``e-commerce,'' often offers consumers a wider selection and lower prices than traditional ``brick-and-mortar'' storefronts, with the added convenience ***of*** not having to leave one's home to obtain goods and services. Beyond goods and services, information available on the Internet has become a gateway to education. Schools at all levels are increasingly offering programs and classroom instruction through Web sites. Many colleges and universities offer degree programs online; some universities ***exist*** exclusively on the Internet. The Internet also

is changing the way individuals socialize and seek entertainment. Social networks and other online meeting places provide a unique way for individuals to meet and fraternize. These networks allow individuals to meet others with similar interests and connect with friends, business colleagues, elected officials, and businesses. They also provide an effective networking opportunity for entrepreneurs, artists, and others seeking to put their skills and talents to use. Web

sites also bring a myriad ***of*** entertainment and information options for Internet users-from games and music to news and videos. The ADA's promise to provide an equal opportunity for individuals with

disabilities to participate in and ***benefit*** from all aspects ***of American*** civic and economic life will be achieved in today's technologically advanced society only if it is clear to businesses, educators, and other public accommodations, that their Web sites must be accessible. Consequently, the Department is proposing to amend its title III

regulation to expressly address the obligations ***of*** public accommodations to make the Web sites they use to provide their goods and services to the public accessible to and usable by individuals with disabilities under the legal framework established by the ADA. The

proposed regulation will propose the scope ***of*** the obligation to provide accessibility when persons with disabilities attempt to access Web

sites ***of*** public accommodations, as well as propose the technical standards necessary to comply with the ADA.

Statement ***of*** Need: Many people with disabilities use ``assistive technology'' to enable them to use computers and access the Internet.

Individuals ***who*** are blind or have low vision ***who*** cannot see computer monitors may use screen readers--devices that speak the text that would

normally appear on a monitor. People ***who*** have difficulty using a computer mouse can use voice recognition software to control their

computers with verbal commands. People with other types ***of*** disabilities

may use still other kinds ***of*** assistive technology. New and innovative assistive technologies are being introduced every day. Web sites that do not accommodate assistive technology, for example, can create unnecessary barriers for people with disabilities, just as buildings not designed to accommodate individuals with disabilities can prevent some individuals from entering and accessing services. Web designers may not realize how simple features built into a Web site will assist

someone ***who***, for instance, cannot see a computer monitor or use a

mouse. In addition, in many cases, these Web sites do not provide captioning for videos or live events streamed over the Web, leaving persons ***who*** are deaf or hard ***of*** hearing unable to access the information that is being provided. Although the Department has been clear that the ADA applies to Web sites ***of*** private entities that meet the definition ***of*** ``public accommodations,'' inconsistent court decisions, differing standards for determining Web accessibility, and repeated calls for Department action indicate remaining uncertainty regarding the applicability ***of*** the ADA to Web sites ***of*** entities covered by title III. For these reasons, the Department plans to propose amendments to its regulation so as to make clear to entities covered by the ADA their obligations to make their Web sites accessible. Despite the need for action, the Department appreciates the need to move forward deliberatively. Any regulations the Department adopts must provide specific guidance to help ensure Web access to individuals with disabilities without hampering innovation and technological advancement on the Web.

Summary ***of*** Legal Basis: The ADA requires that public accommodations provide individuals with disabilities with full and equal enjoyment ***of*** their goods, services, facilities, privileges, advantages, and accommodations. 42. U.S.C. 12182. Increasingly, private entities ***of*** all types are providing goods and services to the public through Web sites that operate as places ***of*** public accommodation under title III ***of*** the ADA.

Alternatives: The Department intends to consider various alternatives for ensuring full access to Web sites ***of*** public accommodations, including alternative implementation schedules and technical requirements applicable to certain Web features or based on a covered entity's size. The Department will solicit public comment addressing its proposed alternatives.

Anticipated Cost and ***Benefits***: The Department anticipates that this rule will be ``economically significant.'' The Department believes that revising its title III rule to clarify the obligations ***of*** public accommodations to provide accessible Web sites will significantly increase the opportunities ***of*** individuals with disabilities to access the variety ***of*** goods and services public accommodations offer on the Web, while increasing the number ***of*** customers that access the Web sites

to procure the goods and services offered by these public accommodations. In drafting this NPRM, the Department will attempt to minimize the compliance costs to public accommodations, while ensuring

the ***benefits*** ***of*** compliance to

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persons with disabilities. At this stage in the process, the Department

is not yet able to provide a preliminary estimate ***of*** costs and

benefits.

Risks: If the Department does not revise its ADA title III regulations to address Web site accessibility, persons with disabilities will continue to be unable to access the many goods and

services ***of*** public accommodations available on the Web to individuals without disabilities.

Timetable:

Action Date FR Cite

ANPRM..... 07/26/10 75 FR 43460
ANPRM Comment Period End..... 01/24/11 .....
NPRM..... 06/00/15 .....

Regulatory Flexibility Analysis Required: Undetermined.
Small Entities Affected: Businesses.

Government Levels Affected: None.

Additional Information: See also RIN 1190-AA65 which was split from

this RIN ***of*** 1190-AA61.

Agency Contact: Rebecca B. Bond, Chief, Department ***of*** Justice, Civil Rights Division, Disability Rights Section, 950 Pennsylvania Ave. NW., Washington, DC 20530, Phone: 800 514-0301.

RIN: 1190-AA61

DOJ--CRT

93. Nondiscrimination on the Basis ***of*** Disability; Movie Captioning and Audio Description

Priority: Other Significant.
Legal Authority: 42 U.S.C. 12101, et seq.
CFR Citation: 28 CFR 36.
Legal Deadline: None.

Abstract: Following its advance notice ***of*** proposed rulemaking published on July 26, 2010, the Department plans to publish a proposed rule addressing the requirements for captioning and video description ***of*** movies exhibited in movie theatres under title III ***of*** the Americans with Disabilities Act ***of*** 1990 (ADA). Title III prohibits discrimination on the basis ***of*** disability in the activities ***of*** places ***of*** public accommodation (private entities ***whose*** operations affect commerce and that fall into one ***of*** twelve categories listed in the ADA). 42 U.S.C. 12181-12189. Title III makes it unlawful for places ***of*** public accommodation, such as movie theaters, to discriminate against individuals with disabilities in the full and equal enjoyment ***of*** the goods, services, facilities, privileges, advantages, or accommodations ***of*** a place ***of*** public accommodation (42 U.S.C. 12182[a]). Moreover, title III prohibits places ***of*** public accommodation from affording an unequal or lesser service to individuals or classes ***of*** individuals with disabilities than is offered to other individuals (42 U.S.C. 12182(b)(1)(A)(ii)). Title III requires places ***of*** public accommodation to take ``such steps as may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently because ***of*** the absence ***of*** auxiliary aids and services, such as captioning and video description, unless the entity can demonstrate that taking such steps would fundamentally alter the nature ***of*** the good, service, facility, privilege, advantage, or accommodation being offered or would result in an undue burden,'' (42 U.S.C. 12182(b)(2)(A)(iii)).

Statement ***of*** Need: A significant-and increasing-proportion ***of*** Americans have hearing or vision disabilities that prevent them from fully and effectively understanding movies without captioning or audio description. For persons with hearing and vision disabilities, the unavailability ***of*** captioned or audio-described movies inhibits their ability to socialize and fully take part in family outings and deprives them ***of*** the opportunity to meaningfully participate in an important aspect ***of*** ***American*** culture. Many individuals with hearing or vision disabilities ***who*** commented on the Department's 2010 ANPRM remarked that they have not been able to enjoy a commercial movie unless they watched

it on TV, or that when they took their children to the movies they could not understand what they were seeing or discuss what was happening with their children. Today, more and more movies are produced with captions and audio description. However, despite the underlying ADA obligation, the advancement ***of*** digital technology and the availability ***of*** captioned and audio-described films, many movie theaters are still not exhibiting captioned or audio-described movies, and when they do exhibit them, they are only for a few showings ***of*** a movie, and usually at off-times. Recently, a number ***of*** theater companies have committed to provide greater availability ***of*** captioning and audio description. In some cases, these have been nationwide commitments; in other cases it has only been in a particular State or locality. A uniform Federal ADA requirement for captioning and audio description is necessary to ensure that access to movies for persons with hearing and vision disabilities is not dictated by the individual's residence or the presence ***of*** litigation in their locality.

In addition, the movie theater industry is in the process ***of*** converting its movie screens to use digital technology, and the Department believes that it will be extremely helpful to provide timely guidance on the ADA requirements for captioning and audio description so that the industry may factor this into its conversion efforts and minimize costs.

Summary ***of*** Legal Basis: The summary ***of*** the legal basis ***of*** authority for this regulation is set forth above in the abstract.

Alternatives: The Department will consider any public comments that propose achievable alternatives that will still accomplish the goal ***of*** providing access to movies for persons with hearing and vision disabilities. However, the Department believes that the baseline alternative ***of*** not providing such access would be inconsistent with the provisions ***of*** title III ***of*** the ADA.

Anticipated Cost and ***Benefits***: The Department's preliminary analysis indicates that the proposed rule would not be ``economically significant,'' that is, that the rule will not have an annual effect on the economy ***of*** $100 million, or adversely affect in a material way the economy, a sector ***of*** the economy, the environment, public health or safety or State, local or tribal ***governments*** or communities. In the

NPRM, the Department will be soliciting public comment in response to its preliminary analysis regarding the costs imposed by the rule.

Risks: Without the proposed changes to the Department's title III regulation, persons with hearing and vision disabilities will continue to be denied access to movies shown in movie theaters and movie theater owners and operators will not understand what they are required to do in order to provide auxiliary aids and services to patrons with hearing and vision disabilities.

Timetable:

Action Date FR Cite

ANPRM..... 07/26/10 75 FR 43467
ANPRM Comment Period End..... 01/24/11 .....
NPRM..... 08/01/14 79 FR 44975
NPRM Comment Period Extended..... 09/08/14 79 FR 53146
NPRM Comment Period End..... 09/30/14 .....
NPRM Extended Comment Period End.... 12/01/14 .....
Final Action..... 09/00/15 .....

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Regulatory Flexibility Analysis Required: Undetermined.

Small Entities Affected: Businesses.

Government Levels Affected: None.

Agency Contact: Rebecca B. Bond, Chief, Department ***of*** Justice, Civil Rights Division, Disability Rights Section, 950 Pennsylvania Ave. NW., Washington, DC 20530, Phone: 800 514-0301.

RIN: 1190-AA63

DOJ--CRT

94. Nondiscrimination on the Basis ***of*** Disability: Accessibility ***of*** Web Information and Services ***of*** State and Local ***Governments***

Priority: Economically Significant. Major status under 5 U.S.C. 801 is undetermined.

Legal Authority: 42 U.S.C. 12101 et seq.

CFR Citation: 28 CFR 35.

Legal Deadline: None.

Abstract: The Department published an ANPRM on July 26, 2010, RIN 1190-AA61, that addressed issues relating to proposed revisions ***of*** both the title II and title III ADA regulations in order to provide guidance

on the obligations ***of*** covered entities to make programs, services and activities offered over the Web accessible to individuals with disabilities. The Department has now divided the rulemakings in the next step ***of*** the rulemaking process so as to proceed with separate notices ***of*** proposed rulemakings for title II and title III. The title III rulemaking on Web accessibility will continue under RIN 1190-AA61 and the title II rulemaking will continue under the new RIN 1190-AA65. This rulemaking will provide specific guidance to State and local ***governments*** in order to make services, programs, or activities offered to the public via the Web accessible to individuals with disabilities.

The ADA requires that State and local ***governments*** provide qualified individuals with disabilities equal access to their programs, services, or activities unless doing so would fundamentally alter the nature ***of*** their programs, services, or activities or would impose an undue burden. 42. U.S.C. 12132. The Internet as it is known today did not ***exist*** when Congress enacted the ADA; yet today the Internet is dramatically changing the way that governmental entities serve the public. Taking advantage ***of*** new technology, citizens can now use State and local ***government*** Web sites to correspond online with local officials; obtain information about ***government*** services; renew library books or driver's licenses; pay fines; register to vote; obtain tax information and file tax returns; apply for jobs or ***benefits***; and complete numerous other civic tasks. These ***Government*** Web sites are important because they allow programs and services to be offered in a more dynamic, interactive way in order to increase citizen participation; increase convenience and speed in obtaining information or services; reduce costs in providing information about ***Government*** services and administering programs; reduce the amount ***of*** paperwork; and expand the possibilities ***of*** reaching new sectors ***of*** the community or offering new programs or services. Many States and localities have begun to improve the accessibility ***of*** portions ***of*** their Web sites. However, full compliance with the ADA's promise to provide an equal opportunity for individuals with disabilities to participate in and ***benefit*** from all aspects ***of*** the programs, services, and activities provided by State and local ***governments*** in today's technologically advanced society will only occur if it is clear to public entities that

their Web sites must be accessible. Consequently, the Department intends to publish a Notice ***of*** Proposed Rulemaking (NPRM) to amend its title II regulations to expressly address the obligations ***of*** public entities to make the Web sites they use to provide programs, activities, or services or information to the public accessible to and usable by individuals with disabilities under the legal framework established by the ADA. The proposed regulation will propose the scope ***of*** the obligation to provide accessibility when persons with disabilities access public Web sites, as well as propose the technical standards necessary to comply with the ADA.

Statement ***of*** Need: Many people with disabilities use ``assistive technology'' to enable them to use computers and access the Internet. Individuals ***who*** are blind or have low vision ***who*** cannot see computer monitors may use screen readers--devices that speak the text that would normally appear on a monitor. People ***who*** have difficulty using a computer mouse can use voice recognition software to control their computers with verbal commands. People with other types ***of*** disabilities may use still other kinds ***of*** assistive technology. New and innovative assistive technologies are being introduced every day.

Web sites that do not accommodate assistive technology, for example, can create unnecessary barriers for people with disabilities, just as buildings not designed to accommodate people with disabilities prevent some individuals from entering and accessing services. Web designers may not realize how simple features built into a Web site will assist someone ***who***, for instance, cannot see a computer monitor or use a mouse. In addition, in many cases, these Web sites do not provide captioning for videos or live events streamed over the web, leaving persons ***who*** are deaf or hard ***of*** hearing unable to access the information that is being provided. Although an increasing number ***of*** State and local ***Governments*** are making efforts to provide accessible Web sites, because there are no specific ADA standards for Web site accessibility, these Web sites vary in actual usability.

Summary ***of*** Legal Basis: The ADA requires that State and local ***Governments*** provide qualified individuals with disabilities equal access to their programs, services, or activities unless doing so would fundamentally alter the nature ***of*** their programs, services, or

activities or would impose an undue burden. 42. U.S.C. 12132.
Alternatives: The Department intends to consider various

alternatives for ensuring full access to Web sites ***of*** State and local

Governments and will solicit public comment addressing these alternatives.

Anticipated Cost and ***Benefits***: The Department anticipates that this rule will be ``economically significant,'' that is, that the rule will

have an annual effect on the economy ***of*** $100 million, or adversely

affect in a material way the economy, a sector ***of*** the economy, the environment, public health or safety or State, local or tribal

Governments or communities. However, the Department believes that

revising its title II rule to clarify the obligations ***of*** State and

local ***Governments*** to provide accessible Web sites will significantly increase the opportunities for citizens with disabilities to

participate in, and ***benefit*** from, State and local ***Government*** programs, activities, and services. It will also ensure that individuals have access to important information that is provided over the Internet, including emergency information. The Department also believes that

providing accessible Web sites will ***benefit*** State and local ***Governments***

as it will increase the numbers ***of*** citizens ***who*** can use these Web

sites, and thus improve the efficiency ***of*** delivery ***of*** services to the public. In drafting this NPRM, the Department will attempt to minimize

the compliance costs to State and local ***Governments*** while ensuring the

benefits ***of*** compliance to persons with disabilities.

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Risks: If the Department does not revise its ADA title II regulations to address Web site accessibility, persons with disabilities in many communities will continue to be unable to access their State and local governmental services in the same manner available to citizens without disabilities, and in some cases will not be able to access those services at all.
Timetable:

Action Date FR Cite

ANPRM..... 07/26/10 75 FR 43460

ANPRM Comment Period End..... 01/21/11 .....
NPRM..... 12/00/14 .....

Regulatory Flexibility Analysis Required: Undetermined.
Small Entities Affected: Governmental Jurisdictions.

Government Levels Affected: Local, State.
Federalism: Undetermined.
Additional Information: Split from RIN 1190-AA61.

Agency Contact: Rebecca B. Bond, Chief, Department ***of*** Justice, Civil Rights Division, Disability Rights Section, 950 Pennsylvania Ave. NW., Washington, DC 20530, Phone: 800 514-0301.
RIN: 1190-AA65

DOJ--CRT

Final Rule Stage

95. Implementation ***of*** the ADA Amendments Act ***of*** 2008 (Title II and Title III ***of*** The ADA)

Priority: Other Significant.
Legal Authority: Pub. L. 110-325; 42 U.S.C. 12134(a); 42 U.S.C. 12186(b)
CFR Citation: 28 CFR 35; 28 CFR 36.
Legal Deadline: None.
Abstract: This rule would propose to amend the Department's regulations implementing title II and title III ***of*** the Americans with Disabilities Act (ADA), 28 CFR part 35 and 28 CFR part 36, to implement changes to the ADA enacted in the ADA Amendments Act ***of*** 2008, Public Law 110-325, 122 Stat. 3553 (Sept. 25, 2008). The ADA Amendments Act took effect on January 1, 2009.
The ADA Amendments Act amended the Americans with Disabilities Act, 42 U.S.C. 12101, et seq., to clarify terms within the definition ***of*** disability and to establish standards that must be applied to determine if a person has a covered disability. These changes are intended to mitigate the effects ***of*** the Supreme Court's decisions in Sutton v. United Airlines, 527 U.S. 471 (1999), and Toyota Motor Manufacturing v. Williams, 534, U.S. 184 (2002). Specifically, the ADA Amendments Act (1) adds illustrative lists ***of*** ``major life activities,'' including ``major bodily functions,'' that provide more examples ***of*** covered activities and covered conditions than are now contained in agency

regulations (sec. 3[2]); (2) clarifies that a person ***who*** is ``regarded as'' having a disability does not have to be regarded as being substantially limited in a major life activity (sec. 3[3]); and (3) adds rules ***of*** construction regarding the definition ***of*** disability that provide guidance in applying the term ``substantially limits'' and prohibit consideration ***of*** mitigating measures in determining whether a person has a disability (sec. 3[4]).

Statement ***of*** Need: This rule is necessary to bring the Department's ADA regulations into compliance with the ADA Amendments Act ***of*** 2008, which became effective on January 1, 2009. In addition, this rule is necessary to make the Department's ADA title II and title III regulations consistent with the ADA title I regulations issued on March 25, 2011 by the Equal Employment Opportunity Commission (EEOC) incorporating the ADA Amendments Act definition ***of*** disability.

Summary ***of*** Legal Basis: The summary ***of*** the legal basis ***of*** authority for this regulation is set forth above in the abstract.

Alternatives: In order to ensure consistency in application ***of*** the ADA Amendments Act across titles I, II and III ***of*** the ADA, this rule is intended to be consistent with the language ***of*** the EEOC's rule implementing the ADA Amendments Act with respect to title I ***of*** the ADA (employment). The Department will, however, consider alternative regulatory language suggested by commenters so long as it maintains that consistency.

Anticipated Cost and ***Benefits***:
The Department's preliminary analysis indicates that the proposed rule would not be ``economically significant,'' that is, the rule will not have an annual effect on the economy ***of*** $100 million, or adversely affect in a material way the economy, a sector ***of*** the economy, the environment, public health or safety or State, local or tribal ***governments*** or communities. According to the Department's preliminary analysis, it is anticipated that the rule will cost between $36.32 million and $61.8 million in the first year (the year with the highest costs). The Department estimates that in the first year ***of*** the implementation ***of*** the proposed rule, approximately 142,000 students will take advantage ***of*** additional testing accommodations than otherwise

would have been able to without the changes made to the definition ***of*** disability to conform to the ADA Amendments Act. The Department believes that this will result in ***benefits*** for many ***of*** these individuals in the form ***of*** significantly higher earnings potential. The Department expects that the rule will also have significant non-quantifiable ***benefits*** to persons with newly covered disabilities in other contexts, such as ***benefits of*** non-exclusion from the programs, services and activities ***of*** State and local ***governments*** and public accommodations, and the ***benefits of*** access to reasonable modifications ***of*** policies, practices and procedures to meet their needs in a variety ***of*** contexts. In this NPRM, the Department will be soliciting public comment in response to its preliminary analysis.

Risks: The ADA authorizes the Attorney General to enforce the ADA and to promulgate regulations implementing the law's requirements. Failure to update the Department's regulations to conform to statutory changes and to be consistent with the EEOC regulations under title I ***of*** the ADA will interfere with the Department's enforcement efforts and lead to confusion about the law's requirements among entities covered by titles I, II and III ***of*** the ADA, as well as members ***of*** the public.

Timetable:

Action	Date	FR Cite
NPRM	01/30/14	79 FR 4839
NPRM Comment Period End	03/31/14	
Final Action	03/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses, Governmental Jurisdictions.

Government Levels Affected: Local, State.

Agency Contact: Rebecca B. Bond, Chief, Department ***of*** Justice, Civil Rights Division, Disability Rights Section, 950 Pennsylvania Ave. NW., Washington, DC 20530, Phone: 800 514-0301.

RIN: 1190-AA59

BILLING CODE 4410-BP-P

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U.S. DEPARTMENT ***OF*** LABOR

Fall 2014 Statement ***of*** Regulatory Priorities

Introduction

For over 100 years, the U.S. Department ***of*** Labor has been central to safeguarding and expanding the ***American*** Dream for America's working families. The Department's Fall 2014 Regulatory Agenda is driven by a commitment to the basic bargain ***of*** America--if you work hard and play by the rules and take responsibility for yourself and your family, you can succeed in and climb the rungs ***of*** the middle class. There are many components to Secretary Thomas E. Perez's opportunity agenda that are reflected in the Department's regulatory agenda:

training more people, including veterans and people with disabilities, to have the skills they need for the in-demand jobs ***of*** the 21st century;

ensuring that people have the peace ***of*** mind that comes with access to health care, retirement, and Federal workers' compensation ***benefits*** when they need them;

safeguarding a fair day's pay for a fair day's work for all hardworking Americans, regardless ***of*** race, gender, religion, sexual orientation, or gender identity;

giving workers a voice in their workplaces; and

protecting the safety and health ***of*** workers so they do not have to risk their lives for a paycheck.

The values embodied in the Department's regulatory agenda are America's values. In developing the Department's regulatory agenda, with a focus on strengthening our economy, the Department has sought input and expertise from a broad cross section ***of American*** society, including business leaders, workers, labor organizations, academics and state and local officials. Expanding opportunity ***benefits*** all ***of*** us. When the middle class is strong, our nation is strong.

The Fall 2014 Regulatory Agenda reflects the Department's commitment to rebuilding this strength through expanding opportunity.

The Department's Regulatory Priorities

The Department ***of*** Labor 2014 Regulatory Plan highlights the most noteworthy and significant regulatory projects that will be undertaken by its regulatory agencies: the Employee ***Benefits*** Security

Administration (EBSA), Employment and Training Administration (ETA), Mine Safety and Health Administration (MSHA), Office ***of*** Federal Contract Compliance Programs (OFCCP), Occupational Safety and Health Administration (OSHA), Office ***of*** Labor-Management Standards (OLMS), Office ***of*** Workers' Compensation Programs (OWCP), Veterans' Employment Service (VETS), and Wage and Hour Division (WHD). The initiatives and priorities listed in the regulatory plan exemplify the five components ***of*** the Secretary's opportunity agenda.

Training More People for Twenty-First Century Jobs

The Department's regulatory priorities reflect the Secretary's vision for a demand-driven workforce investment system that serves the needs ***of*** businesses and workers alike. For example:

ETA seeks to develop and issue a Notice ***of*** Proposed Rulemaking (NPRM) that implements the important changes made to the public workforce system by the Workforce Innovation and Opportunity Act (WIOA) (Pub. L. 113-128), which was signed by the President on July 22, 2014, replacing the Workforce Investment Act ***of*** 1998 (WIA). This NPRM will help the Department implement WIOA, empowering the public workforce system and its partners to increase employment, retention, and earnings ***of*** participants, meet the skill requirements ***of*** employers, and enhance the productivity and competitiveness ***of*** the nation.\1\

\1\ Workforce Innovation and Opportunity Act (RIN: 1205-AB73).

ETA also proposes to update the National Apprenticeship Act ***of*** 1937's equal opportunity regulations, which prohibit discrimination in registered apprenticeship on the basis ***of*** race, color, religion, national origin, and sex, and which require that program sponsors take affirmative action to provide equal opportunity. Most notably, the proposed rule would update equal opportunity standards to include age (40 and older) and disability among the list ***of*** protected bases. It would also strengthen the affirmative action provisions by detailing mandatory actions that sponsors must take, and by requiring affirmative action for individuals with disabilities.\2\

\2\ Equal Employment Opportunity in Apprenticeship Amendment ***of***

Regulations (RIN: 1205-AB59).

Ensuring Access to Health Care, Retirement, and Workers' Compensation

Benefits

The Department is pursuing a regulatory program that is designed to safeguard the retirement security ***of*** participants and beneficiaries by protecting their rights and ***benefits*** under pension plans and by encouraging, fostering, and promoting openness, transparency, and communication with respect to the management and operations ***of*** such plans. Examples include:

EBSA's rulemaking to help assure workers' retirement security by reducing harmful conflicts ***of*** interest in the retirement savings marketplace so that the millions ***of*** plan sponsors, workers, and retirees get the impartial advice they have a right to expect when they rely on an adviser to help them invest their retirement savings. The regulation would clarify the circumstances under which a person will be considered a ``fiduciary'' when providing investment advice related to retirement plans, individual retirement accounts, and other employee ***benefit*** plans, and to participants, beneficiaries, and owners ***of*** such plans and accounts.\3\

\3\ Conflict ***of*** Interest Rule: Investment Advice (RIN: 1210-AB32).

EBSA continues to pursue initiatives to encourage the offering ***of*** lifetime annuities or similar lifetime ***benefit*** distribution options for participants and beneficiaries ***of*** defined contribution plans. EBSA is developing a proposal relating to the presentation ***of*** a participant's accrued ***benefits*** (account balance) as a lifetime income stream ***of*** payments.\4\ EBSA is also developing proposed amendments to a safe harbor regulation that will provide plan fiduciaries with more certainty that they have discharged their obligations under section 404(a)(1)(B) ***of*** ERISA in selecting an annuity plan provider and contract for ***benefit*** distributions from an individual account retirement plan.\5\

\4\ Pension ***Benefit*** Statement (RIN 1210-AB20).

\5\ Selection ***of*** Annuity Providers--Safe Harbor for Individual Account Plans (RIN: 1201-AB58).

EBSA's regulatory program also includes initiatives involving Annual Funding Notices \6\ and Standards for Brokerage Windows.\7\

\6\ (RIN: 1210-AB18).
\7\ (RIN: 1210-AB59).

In addition, EBSA will continue to issue guidance implementing the health reform provisions ***of*** the Affordable Care Act to help provide better quality health care for America's workers and their families. EBSA's regulations reduce discrimination in health coverage, promote better access to quality coverage, and protect the ability ***of*** individuals and businesses to keep their current health coverage. Many regulations are joint rulemakings with the Departments ***of*** Health and Human Services and the Treasury.

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The Department also pursues regulations to ensure that Federal workers' compensation ***benefits*** programs are fairly administered. OWCP plans to propose several modifications and clarifications to the regulations implementing the Black Lung ***Benefits*** Act, including a rule that addresses claimants' and coal mine operators' responsibility to disclose medical evidence developed in connection with a claim for ***benefits***. In addition, the proposed regulation would make several clarifications regarding reimbursement rates for medical treatment, the modification procedure, evidence-submission limits, and compensation payments.\8\

\8\ Black Lung ***Benefits*** Act: Medical Evidence and ***Benefit*** Payments (RIN: 1240-AA10).

Safeguarding Fair Pay for All Americans

The Department's regulatory agenda prioritizes ensuring that all

Americans receive a fair day's pay for a fair day's work, and are not discriminated against with respect to hiring, employment, or ***benefits*** on the basis ***of*** race, gender, sexual orientation, or gender identity. For example, WHD recently published a Final Rule to implement Executive Order 13658, which the President signed in February 2014 to ensure that certain Federal contractors pay a minimum wage ***of*** at least $10.10 per hour beginning on January 1, 2015. Other notable proposals include:

WHD plans to publish an NPRM proposing revisions to the Fair Labor Standards Act's (FLSA's) overtime exemptions as directed by a March 2014 Presidential Memorandum. The FLSA generally requires covered employers to pay their employees at least the Federal minimum wage for all hours worked, and one-and-one-half times their regular rate ***of*** pay for hours worked in excess ***of*** 40 in a workweek (``overtime''). However, there are a number ***of*** exemptions from the FLSA's minimum wage and overtime requirements, including an exemption for bona fide executive, administrative, or professional employees. The President's Memorandum directed the Secretary to modernize and streamline the ***existing*** overtime regulations for these ``white collar'' employees to ensure that hardworking middle-class workers are not denied overtime protections that Congress intended.\9\

\9\ Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees (RIN: 1235-AA11).

WHD also plans to publish a Final Rule revising the definition ***of*** ``spouse'' in the Family and Medical Leave Act (FMLA) in light ***of*** the United States Supreme Court's decision in United States v. Windsor. This Department previously issued an NPRM proposing that eligible employees in legal same-sex marriages may take unpaid, job-protected leave to care for their spouse or family member, regardless ***of*** whether their state ***of*** residence recognizes their same-sex marriage.\10\

\10\ Family and Medical Leave Act ***of*** 1993, as amended (RIN: 1235-AA09).

OFCCP's rulemaking implementing Executive Order 13672, signed by the President in July 2014 to amend Executive Order 11246, ensures that Federal contractors do not engage in hiring or employment discrimination based on sexual orientation or gender identity. The Executive Order required the Department to prepare regulations within 90 days ***of*** the date ***of*** the Order to insert ``sexual orientation, gender identity'' into identified paragraphs ***of*** section 2 ***of*** Executive Order 11246.\11\

\11\ Implementation ***of*** Executive Order 13672 Prohibiting Discrimination Based on Sexual Orientation and Gender Identity by Contractors and Subcontractors (RIN: 1250-AA07).

OFCCP plans to issue a Final Rule pursuant to a Presidential Memorandum directing the Department to require Federal contractors and subcontractors to submit summary data on the compensation paid to their employees. The use ***of*** this sort ***of*** ``Equal Pay Report'' is one component ***of*** a larger strategy to address the reality that, despite five decades ***of*** extraordinary legal and social progress, working women still earn only 78 cents for every dollar that working men earn, and the amount is even less for African ***American*** women and Latinas. The new rule will enable OFCCP to direct its enforcement resources toward Federal contractors ***whose*** summary data indicate potential pay disparities, while reducing the likelihood ***of*** reviewing companies that are in compliance with anti-discrimination laws.\12\

\12\ Requirement to Report Summary Data on Employee Compensation (RIN: 1250-AA03).

OFCCP also continues to pursue an initiative on Construction Contractor Affirmative Action Requirements.\13\

\13\ (RIN: 1250-AA01).

Giving Workers a Voice in Their Workplaces

The Department's regulatory program also promotes policies that give workers a voice in their workplaces, including by ensuring that workers have information that is critical to their effective participation in the workplace. Two key examples include:

OFCCP plans to issue a Final Rule implementing Executive Order 13665, which the President signed on April 8, 2014, prohibiting discrimination by Federal contractors and subcontractors against certain ***of*** their employees for disclosing compensation information. This Executive Order was intended to address policies inhibiting workers' ability to advocate for themselves about their pay and prohibiting employee conversations about compensation. Such policies can serve as a significant barrier to Federal enforcement ***of*** the laws against compensation discrimination.\14\

\14\ Prohibitions Against Pay Secrecy Policies and Actions (RIN: 1250-AA06).

OLMS plans to publish a Final Rule following an NPRM that proposed regulations to better implement the public disclosure objectives ***of*** the Labor-Management Reporting and Disclosure Act (LMRDA) in situations where an employer engages a consultant in order to persuade employees concerning their rights to organize and bargain collectively. Workers are better able to make an informed choice about representation when they have the necessary information about arrangements that have been made by their employer to persuade them whether or not to form, join, or assist a union. While the LMRDA requires employers to file reports ***of*** any agreement or arrangement with a consultant to persuade employees concerning their rights to organize and collectively bargain, the statute provides an exception for consultants giving or agreeing to give ``advice'' to the employer. The Department's NPRM reconsidered the current policy concerning the scope ***of*** the ``advice'' exception.\15\

\15\ Persuader Agreements: Employer and Labor Relations Consultant Reporting Under the LMRDA (RIN: 1245-AA03).

Protecting the Safety and Health ***of*** Workers

The Department's regulatory agenda prioritizes efforts to protect

the safety and health ***of*** workers so they do not have to risk their lives for a paycheck. These efforts encompass protecting workers in all workplaces, including above- and below-ground coal and metal/nonmetal

mines, in addition to efforts to ensure that ***benefits*** programs are available to workers and their families when they are injured on the

job. Notable examples ***of*** these efforts include:

OSHA continues to pursue regulations aimed at curbing lung cancer, silicosis, chronic obstructive pulmonary disease and kidney disease in America's workers by lowering worker exposure to crystalline silica, which kills hundreds and sickens thousands more each year. OSHA

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estimates that the proposed rule would ultimately save nearly 700 lives

and prevent 1,600 new cases ***of*** silicosis annually. After publishing a proposed rule in September 2013, OSHA received over 1,700 comments from the public on the proposed rule, and over 200 stakeholders provided testimony during public hearings on the proposal. In the coming months, the agency will review and consider the evidence in the rulemaking record. Based upon this review, OSHA will determine an appropriate

course ***of*** action with regard to workplace exposure to respirable

crystalline silica.\16\ As a part ***of*** the Secretary's strategy for securing safe and healthy work environments, MSHA will utilize information provided by OSHA to undertake regulatory action related to silica exposure in mines.\17\

\16\ Occupational Exposure to Crystalline Silica (RIN: 1218-AB70).

\17\ Respirable Crystalline Silica Standard (RIN: 1219-AB36).

OSHA is considering the need for regulatory action to address the risk to workers exposed to infectious diseases in healthcare and other related high-risk environments. Especially given

recent events necessitating the careful treatment ***of*** individuals with life-threatening infectious diseases, OSHA is concerned about the risk

posed to healthcare workers with the movement ***of*** healthcare delivery from the traditional hospital setting into more diverse and smaller workplace settings. The Agency initiated the Small Business Regulatory

Enforcement Fairness Act (SBREFA) Panel process in the spring ***of*** 2014.\18\

\18\ Infectious Diseases (RIN: 1218-AC46).

OSHA is developing a Final Rule exploring a requirement for employers to electronically submit data required by agency

regulations governing the Recording and Reporting ***of*** Occupational Injuries. An updated and modernized reporting system would enable a

more efficient and timely collection ***of*** data and would improve the

accuracy and availability ***of*** relevant records and statistics, in addition to leveraging data already maintained electronically by many large employers.\19\

\19\ Improve Tracking ***of*** Workplace Injuries and Illnesses (RIN: 1218-AC49).

MSHA plans to issue a Final Rule that would build upon a proposed rule to address the danger that miners face when working near continuous mining machines in underground coal mines. From 1984 through 2014, there have been 35 fatalities resulting from pinning, crushing or

striking accidents involving continuous mining machines--the types ***of*** accidents that proximity detection technology can prevent. The proposed rule would reduce the potential for such hazards.\20\ MSHA also plans to publish a proposed rule that would require underground mine operators to equip certain mobile machines with proximity detection systems.\21\

\20\ Proximity Detection Systems for Continuous Mining Machines in Underground Coal Mines (RIN: 1219-AB65).
\21\ Proximity Detection Systems for Mobile Machines in Underground Mines (RIN: 1219-AB78).

OSHA's regulatory program also includes initiatives involving Injury and Illness Prevention Programs,\22\ Occupational Exposure to Beryllium,\23\ Preventing Backover Injuries and Fatalities,\24\ and various Whistleblower regulations.

\22\ (RIN: 1218-AC48).
\23\ (RIN: 1218-AB76).

\24\ (RIN: 1218-AC51).

Regulatory Review and Burden Reduction

On January 18, 2011, the President issued Executive Order (E.O.) 13563 entitled ``Improving Regulation and Regulatory Review.'' The E.O. aims to strike the right balance between protecting the health, welfare, safety, and the environment for all Americans--a goal at the core ***of*** the Labor Department's mission--while fostering economic growth, job creation, and competitiveness. The Department's Fall 2014 Regulatory Agenda also aims to achieve more efficient and less burdensome regulations through a retrospective review ***of*** the Labor Department regulations.

In August 2011, as part ***of*** a governmentwide response to E.O. 13563, the Department published its ``Plan for Retrospective Analysis ***of*** ***Existing*** Rules.'' This plan, and each subsequent update, can be found at www.dol.gov/regulations/. The Department's Fall 2014 Agenda includes 12 retrospective review projects, which are listed below pursuant to section 6 ***of*** E.O. 13563. More information about completed rulemakings no longer included in the plan can be found on Reginfo.gov.

Agency	Regulatory Identifier No.	Title	Whether it is expected to ***of*** rulemaking significantly reduce burdens on small businesses
EBSA	1210-AB47	Amendment ***of*** Abandoned Plan Program.	Yes.
EBSA	1210-AB63	21st Century Initiative to Modernize the Form 5500 Series and Implementing and Related Regulations.	No.
ETA	1205-AB59	Equal Employment Opportunity in Apprenticeship and Training, Amendment ***of*** Regulations.	To Be Determined.
ETA	1205-AB62	Implementation ***of*** Total Unemployment Rate Extended	No.

Benefits Trigger and
Rounding Rule.
MSHA..... 1219-AB72..... Criteria and Procedures for To Be Determined.

Proposed Assessment ***of***
Civil Penalties (Part 100).
OFCCP..... 1250-AA05..... Sex Discrimination To Be Determined.
Guidelines.
OSHA..... 1218-AC34..... Bloodborne Pathogens..... No.
OSHA..... 1218-AC67..... Standard Improvement Yes.
Project_Phase IV (SIP IV).

OSHA..... 1218-AC74..... Review/Lookback ***of*** OSHA To Be Determined.
Chemical Standards.
OSHA..... 1218-AC81..... Cranes and Derricks in To Be Determined.
Construction: Amendments.
OSHA..... 1218-AC82..... Process Safety Management To Be Determined.
and Flammable Liquids.

OSHA..... 1218-AC49..... Improve Tracking ***of*** To Be Determined.
Workplace Injuries and
Illnesses.

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DOL--EMPLOYMENT AND TRAINING ADMINISTRATION (ETA)

Proposed Rule Stage

96. Workforce Innovation and Opportunity Act

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.
Unfunded Mandates: Undetermined.

Legal Authority: sec 503(f) ***of*** the Workforce Innovation and Opportunity Act (Pub. L. 113-128)
CFR Citation: Not Yet Determined.
Legal Deadline: NPRM, Statutory, January 18, 2015, Public Law 113-128.
Final, Statutory, January 18, 2016.
Abstract: On July 22, 2014, the President signed the Workforce Innovation Opportunity Act (WIOA) (Pub. L. 113-128). WIOA repeals the

Workforce Investment Act ***of*** 1998 (WIA). (29 U.S.C. 2801 et seq.) The

Department ***of*** Labor must develop and issue a Notice ***of*** Proposed Rulemaking (NPRM) that proposes to implement the changes WIOA makes to

the public workforce system in regulations. Through the NPRM, the

Department will propose ways to carry out the purposes ***of*** WIOA to provide workforce investment activities, through State and local workforce development systems, that increase employment, retention, and

earnings ***of*** participants, meet the skill requirements ***of*** employers, and

enhance the productivity and competitiveness ***of*** the Nation.

Statement ***of*** Need: On July 22, 2014, the President signed the Workforce Innovation Opportunity Act (WIOA) (Pub. L. 113-128) into law.

WIOA repeals the Workforce Investment Act ***of*** 1998 (WIA) (29 U.S.C. 2801 et seq.) As a result, the WIA regulations no longer reflect current law

and we must change. Therefore, the Department ***of*** Labor seeks to develop

and issue a Notice ***of*** Proposed Rulemaking (NPRM) that proposes to implement the WIOA.

Summary ***of*** Legal Basis: The Workforce Innovation Opportunity Act (WIOA) (Pub. L. 113-128), signed by the President on July 22, 2014.

Section 503(f) ***of*** WIOA requires that the Department issue a Notice ***of*** Proposed Rulemaking (NPRM) and then Final Rule that implements the changes WIOA makes to the public workforce system in regulations.

Alternatives: Since Congress statutorily directed the Department ***of***

Labor to issue a Notice ***of*** Proposed Rulemaking (NPRM) and Final Rule that implements the changes WIOA makes to the public workforce system there is no alternative.

Anticipated Cost and ***Benefits***: Undetermined.
Risks: Undetermined.
Timetable:

Action Date FR Cite

NPRM..... 01/00/15

Regulatory Flexibility Analysis Required: Yes.
Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations.

Government Levels Affected: Federal, Local, State, Tribal.
Federalism: This action may have federalism implications as defined in EO 13132.

Agency Contact: Portia Wu, Assistant Secretary for Employment and

Training, Department ***of*** Labor, Employment and Training Administration, 200 Constitution Avenue NW., FP Building, Washington, DC 20210, Phone: 202 639-2700.
RIN: 1205-AB73

DOL--MINE SAFETY AND HEALTH ADMINISTRATION (MSHA)

Proposed Rule Stage

97. Respirable Crystalline Silica

Priority: Other Significant.
Legal Authority: 30 U.S.C. 811
CFR Citation: 30 CFR 58.
Legal Deadline: None.
Abstract: Current standards limit exposures to quartz (crystalline silica) in respirable dust. The metal and nonmetal mining industry

standard is based on the 1973 ***American*** Conference ***of*** Governmental Industrial Hygienists (ACGIH) Threshold Limit Values formula: 10 mg/m3

divided by the percentage ***of*** quartz plus 2. Overexposure to crystalline silica can result in some miners developing silicosis, an irreversible but preventable lung disease, which ultimately may be fatal. The

formula is designed to limit exposures to 0.1 mg/m3 (100 ug/m3) ***of*** silica. The National Institute for Occupational Safety and Health (NIOSH) recommends a 50 ug/m3 exposure limit for respirable crystalline silica. MSHA will publish a proposed rule to address miners' exposure to respirable crystalline silica.

Statement ***of*** Need: MSHA standards are outdated; current regulations may not protect workers from developing silicosis. Evidence indicates that miners continue to develop silicosis. MSHA's proposed regulatory action exemplifies the Agency's commitment to protecting the most vulnerable populations while assuring broad-based compliance. MSHA will regulate based on sound science to eliminate or reduce the hazards with the broadest and most serious consequences. MSHA intends to use OSHA's work on the health effects and risk assessment, adapting it as necessary for the mining industry.

Summary ***of*** Legal Basis: Promulgation ***of*** this standard is authorized

by section 101 ***of*** the Federal Mine Safety and Health Act ***of*** 1977.
Alternatives: This rulemaking would improve health protection from

that afforded by the ***existing*** standards. MSHA will consider alternative

methods ***of*** addressing miners' exposures based on the capabilities ***of*** the sampling and analytical methods.

Anticipated Cost and ***Benefits***: MSHA will prepare estimates ***of*** the anticipated costs and ***benefits*** associated with the proposed rule.

Risks: For over 70 years, toxicology information and epidemiological studies have shown that exposure to respirable crystalline silica presents potential health risks to miners. These potential adverse health effects include simple silicosis and progressive massive fibrosis (lung scarring). Evidence indicates that exposure to silica may cause cancer. MSHA believes that the health evidence forms a reasonable basis for reducing miners' exposures to respirable crystalline silica.

Timetable:

Action Date FR Cite

NPRM..... 10/00/15

Regulatory Flexibility Analysis Required: Undetermined.

Small Entities Affected: Businesses, Governmental Jurisdictions.

Government Levels Affected: Local, State.

URL for More Information: *www.msha.gov/regsinfo.htm*.

URL for Public Comments: *www.regulations.gov*.

Agency Contact: Sheila McConnell, Acting Director, Office ***of*** Standards, Regulations, and Variances, Department ***of*** Labor, Mine Safety and Health Administration, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209, Phone: 202 693-9440, Fax: 202 693-9441, Email:

mcconnell.sheila.a@dol.gov

RIN: 1219-AB36

DOL--MSHA

98. Criteria and Procedures for Proposed Assessment ***of*** Civil Penalties

Priority: Other Significant.

Legal Authority: 30 U.S.C. 815; 30 U.S.C. 820; 30 U.S.C. 957

[[Page 76577]]

CFR Citation: 30 CFR 100.

Legal Deadline: None.

Abstract: Mine Safety and Health Administration (MSHA) revise the process for proposing civil penalties. The assessment ***of*** civil penalties is a key component in MSHA's strategy to enforce safety and health standards. The Congress intended that the imposition ***of*** civil penalties would induce mine operators to be proactive in their approach to mine safety and health, and take necessary action to prevent safety and health hazards before they occur. MSHA believes that the procedures for assessing civil penalties can be revised to improve the efficiency ***of*** the Agency's efforts and to facilitate the resolution ***of*** enforcement issues.

Statement ***of*** Need: Section 110(a) ***of*** the Federal Mine Safety and Health Act ***of*** 1977 (Mine Act) requires MSHA to assess a civil penalty for a violation ***of*** a mandatory health or safety standard or violation ***of*** any provision ***of*** the Mine Act. The mine operator has 30 days from receipt ***of*** the proposed assessment to contest it before the Federal Mine Safety and Health Review Commission (Commission), an independent adjudicatory agency established under the Mine Act. A proposed assessment that is not contested within 30 days becomes a final order ***of*** the Commission. A proposed assessment that is contested within 30 days proceeds to the Commission for adjudication. The proposed rule would promote consistency, objectivity, and efficiency in the proposed assessment ***of*** civil penalties. When issuing citations or orders, inspectors are required to evaluate safety and health conditions, and make decisions about the statutory criteria related to assessing penalties. The proposed changes in the measures ***of*** the evaluation criteria would result in fewer areas ***of*** disagreement and earlier resolution ***of*** enforcement issues. The proposal would require conforming changes to the Mine Citation/Order form (MSHA Form 7000-3).

Summary ***of*** Legal Basis: Section 104 ***of*** the Mine Act requires MSHA to issue citations or orders to mine operators for any violations ***of*** a mandatory health or safety standard, rule, order, or regulation promulgated under the Mine Act. Sections 105 and 110 ***of*** the Mine Act provide for assessment ***of*** these penalties.

Alternatives: The proposal would include several alternatives in the preamble and requests comments on them.

Anticipated Cost and ***Benefits***: MSHA's proposed rule includes an estimate ***of*** the anticipated costs and ***benefits***.

Risks: MSHA's ***existing*** procedures for assessing civil penalties can be revised to improve the efficiency ***of*** the Agency's efforts and to facilitate the resolution ***of*** enforcement issues. In the overwhelming majority ***of*** contested cases before the Commission, the issue is not whether a violation occurred. Rather, the parties disagree on the gravity ***of*** the violation, the degree ***of*** mine operator negligence, and other criterion. The proposed changes should result in fewer areas ***of*** disagreement and earlier resolution ***of*** enforcement issues, which should result in fewer contests ***of*** violations or proposed assessments.

Timetable:

Action	Date	FR Cite
NPRM	07/31/14	79 FR 44494
NPRM Comment Period End	09/29/14	
NPRM Comment Period Extended	09/16/14	79 FR 55408
NPRM Comment Period Extended End	12/03/14	
NPRM Notice ***of*** Public Hearings	11/07/14	79 FR 66345
Close ***of*** Comment Period.		
NPRM Notice ***of*** Public Hearings	01/09/15	
Close ***of*** Comment Period End.		

Regulatory Flexibility Analysis Required: Undetermined.
Small Entities Affected: Businesses.

Government Levels Affected: None.

URL for More Information: *www.msha.gov/regsinfo.htm*.

URL for Public Comments: *www.regulations.gov*.

Agency Contact: Sheila McConnell, Acting Director, Office ***of*** Standards, Regulations, and Variances, Department ***of*** Labor, Mine Safety and Health Administration, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209, Phone: 202-693-9440, Fax: 202-693-9441, Email:

mcconnell.sheila.a@dol.gov
RIN: 1219-AB72

DOL--MSHA

99. Proximity Detection Systems for Mobile Machines in Underground Mines

Priority: Other Significant.
Legal Authority: 30 U.S.C. 811
CFR Citation: Not Yet Determined.
Legal Deadline: None.
Abstract: Mine Safety and Health Administration (MSHA) will develop a proposed rule to address the hazards that miners face when working near mobile equipment in underground mines. MSHA has concluded, from investigations ***of*** accidents involving mobile equipment and other reports, that action is needed to protect miner safety. Mobile equipment can pin, crush, or strike a miner working near the equipment.

Proximity detection technology can prevent these types ***of*** accidents. The proposed rule would strengthen the protection for underground miners by reducing the potential ***of*** pinning, crushing, or striking hazards associated with working close to mobile equipment.

Statement ***of*** Need: Mining is one ***of*** the most hazardous industries in this country. Miners continue to be injured or killed resulting from pinning, crushing, or striking accidents involving mobile equipment. Equipment is available to help prevent accidents that cause debilitating injuries and accidental death.

Summary ***of*** Legal Basis: Promulgation ***of*** this standard is authorized by section 101(a) ***of*** the Federal Mine Safety and Health Act ***of*** 1977, as amended by the Mine Improvement and New Emergency Response Act ***of*** 2006.
Alternatives: No reasonable alternatives to this regulation would be as comprehensive or as effective in eliminating hazards and preventing injuries.

Anticipated Cost and ***Benefits***: MSHA will develop a preliminary regulatory economic analysis to accompany the proposed rule.

Risks: The lack ***of*** proximity detection systems on mobile equipment in underground mines contributes to a higher incidence ***of*** debilitating injuries and accidental deaths.
Timetable:

Action Date FR Cite

Request for Information..... 02/01/10 75 FR 5009
RFI Comment Period Ended..... 04/02/10 .....
NPRM..... 01/00/15 .....

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: Businesses.

Government Levels Affected: None.

URL for More Information: *www.msha.gov/regsinfo.htm*.

URL for Public Comments: *www.regulations.gov*.

Agency Contact: Sheila McConnell, Acting Director, Office ***of*** Standards,

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Regulations, and Variances, Department ***of*** Labor, Mine Safety and Health Administration, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209, Phone: 202 693-9440, Fax: 202 693-9441, Email:

mcconnell.sheila.a@dol.gov

Related RIN: Related to 1219-AB65
RIN: 1219-AB78

DOL--MSHA

Final Rule Stage

100. Proximity Detection Systems for Continuous Mining Machines in Underground Coal Mines

Priority: Other Significant.
Legal Authority: 30 U.S.C. 811.
CFR Citation: 30 CFR 75.1732.
Legal Deadline: None.
Abstract: This final rule addresses hazards that miners face when working near continuous mining machines in underground coal mines. Mine Safety and Health Administration (MSHA) has concluded, from

investigations ***of*** accidents involving continuous mining machines and other reports, that action is necessary to protect miners. Continuous mining machines can pin, crush, or strike a miner working near the

equipment. Proximity detection technology can prevent these types ***of*** accidents. The final rule would strengthen the protection for

underground coal miners by reducing the potential ***of*** pinning, crushing, or striking hazards associated with working close to continuous mining machines.

Statement ***of*** Need: Mining is one ***of*** the most hazardous industries in this country. Miners continue to be injured or killed resulting from pinning, crushing, or striking accidents involving mobile equipment. Equipment is available to help prevent accidents that cause debilitating injuries and accidental death.

Summary ***of*** Legal Basis: Promulgation ***of*** this standard is authorized by section 101(a) ***of*** the Federal Mine Safety and Health Act ***of*** 1977, as amended by the Mine Improvement and New Emergency Response Act ***of*** 2006.

Alternatives: No reasonable alternatives to this regulation would be as comprehensive or as effective in eliminating hazards and preventing injuries.

Anticipated Cost and ***Benefits***: MSHA will develop a regulatory economic analysis to accompany the final rule.

Risks: The lack ***of*** proximity detection systems on continuous mining machines in underground coal mines contributes to a higher incidence ***of*** debilitating injuries and accidental deaths.

Timetable:

Action Date FR Cite

Request for Information (RFI)..... 02/01/10 75 FR 5009
RFI Comment Period Ended..... 04/02/10 .....
NPRM..... 08/31/11 76 FR 54163

Notice ***of*** Public Hearing..... 10/12/11 76 FR 63238
NPRM Comment Period End..... 11/14/11 .....
Final Action..... 12/00/14 .....

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: Businesses.

Government Levels Affected: None.

URL for More Information: *www.msha.gov/reginfo.htm*.

URL for Public Comments: *www.regulations.gov*.

Agency Contact: Sheila McConnell, Acting Director, Office ***of***

Standards and Variances, Department ***of*** Labor, Mine Safety and Health Administration, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209, Phone: 202 693-9440, Fax: 202 693-9441, Email:

mcconnell.sheila.a@dol.gov

Related RIN: Related to 1219-AB78

RIN: 1219-AB65

DOL--OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)

Prerule Stage

101. Infectious Diseases

Priority: Economically Significant. Major status under 5 U.S.C. 801 is undetermined.

Legal Authority: 5 U.S.C. 533; 29 U.S.C. 657 and 658; 29 U.S.C. 660; 29 U.S.C. 666; 29 U.S.C. 669; 29 U.S.C. 673; ...

CFR Citation: 29 CFR 1910.

Legal Deadline: None.

Abstract: Employees in health care and other high-risk environments face long-standing infectious disease hazards such as tuberculosis (TB), varicella disease (chickenpox, shingles), and measles (rubeola), as well as new and emerging infectious disease threats, such as Severe Acute Respiratory Syndrome (SARS) and pandemic influenza. Health care workers and workers in related occupations, or ***who*** are exposed in other high-risk environments, are at increased risk ***of*** contracting TB, SARS, Methicillin-resistant Staphylococcus aureus (MRSA), and other infectious diseases that can be transmitted through a variety ***of*** exposure routes. OSHA is concerned about the ability ***of*** employees to continue to provide health care and other critical services without unreasonably jeopardizing their health. OSHA is considering the need for a standard to ensure that employers establish a comprehensive infection control program and control measures to protect employees from infectious disease exposures to pathogens that can cause significant disease. Workplaces where such control measures might be necessary include: Health care, emergency response, correctional facilities, homeless shelters, drug treatment programs, and other occupational settings where employees can be at increased risk ***of*** exposure to potentially infectious people. A standard could also apply to laboratories, which handle materials that may be a source ***of*** pathogens, and to pathologists, coroners' offices, medical examiners, and mortuaries.

Statement ***of*** Need: In 2007, the healthcare and social assistance sector as a whole had 16.5 million employees. Healthcare workplaces can range from small private practices ***of*** physicians to hospitals that employ thousands ***of*** workers. In addition, healthcare is increasingly being provided in other settings such as nursing homes, free-standing surgical and outpatient centers, emergency care clinics, patients' homes, and prehospitalization emergency care settings. The Agency is particularly concerned by studies that indicate that transmission ***of*** infectious diseases to both patients and healthcare workers may be occurring as a result ***of*** incomplete adherence to recognized, but voluntary, infection control measures. Another concern is the movement ***of*** healthcare delivery from the traditional hospital setting, with its greater infrastructure and resources to effectively implement infection control measures, into more diverse and smaller workplace settings with less infrastructure and fewer resources, but with an expanding worker population.

Summary ***of*** Legal Basis: The Occupational Safety and Health Act ***of*** 1970 authorizes the Secretary ***of*** Labor to set mandatory occupational safety and health standards to assure safe and healthful working conditions for working men and women (29 U.S.C. 651).
Alternatives: The alternative to the proposed rulemaking would be to take no regulatory action.

Anticipated Cost and ***Benefits***: The estimates ***of*** the costs and ***benefits*** are still under development.

Risks: Analysis ***of*** risks is still under development.

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Timetable:

Action Date FR Cite

Request for Information (RFI)..... 05/06/10 75 FR 24835
RFI Comment Period End..... 08/04/10 .....
Analyze Comments..... 12/30/10 .....
Stakeholder Meetings..... 07/29/11 .....
Initiate SBREFA..... 06/04/14 .....
Complete SBREFA..... 12/00/14 .....

Regulatory Flexibility Analysis Required: Yes.
Small Entities Affected: Businesses, Governmental Jurisdictions.

Government Levels Affected: Local, State.
Federalism: Undetermined.

Agency Contact: William Perry, Director, Directorate ***of*** Standards

and Guidance, Department ***of*** Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N-3718, Washington, DC 20210, Phone: 202 693-1950, Fax: 202 693-1678, Email:

perry.bill@dol.gov
RIN: 1218-AC46

DOL--OSHA

Proposed Rule Stage

102. Occupational Exposure to Crystalline Silica

Priority: Economically Significant. Major under 5 U.S.C. 801.
Unfunded Mandates: This action may affect the private sector under Pub. L. 104-4.
Legal Authority: 29 U.S.C. 655(b); 29 U.S.C. 657
CFR Citation: 29 CFR 1910; 29 CFR 1915; 29 CFR 1917; 29 CFR 1918; 29 CFR 1926.
Legal Deadline: None.

Abstract: Crystalline silica is a significant component ***of*** the

earth's crust, and many workers in a wide range ***of*** industries are

exposed to it, usually in the form ***of*** respirable quartz or, less frequently, cristobalite. Chronic silicosis is a uniquely occupational

disease resulting from exposure ***of*** employees over long periods ***of*** time

(10 years or more). Exposure to high levels ***of*** respirable crystalline

silica causes acute or accelerated forms ***of*** silicosis that are ultimately fatal. The current OSHA permissible exposure limit (PEL) for

general industry is based on a formula proposed by the ***American***

Conference ***of*** Governmental Industrial Hygienists (ACGIH) in 1968 (PEL = 10mg/cubic meter/(% silica + 2), as respirable dust). The current PEL for construction and shipyards (derived from ACGIH's 1970 Threshold Limit Value) is based on particle counting technology, which is considered obsolete. NIOSH and ACGIH recommend 50[mu]g/m3 and 25[mu]g/m3 exposure limits, respectively, for respirable crystalline silica.
Both industry and worker groups have recognized that a

comprehensive standard for crystalline silica is needed to provide for exposure monitoring, medical surveillance, and worker training. ASTM International has published recommended standards for addressing the hazards ***of*** crystalline silica. The Building Construction Trades Department ***of*** the AFL-CIO has also developed a recommended comprehensive program standard. These standards include provisions for methods ***of*** compliance, exposure monitoring, training, and medical surveillance.

The NPRM was published on September 12, 2013. OSHA received over 1,700 comments from the public on the proposed rule, and over 200 stakeholders provided testimony during public hearings on the proposal. In the coming months, the agency will review and consider the evidence in the rulemaking record. Based upon this review, OSHA will determine an appropriate course ***of*** action with regard to workplace exposure to respirable crystalline silica.

Statement ***of*** Need: Workers are exposed to crystalline silica dust in general industry, construction, and maritime industries. Industries that could be particularly affected by a standard for crystalline silica include: Foundries, industries that have abrasive blasting operations, paint manufacture, glass and concrete product manufacture, brick making, china and pottery manufacture, manufacture ***of*** plumbing fixtures, and many construction activities including highway repair, masonry, concrete work, rock drilling, and tuckpointing. The seriousness ***of*** the health hazards associated with silica exposure is demonstrated by the fatalities and disabling illnesses that continue to occur. From 2006 to 2010 silicosis was identified on 617 death certificates as an underlying or contributing cause ***of*** death. It is likely that many more cases have occurred where silicosis went undetected. In addition, the International Agency for Research on Cancer has designated crystalline silica as carcinogenic to humans, and the National Toxicology Program has concluded that respirable crystalline silica is a known human carcinogen. Exposure to crystalline silica has also been associated with an increased risk ***of*** developing tuberculosis and other nonmalignant respiratory diseases, as well as renal and autoimmune diseases. Exposure studies and OSHA enforcement data indicate that some workers continue to be exposed to levels ***of*** crystalline silica far in excess ***of*** current exposure limits. Congress has included compensation ***of*** silicosis victims on Federal nuclear

testing sites in the Energy Employees' Occupational Illness

Compensation Program Act ***of*** 2000. There is a particular need for the Agency to modernize its exposure limits for construction and shipyard workers.

Summary ***of*** Legal Basis: The legal basis for the proposed rule is a preliminary determination that workers are exposed to a significant

risk ***of*** silicosis and other serious disease, and that rulemaking is needed to substantially reduce the risk. In addition, the proposed rule will recognize that the PELs for construction and maritime are outdated, and need to be revised to reflect current sampling and analytical technologies.

Alternatives: Over the past several years, the Agency has attempted

to address this problem through a variety ***of*** non-regulatory approaches,

including initiation ***of*** a Special Emphasis Program on silica in October

1997, sponsorship with NIOSH and MSHA ***of*** the National Conference to

Eliminate Silicosis, and dissemination ***of*** guidance information on its Web site.

Anticipated Cost and ***Benefits***: The scope ***of*** the proposed rulemaking

and estimates ***of*** the costs and ***benefits*** are still under development.

Risks: A detailed risk analysis is under way.

Timetable:

Action Date FR Cite

Completed SBREFA Report..... 12/19/03 .....

Initiated Peer Review ***of*** Health 05/22/09 .....

Effects and Risk Assessment.

Completed Peer Review..... 01/24/10 .....

NPRM..... 09/12/13 78 FR 56274

NPRM Comment Period Extended; Notice 10/31/13 78 FR 65242

of Intention to Appear at Pub

Hearing; Scheduling Pub Hearing.

NPRM Comment Period Extended..... 01/29/14 79 FR 4641

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Informal Public Hearing..... 03/18/14 .....

Post Hearing Briefs Ends..... 08/18/14 .....

Analyze Comments..... 06/00/15 .....

Regulatory Flexibility Analysis Required: Yes.
Small Entities Affected: Businesses.

Government Levels Affected: Federal, Local, State, Tribal.
Federalism: This action may have federalism implications as defined in E.O. 13132.

Agency Contact: William Perry, Director, Directorate ***of*** Standards and Guidance, Department ***of*** Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N-3718, Washington, DC 20210, Phone: 202 693-1950, Fax: 202 693-1678, Email: perry.bill@dol.gov
RIN: 1218-AB70

DOL--OSHA

Final Rule Stage

103. Improve Tracking ***of*** Workplace Injuries and Illnesses

Priority: Other Significant.
Legal Authority: 29 U.S.C. 657
CFR Citation: 29 CFR 1904.
Legal Deadline: None.
Abstract: Occupational Safety and Health Administration (OSHA) is making changes to its reporting system for occupational injuries and illnesses. An updated and modernized reporting system would enable a more efficient and timely collection ***of*** data, and would improve the accuracy and availability ***of*** the relevant records and statistics. This rulemaking involves modification to 29 CFR part 1904.41 to expand OSHA's legal authority to collect and make available injury and illness information required under part 1904.

Statement ***of*** Need: The collection ***of*** establishment specific injury and illness data in electronic format on a timely basis is needed to help OSHA, employers, employees, researchers, and the public more effectively prevent workplace injuries and illnesses, as well as support President Obama's Open ***Government*** Initiative to increase the ability ***of*** the public to easily find, download, and use the resulting dataset generated and held by the Federal ***Government***.

Summary ***of*** Legal Basis: The Occupational Safety and Health Act ***of***

1970 authorizes the Secretary ***of*** Labor to develop and maintain an effective program ***of*** collection, compilation, and analysis ***of*** occupational safety and health statistics (29 U.S.C. 673).

Alternatives: The alternative to the proposed rulemaking would be to take no regulatory action.

Anticipated Cost and ***Benefits***: The estimates ***of*** the costs and ***benefits*** are still under development.

Risks: Analysis ***of*** risks is still under development.

Timetable:

Action Date FR Cite

Stakeholder Meetings..... 05/25/10 75 FR 24505
Comment Period End..... 06/18/10 .....
NPRM..... 11/08/13 78 FR 67253

Notice ***of*** Public Meeting..... 11/15/13 78 FR 68782
Public Meeting..... 01/09/13 .....
NPRM Comment Period Reopened..... 08/14/14 79 FR 47605
NPRM Comment Period End..... 10/14/14 .....
Final Rule..... 08/00/15 .....

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

Agency Contact: Francis Yebesi, Acting Director, Directorate ***of*** Evaluation and Analysis, Department ***of*** Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., FP Bld, Rm N-3641, Washington, DC 20210, Phone: 202 693-2400, Fax: 202 693-1641, Email: *yebesi.francis@dol.gov*

RIN: 1218-AC49
BILLING CODE 4510-04-P

DEPARTMENT ***OF*** TRANSPORTATION (DOT)

Introduction: Department Overview and Summary ***of*** Regulatory Priorities

The Department ***of*** Transportation (DOT) consists ***of*** 9 operating administrations and the Office ***of*** the Secretary, each ***of*** which has statutory responsibility for a wide range ***of*** regulations. DOT regulates safety in the aviation, motor carrier, railroad, motor vehicle,

commercial space, public transportation, and pipeline transportation areas. DOT also regulates aviation consumer and economic issues and provides financial assistance for programs involving highways, airports, public transportation, the maritime industry, railroads, and motor vehicle safety. In addition, the Department writes regulations to carry out a variety ***of*** statutes ranging from the Americans With Disabilities Act to the Uniform Time Act. Finally, DOT develops and implements a wide range ***of*** regulations that govern internal DOT programs such as acquisitions and grants, access for the disabled, environmental protection, energy conservation, information technology, occupational safety and health, property asset management, seismic safety, and the use ***of*** aircraft and vehicles.

The Department's Regulatory Priorities

The Department's regulatory priorities respond to the challenges and opportunities we face. Our mission generally is as follows:

The national objectives ***of*** general welfare, economic growth and stability, and the security ***of*** the United States require the development ***of*** transportation policies and programs that contribute to providing fast, safe, efficient, and convenient transportation at the lowest cost consistent with those and other national objectives, including the efficient use and conservation ***of*** the resources ***of*** the United States.

To help us achieve our mission, we have five goals in the Department's Strategic Plan for Fiscal Years 2012-2016:

Safety: Improve safety by ``reducing transportation-related fatalities and injuries.''

State ***of*** Good Repair: Improve the condition ***of*** our Nation's transportation infrastructure.

Economic Competitiveness: Foster ``smart strategic investments that will serve the traveling public and facilitate freight movements.''

Quality ***of*** Life: Foster through ``coordinated, place-based policies and investments that increase transportation choices and access to transportation services.''

Environmental Sustainability: Advance environmental sustainability ``through strategies such as fuel economy standards for cars and trucks, more environmentally sound construction and operational practices, and by expanding opportunities for shifting

freight from less fuel-efficient modes to more fuel-efficient modes."

In identifying our regulatory priorities for the next year, the Department considered its mission and goals and focused on a number ***of*** factors, including the following:

The relative risk being addressed.

Requirements imposed by statute or other law.

Actions on the National Transportation Safety Board ``Most Wanted List".

The costs and ***benefits*** ***of*** the regulations.

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The advantages ***of*** nonregulatory alternatives.

Opportunities for deregulatory action.

The enforceability ***of*** any rule, including the effect on agency resources.

This regulatory plan identifies the Department's regulatory priorities--the 17 pending rulemakings chosen, from among the dozens ***of*** significant rulemakings listed in the Department's broader regulatory agenda, that the Department believes will merit special attention in the upcoming year. The rules included in the regulatory plan embody the Department's focus on our strategic goals.

The regulatory plan reflects the Department's primary focus on safety--a focus that extends across several modes ***of*** transportation. For example:

The Federal Aviation Administration (FAA) will continue its efforts to implement safety management systems.

The Federal Motor Carrier Safety Administration (FMCSA) continues its work to strengthen the requirements for Electronic Logging Devices and revise motor carrier safety fitness procedures.

The National Highway Traffic Safety Administration (NHTSA) will continue its rulemaking efforts to reduce death and injury resulting from incidents involving motorcoaches.

Each ***of*** the rulemakings in the regulatory plan is described below in detail. In order to place them in context, we first review the Department's regulatory philosophy and our initiatives to educate and inform the public about transportation safety issues. We then describe the role ***of*** the Department's retrospective reviews and its regulatory process and other important regulatory initiatives ***of*** OST and ***of*** each ***of*** the Department's components. Since each transportation ``mode''

within the Department has its own area ***of*** focus, we summarize the regulatory priorities ***of*** each mode and ***of*** OST, which supervises and coordinates modal initiatives and has its own regulatory responsibilities, such as consumer protection in the aviation industry.

The Department's Regulatory Philosophy and Initiatives

The Department has adopted a regulatory philosophy that applies to all its rulemaking activities. This philosophy is articulated as follows: DOT regulations must be clear, simple, timely, fair, reasonable, and necessary. They will be issued only after an appropriate opportunity for public comment, which must provide an equal chance for all affected interests to participate, and after appropriate consultation with other governmental entities. The Department will fully consider the comments received. It will assess the risks addressed by the rules and their costs and ***benefits***, including the cumulative effects. The Department will consider appropriate alternatives, including nonregulatory approaches. It will also make every effort to ensure that regulation does not impose unreasonable mandates.

The Department stresses the importance ***of*** conducting high-quality rulemakings in a timely manner and reducing the number ***of*** old rulemakings. To implement this, the Department has required the following actions: (1) Regular meetings ***of*** senior DOT officials to ensure effective policy leadership and timely decisions, (2) effective tracking and coordination ***of*** rulemakings, (3) regular reporting, (4) early briefings ***of*** interested officials, (5) regular training ***of*** staff, and (6) adequate allocations ***of*** resources. The Department has achieved significant success because ***of*** this effort. It allows the Department to use its resources more effectively and efficiently.

The Department's regulatory policies and procedures provide a comprehensive internal management and review process for new and ***existing*** regulations and ensure that the Secretary and other appropriate appointed officials review and concur in all significant DOT rules. DOT continually seeks to improve its regulatory process. A few examples include: The Department's development ***of*** regulatory process and related training courses for its employees; creation ***of*** an electronic rulemaking tracking and coordination system; the use ***of*** direct final rulemaking; the use ***of*** regulatory negotiation; a

continually expanding and improved Internet page that provides important regulatory information, including ``effects'' reports and status reports (http://www.dot.gov/regulations); and the continued exploration and use ***of*** Internet blogs and other Web 2.0 technology to increase and enhance public participation in its rulemaking process. In addition, the Department continues to engage in a wide variety ***of*** activities to help cement the partnerships between its agencies and its customers that will produce good results for transportation programs and safety. The Department's agencies also have established a number ***of*** continuing partnership mechanisms in the form ***of*** rulemaking advisory committees.

The Department's Retrospective Review ***of Existing*** Regulations

In accordance with Executive Order (E.O.) 13563 (Improving Regulation and Regulatory Review), the Department actively engaged in a special retrospective review ***of*** our ***existing*** rules to determine whether they need to be revised or revoked. This review was in addition to those reviews in accordance with section 610 ***of*** the Regulatory Flexibility Act, E.O. 12866, and the Department's Regulatory Policies and Procedures. As part ***of*** this effort, we also reviewed our processes for determining what rules to review and ensuring that the rules are effectively reviewed. As a result ***of*** the review, we identified many rules for expedited review and changes to our retrospective review process. Pursuant to section 6 ***of*** E.O. 13563, the following Regulatory Identifier Numbers (RINs) have been identified as associated with retrospective review and analysis in the Department's final retrospective review ***of*** regulations plan. Some ***of*** these entries on this list may be completed actions, which do not appear in The Regulatory Plan. If a retrospective review action has been completed it will no longer appear on the list below. However, more information can be found about these completed rulemakings on the Unified Agenda publications at Reginfo.gov in the Completed Actions section for that agency. These rulemakings can also be found on Regulations.gov. The final agency retrospective review plan can be found at http://www.dot.gov/regulations.

Retrospective Review ***of Existing*** Regulations

RIN	Rulemaking title	Significantly reduces costs on small

businesses

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1. 2105-AE29..... Transportation Services for Individuals with Disabilities: Over-the-Road Buses (RRR).

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2. 2120-AJ90..... Effective Tether System (Tether Rule) (RRR).
3. 2120-AJ94..... Enhanced Flight Vision System (EFVS) (RRR).
4. 2120-AK24..... Fuel Tank and System Lightning Protection (RRR).
5. 2120-AK28..... Aviation Training Devices; Pilot Certification, Training, and Pilot Schools; Other Provisions (RRR).
6. 2120-AK32..... Acceptance Criteria for Portable Oxygen Concentrators Used Onboard Aircraft (RRR).
7. 2120-AK34..... Flammability Requirements for Transport Category Airplanes (RRR).
8. 2120-AK40..... Elimination ***of*** the Air Traffic Control Tower Operator Certificate for Controllers ***Who*** Hold a Federal

Aviation Administration Credential With a Tower Rating (RRR).
9. 2120-AK44..... Reciprocal Waivers ***of*** Claims for Non-Party Customer Beneficiaries, Signature ***of*** Waivers ***of*** Claims by Commercial Space Transportation Customers. And Waiver ***of*** Claims and Assumption ***of*** Responsibility for Permitted Activities with No Customer (RRR).
10. 2125-AF62..... Acquisition ***of*** Right-***of***-Way (RRR) (MAP-21).
11. 2125-AF65..... Buy America (RRR).
12. 2126-AB46..... Inspection, Repair, and Maintenance; Driver-Vehicle Inspection Report (RRR).
13. 2126-AB47..... Electronic Signatures and Documents (E-Signatures) (RRR).
14. 2126-AB49..... Elimination ***of*** Redundant Maintenance Rule (RRR).
15. 2127-AK98..... Pedestrian Safety Global

Technical Regulation (RRR).
16. 2127-AL03..... Part 571 FMVSS No. 205, Glazing Materials, GTR (RRR).
17. 2127-AL05..... Amend FMVSS No. 210 to Incorporate the Use ***of*** a New Force Application Device (RRR). Y
18. 2127-AL17..... 49 CFR Part 595, Subpart C, Make Inoperative Exemptions, Vehicle Modifications to Accommodate People With Disabilities, from FMVSS No. 226 (RRR).
19. 2127-AL20..... Upgrade ***of*** LATCH Usability Requirements (MAP-21) (RRR).
20. 2127-AL24..... Rapid Tire Deflation Test in FMVSS No. 110 (RRR).
21. 2127-AL41..... FMVSS No. 571.108 License Plate Mounting Angle (RRR).
22. 2127-AL58..... Upgrade ***of*** Rear Impact Guard Requirements for Trailers and Semitrailers (RRR).
23. 2130-AC32..... Positive Train Control Systems: De Minimis Exception, Yard Y

Movements, En Route Failures; Miscellaneous Grade Crossing/ Signal and Train Control Amendments (RRR).
24. 2130-AC40..... Qualification and Certification

of Locomotive Engineers; Miscellaneous Revisions (RRR).

25. 2130-AC41..... Hours ***of*** Service Recordkeeping; Electronic Recordkeeping Amendments (RRR).
26. 2130-AC43..... Safety Glazing Standards; Miscellaneous Revisions (RRR).
27. 2130-AC44..... Revisions to Signal System Reporting Requirements (RRR).
28. 2137-AE38..... Hazardous Materials: Compatibility with the

Regulations ***of*** the International Atomic Energy Agency (IAEA) (RRR).
29. 2137-AE62..... Hazardous Materials: Approval and Communication Requirements for the Safe Transportation

of Air Bag Inflators, Air Bag Modules,

and Seat-Belt Pretensioners (RRR).
30. 2137-AE72..... Pipeline Safety: Gas Transmission (RRR). Y
31. 2137-AE80..... Hazardous Materials: Miscellaneous Pressure Vessel Requirements (DOT Spec Cylinders) (RRR). Y
32. 2137-AE81..... Hazardous Materials: Reverse Logistics (RRR). Y
33. 2137-AE85..... Pipeline Safety: Periodic

Updates ***of*** Regulatory References to Technical Standards and Miscellaneous Amendments (RRR). Y
34. 2137-AE86..... Hazardous Materials: Requirements for the Safe Transportation

of Bulk Explosives (RRR). Y
35. 2137-AE94..... Pipeline Safety: Operator Qualification, Cost Recovery, Accident and Incident Notification, and Other Changes (RRR). Y
36. 2137-AF04..... Hazardous Materials: Miscellaneous Amendments (RRR). Y

37. 2137-AF05..... Hazardous Materials: Harmonization with International Standards (RRR).

International Regulatory Cooperation

E.O. 13609 (Promoting International Regulatory Cooperation) stresses that ``[i]n an increasingly global economy, international regulatory cooperation, consistent with domestic law and prerogatives and U.S. trade policy, can be an important means ***of*** promoting the goals ***of***'' E.O. 13563 to ``protect public health, welfare, safety, and our environment while promoting economic growth, innovation, competitiveness, and job creation.'' DOT has long recognized the value ***of*** international regulatory cooperation and has engaged in a variety ***of*** activities with both foreign ***governments*** and international bodies. These activities have ranged from cooperation in the development ***of*** particular standards to discussions ***of*** necessary steps for rulemakings in general, such as risk assessments and cost-***benefit*** analyses ***of*** possible standards. Since the issuance ***of*** E.O. 13609, we have increased our efforts in this area. For example, many ***of*** DOT's Operating Administrations are active in groundbreaking ***government***-wide Regulatory Cooperation Councils (RCC) with Canada, Mexico, and the European Union. These RCC working groups are setting a precedent in developing and testing approaches to international coordination ***of*** rulemaking to reduce barriers to international trade. We also have been exploring innovative approaches to ease the development process.

Examples ***of*** the many cooperative efforts we are engaged in include the following: The FAA maintains ongoing efforts with foreign civil aviation authorities, including in particular the European Aviation Safety Agency and Transport Canada, to harmonize standards and practices where doing so will improve the safety ***of*** aviation and aviation-related activities. The FAA also plays an active role in the standard-setting work ***of*** the International Civil Aviation Organization (ICAO), particularly on the Air Navigation Commission and the Legal Committee. In doing so, the FAA works with other

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Nations to shape the standards and recommended practices adopted by ICAO. The FAA's rulemaking actions related to safety management systems are examples ***of*** the FAA's harmonization efforts.

NHTSA is actively engaged in international regulatory cooperative efforts on both a multilateral and a bilateral basis, exchanging information on best practices and otherwise seeking to leverage its resources for addressing vehicle issues in the U.S. As noted in Executive Order 13609: ``(i)n meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence ***of*** such cooperation'' and ``can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.''

As the representative, for vehicle safety matters, ***of*** the United States, one ***of*** 33 contracting parties to the 1998 Agreement on the Harmonization ***of*** Vehicle Regulations, NHTSA is an active participant in the World Forum for Vehicle Regulations (WP.29) at the UN. Under that umbrella, NHTSA is currently working on the development ***of*** harmonized regulations for the safety ***of*** electric vehicles; hydrogen and fuel cell vehicles; advanced head restraints; pole side impact test procedures; pedestrian protection; the safety risks associated with quieter vehicles, such as electric and hybrid electric vehicles; and advancements in tires.

In recognition ***of*** the large cross-border market in motor vehicles and motor vehicle equipment, NHTSA is working bilaterally with Transport Canada under the Motor Vehicles Working Group ***of*** the U.S.-Canada Regulatory Cooperation Council (RCC) to facilitate implementation ***of*** the initial RCC Joint Action Plan. Under this Plan, NHTSA and Transport Canada are working on the development ***of*** international standards on quieter vehicles, electric vehicle safety, and hydrogen and fuel cell vehicles.

Building on the initial Joint Action Plan, the U.S. and Canada issued a Joint Forward Plan on August 29, 2014. The Forward Plan provides that, over the next six months, regulators will develop Regulatory Partnership Statements (RPSs) outlining the framework for how cooperative activities will be managed between agencies. In that same period, regulators will also develop and complete detailed work

plans to begin to address the commitments in the Forward Plan. To facilitate future cooperation, the RCC will work over the next year on cross-cutting issues in areas such as: ``sharing information with foreign ***governments***, joint funding ***of*** new initiatives and our respective rulemaking processes."

To broaden and deepen its cooperative efforts with the European Union, NHTSA is participating in ongoing negotiations regarding the Transatlantic Trade and Investment Partnership which is ``aimed at providing greater compatibility and transparency in trade and investment regulation, while maintaining high levels ***of*** health, safety, and environmental protection." NHTSA is seeking to build on ***existing*** levels ***of*** safety and lay the groundwork for future cooperation in addressing emerging safety issues and technologies.

PHMSA's hazardous material group works with ICAO, the UN Subcommittee ***of*** Experts on Dangerous Goods, and the International Maritime Organization. Through participation in these international bodies, PHMSA is able to advocate on behalf ***of*** U.S. safety and commercial interests to guide the development ***of*** international standards with which U.S. businesses have to comply when shipping in international commerce. PHMSA additionally participates in the RCC with Canada and has a Memorandum ***of*** Cooperation in place to ensure that cross-border shipments are not hampered by conflicting regulations. The pipeline group at PHMSA incorporates many standards by reference into the Pipeline Safety Regulations, and the development ***of*** these standards ***benefit*** from the participation ***of*** experts from around the world.

In the areas ***of*** airline consumer protection and civil rights regulation, OST is particularly conscientious in seeking international regulatory cooperation. For example, the Department participates in the standard-setting activities ***of*** ICAO and meets and works with other ***governments*** and international airline associations on the implementation ***of*** U.S. and foreign aviation rules.

For a number ***of*** years the Department has also provided information on which ***of*** its rulemaking actions have international effects. This information, updated monthly, is available at the Department's regulatory information Web site, *http://www.dot.gov/regulations*, under

the heading ``Reports on Rulemakings and Enforcement.'' (The reports can be found under headings for ``EU,'' ``NAFTA'' (Canada and Mexico) and ``Foreign.'') A list ***of*** our significant rulemakings that are expected to have international effects follows; the identifying RIN provided below can be used to find summary and other information about the rulemakings in the Department's Regulatory Agenda published along with this Plan:

DOT Significant Rulemakings With International Impacts

RIN	Rulemaking title
2105-AD90	Stowage and Assistive Devices.
2105-AD91	Accessibility ***of*** Airports.
2105-AE06	E-Cigarette.
2120-AJ60	Small Unmanned Aircraft.
2120-AJ69	Prohibition Against Certain Flights Within the Territory and Airspace ***of*** Afghanistan.
2120-AJ89	Slot Management and Transparency.
2120-AK09	Drug & Alcohol Testing for Repair Stations.
2126-AA34	Mexico-Domiciled Motor Carriers.
2126-AA35	Safety Monitoring System and Compliance Initiative for Mexico-Domiciled Motor Carriers Operating in the United States.
2124-AA70	Limitations on the Issuance ***of***

Commercial Driver Licenses with a Hazardous Materials Endorsement.
2126-AB56..... MAP-21 Enhancements and Other Updates to the Unified Registration System.
2127-AK76..... Tire Fuel Efficiency Part 2.
2127-AK93..... Quieter Vehicles Sound Alert.
2127-AK95..... Side Impact Test Procedure for CRS.
2133-AB74..... Cargo Preference.

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2137-AE91..... Enhanced Rail Tank Car Standards.

As we identify rulemakings arising out ***of*** our ongoing regulatory cooperation activities that we reasonably anticipate will lead to significant regulations, we will add them to our Web site report and subsequent Agendas and Plans.

The Department's Regulatory Process

The Department will also continue its efforts to use advances in technology to improve its rulemaking management process. For example, the Department created an effective tracking system for significant rulemakings to ensure that either rules are completed in a timely manner or delays are identified and fixed. Through this tracking system, a monthly status report is generated. To make its efforts more transparent, the Department has made this report Internet accessible at

http://www.dot.gov/regulations, as well as through a list-serve. By doing this, the Department is providing valuable information concerning our rulemaking activity and is providing information necessary for the public to evaluate the Department's progress in meeting its commitment to completing quality rulemakings in a timely manner.

The Department continues to place great emphasis on the need to complete high-quality rulemakings by involving senior departmental officials in regular meetings to resolve issues expeditiously.

Office ***of*** the Secretary ***of*** Transportation (OST)

The Office ***of*** the Secretary (OST) oversees the regulatory process for the Department. OST implements the Department's regulatory policies and procedures and is responsible for ensuring the involvement ***of*** top management in regulatory decisionmaking. Through the General Counsel's office, OST is also responsible for ensuring that the Department complies with the Administrative Procedure Act, Executive Order 12866 (Regulatory Planning and Review), Executive Order 13563, DOT's Regulatory Policies and Procedures, and other legal and policy requirements affecting rulemaking. Although OST's principal role concerns the review ***of*** the Department's significant rulemakings, this office has the lead role in the substance ***of*** such projects as those concerning aviation economic rules, the Americans with Disabilities Act, and rules that affect multiple elements ***of*** the Department.

OST provides guidance and training regarding compliance with regulatory requirements and process for personnel throughout the Department. OST also plays an instrumental role in the Department's efforts to improve our economic analyses; risk assessments; regulatory flexibility analyses; other related analyses; retrospective reviews ***of*** rules; and data quality, including peer reviews.

OST also leads and coordinates the Department's response to the Office ***of*** Management and Budget's (OMB) intergovernmental review ***of*** other agencies' significant rulemaking documents and to Administration and congressional proposals that concern the regulatory process. The General Counsel's office works closely with representatives ***of*** other agencies, OMB, the White House, and congressional staff to provide information on how various proposals would affect the ability ***of*** the Department to perform its safety, infrastructure, and other missions.

During Fiscal Year 2015, OST will continue to focus its efforts on enhancing airline passenger protections by requiring carriers to adopt various consumer service practices under the following rulemaking initiatives:

Accessible In-Flight Entertainment

Airline Pricing Transparency and Other Consumer Protection Issues

Carrier-Supplied Medical Oxygen, Accessible In-Flight Entertainment Systems, Service Animals, and Accessible Lavatories on Single-Aisle Aircraft.

OST will also continue its efforts to help coordinate the activities ***of*** several operating administrations that advance various

departmental efforts that support the Administration's initiatives on promoting safety, stimulating the economy and creating jobs, sustaining and building America's transportation infrastructure, and improving quality ***of*** life for the people and communities ***who*** use transportation systems subject to the Department's policies. It will also continue to oversee the Department's rulemaking actions to implement the ``Moving Ahead for Progress in the 21st Century Act'' (MAP-21).

Federal Aviation Administration (FAA)

The Federal Aviation Administration is charged with safely and efficiently operating and maintaining the most complex aviation system in the world. Destination 2025, an FAA initiative that captures the agency's vision ***of*** transforming the Nation's aviation system by 2025, has proven to be an effective tool for pushing the agency to think about longer-term aspirations; FAA has established a vision that defines the agency's priorities for the next five years. The changing technological and industry environment compels us to transform the agency. And the challenging fiscal environment we face only increases the need to prioritize our goals.

We have identified four major strategic initiatives where we will focus our efforts: (1) Risk-based Decision Making--Build on safety management principles to proactively address emerging safety risk by using consistent, data-informed approaches to make smarter, system-level, risk-based decisions; (2) NAS Initiative--Lay the foundation for the National Airspace System ***of*** the future by achieving prioritized NextGen ***benefits***, enabling the safe and efficient integration ***of*** new user entrants including Unmanned Aircraft Systems (UAS) and Commercial Space flights, and deliver more efficient, streamlined air traffic management services; (3) Global Leadership--Improve safety, air traffic efficiency, and environmental sustainability across the globe through an integrated, data-driven approach that shapes global standards, enhances collaboration and harmonization, and better targets FAA resources and efforts; and (4) Workforce ***of*** the Future--Prepare FAA's human capital for the future, by identifying, recruiting, and training a workforce with the leadership, technical, and functional skills to ensure the U.S. has the world's safest and most productive aviation sector.

FAA activities that may lead to rulemaking in Fiscal Year 2015 include continuing to:

Promote and expand safety information-sharing efforts, such as FAA-industry partnerships and data-driven safety programs that

prioritize and address risks before they lead to accidents. Specifically, FAA will continue implementing Commercial

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Aviation Safety Team projects related to controlled flight into

terrain, loss ***of*** control ***of*** an aircraft, uncontained engine failures, runway incursions, weather, pilot decision making, and cabin safety.

Some ***of*** these projects may result in rulemaking and guidance materials.

Respond to the FAA Modernization and Reform Act ***of*** 2012 (the Act) which directed the FAA to initiate a rulemaking proceeding to issue guidelines and regulations relating to ADS-B In technology and recommendations from an Aviation Rulemaking Committee on ADS-B-In

capabilities in consideration ***of*** the FAA's evolving thinking on how to

provide an integrated suite ***of*** communication, navigation, and surveillance (CNS) capabilities to achieve full NextGen performance.

Respond to the Act which also recommended we complete the rulemaking for small Unmanned Aircraft Systems, and consider how to fully integrate UAS operations in the NAS, which will require future rulemaking.

Respond to the Airline Safety and Federal Aviation

Administration Extension Act ***of*** 2010 (H.R. 5900) which requires the FAA to develop and implement Safety Management Systems (SMS) where these

systems will improve safety ***of*** aviation and aviation-related activities. An SMS proactively identifies potential hazards in the

operating environment, analyzes the risks ***of*** those hazards, and encourages mitigation prior to an accident or incident. In its most

general form, an SMS is a set ***of*** decision-making tools that can be used to plan, organize, direct, and control activities in a manner that enhances safety.

Respond to the Small Airplane Revitalization Act ***of*** 2013 (H.R. 1848) which requires the FAA adopt the recommendations from Part 23 Reorganization Aviation Rulemaking Aviation Rulemaking Committee (ARC) for improving safety and reducing certification costs for general

aviation. The ARC recommendations include a broad range ***of*** policy and regulatory changes that it believes could significantly improve the

safety ***of*** general aviation aircraft while simultaneously reducing certification and modification costs for these aircraft. Among the ARC's recommendations is a suggestion that compliance with part 23

requirements be performance-based, focusing on the complexity and performance ***of*** an aircraft instead ***of*** the current regulations based on weight and type ***of*** propulsion. In announcing the ARC's recommendations, the Transportation Secretary said ``Streamlining the design and certification process could provide a cost-efficient way to build simple airplanes that still incorporate the latest in safety initiatives. These changes have the potential to save money and maintain our safety standing--a win-win situation for manufacturers, pilots and the general aviation community as a whole.''

Work cooperatively to harmonize the U.S. aviation regulations with those ***of*** other countries, without compromising rigorous safety standards, or our requirements to develop cost ***benefit*** analysis. The differences worldwide in certification standards, practice and procedures, and operating rules must be identified and minimized to reduce the regulatory burden on the international aviation system. The differences between the FAA regulations and the requirements ***of*** other nations impose a heavy burden on U.S. aircraft manufacturers and operators, some ***of*** which are small businesses. Standardization should help the U.S. aerospace industry remain internationally competitive. The FAA continues to publish regulations based on internal analysis, public comment, and recommendations ***of*** Aviation Rulemaking Committees that are the result ***of*** cooperative rulemaking between the U.S. and other countries.

In response to Executive Order 13610 ``Identifying and Reducing Regulatory Burdens,'' we continue to find ways to make our regulatory program more effective or less burdensome; provide quantifiable monetary savings or quantifiable reductions in paperwork burdens, and modify and streamline regulations in light ***of*** changed circumstances. One example is our response to a petition for exemption from the Aircraft Owners and Pilots Association and Experimental Aircraft Association (AOPA-EAA) in which we will address through rulemaking to consider medical self-certification for certain noncommercial operations in lieu ***of*** airman medical certification.

FAA top regulatory priorities for Fiscal Year 2015 include:

Operation and Certification ***of*** Small Unmanned Aircraft Systems (2120-AJ60) (Pub. L. 112-95 (Feb. 14, 2012))

Pilot Records Database (2120-AK31) (Pub. L. 111-216 (Aug. 1, 2010))

Drug and Alcohol Testing ***of*** Certain Maintenance Provider

Employees Located Outside ***of*** the United States (2120-AK09) (Pub. L. 112-95 (Feb. 14, 2012))

Congestion Management for LaGuardia Airport, John F. Kennedy International Airport, and Newark Liberty International Airport (2120-AJ89)

Safety Management System for Certificate Holders Operating Under 14 CFR part 121 (2120-AJ86) (Pub. L. 111-216, sec 215 (Aug. 1, 2010))

The Operation and Certification ***of*** Small Unmanned Aircraft Systems rulemaking would:

Adopt specific rules for the operation ***of*** small unmanned aircraft systems in the national airspace system; and

Address the classification ***of*** small unmanned aircraft,

certification ***of*** their pilots and visual observers, registration,

approval ***of*** operations, and operational limits.

The Pilot Records Database rulemaking would:

Implement a pilot records database into which the FAA, air carriers, and other persons that employ pilots would enter records; and

Require air carriers operating under 14 CFR parts 121 and 135 access the pilot records database electronically and evaluate the available data for each individual pilot candidate before allowing that individual to serve as a required pilot flightcrew member.

The Drug and Alcohol Testing ***of*** Certain Maintenance Provider

Employees Located Outside ***of*** the United States rulemaking would:

Require certain air carriers to ensure that all employees

of certificated repair stations, and certain other maintenance

organizations that are located outside the United States, ***who*** perform safety-sensitive maintenance functions on aircraft operated by those air carriers, are subject to a drug and alcohol testing program; and

Require the drug and alcohol testing program be determined acceptable by the FAA Administrator, and be consistent with the

applicable laws ***of*** the country in which the repair station is located.

The Congestion Management rulemaking for LaGuardia Airport, John F. Kennedy International Airport, and Newark Liberty International Airport would:

Replace the orders limiting scheduled operations at John F. Kennedy International Airport (JFK), limiting scheduled operations

at Newark Liberty International Airport (EWR), and limiting scheduled and unscheduled operations at LaGuardia Airport (LGA); and
Provide a longer-term and comprehensive approach to slot management at JFK, EWR, and LGA.

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The Safety Management System for Certificate Holders Operating under 14 CFR part 121 rulemaking would:
Require certain certificate holders to develop and implement an SMS;
Establish a general framework from which a certificate holder can build its SMS; and Conform to International Civil Aviation Organization Annexes and adopt several National Transportation Safety Board recommendations.

Federal Highway Administration (FHWA)

The Federal Highway Administration (FHWA) carries out the Federal highway program in partnership with State and local agencies to meet the Nation's transportation needs. The FHWA's mission is to improve continually the quality and performance ***of*** our Nation's highway system and its intermodal connectors.
Consistent with this mission, the FHWA will continue:

With ongoing regulatory initiatives in support ***of*** its surface transportation programs;
To implement legislation in the most cost-effective way possible; and
To pursue regulatory reform in areas where project development can be streamlined or accelerated, duplicative requirements can be consolidated, recordkeeping requirements can be reduced or simplified, and the decisionmaking authority ***of*** our State and local partners can be increased.
MAP-21 authorizes the Federal surface transportation programs for highways, highway safety, and transit for the two-year period from 2012-2014. The FHWA has analyzed MAP-21 to identify congressionally directed rulemakings. These rulemakings will be the FHWA's top regulatory priorities for the coming year. Additionally, the FHWA is in the process ***of*** reviewing all FHWA regulations to ensure that they are consistent with MAP-21 and will update those regulations that are not consistent with the recently enacted legislation.
During Fiscal Year 2015, FHWA will continue its focus on improving the quality and performance ***of*** our Nation's highway systems

by creating national performance management measures and standards to be used by the States to meet the national transportation goals

identified in section 1203 ***of*** MAP-21 under the following rulemaking initiatives:

National Goals and Performance Management Measures (Safety) (RIN: 2125-AF49)

National Goals and Performance Management Measures (Bridges and Pavement) (RIN: 2125-AF53)

National Goals and Performance Management Measures

(Congestion Reduction, CMAQ, Freight, and Performance ***of*** Interstate/ Non-Interstate NHS) (RIN: 2125-AF54).

Federal Motor Carrier Safety Administration (FMCSA)

The mission ***of*** the Federal Motor Carrier Safety Administration (FMCSA) is to reduce crashes, injuries, and fatalities involving commercial trucks and buses. A strong regulatory program is a

cornerstone ***of*** FMCSA's compliance and enforcement efforts to advance this safety mission. FMCSA develops new and more effective safety regulations based on three core priorities: Raising the safety bar for entry, maintaining high standards, and removing high-risk behavior. In addition to Agency-directed regulations, FMCSA develops regulations mandated by Congress, through legislation such as MAP-21 and the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). FMCSA regulations establish standards for motor carriers, commercial drivers, commercial motor vehicles, and State agencies receiving certain motor carrier safety grants and issuing commercial drivers' licenses.

FMCSA's regulatory plan for FY 2015 includes completion ***of*** a number

of rulemakings that are high priorities for the Agency because they would have a positive impact on safety. Among the rulemakings included in the plan are: (1) Electronic Logging Devices (RIN 2126-AB20), (2) Carrier Safety Fitness Determination (RIN 2126-AB11), and (3) Commercial Driver's License Drug and Alcohol Clearinghouse (RIN 2126-AB18).

Together, these priority rules could help to substantially improve commercial motor vehicle (CMV) safety on our Nation's highways by

improving FMCSA's ability to provide safety oversight ***of*** motor carriers and commercial drivers.

In FY 2015, FMCSA plans to issue a final rule on Electronic Logging Devices (RIN 2126-AB20) to establish: (1) Minimum performance and

design standards for hours-***of***-service (HOS) electronic logging devices (ELDs); (2) requirements for the mandatory use ***of*** these devices by drivers currently required to prepare HOS records ***of*** duty status (RODS); (3) requirements concerning HOS supporting documents; and (4) measures to address concerns about harassment resulting from the mandatory use ***of*** ELDs.

In FY 2015, FMCSA will continue its work on the Compliance, Safety, Accountability (CSA) program. The CSA program improves the way FMCSA identifies and conducts carrier compliance and enforcement operations. CSA's goal is to improve large truck and bus safety by assessing a wider range ***of*** safety performance data from a larger segment ***of*** the motor carrier industry through an array ***of*** progressive compliance interventions. FMCSA anticipates that the impacts ***of*** CSA interventions and an associated rulemaking to put into place a new safety fitness determination standard will enable the Agency to prohibit ``unfit'' carriers from operating on the Nation's highways (the Carrier Safety Fitness Determination(RIN 2126-AB11)) and will contribute further to the Agency's overall goal ***of*** decreasing CMV-related fatalities and injuries.

Also in FY 2015, FMCSA plans to issue a final rule on the Commercial Driver's License Drug and Alcohol Clearinghouse (RIN 2126-AB18). The rule would establish a clearinghouse requiring employers and service agents to report information about current and prospective employees' drug and alcohol test results. It would also require employers and certain service agents to search the Clearinghouse for current and prospective employees' positive drug and alcohol test results as a condition ***of*** permitting those employees to perform safety-sensitive functions. This would provide FMCSA and employers the necessary tools to identify drivers ***who*** are prohibited from operating a CMV based on DOT drug and alcohol program violations and ensure that such drivers receive the required evaluation and treatment before resuming safety-sensitive functions.

National Highway Traffic Safety Administration

The statutory responsibilities ***of*** the National Highway Traffic Safety Administration (NHTSA) relating to motor vehicles include reducing the number ***of***, and mitigating the effects ***of***, motor vehicle crashes and related fatalities and injuries; providing safety

performance information to aid prospective purchasers ***of*** vehicles, child restraints, and tires; and improving automotive fuel efficiency.

NHTSA pursues policies that encourage the development ***of*** nonregulatory approaches when feasible in meeting its statutory mandates. It issues new standards and regulations or amendments to ***existing*** standards and regulations when appropriate. It ensures that regulatory alternatives reflect a careful assessment ***of*** the problem and a comprehensive analysis ***of*** the ***benefits***, costs, and other impacts associated with

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the proposed regulatory action. Finally, it considers alternatives consistent with the Administration's regulatory principles.

NHTSA continues to focus on the high-priority safety issue ***of*** heavy vehicles and their occupants in Fiscal Year 2015, including combination truck tractors, large buses, and motorcoaches. The agency will continue work towards considering promulgation ***of*** a new Federal motor vehicle safety standard (FMVSS) for rollover structural integrity requirements for newly manufactured motorcoaches in accordance with NHTSA's 2007 Motorcoach Safety Plan, DOT's 2009 departmental Motorcoach Safety Action Plan as revised in 2012, and requirements ***of*** MAP-21. NHTSA will also issue a final rule to promulgate a new FMVSS for electronic stability control systems for motor coaches and truck tractors. This final rule is mandated by the MAP-21 Act. Together, these rulemaking actions will address multiple open recommendations issued by the National Transportation Safety Board related to motorcoach safety. NHTSA, in conjunction with the Environmental Protection Agency, will publish a notice ***of*** proposed rulemaking (NPRM) in Fiscal Year 2015 to address phase two ***of*** fuel efficiency standards for medium- and heavy-duty on-highway vehicles and work trucks for model years beyond 2018. This NPRM will be responsive to requirements ***of*** the Energy Independence and Security Act ***of*** 2007 as well as the President's Climate Action Plan.

In Fiscal Year 2015, NHTSA plans to issue a final rule that would establish a new FMVSS to provide a means ***of*** alerting blind and other pedestrians ***of*** motor vehicle operation. This rulemaking is mandated by the Pedestrian Safety Enhancement Act ***of*** 2010 to further enhance the safety ***of*** passenger vehicles and pedestrians. NHTSA will also continue

work toward a NPRM on vehicle-to-vehicle (V2V) communications. V2V communications is currently perceived to become a foundational aspect ***of*** vehicle automation.

In addition to numerous programs that focus on the safe performance ***of*** motor vehicles, the Agency is engaged in a variety ***of*** programs to improve driver and occupant behavior. These programs emphasize the human aspects ***of*** motor vehicle safety and recognize the important role ***of*** the States in this common pursuit. NHTSA has identified two high-priority areas: Safety belt use and impaired driving. To address these issue areas, the Agency is focusing especially on three strategies--conducting highly visible, well-publicized enforcement; supporting prosecutors ***who*** handle impaired driving cases and expanding the use ***of*** DWI/Drug Courts, which hold offenders accountable for receiving and completing treatment for alcohol abuse and dependency; and adopting alcohol screening and brief intervention by medical and health care professionals. Other behavioral efforts encourage child safety-seat use; combat excessive speed and aggressive driving; improve motorcycle, bicycle, and pedestrian safety; and provide consumer information to the public.

Federal Railroad Administration (FRA)

FRA's current regulatory program reflects a number ***of*** pending proceedings to satisfy mandates resulting from the Rail Safety Improvement Act ***of*** 2008 (RSIA08), and the Passenger Rail Investment and Improvement Act ***of*** 2008 (PRIIA), as well as actions under its general safety rulemaking authority and actions supporting a high-performing passenger rail network. RSIA08 alone has required 21 rulemaking actions, 16 ***of*** which have been completed. FRA continues to prioritize its rulemakings according to the greatest effect on safety while promoting economic growth, innovation, competitiveness, and job creation, as well as expressed congressional interest, while working to complete as many mandated rulemakings as quickly as possible.

Through the Railroad Safety Advisory Committee (RSAC), FRA is working to complete RSIA08 actions, including developing requirements related to the creation and implementation ***of*** railroad risk reduction and system safety programs, and an RSAC working group has developed recommendations for the fatigue management provisions related to both proceedings. FRA is also in the process ***of*** producing two regulatory

actions related to the transportation ***of*** crude oil and ethanol by rail, focusing on the securement ***of*** equipment and appropriate crew size requirements when transporting such commodities. FRA's crew size activity will also address other freight and passenger operations to ensure FRA will have appropriate oversight if a railroad chooses to alter its standard method ***of*** operation. In addition, FRA continues to prepare a final rule amending its regulations related to roadway workers and is developing other RSAC-supported actions that advance high-performing passenger rail such as proposed rules on standards for alternative compliance with FRA's Passenger Equipment Safety Standards.

Federal Transit Administration (FTA)

FTA helps communities support public transportation by making grants ***of*** Federal funding for transit vehicles, construction ***of*** transit facilities, and planning and operation ***of*** transit and other transit-related purposes. FTA regulatory activity implements the laws that apply to recipients' uses ***of*** Federal funding and the terms and conditions ***of*** FTA grant awards. FTA policy regarding regulations is to:

Ensure the safety ***of*** public transportation systems.

Provide maximum ***benefit*** to the mobility ***of*** the Nation's citizens and the connectivity ***of*** transportation infrastructure;

Provide maximum local discretion;

Ensure the most productive use ***of*** limited Federal resources;

Protect taxpayer investments in public transportation;

Incorporate principles ***of*** sound management into the grant management process.

As the needs for public transportation have changed over the years, the Federal transit programs have grown in number and complexity often requiring implementation through the rulemaking process. In fact, FTA is currently implementing many ***of*** its public transportation programs authorized under MAP-21 through the regulatory process. To that end, FTA's regulatory priorities include implementing certain requirements ***of*** the newly authorized Public Transportation Safety Program (49 U.S.C. 5329), such as the National Public Transportation Safety Plan, implementing requirements for Transit Asset Management Systems (49 U.S.C. 5326), amending the State Safety Oversight rule (49 CFR part

659). In addition FTA is finalizing its Emergency Relief rule, which implements FTA's new authority to assist transit agencies responding to major disasters.

Maritime Administration (MARAD)

The Maritime Administration (MARAD) administers Federal laws and programs to improve and strengthen the maritime transportation system to meet the economic, environmental, and security needs ***of*** the Nation. To that end, MARAD's efforts are focused upon ensuring a strong ***American*** presence in the domestic and international trades and to expanding maritime opportunities for ***American*** businesses and workers. MARAD's regulatory objectives and priorities reflect the agency's responsibility for ensuring the availability ***of*** water transportation services for ***American*** shippers and

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consumers and, in times ***of*** war or national emergency, for the U.S. armed forces. Major program areas include the following: Maritime Security, Voluntary Intermodal Sealift Agreement, National Defense Reserve Fleet and the Ready Reserve Force, Cargo Preference, Maritime Guaranteed Loan Financing, United States Merchant Marine Academy, Mariner Education and Training Support, Deepwater Port Licensing, and Port and Intermodal Development. Additionally, MARAD administers the Small Shipyard Grants Program through which equipment and technical skills training are provided to America's maritime workforce, with the aim ***of*** helping businesses to compete in the global marketplace while creating well-paying jobs at home.

MARAD's primary regulatory activities in Fiscal Year 2015 will be to continue the update ***of existing*** regulations as part ***of*** the Department's Retrospective Regulatory Review effort, and to propose new regulations where appropriate.

Pipeline and Hazardous Materials Safety Administration (PHMSA)

The Pipeline and Hazardous Materials Safety Administration (PHMSA) has responsibility for rulemaking under two programs. Through the Associate Administrator for Hazardous Materials Safety, PHMSA administers regulatory programs under Federal hazardous materials transportation law and the Federal Water Pollution Control Act, as amended by the Oil Pollution Act ***of*** 1990. Through the Associate Administrator for Pipeline Safety, PHMSA administers regulatory

programs under the Federal pipeline safety laws and the Federal Water Pollution Control Act, as amended by the Oil Pollution Act ***of*** 1990.

The Pipeline Safety, Regulatory Certainty, and Job Creation Act ***of*** 2011 included a number ***of*** rulemaking studies and mandates and additional enforcement authorities that continue to impact PHMSA's regulatory activities in Fiscal Year 2015.\1\

\1\ *http://www.phmsa.dot.gov/pv_obj_cache/pv_obj_id_7FD46010F0497123865B976479CFF3952E990200/filename/Pipeline%20Reauthorization%20Bill%202011.pdf*.

MAP-21 reauthorized the hazardous materials safety program and required several regulatory actions by PHMSA. MAP-21 placed a great deal ***of*** emphasis on the procedures for issuing special permits and the incorporation ***of*** special permits into regulations. Persons ***who*** offer for transportation or transport hazardous materials in commerce must follow the hazardous materials regulations. A special permit sets forth alternative requirements, or variances, to the requirements in the HMR. Federal hazardous materials transportation law authorizes PHMSA to issue such variances in a way that achieves a safety level that is at least equal to the safety level required under Federal hazmat law or is consistent with the public interest if a required safety level does not ***exist***. A rulemaking was required within two years by MAP-21 to set out procedures and criteria for evaluating applications for special permits and approvals. In addition, MAP-21 required PHMSA to conduct a review ***of*** nearly 1,200 ***existing*** special permits and issue another rulemaking within three years to incorporate special permits that have been in continuous effect for a ten-year period into the HMR.

PHMSA will continue to work toward improving safety related to transportation ***of*** hazardous materials by all transportation modes, including pipeline, while promoting economic growth, innovation, competitiveness, and job creation. We will concentrate on the prevention ***of*** high-risk incidents identified through the findings ***of*** the National Transportation Safety Board (NTSB) and PHMSA's evaluation ***of*** transportation incident data. PHMSA will use all available Agency tools to assess data; evaluate alternative safety strategies, including regulatory strategies as necessary and appropriate; target enforcement efforts; and enhance outreach, public education, and training to

promote safety outcomes.

PHMSA will continue to focus on the streamlining ***of*** its regulatory system and reducing regulatory burdens. PHMSA will evaluate ***existing*** rules to examine whether they remain justified; should be modified to account for changing circumstances and technologies; or should be streamlined or even repealed. PHMSA will continue to evaluate, analyze, and be responsive to petitions for rulemaking. PHMSA will review regulations, letters ***of*** interpretation, petitions for rulemaking, special permits, enforcement actions, approvals, and international standards to identify inconsistencies, outdated provisions, and barriers to regulatory compliance.

PHMSA aims to reduce the risks related to the transportation ***of*** hazardous materials by rail. Preventing tank car incidents and minimizing the consequences when an incident does occur are not only DOT priorities, but are also shared by the National Transportation Safety Board (NTSB), industry, and the general public. Expansion in United States energy production has led to significant challenges in the transportation system. Expansion in oil production has led to increasing volumes ***of*** product transported to refineries. With a growing domestic supply, rail transportation, in particular, has emerged as an alternative to transportation by pipeline or vessel. The growing reliance on trains to transport large volumes ***of*** flammable liquids raises risks that have been highlighted by the recent instances ***of*** trains carrying crude oil that have derailed. PHMSA and FRA issued a Notice ***of*** Proposed Rulemaking (79 FR 45016) designed to lessen the frequency and consequences ***of*** train accidents/incidents (train accidents) involving certain trains transporting a large volume ***of*** flammable liquids. In addition, PHMSA and FRA issued an Advanced Notice ***of*** Proposed Rulemaking (79 FR 45079) seeking comment on potential revisions to its regulations that would expand the applicability ***of*** comprehensive oil spill response plans (OSRPs) for crude oil trains. PHMSA will continue to usher these rules to completion and PHMSA may consider further regulatory changes to enhance rail safety through enhanced operational requirements; improvements in tank car standards; and revisions ***of*** the general requirements for rail transport.

PHMSA will be considering whether changes are needed to the regulations covering hazardous liquid onshore pipelines. In particular,

PHMSA will be considering if other areas should be included as High Consequence Areas (HCAs) for integrity management (IM) protections, what the repair timeframes should be for areas outside the HCAs that

are assessed as part ***of*** the IM program, whether leak detection standards are necessary, valve spacing requirements are needed on new

construction or ***existing*** pipelines, and if PHMSA should extend regulation to certain pipelines currently exempt from regulation. The agency would also address the public safety and environmental aspects any new requirements, as well as the cost implications and regulatory burden.

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Quantifiable Costs and ***Benefits*** ***of*** Rulemakings on the 2014 to 2015 DOT Regulatory Plan

[This chart does not account for non-quantifiable ***benefits***, which are often substantial]

Agency/RIN Number	Title	Stage	Quantifiable costs discounted 2013 $ (millions)	Quantifiable ***benefits*** discounted 2013 $ (millions)
FAA				
2120-AJ60	Small Unmanned Aircraft Systems.	NPRM 01/15	TBD	TBD
2120-AJ86	SMS for part 121	FR 11/14	$135.1	$142.8
2120-AJ89	NY Congestion Management	NPRM 11/14	48.2	67.8
2120-AK09	Drug and Alcohol Testing Comments 02/15.	ANPRM: Analyzing	TBD	TBD
2120-AK31	Pilot Records Database	NPRM 10/15	TBD	TBD
Total for FAA			183.3	210.6
FHWA				
2125-AF53	Performance Management 2	NPRM 11/14	TBD	TBD
2125-AF54	Performance Management 3	NPRM 03/15	TBD	TBD
Total for FHWA			TBD	TBD
FMCSA				
2126-AB11	Carrier Safety Fitness Determination.	NPRM 04/15	15	249
2126-AB18	Commercial Driver's License Drug and Alcohol Clearinghouse.	FR 10/15	186	187
2126-AB20	Electronic On-Board Recorders and Hours ***of*** Service Supporting Documents.	FR 09/15	1,578	2,033

Total for FMCSA..... .... 1,745..... 2,361
NHTSA
2127-AK93..... Quieter Vehicles Sound FR 11/15..... 24.1..... 154.3
Alert.
2127-AK97..... Electronic Stability FR 01/15..... 119.6..... 282.6-445.6
Control Systems for Heavy
Vehicles.
2127-AL52..... Fuel Efficiency Standards NPRM 03/15..... TBD..... TBD
for Medium- and Heavy-
Duty Vehicles and Work
Trucks: Phase 2.
Total for NHTSA..... .... 143.7..... 436.9-599.9
FTA
2132-AB19..... State Safety Oversight NPRM 01/15..... TBD..... TBD
(MAP-21).
Total for FTA..... .... TBD..... TBD
PHMSA
2137-AE66..... Pipeline Safety: Safety ***of*** NPRM 01/15..... TBD..... TBD
On-Shore Liquid Hazardous
Pipelines.
2137-AE72..... Pipeline Safety: Gas NPRM 01/15..... TBD..... TBD
Transmission (RRR).
2137-AE91..... Hazardous Materials: Final Rule 03/15..... 2,083 to 5,820..... 400 to 4,386
Enhanced Tank Car
Standards and Operational
Controls for High-Hazard
Flammable Trains.
Total for PHMSA..... .... 2,083 to 5,820..... 400 to 4,386
TOTAL FOR DOT..... .... 4,155-7,892..... 3,408.5-7,394.5

Notes: Costs and ***benefits*** ***of*** rulemakings may be forecast over varying periods. Although the forecast periods will be the same for any given rulemaking,
comparisons between proceedings should be made cautiously.

Costs and ***benefits*** are generally discounted at a 7 percent discount rate over the period analyzed.

The Department ***of*** Transportation generally assumes that there are

economic ***benefits*** to avoiding a fatality ***of*** $9.2 million. That economic

value is included as part ***of*** the ***benefits*** estimates shown in the chart.

As noted above, we have not included the non-quantifiable ***benefits***.

DOT--FEDERAL AVIATION ADMINISTRATION (FAA)

Proposed Rule Stage

104. + Operation and Certification ***of*** Small Unmanned Aircraft Systems (SUAS)

Priority: Other Significant.
Legal Authority: 49 U.S.C. 44701; Pub. L. 112-95
CFR Citation: 14 CFR 91.
Legal Deadline: Final, Statutory, August 14, 2014, Public Law 112-95, section 332(b) requires issuance ***of*** final rule 18 months after integration plan is submitted to Congress. Integration plan due Feb. 14, 2013.
Abstract: This rulemaking would adopt specific rules for the operation ***of*** small unmanned aircraft systems (sUAS) in the National Airspace System. These changes would address the classification ***of*** small unmanned aircraft, certification ***of*** their pilots and visual observers, registration, approval ***of*** operations, and operational limits in order to increase the safety and efficiency ***of*** the national airspace system.

Statement ***of*** Need: The FAA is proposing to amend its regulations to

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adopt specific rules for the operation ***of*** small unmanned aircraft systems (sUAS) in the National Airspace System (NAS). These changes would address the classification ***of*** sUAS, certification ***of*** sUAS pilots and visual observers, registration ***of*** sUAS, approval ***of*** sUAS operations, and sUAS operational limits. The NPRM also proposes regulations for all sUAS, including operating standards for model aircraft and low performance (e.g., toy) operations, to increase the safety and efficiency ***of*** the NAS. The FAA and sUAS community lack sufficient formal safety data regarding unmanned operations to support granting traditional, routine access to the NAS. This proposed rule would result in the regular collection ***of*** safety data from the user community and help the FAA develop new regulations and expand sUAS access to the NAS.

Summary ***of*** Legal Basis: This rulemaking is required by the FAA Modernization and Reform Act ***of*** 2012, Public Law 112-95, sec. 332(b). The FAA's authority to issue rules on aviation safety is found in Title

49 ***of*** the U.S. Code. Subtitle I, Section 106 describes the authority ***of*** the FAA Administrator, including the authority to issue, rescind, and revise regulations. Subtitle VII, Aviation Programs, describes in more detail the scope ***of*** the agency's authority. This rulemaking is promulgated under the authority described in Title 49 U.S. Code Transportation. Pursuant to Subtitle I, Chapter 1, Sections 106(f)(2)(iii) and (3)(A), the Administrator is authorized to promulgate regulations, rules, orders, circulars, bulletins, and other publications ***of*** the Administrator, and to issue, rescind and revise such regulations as are necessary to carry out those functions. Subtitle VII, Part A, Subpart III, Chapter 447 Safety Regulation. Pursuant to section 44701 (a)(5), the FAA is charged with promoting safe flight ***of*** civil aircraft by, among other things, prescribing regulations the FAA finds necessary for safety in air commerce and national security.

Alternatives: This rulemaking is required by the FAA Modernization and Reform Act ***of*** 2012, Public Law 112-95, sec. 332(b). The FAA's authority to issue rules on aviation safety is found in Title 49 ***of*** the U.S. Code. Subtitle I, Section 106 describes the authority ***of*** the FAA Administrator, including the authority to issue, rescind, and revise regulations. Subtitle VII, Aviation Programs, describes in more detail the scope ***of*** the agency's authority. This rulemaking is promulgated under the authority described in Title 49 U.S. Code Transportation. Pursuant to Subtitle I, Chapter 1, Sections 106(f)(2)(iii) and (3)(A), the Administrator is authorized to promulgate regulations, rules, orders, circulars, bulletins, and other publications ***of*** the Administrator, and to issue, rescind and revise such regulations as are necessary to carry out those functions. Subtitle VII, Part A, Subpart III, Chapter 447 Safety Regulation. Pursuant to section 44701 (a)(5), the FAA is charged with promoting safe flight ***of*** civil aircraft by, among other things, prescribing regulations the FAA finds necessary for safety in air commerce and national security.

Anticipated Cost and ***Benefits***: Costs and ***benefits*** for this rulemaking are to be determined.

Risks: Commercial operations currently have no legal means to conduct operations. Due to the time and cost ***of*** traditional processes and without new regulations, commercial operations will not be able to operate until the necessary standards are developed by the UAS

community.
Timetable:

Action Date FR Cite

NPRM..... 01/00/15

Regulatory Flexibility Analysis Required: Yes.
Small Entities Affected: Businesses, Governmental Jurisdictions.

Government Levels Affected: None.

URL for More Information: *www.regulations.gov*.

URL for Public Comments: *www.regulations.gov*.
Agency Contact: Lance Nuckolls, Certification and General Aviation

Operations, Department ***of*** Transportation, Federal Aviation
Administration, 800 Independence Ave., SW, Washington, DC 20591, Phone:

202-267-8212, Email: *lance.nuckolls@faa.gov*
RIN: 2120-AJ60

DOT--FAA

105. + Slot Management and Transparency for Laguardia Airport, John F. Kennedy International Airport, and Newark Liberty International Airport

Priority: Other Significant.
Legal Authority: 49 U.S.C. 40101, 40103, and 40105; 49 U.S.C. 41712; 15 U.S.C. 21
CFR Citation: 14 CFR 93.
Legal Deadline: None.
Abstract: This rulemaking would replace the current temporary orders limiting scheduled operations at LaGuardia Airport (LGA), John F. Kennedy International Airport (JFK), and Newark Liberty International Airport (EWR) with a more permanent rule to address the

issues ***of*** congestion and delay at the New York area[acute]s three major commercial airports, while also promoting fair access and competition. The rulemaking would help ensure that congestion and delays are managed by limiting scheduled and unscheduled operations. The rulemaking would also establish a secondary market for U.S. and foreign air carriers to

buy, sell, trade, and lease slots amongst each other at each ***of*** the three airports. This would allow carriers serving or seeking to serve the New York area airports to exchange slots as their business models

and strategic goals require.

Statement ***of*** Need: This rulemaking would replace the current temporary orders limiting scheduled operations at LaGuardia Airport, John F. Kennedy International Airport, and Newark Liberty International Airport with a more permanent rule to address the issues ***of*** congestion and delay at the New York area's three major commercial airports, while also promoting fair access and competition. The rulemaking would help ensure that congestion and delays are managed by limiting scheduled and unscheduled operations. The rulemaking would also establish a secondary market for U.S. and foreign air carriers to buy, sell, trade, and lease slots amongst each other at each ***of*** the three airports. This would allow carriers serving or seeking to serve the New York area airports to exchange slots as their business models and strategic goals require.

Summary ***of*** Legal Basis: This rulemaking is promulgated under the authority described in subtitle VII, part A, subpart I, sections 40101, 40103, 40105, and 41712. The Secretary ***of*** Transportation (Secretary) is the head ***of*** the DOT and has broad oversight ***of*** significant FAA decisions. See 49 U.S.C. 102 and 106. In addition, under 49 U.S.C. 41712, the Secretary has the authority to investigate and prohibit unfair and deceptive practices, and unfair methods ***of*** competition in air transportation, or the sale ***of*** air transportation. The FAA has broad authority under 49 U.S.C. 40103 to regulate the use ***of*** the navigable airspace ***of*** the United States. This section authorizes the FAA to develop plans and policy for the use ***of*** navigable airspace, and to assign the use the FAA deems necessary for safe and efficient utilization. It further directs the FAA to prescribe air traffic rules and regulations governing the efficient utilization ***of***

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navigable airspace. Not only is the FAA required to ensure the efficient use ***of*** navigable airspace, but it must do so in a manner that does not effectively shut out potential operators at the airport, and in a manner that acknowledges competitive market forces. These authorities empower the DOT to ensure the efficient utilization ***of*** airspace by limiting the number ***of*** scheduled and unscheduled aircraft operations at JFK, EWR, and LGA, while balancing between promoting competition and recognizing historical investments in the airport, and

the need to provide continuity. They also authorize the DOT to investigate the transfer ***of*** slots and to limit or prohibit anticompetitive transfers.

Alternatives: The FAA considered two alternatives. The first alternative was to simply extend the ***existing*** orders. This alternative was rejected because the FAA wanted to increase competition by making slots available to more operators. The FAA believes these operators are likely to be small entities. The second alternative was to remove the ***existing*** orders. This alternative results in unacceptable delay costs from the increase in operations.

Anticipated Cost and ***Benefits***: The FAA estimates the quantitative costs to be $48.2 million and the quantitative ***benefits*** are estimated at $67.8 million, with the ***benefits*** exceeding the costs. This is a preliminary estimate that is subject to change based on further review and analysis.

Risks: There are no risks for this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	11/00/14	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses.

Government Levels Affected: None.

Additional Information: This rulemaking is associated with an RRR action.

URL For More Information: *www.regulations.gov*.

URL For Public Comments: *www.regulations.gov*.

Agency Contact: Molly W Smith, Federal Aviation Administration, Department ***of*** Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, Phone: 202-267-3344 Email: *molly.w.smith@faa.gov*

RIN: 2120-AJ89

DOT--FAA

106. + Drug and Alcohol Testing ***of*** Certain Maintenance Provider

Employees Located Outside ***of*** the United States

Priority: Other Significant.
Legal Authority: 14 CFR; 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 44701; 49 U.S.C. 44702; 49 U.S.C. 44707; 49 U.S.C. 44709; 49 U.S.C. 44717
CFR Citation: 14 CFR 145.
Legal Deadline: NPRM, Statutory, February 14, 2013, NPRM.
Abstract: This rulemaking is required by the FAA Modernization and Reauthorization Act ***of*** 2012. It would require controlled substance testing ***of*** some employees working in repair stations located outside the United States. The intended effect is to increase participation by companies outside ***of*** the United States in testing ***of*** employees ***who*** perform safety critical functions and testing standards similar to those used in the repair stations located in the United States. This action is necessary to increase the level ***of*** safety ***of*** the flying public.

Statement ***of*** Need: As a project identified under congressional mandate, the intended effect ***of*** this rulemaking would be to promote drug and alcohol testing standardization within the global aviation community in an effort to reach an increased level ***of*** safety for the flying public around the world.

Summary ***of*** Legal Basis: The FAA Modernization and Reform Act ***of*** 2012 provides the legal basis for this rulemaking. In February 2012 the U.S. Congress passed the FAA Modernization and Reform Act ***of*** 2012. Section 308(d)(2) ***of*** the Act requires that the FAA promulgate a proposed rule that requires all part 145 repair station employees responsible for safety-sensitive maintenance functions on part 121 commercial air carriers aircraft to be subject to an alcohol and controlled substances testing program determined acceptable by the Administrator and consistent with the applicable laws ***of*** the country in which the repair station is located.
Alternatives: Our alternatives would be to work with other aviation leaders (e.g. International Civil Aviation Organization--ICAO) and develop a collective initiative to foster a drug and alcohol-free worldwide environment. The FAA Modernization and Reform Act ***of*** 2012, does articulate the idea that the Secretaries ***of*** State and Transportation work with ICAO and establish international standards to

test for drug and alcohol use ***of*** employees performing safety-sensitive maintenance functions on commercial air carrier aircraft.

Anticipated Cost and ***Benefits***: Our alternatives would be to work with other aviation leaders (e.g. International Civil Aviation Organization--ICAO) and develop a collective initiative to foster a drug and alcohol-free worldwide environment. The FAA Modernization and

Reform Act ***of*** 2012, does articulate the idea that the Secretaries ***of*** State and Transportation work with ICAO and establish international

standards to test for drug and alcohol use ***of*** employees performing safety-sensitive maintenance functions on commercial air carrier aircraft.

Risks: International implications are the risks.

Timetable:

Action Date FR Cite

ANPRM..... 03/17/14 79 FR 14621
Comment Period Extended..... 05/01/14 79 FR 24631
ANPRM Comment Period End..... 05/16/14
Comment Period End..... 07/17/14
Analyzing Comments..... 02/00/15

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses, Governmental Jurisdictions.

Government Levels Affected: None.

International Impacts: This regulatory action will be likely to

have international trade and investment effects, or otherwise be ***of*** international interest.

URL For More Information: *www.regulations.gov*.

URL For Public Comments: *www.regulations.gov*.

Agency Contact: Vicky Dunne, Department ***of*** Transportation, Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC

20591, Phone: 202 267-8522, Email: *vicky.dunne@faa.gov*

RIN: 2120-AK09

DOT--FAA

107. + Pilot Records Database (HR 5900)

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.
Legal Authority: 49 U.S.C. 106(g); 49 U.S.C. 1155; 49 U.S.C. 40103; 49 U.S.C. 40113; 49 U.S.C. 40119; 49 U.S.C. 40120; 49 U.S.C. 41706; 49 U.S.C. 44101; 49 U.S.C. 44111; 49 U.S.C. 44701 to 44705; 49 U.S.C. 44709 to 44713; 49 U.S.C. 44715 to 44717; 49 U.S.C. 44722;

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49 U.S.C. 45101 to 45105; 49 U.S.C. 46105; 49 U.S.C. 46306; 49 U.S.C. 46315; 49 U.S.C. 46316; 49 U.S.C. 46504; 49 U.S.C. 46507; 49 U.S.C. 47122; 49 U.S.C. 47508; 49 U.S.C. 47528 to 47531
CFR Citation: 14 CFR 118; 14 CFR 121; 14 CFR 125; 14 CFR 135; 14 CFR 91.
Legal Deadline: None.
Abstract: This rulemaking would implement a Pilot Records Database as required by Public Law 111-216 (Aug. 1, 2010). Section 203 amends the Pilot Records Improvement Act (PRIA) by requiring the FAA to create a pilot records database that contains various types ***of*** pilot records. These records would be provided by the FAA, air carriers, and other persons ***who*** employ pilots. The FAA must maintain these records until it receives notice that a pilot is deceased. Air carriers would use this database to perform a record check on a pilot prior to making a hiring decision.

Statement ***of*** Need: This rule implements a Pilot Records Database as required by Public Law 111-216. Section 203 ***of*** Public Law 111-216 amends the Pilot Records Improvement Act (PRIA) by requiring the FAA to create a pilot records database that contains various types ***of*** pilot records. These records would be provided by the FAA, air carriers, and other persons ***who*** employ pilots. The FAA must maintain these records until it receives notice that a pilot is deceased. Air carriers would use this database to perform a record check on a pilot prior to making a hiring decision.

Summary ***of*** Legal Basis: The legal basis for this rule is section 203 ***of*** the Airline Safety and Federal Aviation Administration Extension Act ***of*** 2010, Public Law 111-216, 124 Statute 2348 (2010).
Alternatives: The ARC proposed a phased implementation as an alternative to PRDs statutory requirement to enter all historical records dating from August 1, 2005. Instead, within 60 days after the PRD launch date, air carriers and other persons would provide only the

names, certificate numbers, and dates ***of*** birth ***of*** employees dating from the PRD launch date back to August 1, 2005. This information would be used to identify a pilot applicant's previous employer(s). The hiring air carrier would then make a paper PRIA request to those previous employers to obtain any records from before the launch date ***of*** PRD.

Anticipated Cost and ***Benefits***: The Rulemaking Team believes that three methods ***of*** data entry would allow larger air carriers to take advantage ***of*** technology, thereby reducing costs, while allowing smaller air carriers the flexibility to enter data manually without the need for an information technology department and sophisticated computer knowledge.

Risks: Any risk mitigation technique used to counter this additional security threat would significantly add to the time and cost required for the FAA to properly manage the air carrier user accounts and likely delay air carrier access to the PRD data. Several options were explored that would simultaneously provide appropriate security controls to protect unauthorized access to sensitive data while not impeding the air carriers from ready access to the PRD data.

Timetable:

Action	Date	FR Cite
NPRM	10/00/15	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: None.

Additional Information: Costs and ***benefits*** are not yet determined.

URL For More Information: *www.regulations.gov*.

URL For Public Comments: *www.regulations.gov*.

Agency Contact: Bryan Brown, Department ***of*** Transportation, Federal Aviation Administration, 6424 S Denning Ave., Oklahoma City, OK 73169,

Phone: 405 954-4513, Email: *bryan.w.brown@faa.gov*

RIN: 2120-AK31

DOT--FAA

Final Rule Stage

108. + Safety Management Systems for Certificate Holders

Priority: Other Significant.
Legal Authority: 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 40119; 49 U.S.C. 41706; 49 U.S.C. 44101; 49 U.S.C. 44701; 49 U.S.C. 44702; 49 U.S.C. 44705; 49 U.S.C. 44709 to 44711; 49 U.S.C. 44713; 49 U.S.C. 44716; 49 U.S.C. 44717; 49 U.S.C. 44722; 49 U.S.C. 46105; Pub. L. 111-216, sec 215
CFR Citation: 14 CFR 121; 14 CFR 5.
Legal Deadline: Final, Statutory, July 30, 2012, Final Rule. NPRM, Statutory, October 29, 2010, NPRM. Congress passed Public Law 111-216 that instructs FAA to conduct a rulemaking to require all part 121 air carriers to implement a Safety Management System (SMS). This Act further states that the FAA shall consider at a minimum each ***of*** the following as part ***of*** the SMS rulemaking: (1) an Aviation Safety Action Program (ASAP); (2) a Flight Operations Quality Assurance Program (FOQA); (3) a Line Operations Safety Audit (LOSA); and (4) an Advance Qualifications Program.
Abstract: This rulemaking would require each certificate holder operating under 14 CFR part 121 to develop and implement a safety management system (SMS) to improve the safety ***of*** its aviation related activities. A safety management system is a comprehensive, process-oriented approach to managing safety throughout an organization. An SMS includes an organization-wide safety policy; formal methods for identifying hazards, controlling, and continually assessing risk and safety performance; and promotion ***of*** a safety culture. SMS stresses not only compliance with technical standards but increased emphasis on the overall safety performance ***of*** the organization. This rulemaking is required under Public Law 111-216, section 215.
Statement ***of*** Need: This final rule requires each air carrier operating under 14 CFR part 121 to develop and implement a safety management system (SMS) to improve the safety ***of*** its aviation-related activities. SMS is a comprehensive, process-oriented approach to managing safety throughout an organization. SMS includes an organization-wide safety policy; formal methods for identifying hazards; controlling, and continually assessing risk and safety performance; and promotion ***of*** a safety culture. SMS stresses not only compliance with technical standards but also increased emphasis on the overall safety performance ***of*** the organization.
Summary ***of*** Legal Basis: The Federal Aviation Administration's (FAA)

authority to issue rules on aviation safety is found in title 49 ***of*** the United States Code. This rulemaking is promulgated under the authority described in 49 U.S.C. 44701(a)(5), which requires the Administrator to promulgate regulations and minimum standards for other practices, methods, and procedures necessary for safety in air commerce and national security. In addition, the Airline Safety and Federal Aviation

Administration Extension Act ***of*** 2010 (the Act), Public Law 111-216, section 215 (August 1, 2010), required the FAA to conduct rulemaking to require all 14 CFR part 121 air carriers to implement a safety management system. The Act required the FAA to issue this final rule

within 24 months ***of*** the passing ***of*** the Act (July 30, 2012).

Alternatives: To relieve the burden ***of*** this rule on small entities,

the FAA considered extending the timeframe for development ***of*** SMS implementation

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plans. However, the FAA ultimately concluded that 1 year for the

development and approval ***of*** implementation plans is appropriate. In making this determination, the FAA considered longer and shorter terms. However, it settled on 1 year based on information from the SMS Pilot

Project, which showed that an average ***of*** 1 year was sufficient to

develop and approve an implementation plan. As part ***of*** its analysis, the FAA noted that pilot project participants ultimately had differing

levels ***of*** SMS implementation. However, because all pilot project participants had initially developed (and received FAA validation on) an implementation plan that provided for full SMS implementation, the FAA was able to use this data to estimate how long it would take a certificate holder to develop such a plan, and get the plan approved by the FAA.

Anticipated Cost and ***Benefits***: The FAA estimates the quantitative

costs to be $135.1 million, and the quantitative ***benefits*** to be $142.8

million, with ***benefits*** exceeding costs.

Risks: While the commercial air carrier accident rate in the United States has decreased substantially over the past 10 years, the FAA has identified a recent trend involving hazards that were revealed during

accident investigations. The FAA's Office ***of*** Accident Investigation and Prevention identified 128 accidents involving part 121 air carriers from fiscal year (FY) 2001 through FY 2010 for which identified causal

factors could have been mitigated if air carriers had implemented an SMS to identify hazards in their operations and developed methods to control the risk. This type ***of*** approach allows air carriers to anticipate and mitigate the likely causes ***of*** potential accidents. This is a significant improvement over current reactive safety action emphasis, which focuses on discovering and mitigating the cause ***of*** an accident only after that accident has occurred. In order to bring about this change in accident mitigation, as well as the other reasons discussed throughout this document, the FAA is requiring part 121 air carriers to develop and implement an SMS. SMS is a comprehensive, process-oriented approach to managing safety throughout an organization, and stresses not only compliance with technical standards, but increased emphasis on the overall safety performance ***of*** the organization. The potential reduction ***of*** risks would be averted causalities, aircraft damage, and accident investigation costs by identifying safety issues and spotting trends before they result in a near-miss, incident, or accident.

Timetable:

Action Date FR Cite

NPRM..... 11/05/10 75 FR 68224
NPRM Comment Period Extended..... 01/31/11 76 FR 5296
NPRM Comment Period End..... 02/03/11 .....
Comment Period Extended..... 03/07/11
Final Rule..... 11/00/14

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: Businesses.

Government Levels Affected: Federal.

URL for More Information: *www.regulations.gov*.

URL for Public Comments: *www.regulations.gov*.

Agency Contact: Scott VanBuren, Office ***of*** Accident Investigation and Prevention, Department ***of*** Transportation, Federal Aviation Administration, 800 Independence Ave. SW., Washington, DC 20591, Phone: 202 494-8417, Email: *scott.vanburen@faa.gov*

Related RIN: Split from 2120-AJ15

RIN: 2120-AJ86

DOT--FEDERAL HIGHWAY ADMINISTRATION (FHWA)

Proposed Rule Stage

109. + National Goals and Performance Management Measures (MAP-21)

Priority: Other Significant.
Legal Authority: sec 1203 Pub. L. 112-141; 49 CFR 1.85
CFR Citation: Not Yet Determined.
Legal Deadline: NPRM, Statutory, April 1, 2014, NPRM.

Section 1203 ***of*** MAP-21 requires the Secretary to promulgate a

rulemaking within 18 months after the date ***of*** enactment.
Abstract: This rulemaking would create national performance management measures and standards to be used by the States to meet the

national transportation goals identified in section 1203 ***of*** MAP-21. This rulemaking would also establish the process to be used by States to set performance targets that reflect their performance measures. The FHWA anticipates issuing up to three rulemakings in this area. This rulemaking, number two, will cover the bridges and pavement.

Statement ***of*** Need: The Moving Ahead for Progress in the 21st Century Act (MAP-21) transforms the Federal-aid highway program by establishing new requirements for performance management to ensure the

most efficient investment ***of*** Federal transportation funds. Performance management refocuses attention on national transportation goals,

increases the accountability and transparency ***of*** the Federal-aid highway program, and improves project decisionmaking through performance-based planning and programming. This rulemaking is the

second ***of*** 3 that would propose the establishment ***of*** performance measures for State DOTs and MPOs to use to carry out Federal-aid

highway programs and to assess performance in each ***of*** the 12 areas mandated by MAP-21. This rulemaking would establish performance measures for State DOTs to use to carry out the National Highway

Performance Program (NHPP) and to assess: condition ***of*** pavements on the National Highways System (NHS) (excluding the Interstate System),

condition ***of*** pavements on the Interstate System, and condition ***of*** bridges on the NHS. This rulemaking would also propose the definitions that will be applicable to the new 23 CFR 490; the process to be used by State DOTs and MPOs to establish performance targets that reflect the measures proposed in this rulemaking; a methodology to be used to

assess State DOTs' compliance with the target achievement provision specified under 23 U.S.C. 119(e)(7); and the process to be followed by

State DOTs to report on progress towards the achievement ***of*** pavement and bridge condition-related performance targets.

Summary ***of*** Legal Basis: Section 1203 ***of*** MAP-21 requires the

Secretary ***of*** Transportation to establish performance measures and standards through a rulemaking to assess performance in 12 areas.
Alternatives: N/A.

Anticipated Cost and ***Benefits***: Not yet determined.
Risks: N/A.
Timetable:

Action Date FR Cite

NPRM..... 11/00/14

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: No.

Government Levels Affected: Federal, State.

URL for More Information: *www.regulations.gov*.

URL for Public Comments: *www.regulations.gov*.

Agency Contact: Francine Shaw-Whitson, Department ***of*** Transportation, Federal Highway Administration, 1200 New Jersey Avenue SE., Washington,

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DC 20590, Phone: 202-366-8028, Email: *Francine.Shaw-whitson@dot.gov*
RIN: 2125-AF53

DOT--FHWA

110. + National Goals and Performance Management Measures (MAP-21)

Priority: Other Significant.
Legal Authority: sec 1203, Pub. L. 112-141; 49 FR 1.85
CFR Citation: Not Yet Determined.
Legal Deadline: NPRM, Statutory, April 1, 2014, NPRM.

Section 1203 ***of*** MAP-21 requires the Secretary to promulgate a

rulemaking within 18 months after the date ***of*** enactment.

Abstract: This rulemaking would create national performance management measures and standards to be used by the States to meet the national transportation goals identified in section 1203 ***of*** MAP-21. This rulemaking would also establish the process to be used by States to set performance targets that reflect their performance measures. The FHWA anticipates issuing up to three rulemakings in this area. This rulemaking covers Congestion Mitigation and Air Quality (CMAQ) and Freight issues.

Statement ***of*** Need: The Moving Ahead for Progress in the 21st Century Act (MAP-21) transforms the Federal-aid highway program by establishing new requirements for performance management to ensure the most efficient investment ***of*** Federal transportation funds. Performance management refocuses attention on national transportation goals, increases the accountability and transparency ***of*** the Federal-aid highway program, and improves project decisionmaking through performance-based planning and programming. This rulemaking is the third ***of*** 3 that would propose the establishment ***of*** performance measures for State DOTs and MPOs to use to carry out Federal-aid highway programs and to assess performance in each ***of*** the 12 areas mandated by MAP-21. This rulemaking would establish performance measures for State DOTs to use in the areas ***of*** Congestion Reduction, Congestion Mitigation and Air quality improvement program (CMAQ), Freight, and Performance ***of*** the Interstate/Non-Interstate National Highway System.

Summary ***of*** Legal Basis: Section 1203 ***of*** MAP-21 requires the Secretary ***of*** Transportation to establish performance measures and standards through a rulemaking to assess performance in 12 areas.
Alternatives: N/A.

Anticipated Cost and ***Benefits***: Not yet determined.
Risks: N/A.
Timetable:

Action Date FR Cite

NPRM..... 03/00/15

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: No.

Government Levels Affected: Federal, State.

URL for More Information: *www.regulations.gov*.

URL for Public Comments: *www.regulations.gov*.

Agency Contact: Francine Shaw-Whitson, Department ***of*** Transportation, Federal Highway Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, Phone: 202-366-8028, Email: *Francine.Shaw-whitson@dot.gov*

RIN: 2125-AF54

DOT--FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION (FMCSA)

Proposed Rule Stage

111. + Carrier Safety Fitness Determination

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: sec 4009 ***of*** TEA-21
CFR Citation: 49 CFR 385.
Legal Deadline: None.
Abstract: FMCSA proposes to amend the Federal Motor Carrier Safety Regulations (FMCSRs) to adopt revised methodologies that would result in a safety fitness determination (SFD). The proposed methodologies would determine when a motor carrier is not fit to operate commercial motor vehicles (CMVs) in or affecting interstate commerce based on (1) the carrier's performance in relation to five ***of*** the Agency's Behavioral Analysis and Safety Improvement Categories (BASICs); (2) an investigation; or (3) a combination ***of*** on-road safety data and investigation information. The intended effect ***of*** this action is to reduce crashes caused by CMV drivers and motor carriers, resulting in death, injuries, and property damage on U.S. highways, by more effectively using FMCSA data and resources to identify unfit motor carriers, and to remove them from the Nation's roadways.

Statement ***of*** Need: Because ***of*** the time and expense associated with the on-site compliance review, only a small fraction ***of*** carriers (approximately 12,000) receive a safety fitness determination each year. Since the current safety fitness determination process is based exclusively on the results ***of*** an on-site compliance review, the great majority ***of*** carriers subject to FMCSA jurisdiction do not receive a timely determination ***of*** their safety fitness. The proposed methodology for determining motor carrier safety fitness should correct the

deficiencies ***of*** the current process. In correcting these deficiencies, FMCSA has made a concerted effort to develop a ``transparent'' method for the Safety Fitness Determination (SFD) that would allow each motor carrier to understand fully how FMCSA established that carrier's specific SFD.

Summary ***of*** Legal Basis: This rule is based primarily on the

authority ***of*** 49 U.S.C. 31144, which directs the Secretary ***of*** Transportation to ``determine whether an owner or operator is fit to operate a commercial motor vehicle'' and to ``maintain by regulation a

procedure for determining the safety fitness ***of*** an owner or operator.''

This statute was first enacted as part ***of*** the Motor Carrier Safety Act

of 1984, section 215, Public Law 98-554, 98 Stat. 2844 (Oct. 30, 1984).

The proposed rule also relies on the provisions ***of*** 49 U.S.C. 31133, which gives the Secretary ``broad administrative powers to assist in

the implementation'' ***of*** the provisions ***of*** the Motor Carrier Safety Act

now found in chapter 311 ***of*** title 49, U.S.C. These powers include, among others, authority to conduct inspections and investigations,

compile statistics, require production ***of*** records and property, prescribe recordkeeping and reporting requirements, and to perform other acts considered appropriate. These powers are used to obtain the data used by the Safety Management System and by the proposed new methodology for safety fitness determinations. Under 49 CFR 1.73(g), the Secretary has delegated the authority to carry out the functions in

subchapters I, III, and IV ***of*** chapter 311, title 49, U.S.C., to the

FMCSA Administrator. Sections 31133 and 31144 are part ***of*** subchapter

III ***of*** chapter 311.

Alternatives: The Agency has been considering several alternatives.

Anticipated Cost and ***Benefits***: The Agency is continuing to review

the estimated costs and ***benefits*** ***of*** the proposed rule.

Risks: A risk ***of*** incorrectly identifying a compliant carrier as non-compliant--and consequently subjecting the carrier to unnecessary expenses--has been analyzed and has been found to be

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negligible under the process being proposed.

Timetable:

Action Date FR Cite

NPRM..... 04/00/15

Regulatory Flexibility Analysis Required: Yes.
Small Entities Affected: Businesses, Organizations.

Government Levels Affected: Undetermined.

URL for More Information: *www.regulations.gov*.

URL for Public Comments: *www.regulations.gov*.
Agency Contact: David Miller, Regulatory Development Division,

Department ***of*** Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590,

Phone: 202 366-5370, Email: *fmcsaregs@dot.gov*
RIN: 2126-AB11

DOT--FMCSA

112. + Electronic Logging Devices and Hours ***of*** Service Supporting Documents (MAP-21)

Priority: Economically Significant. Major under 5 U.S.C. 801.
Unfunded Mandates: This action may affect the private sector under Pub. L. 104-4.
Legal Authority: 49 U.S.C. 31502; 31136(a); Pub. L. 103.311; 49 U.S.C. 31137(a)
CFR Citation: 49 CFR 350; 49 CFR 385; 49 CFR 396; 49 CFR 395

Legal Deadline: NPRM, Judicial, January 31, 2011, Notice ***of*** Proposed Rulemaking.
NPRM, Statutory, October 1, 2013, MAP-21 requires FMCSA to issue a final rule by October 1, 2013, a deadline that FMCSA will not be able to meet, due to the need for notice and comment on these proposals.
Abstract: This rulemaking would establish: (1) Minimum performance and design standards for hours-***of***-service (HOS) electronic logging devices (ELDs); (2) requirements for the mandatory use ***of*** these devices by drivers currently required to prepare HOS records ***of*** duty status (RODS); (3) requirements concerning HOS supporting documents; and (4) measures to address concerns about harassment resulting from the mandatory use ***of*** ELDs.

Statement ***of*** Need: This rulemaking action would improve commercial motor vehicle (CMV) safety and reduce the overall paperwork burden for both motor carriers and drivers by increasing the use ***of*** ELDs within the motor carrier industry, which would in turn improve compliance with the applicable Hours ***of*** Service (HOS) rules. Specifically, this rule would (1) Require new technical specifications for ELDs that address statutory requirements; (2) mandate ELDs for drivers currently using record ***of*** duty status; (3) clarify supporting document requirements so that motor carriers and drivers can comply efficiently with HOS regulations, and so that motor carriers can make the best use ***of*** ELDs and related support systems as their primary means ***of*** recording HOS information and ensure HOS compliance; and (4) adopt procedural and technical provisions aimed at ensuring that ELDs are not used to harass vehicle operators. The Agency published a Supplemental Notice ***of*** Proposed Rulemaking (SNPRM) on March 28, 2014, and the comment period ended on June 26, 2014.

Summary ***of*** Legal Basis: Section 113 ***of*** the Hazardous Materials Transportation Authorization Act ***of*** 1994, Public Law 103-311, 108 Stat. 1673, 16776-1677, August 26, 1994, (HMTAA) requires the Secretary to prescribe regulations to improve compliance by CMV drivers and motor carriers with HOS requirements and the effectiveness and efficiency ***of*** Federal and State enforcement officers reviewing such compliance. Specifically, the Act addresses requirements for supporting documents. Section 32301(b) ***of*** the Commercial Motor Vehicle Safety Enhancement Act, enacted as part ***of*** MAP-21 (Public Law 112-141, 126 Stat. 405, 786-788 (July 6, 2012), mandated that the Secretary adopt regulations requiring that CMVs involved in interstate commerce, operated by drivers ***who*** are required to keep RODS, be equipped with ELDs.
Alternatives: FMCSA is considering several alternatives to the proposal, including alternate populations.

Anticipated Cost and ***Benefits***: FMCSA estimates costs ***of*** $1.6B and ***benefits*** ***of*** $2.0B for the rule, discounted at 7% in 2013 dollars.
Risks: FMCSA has not yet fully assessed the risks that might be associated with this activity.
Timetable:

Action Date FR Cite

NPRM..... 02/01/11 76 FR 5537
NPRM Comment Period End..... 02/28/11 .....
NPRM Comment Period Extended..... 03/10/11 76 FR 13121
NPRM Comment Period Extended End.... 05/23/11 .....
SNPRM..... 03/28/14 79 FR 17656
SNPRM Comment Period End..... 05/27/14 .....
SNPRM Analyzing Comments..... 03/00/15 .....
Final Rule..... 09/00/15 .....

Regulatory Flexibility Analysis Required: Yes.
Small Entities Affected: Businesses.

Government Levels Affected: None.
International Impacts: This regulatory action will be likely to

have international trade and investment effects, or otherwise be ***of*** international interest.
Additional Information: The Agency previously published an NPRM on

this subject under RIN 2126-AA76, ``Hours ***of*** Service ***of*** Drivers; Supporting Documents'' (63 FR 19457, Apr. 20, 1998) and an SNPRM,

``Hours ***of*** Service ***of*** Drivers: Supporting Documents'' (69 FR 63997, Nov. 3, 2004). The Agency withdrew the SNPRM on October 25, 2007, 72 FR 60614. The previous proceeding can be found in docket No. FMCSA-1998-3706.

URL for More Information: *www.regulations.gov*.

URL for Public Comments: *www.regulations.gov*.
Agency Contact: Deborah M. Freund, Senior Transportation

Specialist, Department ***of*** Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590,

Phone: 202 366-5370, Email: *deborah.freund@dot.gov*
Related RIN: Related to 2126-AA89, Related to 2126-AA76
RIN: 2126-AB20

DOT--FMCSA

Final Rule Stage

113. + Commercial Driver's License Drug and Alcohol Clearinghouse (MAP-21)

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: Undetermined.
Legal Authority: 49 U.S.C. 31306
CFR Citation: 49 CFR 382.
Legal Deadline: Other, Statutory, October 1, 2014, Clearinghouse required to be established by 10/01/2014.
Abstract: This rulemaking would create a central database for verified positive controlled substances and alcohol test results for commercial driver[acute]s license (CDL) holders and refusals by such drivers to submit to

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testing. This rulemaking would require employers ***of*** CDL holders and service agents to report positive test results and refusals to test into the Clearinghouse. Prospective employers, acting on an application for a CDL driver position with the applicant[acute]s written consent to access the Clearinghouse, would query the Clearinghouse to determine if any specific information about the driver applicant is in the Clearinghouse before allowing the applicant to be hired and to drive CMVs. This rulemaking is intended to increase highway safety by

ensuring CDL holders, ***who*** have tested positive or have refused to submit to testing, have completed the U.S. DOT[acute]s return-to-duty process before driving CMVs in interstate or intrastate commerce. It is also intended to ensure that employers are meeting their drug and alcohol testing responsibilities. Additionally, provisions in this

rulemaking would also be responsive to requirements ***of*** the Moving Ahead for Progress in the 21st Century (MAP-21) Act. MAP-21 requires creation

of the Clearinghouse by 10/1/14.

Statement ***of*** Need: This rulemaking would improve the safety ***of*** the Nation's highways by ensuring that employers know when drivers test positive for drugs and/or alcohol, and are not qualified to drive. It

would also ensure that drivers ***who*** have tested positive and have not completed the return-to-duty process are not driving, and ensure that all employers are meeting their drug and alcohol testing responsibilities.

Summary ***of*** Legal Basis: Section 32402 ***of*** the Moving Ahead for Progress in the 21st Century Act (MAP-21)) (Pub. L. 112-141, 126 Stat.

405) directs the Secretary ***of*** Transportation to establish a national

clearinghouse for controlled substance and alcohol test results ***of*** commercial motor vehicle operators. In addition, FMCSA has general authority to promulgate safety standards, including those governing

drivers' use ***of*** drugs or alcohol while operating a CMV. The Motor

Carrier Safety Act ***of*** 1984 Public Law 98-554 (the 1984 Act) provides authority to regulate drivers, motor carriers, and vehicle equipment,

and requires the Secretary ***of*** Transportation to prescribe minimum safety standards for CMVs. These standards include: (1) That CMVs are maintained, equipped loaded, and operated safely; (2) the responsibilities imposed on CMV operators do not impair their ability

to operate the vehicles safely; (3) the physical condition ***of*** CMV operators is adequate to enable them to operate the vehicles safely; and (4) CMV operation does not have a deleterious effect on the

physical condition ***of*** the operators 49 U.S.C. 31136(a).
Alternatives: To be determined.

Anticipated Cost and ***Benefits***: The Agency estimates $187 million in

annual ***benefits*** from increased crash reduction from the rule. This is against an estimated $155 million in total annual costs for employers to complete the annual and pre-employment queries and to designate C/TPAs, for SAPs to input information from drivers undergoing the return-to-duty process, for various entities to report and notify positive tests and to register and become familiar with the rule, for drivers to

consent to release ***of*** records, and for FMCSA to maintain and operate the Clearinghouse, and for drivers to go through the return-to-duty

process. Total net ***benefits*** ***of*** the rule thus are $32 million annually.

Risks: There is a risk ***of*** not knowing when a driver has not completed the return-to-duty process and enabling job-hopping within the industry.
Timetable:

Action Date FR Cite

NPRM..... 02/20/14 79 FR 9703
NPRM Comment Period End..... 04/21/14 .....
NPRM Comment Period Extended..... 04/22/14 79 FR 22467
NPRM Comment Period Extended End.... 05/21/14 .....
Final Rule..... 09/00/15 .....

Regulatory Flexibility Analysis Required: Yes.
Small Entities Affected: Businesses.

Government Levels Affected: Federal, Local, State, Tribal.

Federalism: This action may have federalism implications as defined in E.O. 13132.
Additional Information: MAP-21 included provisions for a Drug and Alcohol Test Clearinghouse that affect this rulemaking.

URL for More Information: www.regulations.gov.

URL For Public Comments: www.regulations.gov.

Agency Contact: Juan Moya, Department ***of*** Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE.,

Washington, DC 20590, Phone: 202 366-4844, Email: juan.moya@dot.gov
RIN: 2126-AB18

DOT--NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION (NHTSA)

Proposed Rule Stage

114. +Fuel Efficiency Standards for Medium-and Heavy-Duty Vehicles and Work Trucks: Phase 2

Priority: Economically Significant. Major under 5 U.S.C. 801.
Legal Authority: 49 U.S.C. 32902(k)(2); 49 CFR 1.95
CFR Citation: 49 CFR 523; 49 CFR 534; 49 CFR 534.
Legal Deadline: None.
Abstract: This rulemaking would address fuel efficiency standards for medium- and heavy-duty on-highway vehicles and work trucks for model years beyond 2018. This rulemaking would respond to requirements

of the Energy Independence and Security Act ***of*** 2007 (EISA), title 1, subtitle A, sections 102 and 108, as they amend 49 U.S.C. 32902, which was signed into law December 19, 2007. The statute requires that NHTSA establish a medium- and heavy-duty on-highway vehicle and work truck fuel efficiency improvement program that achieves the maximum feasible improvement, including standards that are appropriate, cost-effective, and technologically feasible. The law requires that the new standards

provide at least 4 full model years ***of*** regulatory lead-time and 3 full

model years ***of*** regulatory stability (i.e., the standards must remain in effect for 3 years before they may be amended). This action would follow the first ever Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles (Phase 1) (76 FR 57106, September 15, 2011). In June 2013, the

President's Climate Action Plan called for the Department ***of*** Transportation to develop fuel efficiency standards and the Environmental Protection Agency to develop greenhouse gas emission

standards in joint rulemaking within the President's second term. In February 2014, the President directed DOT and EPA to complete the

second phase ***of*** Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles during his second term.

Statement ***of*** Need: Setting fuel consumption standards for commercial medium-duty and heavy-duty on-highway vehicles and work trucks will reduce fuel consumption, and will thereby improve U.S. energy security by reducing dependence on foreign oil, which has been a national objective since the first oil price shocks in the 1970s. Net petroleum imports now

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account for approximately 60 percent ***of*** U.S. petroleum consumption. World crude oil production is highly concentrated, exacerbating the

risks ***of*** supply disruptions and price shocks. Tight global oil markets led to prices over $100 per barrel in 2008, with gasoline reaching as

high as $4 per gallon in many parts ***of*** the U.S., causing financial

hardship for many families and businesses. The export ***of*** U.S. assets

for oil imports continues to be an important component ***of*** the historically unprecedented U.S. trade deficits. Transportation accounts

for about 72 percent ***of*** U.S. petroleum consumption. Medium-duty and

heavy-duty vehicles account for about 17 percent ***of*** transportation oil

use, which means that they alone account for about 12 percent ***of*** all U.S. oil consumption.

Summary ***of*** Legal Basis: This rulemaking would respond to

requirements ***of*** the Energy Independence and Security Act ***of*** 2007 (EISA), title 1, subtitle A, sections 102 and 108, as they amend 49 U.S.C. 32902, which was signed into law December 19, 2007. In June

2013, the Presidents Climate Action Plan called for the Department ***of*** Transportation to develop fuel efficiency standards and the Environmental Protection Agency to develop greenhouse gas emission standards in joint rulemaking within the Presidents second term. In February 2014, the President directed DOT and EPA to complete the

second phase ***of*** Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles during his second term.

Alternatives: In Phase 1, NHTSA evaluated nine alternatives; (1) heavy-duty engines, only (2) Class 8 combination tractors and engines in Class 8 tractors, (3) heavy-duty engines and Class 7 and 8 tractors, (4) heavy-duty engines, Class 7 and 8 tractors, and Class 2b/3 pickup trucks and vans, (5) NPRM Preferred Alternative: heavy-duty engines, tractors, and Class 2b through 8 vehicles, (6) heavy-duty engines, tractors, Class 2b through 8 vehicles and trailers, (7) heavy-duty engines, tractors, Class 2b through 8 vehicles, and trailers plus advanced hybrid powertrain technology for Class 2b through 8 vocational vehicles, pickups and vans, (8) 15 percent less stringent that the NPRM Preferred Alternative, covering heavy-duty engines, tractors, and Class 2b through 8 vehicles, (9) 20 percent more stringent that the NPRM Preferred Alternative, covering heavy-duty engines, tractors, and Class 2b through 8 vehicles.

Anticipated Cost and ***Benefits***: The costs and ***benefits*** associated with this rulemaking have not yet been quantified.

Risks: The agency believes there are no substantial risks to this rulemaking.

Timetable:

Action Date FR Cite

NPRM..... 03/00/15 .....

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: None.

Energy Effects: Statement ***of*** Energy Effects planned as required by Executive Order 13211.

URL for More Information: *www.regulations.gov*.

URL for Public Comments: *www.regulations.gov*.

Agency Contact: James Tamm, Fuel Economy Division Chief, Department ***of*** Transportation, National Highway Traffic Safety Administration, 1200 New Jersey Ave. SE., Washington, DC 20590, Phone: 202-493-0515. Email: *james.tamm@dot.gov*

RIN: 2127-AL52

DOT--NHTSA

Final Rule Stage

115. + Sound for Hybrid and Electric Vehicles

Priority: Other Significant.
Legal Authority: 49 U.S.C. 30111; 49 U.S.C. 30115; 49 U.S.C. 30117; 49 U.S.C. 30166; 49 U.S.C. 322; delegation ***of*** authority at 49 CFR 1.95
CFR Citation: 49 CFR 571; 49 CFR 585.
Legal Deadline: NPRM, Statutory, July 5, 2012, Initiate rulemaking. Final, Statutory, January 3, 2014, Final Rule. Legislation requires the Secretary ***of*** Transportation to initiate rulemaking by July 2012, and issue a final rule not later than January 2014.
Abstract: This rulemaking would respond to the Pedestrian Safety Enhancement Act ***of*** 2010, which directs the Secretary ***of*** Transportation to study and establish a motor vehicle safety standard that provides for a means ***of*** alerting blind, and other pedestrians ***of*** motor vehicle operation for hybrid and electric vehicles. The PRIA contains an estimate ***of*** 2,800 fewer injured pedestrians and pedalcyclists (35 equivalent lives saved) at a total estimated cost ***of*** $23.5 million at the 3 percent discount rate, and $22.9 million at the 7 percent discount rate, should the requirements ***of*** the NPRM be made final.

Statement ***of*** Need: The Pedestrian Safety Enhancement Act ***of*** 2010, signed into law on January 4, 2011, directs the Secretary to study and establish a motor vehicle safety standard that provides for a means ***of*** alerting blind and other pedestrians ***of*** motor vehicle operation. The agency's proposed safety standard, issued January 14, 2013, will require hybrid and electric passenger cars, light trucks and vans (LTVs), medium and heavy duty trucks, buses, low speed vehicles (LSVs), and motorcycles to meet specified sound requirements as required by the Act. This standard will ensure that blind, visually-impaired, and other pedestrians are able to detect and recognize nearby hybrid and electric vehicles. The proposal estimated that 2,800 total pedestrians injured will be avoided, due to this proposal's representation ***of*** 35 equivalent lives saved.

Summary ***of*** Legal Basis: Section 30111, title 49 ***of*** the U.S.C., states that the Secretary shall prescribe motor vehicle safety standards.
Alternatives: The Agency considered and sought public comment on alternatives including: (1) Taking no action; (2) requiring alert sounds based on recordings ***of*** internal combustion engine (ICE)

vehicles; (3) specifying acoustic requirements for synthetic sounds that would closely resemble sounds produced by ICE vehicles; (4)

setting requirements for alert sounds that possess aspects ***of*** both sounds produced by ICE vehicles and acoustic elements that contribute to detectability; and (5) using psychoacoustic principals to develop requirements for alert sounds that would have enhanced detectability, but would not necessarily have a reference to sounds produced by ICE vehicles.

Anticipated Cost and ***Benefits***: In 2010 dollars at a 7 percent discount rate, the total costs are estimated to be $24.4 million and

monetized ***benefits*** at $134.1 million, with net ***benefits*** estimated at $109.7 million.

Risks: The Agency believes that there are no significant risks associated with this rulemaking, and that only beneficial outcomes will occur.

Timetable:

Action Date FR Cite

NPRM..... 01/14/13 78 FR 2797
NPRM Comment Period End..... 03/15/13 .....
Final Rule..... 04/00/15 .....

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses.

Government Levels Affected: None.

International Impacts: This regulatory action will be likely to have

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international trade and investment effects, or otherwise be ***of*** international interest.

URL for More Information: *www.regulations.gov*.

URL for Public Comments: *www.regulations.gov*.

Agency Contact: Marisol Medri, Safety Engineer, Department ***of*** Transportation, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, Phone: 202-366-6987,

Email: *marisol.medri@dot.gov*

RIN: 2127-AK93

DOT--NHTSA

116. +Electronic Stability Control Systems for Heavy Vehicles (MAP-21)

Priority: Economically Significant. Major under 5 U.S.C. 801.
Legal Authority: 49 U.S.C. 30111; 49 U.S.C. 30115; 49 U.S.C. 30117; 49 U.S.C. 30166; 49 U.S.C. 322; delegation ***of*** authority at 49 CFR 1.95
CFR Citation: 49 CFR 571.
Legal Deadline: Final, Statutory, October 1, 2014, Final Rule.
Abstract: This rulemaking would promulgate a new Federal standard that would require stability control systems on truck tractors and motorcoaches that address both rollover and loss-***of***-control crashes, after an extensive research program to evaluate the available technologies, an evaluation ***of*** the costs and ***benefits***, and a review ***of*** manufacturer[acute]s product plans. Rollover and loss-***of***-control crashes involving heavy vehicles is a serious safety issue that is responsible for 304 fatalities and 2,738 injuries annually. They are also a major cause ***of*** traffic tie-ups, resulting in millions ***of*** dollars ***of*** lost productivity, and excess energy consumption each year. Suppliers and truck and motorcoach manufacturers have developed stability control technology for heavy vehicles to mitigate these types ***of*** crashes. Our preliminary estimate produces an effectiveness range ***of*** 37 to 56 percent against single-vehicle tractor-trailer rollover crashes and 3 to 14 percent against loss-***of***-control crashes that result from skidding on the road surface. With these effectiveness estimates, annually, we estimate 29 to 66 lives would be saved, 517 to 979 MAIS 1 to 5 injuries would be reduced, and 810 to 1,693 crashes that involved property damage only would be eliminated. Additionally, it would save $10 to $26 million in property damage and travel delays. Based on the technology unit costs and affected vehicles, we estimate technology costs would be $55 to 107 million, annually. However, the costs savings from reducing travel delay and property damage would produce net ***benefits*** ***of*** $128 to $372 million. This rulemaking is responsive to requirements ***of*** the Moving Ahead for Progress in the 21st Century (MAP-21) Act.

Statement ***of*** Need: Rollover and loss-***of***-control crashes involving combination truck tractors and large buses is a serious safety issue that is responsible for 268 fatalities and 3,000 injuries annually.

They are also a major cause ***of*** traffic tie-ups, resulting in millions

of dollars ***of*** lost productivity, and excess energy consumption each year. This action is consistent with our detailed plans for improving motorcoach passenger protection, laid out in NHTSA's Approach to

Motorcoach Safety 2007, and the Department ***of*** Transportation 2009 Motorcoach Action Plan (Docket No. NHTSA-2007-28793), as well as the agency's Vehicle Safety and Fuel Economy Rulemaking and Research Priority Plan 2011-2013 (Docket No. NHTSA-2009-0108), and is responsive to 3 recommendations issued by the National Transportation Safety Board.

Summary ***of*** Legal Basis: Section 30111, title 49 ***of*** the U.S.C., states that the Secretary shall prescribe motor vehicle safety standards.

Alternatives: The Agency considered two regulatory alternatives. First, we considered requiring truck tractors and large buses to be equipped with roll stability control (RSC) systems. The second alternative considered was requiring trailers to be equipped with RSC systems. When compared to the proposal, these alternatives provide

fewer ***benefits*** because they are less effective at preventing rollover

crashes and much less effective at preventing loss-***of***-control crashes.

Anticipated Cost and ***Benefits***: According to the NPRM, the anticipated total costs are expected to be $113.6 million for the 150,000 truck tractors and 2,200 large buses produced in 2012. The agency estimates the proposal has the potential to save 49 to 60 fatalities, 649 to 858 injuries, and 1,807 to 2,329 crashes annually. The net cost per equivalent life saved at a 7 percent discount rate is estimated to range from $2.0 to $2.6 million, and for a 3 percent

discount rate is $1.5 to $2.0 million. The net ***benefits*** are $155 to $222 million at a 7 percent discount rate, and $228 to $310 million at a 3 percent discount rate.

Risks: The Agency believes that there are no significant risks associated with this rulemaking, and that only beneficial outcomes will occur.

Timetable:

Action Date FR Cite

NPRM..... 05/23/12 77 FR 30766
NPRM Comment Period End..... 08/21/12 .....

Final Rule..... 01/00/15 .....

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: No.

Government Levels Affected: None.

URL for More Information: *www.regulations.gov*.

URL for Public Comments: *www.regulations.gov*.
Agency Contact: George Soodoo, Chief, Vehicle Safety Dynamics

Division (NVS-122), Department ***of*** Transportation, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, Phone: 202-366-2720, Fax: 202-366-4329, Email:

george.soodoo@dot.gov
RIN: 2127-AK97

DOT--FEDERAL TRANSIT ADMINISTRATION (FTA)

Proposed Rule Stage

117. +State Safety Oversight (MAP-21)

Priority: Other Significant. Major under 5 U.S.C. 801.
Legal Authority: Pub. L. 112 to 141, sec 20021
CFR Citation: 49 CFR 659.
Legal Deadline: None.
Abstract: This rulemaking will set standards for State safety oversight ***of*** rail transit systems and criteria for award ***of*** FTA grant funds to help the States develop and carry out their oversight programs.

Statement ***of*** Need: The Moving Ahead for Progress in the 21st Century Act (MAP-21, effective Oct. 1, 2012) made substantial changes to the program for State safety oversight ***of*** rail fixed guideway public transportation systems, and created a new program ***of*** Federal financial assistance to the States for the purpose ***of*** conducting their oversight ***of*** rail transit system safety. This rulemaking will flesh out the statutory changes to the program, and set the process for making grants ***of*** Federal funding to the States.

Summary ***of*** Legal Basis: 49 U.S.C. 5329(e)(9) requires the Secretary to issue regulations to carry out the State safety oversight program for rail fixed guideway public transportation systems.

Alternatives: This rulemaking will amend the regulations at 49 CFR part

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659 that have been in place since 1995. The single most important change this rulemaking entails is the flexible, scalable Safety

Management Systems (SMS) approach that the U.S. Dept. ***of*** Transportation

is applying to help ensure safety in all modes ***of*** transportation-SMS

can be tailored both to the size, complexity, and mode ***of*** operation for

a transit system, and the State agency that is overseeing the safety ***of*** a rail transit system.

Anticipated Cost and ***Benefits***: This rulemaking will not entail any

significant change to the annualized monetary costs and ***benefits*** ***of*** the State safety oversight rules that have been in place since 1995. The

costs and ***benefits*** will be assessed during the development ***of*** the NPRM,

but it's critical to note that State safety oversight ***of*** rail transit systems will no longer be an unfunded mandate; for the first time, under MAP-21, Federal funding will be available to the States to assist them in conducting their oversight, and this rulemaking will set the process for making the FTA grants to the States.

Risks: This rulemaking will not regulate any entities other than States that have rail fixed guideway public transportation systems and

the State safety oversight Agencies that conduct oversight ***of*** those rail transit systems. The Federal funding for State safety oversight will be apportioned by formula, based on the statutory criteria set forth in 49 U.S.C. 5329(e)(6)(B)(i), thus, this rulemaking poses no risks for the regulated communities other than the risks inherent in

conducting the oversight ***of*** the safety ***of*** the rail transit systems for which they are responsible.

Timetable:

Action Date FR Cite

NPRM..... 01/00/15 .....

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

URL for More Information: www.regulations.gov.

URL for Public Comments: www.regulations.gov.

Agency Contact: Candace Key, Attorney Advisor, Department ***of*** Transportation, Federal Transit Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, Phone: 202 366-9178, Email:

candace.key@dot.gov

RIN: 2132-AB19

DOT--PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION (PHMSA)

Proposed Rule Stage

118. +Pipeline Safety: Safety ***of*** On-Shore Liquid Hazardous Pipelines

Priority: Other Significant. Major under 5 U.S.C. 801.
Legal Authority: 49 U.S.C. 60101 et seq.
CFR Citation: 49 CFR 195.
Legal Deadline: None.
Abstract: This rulemaking would address effective procedures that hazardous liquid operators can use to improve the protection ***of*** high consequence areas (HCA) and other vulnerable areas along their hazardous liquid onshore pipelines. PHMSA is considering whether changes are needed to the regulations covering hazardous liquid onshore pipelines, whether other areas should be included as HCAs for integrity management (IM) protections, what the repair timeframes should be for areas outside the HCAs that are assessed as part ***of*** the IM program, whether leak detection standards are necessary, valve spacing requirements are needed on new construction or ***existing*** pipelines, and PHMSA should extend regulation to certain pipelines currently exempt from regulation. The Agency would also address the public safety and environmental aspects ***of*** any new requirements, as well as the cost implications and regulatory burden.

Statement ***of*** Need: This NPRM responds to NTSB recommendations, a GAO recommendation, public safety community input, consideration ***of*** research and technology advancements and the review ***of*** recent incident and accident reports. Additionally, the Pipeline Safety, Regulatory Certainty, and Job Creation Act ***of*** 2011 (P.L. 112-90), includes several provisions and mandates that are relevant to the 49 CFR particularly section 195.452. If adopted, the proposals in this NPRM will better

protect the public, property, and the environment by ensuring that additional pipelines are subject to improved regulation, thus increasing the detection and remediation ***of*** pipeline anomalies.

Summary ***of*** Legal Basis: Congress established the current framework for regulating the safety ***of*** hazardous liquid pipelines in the Hazardous Liquid Pipeline Safety Act (HLPSA) ***of*** 1979 (Pub. L. 96 to 129). Like its predecessor, the Natural Gas Pipeline Safety Act ***of*** 1968 (Pub. L. 90 to 481), the HLPSA provided the Secretary ***of*** Transportation (Secretary) with the authority to prescribe minimum Federal safety standards for hazardous liquid pipeline facilities. That authority, as amended in subsequent reauthorizations, is currently codified in the Pipeline Safety Laws (49 U.S.C. 60101 et seq.).

Alternatives: The various alternatives analyzed included no action ``status quo'' and individualized alternatives based on the proposed amendments.

Anticipated Cost and ***Benefits***: The cost and ***benefits*** ***of*** this rule are to be determined.

Risks: The proposed rule will provide increased safety for the regulated entities and reduce pipeline safety risks.

Timetable:

Action	Date	FR Cite
ANPRM	10/18/10	75 FR 63774
ANPRM Comment Period End	01/18/11	
ANPRM Comment Period Extended	01/04/11	76 FR 303
ANPRM Extended Comment Period End	02/18/11	
NPRM	04/00/15	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

URL for More Information: *www.regulations.gov*.

URL for Public Comments: *www.regulations.gov*.

Agency Contact: John A Gale, Transportation Regulations Specialist, Department ***of*** Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590,

Phone: 202-366-0434, Email: *john.gale@dot.gov*
RIN: 2137-AE66

DOT--PHMSA

119. +Pipeline Safety: Gas Transmission (RRR)

Priority: Other Significant.
Legal Authority: 49 U.S.C. 60101 et seq.
CFR Citation: 49 CFR 192
Legal Deadline: None.
Abstract: In this rulemaking, PHMSA will be revisiting the requirements in the Pipeline Safety Regulations, addressing integrity management principles for gas transmission pipelines. In particular,

PHMSA will be reviewing the definition ***of*** an HCA (including the concept

of a potential impact radius), the repair criteria for both HCA and

non-HCA areas, requiring the use ***of*** automatic and remote-controlled shut off valves, valve

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spacing, and whether applying the integrity management program requirements to additional areas would mitigate the need for class location requirements.

Statement ***of*** Need: PHMSA will be reviewing the definition ***of*** an HCA

(including the concept ***of*** a potential impact radius), the repair

criteria for both HCA and non-HCA areas, requiring the use ***of*** automatic and remote-controlled shut off valves, valve spacing, and whether applying the integrity management program requirements to additional areas would mitigate the need for class location requirements. This rulemaking is in direct response to Congressional mandates in the 2011 Pipeline Reauthorization Act, specifically; section 4 (e) Gas IM plus 6

months, section 5(IM), 8 (leak detection), 23 (b)(2) (exceedance ***of*** MAOP); section 29 (seismicity).

Summary ***of*** Legal Basis: Congress has authorized Federal regulation

of the transportation ***of*** gas by pipeline under the Commerce Clause ***of*** the U.S. Constitution. Authorization is codified in the Pipeline Safety

Laws (49 U.S.C.s 60101 et seq.), a series ***of*** statutes that are administered by the DOT and PHMSA. PHMSA has used that authority to promulgate comprehensive minimum safety standards for the

transportation ***of*** gas by pipeline.

Alternatives: Alternatives analyzed included no change, and extension ***of*** the compliance deadlines associated with the major cost ***of*** the requirement area; namely, development and implementation ***of*** management-***of***-change processes that apply to all gas transmission pipelines beyond that which already applies to beyond IMP- and control center-related processes.

Anticipated Cost and ***Benefits***: PHMSA does not expect the proposed rule to adversely affect the economy or any sector ***of*** the economy in terms ***of*** productivity and employment, the environment, public health, safety, or State, local, or tribal ***government***. PHMSA has also determined, as required by the Regulatory Flexibility Act, that the rule would not have a significant economic impact on a substantial number ***of*** small entities in the United States. Additionally, PHMSA determined that the rule would not impose annual expenditures on State, local, or tribal ***governments*** in excess ***of*** $152 million, and thus does not require an Unfunded Mandates Reform Act analysis. However, the rule would impose annual expenditure in the private sector in excess ***of*** $152 million.

Risks: This proposed rule will strengthen current pipeline regulations and lower the safety risk ***of*** all regulated entities.

Timetable:

Action Date FR Cite

ANPRM..... 08/25/11 76 FR 5308
ANPRM Comment Period Extended..... 11/16/11 76 FR 70953
ANPRM Comment Period End..... 12/02/11 .....
End ***of*** ANPRM Comment Period Extended 01/20/12 .....
NPRM..... 01/00/15 .....

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: No.

Government Levels Affected: None.
Additional Information: SB-Y IC-N SLT-N.

URL for More Information: *www.regulations.gov*.

URL for Public Comments: www.regulations.gov.
Agency Contact: Cameron H Satterthwaite, Transportation Regulations

Specialist, Department ***of*** Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, Phone: 202 366-8553, Email:

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RIN: 2137-AE72

DOT--PHMSA

Final Rule Stage

120. +Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains

Priority: Economically Significant. Major under 5 U.S.C. 801.
Unfunded Mandates: This action may affect the private sector under Pub. L. 104-4.
Legal Authority: 49 U.S.C. 5101 et seq.
CFR Citation: 49 CFR 171; 49 CFR 172; 49 CFR 173; 49 CFR 174; 49 CFR 179
Legal Deadline: None.
Abstract: This rulemaking would amend proposes new operational requirements for certain trains transporting a large volume ***of*** flammable materials, provide improvements in tank car standards, and revise the generalmaterials improvements in tank car standards and revision ***of*** the general requirements for offerors to ensure proper classification and characterization ***of*** mined gases and liquids. These new requirements are designed to lessen the consequences ***of*** derailments involving ethanol crude oil and certain trains transporting a large volume ***of*** flammable materials. The growing reliance on trains to transport large volumes ***of*** flammable materials poses a significant risk to life property and the environment. These significant risks have been highlighted by the recent derailments ***of*** trains carrying crude oil in Casselton, North Dakota; Aliceville, Alabama; and Lac-M[eacute]gantic, Quebec Canada. The proposed changes also address National Transportation Safety Board (NTSB) recommendations on accurate classification, enhanced tank cars, rail routing, oversight, and adequate response capabilities.

Statement ***of*** Need: This rulemaking is a crucial step by DOT to

reduce the risks related to the transportation ***of*** hazardous materials by rail. Preventing tank car incidents and minimizing the consequences when an incident does occur are not only DOT priorities, but are also shared by the National Transportation Safety Board (NTSB), industry, and the general public. These same groups also question the survivability ***of*** general service tank cars built to the current regulatory requirements. To this end, PHMSA will consider regulatory amendments to enhance the standards for tank cars, most notably, DOT Specification 111 tank cars used to transport certain hazardous materials and explore additional operational requirements to enhance the safe transportation ***of*** hazardous materials by rail.

Summary ***of*** Legal Basis: The authority ***of*** 49 U.S.C. 5103(b), which authorizes the Secretary ***of*** Transportation to ``prescribe regulations for the safe transportation, including security, ***of*** hazardous materials in intrastate, interstate, and foreign commerce."

Alternatives: PHMSA and FRA are committed to a comprehensive approach to addressing the risk and consequences ***of*** derailments involving hazardous materials by addressing not only survivability ***of*** rail car designs, but the operational practices ***of*** rail carriers. Obtaining information and comments in an NPRM provided the greatest opportunity for public participation in the development ***of*** regulatory amendments, and promote greater exchange ***of*** information and perspectives among the various stakeholders to promote future regulatory action on these issues.

Anticipated Cost and ***Benefits***: The NPRM requested comments on both the path forward and the economic impacts. We are evaluating comments prior to developing the final rule, and once the final rule is drafted the costs and ***benefits*** will be detailed.

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Risks: DOT conducted research on long-standing safety concerns regarding the survivability ***of*** the DOT Specification 111 tank cars designed to current HMR requirements, and used for the transportation ***of*** flammable liquids. The research found that special consideration is necessary for the transportation ***of*** flammable liquids in DOT Specification 111 tank cars, especially when a train is configured as a unit train. Through the research, DOT identified and ranked several

enhancements to the current specifications that would increase tank car survivability. The highest-ranked options are low cost and the most

effective at preventing loss ***of*** containment and catastrophic failure ***of*** a DOT Specification 111 tank car during a derailment.

Timetable:

Action Date FR Cite

ANPRM..... 09/06/13 78 FR 54849
ANPRM Comment Period End..... 11/05/13 .....
ANPRM Comment Period Extended..... 11/05/13 78 FR 66326
ANPRM Comment Period Extended End... 12/05/13 .....
NPRM..... 08/01/14 79 FR 45015
NPRM Comment Period End..... 09/30/14 .....
Final Rule..... 03/00/15 .....

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Additional Information: HM-251; SB-Y, IC-Y, SLT-N; This rulemaking will provide the greatest opportunity for public participation in the

development ***of*** regulatory amendments, and promote greater exchange ***of*** information and perspectives among the various stakeholders. The rulemaking will lead to more focused and well-developed amendments that

reflect the views ***of*** all regulated entities. Comments received to the

NPRM were used in our evaluation and development ***of*** future regulatory action on these issues.

URL for More Information: *www.regulations.gov*.

URL for Public Comments: *www.regulations.gov*.

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RIN: 2137-AE91

BILLING CODE 4910-9X-P

DEPARTMENT ***OF*** THE TREASURY

Statement ***of*** Regulatory Priorities

The primary missions ***of*** the Department ***of*** the Treasury are:

To promote prosperous and stable ***American*** and world economies, including promoting domestic economic growth and maintaining our Nation's leadership in global economic issues, supervising national banks and thrift institutions, and helping to bring residents ***of*** distressed communities into the economic mainstream.

To manage the ***Government***'s finances by protecting the revenue and collecting the correct amount ***of*** revenue under the Internal Revenue Code, overseeing customs revenue functions, financing the Federal ***Government*** and managing its fiscal operations, and producing our Nation's coins and currency.

To safeguard the U.S. and international financial systems from those ***who*** would use these systems for illegal purposes or to compromise U.S. national security interests, while keeping them free and open to legitimate users.

Consistent with these missions, most regulations ***of*** the Department and its constituent bureaus are promulgated to interpret and implement the laws as enacted by the Congress and signed by the President. It is the policy ***of*** the Department to comply with applicable requirements to issue a notice ***of*** proposed rulemaking and carefully consider public comments before adopting a final rule. Also, the Department invites interested parties to submit views on rulemaking projects while a proposed rule is being developed.

To the extent permitted by law, it is the policy ***of*** the Department to adhere to the regulatory philosophy and principles set forth in Executive Orders 12866, 13563, and 13609 and to develop regulations that maximize aggregate net ***benefits*** to society while minimizing the economic and paperwork burdens imposed on persons and businesses subject to those regulations.

Alcohol and Tobacco Tax and Trade Bureau

The Alcohol and Tobacco Tax and Trade Bureau (TTB) issues regulations to implement and enforce the Federal laws relating to alcohol, tobacco, firearms, and ammunition excise taxes and certain non-tax laws relating to alcohol. TTB's mission and regulations are designed to:

(1) Collect the taxes on alcohol, tobacco, firearms and ammunition;

(2) Protect the consumer by ensuring the integrity ***of*** alcohol products; and

(3) Prevent unfair and unlawful market activity for alcohol and tobacco products.

In the last several years, TTB has recognized the changes in the industries it regulates, as well as the modernized enforcement tools available to it. As a consequence, TTB has focused on revising its regulations to ensure that it accomplishes its mission in a way that facilitates industry growth, while at the same time protecting the revenue and consumers ***of*** alcohol beverages. This modernization effort has resulted in the updating ***of*** Parts 9 (***American*** Viticultural Areas) and 19 (Distilled Spirits Plants) ***of*** Title 27 ***of*** the Code ***of*** Federal Regulations. In addition to its beverage alcohol regulations, TTB published in fiscal year (FY) 2013, a temporary rule and concurrent NPRM pertaining to permits for importers ***of*** tobacco products and processed tobacco that would extend the duration ***of*** new permits from three years to five years. Furthermore, TTB published an NPRM concerning denatured alcohol and products made with industrial alcohol. The proposed amendments would remove unnecessary regulatory burdens on the industrial alcohol industry as well as TTB, and would align the regulations with current industry practice. These latter three rules all published in June 2013.

In fiscal year 2014, TTB published a direct final rule amending its regulations in 27 CFR part 73 regarding the electronic submission ***of*** forms and other documents. To streamline the application process through TTB's secure, web-based applications (Permits Online, COLAs Online, and Formulas Online) and to enable current and prospective industry members to submit all required application forms electronically, TTB amended part 73 to provide for the electronic submission to TTB ***of*** forms requiring third-party signatures, such as bond forms and powers ***of*** attorney. Copies ***of*** such forms, bearing all required signatures and seals, may now be submitted electronically, along with a certification that the copy is an exact copy ***of*** the original, provided the submitter maintains the original along with other records and makes it available or submits it to TTB upon request. TTB further amended part 73 to provide that any requirement in the TTB regulations to submit a document to another agency may be met by the electronic submission ***of*** the document to the other agency, as long as the other agency provides for, and authorizes, the

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electronic submission ***of*** such document.

In that same final rule, TTB amended its regulations in 27 CFR part 19 governing the records that distilled spirits plant (DSP) proprietors must keep ***of*** finished products, by removing the requirement that DSP proprietors keep a daily summary record ***of*** the kind ***of*** distilled spirits bottled or packaged. Finally, TTB amended its regulations in 27 CFR parts 26 and 27 regarding closures that must be affixed to containers ***of*** imported distilled spirits products or ***of*** such products brought into the United States from Puerto Rico or the Virgin Islands.

The amendments remove a requirement that a part ***of*** the closure remain attached to the container when opened, thereby aligning the regulations for such products with those applicable to domestic distilled spirits products. In summary, the amendments made by this final rule have lessened the regulatory burden on industry members by, among other changes: (1) providing for the electronic submission ***of*** documents requiring third-party signatures or corporate seals and ***of*** documents that the TTB regulations require be submitted to other agencies; (2) removing a recordkeeping requirement in 27 CFR 19.601 for DSP proprietors; and (3) removing a regulatory requirement related to the types ***of*** closures that must be used on certain distilled spirits containers.

In FY 2015, TTB will continue its multi-year Regulations Modernization effort by finalizing its Specially Denatured and Completely Denatured Alcohol regulations and prioritizing projects that will update its Labeling Requirements regulations, Import and Export regulations, Nonbeverage Products regulations, and Distilled Spirits Plant Reporting Requirements.

This fiscal year TTB plans to give priority to the following regulatory matters:

Revisions to Specially Denatured and Completely Denatured Alcohol Regulations. TTB proposed changes to regulations for specially denatured alcohol (SDA) and completely denatured alcohol (CDA) that would result in cost savings for both TTB and regulated industry members. These amendments are necessary because they provide a reduction in regulatory burden while posing no risk to the revenue.

Under the authority ***of*** the Internal Revenue Code ***of*** 1986, as amended (IRC), TTB regulates denatured alcohol that is unfit for beverage use, which may be removed from a regulated distilled spirits plant free ***of*** tax. SDA and CDA are widely used in the ***American*** fuel,

medical, and manufacturing sectors. The industrial alcohol industry far exceeds the beverage alcohol industry in size and scope, and it is a rapidly growing industry in the United States. Some concerns have been raised that the current regulations may create significant roadblocks for industry members in getting products to the marketplace quickly and efficiently. To help alleviate these concerns, TTB plans to issue a final rule that will reclassify certain SDA formulas as CDA and issue new general-use formulas for articles made with SDA. As a result ***of*** these changes, industry members would need to seek formula approval from TTB less frequently, and, in turn, TTB could decrease the resources it dedicates to formula review.

TTB estimates that these changes will result in an 80 percent reduction in the formula approval submissions currently required from industry members and will reduce total annual paperwork burden hours on affected industry members from 2,415 to 517 hours. The reduction in formula submissions will enable TTB to redirect its resources to address backlogs that ***exist*** in other areas ***of*** TTB's mission activities, such as analyses ***of*** compliance samples for industrial/fuel alcohol to protect the revenue and working with industry to test and approve new and more environmentally friendly denaturants. Additionally, the reclassification ***of*** certain SDA formulas to CDA formulas will not jeopardize the revenue because it is more difficult to separate potable alcohol from CDA than it is from SDA, and because CDA has an offensive taste and is less likely to be used for beverage purposes. Similarly, authorizing new general-use formulas will not jeopardize the revenue because it will be difficult to remove potable alcohol from articles made with the specific SDA formulations. Other changes made by this final rule will remove unnecessary regulatory burdens and update the regulations to align them with current industry practice.

Revisions to the Labeling Requirements (Parts 4 (Wine), 5 (Distilled Spirits), and 7 (Malt Beverages)). The Federal Alcohol Administration Act requires that alcohol beverages introduced in interstate commerce have a label issued and approved under regulations prescribed by the Secretary ***of*** the Treasury. In accordance with the mandate ***of*** Executive Order 13563 ***of*** January 18, 2011, regarding improving regulation and regulatory review, TTB has conducted an analysis ***of*** its regulations to identify any that might be outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with what has been

learned. As a result ***of*** its review, TTB has near-term plans to revise the regulations concerning the approval ***of*** labels for wine, distilled spirits, and malt beverages, to reduce the cost to TTB ***of*** reviewing and approving an ever-increasing number ***of*** applications for label approval (well over 130,000 per year). The regulations are being reviewed to assess their relevance in the 21st century. Revisions will provide clarity to industry to improve voluntary compliance. Currently, the review and approval process requires a staff ***of*** at least 13 people for the pre-approval ***of*** labels, in addition to management review. The goal ***of*** these regulatory changes, to be developed with industry input, is to accelerate the approval process, which will result in the regulated industries being able to bring products to market without undue delay.

Selected Revisions to Export and Import Regulations Related to the International Trade Data System. TTB is currently preparing for the implementation ***of*** the International Trade Data System (ITDS) and, specifically, the transition to an all-electronic import and export environment. The ITDS, as described in section 405 ***of*** the Security and Accountability for Every Port Act ***of*** 2006 (the ``SAFE Port Act'') (Public Law 109-347), is an electronic information exchange capability, or ``single window,'' through which businesses will transmit data required by participating agencies for the importation or exportation ***of*** cargo. To enhance Federal coordination associated with the development ***of*** the ITDS and put in place specific deadlines for implementation, President Obama, on February 19, 2014, signed an Executive Order (EO) on Streamlining the Export/Import Process for America's Businesses. In line with section 3(e) ***of*** the EO, TTB was required to develop an implementation timeline for ITDS implementation. Regulatory review for transition to the all-electronic environment is part ***of*** that process.

TTB has completed its review ***of*** the regulatory requirements and identified those that it intends to update to account for the new all-electronic environment. TTB has not only focused on identifying requirements in order to align them with the new environment (such as amending requirements that reference submission ***of*** paper documents at entry), but also is reviewing ***existing*** requirements and processes to determine where modifications could better take

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advantage ***of*** the all-electronic capability while reducing burden. TTB is planning to publish rulemaking on its import and export regulations

in FY15, for example, this rulemaking will address the collection ***of***

TTB F 5100.31 (Application for and Certification/Exemption ***of*** Label/ Bottle Approval) and foreign certificate data in the ITDS environment.

In recent years, TTB has identified selected sections ***of*** its export regulations (27 CFR part 28) that should be amended to assist industry members in complying with the regulations. Current regulations require industry members to obtain documents and follow procedures that are outdated and not entirely consistent with current industry practices

regarding exportation. As part ***of*** its effort to accommodate

implementation ***of*** ITDS, TTB's proposed regulatory revisions will also provide industry members with clear and updated procedures for removal

of alcohol for exportation without having to pay excise taxes (under the IRC, beverage alcohol may be removed for exportation without

payment ***of*** tax), thus increasing their willingness and ability to

export their products. Increasing ***American*** exports ***benefits*** the

American economy and is consistent with Treasury and Administration priorities.

Revision ***of*** the Part 17 Regulations, ``Drawback on Taxpaid Distilled Spirits Used in Manufacturing Nonbeverage Products,'' to

Allow Self-Certification ***of*** Nonbeverage Product Formulas. TTB is considering revisions to the regulations in 27 CFR part 17 governing nonbeverage products made with taxpaid distilled spirits. These nonbeverage products include foods, medicines, and flavors. This

proposal offers a new method ***of*** formula certification by incorporating quantitative standards into the regulations and establishing new voluntary procedures that would further streamline the formula review process for products that meet the standards. These proposals pose no risk to the revenue because TTB will continue to review the formulas; however, TTB will not take action on certified formula submissions unless the formulas require correction. This proposal would nearly eliminate the need for TTB to formally approve all nonbeverage product

formulas by proposing to allow for self-certification ***of*** such formulas. The changes would result in significant cost savings for an important industry, which currently must obtain formula approval from TTB, and

some savings for TTB, which must review and take action to approve or disapprove each formula.

Revisions to Distilled Spirits Plant Reporting Requirements. In FY 2012, TTB published an NPRM proposing to revise regulations in 27 CFR part 19 to replace the current four report forms used by distilled spirits plants to report their operations on a monthly basis with two new report forms that would be submitted on a monthly basis. (Plants that file taxes on a quarterly basis would submit the new reports on a quarterly basis.) This project, which was included in the President's FY 2012 budget for TTB as a cost-saving item, will address numerous concerns and desires for improved reporting by the affected distilled spirits industry and result in cost savings to the industry and TTB by significantly reducing the number ***of*** monthly plant operations reports that must be completed and filed by industry members and processed by TTB. TTB preliminarily estimates that this project will result in an annual savings ***of*** approximately 23,218 paperwork burden hours (or 11.6 staff years) for industry members and 629 processing hours (or 0.3 staff years) and $12,442 per year for TTB in contractor time. In addition, TTB estimates that this project will result in additional savings in staff time (approximately 3 staff years) equaling $300,000 annually based on the more efficient and effective processing ***of*** reports and the use ***of*** report data to reconcile industry member tax accounts. Based on comments received in response to the NPRM, TTB plans to revise the proposal and re-notice the issue.

Bureau ***of*** the Fiscal Service

The Bureau ***of*** the Fiscal Service (Fiscal Service) administers regulations pertaining to the ***Government***'s financial activities, including: (1) Implementing Treasury's borrowing authority, including regulating the sale and issue ***of*** Treasury securities, (2) Administering ***Government*** revenue and debt collection, (3) Administering Governmentwide accounting programs, (4) Managing certain Federal investments, (5) Disbursing the majority ***of*** ***Government*** electronic and check payments, (6) Assisting Federal agencies in reducing the number ***of*** improper payments, and (7) Providing administrative and operational support to Federal agencies through franchise shared services.

During fiscal year 2015, the Fiscal Service will accord priority to the following regulatory projects:

Amendment to Large Position Reporting Requirements. On behalf ***of***

Treasury (Financial Markets), the Fiscal Service plans to amend the

Government Securities Act regulations (17 CFR chapter IV) to modify the large position reporting rules to improve the information reported so that Treasury can better understand supply and demand dynamics in certain Treasury securities.

Notice ***of*** Proposed Rulemaking for Publishing Delinquent Debtor

Information. The Debt Collection Improvement Act ***of*** 1996, Pub. L. 104-134, 110 Stat. 1321 (DCIA) authorizes Federal agencies to publish or

otherwise publicly disseminate information regarding the identity ***of*** persons owing delinquent nontax debts to the United States for the

purpose ***of*** collecting the debts, provided certain criteria are met.

Treasury proposes to issue a notice ***of*** proposed rulemaking seeking comments on a proposed rule that would establish the procedures Federal agencies must follow before promulgating their own rules to publish information about delinquent debtors and the standards for determining

when use ***of*** this debt collection remedy is appropriate.

Community Development Financial Institutions Fund

The Community Development Financial Institutions Fund (CDFI Fund) was established by the Community Development Banking and Financial

Institutions Act ***of*** 1994 (12 U.S.C. 4701 et seq.). The mission ***of*** the CDFI Fund is to increase economic opportunity and promote community development investments for underserved populations and in distressed communities in the United States. The CDFI Fund currently administers the following programs: The Community Development Financial Institutions (CDFI) Program, the Bank Enterprise Award (BEA) Program,

the Native ***American*** CDFI Assistance (NACA) Program, and the New Markets Tax Credit (NMTC) Program, the Financial Education and Counseling Pilot Program (FEC), the Capital Magnet Fund (CMF), and the CDFI Bond Guarantee Program (BGP).

In FY 2015, the CDFI Fund will publish updated regulations for its

BEA Program and CDFI Program to incorporate the requirements ***of*** the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR part 200). In December 2013, the

Office ***of*** Management and Budget (OMB) published a final rule that

provides a ***government***-wide framework for grants management, with the

goal ***of*** combining several OMB guidance circulars, reducing administrative burden for award Recipients, and

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reducing the risk ***of*** waste, fraud and abuse ***of*** Federal financial assistance. The Uniform Federal Award Requirements codifies financial, administrative, procurement, and program management standards that Federal award agencies must follow. Each Federal agency is anticipated to codify these requirements by the end ***of*** calendar year 2014.

Customs Revenue Functions

The Homeland Security Act ***of*** 2002 (the Act) provides that the Secretary ***of*** the Treasury retains sole legal authority over the customs revenue functions. The Act also authorizes the Secretary ***of*** the Treasury to delegate any ***of*** the retained authority over customs revenue functions to the Secretary ***of*** Homeland Security. By Treasury Department Order No. 100-16, the Secretary ***of*** the Treasury delegated to the Secretary ***of*** Homeland Security authority to prescribe regulations pertaining to the customs revenue functions subject to certain exceptions. This Order further provided that the Secretary ***of*** the Treasury retained the sole authority to approve such regulations.

During the past fiscal year, among the customs-revenue function regulations issued were the United States--Colombia Trade Promotion Agreement final rule, the United States--Panama Trade Promotion Agreement final rule, and the African Growth and Opportunity Act (AGOA) and Generalized System ***of*** Preferences and Trade ***Benefits*** under AGOA final rule. On October 1, 2013, U.S. Customs and Border Protection (CBP) published the United States--Colombia Trade Promotion Agreement final rule (78 FR 60191) that adopted interim amendments (77 FR 59064) ***of*** September 26, 2012, to the CBP regulations which implemented the preferential tariff treatment and other customs-related provisions ***of*** the United States--Colombia Trade Promotion Agreement Implementation Act. On May 21, 2014, CBP issued the United States--Panama Trade Promotion Agreement final rule (79 FR 29077) that adopted interim amendments (78 FR 63052) ***of*** October 23, 2013, to the CBP regulations, which implemented the preferential tariff treatment and other customs-related provisions ***of*** the United States-Panama Trade Promotion Agreement Implementation Act that took effect on October 31, 2012. In addition, CBP issued the African Growth and Opportunity Act (AGOA) and Generalized System ***of*** Preferences and Trade ***Benefits*** under AGOA final

rule (79 FR 30356) on May 27, 2014, that adopted the interim amendments (65 FR 59668 and 68 FR 13820) ***of*** October 5, 2000, and March 21, 2003, respectively, to the CBP regulations.

On December 18, 2013, Treasury and CBP published a final rule titled Members ***of*** a Family for Purposes ***of*** Filing a CBP Family Declaration (78 FR 76529) that amended the regulations by expanding the definition ***of*** the term, ``members ***of*** a family residing in one household,'' to allow more U.S. returning residents traveling as a family upon their arrival in the United States to be eligible to group their duty exemptions and file a single customs declaration for articles acquired abroad.

This past fiscal year, consistent with the goals ***of*** Executive Orders 12866 and 13563, Treasury and CBP proposed changes to Documentation Related to Goods Imported From U.S. Insular Possessions on January 14, 2014 (79 FR 2395), to eliminate the requirement that a customs officer at the port ***of*** export verify and sign CBP Form 3229, Certificate ***of*** Origin for U.S. Insular Possessions, and to require instead that the importer present this form, upon CBP's request, rather than submit it with each entry as the current regulations require. The changes proposed would streamline the entry process by making it more efficient as it would reduce the overall administrative burden on both the trade and CBP. If the importer does not maintain CBP Form 3229 in its possession, the importer may be subject to a recordkeeping penalty. CBP plans to finalize this rule during fiscal year 2015.

During fiscal year 2015, CBP and Treasury also plan to give priority to the following regulatory matters involving the customs revenue functions:

In-Bond Process. Consistent with the practice ***of*** continuing to move forward with Customs Modernization provisions ***of*** the North ***American*** Free Trade Implementation Act to improve its regulatory procedures, Treasury and CBP plan to finalize this fiscal year the proposal to change the in-bond process by issuing final regulations to amend the in-bond regulations that were proposed on February 22, 2012 (77 FR 10622). The proposed changes, including the automation ***of*** the in-bond process, would modernize, simplify, and facilitate the in-bond process while enhancing CBP's ability to regulate and track in-bond merchandise to ensure that in-bond merchandise is properly entered or exported.

Free Trade Agreements. Treasury and CBP also plan to issue final regulations this fiscal year to implement the preferential trade

benefit provisions ***of*** the United States-Singapore Free Trade Agreement Implementation Act. Treasury and CBP also expect to issue interim

regulations implementing the preferential trade ***benefit*** provisions ***of*** the United States-Australia Free Trade Agreement Implementation Act.

Customs and Border Protection's Bond Program. Treasury and CBP plan to publish a final rule amending the regulations to reflect the

centralization ***of*** the continuous bond program at CBP's Revenue Division. The changes proposed would support CBP's bond program by ensuring an efficient and uniform approach to the approval,

maintenance, and periodic review ***of*** continuous bonds, as well as

accommodating the use ***of*** information technology and modern business practices.

Disclosure ***of*** Information for Certain Intellectual Property Rights Enforced at the Border. Treasury and CBP plan to finalize interim amendments to the CBP regulations which provides a pre-seizure notice procedure for disclosing information appearing on the imported

merchandise and/or its retail packing suspected ***of*** bearing a counterfeit mark to an intellectual property right holder for the

limited purpose ***of*** obtaining the right holder's assistance in determining whether the mark is counterfeit or not.

Internal Revenue Service

The Internal Revenue Service (IRS), working with the Office ***of*** Tax Policy, promulgates regulations that interpret and implement the

Internal Revenue Code and related tax statutes. The purpose ***of*** these regulations is to carry out the tax policy determined by Congress in a fair, impartial, and reasonable manner, taking into account the intent

of Congress, the realities ***of*** relevant transactions, the need for the

Government to administer the rules and monitor compliance, and the

overall integrity ***of*** the Federal tax system. The goal is to make the regulations practical and as clear and simple as possible.

During fiscal year 2015, the IRS will accord priority to the following regulatory projects:

Tax-Related Affordable Care Act Provisions. On March 23, 2010, the

President signed the Patient Protection and Affordable Care Act ***of*** 2010 (Pub. L. 111-148) and on March 30, 2010, the President signed the

Health Care and Education Reconciliation Act ***of*** 2010 (Pub. L. 111-152) (referred to collectively as the Affordable Care Act (ACA)). The ACA's

reform ***of*** the health insurance system affects individuals, families, employers, health care providers, and health insurance providers. The ACA provides authority for Treasury and the IRS to issue regulations and other guidance to

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implement tax provisions in the ACA, some ***of*** which are already effective and some ***of*** which will become effective over the next several years. Since enactment ***of*** the ACA, Treasury and the IRS have issued a series ***of*** temporary, proposed, and final regulations implementing over a dozen provisions ***of*** the ACA, including the premium tax credit under section 36B, the small-business health coverage tax credit under section 45R, new requirements for charitable hospitals under section 501(r), limits on tax preferences for remuneration provided by certain health insurance providers under section 162(m)(6), the employer shared responsibility provisions under section 4980H, the individual shared responsibility provisions under section 5000A, insurer and employer reporting under sections 6055 and 6056, and several revenue-raising provisions, including fees on branded prescription drugs under section 9008 ***of*** the ACA, fees on health insurance providers under section 9010 ***of*** the ACA, the tax on indoor tanning services under 5000B, the net investment income tax under section 1411, and the additional Medicare tax under sections 3101 and 3102.

In fiscal year 2015, Treasury and the IRS will continue to provide guidance to implement tax provisions ***of*** the ACA, including:

Final regulations related to numerous aspects ***of*** the premium tax credit under section 36B, including the determination ***of*** minimum value ***of*** eligible-employer-sponsored plans;

Final regulations on application for recognition ***of*** tax exemption as a qualified nonprofit health insurer under section 501(c)(29);

Final regulations on new requirements for charitable hospitals under section 501(r);

Final regulations regarding issues related to the net investment income tax under section 1411; and

Final regulations concerning minimum essential coverage and other rules regarding the individual shared responsibility provision under section 5000A.

Interest on Deferred Tax Liability for Contingent Payment Installment Sales. Section 453 ***of*** the Internal Revenue Code generally allows taxpayers to report the gain from a sale ***of*** property in the taxable year or years in which payments are received, rather than in the year ***of*** sale. Section 453A ***of*** the Code imposes an interest charge on the tax liability that is deferred as a result ***of*** reporting the gain when payments are received. The interest charge generally applies to installment obligations that arise from a sale ***of*** property using the installment method if the sales price ***of*** the property exceeds $150,000, and the face amount ***of*** all such installment obligations held by a taxpayer that arose during, and are outstanding as ***of*** the close ***of***, a taxable year exceeds $5,000,000. The interest charge provided in section 453A cannot be determined under the terms ***of*** the statute if an installment obligation provides for contingent payments. Accordingly, in section 453A(c)(6), Congress authorized the Secretary ***of*** the Treasury to issue regulations providing for the application ***of*** section 453A in the case ***of*** installment sales with contingent payments. Treasury and the IRS intend to issue proposed regulations that, when finalized, will provide guidance and reduce uncertainty regarding the application ***of*** section 453A to contingent payments.

Rules for Home Construction Contracts. In general, section 460(a) requires taxpayers to use the percentage-***of***-completion method (PCM) to account for taxable income from any long-term contract. Under the PCM, income is generally reported in installments as work is performed, and expenses are generally deducted in the taxable year incurred. However, taxpayers with contracts that meet the definition ***of*** a ``home construction contract,'' under section 460(e)(4), are not required to use the PCM for those contracts and may, instead, use an exempt method. Exempt methods include the completed contract method (CCM) and the accrual method. Under the CCM, for example, a taxpayer generally takes into account the entire gross contract price and all incurred allocable contract costs in the taxable year the taxpayer completes the contract. Treasury and the IRS believe that amended rules are needed to reduce uncertainty and controversy, including litigation, regarding when a contract qualifies as a ``home construction contract'' and when the income and allocable deductions are taken into account under the CCM.

On August 4, 2008, Treasury and the IRS published proposed regulations on the types ***of*** contracts that are eligible for the home construction contract exemption. The preamble to those regulations stated that Treasury and the IRS expected to propose additional rules specific to home construction contracts accounted for using the CCM. After considering comments received and the need for additional and clearer rules to reduce ongoing uncertainty and controversy, Treasury and the IRS have determined that it would be beneficial to taxpayers to present all ***of*** the proposed changes to the current regulations in a single document. Treasury and the IRS plan to withdraw the 2008 proposed regulations and replace them with new, more comprehensive proposed regulations.

Research Expenditures. Section 41 ***of*** the Internal Revenue Code provides a credit against taxable income for certain expenses paid or incurred in conducting research activities. To assist in resolving areas ***of*** controversy and uncertainty with respect to research expenses, Treasury and the IRS plan to issue regulations with respect to the definition and credit eligibility ***of*** expenditures for internal use software, the election ***of*** the alternative simplified credit, and the allocation ***of*** the credit among members ***of*** a controlled group.

Estate Tax Portability ***of*** Decedent's Unused Exclusion Amount. The Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act ***of*** 2010 (TRA ***of*** 2010) amended sections 2010 and 2505 ***of*** the Internal Revenue Code to provide an estate ***of*** a decedent survived by a spouse the opportunity to transfer, or port, unused applicable exclusion amount to and for the ***benefit of*** the surviving spouse. Although the portability provisions ***of*** TRA ***of*** 2010 were originally scheduled to expire on December 31, 2012, the ***American*** Taxpayer Relief Act ***of*** 2012 made the portability provisions permanent. Treasury and the IRS plan to issue final regulations on or before June 15, 2015, to replace sunsetting temporary regulations. The final regulations will provide rules for electing portability, determining the unused exclusion amount available from the estate ***of*** the first-to-die spouse to the surviving spouse, and applying the ported unused exclusion amount to the surviving spouse's subsequent transfers.

Arbitrage Investment Restrictions on Tax-Exempt Bonds. The

arbitrage investment restrictions on tax-exempt bonds under section 148 generally limit issuers from investing bond proceeds in higher-yielding investments. On September 16, 2013, Treasury and the IRS published proposed regulations (78 FR 56842) to address selected current issues involving the arbitrage investment restrictions, including guidance on

the issue price definition used in the computation ***of*** bond yield, working capital financings, grants, investment valuation,

modifications, terminations ***of*** qualified hedging transactions, and selected other issues. Treasury and the IRS plan to provide additional guidance on the arbitrage investment restrictions, including guidance

on the issue price definition used in the computation ***of*** bond yield.

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Guidance on the Definition ***of*** Political Subdivision for Tax-Exempt, Tax-Credit, and Direct-Pay Bonds. A political subdivision may be a

valid issuer ***of*** tax-exempt, tax-credit, and direct-pay bonds. Concerns have been raised about what is required for an entity to be a political subdivision. Treasury and the IRS plan to provide additional guidance under section 103 for determining when an entity is a political subdivision.

Contingent Notional Principal Contract Regulations. Notice 2001-44 (2001-2 CB 77) outlined four possible approaches for recognizing nonperiodic payments made or received on a notional principal contract (NPC) when the contract includes a nonperiodic payment that is contingent in fact or in amount. The Notice solicited further comments

and information on the treatment ***of*** such payments. After considering the comments received in response to Notice 2001-44, Treasury and the IRS published proposed regulations (69 FR 8886) (the 2004 proposed regulations) that would amend section 1.446-3 and provide additional

rules regarding the timing and character ***of*** income, deduction, gain, or loss with respect to such nonperiodic payments, including termination payments. On December 7, 2007, Treasury and IRS released Notice 2008-2 requesting comments and information with respect to transactions frequently referred to as prepaid forward contracts. Treasury and the IRS plan to re-propose regulations to address issues relating to the

timing and character ***of*** nonperiodic contingent payments on NPCs, including termination payments and payments on prepaid forward contracts.

Tax Treatment ***of*** Distressed Debt. A number ***of*** tax issues relating

to the amount, character, and timing ***of*** income, expense, gain, or loss on distressed debt remain unresolved. In addition, the tax treatment ***of*** distressed debt, including distressed debt that has been modified, may affect the qualification ***of*** certain entities for tax purposes or result in additional taxes on the investors in such entities, such as regulated investment companies, real estate investment trusts (REITs), and real estate mortgage investment conduits (REMICs). During fiscal year 2014, Treasury and the IRS addressed some ***of*** these issues through published guidance, including guidance on an entity's qualification as a REIT in the context ***of*** transactions involving distressed mortgage loans. Treasury and the IRS plan to address more ***of*** these issues in published guidance.

Definition ***of*** Real Property and Qualifying Income for REIT Purposes. A taxpayer must satisfy certain asset and income requirements to qualify as a REIT under section 856. REITs have sought to invest in various types ***of*** assets that are not directly addressed by the current regulations or other published guidance. On May 14, 2014, Treasury and the IRS published proposed regulations (79 FR 27508) to update and clarify the definition ***of*** real property for REIT qualification purposes, including guidance addressing whether a component ***of*** a larger item is tested on its own or only as part ***of*** the larger item, the scope ***of*** the asset to be tested, and whether certain intangible assets qualify as real property. Treasury and the IRS plan to finalize the proposed regulations in the fiscal year. Treasury and the IRS also plan to provide guidance clarifying the definition ***of*** income for purposes ***of*** section 856.

Corporate Spin-offs and Split-offs. Section 355 and related provisions ***of*** the Internal Revenue Code allow for the tax-free distribution ***of*** stock or securities ***of*** a controlled corporation if certain requirements are met. For example, the distributing corporation must distribute a controlling interest in the controlled corporation, and both the distributing and controlled corporations must be engaged in the active conduct ***of*** a trade or business immediately after the distribution. The Treasury Department and the IRS intend to provide guidance on the qualification ***of*** a distribution for tax-free treatment under section 355, including (1) final regulations that address when a

corporation is treated as engaged in an active trade or business, and (2) final regulations that define predecessor or successor corporation for purposes ***of*** the exception to tax-free treatment under section 355(e). The Treasury Department and the IRS also intend to provide guidance relating to the tax treatment ***of*** other transactions undertaken as part ***of*** a plan that includes a distribution ***of*** stock or securities ***of*** a controlled corporation, such as changes to the voting power ***of*** the controlled corporation's stock in anticipation ***of*** the distribution, the issuance ***of*** debt ***of*** the distributing corporation and retirement ***of*** such debt using stock or securities ***of*** the controlled corporation, and the transfer ***of*** cash or property between a distributing or controlled corporation and its shareholder(s) in connection with the distribution.

Disguised Sale and Allocation ***of*** Liabilities. A contribution ***of*** property by a partner to a partnership may be recharacterized as a sale under section 707(a)(2)(B) if the partnership distributes to the contributing partner cash or other property that is, in substance, consideration for the contribution. The allocation ***of*** partnership liabilities to the partners under section 752 may impact the determination ***of*** whether a disguised sale has occurred and whether gain is otherwise recognized upon a distribution. Treasury and the IRS issued proposed regulations to address certain issues that arise in the disguised sale context and other issues regarding the partners' shares ***of*** partnership liabilities. Treasury and the IRS are considering comments on the proposed regulations and expect to issue regulations in fiscal year 2015.

Certain Partnership Distributions Treated as Sales or Exchanges. In 1954, Congress enacted section 751 to prevent the use ***of*** a partnership to convert potential ordinary income into capital gain. In 1956, Treasury and the IRS issued regulations implementing section 751. The current regulations, however, do not always achieve the purpose ***of*** the statute. In 2006, Treasury and the IRS published Notice 2006-14 (2006-1 CB 498) to propose and solicit alternative approaches to section 751 that better achieve the purpose ***of*** the statute while providing greater simplicity. Treasury and the IRS are currently working on proposed regulations following up on Notice 2006-14. These regulations will provide guidance on determining a partner's interest in a partnership's

section 751 property and how a partnership recognizes income required by section 751.

Penalties and Limitation Periods. Congress amended several penalty provisions in the Internal Revenue Code in the past several years.

Treasury and the IRS intend to publish a number ***of*** guidance projects in fiscal year 2015 addressing these penalty provisions. Specifically, Treasury and the IRS intend to publish final regulations under section 6708 regarding the penalty for failure to make available upon request a

list ***of*** advisees that is required to be maintained under section 6112. The proposed regulations were published on March 8, 2013. Treasury and the IRS also intend to publish proposed regulations under sections 6662, 6662A, and 6664 to provide further guidance on the circumstances under which a taxpayer could be subject to the accuracy related penalty on underpayments or reportable transaction understatements and the reasonable cause exception. Further, Treasury and the IRS intend to publish (1) final regulations under section 6501(c)(10) regarding the

extension ***of***

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the period ***of*** limitations to assess any tax with respect to a listed transaction that was not disclosed as required under section 6011, and (2) proposed regulations under section 6707A addressing statutory

changes to the method ***of*** computing the penalty for failure to disclose reportable transactions.

Inversion Transactions. On September 22, 2014, Treasury and the IRS

issued Notice 2014-52, addressing the application ***of*** sections 7874 and 367 to inversions, as well as certain tax avoidance transactions that are undertaken after an inversion transaction. In this fiscal year, Treasury and the IRS expect to issue regulations implementing the rules described in Notice 2014-52. Also in this fiscal year, Treasury and the IRS expect to issue additional guidance to further limit inversion

transactions that are contrary to the purposes ***of*** section 7874 and the

benefits ***of*** post-inversion tax avoidance transactions. In addition,

under the terms ***of*** the statute, section 7874 will not apply to an inversion if the post-transaction group has substantial business activities in the country in which the foreign acquiring corporation is

organized when compared to the total business activities ***of*** the group. On June 7, 2012, Treasury and the IRS issued temporary regulations

regarding the determination ***of*** whether a group satisfies the

substantial business activities test. During fiscal year 2015, Treasury and the IRS intend to finalize these regulations.

Information Reporting for Foreign Accounts ***of*** U.S. Persons. In March 2010, chapter 4 (sections 1471 to 1474) was added to subtitle A ***of*** the Internal Revenue Code as part ***of*** the Hiring Incentives to Restore Employment Act (HIRE Act) (Pub. L. 111-147). Chapter 4 was enacted to address concerns with offshore tax evasion by U.S. citizens and residents and generally requires foreign financial institutions (FFIs) to enter into an agreement (FFI Agreement) with the IRS to report information regarding financial accounts ***of*** U.S. persons and certain foreign entities with significant U.S. ownership. An FFI that does not enter into an FFI Agreement, or that is not otherwise deemed compliant with FATCA, generally will be subject to a withholding tax on the gross amount ***of*** certain payments from U.S. sources. The Treasury Department and the IRS have issued proposed, temporary, and final regulations under chapter 4; and proposed and temporary regulations under chapters 3 and 61, and section 3406, to coordinate with those chapter 4 regulations; as well as implementing revenue procedures and other guidance. The Treasury Department and the IRS expect to issue further guidance with respect to FATCA and related provisions in this fiscal year.

Withholding on Certain Dividend Equivalent Payments on Certain Equity Derivatives. The HIRE Act also added section 871(l) to the Code (now section 871(m)), which designates certain substitute dividend payments in security lending and sale-repurchase transactions and dividend-referenced payments made under certain notional principal contracts as U.S.-source dividends for Federal tax purposes. In response to this legislation, on May 20, 2010, the IRS issued Notice 2010-46, addressing the requirements for determining the proper withholding in connection with substitute dividends paid in foreign-to-foreign security lending and sale-repurchase transactions. On January 23, 2012, Treasury and the IRS issued temporary and proposed regulations addressing cases in which dividend equivalents will be found to arise in connection with notional principal contracts and other financial derivatives. On December 5, 2013, Treasury and the IRS released final regulations relating to the 2012 temporary and proposed regulations. At the same time, Treasury and the IRS issued new proposed regulations based on comments received with respect to the 2012 proposed regulations. Treasury and the IRS expect to finalize these regulations in this fiscal year.

International Tax Provisions ***of*** the Education Jobs and Medicaid

Assistance Act. On August 10, 2010, the Education Jobs and Medicaid Assistance Act ***of*** 2010 (EJMAA) (Pub. L. 111-226) was signed into law. The law includes a significant package ***of*** international tax provisions, including limitations on the availability ***of*** foreign tax credits in certain cases in which U.S. tax law and foreign tax law provide different rules for recognizing income and gain, and in cases in which income items treated as foreign source under certain tax treaties would otherwise be sourced in the United States. The legislation also limits the ability ***of*** multinationals to reduce their U.S. tax burdens by using a provision intended to prevent corporations from avoiding U.S. income tax on repatriated corporate earnings. Other new provisions under this legislation limit the ability ***of*** multinational corporations to use acquisitions ***of*** related party stock to avoid U.S. tax on what would otherwise be taxable distributions ***of*** dividends. The statute also includes a new provision intended to tighten the rules under which interest expense is allocated between U.S.- and foreign-source income within multinational groups ***of*** related corporations when a foreign corporation has significant amounts ***of*** U.S.-source income that is effectively connected with a U.S. business. Treasury and the IRS published temporary and proposed regulations addressing foreign tax credits under section 909 in 2012, published temporary and proposed regulations in 2012 and final regulations in 2014 updating the interest allocation regulations to conform to the 2010 amendments to section 864(e)(5)(A), and issued two notices providing guidance under section 901(m) in 2014. Treasury and the IRS expect to issue additional guidance on EJMAA in this fiscal year, including additional guidance under section 901(m), final regulations under section 909, and temporary and proposed regulations under section 304(b)(5)(B).

Transfers ***of*** Intangibles to Foreign Corporations. Section 367(d) ***of*** the Internal Revenue Code requires, except as provided in regulations, a U.S. person ***who*** transfers intangible property to a foreign corporation in an exchange described in section 351 or section 361 ***of*** the Code to treat the transfer as a sale for payments which are contingent upon the productivity, use, or disposition ***of*** such property, and to take into account amounts which reasonably reflect the amounts which would have been received annually in the form ***of*** such payments

over the useful life ***of*** such property, or at the time ***of*** the

disposition ***of*** the property. The amounts so taken into account must be commensurate with the income attributable to the intangible. Under

existing temporary regulations issued in 1986, section 367(d) is made

inapplicable to the transfer ***of*** ``foreign goodwill or going concern

value,'' as defined in the regulations. The ***existing*** regulations

provide general guidance regarding the application ***of*** section 367(d),

although controversy regarding the application ***of*** section 367(d) to certain transfers led the Treasury and the IRS to publish Notice 2012-39 on July 13, 2012. Treasury and the IRS intend to issue additional guidance in this fiscal year to reduce uncertainty and controversy in this area.

Section 501(c) guidance. After reviewing over 150,000 comments submitted on the proposed regulations under section 501(c)(4) published in fiscal year 2014, Treasury and the IRS plan to issue revised proposed regulations that provide guidance under section 501(c)

relating to limitations on political campaign activities ***of*** certain tax-exempt organizations.

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Guidance responding to the SEC's money market reform rule. On July 23, 2014, the SEC adopted a final rule to reduce the systemic risk that money market funds present to the national economy. Later that day, IRS and the Treasury Department issued simplifying guidance designed to ameliorate the tax compliance difficulties that the SEC rule would otherwise pose to certain money market funds and their shareholders. In fiscal year 2015, the Treasury Department and the IRS intend to

finalize the portion ***of*** this simplifying guidance that is only proposed.

Guidance Relating to Publicly Traded Partnerships. Section 7704 ***of***

the Internal Revenue Code provides that a partnership ***whose*** interests are traded on either an established securities market or on a secondary market (a ``publicly traded partnership'') is generally treated as a corporation for Federal tax purposes. However, section 7704(c) permits publicly traded partnerships to be treated as partnerships for Federal

tax purposes if 90 percent or more ***of*** partnership income consists ***of*** ``qualifying income.'' Section 7704(d) provides that income is generally qualifying income if it is passive income or is derived from

exploration, development, mining or production, processing, refining,

transportation, or marketing ***of*** a mineral or natural resource. Legislative history accompanying section 7704(d) provides little

insight into the intended scope ***of*** this natural resource exception, and no administrative guidance has been issued. As technologies and commercial practices in the natural resource industries have evolved,

uncertainty has arisen about the proper interpretation ***of*** the natural resource exception. Treasury and the IRS intend to issue guidance in this fiscal year to reduce uncertainty in this area.

Financial Crimes Enforcement Network

As chief administrator ***of*** the Bank Secrecy Act (BSA), the Financial Crimes Enforcement Network (FinCEN) is responsible for developing and

implementing regulations that are the core ***of*** the Department's anti-money laundering and counter-terrorism financing efforts. FinCEN's responsibilities and objectives are linked to, and flow from, that role. In fulfilling this role, FinCEN seeks to enhance U.S. national security by making the financial system increasingly resistant to abuse by money launderers, terrorists and their financial supporters, and

other perpetrators ***of*** crime.

The Secretary ***of*** the Treasury, through FinCEN, is authorized by the BSA to issue regulations requiring financial institutions to file

reports and keep records that are determined to have a high degree ***of***

usefulness in criminal, tax, or regulatory matters or in the conduct ***of*** intelligence or counter-intelligence activities to protect against international terrorism. The BSA also authorizes requiring designated financial institutions to establish anti-money laundering programs and compliance procedures. To implement and realize its mission, FinCEN has established regulatory objectives and priorities to safeguard the

financial system from the abuses ***of*** financial crime, including terrorist financing, money laundering, and other illicit activity. These objectives and priorities include: (1) issuing, interpreting, and enforcing compliance with regulations implementing the BSA; (2) supporting, working with, and as appropriate, overseeing compliance examination functions delegated to other Federal regulators; (3)

managing the collection, processing, storage, and dissemination ***of*** data

related to the BSA; (4) maintaining a ***government***-wide access service to that same data and for network users with overlapping interests; (5)

conducting analysis in support ***of*** policymakers, law enforcement, regulatory and intelligence agencies, and the financial sector; and (6) coordinating with and collaborating on anti-terrorism and anti-money laundering initiatives with domestic law enforcement and intelligence agencies, as well as foreign financial intelligence units.

During fiscal year 2014, FinCEN issued the following regulatory actions:

Amendments to the Definitions ***of*** Funds Transfer and Transmittal ***of*** Funds in the Bank Secrecy Act (BSA) Regulations. On December 5, 2013, FinCEN issued a Final Rule jointly with the Board ***of*** Governors ***of*** the Federal Reserve System amending the regulatory definitions ***of*** ``funds transfer'' and ``transmittal ***of*** funds'' under the regulations implementing the BSA. The changes maintain the ***existing*** scope to the definitions and were necessary in light ***of*** changes to the Electronic Fund Transfer Act that would have resulted in certain currently covered transactions being excluded from BSA requirements.

Anti-Money Laundering Program and Suspicious Activity Reporting (SAR) Requirements for Housing ***Government***-Sponsored Enterprises. On February 25, 2014, FinCEN issued a Final Rule defining certain housing ***government***-sponsored enterprises as financial institutions for the purpose ***of*** requiring them to establish anti-money laundering programs and report suspicious activity to FinCEN pursuant to the BSA.

Imposition ***of*** Special Measure against FBME Bank Ltd., formerly known as Federal Bank ***of*** the Middle East, Ltd., as a Financial Institution ***of*** Primary Money Laundering Concern. On July 22, 2014, FinCEN issued a finding that FBME Bank Ltd. (FBME) is a financial institution operating outside ***of*** the United States that is ***of*** primary money laundering concern under section 311 ***of*** the USA PATRIOT Act. On July 22, 2014, FinCEN issued an NPRM to impose the fifth special measure against the institution. The fifth special measure prohibits or conditions the opening or maintaining ***of*** correspondent or payable-through accounts for the designated institution by U.S. financial institutions. In conjunction with the NPRM, FinCEN issued an order imposing certain recordkeeping and reporting obligations on covered financial institutions and principal money transmitters with respect to transactions involving FBME.

Customer Due Diligence Requirements. On August 4, 2014, FinCEN issued a Notice ***of*** Proposed Rulemaking (NPRM) to solicit public comment on proposed rules under the BSA to clarify and strengthen customer due diligence requirements for banks, brokers or dealers in securities, mutual funds, and futures commission merchants and introducing brokers in commodities. The proposed rules contain explicit customer due diligence requirements and include a new regulatory requirement to identify beneficial owners ***of*** legal entity customers, subject to certain exemptions.

Administrative Rulings and Written Guidance. FinCEN published 13 administrative rulings and written guidance pieces, and provided 45 responses to written inquiries/correspondence interpreting the BSA and providing clarity to regulated industries.

FinCEN's regulatory priorities for fiscal year 2015 include finalizing any initiatives mentioned above that are not finalized by fiscal year end, as well as the following in-process and potential projects:

Amendment to the BSA Regulations--Definition ***of*** Monetary Instrument. On October 17, 2011, FinCEN published an NPRM regarding international transport ***of*** prepaid access devices because ***of*** the potential to substitute prepaid access for cash and other monetary instruments as a means to smuggle the proceeds ***of*** illegal activity into and out ***of*** the United States. FinCEN continues to consider the issue based on comments

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received and developments in the prepaid industry. FinCEN intends to issue a supplemental NPRM to provide additional information for consideration and comment by the public.

Anti-Money Laundering Program and SAR Requirements for Investment Advisers. FinCEN has drafted an NPRM that would prescribe minimum standards for anti-money laundering programs to be established by certain investment advisers and to require such investment advisers to report suspicious activity to FinCEN. FinCEN has been working closely with the Securities and Exchange Commission on issues related to the draft NPRM.

Report ***of*** Foreign Bank and Financial Accounts. FinCEN has drafted an NPRM to address requests from filers for clarification ***of*** certain requirements regarding the Report ***of*** Foreign Bank and Financial

Accounts (FBAR) including requirements with respect to employees, ***who*** have signature authority over, but no financial interest in, the foreign financial accounts ***of*** their employers.

Cross Border Electronic Transmittal ***of*** Funds. On September 27, 2010, FinCEN issued an NPRM in conjunction with the feasibility study prepared pursuant to the Intelligence Reform and Terrorism Prevention Act ***of*** 2004 concerning the issue ***of*** obtaining information about certain cross-border funds transfers and transmittals ***of*** funds. As FinCEN has continued to work on developing the system to receive, store, and use this data, FinCEN has drafted a Supplemental NPRM to update the previously published proposed rule and provide additional information to those banks and money transmitters that will become subject to the rule.

Anti-Money Laundering Program Requirements for Banks Lacking a Federal Functional Regulator. FinCEN has drafted an NPRM to remove the anti-money laundering (AML) program exemption for banks that lack a Federal functional regulator, including, but not limited to, private banks, non-federally insured credit unions, and certain trust companies. The proposed rule prescribes minimum standards for AML programs and would ensure that all banks, regardless ***of*** whether they are subject to Federal regulation and oversight, are required to establish and implement AML programs.

Amendments to the Definitions ***of*** Broker or Dealer in Securities. FinCEN has drafted an NPRM that proposes amendments to the regulatory definitions ***of*** broker or dealer in securities under the BSA regulations. The proposed changes would expand the current scope ***of*** the definitions to include funding portals and would require them to implement policies and procedures reasonably designed to achieve compliance with all ***of*** the BSA requirements that are currently applicable to brokers or dealers in securities.

Amendment to the Bank Secrecy Act Regulations--Registration, Recordkeeping, and Reporting ***of*** Money Services Businesses. FinCEN is considering issuing an NPRM to amend the requirements for money services businesses with respect to registering with FinCEN and with respect to the information reported during the registration process.

Changes to the Travel and Recordkeeping Requirements for Funds Transfers and Transmittals ***of*** Funds. FinCEN is considering changes to require that more information be collected and maintained by financial

institutions on funds transfers and transmittals ***of*** funds and to lower the threshold to $1,000 from $3,000, which would bring the United States into greater compliance with several criteria in the Financial Action Task Force (FATF) standards for cross-border wire transfers.

Other Requirements. FinCEN also will continue to issue proposed and final rules pursuant to section 311 ***of*** the USA PATRIOT Act, as appropriate. Finally, FinCEN expects that it may propose various technical and other regulatory amendments in conjunction with its ongoing, comprehensive review ***of existing*** regulations to enhance regulatory efficiency, and as a result ***of*** the efforts ***of*** an interagency task force currently focusing on improvements to the U.S. regulatory framework for anti-money laundering.

Office ***of*** the Comptroller ***of*** the Currency

The primary mission ***of*** the Office ***of*** the Comptroller ***of*** the Currency (OCC) is to charter, regulate, and supervise all national banks and Federal Savings Associations (FSAs). The agency also supervises the Federal branches and agencies ***of*** foreign banks. The OCC's goal in supervising the financial institutions subject to its jurisdiction is to ensure that they operate in a safe and sound manner and in compliance with laws requiring fair treatment ***of*** their customers and fair access to credit and financial products.

Significant rules issued during fiscal year 2014 include:

Regulatory Capital Rules--Basel III (12 CFR parts 3, 5, 6, 165, 167). The OCC and the Board ***of*** Governors ***of*** the Federal Reserve System (FRB) issued a final rule that revises the risk-based and leverage capital requirements for banking organizations. (The Federal Deposit Insurance Corporation (FDIC) separately issued an interim final rule that is substantively the same as the final rule issued by the OCC and the FRB.) The final rule consolidates three separate proposed rules that were published jointly by the OCC, FRB and FDIC (the banking agencies) on August 30, 2012, 77 FR 52792, 52888, 52978, into one final rule. The final rule implements a revised definition ***of*** regulatory capital, a new common equity tier 1 minimum capital requirement, a higher minimum tier 1 capital requirement, and, for banking organizations subject to the advanced approaches risk-based capital rules, a supplementary leverage ratio that incorporates a broader set ***of*** exposures in the denominator. The final rule incorporates new requirements into the banking agencies' prompt corrective action framework and establishes limits on a banking organization's capital

distributions and certain discretionary bonus payments if the banking organization does not hold a specified amount ***of*** common equity tier 1 capital in addition to the amount necessary to meet its minimum risk-based capital requirements. The final rule amends the methodologies for determining risk-weighted assets for all banking organizations and introduces disclosure requirements that would apply to top-tier banking organizations domiciled in the United States with $50 billion or more in total assets. The final rule also adopts changes required by the Dodd-Frank Wall Street Reform and Consumer Protection Act ***of*** 2010 (Pub. L. 111-203) (the Dodd-Frank Act) to implement more stringent capital and leverage requirements and to replace regulatory references to credit ratings with new creditworthiness measures. The final rule was published on October 11, 2013, 78 FR 62018.

Enhanced Supplementary Leverage Ratio (12 CFR part 3). The banking agencies issued a final rule to strengthen the leverage ratio standards for large, interconnected U.S. banking organizations. The rule applies to any U.S. top-tier bank holding company (BHC) with at least $700 billion in total consolidated assets or at least $10 trillion in assets under custody (covered BHC) and any insured depository institution (IDI) subsidiary ***of*** these BHCs. In the Basel III final rule, the banking agencies established a minimum supplementary leverage ratio ***of*** 3 percent (supplementary leverage ratio), consistent with the minimum

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leverage ratio adopted by the Basel Committee on Banking Supervision, for banking organizations subject to the advanced approaches risk-based capital rules. In this final rule, the banking agencies establish a ``well capitalized'' threshold ***of*** 6 percent for the supplementary leverage ratio for any IDI that is a subsidiary ***of*** a covered BHC, under the agencies' prompt corrective action framework. The final rule was issued on May 1, 2014, 79 FR 24528.

Supplementary Leverage Ratio (12 CFR part 3). The banking agencies issued a final rule to revise the denominator ***of*** the supplementary leverage ratio (total leverage exposure) that the agencies adopted in July 2013 as part ***of*** comprehensive revisions to the agencies' regulatory capital rules (2013 capital rule). The rule revises the treatment ***of*** on- and off-balance sheet exposures for purposes ***of*** determining total leverage exposure, and more closely aligning the agencies' rules on the calculation ***of*** total leverage exposure with

international leverage ratio standards. The proposed rule was issued on May 1, 2014, 79 FR 24596. The final rule was issued on September 26, 2014, 79 FR 57725.

Integration ***of*** National Bank and Federal Savings Association Regulations: Licensing Rules (12 CFR parts 4, 5, 7, 14, 32, 34, 100, 116, 143, 144, 145, 146, 150, 152, 159, 160, 161, 162, 163, 174, 192, 193). The OCC issued a proposed rule to integrate its rules relating to policies and procedures for corporate activities and transactions involving national banks and FSAs. The proposed rule also revises some ***of*** these rules in order to eliminate unnecessary requirements, consistent with safety and soundness, and to make other technical and conforming changes. The proposal also included amendments to update OCC rules for agency organization and function. The proposed rule was issued on June 10, 2014, 79 FR 33260.

Assessment ***of*** Fees (12 CFR part 8). The OCC issued a final rule to increase assessments for national banks and FSAs with assets ***of*** more than $40 billion. The increase ranges between 0.32 percent and approximately 14 percent, depending on the total assets ***of*** the institution as reflected in its June 30, 2014, Consolidated Report ***of*** Condition and Income. The average increase in assessments for affected banks and FSAs will be 12 percent. The final rule will not increase assessments for banks or FSAs with $40 billion or less in total assets. The OCC will implement the increase in assessments by issuing an amended Notice ***of*** Office ***of*** the Comptroller ***of*** the Currency Fees and Assessments, which will become effective as ***of*** the semiannual assessment due on September 30, 2014. In conjunction with the increase in assessments, the final rule updates the OCC's assessment rule to conform with section 318 ***of*** the Dodd-Frank Act, which reaffirmed the authority ***of*** the Comptroller ***of*** the Currency to set the amount ***of***, and methodology for, assessments. The proposed rule was issued on April 28, 2014, 79 FR 23297. The final rule was issued on July 9, 2014 (79 FR 38769).

Flood Insurance (12 CFR parts 22 and 172). The banking agencies, Farm Credit Administration (FCA), and the National Credit Union Administration (NCUA) proposed revisions to their regulations regarding loans in areas having special flood hazards to implement provisions ***of*** the Biggert-Waters Flood Insurance Reform Act ***of*** 2012 (Biggert-Waters) and the OCC issued a proposed rule to integrate its flood insurance

regulations for national banks, 12 CFR part 22, and FSAs, 12 CFR part 172. The proposed rule was issued on October 30, 2013, 78 FR 65108.

OCC Guidelines Establishing Heightened Standards for Certain Large Insured National Banks, Insured Federal Savings Associations, and Insured Federal Branches; Integration ***of*** Regulations (12 CFR part 30). The OCC issued a final rule adopting new Guidelines as an appendix to its safety and soundness standards regulations that establish minimum standards for the design and implementation ***of*** a risk governance framework for large insured national banks, insured FSAs, and insured Federal branches ***of*** foreign banks with average total consolidated assets ***of*** $50 billion or more and minimum standards for a board ***of*** directors in overseeing the framework's design and implementation. The standards contained in the Guidelines are enforceable by the terms ***of*** a Federal statute that authorizes the OCC to prescribe operational and managerial standards for national banks and FSAs. The proposed rule was issued on January 27, 2014, 79 FR 4282. The final rule was issued on September 11, 2014, 79 FR 54518.

Appraisals for Higher-Risk Mortgages (12 CFR parts 34, 164). The banking agencies, the Consumer Financial Protection Bureau (CFPB), Federal Housing Finance Agency (FHFA), and the NCUA, issued a final rule on February 13, 2013, 78 FR 10368, to amend Regulation Z and its official interpretation. The rule revised Regulation Z to implement a new Truth in Lending Act (TILA) provision requiring appraisals for any ``higher-risk mortgage'' that was added to TILA as part ***of*** the Dodd-Frank Act. For mortgages with an annual percentage rate that exceeds market-based prime mortgage rate benchmarks by a specified percentage, the rule generally requires creditors to obtain an appraisal or appraisals meeting certain specified standards, provide applicants with a notification regarding the use ***of*** the appraisals, and give applicants a copy ***of*** the written appraisals used. The agencies issued a supplemental rule that would exempt from the requirements ***of*** the final rule: (i) transactions secured by ***existing*** manufactured homes and not land; (ii) certain streamlined refinancings; and (iii) transactions ***of*** $25,000 or less. The supplemental final rule was issued on December 26, 2013, 78 FR 78520.

Appraisal Management Companies (12 CFR part 34). The banking agencies, FHFA, NCUA and CFPB, issued a proposed rule that would set minimum standards for state registration and regulation ***of*** appraisal

management companies. The rule would implement the minimum requirements in section 1473 ***of*** the Dodd-Frank Act to be applied by states in the registration ***of*** appraisal management companies. It also would implement the requirement in section 1473 ***of*** the Dodd-Frank Act for States to report to the Appraisal Subcommittee (ASC) ***of*** the Federal Financial Institutions Examination Council the information needed by the ASC to administer the national registry ***of*** appraisal management companies. The proposed rule was issued on April 9, 2014, 79 FR 19521.

Prohibition and Restrictions on Proprietary Trading and Certain Interests In, and Relationships with, Hedge Funds and Private Equity Funds (12 CFR part 44). The banking agencies, the Securities & Exchange Commission (SEC), and the Commodity Futures Trading Commission (CFTC) issued final rules to implement section 619 ***of*** the Dodd-Frank Act, which contains certain prohibitions and restrictions on the ability ***of*** banking entities and nonbank financial companies supervised by the FRB to engage in proprietary trading and have certain investments in, or relationships with, hedge funds or private equity funds. The final rule was issued on January 31, 2014, 79 FR 5536.

Treatment ***of*** Certain Collateralized Debt Obligations Backed Primarily by Trust Preferred Securities With Regard to Prohibitions and Restrictions on Certain Interests in, and Relationships With, Hedge Funds and Private Equity Funds (12 CFR part 44). The banking agencies, the CFTC, and the SEC issued an interim final rule that would permit

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banking entities to retain investments in certain pooled investment vehicles that invested their offering proceeds primarily in certain securities issued by community banking organizations ***of*** the type grandfathered under section 171 ***of*** the Dodd-Frank Act. The interim final rule was issued on January 31, 2014, 79 FR 5223.

Margin and Capital Requirements for Covered Swap Entities (12 CFR part 45). The banking agencies, FCA, and the FHFA issued a proposed rule to establish minimum margin and capital requirements for registered swap dealers, major swap participants, security-based swap dealers, and major security-based swap participants for which one ***of*** the agencies is the prudential regulator. The proposed rule will implement sections 731 and 764 ***of*** the Dodd-Frank Act, which require the agencies to adopt rules jointly to establish capital requirements and

initial and variation margin requirements for such entities on all non-cleared swaps and non-cleared security-based swaps in order to offset the greater risk to such entities and the financial system arising from the use ***of*** swaps and security-based swaps that are not cleared. The proposed rule was issued on September 24, 2014, 79 FR 57347).

Liquidity Coverage Ratio (12 CFR 50). The banking agencies issued a final rule to implement a quantitative liquidity requirement consistent with the liquidity coverage ratio standard established by the Basel Committee on Banking Supervision. The requirement is designed to promote improvements in the measurement and management ***of*** liquidity risk. The final rule applies to all internationally active banking organizations, that is, banking organizations with more than $250 billion in total assets or more than $10 billion in on-balance sheet foreign exposure, and to consolidated subsidiary depository institutions ***of*** internationally active banking organizations with $10 billion or more in total consolidated assets. The proposed rule was issued on November 29, 2013, 78 FR 71818. The final rule was issued on October 10, 2014, 79 FR 61439.

Regulatory Publication and Review Under the Economic Growth and Regulatory Paperwork Reduction Act ***of*** 1996 (12 CFR chapter I). The banking agencies are conducting a review ***of*** the regulations they have issued to identify outdated, unnecessary, or unduly burdensome regulations for insured depository institutions. This review is required by section 2222 ***of*** the Economic Growth and Regulatory Paperwork Reduction Act ***of*** 1996 (EGRPRA). The first ***of*** four Federal Register requests for comment was issued on June 4, 2014, 79 FR 32172.

Regulatory priorities for fiscal year 2015 include finalizing the proposals and interim final rules listed above as well as the following rulemakings:

Flood Insurance (12 CFR parts 22 and 172). The banking agencies, FCA, and NCUA plan to issue a proposed rule to amend their regulations regarding loans in areas having special flood hazards to implement certain provisions ***of*** the Homeowner Flood Insurance Affordability Act ***of*** 2014 (HFIAA), which amends some ***of*** the changes to the Flood Disaster Protection Act ***of*** 1973 mandated by Biggert-Waters. The proposal would establish requirements with respect to the escrow ***of*** flood insurance payments, consistent with the changes set forth in HFIAA. The proposal also would implement an exclusion in HFIAA for certain detached

structures from the mandatory flood insurance purchase requirement.

Automated Valuation Models (Parts 34, 164). The banking agencies, NCUA, FHFA and CFPB, in consultation with the Appraisal Subcommittee and the Appraisal Standards Board ***of*** the Appraisal Foundation, are required to promulgate regulations to implement quality-control standards required for automated valuation models. Section 1473(q) ***of*** the Dodd-Frank Act requires that automated valuation models used to estimate collateral value for mortgage lending comply with quality-control standards designed to: ensure a high level ***of*** confidence in the estimates produced by automated valuation models; protect against manipulation ***of*** data; seek to avoid conflicts ***of*** interest; require random sample testing and reviews and account for other factors the agencies deem appropriate. The agencies plan to issue a proposed rule to implement the requirement for quality-control standards.

Incentive-Based Compensation Arrangements (12 CFR part 42). Section 956 ***of*** the Dodd-Frank Act requires the banking agencies, NCUA, SEC, and FHFA, to jointly prescribe regulations or guidance prohibiting any type ***of*** incentive-based payment arrangement, or any feature ***of*** any such arrangement, that the regulators determine encourages inappropriate risks by covered financial institutions by providing an executive officer, employee, director, or principal shareholder with excessive compensation, fees or ***benefits***, or that could lead to material financial loss to the covered financial institution. The Dodd-Frank Act also requires such agencies to jointly prescribe regulations or guidance requiring each covered financial institution to disclose to its regulator the structure ***of*** all incentive-based compensation arrangements offered by such institution sufficient to determine whether the compensation structure provides any officer, employee, director, or principal shareholder with excessive compensation or could lead to material financial loss to the institution. The proposed rule was issued on April 14, 2011, 76 FR 21170. Work on a final rule is underway.

Credit Risk Retention (12 CFR part 43). The banking agencies, SEC, FHFA, and the Department ***of*** Housing and Urban Development proposed rules to implement the credit risk retention requirements ***of*** section 15G ***of*** the Securities Exchange Act ***of*** 1934 (15 U.S.C. 78o-11), as added by section 941 ***of*** the Dodd-Frank Act. Section 15G generally requires

the securitizer ***of*** asset-backed securities to retain not less than 5

percent ***of*** the credit risk ***of*** the assets collateralizing the asset-

backed securities. Section 15G includes a variety ***of*** exemptions from these requirements, including an exemption for asset-backed securities that are collateralized exclusively by residential mortgages that qualify as ``qualified residential mortgages,'' as such term is defined by the agencies by rule. The proposal was issued on September 20, 2013, 78 FR 57928. Work on a final rule is underway.

Source ***of*** Strength (12 CFR part 47). The banking agencies plan to

issue a proposed rule to implement section 616(d) ***of*** the Dodd-Frank Act. Section 616(d) requires that bank holding companies, savings and loan holding companies and companies that directly or indirectly

control an insured depository institution serve as a source ***of*** strength for the insured depository institution. The appropriate Federal banking agency for the insured depository institution may require that the company submit a report that would assess the company's ability to

comply with the provisions ***of*** the statute and its compliance.

Terrorism Risk Insurance Program Office

The Terrorism Risk Insurance Act ***of*** 2002 (TRIA) was signed into law

on November 26, 2002. The law, which was enacted as a consequence ***of***

the events ***of*** September 11, 2001, established a temporary Federal

reinsurance program under which the Federal ***Government*** shares the risk

of losses associated with certain types ***of*** terrorist acts with commercial property and casualty insurers. The Act, originally scheduled

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to expire on December 31, 2005, was extended to December 31, 2007, by

the Terrorism Risk Insurance Extension Act ***of*** 2005 (TRIEA). The Act has since been extended to December 31, 2014, by the Terrorism Risk

Insurance Program Reauthorization Act ***of*** 2007 (TRIPRA). Congress is

currently considering extending the Act for an additional period ***of*** time.

The Office ***of*** the Assistant Secretary for Financial Institutions is responsible for developing and promulgating regulations implementing TRIA, as extended and amended by TRIEA and TRIPRA. The Terrorism Risk

Insurance Program Office, which is part ***of*** the Office ***of*** the Assistant Secretary for Financial Institutions, is responsible for operational implementation ***of*** TRIA. The purposes ***of*** this legislation are to address market disruptions, ensure the continued widespread availability and affordability ***of*** commercial property and casualty insurance for terrorism risk, and to allow for a transition period for the private markets to stabilize and build capacity while preserving State insurance regulation and consumer protections.

In the event Congress extends the Program Treasury will continue the ongoing work ***of*** implementing TRIA and any changes contained in the extension ***of*** the Act.

BILLING CODE 4810-25-P

DEPARTMENT ***OF*** VETERANS AFFAIRS (VA)

Statement ***of*** Regulatory Priorities

The Department ***of*** Veterans Affairs (VA) administers ***benefit*** programs that recognize the important public obligations to those ***who*** served this Nation. VA's regulatory responsibility is almost solely confined to carrying out mandates ***of*** the laws enacted by Congress relating to programs for veterans and their families. VA's major regulatory objective is to implement these laws with fairness, justice, and efficiency.

Most ***of*** the regulations issued by VA involve at least one ***of*** three VA components: The Veterans ***Benefits*** Administration, the Veterans Health Administration, and the National Cemetery Administration. The primary mission ***of*** the Veterans ***Benefits*** Administration is to provide high-quality and timely nonmedical ***benefits*** to eligible veterans and their dependents. The primary mission ***of*** the Veterans Health Administration is to provide high-quality health care on a timely basis to eligible veterans through its system ***of*** medical centers, nursing homes, domiciliaries, and outpatient medical and dental facilities. The primary mission ***of*** the National Cemetery Administration is to bury eligible veterans, members ***of*** the Reserve components, and their dependents in VA National Cemeteries and to maintain those cemeteries as national shrines in perpetuity as a final tribute ***of*** a grateful Nation to commemorate their service and sacrifice to our Nation.

VA Regulatory Priorities

VA's regulatory priorities include a special project to undertake a comprehensive review and improvement ***of*** its ***existing*** regulations. The first portion ***of*** this project is devoted to reviewing, reorganizing, and rewriting the VA's compensation and pension regulations found in 38 CFR part 3. The goal ***of*** the Regulation Rewrite Project is to improve the clarity and consistency ***of*** these regulations to make them easier to find, read, understand, and apply.

A second VA regulatory priority is to implement title I ***of*** the Veterans Access, Choice, and Accountability Act ***of*** 2014, which was signed into law on August 7, 2014. The purpose ***of*** the new law is to establish a program to furnish hospital care and medical services through non-VA health care providers to veterans ***who*** either cannot be seen within VA's wait time goals or ***who*** live far from any VA medical facility. The statute requires that VA publish an interim final rule by November 5, 2014, and VA met this deadline when we published AP24, Expanded Access to Non-VA Care through the Veterans Choice Program.

A third VA regulatory priority is to codify Section 707 ***of*** the Act, which gives the Secretary more authority to dismiss members ***of*** the Senior Executive Service based on performance or misconduct. As VA announced on October 6, 2014, the Secretary is already implementing that provision. To codify the new statute into the Code ***of*** Federal Regulations, VA plans to publish a rulemaking, AP30, Changes to Expedited Senior Executive Removal Authority, as an interim final rule.

VA is also drafting regulation AP29 to implement Section 702 ***of*** the Act which requires that public colleges charge in-state tuition for veterans under certain circumstances.

Retrospective Review ***of Existing*** Regulations

Pursuant to section 6 ***of*** Executive Order 13563 ``Improving Regulation and Regulatory Review'' (Jan. 18, 2011), the following Regulatory Identifier Numbers (RINs) have been identified as associated with retrospective review and analysis in the Department's final retrospective review ***of*** regulations plan. Some ***of*** these entries on this list may be completed actions, which do not appear in The Regulatory Plan. However, more information can be found about these completed

rulemakings in past publications ***of*** the Unified Agenda on Reginfo.gov in the Completed Actions section for that agency. These rulemakings can also be found on Regulations.gov. The final agency plans can be found

at: *http://www.va.gov/ORPM/docs/RegMgmt_VA_EO13563_RegRevPlan20110810.docx*.

Significantly reduce burdens
RIN Title on small businesses

2900-AO13*..... VA Compensation No
and Pension
Regulation
Rewrite Project.

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*Consolidating Proposed Rules: 2900-AL67, AL70, AL71, AL72, AL74, AL76, AL82, AL83, AL84, AL87, AL88, AL89, AL94, AL95, AM01, AM04, AM05, AM06, AM07, AM16.

VA

Final Rule Stage

121. Expedited Senior Executive Removal Authority

Priority: Other Significant.
Legal Authority: Pub. L. 113-146 (title VII, sec 707).
CFR Citation: Not Yet Determined.
Legal Deadline: None.
Abstract: VA will amend its regulations to provide that the Secretary may immediately remove or demote any individual from the Senior Executive Service (SES), and title 38 SES equivalents, if the

Secretary determines the performance ***of*** the individual warrants such removal. The senior executive would be allowed an opportunity for an expedited review by

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the MSPB be conducted by an Administrative Judge at the MSPB, and if the MSPB Administrative Judge does not conclude their review within 21 days then the removal or demotion is final. (MSPB is conducting a rulemaking to establish and implement a process to conduct expedited reviews.)
VA regulations would also state that if the senior executive is removed, and then appeals VA's decision, the senior executive is not

entitled to any type ***of*** pay, bonus, or ***benefit*** while appealing the

decision ***of*** removal. Also, VA regulations would state that if a senior executive is demoted, and then appeals VA's decision, the employee may only receive any type ***of*** pay, bonus, or ***benefit*** at the rate appropriate for the position they were demoted to, and only if the individual shows up for duty, while appealing the decision ***of*** demotion.

VA regulations would also include ``misconduct'' along with ``poor performance'' as a reason to remove or demote a senior executive.

Statement ***of*** Need:

Summary ***of*** Legal Basis: Section 707 ***of*** the Veterans Access, Choice, and Accountability Act ***of*** 2014, which was signed into law on August 7, 2014, gives the Secretary more authority to dismiss members ***of*** the Senior Executive Service based on performance or misconduct. As VA announced on October 6, 2014, the Secretary is already implementing that provision. To codify the new statute into the Code ***of*** Federal Regulations, VA plans to publish a rulemaking as an interim final rule.

Alternatives:

Anticipated Cost and ***Benefits***:

Risks:

Timetable:

Action Date FR Cite

Interim Final Rule..... 07/00/15 .....

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

URL For More Information: *www.regulations.gov*.

URL For Public Comments: *www.regulations.gov*.

Agency Contact: Kimberly McLeod, Deputy Assistant General Counsel, Department ***of*** Veterans Affairs, 810 Vermont Avenue NW., DC 20420, Phone: 202 461-7630.

RIN: 2900-AP30

BILLING CODE 8320-01-P

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Statement ***of*** Regulatory and Deregulatory Priorities

The Architectural and Transportation Barriers Compliance Board (Access Board) is an independent federal agency established by section 502 ***of*** the Rehabilitation Act (29 U.S.C. 792). The Access Board is responsible for developing accessibility guidelines and standards under various laws to ensure that individuals with disabilities have access to and use ***of*** buildings and facilities, transportation vehicles, information and communication technology, and medical diagnostic equipment. Other Federal agencies adopt the accessibility guidelines and standards issued by the Access Board as mandatory requirements for entities under their jurisdiction.

This plan highlights five rulemaking priorities for the Access Board in FY 2015: (A) Information and Communication Technology Accessibility Standards and Guidelines; (B) Americans with Disabilities Act (ADA) Accessibility Guidelines for Transportation Vehicles; (C) Medical Diagnostic Equipment Accessibility Standards; (D) Accessibility Guidelines for Pedestrian Facilities in the Public Right-***of***-Way; and (E) Americans with Disabilities (ADA) Accessibility Guidelines for Passenger Vessels. The guidelines and standards would enable individuals with disabilities to achieve greater participation in our society, independent living, and economic self-sufficiency, and would promote our national values ***of*** equity, human dignity, and fairness, the ***benefits*** ***of*** which are difficult to quantify.

The rulemakings are summarized below.

A. Information and Communication Technology Accessibility Standards and Guidelines (RIN: 3014-AA37)

This rulemaking would update in a single document the accessibility standards for electronic and information technology covered by section 508 ***of*** the Rehabilitation Act ***of*** 1973, as amended (29 U.S.C. 794d) (Section 508), and the accessibility guidelines for telecommunications equipment and customer premises equipment covered by section 255 ***of*** the Communications Act ***of*** 1934 (47 U.S.C. 255) (Section 255). Section 508 requires the Federal Acquisition Regulatory Council (FAR Council) and each appropriate Federal department or agency to revise their procurement policies and directives no later than 6 months after the Access Board's publication ***of*** standards. The FAR Council has incorporated the accessibility standards for electronic and information technology in the Federal Acquisition Regulation (48 CFR Chapter 1). Under Section 255, the Federal Communications Commission (FCC) is

responsible for issuing implementing regulations and enforcing Section 255. The FCC has promulgated enforceable standards (47 CFR parts 6 and 7) implementing Section 255 that are consistent with the Access Board's accessibility guidelines for telecommunications equipment and customer premises equipment.

The Access Board's 2010 ANPRM included a proposal to amend Section 220 ***of*** the Americans with Disabilities Act Accessibility Guidelines (ADAAG), but, based on public comments, the ADAAG proposal is no longer included in this rulemaking and will be pursued separately at a later date.

A.1. Statement ***of*** Need: The Access Board issued the Electronic and Information Technology Accessibility Standards in 2000 (65 FR 80500, December 21, 2000), and the Telecommunications Act Accessibility Guidelines for telecommunications equipment and customer premises equipment in 1998 (63 FR 5608, February 3, 1998). Since the standards and the guidelines were issued, technology has evolved and changed. Telecommunications products and electronic and information technology products have converged. For example, smartphones can perform many ***of*** the same functions as computers. Real time text technologies and video relay services are replacing TTY's (text telephones). The Access Board is updating the standards and guidelines together to address changes in technology and to make them consistent.

A.2. Summary ***of*** the Legal Basis: Section 508 and Section 255 require the Access Board to develop accessibility standards for electronic and information technology and accessibility guidelines for telecommunications equipment and customer premises equipment, and to periodically review and update the standards and guidelines to reflect technological advances and changes.

Section 508 requires that when developing, procuring, maintaining, or using electronic and information technology, each Federal department or agency must ensure, unless an undue burden would be imposed on the department or agency, that electronic and information technology (regardless ***of*** the type ***of*** medium) allows individuals with disabilities to have access to and use ***of*** information and

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data that is comparable to the access and use ***of*** the information and data by others without disabilities. Section 255 requires telecommunications manufacturers to ensure that telecommunications equipment and customer premises equipment are designed, developed, and

fabricated to be accessible to and usable by individuals with disabilities when it is readily achievable to do so.

A.3. Alternatives: The Access Board established a Telecommunications and Electronic and Information Technology Advisory Committee to recommend changes to the ***existing*** standards and guidelines. The advisory committee was comprised ***of*** a broad cross-section ***of*** stakeholders, including representatives from industry, disability groups, and ***government*** agencies from the U.S., the European Commission, Canada, Australia, and Japan. Recognizing the importance ***of*** standardization across markets worldwide, the advisory committee coordinated its work with standard-setting bodies in the U.S. and abroad, such as the World Wide Web Consortium (W3C). The Access Board published Advance Notices ***of*** Proposed Rulemaking (ANPRMs) in the Federal Register in 2010 and 2011 requesting public comments on draft updates to the standards and guidelines (75 FR 13457, March 22, 2010; and 76 FR 76640, December 8, 2011). The Notice ***of*** Proposed Rulemaking (NPRM) will be based on the advisory committee's report and public comments on the ANPRMs.

The Access Board expects that the Information and Communication Technology Standards and Guidelines will have international influence, and has engaged extensive outreach efforts to standard-setting bodies in the U.S. and abroad such as the World Wide Web Consortium and to other countries, including the European Commission, Canada, Australia, and Japan.

A.4. Anticipated Costs and ***Benefits***: The Access Board is working with a contractor to assess costs and ***benefits*** and prepare a preliminary regulatory impact assessment to accompany the NPRM. Baseline cost estimates ***of*** complying with Section 508 and Section 255 are made, and incremental costs due to the revised or new requirements are estimated for federal agencies and telecommunications equipment manufacturers. Anticipated ***benefits*** are also numerous, including hard-to quantify ***benefits*** such as increased ability for people with disabilities to obtain information and conduct transactions electronically. The preliminary regulatory impact assessment will be available at *www.access-board.gov* once the NPRM is published.

B. Americans With Disabilities Act (ADA) Accessibility Guidelines for Transportation Vehicles (RIN: 3014-AA38)

This rulemaking would update the accessibility guidelines for buses, over-the-road buses, and vans covered by the Americans with Disabilities Act (ADA). The accessibility guidelines for other transportation vehicles covered by the ADA, including vehicles operated in fixed guideway systems (e.g., rapid rail, light rail, commuter rail, high speed rail and intercity rail) would be updated in a future rulemaking. The guidelines ensure that transportation vehicles covered by the ADA are readily accessible to and usable by individuals with disabilities. The U.S. Department ***of*** Transportation (DOT) has issued enforceable standards (49 CFR part 37) that apply to the acquisition ***of*** new, used, and remanufactured transportation vehicles, and the remanufacture ***of existing*** transportation vehicles covered by the ADA. DOT is expected to update its standards in a separate rulemaking to be consistent with the updated guidelines.

B.1. Statement ***of*** Need: The Access Board issued the ADA Accessibility Guidelines for Transportation Vehicles in 1991, and amended the guidelines in 1998 to include additional requirements for over-the-road buses. Level boarding bus systems were introduced in the U.S. after the 1991 guidelines were issued. We are revising the 1991 guidelines to include new requirements for level boarding bus systems, automated stop and route announcements, and other changes.

B.2. Summary ***of*** the Legal Basis: Title II ***of*** the ADA applies to State and local ***governments*** and Title III ***of*** the ADA applies to places ***of*** public accommodation operated by private entities. The ADA covers designated public transportation services provided by State and local ***governments*** and specified public transportation services provided by private entities that are primarily engaged in the business ***of*** transporting people and ***whose*** operations affect commerce. (See 42 U.S.C. 12141 to 12147 and 12184.) Bus rapid transit systems, including level boarding bus systems, that provide public transportation services, are covered by the ADA.

The Access Board is required by the ADA and the Rehabilitation Act to establish and maintain guidelines for the accessibility standards adopted by DOT for transportation vehicles acquired or manufactured by entities covered by the ADA. Compliance with the new guidelines is not required until DOT revises its accessibility standards for transportation vehicles acquired or remanufactured by entities covered by the ADA to be consistent with the new guidelines.

B.3. Alternatives: The Access Board issued a proposed rule to

revise the 1991 guidelines for buses, over-the-road buses, and vans in 2010. The proposed rule, comments on the proposed rule, correspondence received after the close ***of*** the initial comment period, and records and transcripts ***of*** meetings on the new ramp designs are available in the rulemaking docket at: *http://www.regulations.gov/#!docketDetail;D=ATBCB-2010-0004*. The final rule is based on the NPRM and public comments on the NPRM.

B.4. Anticipated Costs and ***Benefits***: Incremental compliance costs are estimated for new requirements for over-the-road buses, such as displaying the International Symbol ***of*** Accessibility on the window adjacent to wheelchair spaces and displaying the destination or route signs on the front as well as the boarding side ***of*** the vehicles. This rulemaking would enable persons ***who*** have mobility disabilities, persons ***who*** have difficulty hearing or are deaf, and persons ***who*** have difficulty seeing or are blind to use transportation services. A full regulatory impact analysis will be available at *www.access-board.gov*, once the final rule is published.

C. Medical Diagnostic Equipment Accessibility Standards (RIN: 3014-AA40)

The Access Board plans to issue a final rule establishing accessibility standards for medical diagnostic equipment used in or in conjunction with medical settings such as physicians' offices, clinics, emergency rooms, and hospitals. The standards will contain minimum technical criteria to ensure that medical diagnostic equipment, including examination tables, examination chairs, weight scales, mammography equipment, and other imaging equipment used by health care providers for diagnostic purposes are accessible to and usable by individuals with disabilities. The Access Board published a NPRM in the Federal Register in 2012, 77 FR 6916, February 9, 2012.

C.1. Statement ***of*** Need: A national survey ***of*** a diverse sample ***of*** individuals with a wide range ***of*** disabilities, including mobility and sensory disabilities, showed that the respondents had difficulty getting on and off examination tables and chairs,

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radiology equipment and weight scales, and experienced problems with physical comfort, safety and communication. Focus group studies ***of***

individuals with disabilities also provided information on barriers that affect the accessibility and usability ***of*** various types ***of*** medical diagnostic equipment. The national survey and focus group studies are discussed in the NPRM.

C.2. Summary ***of*** the Legal Basis: Section 4203 ***of*** the Patient Protection and Affordable Care Act (Pub. L. 111-148, 124 Stat. 570) amended Title V ***of*** the Rehabilitation Act, which establishes rights and protections for individuals with disabilities, by adding section 510 to the Rehabilitation Act (29 U.S.C. 794f) (Section 510). Section 510 requires the Access Board, in consultation with the Commissioner ***of*** the Food and Drug Administration (FDA), to develop standards that contain minimum technical criteria to ensure that medical diagnostic equipment used in or in conjunction with medical settings such as physicians' offices, clinics, emergency rooms, and hospitals are accessible to and usable by individuals with disabilities.

Section 510 does not address ***who*** is required to comply with the standards. However, the Americans with Disabilities Act require health care providers to provide individuals with disabilities full and equal access to their health care services and facilities. The U.S. Department ***of*** Justice (DOJ) is responsible for issuing regulations to implement the Americans with Disabilities Act and enforcing the law. The NPRM discusses DOJ activities related to health care providers and medical diagnostic equipment.

C.3. Alternatives: The Access Board worked with the FDA and DOJ in developing the standards. The Access Board considered the Association for the Advancement ***of*** Medical Instrumentation's ANSI/AAMI HE 75:2009, ``Human factors engineering--Design ***of*** medical devices,'' which includes recommended practices to provide accessibility for individuals with disabilities. The Access Board also established a Medical Diagnostic Equipment Accessibility Standards Advisory Committee that included representatives from the disability community and manufacturers ***of*** medical diagnostic equipment to make recommendations on issues raised in public comments and responses to questions in the NPRM. The final rule will be based on the public comments and recommendations ***of*** the advisory committee.

C.4. Anticipated Costs and ***Benefits***: The Access Board is working to assess costs and ***benefits*** and prepare a preliminary regulatory impact assessment to accompany the final rule. The standards would address

many ***of*** the barriers that have been identified as affecting the accessibility and usability ***of*** diagnostic equipment by individuals with disabilities. The standards would facilitate independent transfers by individuals with disabilities onto and off ***of*** diagnostic equipment, and enable them to maintain their independence, confidence, and dignity, lessening the need for health care personnel to assist individuals with disabilities when transferring on and off ***of*** diagnostic equipment. The standards would improve the quality ***of*** health care for individuals with disabilities and ensure that they receive examinations, diagnostic procedures, and other health care services equivalent to those received by individuals without disabilities.

D. Accessibility Guidelines for Pedestrian Facilities in the Public Right-***of***-Way (RIN: 3014-AA26)

The rulemaking would establish accessibility guidelines to ensure that sidewalks and pedestrian facilities in the public right-***of***-way are accessible to and usable by individuals with disabilities. A Supplemental Notice ***of*** Proposed Rulemaking consolidated this rulemaking with RIN 3014-AA41; accessibility guidelines for shared use paths (which are multi-use paths designed primarily for use by bicyclists and pedestrians, including persons with disabilities, for transportation and recreation purposes). The U.S. Department ***of*** Justice, U.S. Department ***of*** Transportation, and other Federal agencies are expected to adopt the accessibility guidelines for pedestrian facilities in the public right-***of***-way and for shared use paths, as enforceable standards in separate rulemakings for the construction and alteration ***of*** facilities covered by the Americans with Disabilities Act, section 504 ***of*** the Rehabilitation Act, and the Architectural Barriers Act.

D.1. Statement ***of*** Need: While the Access Board has issued accessibility guidelines for the design, construction, and alteration ***of*** buildings and facilities covered by the Americans with Disabilities Act (ADA) and the Architectural Barriers Act (ABA) (36 CFR part 1191), these guidelines were developed primarily for buildings and facilities on sites. Some ***of*** the provisions in these guidelines can be readily applied to pedestrian facilities in the public right-***of***-way such as curb ramps. However, other provisions need to be adapted or new

provisions developed for pedestrian facilities that are built in the public right-***of***-way as well as shared use paths.

D.2. Summary ***of*** the Legal Basis: Section 502(b)(3) ***of*** the Rehabilitation Act ***of*** 1973, as amended, 29 U.S.C. 792(b)(3), requires the Access Board to establish and maintain minimum guidelines for the standards issued by other agencies pursuant to the ADA and ABA. In addition, section 504 ***of*** the ADA, 42 U.S.C. 12204, required the Access Board to issue accessibility guidelines for buildings and facilities covered by that law.

D.3. Alternatives: The Access Board established a Public Rights-***of***-Way Access Advisory Committee to make recommendations for the guidelines. The advisory committee was comprised ***of*** a broad cross-section ***of*** stakeholders, including representatives for State and local ***government*** agencies responsible for constructing facilities in the public right-***of***-way, transportation engineers, disability groups, and bicycling and pedestrian organizations. The Access Board released two drafts ***of*** the guidelines for public comment and an NPRM based on the advisory committee report and public comments on the draft guidelines. The final rule will be based on the NPRM and public comments on the NPRM.

D.4. Anticipated Costs and ***Benefits***: The Access Board identified four provisions in the NPRM that were expected to have more than minimal monetary impacts on State and local ***governments***. Three ***of*** these four requirements are related to: (1) detectable warning surfaces on newly constructed and altered curb ramps and blended transitions at pedestrian street crossings; (2) accessible pedestrian signals and pushbuttons when pedestrian signals are newly installed or replaced at signalized intersections; and (3) pedestrian activated signals at roundabouts with multi-lane pedestrian crossings. In addition, the fourth requirement for provision ***of*** a two percent maximum cross slope on pedestrian access routes within pedestrian street crossings with yield or stop control was estimated to have more than minimal monetary impacts on State and local ***governments*** when constructing roadways with pedestrian crossings in hilly areas. The NPRM included questions requesting information to assess the costs and ***benefits*** ***of*** these provisions, as well as other provisions that may have cost impacts. The

Access Board will prepare a final regulatory impact assessment to accompany the final rule based on

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information provided in response to questions in the NPRM and other sources.

E. Americans With Disabilities Act (ADA) Accessibility Guidelines for Passenger Vessels (RIN: 3014-AA11)

The rulemaking would establish accessibility guidelines to ensure that newly constructed and altered passenger vessels covered by the Americans with Disabilities Act (ADA) are accessible to and usable by individuals with disabilities. The U.S. Department ***of*** Transportation and U.S. Department ***of*** Justice are expected to adopt the guidelines as enforceable standards in separate rulemakings for the construction and alteration ***of*** passenger vessels covered by the ADA.

E.1. Statement ***of*** Need: Section 504 ***of*** the ADA requires the Access Board to issue accessibility guidelines for the construction and alteration ***of*** passenger vessels covered by the law to ensure that the vessels are readily accessible to and usable by individuals with disabilities (42 U.S.C. 12204).

E.2. Summary ***of*** the Legal Basis: Title II ***of*** the ADA applies to State and local ***governments*** and title III ***of*** the ADA applies to places ***of*** public accommodation operated by private entities. The ADA covers designated public transportation services provided by State and local ***governments*** and specified public transportation services provided by private entities that are primarily engaged in the business ***of*** transporting people and ***whose*** operations affect commerce. (See 42 U.S.C. 12141 to 12147 and 12184.)

Titles II and III ***of*** the ADA require the DOT and DOJ to issue accessibility standards for the construction and alteration ***of*** passenger vessels covered by the law that are consistent with the guidelines issued by the Access Board. (See 42 U.S.C. 12134(c), 12149(b), 12186(c).) The DOT has reserved a subpart in its ADA regulations for accessibility standards for passenger vessels in anticipation ***of*** the Access Board issuing these guidelines. (See 49 CFR part 39, subpart E.) Once DOT and DOJ issue accessibility standards for

the construction and alteration ***of*** passenger vessels covered by the ADA, vessel owners and operators are then required to comply with the standards.

E.3. Alternatives: In developing the proposed accessibility guidelines, the Access Board has received and considered extensive input from passenger vessel owners and operators, individuals with disabilities, and other interested parties for more than a decade. The Access Board convened an advisory committee comprised ***of*** passenger vessel industry trade groups, passenger vessel owners and operators, disability advocacy groups, and State and local ***government*** agencies to advise how to develop the accessibility guidelines. The committee submitted its report to the Access Board in 2000. In addition, over the years, the Access Board issued an ANPRM and three versions ***of*** draft accessibility guidelines and conducted in-depth case studies on various passenger vessels. The Access Board solicited and analyzed public comments on these documents in developing the proposed guidelines and regulatory impact analysis. All the published documents together with public comments are available at: *http://www.access-board.gov*.

E.4. Anticipated Costs and ***Benefits***: The proposed guidelines would address the discriminatory effects ***of*** architectural, transportation, and communication barriers encountered by individuals with disabilities on passenger vessels. The estimated compliance costs for certain types ***of*** vessels include: (1) the incremental impact ***of*** constructing a vessel in compliance with the guidelines; and (2) any additional costs attributable to the operation and maintenance ***of*** accessible features. For certain large cruise ships, the compliance costs would include loss ***of*** guest rooms and gross revenues attributed to a proposed requirement for a minimum number ***of*** guest rooms that provide mobility features. The proposed guidelines would significantly ***benefit*** individuals with disabilities by affording them equal opportunity to travel on passenger vessels for employment, transportation, public accommodation, and leisure. Other ***benefits***, which are difficult to quantify, include equity, human dignity, and fairness values.

BILLING CODE 8150-01-P

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Statement ***of*** Priorities

Overview

For more than 40 years, the U.S. Environmental Protection Agency (EPA) has worked to protect people's health and the environment. By taking advantage ***of*** the best thinking, the newest technologies and the most cost-effective, sustainable solutions, EPA has fostered innovation and cleaned up pollution in the places where people live, work, play and learn.

With a renewed focus on the challenges ahead, science, law and transparency continue to guide EPA decisions. EPA will leverage resources with grant- and incentive-based programs, sound scientific advice, technical and compliance assistance and tools that support states, tribes, cities, towns, rural communities and the private sector in their efforts to address our shared challenges, including:

making a visible difference in communities across the country;

addressing climate change and improving air quality;

taking action on toxics and chemical safety;

protecting water: a precious, limited resource;

launching a new era ***of*** state, tribal and local partnership; and

working toward a sustainable future.

EPA and its federal, state, local, and community partners have made enormous progress in protecting the nation's health and environment. From reducing mercury and other toxic air pollution to reducing greenhouse gas (GHG) emissions, doubling the fuel efficiency ***of*** our cars and trucks, the Agency is working to save lives and protect the environment. In addition, while removing a billion tons ***of*** pollution from the air, the Agency has produced hundreds ***of*** billions ***of*** dollars in ***benefits*** for the ***American*** people.

Highlights ***of*** EPA'S Regulatory Plan

EPA's more than forty years ***of*** protecting human health and the environment demonstrates our nation's commitment to reducing pollution that can threaten the air we breathe, the water we use and the communities we live in. This Regulatory Plan contains information on some ***of*** our most important upcoming regulatory actions. As always, our Semiannual Regulatory Agenda contains information on a broader spectrum ***of*** EPA's upcoming regulatory actions.

Six Guiding Priorities

The EPA's success depends on supporting innovation and creativity in both what we do and how we do it. To guide the agency's efforts, the Agency has established several guiding priorities. These priorities are enumerated in the list that follows, along with recent progress and future objectives for each.

1. Making a Visible Difference in Communities Across the Country

Safe Disposal and Management ***of*** Coal Combustion Residuals. Coal combustion residuals (CCRs), often referred to as coal ash, are currently considered Bevill exempt wastes under the Resource Conservation and

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Recovery Act (RCRA). They are residues from the combustion ***of*** coal in power plants and are captured by pollution control technologies, like scrubbers. Potential environmental concerns from coal ash management include groundwater contamination from leaking surface impoundments and landfills and structural failures ***of*** surface impoundments. The need for national criteria was emphasized by the December 2008 spill ***of*** coal ash from a surface impoundment at the Tennessee Valley Authority's plant in Kingston, TN. The tragic spill flooded more than 300 acres ***of*** land with coal ash, which flowed into the Emory and Clinch rivers. On June 21, 2010, the EPA proposed to regulate for the first time coal ash to address the risks from the management ***of*** these wastes that are generated by electric utilities and independent power producers. The Agency received over 450,000 comments on the proposal. Under a consent decree, a final rule must be signed by the Administrator no later than December 19, 2014.

Environmental Justice in Rulemaking. The year 2014 represents the 20th anniversary ***of*** President Clinton's issuance ***of*** the Executive order directing all Federal agencies to engage in a Governmentwide effort and issue strategies to address environmental justice issues.

EPA has made significant progress in areas critical to advancing environmental justice and making a visible difference in communities, including rulemaking, permitting, compliance and enforcement, community-based programs and our work with other federal agencies. We have developed the critical legal, science, and screening tools to help support our efforts in working with and in communities.

2. Addressing Climate Change and Improving Air Quality

The Agency will continue to deploy ***existing*** regulatory tools where appropriate and warranted. Addressing climate change calls for

coordinated national and global efforts to reduce emissions and develop new technologies that can be deployed. Using the Clean Air Act, EPA will continue to develop greenhouse gas standards for both mobile and stationary sources.

Greenhouse Gas Emission Standards for Power Plants. As part ***of*** the President's Climate Action Plan, in September 2013, the EPA proposed standards to limit carbon pollution from new power plants yet to be built. This past June, we proposed carbon pollution standards for ***existing*** power plants, the Clean Power Plan. We plan to finalize standards for both new and ***existing*** plants in 2015. When finalized, these standards and guidelines will establish achievable limits ***of*** carbon pollution from future plants. By 2030 carbon emissions from ***existing*** plants are estimated to be reduced by 30% from 2005 levels.

Heavy-Duty Vehicles GHG Emission Standards. In 2011, in cooperation with the Department ***of*** Transportation (DOT), EPA issued the first-ever Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles for model years 2014-2018. In 2015, EPA and DOT will propose a second set ***of*** standards to further reduce greenhouse gas emissions and fuel consumption from a wide range ***of*** on-road vehicles from semi-trucks to the largest pickup trucks and vans and all types and sizes ***of*** work trucks and buses. This action is another important component ***of*** the President's Climate Action Plan.

Reviewing and Implementing Air Quality Standards. Despite progress, millions ***of*** Americans still live in areas that exceed one or more ***of*** the national air pollution standards. This year's regulatory plan describes efforts to review the primary National Ambient Air Quality Standards (NAAQS) for ozone and lead, as well as a rule to guide States in implementing the ozone, particulate matter, and other air quality standards.

Cleaner Air from Improved Technology. EPA continues to address hazardous air pollution under authority ***of*** the Clean Air Act Amendments ***of*** 1990. The centerpiece ***of*** this effort is the ``Maximum Achievable Control Technology'' (MACT) program, which requires that all major sources ***of*** a given type use emission controls that better reflect the current state ***of*** the art. In May ***of*** 2015, EPA expects to complete a review ***of existing*** MACT standards for Petroleum Refineries to reduce

residual risk and assure that the standards reflect current technology.

3. Taking Action on Toxics and Chemical Safety

One ***of*** EPA's highest priorities is to make significant progress in assuring the safety ***of*** chemicals. Using sound science as a compass, EPA protects individuals, families, and the environment from potential risks ***of*** pesticides and other chemicals. In its implementation ***of*** these programs, EPA uses several different statutory authorities, including the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the Federal Food, Drug and Cosmetic Act (FFDCA), the Toxic Substances Control Act (TSCA) and the Pollution Prevention Act (PPA), as well as collaborative and voluntary activities. In FY 2014, the Agency will continue to satisfy its overall directives under these authorities and highlights the following actions in this Regulatory Plan:

EPA's ***Existing*** Chemicals Management Program Under TSCA. As part ***of*** EPA's ongoing efforts to ensure the safety ***of*** chemicals, EPA plans to take a range ***of*** identified regulatory actions for certain chemicals and assess other chemicals to determine if risk reduction action is needed to address potential concerns.

Addressing Formaldehyde Used in Composite Wood Products. As directed by the Formaldehyde Standards for Composite Wood Products Act ***of*** 2010, EPA is developing final regulations to address formaldehyde emissions from hardwood plywood, particleboard and medium-density fiberboard that is sold, supplied, offered for sale, or manufactured in the United States.

Lead in Public and Commercial Buildings. As directed by TSCA section 402(c)(3), EPA is developing a proposed rule to address renovation or remodeling activities that create lead-based paint hazards in pre-1978 public buildings and commercial buildings. EPA previously issued a final rule to address lead-based paint hazards created by these activities in target housing and child-occupied facilities.

Reassessment ***of*** PCB Use Authorizations. When enacted in 1978, TSCA banned the manufacture, processing, distribution in commerce, and use ***of*** polychlorinated biphenyls (PCBs), except when uses would pose no unreasonable risk ***of*** injury to health or the environment. EPA is reassessing certain ongoing, authorized uses ***of*** PCBs that were established by regulation in 1979, including the use, distribution in commerce, marking and storage for reuse ***of*** liquid PCBs in electric

equipment, to determine whether those authorized uses still meet TSCA's ``no unreasonable risk'' standard. EPA plans to propose the revocation or revision ***of*** any PCBs use authorizations included in this reassessment that no longer meet the TSCA standard.

Enhancing Agricultural Worker Protection. Based on years ***of*** extensive stakeholder engagement and public meetings, EPA is acting to enhance the pesticide worker safety program. EPA plans to issue final amendments to the agricultural worker protection regulation that strengthens protections for agricultural farm workers and

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pesticide handlers. The rule is expected improve pesticide safety training and agricultural workers' ability to protect themselves and their families from potential secondary exposure to pesticides and pesticide residues. The proposed revisions will address key environmental justice concerns for a population that may be disproportionately affected by pesticide exposure. Other changes under development are intended to bring hazard communication requirements more in line with Occupational Safety and Health Administration requirements and seek to clarify current requirements to facilitate program implementation and enforcement.

Strengthening Pesticide Applicator Safety. As part ***of*** EPA's effort to enhance the pesticide worker safety program, the Agency is also developing a proposal to revise the ***existing*** regulation concerning the certification ***of*** applicators ***of*** restricted-use pesticides to ensure that the federal certification program standards adequately protect applicators, the public and the environment from potential risks associated with use ***of*** restricted use pesticides. The proposed changes are intended to improve the competency ***of*** certified applicators ***of*** restricted use pesticides, increase protection for noncertified applicators ***of*** restricted use pesticides operating under the direct supervision ***of*** a certified applicator through enhanced pesticide safety training and standards for supervision ***of*** noncertified applicators, and establish a minimum age requirement for such noncertified applicators. Also, in keeping with EPA's commitment to work more closely with tribal ***governments*** to strengthen environmental protection in Indian Country, certain changes are intended to provide more practical options for establishing certification programs in Indian Country.

Improving Chemical Facility Safety and Security. Executive Order 13650 on Improving Chemical Facility Safety and Security directs federal agencies to work with stakeholders to improve chemical safety and security through agency programs, private sector initiatives, federal guidance, standards, and regulations. During the course ***of*** implementing this Executive order, EPA, along with the Department ***of*** Homeland Security (including the National Protection and Programs Directorate, the Transportation Security Agency and the United States Coast Guard); the Occupational Safety and Health Administration; the United States Department ***of*** Justice, Bureau ***of*** Alcohol, Tobacco, and Firearms; the United States Department ***of*** Agriculture; and the United States Department ***of*** Transportation, will assess whether its regulations should be modified or new regulations developed to improve upon chemical safety and security. EPA issued in July 2014 a request for information on how to strengthen its Risk Management Plan program. EPA plans to develop a proposed rule to modernize the Risk Management Plan.

4. Protecting Water: A Precious, Limited Resource

Despite considerable progress, America's waters remain imperiled. Water quality protection programs face complex challenges, from nutrient loadings and stormwater runoff to invasive species and drinking water contaminants. These challenges demand both traditional and innovative strategies.

Improving Water Quality. EPA plans to address challenging water quality issues in several rulemakings during FY 2015.

Definition ***of*** ``Waters ***of*** the United States'' Under the Clean Water Act. After U.S. Supreme Court decisions in SWANCC and Rapanos, the scope ***of*** ``waters ***of*** the US'' protected under Clean Water Act (CWA) programs has been an issue ***of*** considerable debate and uncertainty. The Act does not distinguish among programs as to what constitutes ``waters ***of*** the United States.'' As a result, these decisions affect the geographic scope ***of*** all CWA programs. SWANCC and Rapanos did not invalidate the current regulatory definition ***of*** ``waters ***of*** the United States.'' However, the decisions established important considerations for how those regulations should be interpreted. Experience implementing the regulations following the two court cases has identified several areas that could ***benefit*** from additional clarification through rulemaking.

Steam Electric Power Plants. Steam electric power plants contribute over half ***of*** all toxic pollutants discharged to surface waters by all industrial categories currently regulated in the United States under the Clean Water Act. Discharges ***of*** these toxic pollutants are linked to cancer and neurological damage in humans and ecological damage. EPA will establish national technology-based regulations called effluent guidelines to reduce discharges ***of*** these pollutants from industries to waters ***of*** the U.S. and publicly owned treatment works. These guidelines would set the first Federal limits on the levels ***of*** toxic metals in wastewater that can be discharged from power plants, based on technology improvements in the industry over the last three decades. The steam electric effluent guidelines apply to steam electric power plants using nuclear or fossil fuels, such as coal, oil and natural gas.

Water Quality Standards Regulatory Revisions. EPA will finalize updates to the Water Quality Standards regulation, which provides a strong foundation for water quality-based controls, including water quality assessments, impaired waters lists, total maximum daily loads, and water quality-based effluent limits (WQBELs) in NPDES discharge permits. These updates aim to clarify and resolve a number ***of*** policy and technical issues that have recurred over the past 30 years. They will assure greater public transparency, better stakeholder information, and more effective implementation ***of*** the Water Quality Standards program.

Responding to Oil Spills in U.S. Waters. The Clean Water Act (CWA), as amended by the Oil Pollution Act (OPA), requires that the National Contingency Plan (NCP) include a schedule identifying ``dispersants, other chemicals, and other spill mitigating devices and substances, if any, that may be used in carrying out'' the NCP. EPA is considering amending subpart J ***of*** the NCP (the Product Schedule) for a manufacturer to have chemical, biological, or other spill-mitigating substances listed on the Product Schedule, updating the listing requirements to reflect new advancements in scientific understanding, and, to the extent practicable, considering and addressing concerns regarding the use ***of*** dispersants raised during the Deepwater Horizon oil spill.

5. Launching a New Era ***of*** State, Tribal and Local Partnership

EPA's success depends more than ever on working with increasingly capable and environmentally conscious partners. States have demonstrated leadership on managing environmental challenges, and EPA

wants to build on and complement their work. EPA supports state and tribal capacity to ensure that programs are consistently delivered nationwide. This provides EPA and its intergovernmental partners with an opportunity to further strengthen their working relationship and, thereby, more effectively pursue their shared goal ***of*** national environmental and public health protection. The history and future ***of*** environmental protection will be built on this type ***of*** collaboration.

In July 2014, EPA's Administrator Gina McCarthy signed the

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Environmental Justice Policy for Working with Tribes and Indigenous Peoples, reinforcing the agency's commitment to work with tribes on a ***government***-to-***government*** basis when issues ***of*** environmental justice arise. This policy allows EPA to reinforce its commitment to tribal communities, especially in addressing issues ***of*** environmental justice. The policy integrates 17 environmental justice and civil rights principles and identifies ***existing*** informational and resource tools to support EPA in addressing environmental justice concerns raised by Federally Recognized Tribes and Indigenous Peoples throughout the United States.

In addition, 2014 marks 30 years ***of*** EPA's 1984 Indian Policy. EPA was the first to formally adopt such a Policy, reiterating the importance ***of*** EPA's tribal programs and our unique ***government***-to-***government*** relationship with tribes.

6. Working Toward a Sustainable Future

Just as today's economy is vastly different from that ***of*** 40 years before, EPA's regulatory program is evolving to recognize the progress that has already been made in environmental protection and to incorporate new technologies and approaches that allow us to provide for an environmentally sustainable future more efficiently and effectively.

Establishing User Fees for the Use ***of*** RCRA Manifests. The e-Manifest Final rule ***of*** February 7, 2014 codified certain provisions ***of*** the ``Hazardous Waste Electronic Manifest Establishment Act'' (or the Act), which directed EPA to adopt a regulation that authorized the use ***of*** electronic manifests to track hazardous waste shipments nationwide. The Act also instructed EPA to develop a user-fee-funded e-Manifest

system. Since the Act grants broad discretion to EPA to determine the fees and gives the Agency authority to collect such fees for both electronic manifests and any paper manifests that continue in use, EPA plans to issue rulemaking to establish the appropriate electronic and paper manifest fees. The initial fees established in the final rule are expected to cover the operation and maintenance costs for the system, as well as the costs associated with the development ***of*** the system. EPA plans to also announce in the final rule the date on which the system will be implemented and available to users. Once the national e-Manifest system becomes available, hazardous waste handlers will be able to complete, sign, transmit, and store electronic manifests through the national IT system, or they can elect to continue tracking the hazardous waste under the paper manifest system. Further, waste handlers that currently submit manifests to the States will no longer be required to do so, unless required by the State, as EPA will collect both the remaining paper manifest copies and electronic manifests in the national system and will disseminate the manifest data to those States that want it.

Strengthening the Underground Storage Tanks Program. EPA plans to revise the 1988 federal underground storage tank (UST) regulations by increasing emphasis on properly operating and maintaining UST equipment. These revisions will help improve prevention and detection ***of*** UST releases, which are one ***of*** the leading sources ***of*** groundwater contamination. The revisions will also help ensure all USTs in the United States, including those in Indian country, meet the same minimum standards.

Retrospective Review ***of*** ***Existing*** Regulations

Pursuant to section 6 ***of*** Executive Order 13563 ``Improving Regulation and Regulatory Review'' (Jan. 18, 2011), the following Regulatory Identifier Numbers (RINs) have been identified as associated with retrospective review and analysis in the Agency's final retrospective review ***of*** regulations plan. Some ***of*** these entries on this list may be completed actions, which do not appear in The Regulatory Plan. However, more information can be found about these completed rulemakings in past publications ***of*** the Unified Agenda on Reginfo.gov in the Completed Actions section for that agency. These rulemakings can also be found on Regulations.gov. EPA's final agency plan can be found at: *http://www.epa.gov/regdarrt/retrospective/*.

Regulatory identifier number (RIN) Rulemaking title

2060-AO60..... New Source Performance Standards (NSPS) Review under CAA-111(b)(1)(B)

2060-AP06..... New Source Performance Standards for Grain Elevators_Amendments

2040-AF15..... National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions

2040-AF16..... Water Quality Standards Regulatory Clarifications

2040-AF25..... National Pollutant Discharge Elimination System (NPDES) Application and Program Updates Rule

2040-AF29..... National Primary Drinking Water Regulations: Group Regulation ***of*** Carcinogenic Volatile Organic Compound (VOCs)

2050-AG39..... Management Standards for Hazardous Waste Pharmaceuticals

2050-AG72..... Hazardous Waste Requirements for Retail Products; Clarifying and Making the Program More Effective

2070-AK02..... Lead; Lead-based Paint Program; Amendment to Jurisdiction-Specific Certification and Accreditation Requirements and Renovator Refresher Training Requirements

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Burden Reduction

As described above, EPA continues to review its ***existing*** regulations in an effort to achieve its mission in the most efficient means possible. To this end, the Agency is committed to identifying areas in its regulatory program where significant savings or quantifiable reductions in paperwork burdens might be achieved, as outlined in Executive Order 13610, while protecting public health and our environment.

Rules Expected to Affect Small Entities

By better coordinating small business activities, EPA aims to improve its technical assistance and outreach efforts, minimize burdens

to small businesses in its regulations, and simplify small businesses' participation in its voluntary programs. Actions that may affect small entities can be tracked on EPA's Regulatory Development and

Retrospective Review Tracker (*http://www.epa.gov/regdarrt/*) at any

time. This Plan includes the following rules that may be ***of*** particular interest to small entities:

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Regulatory identifier number (RIN) Rulemaking title

2070-AJ92..... Formaldehyde Emission Standards for Composite Wood Products

2060-AS16..... Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles_Phase 2

International Regulatory Cooperation Activities

EPA has considered international regulatory cooperation activities as described in Executive Order 13609 and has identified two international activities that are anticipated to lead to significant regulations in the following year:

Regulatory identifier number (RIN) Rulemaking Title

2070-AJ44..... Formaldehyde; Third-Party Certification Framework for the Formaldehyde Standards for Composite Wood Products

2070-AJ92..... Formaldehyde Emission Standards for Composite Wood Products

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Streamlining the Export/Import Process for America's Businesses

EPA has considered import and export streamlining activities as described in Executive Order 13659 and identified the following rulemaking activity:

Regulatory identifier number (RIN) Rulemaking title

2050-AG77..... Hazardous Waste Export-Import Revisions Rule

EPA--AIR AND RADIATION(AR)

Proposed Rule Stage

122. Review ***of*** the National Ambient Air Quality Standards for Ozone

Priority: Economically Significant. Major under 5 U.S.C. 801.
Legal Authority: 42 U.S.C. 7408; 42 U.S.C. 7409
CFR Citation: 40 CFR 50.
Legal Deadline: NPRM, Judicial, December 1, 2014, Court-ordered Deadline. Final, Judicial, October 1, 2015, Court-ordered Deadline. Must be proposed by December 1
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 DC 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 EPA would structure the review. This review included 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.

Statement ***of*** Need: Under the Clean Air Act Amendments ***of*** 1977, 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.

Summary ***of*** Legal Basis: Review ***of*** the NAAQS is authorized by Clean Air Act Sections 108 and 109.
Alternatives: The main alternative for the Administrator's decision on the review ***of*** the primary and secondary national ambient air quality standards for ozone is whether to retain or revise the ***existing***

standards.

Anticipated Cost and ***Benefits***: The Clean Air Act makes clear that the economic and technical feasibility ***of*** attaining standards are not to be considered in setting or revising the NAAQS, although such factors may be considered in the development ***of*** State plans to implement the standards. Accordingly, when the Agency proposes revisions to the standards, the Agency prepares cost and ***benefit*** information in order to provide States information that may be useful in considering different implementation strategies for meeting proposed or final standards. In those instances, cost and ***benefit*** information is generally included in the regulatory analysis accompanying the final rule.

Risks: Health and welfare risks associated with exposure to O3 in the ambient air have been assessed. The final health and welfare Risk and Exposure Assessments for Ozone were released in August 2014, and are available at: *http://www.epa.gov/ttn/naaqs/standards/ozone/data/20140829healthrea.pdf*.

Timetable:

Action Date FR Cite

Notice..... 04/28/11 76 FR 23755
NPRM..... 12/00/14 .....
Final Rule..... 11/00/15 .....

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: No.

Government Levels Affected: Federal, Local, State, Tribal.
Additional Information: Docket #: EPA-HQ-OAR-2008-0699.

URL For More Information: *http://www.epa.gov/ozone/*.

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RIN: 2060-AP38

EPA--AR

123. Review ***of*** the National Ambient Air Quality Standards for Lead

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.
Legal Authority: 42 U.S.C. 7408; 42 U.S.C. 7409
CFR Citation: 40 CFR 50.
Legal Deadline: None.

Abstract: Under the Clean Air Act Amendments ***of*** 1977, 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 November 12, 2008, the EPA published a final rule to revise the primary and secondary NAAQS for lead to provide increased protection for public health and welfare. The EPA has now initiated the next review. This new review includes the preparation ***of*** an Integrated Review Plan, an Integrated Science Assessment, and, if warranted, a Risk/Exposure Assessment, and also a Policy Assessment Document by the EPA, with opportunities for review by EPA's Clean Air Scientific Advisory Committee and the public. These documents inform the Administrator's proposed decision as to whether to retain or revise the standards. This decision will be published in the Federal Register with opportunity provided for public comment. The Administrator's final decisions will take into consideration these documents and public comment on the proposed decision.

Statement ***of*** Need: Under the Clean Air Act Amendments ***of*** 1977, 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. In the last lead NAAQS review, EPA published a final rule on November 12, 2008, to revise the primary and secondary NAAQS for lead to provide increased protection for public health and welfare.

Summary ***of*** Legal Basis: Under the Clean Air Act Amendments ***of*** 1977, 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.
Alternatives: The main alternative for the Administrator's decision on the review ***of*** the national ambient air quality standards for lead is whether to retain or revise the ***existing*** standards.

Anticipated Cost and ***Benefits***: The Clean Air Act makes clear that the economic and technical feasibility ***of*** attaining standards are not to be considered in setting or revising the NAAQS, although such factors may be considered in the development ***of*** State plans to implement the standards. Accordingly, when the Agency proposes revisions to the standards, the Agency prepares cost and ***benefit*** information in order to provide States information that may be useful in considering different implementation strategies for meeting proposed or final standards. In those instances, cost and ***benefit*** information is generally included in the regulatory analysis accompanying the final rule.

Risks: As part ***of*** the review, the EPA prepares an Integrated Review Plan, an Integrated Science Assessment, and, if warranted, a Risk/ Exposure Assessment, and also a Policy Assessment Document, with opportunities for review by the EPA's Clean Air Scientific Advisory Committee and the public. These documents inform the Administrator's proposed decision as to whether to retain or revise the standards. The proposed decision will be published in the Federal Register with opportunity provided for public comment. The Administrator's final decisions will take into consideration these documents and public comment on the proposed decision.

Timetable:

Action Date FR Cite

NPRM..... 12/00/14 .....

Final Rule..... To Be Determined

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: No.

Government Levels Affected: Undetermined.
Additional Information: Docket #: EPA-HQ-OAR-2010-0108.

URL for More Information: *http://www.epa.gov/ttn/naaqs/standards/pb/s_pb_index.html*.
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RIN: 2060-AQ44

EPA--AR

124. Carbon Pollution Emission Guidelines for ***Existing*** Stationary Sources: EGUS in Indian Country and U.S. Territories

Priority: Economically Significant. Major under 5 U.S.C. 801.
Legal Authority: CAA 111
CFR Citation: .40 CFR 60
Legal Deadline: None.
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 fired EGU, using its authority under CAA 111(d). This action is a supplemental proposal and will propose emission guidelines to address GHG emissions from ***existing*** fossil fuel-fired EGUs on tribal lands and in U.S. territories.

Statement ***of*** Need: President Obama's Climate Action Plan called for EPA to complete carbon pollution standards for ***existing*** fossil fuel-fired power plants by June 1, 2015. This action will propose those standards for ***existing*** fossil fuel-fired power plants in Indian country and U.S. territories.

Summary ***of*** Legal Basis: CO2 is a regulated pollutant and thus is subject to regulation under section 111 ***of*** the Clean Air Act as Amended in 1990.
Alternatives: Alternatives will be presented in the proposal

preamble.

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Anticipated Cost and ***Benefits***: Cost and ***benefits*** information will be presented in the proposal preamble.

Risks: The risk addressed is the current and future threat ***of*** climate change to public health and welfare, as demonstrated in the 2009 Endangerment and Cause or Contribute Findings for Greenhouse Gases

Under Section 202(a) ***of*** the Clean Air Act. The EPA made this determination based primarily upon the recent, major assessments by the U.S. Global Change Research Program (USGCRP), the National Research

Council (NRC) ***of*** the National Academies and the Intergovernmental Panel on Climate Change (IPCC).

Timetable:

Action Date FR Cite

NPRM..... 06/18/14 79 FR 34829
NPRM Comment Period Extended..... 09/25/14 79 FR 57492
NPRM Comment Period Extended End.... 12/01/14 .....
Supplemental NPRM..... 11/04/14 79 FR 65481
Final Rule..... 07/00/15 .....
NODA..... 10/30/14 79 FR 64543
Notice..... 11/13/14 79 FR 67406

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Federal, State, Tribal.

Federalism: This action may have federalism implications as defined in EO 13132.

Energy Effects: Statement ***of*** Energy Effects planned as required by Executive Order 13211.

Additional Information: Docket #: EPA-HQ-OAR-2013-0602. Split from RIN 2060-AQ91.

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Related RIN: Split from 2060-AQ91
RIN: 2060-AR33

EPA--AR

125. Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles--Phase 2

Priority: Economically Significant. Major under 5 U.S.C. 801.
Legal Authority: Clean Air Act sec 202(a)
CFR Citation: 40 CFR 1036; 40 CFR 1037; 40 CFR 86.
Legal Deadline: None.
Abstract: During the President's second term, EPA and the

Department ***of*** Transportation, in close coordination with the California Air Resources Board, will develop a comprehensive National Program for Medium- and Heavy-Duty Vehicle Greenhouse Gas Emission and Fuel

Efficiency Standards for model years beyond 2018. These second sets ***of*** standards would further reduce greenhouse gas emissions and fuel

consumption from a wide range ***of*** on-road vehicles from semi-trucks to

the largest pickup trucks and vans, and all types and sizes ***of*** work trucks and buses. This action will be in continued response to the President's directive to take coordinated steps to produce a new

generation ***of*** clean vehicles. This action follows the first ever Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles (75 FR September 15, 2011).

Statement ***of*** Need: Under Clean Air Act authority, EPA has

determined that emissions ***of*** greenhouse gases from new motor vehicles and engines cause or contribute to air pollution that may reasonably be anticipated to endanger public health and welfare. Therefore, there is a need to reduce GHG emissions from medium- and heavy-duty vehicles to protect public health and welfare. The medium- and heavy-duty truck

sector accounts for approximately 18 percent ***of*** the U.S. mobile source GHG emissions and is the second largest mobile source sector. GHG emissions from this sector are forecast to continue increasing rapidly;

reflecting the anticipated impact ***of*** factors such as economic growth

and increased movement ***of*** freight by trucks. This rulemaking would significantly reduce GHG emissions from future medium- and heavy-duty

vehicles by setting GHG standards that will lead to the introduction ***of*** GHG reducing vehicle and engine technologies.

Summary ***of*** Legal Basis: The Clean Air Act section 202(a)(1) states that The Administrator shall by regulation prescribe (and from time to time revise) in accordance with the provisions ***of*** this section, standards applicable to the emission ***of*** any air pollutant from any class or classes ***of*** new motor vehicles or new motor vehicle engines, which in his judgment cause, or contribute to, air pollution which may reasonably be anticipated to endanger public health or welfare. Section 202(a) covers all on-highway vehicles including medium- and heavy-duty trucks. In April 2007, the Supreme Court found in Massachusetts v. EPA that greenhouse gases fit well within the Acts definition ***of*** air pollutant and that EPA has statutory authority to regulate emission ***of*** such gases from new motor vehicles. Lastly, in April 2009, EPA issued the Proposed Endangerment and Cause-or-Contribute Findings for Greenhouse Gases under the Clean Air Act. The endangerment proposal stated that greenhouse gases from new motor vehicles and engines cause or contribute to air pollution that may reasonably be anticipated to endanger public health and welfare.

Alternatives: The rulemaking proposal will include an evaluation ***of*** regulatory alternatives. In addition, the proposal is expected to include tools such as averaging, banking, and trading ***of*** emissions credits as an alternative approach for compliance with the proposed program.

Anticipated Cost and ***Benefits***: Detailed analysis ***of*** economy-wide cost impacts, greenhouse gas emission reductions, and societal ***benefits*** will be performed during development ***of*** the proposed rule.

Risks: The failure to set new GHG standards for medium- and heavy-duty trucks is likely to result in cumulative increases in GHG emissions from the trucking industry over time and therefore increased the risk ***of*** unacceptable climate change impacts.

Timetable:

Action Date FR Cite

NPRM..... 03/00/15 .....
Final Rule..... 02/00/16 .....

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Federal, State.
Agency Contact: Matt Spears, Environmental Protection Agency, Air and Radiation, Mail Code: ASD1, Ann Arbor, MI 48105, Phone: 734 214-4921, Fax: 734 214-4816, Email: spears.mattew@epa.gov
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RIN: 2060-AS16

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EPA--AR

126. Renewable Fuel 2015 Volume Standards

Priority: Other Significant.
Legal Authority: Clean Air Act sec 211(o)
CFR Citation: 40 CFR 80.1401.
Legal Deadline: None.
Abstract: In response to the Energy Independence and Security Act (EISA) which amended the Clean Air Act Section 211(o), EPA finalized the RFS2 Program regulations. The new provisions also require EPA to promulgate regulations that specify the annual statutory volume requirements for renewable fuels, including cellulosic, biofuel, bio-mass-based diesel, advanced biofuel, and total renewable fuel that must be used in transportation fuel annually. In the case ***of*** the cellulosic biofuel standard, the act specifically requires that the standard be set based on the volume projected to be available during the following year. If the volumes are lower than those specified under the act, then EPA may also lower the advanced biofuel and total renewable fuel standards each year accordingly. Further, the act requires the Administrator to promulgate rules establishing the applicable volumes ***of*** biomass-based diesel for 2013 and beyond and to do so no later than 14 months before the year for which such applicable volume would apply. The actions summarized here will propose and finalize the 2016 biomass based diesel (BBD) volume along with the 2015 standards. This regulatory action will establish, as required, the annual statutory volume requirements for the RFS2 fuel categories (cellulosic, biomass-based diesel, advanced biofuel, and renewable fuel) that apply to all gasoline and diesel produced or imported in 2015 and set, at minimum, the 2016 requirement. Entities potentially affected by this rule are those involved with the production, distribution, and sale ***of*** transportation fuels, including gasoline and diesel fuel or renewable

fuels such as ethanol and biodiesel.

Statement ***of*** Need: EPA is developing this rule under the Congressional mandate in the Energy Independence and Security Act (EISA) ***of*** 2007.

Summary ***of*** Legal Basis: EPA is developing this rule under Clean Air Act Section 211(o).

Alternatives: Alternatives are being developed as part ***of*** the forthcoming proposal.

Anticipated Cost and ***Benefits***: Cost and ***benefit*** information is being developed as part ***of*** the forthcoming proposal.

Risks: The risks are those addressed by EISA--i.e., energy insecurity and dependence on foreign sources.

Timetable:

Action	Date	FR Cite
NPRM	05/00/15	
Final Rule	08/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Energy Effects: Statement ***of*** Energy Effects planned as required by Executive Order 13211.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be ***of*** international interest.

Sectors Affected: 325199 All Other Basic Organic Chemical Manufacturing; 325193 Ethyl Alcohol Manufacturing; 424690 Other Chemical and Allied Products Merchant Wholesalers; 454319 Other Fuel Dealers; 424710 Petroleum Bulk Stations and Terminals; 324110 Petroleum Refineries; 424720 Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals)

URL for More Information: *http://www.epa.gov/otaq/fuels/renewablefuels/*.

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RIN: 2060-AS22

EPA--OFFICE ***OF*** CHEMICAL SAFETY AND POLLUTION PREVENTION (OCSPP)

Proposed Rule Stage

127. Pesticides; Certification ***of*** Pesticide Applicators

Priority: Other Significant.
Legal Authority: 7 U.S.C. 136 7 U.S.C. 136i 7 U.S.C. 136w.
CFR Citation: 40 CFR 156; 40 CFR 171.
Legal Deadline: None.
Abstract: EPA is developing a proposed rule to revise the federal regulations governing the certified pesticide applicator program, based on years ***of*** extensive stakeholder engagement and public meetings, to ensure that they adequately protect applicators, the public, and the environment from potential harm due to exposure to restricted use pesticides (RUPs). This action is intended to improve the training and awareness ***of*** certified applicators ***of*** RUPs and to increase protection for noncertified applicators ***of*** RUPs operating under the direct supervision ***of*** a certified applicator through enhanced pesticide safety training and standards for supervision ***of*** noncertified applicators.

Statement ***of*** Need: Change is needed to strengthen the protections for pesticide applicators, the public, and the environment from harm due to pesticide exposure.

Summary ***of*** Legal Basis: This action is issued under the authority ***of*** the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, 7 U.S.C.s 136-136y, particularly sections 136a(d), 136i, and 136w.

Alternatives: In the years prior to the development ***of*** this rulemaking, EPA pursued non-regulatory approaches to protect applicators, the public, and the environment from potential harm due to exposure to RUPs. For example, the Agency developed mechanisms to improve applicator trainers and make training materials more accessible. EPA has also developed nationally relevant training and certification materials to preserve state resources while improving competency. However, the non-regulatory approaches did not address other requisite needs for improving protections, such as the

requirements for determining competency and recertification that are being considered in this rulemaking.

Anticipated Cost and ***Benefits***: Although subject to change as the proposal is developed, EPA currently estimates incremental costs ***of*** about $44 million annually and unquantified, long term health ***benefits*** to certified applicators, the noncertified applicators they supervise, and their families. These ***benefits*** arise from reducing their daily risk ***of*** pesticide exposures and reduced risk ***of*** chronic illness. This information will be updated once the proposal is issued.

Risks: Applicators are at risk from exposure to pesticides they handle for their work. The public and the environment may also be at risk from misapplication by applicators without appropriate training. Revisions to the regulations are expected to minimize these risks by ensuring the competency ***of*** certified applicators.

Timetable:

[[Page 76624]]

Action Date FR Cite

NPRM..... 05/00/15

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal, State, Local, Tribal.

Additional Information: Docket #: EPA-HQ-OPP-2005-0561. http://epa.gov/sbrefa/pesticide-applicators.html. This action includes retrospective review under EO 13563; see: http://www.epa.gov/regdarrt/retrospective/history.html.

Sectors Affected: 111 Crop Production; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 5617 Services to Buildings and Dwellings; 9241 Administration ***of*** Environmental Quality Programs.

URL for More Information: http://www.epa.gov/pesticides/health/worker.htm.

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RIN: 2070-AJ20

EPA--OCSPP

128. Polychlorinated Biphenyls (PCBS); Reassessment ***of*** Use Authorizations

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.
Unfunded Mandates: Undetermined.
Legal Authority: 15 U.S.C. 2605 ``TSCA 6(e)''.
CFR Citation: 40 CFR 761.
Legal Deadline: None.

Abstract: The EPA's regulations governing the use ***of*** Polychlorinated Biphenyls (PCBs) in electrical equipment and other applications were first issued in the late 1970s and have not been updated since 1998. The EPA has initiated rulemaking to reassess the

ongoing authorized uses ***of*** PCBs to determine whether certain use authorizations should be ended or phased out because they can no longer

be justified under section 6(e) ***of*** the Toxic Substances Control Act, which requires that the authorized use will not present an unreasonable

risk ***of*** injury to health and the environment. As the first step in this

reassessment, the EPA published an Advanced Notice ***of*** Proposed Rulemaking (ANPRM) on April 7, 2010 and took comment through August 20, 2010. The EPA reviewed and considered all comments received on the ANPRM in planning the current rulemaking. This action will address the following specific areas: (1) The use, distribution in commerce,

marking and storage for reuse ***of*** liquid PCBs in electric equipment; (2)

improvements to the ***existing*** use authorization for natural gas pipelines; and (3) definitional and other regulatory ``fixes''. The

reassessment ***of*** use authorizations related to liquid PCBs in equipment will focus on small capacitors in fluorescent light ballasts, large capacitors, transformers and other electrical equipment. In addition, revised testing, characterization, and reporting requirements for PCBs in natural gas pipeline systems to provide more transparency for the Agency and the public when PCB releases occur will be considered. Consistent with Executive Order 13563, ``Improving Regulation and Regulatory Review'', wherever possible and consistent with the overall

objectives ***of*** this rulemaking, the Agency will also eliminate or fix regulatory inefficiencies noted by the Agency or in public comments on the ANPRM.

Statement ***of*** Need: EPA is reassessing authorized uses ***of*** PCBs to determine whether certain uses should be ended or phased out because they can no longer be justified under section 6(e) ***of*** the Toxic Substances Control Act, which requires that the authorized use will not present an unreasonable risk ***of*** injury to health and the environment. A rulemaking is needed to revise or revoke any PCB use authorizations that no longer meet the TSCA unreasonable risk standard.

Summary ***of*** Legal Basis: The authority for this action comes from TSCA section 6(e)(2)(B) and (C) ***of*** TSCA (15 U.S.C. 605(e)(2)(B) and (C)), as well as TSCA section 6(e)(1)(B) (15 U.S.C. 2605(e)(1)(B)).

Alternatives: EPA published an Advanced Notice ***of*** Proposed Rulemaking (ANPRM) on April 7, 2010 and took comment through August 20, 2010. EPA reviewed and considered all comments received on the ANPRM in planning the current rulemaking. If EPA determines that certain authorized uses ***of*** PCBs can no longer be justified under TSCA section 6(e), EPA will evaluate options for ending or phasing out those uses.

Anticipated Cost and ***Benefits***: In developing a proposed rule, EPA will also evaluate the costs and ***benefits*** ***of*** the options under consideration, which will be used to inform the decision-makers ***of*** the potential impacts. Once decisions regarding the proposed rule are made, information on the potential costs and ***benefits*** ***of*** the action will be available.

Risks: PCBs are toxic, persist in the environment and bioaccumulate in food chains and, thus, pose risks to human health and ecosystems. Once in the environment, PCBs do not readily break down and therefore may remain for long periods ***of*** time cycling between air, water, and soil. PCBs can be carried long distances and have been found in snow and sea water in areas far away from where they were released into the environment. As a consequence, PCBs are found all over the world. In general, the lighter the form ***of*** PCB, the further it can be transported from the source ***of*** contamination. PCBs can accumulate in the leaves and above-ground parts ***of*** plants and food crops. They are also taken up into the bodies ***of*** small organisms and fish. Humans may be exposed to

PCBs through diet by eating contaminated fish and shellfish, and consuming contaminated milk, meat, and their by-products. Infants may be exposed through breast milk, and unborn children may exposed while in the womb. In addition, humans may exposed by breathing contaminated indoor air in buildings where electrical equipment contains PCBs or by coming into contact with PCB-contaminated liquids that have leaked from electrical equipment. Health effects associated with exposure to PCBs in humans and/or animals include liver, thyroid, dermal and ocular changes, immunological alterations, neurodevelopmental changes, reduced birth weight, reproductive toxicity, and cancer. EPA is currently

evaluating the possible risks presented by ongoing uses ***of*** PCBs that may be addressed by this action.
Timetable:

Action Date FR Cite

ANPRM..... 04/07/10 75 FR 17645
ANPRM Comment Period Extended..... 06/16/10 75 FR 34076
NPRM..... 07/00/15

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Local, State, Tribal.
Federalism: This action may have federalism implications as defined in EO 13132.
Additional Information: Docket #: EPA-HQ-OPPT-2009-0757.

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Sectors Affected: 22 Utilities; 31-33 Manufacturing; 48-49 Transportation and Warehousing; 53 Real Estate and Rental and Leasing; 54 Professional, Scientific, and Technical Services; 562 Waste Management and Remediation Services; 811 Repair and Maintenance; 92 Public Administration.

URL For More Information: *http://www.epa.gov/pcb*.
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RIN: 2070-AJ38

EPA--OCSPP

129. Lead; Renovation, Repair, and Painting Program for Public and Commercial Buildings

Priority: Economically Significant. Major under 5 U.S.C. 801.
Unfunded Mandates: Undetermined.
Legal Authority: 15 U.S.C. 2682(c)(3)
CFR Citation: 40 CFR 745.
Legal Deadline: Other, Judicial, April 22, 2010, ANPRM--2009 Settlement agreement.
NPRM, Judicial, July 1, 2015, Deadline from 2012 amended; Settlement agreement.
Final, Judicial, January 1, 2017, Deadline from 2012 amended; Settlement agreement.

Per 9/7/2012 Amended Settlement Agreement in National Assoc. ***of*** Homebuilders v. EPA.

Abstract: Section 402(c)(3) ***of*** the Toxic Substances Control Act (TSCA) requires the EPA to regulate renovation or remodeling activities in target housing (most pre-1978 housing), pre-1978 public buildings, and commercial buildings that create lead-based paint hazards. On April 22, 2008, the EPA issued a final rule to address lead-based paint hazards created by these activities in target housing and child-occupied facilities (child-occupied facilities are a subset ***of*** pre-1978 public and commercial buildings where children under age 6 spend a significant amount ***of*** time). The 2008 rule established requirements for training renovators, other renovation workers, and dust sampling technicians; for certifying renovators, dust sampling technicians, and renovation firms; for accrediting providers ***of*** renovation and dust sampling technician training; for renovation work practices; and for recordkeeping. After the 2008 rule was published, the EPA was sued, in part, for failing to address potential hazards created by the renovation ***of*** public and commercial buildings. In the settlement agreement and subsequent amendments, the EPA agreed to commence proceedings to determine whether or not renovations ***of*** public and commercial buildings create hazards. Further, if these activities do create hazards, the EPA agreed to propose work practice and other requirements by July 1, 2015, and to take final action, if appropriate, no later than 18 months after the proposal.

Statement ***of*** Need: This rulemaking is being undertaken in response to a settlement agreement and is designed to help insure that individuals and firms conducting renovation, repair, and painting activities in and on public and commercial buildings will do so in a way that safeguards the environment and protects the health ***of*** building occupants and nearby residents, especially children under 6 years old. EPA has conducted several studies and reviewed additional information that indicates that the renovation ***of*** buildings containing lead-based paint can create health hazards in the form ***of*** lead-based paint dust under typical industry work practices.

Summary ***of*** Legal Basis: Section 402(c)(3) ***of*** the Toxic Substances Control Act (TSCA) requires EPA to regulate renovation or remodeling activities that create lead-based paint hazards in target housing, public buildings built before 1978, and commercial buildings.
Alternatives: For those activities that EPA determines create lead-based paint hazards, EPA will evaluate options to address the hazards. These options are likely to include different combinations ***of*** work practices and worker training and certification.

Anticipated Cost and ***Benefits***: Not yet determined. A detailed analysis ***of*** costs and ***benefits*** will be performed during development ***of*** the proposed rule.
Risks: Lead is known to cause deleterious health effects on multiple organ systems through diverse mechanisms ***of*** action in both adults and children. This array ***of*** health effects includes effects on heme biosynthesis and related functions, neurological development and function, reproduction and physical development, kidney function, cardiovascular function, and immune function. EPA is evaluating information on renovation activity patterns in public and commercial buildings to estimate exposures to lead dust from RRP activities in those buildings.
Timetable:

Action Date FR Cite

ANPRM..... 05/06/10 75 FR 24848
Notice..... 12/31/12 77 FR 76996
Notice..... 05/13/13 78 FR 27906
Notice..... 05/30/14 79 FR 31072
Notice..... 08/06/14 79 FR 45796

NPRM..... 07/00/15

Final Rule..... To Be Determined

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.
Federalism: Undetermined.
Additional Information: Docket #: EPA-HQ-OPPT-2010-0173.
Sectors Affected: 236210 Industrial Building Construction; 236220 Commercial and Institutional Building Construction; 238150 Glass and Glazing Contractors; 238170 Siding Contractors; 238210 Electrical Contractors and Other Wiring Installation Contractors; 238220 Plumbing, Heating, and Air-Conditioning Contractors; 238310 Drywall and Insulation Contractors; 238320 Painting and Wall Covering Contractors; 238340 Tile and Terrazzo Contractors; 238350 Finish Carpentry Contractors; 238390 Other Building Finishing Contractors; 531120

Lessors ***of*** Nonresidential Buildings (except Miniwarehouses); 531312

Nonresidential Property Managers; 921190 Other General ***Government*** Support.

URL for More Information: *http://www2.epa.gov/lead*.
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RIN: 2070-AJ56

EPA--SOLID WASTE AND EMERGENCY RESPONSE (SWER)

Proposed Rule Stage

130. Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan; Subpart J Product Schedule Listing Requirements

Priority: Other Significant.
Legal Authority: 33 U.S.C. 1321(d)(2); 33 U.S.C. 1321(b)(3); 33 U.S.C. 1321(j)

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CFR Citation: 40 CFR 300; 40 CFR 110.

Legal Deadline: None.

Abstract: The Clean Water Act requires EPA to prepare a schedule identifying dispersants, other chemicals, and other spill mitigating devices and substances, if any, that may be used in carrying out the National Contingency Plan (NCP); and the waters and quantities in which they may be used. The EPA is considering revising subpart J ***of*** the NCP to address the efficacy, toxicity, and environmental monitoring ***of*** dispersants, other chemical and biological agents, and other spill mitigating substances, as well as public, state, local, and federal officials concerns on their authorization and use. Specifically, the Agency is considering revisions to the technical product requirements under subpart J, including amendments to the effectiveness and toxicity testing protocols, and establishing new effectiveness and toxicity thresholds for listing certain products on the Schedule. Additionally, the Agency is considering amendments to area planning requirements for agent use authorization and advanced monitoring techniques. The Agency is also considering revisions to harmonize 40 CFR part 110.4 with the definitions for chemical and biological agents proposed for subpart J. These changes, if finalized, will help ensure that chemical and biological agents have met rigorous efficacy and toxicity requirements, that product manufacturers provide important use and safety information, and that the planning and response community is equipped with the proper information to authorize and use the products in a judicious and effective manner.

Statement ***of*** Need: The use ***of*** dispersants in response to the Deepwater Horizon incident, both on surface slicks and injected directly into the oil from the well riser, raised many questions about efficacy, toxicity, environmental trade-offs, and monitoring challenges. The Agency is considering amendments to subpart J that would increase the overall scientific soundness ***of*** the data collected on mitigation agents, take into consideration not only the efficacy but also the toxicity, long-term environmental impacts, endangered species protection, and human health concerns raised during responses to oil discharges, including the Deepwater Horizon incident. The additional data requirements being considered would aid On-Scene Coordinators (OSCs) and Regional Response Teams (RRTs) when evaluating specific product information and when deciding whether and which products to use to mitigate hazards caused by discharges or threatened discharges ***of*** oil. Additionally, the Agency is considering amendments to area planning requirements for dispersant use authorization, toxicity thresholds and advanced monitoring techniques. This action is a major

component ***of*** the EPA's effort to inform the use ***of*** dispersants and other chemical or biological agents when responding to oil discharges, based on lessons learned from the federal ***government***'s experiences in responding to off-shore oil discharges, including the Deepwater Horizon incident, in the Gulf ***of*** Mexico and anticipation ***of*** the expansion ***of*** oil exploration and production activities in the Arctic.

Summary ***of*** Legal Basis: The Federal Water Pollution Control Act (FWPCA) requires the President to prepare and publish a National Contingency Plan (NCP) for the removal ***of*** oil and hazardous substances. In turn, the President delegated the authority to implement this section ***of*** the FWPCA to the EPA through Executive Order 12777 (56 FR 54757; October 22, 1991). Section 311(d)(2)(G)(i) ***of*** the FWPCA (a.k.a., Clean Water Act), as amended by the OPA, requires that the NCP include a schedule identifying ``dispersants, other chemicals, and other spill mitigating devices and substances, if any, that may be used in carrying out'' the NCP. Currently, the use ***of*** dispersants, other chemicals, and other oil spill mitigating devices and substances (e.g., bioremediation agents) to respond to oil discharges in U.S. waters is governed by subpart J ***of*** the NCP (40 CFR part 300 series 900).

Alternatives: The Agency will consider alternatives via the proposal that address the efficacy, toxicity, and environmental monitoring ***of*** dispersants, and other chemical and biological agents, as well as public, state, local, and federal officials' concerns regarding their use. Specifically, the alternative requirements for the NCP Product Schedule (Schedule) consider new listing criteria, revisions to the efficacy and toxicity testing protocols, and clarifications to the evaluation criteria for removing products from the Schedule. EPA is also considering alternatives to the requirements for the authorities, notifications, monitoring, and data reporting when using chemical or biological agents in response to oil discharges in waters ***of*** the U.S. The alternatives being considered are intended to encourage the development ***of*** safer and more effective spill mitigating products, to better target the use ***of*** these products in order to reduce the risks to human health and the environment, and to ensure that On-Scene Coordinators (OSCs), Regional Response Teams (RRTs), and Area Committees have sufficient information to support agent preauthorization or authorization ***of*** use decisions.

Anticipated Cost and ***Benefits***: The Agency expects the proposed rule, if finalized, would provide overall net ***benefits*** as a result ***of*** having more effective products on the Schedule, as well as from avoided costs ***of*** oil spill response and cleanup. Costs to product manufacturers would be incremental annual costs for product testing and labor. For certain discharges, costs to the party responsible for the spill would be added for monitoring requirements. A detailed costs and ***benefits*** analysis will be available with the proposal.

Risks: Although major catastrophic oil discharges where chemical or biological agents may be used are relatively infrequent, this proposed rulemaking under subpart J should lead to the manufacture and use ***of*** less toxic, more effective oil spill mitigating products. The use ***of*** these products may reduce the potential for human and environmental impact, emergency response duration, and costs associated with any oil discharge. However, the impacts will vary greatly depending on factors that include the size, location and duration ***of*** an oil discharge, as well as, the type ***of*** oil being discharged. While the reduction in environmental impacts associated with the use ***of*** oil spill mitigating agents driven by this action are likely small for typical oil discharges, they could be significant in the event ***of*** a large oil discharge.

Timetable:

Action	Date	FR Cite
NPRM	12/00/14	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal, Local, State, Tribal.

Additional Information: Docket #: EPA-HQ-OPA-2006-0090.

Sectors Affected: 325 Chemical Manufacturing; 424 Merchant Wholesalers, Nondurable Goods; 211 Oil and Gas Extraction; 541 Professional, Scientific, and Technical Services; 562 Waste Management and Remediation Services.

URL For More Information: http://www.epa.gov/oem/.

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RIN: 2050-AE87

EPA--SWER

131. User Fee Schedule for Electronic Hazardous Waste Manifest

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.
Legal Authority: Pub. L. 112-195
CFR Citation: Undetermined.
Legal Deadline: None.

Abstract: After promulgation ***of*** the first e-Manifest regulation in February 2014 to authorize the use ***of*** electronic manifests and to codify key provisions ***of*** the Hazardous Waste Electronic Manifest Establishment Act (or Act), the EPA is moving forward on the development ***of*** the separate e-Manifest User Fee Schedule Regulation. The Act authorizes the EPA to impose on manifest users reasonable service fees that are necessary to pay costs incurred in developing, operating, maintaining and upgrading the system, including costs incurred in collecting and processing data from any paper manifest submitted to the system after the date on which the system enters operation. EPA plans to issue both a proposed and final rule in setting the appropriate electronic manifest and manifest fees. The EPA intends to propose for comment the fee methodology for establishing the electronic manifest and paper service fees. The EPA plans in a final rule to establish a program ***of*** fees that will be imposed on users ***of*** the e-Manifest system and announce the user fee schedule for manifest-related activities, including activities associated with the collection and processing ***of*** paper manifests submitted to the EPA. EPA also plans in that final rule to announce (1) the date upon which the EPA will be ready to transmit and receive manifests through the national e-Manifest system and (2) the date upon which the user community must comply with the new e-Manifest regulation.

Statement ***of*** Need: On February 7, 2014, the EPA promulgated the e-Manifest Final rule, in order to comply with the Hazardous Waste Electronic Manifest Establishment Act, which required the EPA to issue a regulation authorizing electronic manifests by October 5, 2013. In issuing that rule, the EPA completed an important step that must precede the development ***of*** a national e-Manifest system, as required by the Hazardous Waste Electronic Manifest Establishment Act. This rule is the second regulation that must precede the development ***of*** the e-Manifest system. This action will implement the broad discretion granted on the Agency to establish reasonable user fees for the various activities associated with using and submitting electronic and paper manifests to the national system. Additionally, OMB Circular A-25 on User Charges provides that agencies ***of*** the executive branch must generally set user fee charges or fees through regulation.

Summary ***of*** Legal Basis: Section 2(c) ***of*** the e-Manifest Act authorizes the EPA to impose on manifest users reasonable user fees to pay any costs incurred in developing, operating, maintaining, and upgrading the system, including any costs incurred in collecting and processing data from any paper manifest submitted to the system. Thus, this Action will implement the broad discretion granted on the Agency to establish reasonable user fees for the various activities associated with using and submitting electronic and paper manifests to the national system.

Alternatives: The EPA plans to issue rulemaking to establish the appropriate electronic manifest and paper manifest fees. Specifically, EPA will explore options for ***who*** will pay user fees, the most efficient point in the process for collecting the fees, and the fee methodologies and fee formulas that relate to setting the fees.

Anticipated Cost and ***Benefits***: When the e-Manifest Final Rule was published in February 2014, the Agency deferred the development ***of*** the detailed risk impact analysis (RIA) for the e-Manifest system until the User Fee Schedule Rule. Thus, the RIA for the proposed User Fee Schedule Rule will not be limited to the impacts ***of*** the user fees announced in the rule, but will also estimate the costs and ***benefits of*** the overall e-Manifest system. The primary costs in the e-Manifest RIA will be the cost to build the system, the costs for industry and state ***governments*** to connect to the system, and the cost to run the system.

The most significant ***benefit of*** the e-Manifest system estimated in the

RIA will be reduced burden for industry to comply with RCRA manifesting requirements, and the reduced burden on states that collect and utilize manifest data for program management purposes.

Risks: This action does not address any particular risks in the EPA's jurisdiction as it does not change ***existing*** requirements for manifesting hazardous waste shipments. It will merely propose for comment our fee methodology for setting the appropriate fees ***of*** electronic manifests, and paper manifests that continue in use, at such time as the system to receive them is built and operational.

Timetable:

Action Date FR Cite

NPRM..... 10/00/15 .....

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Federal, Local, State.

Additional Information: Docket #: EPA-HQ-RCRA-2001-0032.

Sectors Affected: 11 Agriculture, Forestry, Fishing and Hunting; 23 Construction; 51 Information; 31-33 Manufacturing; 21 Mining, Quarrying, and Oil and Gas Extraction; 92 Public Administration; 44-45 Retail Trade; 48-49 Transportation and Warehousing; 22 Utilities; 562 Waste Management and Remediation Services; 42 Wholesale Trade.

URL for More Information: *http://www.epa.gov/epawaste/hazard/transportation/manifest/e-man.htm*.

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RIN: 2050-AG80

EPA--SWER

132. Modernization ***of*** the Accidental Release Prevention Regulations Under Clean Air Act

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

Legal Authority: 42 U.S.C. 7412(r)

CFR Citation: 40 CFR 68.

Legal Deadline: None.

Abstract: In response to Executive Order 13650, the EPA is considering potential revisions to its Risk Management Program regulations and related programs. The Agency may consider changes to the list ***of*** regulated substances and threshold quantities, addition ***of*** new accident prevention or emergency response program elements

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and/or changes to ***existing*** elements, and/or other changes to the ***existing*** regulatory provisions.

Statement ***of*** Need: On August 1, 2013, President Obama signed Executive order 13650, entitled Improving Chemical Facility Safety and Security. The Executive order establishes the Chemical Facility Safety and Security Working Group (``Working Group''), co-chaired by the Secretary ***of*** Homeland Security, the Administrator ***of*** the EPA, and the Secretary ***of*** Labor or their designated representatives at the Assistant Secretary level or higher, and composed ***of*** senior representatives ***of*** other Federal departments, agencies, and offices. The Executive order requires the Working Group to carry out a number ***of*** tasks ***whose*** overall aim is to prevent chemical accidents, such as the explosion that occurred at the West Fertilizer facility in West, Texas, on April 17, 2013. Section 6 ***of*** the Executive order is entitled ``Policy, Regulation, and Standards Modernization'', and among other things, requires certain federal agencies to consider possible changes to ***existing*** chemical safety and security regulations. On July 31, 2014, the EPA issued a Request for Information (RFI) to solicit stakeholder feedback on a number ***of*** potential modifications to the RMP regulations. This NPRM is expected to contain a number ***of*** proposed modifications to the RMP regulations based on stakeholder feedback received from the RFI.

Summary ***of*** Legal Basis: The statutory authority for this action is provided by section 112(r) ***of*** the Clean Air Act (CAA) as amended (42 U.S.C. 7412(r)).

Alternatives: Alternatives will be considered during the development ***of*** the proposal.

Anticipated Cost and ***Benefits***: ***Benefits*** and costs will be examined

in detail during the development ***of*** the proposal. For any proposed regulatory changes, EPA expects that ***benefits*** will be due to prevented costs ***of*** accidental releases (e.g., through covering additional hazardous chemical processes, or addition or improvement ***of*** accident prevention program requirements), or reduced costs ***of*** accidental releases that do occur (e.g., due to improvements in release detection or emergency response procedures). Costs will relate to coverage ***of*** any additional sources or implementation ***of*** any additional accident prevention or emergency response program requirements that are imposed.

Risks: Risks will be examined during the development ***of*** the proposal.

Timetable:

Action	Date	FR Cite
NPRM	09/00/15	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Federal, Local, State.

Federalism: Undetermined.

Sectors Affected: 11 Agriculture, Forestry, Fishing and Hunting; 444 Building Material and Garden Equipment and Supplies Dealers; 325 Chemical Manufacturing; 445 Food and Beverage Stores; 45431 Fuel Dealers; 424 Merchant Wholesalers, Nondurable Goods; 21 Mining, Quarrying, and Oil and Gas Extraction; 32411 Petroleum Refineries; 486 Pipeline Transportation; 3221 Pulp, Paper, and Paperboard Mills; 482 Rail Transportation; 488 Support Activities for Transportation; 221 Utilities; 493 Warehousing and Storage; 562 Waste Management and Remediation Services.

URL For More Information: *http://www2.epa.gov/rmp*.

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RIN: 2050-AG82

EPA--AIR AND RADIATION (AR)

Final Rule Stage

133. Petroleum Refinery Sector Risk and Technology Review and New Source Performance Standards

Priority: Other Significant. Major under 5 U.S.C. 801.
Legal Authority: Clean Air Act sec 111 and 112
CFR Citation: 40 CFR 60; 40 CFR 63.
Legal Deadline: NPRM, Judicial, May 15, 2014, Consent decree deadline for proposed rule--Air Alliance Houston, et al. v. McCarthy; 12-1607 (RMC); USDC for the District ***of*** Columbia filed 1/13/14.
Final, Judicial, April 17, 2015, Consent decree deadline for final rule--Air Alliance Houston, et al. v. McCarthy; 12-1607 (RMC); USDC for the District ***of*** Columbia filed 1/13/14.
Abstract: This action pertains to the Petroleum Refining industry and specifically to petroleum refinery sources that are subject to maximum achievable control technology (MACT) standards in 40 CFR part 63, subparts CC (Refinery MACT 1) and UUU (Refinery MACT 2) and new source performance standards (NSPS) in 40 CFR part 60, subpart Ja. This action is the Petroleum Refining Sector Rulemaking which will address our obligation to perform Risk and Technology Reviews (RTR) for Petroleum Refinery MACT 1 and 2 source categories and will address issues related to the reconsideration ***of*** Petroleum Refinery New Source Performance Standard (NSPS) subpart Ja. Petroleum refineries are facilities engaged in refining and producing products made from crude oil or unfinished petroleum derivatives. Emission sources include petroleum refinery-specific process units unique to the industry, such as fluid catalytic cracking units (FCCU) and catalytic reforming units (CRU), as well as units and processes commonly found at other types ***of*** manufacturing facilities (including petroleum refineries), such as storage vessels and wastewater treatment plants. Refinery MACT 1 regulates hazardous air pollutant (HAP) emissions from common processes such as miscellaneous process vents (e.g., delayed coking vents), storage vessels, wastewater, equipment leaks, loading racks, marine tank vessel loading and heat exchange systems at petroleum refineries. Refinery MACT 2 regulates HAP from those processes that are unique to the industry including sulfur recovery units (SRU) and from catalyst regeneration in FCCU and CRU. A proposed rule was signed on 5/15/14 and published in the Federal Register on 6/30/14 (79 FR 36880). The EPA is reviewing comments and preparing a final rule for signature in 2015.

Statement ***of*** Need: This proposal is required by Clean Air Act Section 112 to review technology-based standards and revise them as necessary but no less frequently than every eight years under 112 (d)(6) and to review and reduce remaining risk (ie., residual) according to Section 112 (f).

Summary ***of*** Legal Basis: Environmental and other public health groups filed a lawsuit alleging that EPA missed statutory deadlines to review and revise Refinery MACT 1 and 2. The EPA reached an agreement to settle this litigation, and in a consent decree filed January 13,

2014 in the U.S. District Court for the District ***of*** Columbia, EPA committed to perform the risk and technology review for Refinery MACT 1 and 2 by May 15, 2014 to either propose any regulations or propose that addiitonal regulations are not necessary. Under the consent decree, EPA comitted

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to take final action by April 17, 2015, establishing regulations pursuant to the risk and technology review or to issue a final

determination that revision to the ***existing*** rules is not necessary.
Alternatives: Alternatives were discussed in the proposal preamble published on June 30, 2014, at 79 FR 36879.

Anticipated Cost and ***Benefits***: For the proposal, estimated total capital investment--240 million, total annualized cost--42 million;

Projected reductions ***of*** 52,000 tons VOC, 5,560 tons ***of*** HAP.
Risks: The risk addressed is human health risk. The proposal estimated that cancer incidence would be reduced by 15% over the

current baseline as a result ***of*** proposed amendments.
Timetable:

Action Date FR Cite

NPRM..... 06/30/14 79 FR 36879
NPRM Comment Period Extended..... 08/15/14 79 FR 48111
Final Rule..... 05/00/15 .....

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: No.

Government Levels Affected: Federal, Local, State.
Additional Information: Docket #: EPA-HQ-OAR-2010-0682.

Sectors Affected: 324110 Petroleum Refineries.

URL For More Information: *http://www.epa.gov/ttn/atw/petrefine/petrefpg.html*.
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RIN: 2060-AQ75

EPA--AR

134. Standards ***of*** Performance for Greenhouse Gas Emissions From New Stationary Sources: Electric Utility Generating Units

Priority: Other Significant.
Legal Authority: CAA 111
CFR Citation: 40 CFR 60.
Legal Deadline: None.
Abstract: This final rule will establish the first new source performance standards for greenhouse gas emissions. This rule will establish carbon dioxide (CO2) emission standards for certain new fossil fuel-fired electric generating units.

Statement ***of*** Need: EGU GHG NSPS is the first action item in President Obama's Climate Action Plan (CAP). The CAP called for the EPA to issue a proposal by September 20, 2013 to regulate carbon emissions from fossil fuel-fired power plants.

Summary ***of*** Legal Basis: CO2 is a regulated pollutant and this is subject to regulation under section 111 ***of*** the Clean Air Act as amended in 1990.
Alternatives: The three alternatives the EPA considered in the BSER analysis for new fossil fuel-fired utility boilers and IGCC units are: (1) Highly efficient new generation that does not include CCS technology, (2) highly efficient new generation with ``full capture'' CCS and (3) highly efficient new generation with ``partial capture'' CCS.
We considered two alternatives in evaluating the BSER for new fossil fuel-fired stationary combustion turbines: (1) Modern, efficient NGCC units and (2) modern, efficient NGCC units with CCS.

Anticipated Cost and ***Benefits***: Under a wide range ***of*** electricity market conditions--including the EPA's baseline scenario as well as

multiple sensitivity analyses--EPA projects that the industry will choose to construct new units that already meet these standards, regardless ***of*** this proposal. As a result, the EPAanticipates that the proposed EGU New Source GHG Standards will result in negligible CO2 emission changes, energy impacts, ***benefits*** or costs for new units constructed by 2020.

Risks: The risk addressed is the current and future threat ***of*** climate change to public health and welfare, as demonstrated in the 2009 Endangerment and Cause or Contribute Finding for Greenhouse Gases Under Section 202(a) ***of*** the Clean Air Act. The EPA made this determination based primarily upon the recent, major assessments by the U.S. Global Change Research Program (USGCRP), the National Research Council (NRC) ***of*** the National Academies and the Intergovernmental Panel on Climate Change (IPCC).

Timetable:

Action	Date	FR Cite
NPRM	04/13/12	77 FR 22392
NPRM Comment Period Extended	05/04/12	77 FR 26476
Notice	01/08/14	79 FR 1352
Second NPRM	01/08/14	79 FR 1429
Notice	02/26/14	79 FR 10750
Comment Period Extended	03/06/14	79 FR 12681
Final Rule	01/00/15	

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: No.

Government Levels Affected: Federal, State, Tribal.
Additional Information: Docket #: EPA-HQ-OAR-2011-0660.
Sectors Affected: 221 Utilities.

URL For Public Comments: *http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OAR-2011-0660-0001*.

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RIN: 2060-AQ91

EPA--AR

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

Priority: Other Significant.
Legal Authority: 42 U.S.C. 7409; 42 U.S.C. 7410; 42 U.S.C. 7511 to 7511f; 42 U.S.C. 7601(a)(1)
CFR Citation: 40 CFR 50; 40 CFR 51; 40 CFR 70; 40 CFR 71.
Legal Deadline: None.

Abstract: This final rule will address 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 are the revocation ***of*** the 1997 ozone NAAQS for purposes other than transportation conformity; anti-backsliding requirements that would apply when the 1997 NAAQS are revoked; and the section 185 fee program.

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Statement ***of*** Need: This rule is needed to establish requirements for what states must include in their state implementation plans (SIPs) to bring nonattainment areas into compliance with the 2008 ozone NAAQS. There is no court-ordered deadline for this final rule. However, the CAA requires the nonattainment area plans addressed by this rule to be developed and submitted by states within 2 to 3 years after the July 20, 2012 date ***of*** nonattainment designations.

Summary ***of*** Legal Basis: CAA section 110 authorizes EPA to require state planning to attain the NAAQS and to help states implement their plans.
Alternatives: The rule included several alternatives for meeting implementation requirements, including but not limited to options for SIP submittal dates, NOX substitution for VOC in RFP SIPs, alternative baseline years for RFP and alternatives for addressing anti-backsliding requirements once the 1997 ozone NAAQS has been revoked. The EPA solicited comments on a number ***of*** topics, including

alternative approaches to achieving RFP, RACT flexibility and alternate revocation dates for the 1997 ozone NAAQS.

Anticipated Cost and ***Benefits***: The annual burden for this information collection averaged over the first 3 years is estimated to

be a total ***of*** 120,000 labor hours per year at an annual labor cost ***of*** $2.4 million (present value) over the 3-year period or approximately $91,000 per state for the 26 state respondents, including the District

of Columbia. The average annual reporting burden is 690 hours per response, with approximately 2 responses per state for 58 state respondents. There are no capital or operating and maintenance costs associated with the proposed rule requirements. Burden is defined at 5 CFR 1320.3(b).

Risks: Ozone concentrations that exceed the National Ambient Air Quality Standards (NAAQS) to can cause adverse public health and welfare effects, as discussed in the March 27, 2008 Final Rule for NAAQS for Ozone (73 FR 16436).

Timetable:

Action Date FR Cite

NPRM..... 06/06/13 78 FR 34177
NPRM Comment Period Extended..... 07/24/13 78 FR 44485
Final Rule..... 03/00/15 .....

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: No.

Government Levels Affected: Federal, Local, State, Tribal.
Additional Information: Docket #: EPA-HQ-OAR-2010-0885.

URL For More Information: *http://www.epa.gov/air/ozonepollution/actions.html#impl*.

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RIN: 2060-AR34

EPA--AR

136. Carbon Pollution Standards for Modified and Reconstructed

Stationary Sources: Electric Utility Generating Units

Priority: Other Significant.
Legal Authority: CAA 111
CFR Citation: 40 CFR 60.
Legal Deadline: None.
Abstract: This final rule will amend the electric generating units (EGU) New Source Performance Standards for modified and reconstructed facilities for greenhouse gas (GHG) under Clean Air Act section 111(b).

Statement ***of*** Need: The issuance ***of*** standards ***of*** performance for modified and reconstructed power plants is an action item in President Obama's Climate Action Plan (CAP). The CAP calls for the EPA to issue a proposal by no later than June 1, 2014 and to issue a final rule by no later than June 1, 2015.

Summary ***of*** Legal Basis: CO2 is a regulated pollutant and

thus is subject to regulation under section 111 ***of*** the Clean Air Act as amended in 1990.
Alternatives: Alternatives were discussed in the proposal preamble published on June 18, 2014, at 79 FR 34959.

Anticipated Cost and ***Benefits***: The EPA anticipates few covered units will trigger the reconstruction or modification provisions in the

period ***of*** analysis (through 2025). As a result, we do not anticipate

any significant costs or ***benefits*** associated with this proposal.

Risks: The risk addressed is the current and future threat ***of*** climate change to public health and welfare, as demonstrated in the 2009 Endangerment and Cause or Contribute Findings for Greenhouse Gases

under section 202(a) ***of*** the Clean Air Act.
Timetable:

Action Date FR Cite

NPRM..... 06/18/14 79 FR 34959
NPRM Comment Period End..... 10/16/14 .....
Final Rule..... 06/00/15 .....

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: No.

Government Levels Affected: Federal, State, Tribal.
Additional Information: Docket #: EPA-HQ-OAR-2013-0603.

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Related RIN: Related to 2060-AQ91, Related to 2060-AR33
RIN: 2060-AR88

EPA--OFFICE ***OF*** CHEMICAL SAFETY AND POLLUTION PREVENTION (OCSPP)

Final Rule Stage

137. Pesticides; Agricultural Worker Protection Standard Revisions

Priority: Other Significant.
Legal Authority: 7 U.S.C. 136w
CFR Citation: 40 CFR 170.
Legal Deadline: None.
Abstract: On March 19, 2014, the EPA proposed to revise the federal regulations issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) that direct agricultural worker protection (40 CFR 170). The proposed 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 is proposing to strengthen 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, once final, to prevent unreasonable adverse effects from exposure to pesticides among agricultural workers and pesticide

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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 farms and is proposing to expand the immediate family exemption to the WPS.

Statement ***of*** Need: Stakeholders have identified gaps in the protections in the current worker protection regulations. Revisions to

the regulations are necessary to better protect agricultural workers and pesticide handlers from unreasonable adverse effects ***of*** pesticide exposure.

Summary ***of*** Legal Basis: This rulemaking is being developed under the authority ***of*** sections 2 through 35 ***of*** the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136-136y, and particularly section 25(a), 7 U.S.C. 136w(a).

Alternatives: EPA proposed several amendments to the ***existing*** WPS requirements, including: amending the ***existing*** pesticide safety training content, retraining interval (frequency), and qualifications ***of*** trainers; ensuring workers receive safety information before entering any pesticide treated area by amending the ***existing*** grace period and expanding the training required during the grace period; establishing a minimum age ***of*** 16 for handlers and for workers ***who*** enter an area under an re-entry interval (REI); establishing requirements for specific training and notification for workers ***who*** enter an area under an REI; restricting persons' entry into areas adjacent to a treated area during an application; enhancing the requirement for employers to post warning signs around treated areas; modifying the content ***of*** the warning sign; adding information employers must keep under the requirement to maintain application-specific information; requiring recordkeeping for pesticide safety training and worker entry into areas under an REI; ensuring the immediate family exemption includes an exemption from the proposed minimum age requirements for handlers and early-entry workers; and expanding the definition ***of*** immediate family to allow more family-owned operations to qualify for the exemptions to the WPS requirements. EPA considered a variety ***of*** alternatives for each ***of*** the proposed changes. The published NPRM describes each ***of*** the alternatives considered in detail.

Anticipated Cost and ***Benefits***: The Economic Analysis issued with the proposed rule provides the EPA's analysis ***of*** the potential costs and impacts associated with the proposed rule. As proposed, the estimated cost is between $62 and $73 million annually, with most ***of*** the cost on the agricultural employer; and the quantified ***benefits*** are estimated between $5-$14 million annually, from avoided acute

illnesses. A break even analysis ***of*** the potential reduction in chronic

illnesses indicates that only 53 cases ***of*** several chronic illnesses (Parkinson's disease, non-Hodgkin's lymphoma, prostate cancer, lung cancer, chronic bronchitis, and asthma) would satisfy the gap between

the quantified ***benefits*** and the cost.

Risks: Agricultural workers and pesticide handlers are at risk from pesticide exposure through their work activities, and may put their

families at risk ***of*** secondary exposures. In order to address exposure risks to workers, pesticide handlers, and their families, the Agency has proposed revisions identified by stakeholders.

Timetable:

Action Date FR Cite

NPRM..... 03/19/14 79 FR 15443
NPRM Comment Period Extended..... 05/14/14 79 FR 27546
NPRM Comment Period End..... 06/17/14 .....
NPRM Comment Period Extended End.... 08/18/14 .....
Final Rule..... 05/00/15 .....

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal, Local, State, Tribal.

Additional Information: Docket #: EPA-HQ-OPP-2011-0184-0119.

Sectors Affected: 111 Crop Production; 115 Support Activities for Agriculture and Forestry; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 541690 Other Scientific and Technical Consulting Services; 541712 Research and Development in the Physical, Engineering, and Life Sciences (except Biotechnology); 8133 Social Advocacy Organizations

URL For More Information: *http://www.epa.gov/pesticides/health/worker.htm*.

URL For Public Comments: *http://www.regulations.gov/#!docketDetail;D=EPA-HQ-OPP-2011-0184*.

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RIN: 2070-AJ22

EPA--OCSPP

138. Formaldehyde; Third-Party Certification Framework for the Formaldehyde Standards for Composite Wood Products

Priority: Other Significant.
Legal Authority: 15 U.S.C. 2697; TSCA sec 601.
CFR Citation: 40 CFR 770.
Legal Deadline: Final, Statutory, January 1, 2013, Deadline for promulgation ***of*** regulations, per 15 U.S.C. 2697(d).
Abstract: The EPA is developing a final rule under the Formaldehyde Standards for Composite Wood Products Act was enacted in 2010 as title VI ***of*** Toxic Substances Control Act (TSCA), 15 U.S.C. 2697, to establish specific formaldehyde emission limits for hardwood plywood, particleboard, and medium-density fiberboard, which are identical to the California emission limits for these products. In 2013, the EPA issued a proposed rule under TSCA title VI to establish a framework for a TSCA title VI Third-Party Certification Program whereby third-party certifiers (TPCs) are accredited by accreditation bodies (ABs) so that they may certify composite wood product panel producers under TSCA title VI. The proposed rule identifies the roles and responsibilities ***of*** the groups involved in the TPC process (EPA, ABs, and TPCs), as well as the criteria for participation in the program. This proposal contains general requirements for TPCs, such as conducting and verifying formaldehyde emission tests, inspecting and auditing panel producers, and ensuring that panel producers' quality assurance and quality control procedures comply with the regulations set forth in the proposed rule. A separate Regulatory Agenda entry (RIN 2070-AJ92) covers the other proposed regulation to implement the statutory formaldehyde emission standards for hardwood plywood, medium-density fiberboard, and particleboard sold, supplied, offered for sale, or manufactured (including imported) in the United States. EPA may decide to issue a single final rule to promulgate the final requirements related to both proposed rules.

Statement ***of*** Need: TSCA title VI directs the EPA to promulgate

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regulations to implement the statutory formaldehyde emission standards and emissions testing requirements for composite wood products (hardwood plywood, particleboard, and medium-density fiberboard). It

also directs the EPA to include regulatory provisions relating to third-party testing and certification in addition to the auditing and reporting ***of*** third-party certifiers.

Summary ***of*** Legal Basis: The EPA is issuing this rule under title VI ***of*** the Toxic Substances Control Act (TSCA), 15 U.S.C. 2697, enacted in the Formaldehyde Standards for Composite Wood Products Act ***of*** 2010, which provides authority for the EPA to ``[Acirc]`[Acirc]`promulgate regulations to implement the standards required under subsection (b) ***of*** the Act. This provision includes authority to promulgate regulations relating to [Acirc]`[Acirc]`third-party testing and certification' and [Acirc]`[Acirc]`auditing and reporting ***of*** third-party certifiers."

Alternatives: As explained in the proposed rule, EPA considered a variety ***of*** alternatives. EPA considered directly operating a program for the accreditation ***of*** TPCs instead ***of*** entering into recognition agreements with ABs for that purpose. EPA considered increasing the amount ***of*** time for receiving accreditations under TSCA Title VI that was proposed to be afforded to TPCs that are already recognized by the California Air Resources Board (CARB). In addition, EPA considered requiring TPCs to be reaccredited every 2 years (which would align with CARB's requirements) instead ***of*** every 3 year years, and requiring Abs to audit TPCs once every 3 years instead ***of*** every 2 years (which would align with the proposed 3 year accreditation period). EPA also considered alternative retailer recordkeeping provisions for records related to the manufacture ***of*** component parts and finished goods prior to the effective date ***of*** the final rule. Finally, while the Agency did not propose mandatory electronic reporting for information that ABs and TPCs would be required to submit under the proposed rule, EPA sought public comment on such a requirement. EPA is evaluating public comments concerning the proposed rule and alternatives as it formulates the final rule.

Anticipated Cost and ***Benefits***: Issued with the proposed rule, the Economic Analysis provides the EPA analysis ***of*** the potential costs and impacts associated with this rulemaking. As proposed, the annualized costs are estimated at approximately $34,000 per year using either a 3% discount rate or a 7% discount rate. This rule would impact an estimated 9 small entities, ***of*** which 8 are expected to have impacts ***of***

less than 1% ***of*** revenues or expenses, and 1 is expected to have impacts between 1% and 3%. State, Local, and Tribal ***Governments*** are not expected to be subject to the rule's requirements, which apply to third-party certifiers and accreditation bodies. The rule does not have a significant intergovernmental mandate, significant or unique effect on small ***governments***, or have Federalism implications.

Risks: At room temperature, formaldehyde is a colorless, flammable gas that has a distinct, pungent smell. Small amounts ***of*** formaldehyde are naturally produced by plants, animals and humans. Formaldehyde is used widely by industry to manufacture a range ***of*** building materials and numerous household products. It is in resins used to manufacture some composite wood products (e.g., hardwood plywood, particleboard and medium-density fiberboard). Everyone is exposed to small amounts ***of*** formaldehyde in the air, some foods, and products, including composite wood products. The primary way you can be exposed to formaldehyde is by breathing air containing it. Formaldehyde can cause irritation ***of*** the skin, eyes, nose, and throat. High levels ***of*** exposure may cause some types ***of*** cancers.

Timetable:

Action	Date	FR Cite
ANPRM	12/03/08	73 FR 73620
Second ANPRM	01/30/09	74 FR 5632
NPRM	06/10/13	78 FR 34795
NPRM Comment Period Extended	07/23/13	78 FR 44090
NPRM Comment Period Extended	08/21/13	78 FR 51696
Final Rule	02/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be ***of*** international interest.

Additional Information: Docket #: ANPRM stage: EPA-HQ-OPPT-2008-0627; NPRM Stage: EPA-HQ-OPPT-2011-0380. See also RIN 2070-AJ92.

Sectors Affected: 541611 Administrative Management and General

Management Consulting Services; 541990 All Other Professional, Scientific, and Technical Services; 561990 All Other Support Services; 813910 Business Associations; 541330 Engineering Services; 813920 Professional Organizations; 321219 Reconstituted Wood Product Manufacturing; 541380 Testing Laboratories; 3212 Veneer, Plywood, and Engineered Wood Product Manufacturing

URL For More Information: *http://www.epa.gov/opptintr/chemtest/formaldehyde/index.html*.

URL For Public Comments: *http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OPPT-2011-0380-0001*.

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RIN: 2070-AJ44

EPA--OCSPP

139. Formaldehyde Emissions Standards for Composite Wood Products

Priority: Other Significant. Major under 5 U.S.C. 801.
Unfunded Mandates: This action may affect the private sector under Pub. L. 104-4.
Legal Authority: 15 U.S.C. 2697; TSCA sec 601.
CFR Citation: 40 CFR 770.
Legal Deadline: Final, Statutory, January 1, 2013, Statutory Deadline. NPRM, Statutory, January 1, 2013, Deadline is for issuance ***of*** FINAL Rule.
Abstract: The EPA is developing a final rule under the Formaldehyde Standards for Composite Wood Products Act that was enacted in 2010 as title VI ***of*** Toxic Substances Control Act (TSCA), 15 U.S.C. 2697, and requires that the EPA promulgate implementing regulations to establish specific formaldehyde emission limits for hardwood plywood, particleboard, and medium-density fiberboard, which limits are identical to the California emission limits for these products. In 2013, the EPA proposed regulations to implement emissions standards established by TSCA title VI for composite wood products sold, supplied, offered for sale, or manufactured in the United States. Pursuant to TSCA section 3(7), the

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definition ***of*** ``manufacture'' includes import. As required by title VI, these regulations apply to hardwood plywood, medium-density fiberboard, and particleboard. TSCA title VI also directs EPA to promulgate supplementary provisions to ensure compliance with the emissions

standards, including provisions related to labeling; chain ***of*** custody requirements; sell-through provisions; ULEF resins; no-added formaldehyde-based resins; finished goods; third-party testing and

certification; auditing and reporting ***of*** third-party certifiers; recordkeeping; enforcement; laminated products; and exceptions from the

requirements ***of*** regulations promulgated pursuant to this subsection for

products and components containing de minimis amounts ***of*** composite wood products. A separate Regulatory Agenda entry (RIN 2070-AJ44) addresses requirements for accrediting bodies and third-party certifiers. EPA may decide to issue a single final rule to promulgate the final requirements related to both proposed rules.

Statement ***of*** Need: TSCA title VI directs the EPA to promulgate regulations to implement the statutory formaldehyde emission standards and emissions testing requirements for composite wood products (hardwood plywood, particleboard, and medium-density fiberboard).

Summary ***of*** Legal Basis: The EPA is issuing this rule under title VI

of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2697, enacted in

the Formaldehyde Standards for Composite Wood Products Act ***of*** 2010, which directs EPA to promulgate regulations to implement the formaldehyde emission standards and emissions testing requirements established by the Act. Congress directed the EPA to consider a number

of elements for inclusion in the implementing regulations, many ***of***

which are aspects ***of*** the California Air Resources Board (CARB) program.

These elements include: (a) labeling, (b) chain ***of*** custody requirements, (c) sell-through provisions, (d) ultra low-emitting formaldehyde resins, (e) no-added formaldehyde-based resins, (f) finished goods, (g) third-party testing and certification, (h) auditing

and reporting ***of*** TPCs, (i) recordkeeping, (j) enforcement, (k)

laminated products, and (l) exceptions from the requirements ***of*** regulations promulgated for products and components containing de

minimis amounts ***of*** composite wood products.

Alternatives: TSCA Title VI establishes national formaldehyde emission standards for composite wood products and the EPA has not been given the authority to change those standards. EPA considered various alternatives to other proposed requirements. With respect to a definition ***of*** hardwood plywood, EPA considered exempting all laminated products from the definition, exempting all laminated products except architectural panels and custom plywood, exempting laminated products made using no-added formaldehyde (NAF) resins to attach veneer to platforms certified as NAF, and exempting laminated products made using NAF resins to attach veneer to compliant and certified platforms. EPA also considered allowing certifications for ultra-low emitting formaldehyde. Furthermore, EPA considered reduced recordkeeping requirements for firms that do not qualify as manufacturers under TSCA, not requiring notification to suppliers that the products supplied must comply with TSCA Title VI, and allowing to tested lots to be shipped before test results are available. EPA is evaluating implementation alternatives in this rulemaking and public comments.

Anticipated Cost and ***Benefits***: Issued with the proposed rule, the Economic Analysis provides the EPA's analysis ***of*** the potential costs and ***benefits*** associated with this rulemaking. As proposed, this rulemaking will reduce exposures to formaldehyde, resulting in ***benefits*** from avoided adverse health effects. For the subset ***of*** health effects where the results were quantified, the estimated annualized ***benefits*** (due to avoided incidence ***of*** eye irritation and nasopharyngeal cancer) are $20 million to $48 million per year using a 3% discount rate, and $9 million to $23 million per year using a 7% discount rate. There are additional unquantified ***benefits*** due to other avoided health effects. The annualized costs are estimated at $72 million to $81 million per year using a 3% discount rate, and $80 million to $89 million per year using a 7% discount rate. ***Government*** entities are not expected to be subject to the rule's requirements, which apply to entities that manufacture (including import), fabricate, distribute, or sell composite wood products. EPA also estimated that the rulemaking would impact nearly 879,000 small businesses: Over 851,000 have costs impacts less than 1% ***of*** revenues, over 23,000 firms have impacts between 1% and 3%, and over 4,000 firms have impacts greater than 3% ***of*** revenues. Most firms with impacts over 1% have annualized costs ***of*** less than $250 per

year. This rule increases the level ***of*** environmental protection for all affected populations without having any disproportionately high and adverse human health or environmental effects on any population, including any minority or low-income population or children. The estimated costs ***of*** the proposed rule exceed the quantified ***benefits***. There are additional unquantified ***benefits*** due to other avoided health effects. After assessing both the costs and the ***benefits*** ***of*** the proposal, including the unquantified ***benefits***, EPA has made a reasoned determination that the ***benefits*** ***of*** the proposal justify its costs.

Risks: At room temperature, formaldehyde is a colorless, flammable gas that has a distinct, pungent smell. Small amounts ***of*** formaldehyde are naturally produced by plants, animals and humans. Formaldehyde is used widely by industry to manufacture a range ***of*** building materials and numerous household products. It is in resins used to manufacture some composite wood products (e.g., hardwood plywood, particleboard and medium-density fiberboard). Everyone is exposed to small amounts ***of*** formaldehyde in the air, some foods, and products, including composite wood products. The primary way you can be exposed to formaldehyde is by breathing air containing it. Formaldehyde can cause irritation ***of*** the skin, eyes, nose, and throat. High levels ***of*** exposure may cause some types ***of*** cancers.

Timetable:

Action Date FR Cite

NPRM..... 06/10/13 78 FR 34820
NPRM Comment Period Extended..... 07/23/13 78 FR 44089
NPRM Comment Period Extended..... 08/21/13 78 FR 51695
Notice..... 04/08/14 79 FR 19305
NPRM Comment Period Extended..... 05/09/14 79 FR 26678
NPRM Comment Period Extended End.... 05/26/14 .....
Final Rule..... 02/00/15

Regulatory Flexibility Analysis Required: Yes.
Small Entities Affected: Businesses.

Government Levels Affected: None.
International Impacts: This regulatory action will be likely to

have international trade and investment effects, or otherwise be ***of*** international interest.

Additional Information: Docket #: EPA-HQ-OPPT-2012-0018. See also RIN 2070-AJ44.

Sectors Affected: 325199 All Other Basic Organic Chemical Manufacturing;

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337212 Custom Architectural Woodwork and Millwork Manufacturing; 321213 Engineered Wood Member (except Truss) Manufacturing; 423210 Furniture Merchant Wholesalers; 442110 Furniture Stores; 444130 Hardware Stores; 321211 Hardwood Veneer and Plywood Manufacturing; 444110 Home Centers; 337127 Institutional Furniture Manufacturing; 423310 Lumber, Plywood, Millwork, and Wood Panel Merchant Wholesalers; 453930 Manufactured (Mobile) Home Dealers; 321991 Manufactured Home (Mobile Home) Manufacturing; 336213 Motor Home Manufacturing; 337122 Nonupholstered Wood Household Furniture Manufacturing; 444190 Other Building Material Dealers; 423390 Other Construction Material Merchant Wholesalers; 325211 Plastics Material and Resin Manufacturing; 321992 Prefabricated Wood Building Manufacturing; 321219 Reconstituted Wood Product Manufacturing; 441210 Recreational Vehicle Dealers; 337215 Showcase, Partition, Shelving, and Locker Manufacturing; 321212 Softwood Veneer and Plywood Manufacturing; 336214 Travel Trailer and Camper Manufacturing; 337121 Upholstered Household Furniture Manufacturing; 337110 Wood Kitchen Cabinet and Countertop Manufacturing; 337211 Wood Office Furniture Manufacturing; 337129 Wood Television, Radio, and Sewing Machine Cabinet Manufacturing

URL for More Information: *http://www.epa.gov/opptintr/chemtest/formaldehyde/index.html*.

URL for Public Comments: *http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OPPT-2012-0018-0001*.

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RIN: 2070-AJ92

EPA--Solid Waste and Emergency Response (SWER)

Final Rule Stage

140. Standards for the Management ***of*** Coal Combustion Residuals Generated by Commercial Electric Power Producers

Priority: Economically Significant. Major under 5 U.S.C. 801.
Unfunded Mandates: This action may affect State, local or tribal ***governments*** and the private sector.
Legal Authority: 42 U.S.C. 6905; 42 U.S.C. 6906; 42 U.S.C. 6907(a)(3); 42 U.S.C. 6912; 42 U.S.C. 6912(a); 42 U.S.C. 6912(a)(1); 42 U.S.C. 6921; 42 U.S.C. 6922; 42 U.S.C. 6923; 42 U.S.C. 6924; 42 U.S.C. 6925; 42 U.S.C. 6925(j); 42 U.S.C. 6935; 42 U.S.C. 6936; 42 U.S.C. 6937; 42 U.S.C. 6944(a); 42 U.S.C. 6949a(c); 33 U.S.C. 1345(d); 33 U.S.C. 1345(e)
CFR Citation: 40 CFR 257; 261; 264; 265; 268; 271; 302.
Legal Deadline: Final, Judicial, December 19, 2014, Signature date.
Abstract: On June 21, 2010, the EPA proposed, under the Resource Conservation and Recovery Act (RCRA) to regulate coal combustion residuals (CCRs) generated from the combustion ***of*** coal at electric utilities and independent power producers to address risks from the disposal ***of*** CCRs in surface impoundments and landfills. The EPA sought public comments on two regulatory approaches. One proposed option would be to list these residuals as ``special wastes,'' and draws from remedies available under subtitle C ***of*** RCRA, which creates a comprehensive program ***of*** federally enforceable requirements for waste management and disposal. The other proposed option included remedies under subtitle D ***of*** RCRA, which gives the EPA authority to set disposal standards for waste management facilities. Under both options, the EPA proposed not to regulate the beneficial use ***of*** CCRs, such as its use in concrete. In addition, this rule did not address CCRs generated from non-utility boilers burning coal, nor would it address the placement ***of*** coal combustion residuals in mines or non-minefill uses ***of*** CCRs at coal mine sites. Since the publication ***of*** the proposed rule, EPA has issued three Notices ***of*** Data Availability (NODAs) seeking public comment on additional data and information obtained by the EPA. In the most recent NODA, issued on August 2, 2013, the EPA invited comment on additional information to supplement the Regulatory Impact Analysis and risk assessment; information on large scale fill; and data on the surface impoundment structural integrity assessments. With this NODA, the EPA also sought comment on two issues associated with the requirements for

CCR management units, closure and the construction ***of*** new units over pre-***existing*** CCR landfills and surface impoundments. Under a consent decree, a final rule must be signed no later than December 19, 2014.

Statement ***of*** Need: The EPA is proposing to regulate for the first time, coal combustion residuals under the Resource Conservation and Recovery Act (RCRA) to address the risks from the disposal ***of*** coal combustion residuals in surface impoundments and landfills, generated from the combustion ***of*** coal at electric utilities and by independent power producers.

Summary ***of*** Legal Basis: The CCR rule was proposed under the authority ***of*** sections 1008(a), 2002(a), 3001, 3004, 3005, and 4004 ***of*** the Solid Waste Disposal Act ***of*** 1970, as amended by RCRA and as amended by the hazardous and Solid Waste Amendments ***of*** 1984 (HSWA). These statutes, combined, are commonly referred to as ``RCRA.'' RCRA section 1008(a) authorizes the EPA to publish ``suggested guidelines for solid waste management.'' Such guidelines must provide a technical and economic descriptions ***of*** the level ***of*** performance that can be achieved by available solid waste management practices that provide for the protection ***of*** human health and the environment. RCRA section 2002 grants the EPA broad authority to prescribe, in consultation with federal, state and regional authorities, such regulations as are necessary to carry out the function under federal solid waste disposal laws. RCRA section 3001(b) requires EPA to list particular wastes that will be subject to the requirements established under subtitle C. Section 3001(b)(3)(A) generally establishes a temporary exemption for CCRs primarily from the combustion ***of*** coal or other fossil fuels and requires the EPA to conduct a study to determine whether these waste should be regulated under Subtitle C or RCRA. Section 3004 generally requires EPA to establish standards for the treatment, storage, and disposal ***of*** hazardous waste to ensure protection ***of*** human health and the environment. RCRA section 3004(x) allows the Administrator to tailor certain specified requirements for particular categories ***of*** wastes. RCRA section 3005 generally requires that any facility that treats, stores, or disposes ***of*** wastes identified or listed under subtitle C, to have a permit. RCRA section 4004 requires the EPA to promulgate regulations

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containing criteria for determining which facilities shall be classified as sanitary landfills (and not open dumps).

Alternatives: In the proposed rule EPA considered two options for the regulation ***of*** CCRs. Under the first option, the EPA would reverse its August 1993 and May 2000 Bevill Regulatory Determinations regarding CCRs and list these residuals as special wastes subject to regulation under subtitle C ***of*** RCRA, when they are destined for disposal in landfills or surface impoundments. Under the second option, the EPA would leave the Bevill determination in place and regulate the disposal ***of*** such materials under subtitle D ***of*** RCRA by issuing national minimum criteria. Under both options, the EPA considered establishing dam safety requirements to address the structural integrity ***of*** surface impoundment to prevent catastrophic releases. The EPA also solicited comment on a number ***of*** alternatives including several combination approaches, such as regulating surface impoundments under subtitle C ***of*** RCRA while regulating landfills under subtitle D or RCRA.

Anticipated Cost and ***Benefits***: The EPA estimated the potential costs and ***benefits*** ***of*** the proposed CCR rule in a regulatory impact analysis (RIA) dated April 2010. Although in June 2010 the EPA co-proposed two regulatory options (i.e., subtitle C and subtitle D options) for the CCR rule, the RIA evaluated three regulatory approaches to the proposed rule: subtitle C, subtitle D, and subtitle ``D Prime'' options. The RIA is available from the regulatory docket as document ID number EPA-HQ-RCRA-2009-0640-0003. Based on a 50-year future period ***of*** analysis using a 7% discount rate at year 2009 price level, the RIA estimated the potential average annual future costs ***of*** these three options to range between $1,474 million, $587 million, and $236 million per year, respectively. These costs are associated with 12 to 19 different combinations ***of*** pollution controls (i.e., engineering controls & ancillary requirements) proposed for each option such as groundwater monitoring, landfill and impoundment bottom liners, fugitive dust controls, and location restrictions, to name a few.

Based on three monetized ***benefit*** categories consisting ***of*** (a) avoided future groundwater contamination from CCR landfills and impoundments, (b) avoided future CCR impoundment structural failures, and (c) induced future increase in the beneficial uses ***of*** CCR as a

substitute ingredient in concrete, cement, wallboard, and about a dozen other markets, the RIA estimated the potential future average annual ***benefits*** ***of*** the three options to range between $6,320 to $7,405, $2,533 to $3,026 and $1,023 to $1,268 per year, respectively. Because some stakeholders during the development ***of*** the CCR proposed rule asserted to the EPA a potential future stigma effect in beneficial use markets under the Subtitle C option, the RIA also evaluated a potential dis- ***benefit*** decrease in CCR beneficial uses under an alternative scenario, as well as under a no change in beneficial use scenario.

Risks: The EPA's damage cases and risk assessments all indicated the potential for CCR landfills and surface impoundments to leach hazardous constituents into groundwater, impairing drinking water supplies and causing adverse impacts on human health and the environment. Indeed, groundwater contamination is one ***of*** the key environmental risks the EPA has identified with CCR landfills and surface impoundments. Furthermore, as mentioned previously, the legislative history ***of*** RCRA specifically evidences concerns over groundwater contamination from disposal units. Composite liners, as modeled in the 2010 draft risk assessment, effectively reduce risks from all constituents to below the risk criteria for both landfills and surface impoundments at the 90th and 50th percentiles. Thus, the requirements for new units to be composite lined will reduce future risks significantly. However, the EPA proposed several regulatory alternatives that may or may not require ***existing*** units without composite liners to close.

To this end, groundwater monitoring is a key mechanism for facilities to verify that the ***existing*** containment structures, such as liners and leachate collection and removal systems, are functioning as intended. Thus, the EPA believes that, in order for a CCR landfill or surface impoundment to meet RCRA's protection standard, a system ***of*** routine groundwater monitoring to detect any such contamination from a disposal unit, and corrective action requirements to address identified contamination, is necessary. EPA's proposed groundwater monitoring criteria require a system ***of*** monitoring wells be installed at new and ***existing*** CCR landfills and surface impoundments. The proposed criteria also provide procedures for sampling these wells and methods for statistical analysis ***of*** the analytical data derived from the well samples to detect the presence ***of*** hazardous constituents released from

these facilities. The Agency proposed a groundwater monitoring program consisting ***of*** detection monitoring, assessment monitoring, and a corrective action program. This phased approach to groundwater monitoring and corrective action programs provide for a graduated response over time to the problem ***of*** groundwater contamination as the evidence ***of*** such contamination increases. This allows for proper consideration ***of*** the transport characteristics ***of*** CCR constituents in ground water, while protecting human health and the environment, and minimizing unnecessary costs.

Timetable:

Action Date FR Cite

Notice..... 08/29/07 72 FR 49714
NPRM..... 06/21/10 75 FR 35128
Notice..... 07/15/10 75 FR 41121
Notice..... 10/12/11 76 FR 63252
Notice..... 08/02/13 78 FR 46940
Final Rule..... 12/00/14 .....

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: No.

Government Levels Affected: Federal, Local, State, Tribal.
Federalism: This action may have federalism implications as defined in EO 13132.
Additional Information: Docket #:EPA-HQ-RCRA-2009-0640, EPA-HQ-RCRA-2011-0392. http://www.regulations.gov/#!docketDetail;D=EPA-HQ-RCRA-2009-0640.
Sectors Affected: 221112 Fossil Fuel Electric Power Generation.

URL for More Information: http://www.epa.gov/epawaste/nonhaz/industrial/special/fossil/ccr-rule/index.htm.

URL for Public Comments: http://www.regulations.gov/#!docketDetail;D=EPA-HQ-RCRA-2011-0392.

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RIN: 2050-AE81

EPA--SWER

141. Revising Underground Storage Tank Regulations--Revisions to

Existing Requirements and New Requirements for Secondary Containment and Operator Training

Priority: Economically Significant. Major under 5 U.S.C. 801.

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Unfunded Mandates: This action may affect the private sector under Pub. L. 104-4.
Legal Authority: 42 U.S.C. 6991et seq.
CFR Citation: 40 CFR 280-281.
Legal Deadline: None.
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, there is a need 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 EPA will also use our 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. In the NPRM, the EPA proposed: adding secondary containment requirements for new and replaced tanks and piping; adding operator training requirements; adding periodic operation and maintenance requirements for UST systems; removing certain deferrals; 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.

Statement ***of*** Need: 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, there is a need 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. EPA also used its knowledge ***of*** the program gained over the last 20 years to propose revisions to the regulations to make targeted changes to improve implementation and prevent UST releases.

Summary ***of*** Legal Basis: The legal basis for this rulemaking comes from 42 U.S.C. 6912, 6991, 6991(a), 6991(b), 6991(c), 6991(d), 6991(e), 6991(f), 6991(g), and 6991(h).

Alternatives: Anticipated Cost and ***Benefits***: The EPA prepared an analysis ***of*** the potential incremental costs and ***benefits*** associated with the revisions to the UST regulation. The RIA estimated regulatory implementation and compliance costs, as well as ***benefits*** for the regulatory options considered. A substantial portion ***of*** the beneficial impacts associated with the final UST regulation are avoided cleanup costs as a result ***of*** preventing releases and reducing the severity ***of*** releases. Due to data and resource constraints, the EPA was unable to quantify some ***of*** the final UST regulation's ***benefits***, including avoidance ***of*** human health risks, ecological ***benefits***, and mitigation ***of*** acute exposure events and large-scale releases, such as those from airport hydrant systems and field-constructed tanks. This regulation will increase the protection ***of*** groundwater throughout the country, but the EPA was unable to place a value on the groundwater protected by this UST regulation.

Under the proposed rule, on an annualized basis, the estimated regulatory compliance costs are $210 million (Selected Option), $520 million (Option 1) and $130 million (Option 2). Separately, the proposed rule allows for annual cost savings related to avoided costs

of $300-470 million (Selected Option), $310-770 million (Option 1) and $110-590 million (Option 2).

Risks: There are approximately 575,000 underground storage tanks (USTs) nationwide that store petroleum or hazardous substances. The

greatest potential threat from a leaking UST is contamination ***of***

groundwater, the source ***of*** drinking water for nearly half ***of*** all Americans.

Timetable:

Action Date FR Cite

NPRM..... 11/18/11 76 FR 71708
NPRM Comment Period Extended..... 02/15/12 77 FR 8757
Final Rule..... 02/00/15 .....

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: Docket #:EPA-HQ-UST-2011-0301

Sectors Affected: 72 Accommodation and Food Services; 481 Air Transportation; 48811 Airport Operations; 112 Animal Production; 111 Crop Production; 2211 Electric Power Generation, Transmission and Distribution; 447 Gasoline Stations; 622 Hospitals; 31-33 Manufacturing; 486 Pipeline Transportation; 44-45 Retail Trade; 485 Transit and Ground Passenger Transportation; 484 Truck Transportation; 483 Water Transportation; 42 Wholesale Trade

URL for More Information: *http://www.epa.gov/oust/fedlaws/proposedregs.html*

URL for Public Comments: *http://www.regulations.gov/#!documentDetail;D=EPA-HQ-UST-2011-0301-0001*

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RIN: 2050-AG46

EPA--WATER (WATER)

Final Rule Stage

142. Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category

Priority: Economically Significant. Major under 5 U.S.C. 801.
Unfunded Mandates: This action may affect State, local or tribal

governments and the private sector.
Legal Authority: 33 U.S.C. 1311; 33 U.S.C. 1314; 33 U.S.C. 1316; 33 U.S.C. 1317; 33 U.S.C. 1318; 33 U.S.C. 1342; 33 U.S.C. 1361
CFR Citation: 40 CFR 423 revision.

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Legal Deadline: NPRM, Judicial, April 19, 2013, Consent Decree.
Final, Judicial, September 30, 2015, 9/30/2015--Consent Decree

deadline for Final Action--Defenders ***of*** Wildlife v. Jackson, 10-1915, D. DC
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. The proposed rule was published in the Federal Register on June 7, 2013 (``Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category, '' 78 FR 34431).

Statement ***of*** Need: Steam electric power plants contribute over half

of all toxic pollutants discharged to surface waters by all industrial categories currently regulated in the United States under the Clean Water Act. For example, steam electric plants annually discharge:

64,400 lb. ***of*** lead [Auml]2,820 lb. ***of*** mercury

[Auml]79,200 lb. ***of*** arsenic [Auml]225,000 lb. ***of***

selenium [Auml] 1,970,000 lb. ***of*** aluminum

[Auml]4,990,000 lb. ***of*** zinc [Auml]30,000,000 lb. ***of***

nitrogen [Auml]682,000 lb. ***of*** phosphorus 14,500,000 lb. ***of***

manganese [Auml]158,000 lb. ***of*** vanadium; and [Auml]27

other pollutants. Discharges ***of*** these toxic pollutants are linked to

cancer, neurological damage, and ecological damage. Many ***of*** these toxic pollutants, once in the environment, remain there for years. These pollutant discharges contribute to: over 160 water bodies not meeting State quality standards [Auml]185 waters for which there are

fish consumption advisories; and [Auml]degradation ***of*** 399 water bodies across the country that are drinking water supplies. The revised

steam electric rule would strengthen the ***existing*** controls on discharges from these plants. It would set the first Federal limits on

the levels ***of*** toxic metals in wastewater that can be discharged from power plants, based on technology improvements in the industry over the last three decades.

Summary ***of*** Legal Basis: Section 301(b)(2) ***of*** the Clean Water Act (``CWA'') requires the EPA to promulgate effluent limitations for

categories ***of*** point sources, using technology-based standards that

govern the sources' discharge ***of*** certain pollutants. 33 U.S.C. 1311(b)(2). Section 304(b) directs the EPA to develop effluent guidelines that identify certain technologies and control measures available to achieve effluent reductions for each point source category, specifying factors to be taken into account in identifying those technologies and control measures. 33 U.S.C. 1314(b). Since the 1970s, the EPA has formulated effluent limitations and effluent

guidelines in tandem through a single administrative process. Am. Frozen Food Inst. v. Train, 539 F.2d 107 (D.C. Cir. 1976). For new sources, the CWA authorizes the EPA to set Standards ***of*** Performance for categories ***of*** sources. 33 U.S.C. 1316. For new and ***existing*** facilities that introduce pollutants into Publicly Owned Treatment Works, the EPA promulgates pretreatment standards. 33 U.S.C. 1317(b), (c). Together, effluent limitations guidelines, standards ***of*** performance, and pretreatment standards are called ``Effluent Limitations Guidelines and Standards,'' or ``ELGs.'' The CWA also requires the EPA to perform an annual review ***of existing*** effluent guidelines and to revise them, if appropriate. 33 U.S.C. 1314(b); see also 33 U.S.C. 1314(m)(1)(A). The EPA originally established effluent limitations guidelines and standards for the steam electric generating point source category in 1974 and last updated them in 1982. 47 FR 52,290 (Nov. 19, 1982). As described above, the EPA determined the ***existing*** regulations do not adequately address the pollutants being discharged and that revisions are appropriate.

Alternatives: This analysis will cover various sizes and types ***of*** potentially regulated pollutant discharges and associated control technologies. For example, the proposal identified four preferred regulatory options that differ in the number ***of*** waste streams covered, size ***of*** the units controlled, and stringency ***of*** controls.

Anticipated Cost and ***Benefits***: The EPA's proposed revisions to the steam electric rule identified a range ***of*** preferred regulatory options. The EPA's estimates ***of*** the annual social costs ***of*** the steam electric rule range from $185 million to $954 million with associated annual pollutant discharge reductions ***of*** 470 million to 2.62 billion pounds and water use reductions ***of*** 50 billion to 103 billion gallons. The EPA's estimate ***of*** the monetized ***benefits***, which only includes a portion ***of*** the ***benefits***, range from $139 million to $483 million. The range reflects that different regulatory options would control different wastestreams and provide different stringency ***of*** controls.

Risks: Effluent limitations guidelines and standards are technology based discharge requirements. As such, EPA has not assessed risk associated with this action. However, as detailed in the Statement ***of*** Need, toxic pollutant discharges from steam electric plants are linked

to cancer, neurological damage, and ecological damage.
Timetable:

Action Date FR Cite

NPRM..... 06/07/13 78 FR 34431
NPRM Comment Period Extended..... 07/12/13 78 FR 41907
Final Rule..... 09/00/15

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: No.

Government Levels Affected: Local, State.
Federalism: This action may have federalism implications as defined in EO 13132.
Additional Information: Docket #:EPA-HQ-OW-2009-0819.
Sectors Affected: 22111 Electric Power Generation; 221112 Fossil Fuel Electric Power Generation; 221113 Nuclear Electric Power Generation.

URL for More Information: *http://water.epa.gov/scitech/wastetech/guide/steam_index.cfm*.
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RIN: 2040-AF14

EPA--WATER

143. Water Quality Standards Regulatory Revisions

Priority: Other Significant.
Legal Authority: 33 U.S.C. 1251 et seq.
CFR Citation: 40 CFR 131 (revision).
Legal Deadline: None.
Abstract: The EPA proposed changes to the water quality standards (WQS) regulation to improve its effectiveness in helping restore and

maintain the Nation's Waters. The core ***of*** the current WQS regulation

has been in place since 1983. Since then, a number ***of*** issues have been raised by stakeholders or identified by the EPA in the implementation process that will ***benefit*** from clarification and greater specificity. The proposed rule 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 water quality standards, and 6) compliance schedule authorizing provisions. These revisions will allow the EPA, states and authorized tribes to better achieve program goals by providing clearer more streamlined requirements to facilitate enhanced water resource protection.

Statement ***of*** Need: The core requirements ***of*** the current WQS regulation have been in place for over 30 years. These requirements have provided a strong foundation for water quality-based controls, including water quality assessments, impaired waters lists, and total maximum daily loads (TMDLs) under CWA section 303(d), as well as for water quality-based effluent limits (WQBELs) in NPDES discharge permits under CWA section 402. As with the development and operation ***of*** any program, however, a number ***of*** policy and technical issues have recurred over the past 30 years in individual standards reviews, stakeholder comments, and litigation that the EPA believes would be addressed and resolved more efficiently by clarifying, updating and revising the federal WQS regulation to assure greater public transparency, better stakeholder information, and more effective implementation.

The basic structure ***of*** the water quality standards regulation (40 CFR part 131) was last revised in November 1983. The EPA added tribal provisions in 1991, ``Alaska rule'' provisions in 2000, and BEACH Act rule provisions in 2004. At the 15-year point (July 1998), the EPA issued a comprehensive advance notice ***of*** proposed rulemaking (ANPRM) and conducted an extensive dialogue with states and the public on over 130 discrete issues. The ANPRM led to some program redirections, but EPA did not revise the regulation itself at that time. The EPA has proposed targeted changes to the WQS regulation that aim to improve the regulation's effectiveness in restoring and maintaining the chemical, physical and biological integrity ***of*** the Nation's waters, and to clarify and simplify regulatory requirements.

Summary ***of*** Legal Basis: The CWA establishes the basis for the current WQS regulation and program. Section 303(c) ***of*** the Act addresses the development ***of*** state and authorized tribal WQS and provides for the

following: (1) WQS shall consist ***of*** designated uses and water quality criteria based upon such uses; (2) States and authorized tribes shall establish WQS considering the following possible uses for their waters-

propagation ***of*** fish, shellfish and wildlife, recreational purposes, public water supply, agricultural and industrial water supplies, navigation, and other uses; (3) State and tribal standards must protect

public health or welfare, enhance the quality ***of*** water, and serve the

purposes ***of*** the Act; (4) States and tribes must review their standards at least once every 3 years; and (5) the EPA is required to review any new or revised state and tribal standards, and is also required to promulgate federal standards where the EPA finds that new or revised state or tribal standards are not consistent with applicable

requirements ***of*** the Act or in situations where the Administrator determines that federal standards are necessary to meet the

requirements ***of*** the Act.

The EPA established the core ***of*** the current WQS regulation in a final rule issued in 1983. This rule strengthened previous provisions that had been in place since 1977 and moved them to a new 40 CFR part 131 (54 FR 51400, November 8, 1983). The resulting regulation describes how the WQS envisioned in the CWA are to be administered. It clarifies

the content ***of*** standards and establishes more detailed provisions for

implementing the provisions ***of*** the Act.

Alternatives: In support ***of*** the 1983 regulation, the EPA has issued

a number ***of*** guidance documents that have provided guidance on the

interpretation and implementation ***of*** the WQS regulation, and on scientific and technical analyses that are used in making decisions

that would impact WQS. In 1998, the EPA issued an Advance Notice ***of*** Proposed Rulemaking (ANPRM) to discuss and invite comment on over 130

aspects ***of*** the federal WQS regulation and program, with a goal ***of*** identifying specific changes that might strengthen water quality protection and restoration, facilitate watershed management initiatives, and incorporate evolving water quality criteria and assessment science into state and tribal WQS programs. (63 FR 36742, July 7, 1998). In response, the EPA received over 3,200 specific written comments from over 150 comment letters. The EPA also held three public meetings during the 180-day comment period where additional comments were received and discussed. Although the EPA chose not to

move forward with a rulemaking after the ANRPM, as a result ***of*** the

input received, the EPA identified a number ***of*** high priority issue areas for which the Agency has developed guidance, provided technical assistance and continued further discussion and dialogue to assure more effective program implementation. As with the development and operation

of any program, however, a number ***of*** policy and technical issues have recurred over the past 30 years that the EPA believes would be addressed and resolved more efficiently by clarifying, updating and revising the Federal WQS regulation to assure greater public transparency, better stakeholder information, and more effective implementation.

Anticipated Cost and ***Benefits***: Because this proposal will not establish any requirements directly applicable to regulated entities,

the focus ***of*** the EPA's economic analysis is to estimate the potential administrative burden and costs to state, tribal, and territorial

governments, and the EPA. In the proposal the EPA is considering whether to include a requirement that antidegradation implementation methods be formally adopted as WQS and thus subject to the EPA's review and approval or disapproval. This additional requirement would require affected entities to develop or revise antidegradation implementation methods, and adopt the implementation methods in WQS, resulting in one-time (nonrecurring) burden and costs. The total annual costs for this proposal with the requirement to adopt antidegradation implementation methods as WQS is estimated to range from $5.98 million to $9.27 million per year. The total annual costs for this

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proposal without the requirement to adopt antidegradation implementation methods as WQS is estimated to range from $5.84 million to $9.01 million per year.

States, tribes, stakeholders, and the public will ***benefit*** from the

proposed clarifications ***of*** the WQS regulations by ensuring better

utilization ***of*** available WQS tools that allow states and tribes the flexibility to implement their WQS in an efficient manner while providing transparency and open public participation. Although associated with potential administrative burden and costs in some areas, this proposal has the potential to partially offset these costs by reducing regulatory uncertainty and consequently increasing overall program efficiency. Furthermore, more efficient and effective

implementation ***of*** state and tribal WQS has the potential to provide a variety ***of*** economic ***benefits*** associated with cleaner water including the availability ***of*** clean, safe, and affordable drinking water, water ***of*** adequate quality for agricultural and industrial use, and water quality that supports the commercial fishing industry and higher property values. Nonmarket ***benefits*** ***of*** this proposal include the protection and improvement ***of*** public health and greater recreational opportunities. The EPA acknowledges that achievement ***of*** any ***benefits*** associated with cleaner water would involve additional control measures, and thus costs to regulated entities and non-point sources, that have not been included in the economic analyses for this proposed rule. The EPA has not attempted to quantify either the costs ***of*** such control measures that might ultimately be required as a result ***of*** this rule, or the ***benefits*** they would provide.

Risks: Reducing regulatory uncertainty has the impact ***of*** increasing overall program efficiency.
Timetable:

Action Date FR Cite

Notice..... 07/30/10 75 FR 44930
NPRM..... 09/04/13 78 FR 54517
NPRM Comment Period Extended..... 11/27/13 78 FR 70905
NPRM Comment Period Extended End.... 01/02/14 .....
Final Rule..... 05/00/15 .....

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: No.

Government Levels Affected: Federal, State, Tribal.
Additional Information: Docket #: EPA-HQ-OW-2010-0606.

URL for More Information: *http://water.epa.gov/scitech/swguidance/standards/index.cfm*.
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RIN: 2040-AF16

EPA--WATER

144. Definition ***of*** ``Waters ***of*** the United States'' Under the Clean Water Act

Priority: Other Significant.
Legal Authority: 33 U.S.C. 1251
CFR Citation: 40 CFR 110; 40 CFR 112; 40 CFR 116; 40 CFR 117; 40 CFR 122; 40 CFR 230; 40 CFR 232; 40 CFR 300; 40 CFR 302; 40 CFR 401; 33 CFR 328
Legal Deadline: None.
Abstract: After U.S. Supreme Court decisions in SWANCC and Rapanos, the scope ***of*** ``waters ***of*** the US'' protected under all CWA programs has been an issue ***of*** considerable debate and uncertainty. The Act has a single definition for ``waters ***of*** the United States.'' As a result, these decisions affect the geographic scope ***of*** all CWA programs. SWANCC and Rapanos did not invalidate the current regulatory definition ***of*** ``waters ***of*** the United States.'' However, the decisions established important considerations for how those regulations should be interpreted, and experience implementing the regulations has identified several areas that could ***benefit*** from additional clarification through rulemaking. U.S. EPA and the U.S. Army Corps ***of*** Engineers proposed a rule for determining whether a water is protected by the Clean Water Act. This rule will make clear which waterbodies are protected under the Clean Water Act.

Statement ***of*** Need: After U.S. Supreme Court decisions in SWANCC (Solid Waste Agency ***of*** Northern Cook County v. U.S. Army Corps ***of*** Engineers, 531 U.S. 159 (2001)) and Rapanos (Rapanos v. United States , 547 U.S. 715 (2006)), the scope ***of*** waters ***of*** the US protected under all CWA programs has been an issue ***of*** considerable debate and uncertainty. The Act has a single definition for waters ***of*** the United States. As a result, these decisions affect the geographic scope ***of*** all CWA programs. SWANCC and Rapanos did not invalidate the current regulatory definition ***of*** waters ***of*** the United States. However, the decisions

established important considerations for how those regulations should be interpreted, and experience implementing the regulations has identified several areas that could ***benefit*** from additional clarification through rulemaking. EPA and the U.S. Army Corps ***of*** Engineers are developing a proposed rule for determining whether a water is protected by the Clean Water Act. This rule would clarify which water bodies are protected under the Clean Water Act.

Summary ***of*** Legal Basis: The EPA and the U.S. Army Corps ***of*** Engineers (Corps) publish for public comment a proposed rule defining the scope ***of*** waters protected under the CWA, in light ***of*** the U.S. Supreme Court cases in U.S. v. Riverside Bayview Homes, Solid Waste Agency ***of*** Northern Cook County v. U.S. Army Corps ***of*** Engineers (SWANCC), and Rapanos v. United States (Rapanos). The goal ***of*** the agencies is to ensure the regulatory definition is consistent with the CWA, as interpreted by the Supreme Court, and as supported by science, and to provide maximum clarity to the public, as the agencies work to fulfill the CWA's objectives and policy to protect water quality, public health, and the environment.

Alternatives: The agencies solicited comment on a number ***of*** issues throughout the proposed rule preamble. In particular, the agencies requested comment on alternate approaches to determining whether ``other waters'' are similarly situated and have a ``significant nexus'' to a traditional navigable water, interstate water, or the territorial seas. Just as the agencies are seeking comment on a variety ***of*** approaches, or combination ***of*** approaches, as to which waters are jurisdictional, the agencies also request comment on determining which waters should be determined non-jurisdictional. In addition, the agencies are seeking comment on alternate approaches to define ``neighboring.''

Anticipated Cost and ***Benefits***: The EPA and the Corps ***of*** Engineers prepared an analysis ***of*** the potential costs and ***benefits*** associated with this action. The definition ***of*** ``waters ***of*** the U.S.,'' by itself, imposes no direct costs. The potential costs and ***benefits*** incurred as a result ***of*** this proposed action are considered indirect because the action involves a definitional change to a term that is used in the

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implementation ***of*** a variety ***of*** CWA programs. Each ***of*** these programs may subsequently impose direct or indirect costs as a result ***of*** implementation ***of*** their specific regulations. The proposed rule would provide an estimated $388 million to $514 million annually ***of benefits*** to the public, including reducing flooding, filtering pollution, providing wildlife habitat, supporting hunting and fishing, and recharging groundwater. The public ***benefits*** outweigh the costs ***of*** about $162 million to $278 million per year for mitigating impacts to streams and wetlands, and taking steps to reduce pollution to waterways.

Risks: This proposal would enhance protection for the nation's public health and aquatic resources, and increase CWA program predictability and consistency by increasing clarity as to the scope ***of*** ``waters ***of*** the United States'' protected under the Act.

Timetable:

Action	Date	FR Cite
NPRM	04/21/14	79 FR 22187
NPRM Comment Period Extended	06/24/14	79 FR 35712
NPRM Comment Period End	07/21/14	
NPRM Comment Period Extended End	10/21/14	
Final Rule	04/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

URL For More Information: *http://water.epa.gov/lawsregs/guidance/wetlands/CWAwaters.cfm*.

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RIN: 2040-AF30

BILLING CODE 6560-50-P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

Statement ***of*** Regulatory and Deregulatory Priorities

The mission ***of*** the Equal Employment Opportunity Commission (EEOC, Commission, or Agency) is to ensure equality ***of*** opportunity in employment by vigorously enforcing and educating the public about the following Federal statutes: Title VII ***of*** the Civil Rights Act ***of*** 1964, as amended (prohibits employment discrimination on the basis ***of*** race, color, sex (including pregnancy), religion, or national origin); the Equal Pay Act ***of*** 1963, as amended (makes it illegal to pay unequal wages to men and women performing substantially equal work under similar working conditions at the same establishment); the Age Discrimination in Employment Act ***of*** 1967, as amended (prohibits employment discrimination based on age ***of*** 40 or older); Titles I and V ***of*** the Americans with Disabilities Act, as amended, and sections 501 and 505 ***of*** the Rehabilitation Act, as amended (prohibit employment discrimination based on disability); Title II ***of*** the Genetic Information Nondiscrimination Act (prohibits employment discrimination based on genetic information and limits acquisition and disclosure ***of*** genetic information); and section 304 ***of*** the ***Government*** Employee Rights Act ***of*** 1991 (protects certain previously exempt state & local ***government*** employees from employment discrimination on the basis ***of*** race, color, religion, sex, national origin, age, or disability).

The first item in this Regulatory Plan is entitled ``The Federal Sector's Obligation To Be a Model Employer ***of*** Individuals with Disabilities.'' The EEOC's regulations implementing section 501, as set forth in 29 CFR part 1614, require Federal agencies and departments to be ``model employers'' ***of*** individuals with disabilities. The Commission issued an Advanced Notice ***of*** Proposed Rulemaking (ANPRM) on May 15, 2014, (79 FR 27824), and intends to issue a proposed rule to revise the regulations regarding the Federal ***government***'s affirmative employment obligations in 29 CFR part 1614 to include a more detailed explanation ***of*** how Federal agencies and departments should ``give full consideration to the hiring, placement, and advancement ***of*** qualified individuals with disabilities.'' Any revisions would be informed by Management Directive 715, and may include goals consistent with

Executive Order 13548. Furthermore, any revisions would result in costs only to the Federal ***Government***; would contribute to increasing the employment ***of*** individuals with disabilities; and would not affect risks to public health, safety, or the environment.

The second item is entitled ``Federal Sector Equal Employment Opportunity Process.'' In July 2012, the Commission published a final rule containing fifteen discrete changes to various parts ***of*** the Federal sector EEO process, and indicated that the rule was the Commission's initial step in a broader review ***of*** the Federal sector EEO process. The Commission intends to develop an ANPRM which would seek public input on additional issues associated with the Federal sector EEO process.

The third item is entitled ``Amendments to Regulations Under the Americans With Disabilities Act.'' This proposed rule would amend the regulations to implement the equal employment provisions ***of*** the Americans with Disabilities Act (ADA) to address the interaction between title I ***of*** the ADA and financial inducements and/or penalties as part ***of*** wellness programs offered through health plans. EEOC also plans to address other aspects ***of*** wellness programs that may be subject to the ADA's nondiscrimination provisions in this NPRM.

The fourth item is entitled ``Amendments to Regulations Under the Genetic Information Nondiscrimination Act ***of*** 2008.'' This proposed rule would amend the regulations on the Genetic Information Nondiscrimination Act ***of*** 2008 to address inducements to employees' spouses or other family members ***who*** respond to questions about their current or past medical conditions on health risk assessments. This NPRM will also correct a typographical error in the rule's discussion ***of*** wellness programs and add references to the Affordable Care Act, where appropriate.

Consistent with section 4(c) ***of*** Executive Order 12866, this statement was reviewed and approved by the Chair ***of*** the Agency. The statement has not been reviewed or approved by the other members ***of*** the Commission.

Retrospective Review ***of Existing*** Regulations

Pursuant to section 6 ***of*** Executive Order 13563, ``Improving Regulation and Regulatory Review'' (Jan. 18, 2011), the following

Regulatory Identifier Numbers (RINs) have been identified as associated with retrospective review and analysis in the EEOC's final

retrospective review ***of*** regulations plan. Some ***of*** the entries on this list may be completed actions, which do not appear in The Regulatory Plan. However, more information can be found about these completed

rulemakings in past publications ***of*** the Unified Agenda on Reginfo.gov

(*http://reginfo.gov/*) in the Completed Actions section. These

rulemakings can also be found on Regulations.gov (*http://regulations.gov*).

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The EEOC's final Plan for Retrospective Analysis ***of Existing*** Rules can

be found at: *http://www.eeoc.gov/laws/regulations/retro_review_plan_final.cfm*.

RIN	Title	Effect on small business
3046-AA91	REVISIONS TO PROCEDURES FOR COMPLAINTS OR CHARGES ***OF*** EMPLOYMENT DISCRIMINATION BASED ON DISABILITY SUBJECT TO THE AMERICANS WITH DISABILITIES ACT AND SECTION 504 ***OF*** THE REHABILITATION ACT ***OF*** 1973.	This rulemaking may decrease burdens on small businesses by making the charge/complaint process more efficient.
3046-AA92	REVISIONS TO PROCEDURES FOR COMPLAINTS/CHARGES ***OF*** EMPLOYMENT DISCRIMINATION BASED ON DISABILITY FILED AGAINST EMPLOYERS	This rulemaking may decrease burdens on small businesses by making the charge/complaint process more efficient.

HOLDING ***GOVERNMENT***
CONTRACTS OR
SUBCONTRACTS.
3046-AA93..... REVISIONS TO This rulemaking may
PROCEDURES FOR decrease burdens

COMPLAINTS ***OF*** on small
EMPLOYMENT businesses by
DISCRIMINATION making the charge/
FILED AGAINST complaint process

RECIPIENTS ***OF*** more efficient.
FEDERAL FINANCIAL
ASSISTANCE.
3046-AB00..... FEDERAL SECTOR This rulemaking
EQUAL EMPLOYMENT pertains to the
OPPORTUNITY. Federal Sector
equal employment
opportunity
process and thus
is not expected to
affect small
businesses.

EEOC

Prerule Stage

145. Federal Sector Equal Employment Opportunity Process

Priority: Other Significant.
Legal Authority: 29 U.S.C. 206(d); 29 U.S.C. 633a; 29 U.S.C. 791;
29 U.S.C. 794; 42 U.S.C. 2000e-16; EO 10577; EO 11222; EO 11478; EO

12106; Reorganization Plan No. 1 ***of*** 1978; 42 U.S.C. 2000ff-6(e)
CFR Citation: 29 CFR 1614.
Legal Deadline: None.
Abstract: In July 2012, the Commission published a final rule

containing 15 discrete changes to various parts ***of*** the Federal sector
EEO complaint process, and indicated that the rule was the Commission's

initial step in a broader review ***of*** the Federal sector EEO process. The

Commission intends to develop an Advance Notice ***of*** Proposed Rulemaking
(ANPRM), which would seek public input on additional issues associated
with the Federal sector EEO process.

Statement ***of*** Need: Any proposals contained in an ANPRM would be aimed at making the process more fair and efficient.

Summary ***of*** Legal Basis: Title VII ***of*** the Civil Rights Act ***of*** 1964 authorizes EEOC ``to issue such rules, regulations, orders, and instructions as it deems necessary and appropriate to carry out its responsibilities under . . . section [717].'' 42 U.S.C. 2000e-16(b).
Alternatives: The EEOC would consider all alternatives offered by public commenters.

Anticipated Cost and ***Benefits***: Based on the information currently available, we anticipate that most ***of*** the changes will have no cost and will ***benefit*** users ***of*** the process by correcting or clarifying the requirements. Any cost that might result would only be borne by the Federal ***Government***.
Risks: Any proposed revisions would not affect risks to the public health, safety, or the environment
Timetable:

Action Date FR Cite

ANPRM..... 03/00/15

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: No.

Government Levels Affected: Federal.
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RIN: 3046-AB00

EEOC

Proposed Rule Stage

146. The Federal Sector's Obligation To Be a Model Employer ***of***

Individuals With Disabilities

Priority: Other Significant.
Legal Authority: 29 U.S.C. 791(b)
CFR Citation: 29 CFR 1614.203(a).
Legal Deadline: None.

Abstract: Section 501 ***of*** the Rehabilitation Act, as amended (Section 501), prohibits discrimination against individuals with disabilities in the Federal ***Government***. The EEOC's regulations implementing section 501, as set forth in 29 CFR part 1614, require Federal agencies and departments to be ``model employers'' ***of*** individuals with disabilities.\1\

\1\ 29 CFR 1614.203(a).

On May 15, 2014, the Commission issued an Advance Notice ***of*** Proposed Rulemaking (79 FR 27824) that sought public comments on whether and how the ***existing*** regulations could be improved to provide more detail on what being a ``model employer'' means and how Federal agencies and departments should ``give full consideration to the hiring, placement and advancement ***of*** qualified individuals with disabilities.'' \2\ The EEOC's review ***of*** the comments and potential revisions was informed by the discussion in Management Directive 715 ***of*** the tools Federal agencies should use to establish goals for the employment and advancement ***of*** individuals with disabilities. The EEOC's review ***of*** the comments and potential revisions was also informed by, and consistent with, the goals ***of*** Executive Order 13548 to increase the employment ***of*** individuals with disabilities and the employment ***of*** individuals with targeted disabilities.

\2\ Id.

Statement ***of*** Need: Pursuant to section 501 ***of*** the Rehabilitation Act, the Commission is authorized to issue such regulations as it deems necessary to carry out its responsibilities under this Act. Executive Order 13548 called for increased efforts by Federal agencies and departments to recruit, hire, retain, and return individuals with

disabilities to the Federal workforce.

Summary ***of*** Legal Basis:

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Section 501 ***of*** the Rehabilitation Act ***of*** 1973, as amended (section 501), 29 U.S.C. 791, in addition to requiring nondiscrimination with

respect to Federal employees and applicants for Federal employment ***who*** are individuals with disabilities, also requires Federal agencies to maintain, update annually, and submit to the Commission an affirmative

action program plan for the hiring, placement, and advancement ***of***

individuals with disabilities. As part ***of*** its responsibility for the

administration and enforcement ***of*** equal opportunity in Federal employment, the Commission is authorized under 29 U.S.C. 794a(a)(1) to issue rules, regulations, orders, and instructions pursuant to section 501.

Alternatives: The EEOC considered all alternatives offered by ANPRM public commenters. The EEOC will consider all alternatives offered by future public commenters.

Anticipated Cost and ***Benefits***: Any costs that might result would

only be borne by the Federal ***Government***. The revisions would contribute

to increased employment ***of*** individuals with disabilities.

Risks: The proposed changes do not affect risks to public health, safety, or the environment.

Timetable:

Action Date FR Cite

ANPRM..... 05/15/14 79 FR 27824
ANPRM Comment Period End..... 07/14/14
NPRM..... 01/00/15

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal.

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Related RIN: Related to 3046-AA73

RIN: 3046-AA94

EEOC

147. Amendments to Regulations Under the Americans With Disabilities Act

Priority: Other Significant.

Legal Authority: 42 U.S.C. 12101 et seq.

CFR Citation: 29 CFR 1630.

Legal Deadline: None.

Abstract: This proposed rule would amend the regulations to implement the equal employment provisions ***of*** the Americans with Disabilities Act (ADA) to address the interaction between title I ***of*** the ADA and financial inducements and/or penalties as part ***of*** wellness programs offered through health plans. EEOC also plans to address other aspects ***of*** wellness programs that may be subject to the ADA's nondiscrimination provisions in this NPRM.

Statement ***of*** Need: The revision to 29 CFR 1630.14(d) is needed to address numerous inquiries EEOC has received about whether an employer that complies with regulations implementing the final Health Insurance Portability and Accountability Act (HIPAA) rules concerning wellness program incentives, as amended by the Affordable Care Act (ACA), will be in compliance with the ADA.

Summary ***of*** Legal Basis: The ADA requires the EEOC to issue regulations implementing title I ***of*** the Act. The EEOC initially issued regulations in 1991 on the law's requirements and prohibited practices with respect to employment and issued amended regulations in 2011 to conform to changes to the ADA made by the ADA Amendments Act ***of*** 2008. These proposed revisions are based on that statutory requirement.

Alternatives: The EEOC will consider all alternatives offered by public commenters.

Anticipated Cost and ***Benefits***: Based on the information currently available, the Commission does not anticipate that the rule will impose

additional costs on employers, beyond minimal costs to train human resource professionals. The regulation does not impose any new employer reporting or recordkeeping obligations. We anticipate that the changes

will ***benefit*** entities covered by title I ***of*** the ADA by generally promoting consistency between the ADA and HIPAA, as amended by the ACA,

and result in greater predictability and ease ***of*** administration.
Risks: The proposed rule imposes no new or additional risks to employers. The proposal does not address risks to public safety or the environment.
Timetable:

Action Date FR Cite

NPRM..... 02/00/15

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations.

Government Levels Affected: Federal, Local, State.
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RIN: 3046-AB01

EEOC

148. Amendments to Regulations Under the Genetic Information

Nondiscrimination Act ***of*** 2008

Priority: Other Significant.
Legal Authority: 42 U.S.C. 2000ff
CFR Citation: 29 CFR 1635.
Legal Deadline: None.
Abstract: This proposed rule would amend the regulations on the

Genetic Information Nondiscrimination Act ***of*** 2008 to address

inducements to employees' spouses or other family members ***who*** respond to questions about their current or past medical conditions on health risk assessments. This NPRM will also correct a typographical error in

the rule's discussion ***of*** wellness programs and add references to the Affordable Care Act, where appropriate.

Statement ***of*** Need: The revision to 29 CFR 1635.8 is needed to address numerous inquiries received by EEOC about whether an employer

will violate the Genetic Information Nondiscrimination Act ***of*** 2008 by offering an employee a financial inducement if the employee's family member completes an HRA that asks about the family member's current health status. Technical amendments are also needed to correct a typographical error and to include references to the ACA, where appropriate.

Summary ***of*** Legal Basis: GINA, section 211, 42 U.S.C. 2000ff-10,

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requires the EEOC to issue regulations implementing title II ***of*** the Act. The EEOC issued regulations on November 9, 2010. These proposed revisions are based on that statutory requirement.
Alternatives: The EEOC will consider all alternatives offered by public commenters.

Anticipated Cost and ***Benefits***: Based on the information currently available, the Commission does not anticipate that the rule will impose additional costs on employers, beyond minimal costs to train human resource professionals. The regulation does not impose any new employer reporting or recordkeeping obligations. We anticipate that the changes

will ***benefit*** entities covered by title II ***of*** GINA by clarifying that

employers ***who*** offer wellness programs are free to adopt a certain type

of inducement without violating GINA, as well as correcting an internal citation, and providing citations to the ACA.
Risks: The proposed rule imposes no new or additional risks to employers. The proposal does not address risks to public safety or the environment.
Timetable:

Action Date FR Cite

NPRM..... 02/00/15 .....

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations.

Government Levels Affected: Federal, Local, State.
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RIN: 3046-AB02
BILLING CODE 6570-01-P

GENERAL SERVICES ADMINISTRATION (GSA)--REGULATORY PLAN--OCTOBER 2014

I. Mission and Overview

GSA oversees the business ***of*** the Federal ***Government***. The acquisition solutions GSA implements provides Federal purchasers with cost-effective, high-quality products and services from commercial vendors, while helping to keep the Nation safe by providing tools, equipment, and non-tactical vehicles to the U.S. military, and

providing State and local ***governments*** with law enforcement equipment, firefighting and rescue equipment, and disaster recovery products and services. We provide workplaces for Federal employees and oversee the

preservation ***of*** historic Federal properties.
Our Agency serves the public by delivering services directly to its Federal customers through the Federal Acquisition Service (FAS), the

Public Buildings Service (PBS), and the Office ***of*** ***Government***-wide Policy (OGP). With a continuing commitment to its Federal customers and the U.S. taxpayers, GSA provides its services in the most cost-effective manner possible.

Federal Acquisition Service (FAS)

FAS is the lead organization for procurement ***of*** products and

services (other than real property) for the Federal ***Government***. The FAS

organization leverages the buying power ***of*** the ***Government*** by consolidating Federal agencies' requirements for common goods and

services. FAS provides a range ***of*** high-quality and flexible acquisition services that increase overall ***Government*** effectiveness and efficiency. FAS business operations are organized into four business portfolios based on the product or service provided to customer agencies: Integrated Technology Services (ITS); Assisted Acquisition Services (AAS); General Supplies and Services (GSS); and Travel, Motor Vehicles, and Card Services (TMVCS). The FAS portfolio structure enables GSA and FAS to provide best value services, products, and solutions to its customers by aligning resources around key functions.

Public Buildings Service (PBS)

PBS is the largest public real estate organization in the United States, providing facilities and workspace solutions to more than 60 Federal agencies. PBS aims to provide a superior workplace for the Federal worker and superior value for the U.S. taxpayer. Balancing these two objectives is PBS' greatest management challenge. PBS' activities fall into two broad areas. The first is space acquisition through both leases and construction. PBS translates general needs into specific requirements, marshals the necessary resources, and delivers the space necessary to meet the respective missions ***of*** its Federal clients. The second area is management ***of*** space. This involves making decisions on maintenance, servicing tenants, and ultimately, deciding when and how to dispose ***of*** a property at the end ***of*** its useful life.

Office ***of*** ***Government***-Wide Policy (OGP)

OGP sets ***Government***-wide policy in the areas ***of*** personal and real property, travel and transportation, information technology, regulatory information, and use ***of*** Federal advisory committees. OGP also helps direct how all Federal supplies and services are acquired as well as GSA's own acquisition programs. OGP's regulatory function fully incorporates the provisions ***of*** the President's priorities and objectives under Executive Order 12866 and 13563 with policies covering acquisition, travel, and property and management practices to promote efficient ***Government*** operations. OGP's strategic direction is to ensure that ***Government***-wide policies encourage agencies to develop and utilize the best, most cost effective management practices for the conduct ***of*** their specific programs. To reach the goal ***of*** improving ***Government***-wide management ***of*** property, technology, and administrative services, OGP

builds and maintains a policy framework by (1) incorporating the requirements ***of*** Federal laws, Executive orders, and other regulatory material into policies and guidelines; (2) facilitating ***Government***-wide reform to provide Federal managers with business-like incentives and tools and flexibility to prudently manage their assets; (3) identifying, evaluating, and promoting best practices to improve efficiency ***of*** management processes; and (4) performing ongoing analysis ***of existing*** rules that may be obsolete, unnecessary, unjustified, excessively burdensome, or counterproductive.

OGP's policy regulations are described in the following subsections:

Office ***of*** Asset and Transportation Management (Federal Travel Regulation)

Federal Travel Regulation (FTR) enumerates the travel and relocation policy for all title 5 Executive agency employees. The Code ***of*** Federal Regulations (CFR) is available at *www.gpoaccess.gov/cfr*. Each version is updated as official changes are published in the Federal Register (FR). FR publications and complete versions ***of*** the FTR are available at *www.gsa.gov/ftr*.

The FTR is the regulation contained in 41 Code ***of*** Federal Regulations (CFR), chapters 300 through 304, that implements statutory requirements and

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executive branch policies for travel by Federal civilian employees and others authorized to travel at ***Government*** expense.

The Administrator ***of*** General Services promulgates the FTR to: (a) Interpret statutory and other policy requirements in a manner that balances the need to ensure that official travel is conducted in a responsible manner with the need to minimize administrative costs and (b) communicate the resulting policies in a clear manner to Federal agencies and employees.

Office ***of*** Asset and Transportation Management (Federal Management Regulation)

Federal Management Regulation (FMR) establishes policy for aircraft, transportation, personal property, real property, and mail management. The FMR is the successor regulation to the Federal Property

Management Regulation (FPMR), and it contains updated regulatory policies originally found in the FPMR. However, it does not contain FPMR material that describes how to do business with the GSA.

Office ***of*** Acquisition Policy (General Services Administration Acquisition Manual (GSAM) and the General Services Administration Acquisition Regulation (GSAR))

GSA's internal rules and practices on how it buys goods and services from its business partners are covered by the General Services Administration Acquisition Manual (GSAM), which implements and supplement the Federal Acquisition Regulation at GSA. The GSAM comprises both a non-regulatory portion (GSAM), which reflects policies with no external impact, and a regulatory portion, the General Services Administration Acquisition Regulation (GSAR). The GSAR establishes agency acquisition regulations that affect GSA's business partners

(e.g. prospective offerors and contractors) and acquisition ***of*** leasehold interests in real property. The latter are established under

the authority ***of*** 40 U.S.C. 490. The GSAR implements contract clauses, solicitation provisions, and forms that control the relationship between GSA and contractors and prospective contractors.

II. Statement ***of*** Regulatory and Deregulatory Priorities

FTR Regulatory Priorities

In fiscal year 2014, GSA plans to amend the FTR by:

Revising Chapter 301, Temporary Duty Travel, ensuring accountability and transparency. This revision will ensure agencies' travel for missions is efficient and effective, reduces costs, promotes sustainability, and incorporates industry best practices at the lowest logical travel cost.

Revising Chapter 302, Relocation Allowances for

miscellaneous items to address current ***Government*** relocation needs which the last major rewrite (FTR Amendment 2011-01) did not update. This will include revising the Relocation Income Tax (RIT) Allowance; amending coverage on family relocation; and amending the calculations regarding the commuted rate for employee-managed household goods shipments.

FMR Regulatory Priorities

In fiscal year 2014, GSA plans to amend the FMR by:

Revising rules regarding management ***of*** ***Government*** aircraft;

Revising rules regarding management ***of*** Federal real

property;

Revising rules regarding management ***of*** Federal personal property.

GSAR Regulatory Priorities

GSA plans, to update the GSAR to maintain consistency with the Federal Acquisition Regulation (FAR) and to implement streamlined and innovative acquisition procedures that contractors, offerors, and GSA contracting personnel can utilize when entering into and administering contractual relationships. Currently, GSA is focusing on clarifying the GSAR by--

Providing consistency with the FAR;

Eliminating coverage that duplicates the FAR or creates inconsistencies within the GSAR;

Correcting inappropriate references listed to indicate the basis for the regulation;

Rewriting sections that have become irrelevant because ***of*** changes in technology or business processes or that place unnecessary administrative burdens on contractors and the ***Government***;

Streamlining or simplifying the regulation;

Rolling up coverage from the services and regions/zones that should be in the GSAR;

Providing new and/or augmented coverage; and

Deleting unnecessary burdens on small businesses.

Regulations ***of*** Concern to Small Businesses

FAR and GSAR rules are relevant to small businesses ***who*** do or wish to do business with the Federal ***Government***. Approximately 18,000 businesses, most ***of*** ***whom*** are small, have GSA schedule contracts. GSA assists its small businesses by providing assistance through its Office ***of*** Small Business Utilization. In addition, GSA extensively utilizes its regional resources, within FAS and PBS, to provide grassroots outreach to small business concerns, through hosting such outreach events, or participating in a vast array ***of*** other similar presentations hosted by others.

Regulations Which Promote Open ***Government*** and Disclosure

RIN 3090-AJ30; Federal Management Regulation (FMR); FMR Case 2012-102-4, Disposal and Reporting ***of*** Federal Electronic Assets (FEA):

The GSA is considering comments received during the publication ***of***

the Proposed Rule FMR 102-36 in developing its Final Rule. As envisioned, this policy directs agencies to dispose ***of*** non-functional electronics through more sustainable means, and will require publication ***of*** agency disposal data on www.data.gov for public viewing into Federal activities.

III. Retrospective Review ***of Existing*** Regulations

Pursuant to section 6 ***of*** Executive Order 13563 ``Improving Regulation and Regulatory Review'' (July, 2013), the GSA retrospective review and analysis final and updated regulations plan can be found at www.gsa.gov/improvingregulations. The FAR retrospective review and analysis final and updated regulations plan can be found at www.acquisition.gov.

Regulation Identifier No. Title

Proposed Rule Stage

3090-AI76..... General Services Administration Acquisition Regulation (GSAR); GSAR Case 2008-G506, Rewrite ***of*** GSAR Part 515, Contracting by Negotiation.

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3090-AI81..... General Services Administration Acquisition Regulation (GSAR); GSAR Case 2008-G509, Rewrite GSAR 536, Construction and Architect-Engineer Contracts.

3090-AI82..... General Services Administration Acquisition Regulation (GSAR); GSAR Case 2006-G506, Environment, Conservation, Occupational Safety, and Drug-Free Workplace.

3090-AJ29..... Federal Management Regulation (FMR); FMR Case 2012-102-3; ***Government*** Domain Registration and Management.

3090-AJ41..... General Services Administration Acquisition Regulation (GSAR); GSAR Case 2013-G502, Federal Supply Schedule Contracting (Administrative Changes).

Final Rule Stage

3090-AI79..... Federal Management Regulation (FMR); FMR Case

2008-102-4, Mail Management, Financial Requirements for All Agencies.
3090-AI95..... Federal Travel Regulation (FTR); FTR Case 2009-307, Temporary Duty (TDY) Travel Allowances (Taxes); Relocation Allowances (Taxes).
3090-AJ23..... Federal Travel Regulation (FTR); FTR Case 2011-310; Telework Travel Expenses Test Programs.
3090-AJ26..... Federal Management Regulation (FMR); FMR Case

2012-102-2; Donation ***of*** Surplus Personal Property.
3090-AJ27..... Federal Travel Regulation (FTR); FTR Case

2012-301; Removal ***of*** Conference Lodging Allowance Provisions.
3090-AJ30..... Federal Management Regulation (FMR); FMR Case

2012-102-4, Disposal and Reporting ***of*** Federal Electronic Assets (FEA).
3090-AJ34..... Federal Management Regulation (FMR); FMR Case
2012-102-5, Restrictions on International

Transportation ***of*** Freight and Household Goods.
3090-AJ46..... General Services Administration Acquisition Regulation (GSAR); GSAR Case 2013-G501;

Qualifications ***of*** Offerors.
3090-AJ47..... General Services Administration Acquisition Regulation (GSAR); GSAR Case 2014-G501; Progressive Awards and Monthly Quantity Allocations.

Completed Actions

3090-AJ06..... Federal Travel Regulation (FTR); FTR Case 2010-303; Terms and Definitions for ``Dependent,'' ``Domestic Partner,'' ``Domestic Partnership,'' and ``Immediate Family.''
3090-AJ11..... Federal Travel Regulation (FTR); FTR Case 2011-301; Per Diem, Miscellaneous Amendments.
3090-AJ21..... Federal Travel Regulation (FTR); FTR Case

2011-308; Payment ***of*** Expenses Connected with

the Death ***of*** Certain Employees.
3090-AJ22..... Federal Travel Regulation (FTR); FTR Case 2011-309, Lodging Reimbursement.
3090-AJ31..... General Service Administration Acquisition Regulation (GSAR); GSAR Case 2012-G503,

Industrial Funding Fee (IFF) and Sales
Reporting.
3090-AJ35..... Federal Management Regulation (FMR); FMR Case
2013-102-1; Obligating Authority.
3090-AJ36..... General Services Administration Acquisition
Regulation (GSAR); GSAR Case 2012-G501,
Electronic Contracting Initiative.
3090-AJ42..... General Services Administration Acquisition
Regulation (GSAR); GSAR Case 2010-G511,
Purchasing by Non-Federal Entities.

Dated: September 23, 2014.
Christine Harada,

Associate Administrator, Office ***of*** ***Government***-wide Policy.
BILLING CODE 6820-34-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

Statement ***of*** Regulatory Priorities

For this statement ***of*** priorities, NASA has no recent legislative and programmatic activities that affect its regulations. There are no rulemakings that are expected to have high net ***benefits***. All ***of*** the Agency's rulemaking promotes open ***government*** as the public is given an opportunity to review and comment on these rulemakings prior to promulgation. The Agency has no rulemakings that reduce unjustified burdens with no particular concern to small businesses, and there are no significant international impacts.

NASA continues to implement programs according to its 2014 Strategic Plan. NASA's mission is to ``Drive advances in science, technology, aeronautics, and space exploration to enhance knowledge, education, innovation, economic vitality, and stewardship ***of*** the Earth.'' The FY 2014 Strategic Plan, (available at http://www.nasa.gov/sites/default/files/files/2014_NASA_Strategic_Plan.pdf), guides NASA's program activities through a framework ***of*** the following three strategic goals:

Strategic Goal 1: Expand the frontiers ***of*** knowledge, capability, and opportunity in space.

Strategic Goal 2: Advance understanding ***of*** Earth and develop technologies to improve the quality ***of*** life on our home planet.

Strategic Goal 3: Serve the ***American*** public and accomplish our mission by effectively managing our people, technical capabilities,

and infrastructure.

In the decades since Congress enacted the National Aeronautics and Space Act ***of*** 1958, NASA has challenged its scientific and engineering capabilities in pursuing its mission, generating tremendous results and ***benefits*** for humankind. NASA will continue to push scientific and technical boundaries in pursuit ***of*** these goals.

The Federal Acquisition Regulation (FAR), 48 CFR chapter 1, contains procurement regulations that apply to NASA and other Federal agencies. NASA implements and supplements FAR requirements through the NASA FAR Supplement (NFS), 48 CFR chapter 18. NASA is in the process ***of*** reviewing and updating the entire NFS with a projected completion date ***of*** December 2015. Concurrently, NASA will continue to make routine changes to the NFS to implement NASA initiatives and Federal procurement policy.

Retrospective Review ***of Existing*** Regulations

Pursuant to section 6 ***of*** Executive Order 13579 ``Regulation and Independent Regulatory Agencies'' (Jul. 11, 2011), NASA regulations associated with its retrospective review and analysis are described in the Agency's final retrospective plan ***of existing*** regulations. Nineteen ***of*** these regulations were completed and are described below. NASA's final plan and

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updates can be found at http://www.nasa.gov/open, under the Compliance Documents Section.

Rulemaking That Was Streamlined and Reduced Unjustified Burdens

1. Supplemental Standards ***of*** Ethical Conduct for Employees ***of*** the National Aeronautics and Space Administration [5 CFR 6901]--NASA, with the concurrence ***of*** the Office ***of Government*** Ethics, amended its Supplemental Standards ***of*** Ethical Conduct for Employees ***of*** the National Aeronautics and Space Administration that permits student interns to seek prior approval to engage in outside employees with a NASA Contractor, subcontractor, grantee, or party to a NASA agreement in connect with work performed by that entity or under that agreement. The amendments clarified the types ***of*** outside employment activities that require approval, streamlined the process for approval, eliminated

obsolete position titles, and extended the permissible time period ***of*** approval. The revision to NASA's supplemental outside activity regulation liberalizes a general restriction prohibiting NASA employees from outside jobs performing work under NASA's contracts, grants and other agreements to allow student interns to do so if the work complies

with Federal ethics laws and U.S. Office ***of Government*** Ethics regulations. This modification helps insure that students in STEM (science, technology, engineering, and math) disciplines have full access to NASA development opportunities to maintain U.S. leadership in

these fields. The revision also narrows the scope ***of*** employee-owned businesses that NASA personnel must obtain prior agency approval to undertake to those that will perform or seek to perform Federal

government-related work. This change enhances workforce development by reducing burdens associated with pursuing outside activities that may help NASA employees develop new skills. Finally, the revision decentralizes and streamlines the approval process [79 FR 49225].

Rulemakings That Were Modified, Streamlined, Expanded, or Repealed

2. Removal ***of*** Obsolete Regulations: Space Flight Mission Critical Systems Personnel Reliability Program [14 CFR 1204]--NASA amended is regulations to make nonsubstantive changes by removing a regulation that was obsolete and no longer used [79 FR 7391].

3. Removal ***of*** Redundant Regulatory Text [14 CFR parts 1204, 1230, and 1232]--NASA amended its regulations to make nonsubstantive changes by removing redundant regulatory language that is already captured in

statutes that govern NASA activities related to delegation ***of*** authority

of certain civil rights functions, protection ***of*** human subjects, and

care and use ***of*** animals in the conduct ***of*** NASA activities [78 FR 76057].

4. Removal ***of*** Obsolete Regulation: Use ***of*** Centennial ***of*** Flight Commission Name [14 CFR 1204.506]--NASA amended its regulations to make nonsubstantive changes to remove a regulation that is obsolete and no longer used [77 FR 60619].

Rulemaking That Promotes Open ***Government*** and Uses Disclosure as a Regulatory Tool

5. Procedures for Disclosure ***of*** Records Freedom ***of*** Information Act

Regulations [14 CFR 1206]--NASA revised its Freedom ***of*** Information Act (FOIA) regulations to clarify and update procedures for requesting

information from the Agency, as well as procedures that the Agency follows in responding to requests from the public. These revisions also incorporate clarifications and update results from changes to the FOIA and case law, as well as include current cost figures to be used in calculating and charging fees and increase the amount ***of*** information that members ***of*** the public may receive from the Agency without being charged processing fees. This rule is a `how to' guide for submitting requests for Agency records, if these records are not currently on a public-facing Web site. The rule, which comports with the law, is an information access tool for disclosure ***of*** Agency records. Providing access details to the public through the FOIA rule is an effective means to promote open ***government*** and ensure the public has the knowledge ***of*** how to submit a request for Agency documents and what to expect once that request is received by the Agency [79 FR 46676].

Rulemakings That Are ***of*** Particular Concerns to Small Business

6. Small Business Policy [14 CFR 1204]--NASA amended its regulations to make nonsubstantive changes to update offices names and titles, described the role ***of*** the Small Business Technical Advisor, add more small business categories to include small disadvantaged business HUBZone small business, women-owned small business concerns, veteran-owned small business, and service-and disabled veteran-owned small business in accordance with and required by the Small Business Act (15 U.S.C. 631). NASA certifies that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601), because it would not have a significant economic impact on a substantial number ***of*** small businesses [78 FR 77352].

7. Nonprocurement Rule, Suspension, and Debarment [2 CFR 1880]--NASA has adopted as final, with no change, a proposed rule to extend coverage ***of*** non-procurement suspension and debarment to all tiers ***of*** procurement and non-procurement actions under all grants and cooperative agreements. NASA certifies that this rule does not have a significant economic impact on a substantial number ***of*** small entities within the meaning ***of*** the Regulatory Flexibility Act, 5 U.S.C. 601 et seq. Small entities are already required to check the Excluded Parties List System (EPLS) prior to making first-tier, procurement subawards under a grant or cooperative agreement. They will now be required to ensure that none ***of*** their potential subrecipients are on the EPLS. The

EPLS is an easy-to-access and easy to-use on-line resources [78 FR 13211].

Rulemaking That Has Significant International Impacts

8. Tracking and Data Relay Satellite System [14 CFR 1215]--NASA amended its regulations to make nonsubstantive changes to the policy governing the Tracking and Data Relay Satellite System (TDRSS) services provided to non-U.S. ***Government*** users and the reimbursement for rendering such services. TDRSS, also known as the Space Network, provides command, tracking, data, voice, and video services to the International Space Station, NASA's space and Earth science missions, and other Federal agencies, including the Department ***of*** Defense and the National Science Foundation. For a fee, commercial users can also have access to TDRSS for tracking and data acquisition purposes. Over the last 25 years, TDRSS has delivered pictures, television, scientific, and voice data to the scientific community and the general public, including data from more than 100 Space Shuttle and International Space Station missions and the Hubble Space Telescope. A principal advantage ***of*** TDRSS is providing communications services, which previously have been provided by multiple worldwide ground stations, with much higher data rates and lower latency to the user missions. The rule is designed for NASA to sell unused TDRSS time to non-U.S. ***Government*** customers.

The main class ***of*** current users ***of*** this rule is expendable launch vehicle providers. The United Launch Alliance (Atlas and Delta rockets), SpaceX (Falcon rocket), and Sea Launch

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(rocket) all use TDRSS to support their launch operations. The TDRSS allows them to receive data from their launch vehicles through most ***of*** the critical aspects ***of*** flight (mark events such as pre-launch testing, ignition, stage separations, engine start and stop, etc.). This service could be useful to international customers such as Arianespace (for their Vega or Ariane 5 launches out ***of*** French Guiana) or JAXA (for their H-IIA rocket), which has used TDRSS in the past. They would have to have TDRSS compatible transmitters on their vehicles in order to use the service. Low earth orbit (LEO) international customers not associated with NASA by international agreement would find it difficult to book unused TDRSS time, due to limited capacity on the system. ELVs are one-time, short duration events and much more likely to fit into the TDRSS schedule than a multiyear mission requiring many contacts per

day [77 FR 6949].

Other Rulemakings

9. NASA Protective Services Enforcement [14 CFR 1204]--NASA amended is regulations by adding a subpart to establish traffic enforcement authority and procedures at all NASA Centers and component facilities [79 FR 54902].

10. Aeronautics and Space--Statement ***of*** Organization and General Information [14 CFR 1201]--NASA amended its regulations to make nonsubstantive changes to provide current information ***of*** NASA's organization and to redesignate the Dryden Flight Research Center as the Armstrong Flight Research Center per H.R. 667 signed by the President on January 3, 2014 [79 FR 18443].

11. Delegation and Designations [14 CFR 1204]--NASA amended its regulations to make nonsubstantive changes to correct citations and title throughout [79 FR 11318].

12. Inventions and Contributions [14 CFR 1240] NASA amended its regulations to clarify and update the procedures for board recommended awards and the procedures and requirements for recommended special initial awards, including patent application awards, software release awards, and Tech Brief awards, and to update citations and the information on the systems used for reporting inventions and issuing award payments [77 FR 27365].

13. Information Security Protection [14 CFR 1203]--NASA amended its regulations to make nonsubstantive changes to align with and implement the provisions ***of*** Executive Order (E.O.) 13526, Classified National Security Information, and appropriately to correspond with NASA's internal requirements, NPR 1600.2, Classified National Security Information, that establishes the Agency's requirements for the proper implementation and management ***of*** a uniform system for classifying, accounting, safeguarding, and declassifying national security information generated by or in the possession ***of*** NASA [78 FR 5116].

14. Claims for Patent and Copyright Infringement [14 CFR 1245]--NASA finalized its regulations relating to requirements for the filing ***of*** claims against NASA where a potential claimant believes NASA is infringing privately owned rights in patented inventions or copyrighted works. The requirements for filing an administrative claim are important since the filing ***of*** a claim carries with it certain rights relating to the applicable statute ***of*** limitations for filing suit

against the ***Government***. The regulations set forth guidelines as to what NASA considers necessary to file a claim for patent or copyright infringement, and they also provide for written notification to the

claimant upon completion ***of*** an investigation by NASA [77 FR 14686].

15. Procedures for Implementing the National Environmental Policy Act [14 CFR 1216]--NASA amended its regulations governing compliance

with the National Environmental Policy Act ***of*** 1969 (NEPA) and the

Council on Environmental Quality's (CEQ) Code ***of*** Federal Regulations (CFR) (40 CFR parts 1500-1508). This rule replaces procedures contained in NASA's current regulations. The revised regulations are intended to improve NASA's efficiency in implementing NEPA requirements by reducing costs and preparation time while maintaining quality. In addition, NASA's experience in applying the NASA NEPA regulations since they were issued in 1988 suggested the need for NASA to make changes in its NEPA regulations. [77 FR 3102]

16. Boards and Committees [14 CFR 1209]--NASA amended its regulations to make nonsubstantive changes to correct and remove citations referenced in NASA's Contract Adjustment Board rule [78 FR 20422].

17. Research Misconduct [14 CFR 1275]--NASA amended its regulations

to make nonsubstantive changes to the policy governing the handling ***of***

allegations ***of*** research misconduct and updates to reflect organizational changes that have occurred in the Agency [77 FR 44439].

18. Updating ***of*** ***Existing*** Privacy Act--NASA Regulations [14 CFR 1212]--NASA amended its regulations to make nonsubstantive changes to

its rules governing implementation ***of*** the Privacy Act by updating statute citations, position titles, terminology, and adjusting appellate responsibility for records for records held by the NASA

Office ***of*** the Inspective General [77 FR 60620].

19. NASA Security and Protective Service Enforcement [14 CFR 1203a, 1203b, 1204]--NASA amended its regulations to make nonsubstantive changes to its regulations to clarify the procedures for establishing controlled/secure areas and to revise the definitions for these areas and the process for granting access to these areas, as well as denying

or revoking access to such areas. Arrest powers and authority ***of*** NASA security force personnel are also updated and clarified to include the

carrying ***of*** weapons and the use ***of*** such weapons should a circumstance require it [78 FR 5122].

Abstracts for other regulations that will be amended or repealed

between October 2014 and October 2015 are reported in the fall 2014 edition ***of*** Unified Agenda ***of*** Federal Regulatory and Deregulation actions.

BILLING CODE 7510-13-P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

Statement ***of*** Regulatory Priorities

Overview

The National Archives and Records Administration (NARA) primarily issues regulations directed to other Federal agencies and to the public. These regulations include records management, information services, access to and use ***of*** NARA holdings, and grant programs. For example, records management regulations directed to Federal agencies concern the proper management and disposition ***of*** Federal records. Through the Information Security Oversight Office (ISOO), NARA also issues ***Government***-wide regulations concerning information security classification and declassification programs. NARA regulations directed to the public address access to and use ***of*** our historically valuable holdings, including archives, donated historical materials, Nixon Presidential materials, and Presidential records. NARA also issues regulations relating to the National Historical Publications and Records Commission (NHPRC) grant programs.

NARA has two regulatory priorities for Fiscal Year 2015, which are included in The Regulatory Plan. The first are NARA's continuing revisions to the

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Federal records management regulations found at 36 CFR chapter XII, subchapter B. The proposed changes include changes resulting from the 2011 Presidential Memorandum on Managing ***Government*** Records and the 2012 Managing ***Government*** Records Directive (M-12-18). The proposed rules will affect Federal agencies' records management programs relating to proper records creation and maintenance, adequate documentation, electronic recordkeeping requirements, use ***of*** the Electronic Records Archive (ERA) for records transfer, and records disposition. The proposed revisions have begun with changes to provisions at 36 CFR parts 1222, 1223, 1224, 1227, 1229, 1232, 1233, 1235, 1237, and 1239. These provisions were substantially revamped and began undergoing public comment beginning in September 2014. Additional

proposed revisions to the subchapter will be published for public comment later this fiscal year as well.

The second priority is a new regulation on Controlled Unclassified Information (CUI). The Information Security Oversight Office (ISOO), a component ***of*** NARA, is proposing this rule pursuant to Executive Order 13556. The Order establishes an open and uniform program for managing information requiring safeguarding or dissemination controls. This rule sets forth guidance to agencies on safeguarding, disseminating, marking, and decontrolling CUI, self-inspection and oversight requirements, and other facets ***of*** the program.

BILLING CODE 7515-01-P

2014 OPM

Statement ***of*** Regulatory Priorities

Personnel Management in Agencies

The Chief Human Capital Act ***of*** 2002 requires OPM to develop systems, standards, and metrics for strategic human capital management in agencies. This rule promulgates these systems, standards, and metrics.

Human Resources Management Reporting Requirements

This rule was a Presidential initiative as part ***of*** paperwork reduction and eliminating burdensome and unnecessary reporting. It enables agencies to focus on strategic human capital management rather than administrative reporting. We have been building new leadership and accountability mechanisms around its requirements. This rule also supports Strategic Goal 3 as OPM is building internal data and reporting capabilities to replace these burdensome reporting requirements on agencies.

Performance Appraisal System Certification for Pay Purposes

This rule establishes certification criteria and procedures for agencies to follow to have their Senior Executive and Senior Professional's appraisal system certified by OPM. An agency appraisal system is certified only when a review ***of*** that system's design (i.e., system documentation), implementation (i.e., performance plans), and application (i.e., results) reveals that the agency meets the certification criteria. The appraisal process must make meaningful distinctions based on relative performance. The law requires OPM and OMB to jointly regulate the criteria and process used for appraisal system certification.

Managing Senior Executive Performance

This rule fosters an effective enterprise approach to the performance management ***of*** Senior Executive Service (SES) members. In January 2012, OPM and OMB released a basic SES appraisal system to provide a more consistent and uniform framework to communicate expectations and evaluate the performance ***of*** SES members. The system focuses on the role and responsibility ***of*** SES members to achieve results through effective executive leadership. This rule includes the requirements ***of*** this system.

Federal Employees Health ***Benefits*** Program

OPM will make several amendments to the Federal Employees Health ***Benefits*** (FEHB) regulations to adhere to the provisions ***of*** the Affordable Care Act ***of*** 2010. These amendments include enrollments for eligible employees ***of*** Tribes and Tribal organizations, changes to resolutions ***of*** disputed health claims and external reviews, rate settings for community-rated plans, enrollment options following the termination ***of*** a plan or plan option, and the expansion ***of*** eligibility to certain employees on temporary appointments and certain employees on seasonal and intermittent schedules.

BILLING CODE 6325-44-P

PENSION ***BENEFIT*** GUARANTY CORPORATION (PBGC)

Statement ***of*** Regulatory and Deregulatory Priorities

The Pension ***Benefit*** Guaranty Corporation (PBGC) protects the pensions ***of*** more than 40 million people in more than 25,000 private-sector defined ***benefit*** plans. PBGC receives no tax revenues. Operations are financed by insurance premiums, investment income, assets from pension plans trusteed by PBGC, and recoveries from the companies formerly responsible for the trusteed plans.

To carry out these functions, PBGC issues regulations on such matters as termination, payment ***of*** premiums, reporting and disclosure, and assessment and collection ***of*** employer liability. The Corporation is committed to issuing simple, understandable, flexible, and timely regulations to help affected parties.

PBGC continues to follow a regulatory approach that does not

inadvertently discourage the maintenance ***of*** ***existing*** defined ***benefit***

plans or the establishment ***of*** new plans. Thus, in developing new

regulations and reviewing ***existing*** regulations, the focus, to the extent possible, is to avoid placing burdens on plans, employers, and participants, and to ease and simplify employer compliance. PBGC

particularly strives to meet the needs ***of*** small businesses that sponsor

defined ***benefit*** plans.

PBGC develops its regulations in accordance with the principles set forth in Executive Order 13563 ``Improving Regulation and Regulatory Review'' (Jan. 18, 2011), and PBGC's Plan for Regulatory Review

(Regulatory Review Plan).\1\ This Statement ***of*** Regulatory and

Deregulatory Priorities reflects PBGC's ongoing implementation ***of*** its Regulatory Review Plan.

\1\ *http://www.pbgc.gov/documents/plan-for-regulatory-review.pdf*

. Progress reports on the plan can be found at *http://www.pbgc.gov/res/laws-and-regulations/reducing-regulatory-burden.html*.

PBGC Insurance Programs

PBGC administers two insurance programs for privately defined

benefit plans under title IV ***of*** the Employee Retirement Income Security

Act ***of*** 1974 (ERISA):

Single-Employer Program. Under the single-employer program, when a plan terminates with insufficient assets to cover all

plan ***benefits*** (distress and involuntary terminations), PBGC pays plan

benefits that are guaranteed under title IV. PBGC also pays

nonguaranteed plan ***benefits*** to the extent funded by plan assets or recoveries from employers.

Multiemployer Program. The smaller multiemployer program covers more than 1,450 collectively bargained plans involving more than one unrelated employer. PBGC provides financial assistance (in the form

of a loan) to the plan if the plan is unable

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to pay ***benefits*** at the guaranteed level. Guaranteed ***benefits*** are less

than single-employer guaranteed ***benefits***.

At the end ***of*** fiscal year 2013, PBGC had a deficit ***of*** about $36 billion in its insurance programs. Current PBGC premiums are insufficient.

Regulatory Objectives and Priorities

PBGC's regulatory objectives and priorities are developed in the context ***of*** the Corporation's statutory purposes:

To encourage voluntary private pension plans.

To provide for the timely and uninterrupted payment ***of*** pension ***benefits***.

To keep premiums at the lowest possible levels.

Pensions and the statutory framework in which they are maintained and terminate are complex. Despite this complexity, PBGC is committed to issuing simple, understandable, flexible, and timely regulations and other guidance that do not impose undue burdens that could impede maintenance or establishment ***of*** defined ***benefit*** plans.

Through its regulations and other guidance, PBGC strives to minimize burdens on plans, plan sponsors, and plan participants; simplify filing; provide relief for small businesses and plans; and assist plans in complying with applicable requirements. To enhance policy-making through collaboration, PBGC also plans to expand opportunities for public participation in rulemaking (see Open ***Government*** and Public Participation below).

PBGC's current regulatory objectives and priorities are to simplify its regulations and reduce burden, particularly in the areas ***of*** premiums and reporting, enhance retirement security, and complete implementation ***of*** the Pension Protection Act ***of*** 2006 (PPA 2006).

Rethinking ***Existing*** Regulations

Pursuant to section 6 ***of*** Executive Order 13563 ``Improving Regulation and Regulatory Review'' (Jan. 18, 2011), the following Regulatory Identifier Numbers (RINs) have been identified as associated with retrospective review and analysis in the Department's final retrospective review ***of*** regulations plan. The regulatory actions associated with these RINs, as well as other regulatory review projects, are described below.

Title	RIN	Effect on small business

Reportable Events..... 1212-AB06 Expected to reduce burden on small business.

Premium Rates; Payment ***of*** Premiums; Reducing Regulatory Burden. 1212-AB26 Reduces the burden on small business.

Multiemployer Plans; Valuation and Notice Requirements. 1212-AB25 Little effect on small business.

Allocation ***of*** Assets in Single-Employer Plans; Valuation ***of*** ***Benefits*** and Assets. 1212-AA55 Undetermined.

Reportable events. PPA 2006 affected certain provisions in PBGC's reportable events regulation, which requires employers to notify PBGC ***of*** certain plan or corporate events. In November 2009, PBGC published a proposed rule to conform the regulation to the PPA 2006 changes and make other changes.\2\ In response to Executive Order 13563 and comments on the proposed rule, in April 2013, PBGC published a new proposal that would exempt more than 90 percent ***of*** plans and sponsors from many reporting requirements. The new proposal takes advantage ***of*** other ***existing*** reporting requirements and methods to avoid burdening companies and plans and expands waivers and redefines events to reduce reporting. The new proposal implements stakeholder suggestions that different reporting requirements should apply in circumstances where the risk to PBGC is low or compliance is especially burdensome. PBGC is developing the final rule, taking into account the public comments.

\2\ 74 FR 61248 (Nov. 23, 2009), *http://www.pbgc.gov/Documents/E9-28056.pdf* .

Premiums. In January and March 2014 PBGC published final rules to make its premium rules more effective and less burdensome. \3\ PBGC developed the rules in response to regulatory review and public comments. The changes simplify due dates, coordinate the due date for terminating plans with the termination process, make conforming and clarifying changes to the variable-rate premium rules, and provide for relief from penalties. Large plans no longer have to pay flat-rate premiums early; small plans get more time to value ***benefits***. The changes were favorably received by the pension community.

\3\ 79 FR 347 (Jan. 3, 2014), http://www.pbgc.gov/documents/2013-31109.pdf; 79 FR 13547 (Mar. 11, 2014), http://www.pbgc.gov/documents/2014-05212.pdf .

Multiemployer plans. In May 2014, PBGC published a final rule amending PBGC's multiemployer regulations.\4\ The changes were developed as a result ***of*** PBGC's regulatory review. The amendments reduce the number ***of*** actuarial valuations required for certain small terminated but not insolvent plans, shorten the advance notice filing requirements for mergers in situations that do not involve a compliance determination, and remove certain insolvency notice and update requirements.

\4\ 79 FR 30459 (May 28, 2014), http://www.pbgc.gov/documents/2014-12154.pdf .

Allocation ***of*** Assets in Single-Employer Plans; Valuation ***of*** ***Benefits*** and Assets. In FY 2014, PBGC began an internal process to establish routine, periodic review ***of*** PBGC regulations and policies to ensure that the actuarial and economic content remains current.

ERISA section 4062(e). The statutory provision requires reporting ***of***, and liability for, certain substantial cessations ***of*** operations by employers that maintain single-employer plans. In August 2010, PBGC issued a proposed rule to provide guidance on the applicability and enforcement ***of*** section 4062(e).\5\ In light ***of*** comments on the proposal and PBGC's enforcement practices, in November 2012, PBGC announced a 4062(e) enforcement pilot program under which it did not enforce in the case ***of*** small plans or financially strong sponsors (90 percent ***of*** plans are small or have financially strong sponsors). In July 2014, PBGC announced a moratorium, until the end ***of*** 2014, on the enforcement ***of*** 4062(e) cases.\6\ The moratorium will enable PBGC to further target at-risk plans and work with the business community, labor, and other stakeholders to minimize effects on necessary business activities. At this time, PBGC is withdrawing RIN 1212-AB20 from its regulatory agenda.

\5\ 75 FR 48283 (Aug. 10, 2010), http://www.pbgc.gov/Documents/2010-19627.pdf .

\6\ http://www.pbgc.gov/news/press/releases/pr14-09.html .

ERISA section 4010. PBGC is reviewing its regulation on Annual Financial and Actuarial Information Reporting (part 4010) and the related e-filing application to consider ways ***of*** reducing reporting burden and ensuring that PBGC receives the critical information it needs.

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Retirement Security

DC to DB plan rollovers.

In April 2014, PBGC published a proposed rule that would clarify the treatment ***of benefits*** resulting from a rollover distribution from a defined contribution plan to a defined ***benefit*** plan, if the defined ***benefit*** plan was terminated and trusteed by PBGC.\7\ Under the proposal, a ***benefit*** resulting from rollover amounts generally would not be subject to PBGC's maximum guaranteeable ***benefit*** or phase-in limitations and would be in the second highest priority category ***of benefits*** in the allocation ***of*** assets. The proposed rule was well-received by the public, and PBGC expects to publish a final rule early in FY 2015. This rulemaking is part ***of*** PBGC's efforts to enhance retirement security by promoting lifetime income options.

\7\ 79 FR 18483 (Apr. 2, 2014), http://www.pbgc.gov/documents/2014-07323.pdf .

PPA 2006 Implementation

Cash balance plans. PPA 2006 changed the rules for determining ***benefits*** in cash balance plans and other statutory hybrid plans. In October 2011, PBGC published a proposed rule implementing the changes in both PBGC-trusteed plans and in plans that close out in the private sector.\8\ The final rule is on hold until Treasury issues final regulations.

\8\ 76 FR 67105 (Oct. 31, 2011), http://www.pbgc.gov/Documents/2011-28124.pdf .

Missing participants. A major focus ***of*** PBGC's current regulatory efforts is the development ***of*** a proposal to improve and expand our

missing participants program. The expanded program will cover terminating defined contribution plans, non-covered defined ***benefit*** plans, and multiemployer plans. The proposal will take into account comments received from employers, plans, and other stakeholders in response to a 2013 Request for Information. PBGC is working with IRS and DOL to coordinate ***government*** requirements for dealing with missing participant issues. PBGC expects to publish a proposed regulation early in FY 2015.

Shutdown ***benefits***. Under PPA 2006, the phase-in period for the guarantee ***of*** a ***benefit*** payable solely by reason ***of*** an ``unpredictable contingent event,'' such as a plant shutdown, starts no earlier than the date ***of*** the shutdown or other unpredictable contingent event. PBGC published a final rule implementing this statutory change in May 2014.\9\

\9\ 79 FR 25667 (May 6, 2014), *http://www.pbgc.gov/documents/2014-10357.pdf*

Small Businesses

PBGC takes into account the special needs and concerns ***of*** small businesses in making policy. A large percentage ***of*** the plans insured by PBGC are small or maintained by small employers. PBGC has issued or is considering several proposed rules that will focus on small businesses:

Small plan premium due date. The March 2014 final rule discussed above under Retrospective Review ***of*** ***Existing*** Regulations addresses concerns that some small plans determine funding levels too late in the year to be able to use current-year figures for the variable-rate premium by the new uniform due date. Under the final rule, small plans generally use prior-year figures for the variable-rate premium (with a provision for opting to use current-year figures).

Reportable events. The reportable events proposed rule discussed above under Retrospective Review ***of*** ***Existing*** Regulations would waive many reporting requirements for plans with fewer than 100 participants.

Missing participants. The missing participants proposed rule discussed above under PPA 2006 Implementation would ***benefit*** small businesses by simplifying and streamlining current requirements, better coordinating with requirements ***of*** other agencies, and providing more options for sponsors ***of*** terminating non-covered plans.

Open ***Government*** and Increased Public Participation

PBGC is doing more to encourage public participation in the regulatory process. For example, PBGC's current efforts to reduce regulatory burden are in substantial part a response to public comments. Regulatory projects discussed above, such as reportable events, ERISA section 4062(e), and ERISA section 4010, highlight PBGC's customer-focused efforts to reduce regulatory burden.

PBGC's Regulatory Review Plan sets forth ways to expand opportunities for public participation in the regulatory process. For example, in June 2013, PBGC held its first ever regulatory hearing on the reportable events proposed rule, so that the agency would have a better understanding ***of*** the needs and concerns ***of*** plan administrators and plan sponsors. PBGC's 2013 Request for Information on missing participants in individual account plans is another example ***of*** PBGC's efforts to solicit public participation in the regulatory process.

PBGC plans to provide additional means for public involvement, including on-line town hall meetings, social media, and continuing opportunity for public comment on PBGC's Web site.

PBGC also invites comments on the Regulatory Review Plan on an on-going basis as we engage in the review process. Comments should be sent to *regs.comments@pbgc.gov*

PBGC will continue to look for ways to further improve its regulations.

BILLING CODE 7709-01-P

U.S. SMALL BUSINESS ADMINISTRATION (SBA)

Statement ***of*** Regulatory Priorities

Overview

The mission ***of*** the U.S. Small Business Administration (SBA) is to maintain and strengthen the Nation's economy by enabling the establishment and viability ***of*** small businesses and by assisting in economic recovery ***of*** communities after disasters. In carrying out this mission, SBA strives to improve the economic environment for small businesses, including those in areas that have significantly higher unemployment and lower income levels than the Nation's averages and those in traditionally underserved markets. The Agency serves as a guarantor ***of*** small business loans, and also provides management and technical assistance to ***existing*** or potential small business owners through various grants, cooperative agreements or contracts. This

access to capital and other assistance provides a crucial foundation

for those starting a new business, or growing an ***existing*** business and ultimately creating new jobs. SBA also provides direct financial assistance to homeowners, renters, and small business owners to help

communities to rebuild in the aftermath ***of*** a disaster.

Reducing Burden on Small Businesses

SBA's regulatory policy reflects a commitment to developing regulations that reduce or eliminate the burden on the public, especially the Agency's core constituents--small businesses. SBA's

regulatory process generally includes an assessment ***of*** the costs and

benefits ***of*** the regulations as required by Executive Order 12866, ``Regulatory Planning and Review''; Executive Order 13563, ``Improving Regulation and Regulatory Review''; and the Regulatory Flexibility Act. SBA's program offices are particularly invested in finding ways to reduce the burden imposed by the Agency's core activities in its loan, innovation, and procurement programs.

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Openness and Transparency

SBA promotes transparency, collaboration, and public participation in its rulemaking process. To that end, SBA routinely solicits comments on its regulations, even those that are not subject to the public notice and comment requirement under the Administrative Procedure Act. Where appropriate, SBA also conducts hearings, webinars, and other

public events as part ***of*** its regulatory process.

Regulatory Framework

The SBA's FY 2014 to FY 2018 strategic plan serves as the foundation for the regulations that the Agency will develop during the next 12 months. The strategic plan proposes three strategic goals: (1) Growing businesses and creating jobs; (2) serving as the voice for

small business; and (3) building an SBA that meets the needs ***of*** today's and tomorrow's small businesses. In order to achieve these goals SBA will, among other objectives, focus on:

Expanding access to capital through SBA's extensive lending network;

Ensuring Federal contracting goals are met or exceeded by

collaborating across the Federal ***Government*** to expand opportunities for

small businesses and strengthen the integrity ***of*** the Federal contracting data and certification process;

Strengthening SBA's relevance to high growth entrepreneurs and small businesses to more effectively drive innovation and job creation; and

Mitigating risk and improving program oversight.

The regulations reported in SBA's semi-annual regulatory agenda and plan are intended to facilitate achievement ***of*** these goals and objectives. Over the next 12 months, SBA's highest regulatory priority is to implement the Mentor-Prot[eacute]g[eacute] Programs, which were authorized by the Small Business Jobs Act, for participants in the HUBZone, Women Owned Small Business (WOSB) Contracting, and Service-Disabled Veteran-Owned Small Business (SDVOSB) Programs and expanded to all small business concerns by the National Defense Authorization Act for FY 2013.

(1) Small Business Mentor-Prot[eacute]g[eacute] Programs (RIN: 3245-AG24):

SBA currently has a mentor-prot[eacute]g[eacute] program for the 8(a) Business Development Program that is intended to enhance the capabilities ***of*** the prot[eacute]g[eacute] and to improve its ability to successfully compete for Federal contracts. The Small Business Jobs Act authorized SBA to use this model to establish similar mentor-prot[eacute]g[eacute] programs for the Service Disabled Veteran Owned, HUBZone and Women-Owned Small Business Programs. The National Defense Authorization Act for FY 2013 further authorized SBA to extend the availability ***of*** mentor-prot[eacute]g[eacute] programs to all small business concerns. During the next 12 months, one ***of*** SBA's priorities will be to issue regulations establishing these newly authorized mentor-prot[eacute]g[eacute] programs. The various types ***of*** assistance that a mentor will be expected to provide to a prot[eacute]g[eacute] include technical and/or management assistance; financial assistance in the form ***of*** equity investment and/or loans; subcontracts and/or assistance in performing prime contracts with the ***Government*** in the form ***of*** joint venture arrangements.

Retrospective Review ***of Existing*** Regulations

Pursuant to section 6 ***of*** Executive Order 13563 ``Improving Regulation and Regulatory Review'' (Jan. 18, 2011), SBA developed a plan for the retrospective review ***of*** its regulations. Since that date

SBA has issued several updates to this plan to reflect the Agency's ongoing efforts in carrying out this executive order. The final agency plan and review updates can be found at http://www.sba.gov/about-sba/sba_performance/open_government/retrospective_review_of_regulations.

BILLING CODE 8025-01-P

SOCIAL SECURITY ADMINISTRATION (SSA)

Statement of Regulatory Priorities

We administer the Retirement, Survivors, and Disability Insurance programs under title II of the Social Security Act (Act), the Supplemental Security Income (SSI) program under title XVI of the Act, and the Special Veterans Benefits program under title VIII of the Act. As directed by Congress, we also assist in administering portions of the Medicare program under title XVIII of the Act. Our regulations codify the requirements for eligibility and entitlement to benefits and our procedures for administering these programs. Generally, our regulations do not impose burdens on the private sector or on State or local governments, except for the States' disability determination services. We fully fund the disability determination services in advance or by way of reimbursement for necessary costs in making disability determinations.

The ten entries in our regulatory plan (plan) represent issues of major importance to the Agency. We describe the individual initiatives more fully in the attached plan.

Improving the Disability Process

Since the continued improvement of the disability program is of vital concern to us, we have initiatives in the plan addressing disability-related issues. They include:

One proposed rule and five final rules update the medical listings used to determine disability--evaluating digestive disorders, neurological impairments, hematological disorders, growth disorders and weight loss in children, human immunodeficiency virus infection for evaluating functional limitation in immune system disorders, and cancer (malignant neoplastic diseases). The revisions reflect our adjudicative experience and advances in medical knowledge, diagnosis, and treatment.

Enhance Public Service

Another proposed rule will require our claimants to inform us or to

submit all evidence known to them that relates to their disability claim.

We are revising our rules to allow applicants for a Social Security number card to apply by completing a prescribed application and submitting the required evidence, rather than completing a paper application.

There is one proposed rule that will enhance claims processing. The rule will strengthen the integrity ***of*** our programs by clarifying our expectations about the obligations representatives have in representing their clients.

Retrospective Review ***of Existing*** Regulations

Pursuant to section 6 ***of*** Executive Order 13563 ``Improving Regulation and Regulatory Review'' (January 18, 2011), the following Regulatory Identifier Numbers (RINs) have been identified as associated with retrospective review and analysis in our final retrospective review ***of*** regulations plan. Some ***of*** the entries on this list may be completed actions, which do not appear in The Regulatory Plan. However, you can find more information about these completed rulemakings in past publications ***of*** the Unified Agenda at: *www.Reginfo.gov* in the Completed Actions section for the Social Security Administration. You can also find these rulemakings at: *www.Regulations.gov*. The agency final plans are located at: *www.socialsecurity.gov/open/regsreview/EO-13563-Final-Plan.html*.

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RIN	Title	Expected to significantly reduce burdens on small businesses
0960-AF35	Revised Medical Criteria for Evaluating Neurological Impairments.	No
0960-AF58	Revised Medical Criteria for Evaluating Respiratory System Disorders.	No
0960-AF69	Revised Medical Criteria for Evaluating Mental Disorders.	No
0960-AF88	Revised Medical Criteria for Evaluating Hematological Disorders.	No
0960-AG21	New Medical Criteria for Evaluating Language and Speech Disorders.	No
0960-AG28	Revised Medical Criteria for Evaluating Growth Impairments.	No

0960-AG38..... Revised Medical Criteria for Evaluating No.
Musculoskeletal Disorders.
0960-AG65..... Revised Medical Criteria for Evaluating No.
Digestive Disorders.
0960-AG74..... Revised Medical Criteria for Evaluating No.
Cardiovascular Disorders.
0960-AG91..... Revised Medical Criteria for Evaluating No.
Skin Disorders.
0960-AH04..... Revised Medical Criteria for Evaluating No.
Congenital Disorders That Affect Multiple
Body Systems.
0960-AH28..... Revised Medical Criteria for Evaluating No.
Visual Disorders.
0960-AH43..... Revised Medical Criteria for Evaluating No.
Cancer (Malignant Neoplastic Diseases).
0960-AH54..... Revised Medical Criteria for Evaluating No.

Hearing Loss and Disturbances ***of***
Labyrinthine-Vestibular Function.

SSA

Proposed Rule Stage

149. Revised Medical Criteria for Evaluating Digestive Disorders
(3441P)

Priority: Other Significant.
Legal Authority: 42 U.S.C. 402; 42 U.S.C. 405(a); 42 U.S.C. 405(b); 42 U.S.C. 405(d) to 405(h); 42 U.S.C. 416(i); 42 U.S.C. 421(a); 42 U.S.C. 421(i); 42 U.S.C. 423; 42 U.S.C. 902(a)(5); 42 U.S.C. 1381a; 42 U.S.C. 1382c; 42 U.S.C. 1383; 42 U.S.C. 1383b.
CFR Citation: 20 CFR 404.1500, app 1.
Legal Deadline: None.

Abstract: Sections 5.00 and 105.00, Digestive Systems, ***of*** appendix 1 to subpart P ***of*** part 404 ***of*** our regulations describe those digestive disorders that we consider severe enough to prevent a person from doing any gainful activity, or that cause marked and severe functional limitations for a child claiming Supplemental Security Income payments under title XVI. We are proposing to revise the criteria in these sections to ensure that the medical evaluation criteria are up-to-date and consistent with the latest advances in medical knowledge and treatment.

Statement ***of*** Need: These proposed rules will update, simplify, and clarify our rules.

Summary ***of*** Legal Basis: Administrative--not required by statute or court order.
Alternatives: We could continue to use our current criteria.

However, we believe these proposed revisions are necessary because ***of*** our program experience, information we received from medical experts we consulted, and comments we received at the Listings Symposium and in response to the ANPRM.

Anticipated Cost and ***Benefits***: Presently under review.
Risks: None.
Timetable:

Action Date FR Cite

ANPRM..... 12/12/07 72 FR 70527
ANPRM Comment Period End..... 02/11/08 .....
NPRM..... 01/00/15 .....

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: No.

Government Levels Affected: None.
Additional Information: Includes Retrospective Review under E.O. 13563.

URL for Public Comments: *www.regulations.gov*.
Agency Contact: Cheryl A. Williams, Director, Social Security

Administration, Office ***of*** Medical Listings Improvement, 6401 Security Boulevard, Baltimore, MD 21235-6401, Phone: 410 965-1020.
Shawnette Ashburne, Social Insurance Specialist, Social Security

Administration, Office ***of*** Medical Listings Improvement, 6401 Security Boulevard, Baltimore, MD 21235-6401, Phone: 410 966-5788.
Brian J. Rudick, Social Insurance Specialist, Regulations Writer,

Social Security Administration, Office ***of*** Regulations and Reports Clearance, 6401 Security Boulevard, Baltimore, MD 21235-6401, Phone: 410 965-7102.
RIN: 0960-AG65

SSA

150. Revisions to Representative Code ***of*** Conduct (3835P)

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.
Unfunded Mandates: Undetermined.
Legal Authority: Not Yet Determined.
CFR Citation: Not Yet Determined.
Legal Deadline: None.
Abstract: This regulatory change adds several affirmative duties and prohibited actions for representatives, including the requirement to assist claimants with complying with the directive to submit all evidence. We will also clarify some ***of*** our rules regarding processing representative sanction actions at the hearing and Appeals Council levels and change the timeframe for suspended representatives to request reinstatement when the Appeals Council denies an initial request for reinstatement from 1 to 3 years.

Statement ***of*** Need: We revised the rules ***of*** conduct in 2011 and are further clarifying our expectations about the obligations ***of*** representatives to competently represent their clients. These changes are necessary because our current regulations do not address some representative conduct that we find inappropriate. We are also updating procedures we use when we bring charges against a representative for violating our rules ***of*** conduct. These changes will allow us to better protect the integrity ***of*** our administrative process and further clarify representatives' responsibilities in their conduct with us and claimants.

Summary ***of*** Legal Basis: Administrative-not required by statute or court order.
Alternatives: Based on our program experience, there are no alternatives at this time. These rules will be based on recommendations.

Anticipated Cost and ***Benefits***: The administrative effect ***of*** this regulation is negligible.
Risks: Undetermined.
Timetable:

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Action Date FR Cite

NPRM..... 01/00/15 .....

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

URL for Public Comments: *www.regulations.gov*.
Agency Contact: William P. Gibson, Social Insurance Specialist,

Regulations Writer, Social Security Administration, Office ***of***
Regulations and Reports Clearance, 6401 Security Boulevard, Baltimore,
MD 21235-6401, Phone: 410 966-9039.
RIN: 0960-AH63

SSA

Final Rule Stage

151. Revised Medical Criteria for Evaluating Neurological Impairments
(806F)

Priority: Other Significant.
Legal Authority: 42 U.S.C. 402; 42 U.S.C. 405(a); 42 U.S.C. 405(b); 42 U.S.C. 405(d) to 405(h); 42 U.S.C. 416(i); 42 U.S.C. 421(a); 42 U.S.C. 421(i); 42 U.S.C. 423; 42 U.S.C. 902(a)(5); 42 U.S.C. 1381a; 42 U.S.C. 1382c; 42 U.S.C. 1383; 42 U.S.C. 1383b.
CFR Citation: 20 CFR 404.1500, app 1.
Legal Deadline: None.

Abstract: Sections 11.00 and 111.00, Neurological Impairments, ***of*** appendix 1 to subpart P ***of*** part 404 ***of*** our regulations describe neurological impairments that we consider severe enough to prevent a person from doing any gainful activity, or that cause marked and severe functional limitations for a child claiming Supplemental Security Income payments under title XVI. We will revise these sections to ensure that the medical evaluation criteria are up-to-date and consistent with the latest advances in medical knowledge and treatment.

Statement ***of*** Need: These final rules are necessary to update the listings for evaluating neurological impairments to reflect advances in medical knowledge, treatment, and methods ***of*** evaluating these impairments. The changes will ensure that determinations ***of*** disability have a sound medical basis, that claimants receive equal treatment through the use ***of*** specific criteria, and that people ***who*** are disabled can be readily identified and awarded ***benefits*** if all other factors ***of*** entitlement or eligibility are met.

Summary ***of*** Legal Basis: Administrative-not required by statute or

court order.

Alternatives: We considered not revising the listings and continuing to use our current criteria. However, we believe that these revisions are preferable because ***of*** the medical advances that have been made in treating and evaluating these types ***of*** impairments.

Anticipated Cost and ***Benefits***: Estimated Savings-low.

Risks: None.

Timetable:

Action Date FR Cite

ANPRM..... 04/13/05 70 FR 19356
ANPRM Comment Period End..... 06/13/05 .....
NPRM..... 02/25/14 79 FR 10636
NPRM Comment Period End..... 04/28/14 .....
NPRM Comment Period Reopened..... 05/01/14 79 FR 24634
NPRM Comment Period Reopened End.... 06/02/14 .....
Final Action..... 07/00/15 .....

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Additional Information: Includes Retrospective Review under E.O. 13563.

URL for Public Comments: *www.regulations.gov*.

Agency Contact: Cheryl A. Williams, Director, Social Security Administration, Office ***of*** Medical Listings Improvement, 6401 Security Boulevard, Baltimore, MD 21235-6401, Phone: 410 965-1020.

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William P. Gibson, Social Insurance Specialist, Regulations Writer, Social Security Administration, Office ***of*** Regulations and Reports Clearance, 6401 Security Boulevard, Baltimore, MD 21235-6401, Phone: 410 966-9039.

RIN: 0960-AF35

SSA

152. Revised Medical Criteria for Evaluating Hematological Disorders

(974F)

Priority: Other Significant.
Legal Authority: 42 U.S.C. 402; 42 U.S.C. 405(a); 42 U.S.C. 405(b); 42 U.S.C. 405(d) to 405(h); 42 U.S.C. 416(i); 42 U.S.C. 421(a); 42 U.S.C. 421(i); 42 U.S.C. 423; 42 U.S.C. 902(a)5)); 42 U.S.C. 1381a; 42 U.S.C. 1382c; 42 U.S.C. 1383; 42 U.S.C. 1383b.
CFR Citation: 20 CFR 404.1500, app 1.
Legal Deadline: None.

Abstract: Sections 7.00 and 107.00, Hematological Disorders, ***of*** appendix 1 to subpart P ***of*** part 404 ***of*** our regulations, describe hematological disorders that we consider severe enough to prevent a person from performing any gainful activity or that cause marked and severe functional limitation for a child claiming Supplemental Security Income payments under title XVI. We are proposing to revise the criteria in these sections to ensure that the medical evaluation criteria are up-to-date and consistent with the latest advances in medical knowledge and treatment.

Statement ***of*** Need: These final rules are necessary to update the hematological listings to reflect advances in medical knowledge, treatment, and methods ***of*** evaluating hematological disorders. The changes ensure that determinations ***of*** disability have a sound medical basis, that claimants receive equal treatment through the use ***of*** specific criteria, and that people ***who*** are disabled can be readily identified and awarded ***benefits*** if all other factors ***of*** entitlement or eligibility are met.

Summary ***of*** Legal Basis: Administrative-not required by statute or court order.
Alternatives: We considered not revising the listings or making only minor technical changes and continuing to use our current criteria. However, we believe that these revisions are preferable because ***of*** the medical advances that have been made in treating and evaluating these types ***of*** impairments.

Anticipated Cost and ***Benefits***: Estimated savings-low.
Risks: None.
Timetable:

Action Date FR Cite

NPRM..... 11/19/13 78 FR 69324
NPRM Comment Period End..... 01/21/14 .....
Final Action..... 09/00/15 .....

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: No.

Government Levels Affected: None.
Additional Information: Includes Retrospective Review under E.O. 13563.

URL for Public Comments: *www.regulations.gov*.
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RIN: 0960-AF88

SSA

153. Revised Medical Criteria for Evaluating Growth Disorders and Weight Loss in Children (3163F)

Priority: Other Significant.
Legal Authority: 42 U.S.C. 402; 42 U.S.C. 405(a); 42 U.S.C. 405(b); 42 U.S.C. 405(d) to 405(h); 42 U.S.C. 416(i); 42 U.S.C. 421(a); 42 U.S.C. 421(i); 42 U.S.C. 423; 42 U.S.C. 902(a)(5); 42 U.S.C. 1381a; 42 U.S.C. 1382c; 42 U.S.C. 1383; 42 U.S.C. 1383b.
CFR Citation: 20 CFR 404.1500, app 1.
Legal Deadline: None.

Abstract: Section 100.00, Growth Impairments, ***of*** appendix 1 to subpart P ***of*** part 404 ***of*** our regulations describes growth impairments that we consider severe enough to prevent a person from doing any gainful activity, or that cause marked and severe functional limitations for a child claiming Supplemental Security Income payments

under title XVI. We will revise the criteria in this section to ensure that the medical evaluation criteria are up-to-date and consistent with the latest advances in medical knowledge and treatment.

Statement ***of*** Need: These final rules are necessary to update several body systems that contain listings for children based on impairment ***of*** linear growth or weight loss to reflect advances in medical knowledge, treatment, and methods ***of*** evaluating impairments. The changes ensure that determinations ***of*** disability have a sound medical basis, that claimants receive equal treatment through the use ***of*** specific criteria, and that people ***who*** are disabled can be readily identified and awarded ***benefits*** if all other factors ***of*** eligibility are met.

Summary ***of*** Legal Basis: Administrative-not required by statute or court order.
Alternatives: We considered not revising the listings or making only minor technical changes and continuing to use our current criteria. However, we believe that these revisions are preferable because ***of*** the medical advances that have been made in treating and evaluating these types ***of*** impairments.

Anticipated Cost and ***Benefits***: Estimated savings-low.
Risks: None.
Timetable:

Action Date FR Cite

ANPRM..... 09/08/05 70 FR 53323
ANPRM Comment Period End..... 11/07/05 .....
NPRM..... 05/22/13 78 FR 30249
NPRM Comment Period End..... 07/22/13 .....
Final Action..... 12/00/14 .....

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: No.

Government Levels Affected: None.
Additional Information: Includes Retrospective Review under E.O. 13563.

URL for Public Comments: *www.regulations.gov*.

Agency Contact: Cheryl A. Williams, Director, Social Security

Administration, Office ***of*** Medical Listings Improvement, 6401 Security Boulevard, Baltimore, MD 21235-6401, Phone: 410 965-1020.
Tiya Marshall, Social Insurance Specialist, Social Security

Administration, Office ***of*** Medical Listings Improvement, 6401 Security Boulevard, Baltimore, MD 21235-6401, Phone: 410 965-9291.
Helen Droddy, Social Insurance Specialist, Regulations Writer,

Social Security Administration, Office ***of*** Regulations and Reports Clearance, 6401 Security Boulevard, Baltimore, MD 21235-6401, Phone: 410 965-1483.
RIN: 0960-AG28

SSA

154. Use ***of*** Date ***of*** Written Statement as Filing Date (3431F)

Priority: Other Significant.
Legal Authority: 42 U.S.C. 402(i); 42 U.S.C. 402(j); 42 U.S.C. 402(o); 42 U.S.C. 402(p); 42 U.S.C. 402(r); 42 U.S.C. 405(a); 42 U.S.C. 416(i)(2); 42 U.S.C. 423(b); 42 U.S.C. 428(a); 42 U.S.C. 902(a)(5).
CFR Citation: 20 CFR 404.630.
Legal Deadline: None.
Abstract: We are revising our rules for protective filing after we receive a written statement ***of*** intent to claim Social Security ***benefits*** under title II ***of*** the Social Security Act (Act). Specifically, we are revising from 6 months to 60 days the time period during which a claimant must file an application for ***benefits*** after the date ***of*** a notice we send explaining the need to file an application. We are revising our rules to make this time period used in the title II program consistent with the time period used in our other programs.

Statement ***of*** Need: We believe that eliminating the difference between the time periods in our programs will make it easier for the public to understand and follow our rules.

Summary ***of*** Legal Basis: Administrative-not required by statute or court order.
Alternatives: None.

Anticipated Cost and ***Benefits***: Estimated savings-low.
Risks: None.
Timetable:

Action Date FR Cite

NPRM..... 12/17/08 73 FR 76573
NPRM Comment Period End..... 02/17/09 .....
Final Action..... 01/00/15 .....

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: No.

Government Levels Affected: None.

URL for Public Comments: *www.regulations.gov*.
Agency Contact: Helen Droddy, Social Insurance Specialist,

Regulations Writer, Social Security Administration, Office ***of***
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MD 21235-6401, Phone: 410 965-1483.
RIN: 0960-AG58

SSA

155. Revised Medical Criteria for Evaluating Immune (HIV) System
Disorders (3466F)

Priority: Other Significant
Legal Authority: 42 U.S.C. 402; 42 U.S.C. 405(a); 42 U.S.C. 405(b);
42 U.S.C. 42 U.S.C. 405(d) to 405(h); 42 U.S.C. 416(i); 42 U.S.C.
421(a); 42 U.S.C. 421(i); 42 U.S.C. 423; 42 U.S.C. 902(a)(5); 42 U.S.C.
1381a; 42 U.S.C. 1382c; 42 U.S.C. 1383; 42 U.S.C. 1383b.
CFR Citation: 20 CFR 404.1500, app 1.
Legal Deadline: None.

Abstract: Sections 14.00 and 114.00, Immune System, ***of*** appendix 1

to subpart P ***of*** part 404 ***of*** our regulations describe immune system disorders that we consider severe enough to prevent an individual from doing any gainful activity, or that cause marked and severe functional limitations for a child

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claiming Supplemental Security Income payments under title XVI. We will revise the criteria in these sections to ensure that the medical evaluation criteria are up-to-date and consistent with the latest advances in medical knowledge and treatment.

Statement ***of*** Need: These final rules are necessary in order to update the HIV evaluation listings to reflect advances in medical knowledge, treatment, and evaluation methods. The changes that

determinations ***of*** disability have a sound medical basis, that claimants receive equal treatment through the use ***of*** specific criteria, and that individuals ***who*** are disabled can be readily identified and awarded ***benefits*** if all other factors ***of*** entitlement or eligibility are met.

Summary ***of*** Legal Basis: Administrative-not required by statute or court order.
Alternatives: Undetermined at this time.

Anticipated Cost and ***Benefits***: Cost/savings estimate-negligible.
Risks: Undetermined at this time.
Timetable:

Action Date FR Cite

ANPRM..... 03/18/08 73 FR 14409
ANPRM Comment Period End..... 05/19/08 .....
NPRM..... 02/26/14 79 FR 10730
NPRM Comment Period End..... 04/28/14 .....
NPRM Correction and NPRM Comment 03/25/14 79 FR 16250
Period Extended.
NPRM Comment Period Extended End.... 05/27/14 .....
Final Action..... 05/00/15 .....

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.
Additional Information: Includes Retrospective Review under E.O. 13563.

URL for Public Comments: *www.regulations.gov*.
Agency Contact: Cheryl A. Williams, Director, Social Security Administration, Office ***of*** Medical Listings Improvement, 6401 Security Boulevard, Baltimore, MD 21235-6401, Phone: 410 965-1020.
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Helen Droddy, Social Insurance Specialist, Regulations Writer, Social Security Administration, Office ***of*** Regulations and Reports Clearance, 6401 Security Boulevard, Baltimore, MD 21235-6401, Phone: 410 965-1483.
RIN: 0960-AG71

SSA

156. Revised Medical Criteria for Evaluating Cancer (Malignant Neoplastic Diseases) (3757F)

Priority: Other Significant.
Legal Authority: 42 U.S.C. 402; 42 U.S.C. 405(a); 42 U.S.C. 405(b); 42 U.S.C. 405(d) to 405(h); 42 U.S.C. 405(h); 42 U.S.C. 416(i); 42 U.S.C. 421(a); 42 U.S.C. 421(i); 42 U.S.C. 423; 42 U.S.C. 902(a)(5); 42 U.S.C. 1381a; 42 U.S.C. 1382c; 42 U.S.C. 1383; 42 U.S.C. 1383b.
CFR Citation: 20 CFR 404.1500, app 1.
Legal Deadline: None.
Abstract: Sections 13.00 and 113.00, Malignant Neoplastic Diseases, ***of*** appendix 1 to subpart P ***of*** our regulations describe malignant neoplastic diseases that we consider severe enough to prevent an individual from doing any gainful activity or that cause marked and severe functional limitations for a child claiming SSI payments under title XVI. We will revise these sections to ensure that the medical evaluation criteria are up-to-date and consistent with the latest advances in medical knowledge and treatment.

Statement ***of*** Need: These final regulations are necessary to update the Malignant Neoplastic Diseases listings to reflect advances in medical knowledge, treatment, and methods ***of*** evaluating malignant neoplastic diseases. The changes will ensure that determinations ***of*** disability have a sound medical basis, that claimants receive equal treatment through the use ***of*** specific criteria, and that people ***who*** are disabled can be readily identified and awarded ***benefits*** if all other factors ***of*** entitlement or eligibility are met.

Summary ***of*** Legal Basis: Administrative--not required by statute or court order.
Alternatives: We considered not revising the listings and continuing to use our current criteria. However, we believe that these revisions are preferable because ***of*** the medical advances that have been made in treating and evaluating these malignant neoplastic diseases and because ***of*** our adjudicative experience.

Anticipated Cost and ***Benefits***: Estimated costs--low.
Risks: None.
Timetable:

Action Date FR Cite

NPRM..... 12/17/13 78 FR 76508
NPRM Comment Period End..... 02/18/14 .....
Final Action..... 06/00/15 .....

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: No.

Government Levels Affected: None.

URL for Public Comments: *www.regulations.gov*.
Agency Contact: Cheryl A. Williams, Director, Social Security

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RIN: 0960-AH43

SSA

157. Submission ***of*** Evidence in Disability Claims (3802F)

Priority: Other Significant.
Legal Authority: 42 U.S.C. 405(a); 42 U.S.C. 405(d); 42 U.S.C. 423(d)(5); 42 U.S.C. 1383c(a)(3)(H); 42 U.S.C. 1383(d)(1)
CFR Citation: 20 CFR 404.900; 20 CFR 404.935; 20 CFR 404.1512; 20 CFR 404.1740; 20 CFR 405.1; 20 CFR 405.331; 20 CFR 416.912; 20 CFR 416.1400; 20 CFR 416.1435; 20 CFR 416.1540.
Legal Deadline: None.
Abstract: We will require claimants to inform us about or submit all evidence known to them that relates to their disability claim, subject generally to two exceptions for privileged communications and work product. This requirement would include the duty to submit all evidence obtained from any source in its entirety, unless subject to an exception. We will also require a representative to help the claimant obtain the information or evidence that the claimant must submit under our regulations.

Statement ***of*** Need: These final rules will protect the integrity ***of*** the programs by clarifying a claimant's duty to submit all relevant evidence and enabling us to have a more complete case record on

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which to make more accurate disability determinations or decisions.

Summary ***of*** Legal Basis: Administrative--not required by statute or court order.
Alternatives: Based on our program experience, there are no alternatives at this time. These final rules are based on

recommendations by the Administrative Conference ***of*** the United States.

Anticipated Cost and ***Benefits***: Undetermined.
Risks: None.
Timetable:

Action Date FR Cite

NPRM..... 02/20/14 79 FR 9663
NPRM Comment Period End..... 04/21/14 .....
Final Rule..... 12/00/14 .....

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: No.

Government Levels Affected: None.

URL for Public Comments: *www.regulations.gov*.
Agency Contact: Janet Truhe, Social Insurance Specialist, Social

Security Administration, Office ***of*** Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401, Phone: 410 966-7203.
William P. Gibson, Social Insurance Specialist, Regulations Writer,

Social Security Administration, Office ***of*** Regulations and Reports Clearance, 6401 Security Boulevard, Baltimore, MD 21235-6401, Phone: 410 966-9039, RIN: 0960-AH53.

SSA

158. Social Security Number Card Applications (3855I)

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.
Legal Authority: Not Yet Determined.
CFR Citation: 20 CFR 422.103; 20 CFR 422.107; 20 CFR 422.110.

Legal Deadline: None.

Abstract: We are revising our regulations to allow applicants for a Social Security number (SSN) card to apply by completing a prescribed application and submitting the required evidence without completing a paper for SS-5. We are also removing the word ``documentary'' from our description ***of*** certain evidence requirements. These administrative changes will simplify the SSN card application and provide flexibility to allow for the use ***of*** electronic processes which would result in greater access and ease ***of*** use for card applicants. In addition, we are replacing ``Immigration and Naturalization Service'' with ``Department ***of*** Homeland Security'' to reflect that agency's name change. These changes are administrative in nature and do not substantively affect eligibility or evidentiary requirements.

Statement ***of*** Need: These administrative changes will simplify the SSN card application and provide flexibility to allow for the use ***of*** electronic processes, which would result in greater access and ease ***of*** use for card applicants.

Summary ***of*** Legal Basis: Administrative--not required by statute or court order.

Alternatives: None.

Anticipated Cost and ***Benefits***: To be determined.

Risks: None.

Timetable:

Action Date FR Cite

Interim Final Rule..... 12/00/14 .....

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal.

URL for Public Comments: *www.regulations.gov*.

Agency Contact: Arthur LaVeck, Social Insurance Specialist, Social Security Administration, Office ***of*** Retirement and Disability Policy, Office ***of*** Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401, Phone: 410 966-5665.

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RIN: 0960-AH68
BILLING CODE 4191-02-P

FALL 2014 STATEMENT ***OF*** REGULATORY PRIORITIES

CFPB Purposes and Functions

The Bureau ***of*** Consumer Financial Protection (CFPB) was established as an independent bureau ***of*** the Federal Reserve System by the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111-203, 124 Stat. 1376) (Dodd-Frank Act). Pursuant to the Dodd-Frank Act, the CFPB has rulemaking, supervisory, enforcement, and other authorities relating to consumer financial products and services. Among these are the consumer financial protection authorities that transferred to the CFPB from seven Federal agencies on the designated transfer date, July 21, 2011. These authorities include the ability to issue regulations under more than a dozen Federal consumer financial laws.

As provided in section 1021 ***of*** the Dodd-Frank Act, the purpose ***of*** the CFPB is to implement and enforce Federal consumer financial laws consistently for the purpose ***of*** ensuring that all consumers have access to markets for consumer financial products and services and that such markets are fair, transparent, and competitive. The CFPB is authorized to exercise its authorities for the purpose ***of*** ensuring that:

(1) Consumers are provided with timely and understandable information to make responsible decisions about transactions involving consumer financial products and services;

(2) Consumers are protected from unfair, deceptive, or abusive acts and practices and from discrimination;

(3) Outdated, unnecessary, or unduly burdensome regulations concerning consumer financial products and services are regularly identified and addressed in order to reduce unwarranted regulatory burdens;

(4) Federal consumer financial law is enforced consistently, without regard to status as a depository institution, in order to promote fair competition; and

(5) Markets for consumer financial products and services operate transparently and efficiently to facilitate access and innovation.

CFPB Regulatory Priorities

The CFPB's regulatory priorities for the period from November 1, 2014, to October 31, 2015, include continuing work to implement Dodd-Frank Act mortgage protections, a series ***of*** rulemakings to address critical issues in other markets for consumer financial products and services, and following up on earlier efforts to streamline and modernize regulations that the Bureau has inherited from other federal agencies.

Implementing Dodd-Frank Act Mortgage Protections

As reflected in the CFPB's semiannual regulatory agenda, a principal focus ***of*** the CFPB is the Bureau's continuing efforts to implement critical consumer protections under the Dodd-Frank Act to guard against mortgage market practices that contributed to the nation's most significant financial crisis in several decades.

A major rulemaking priority for the Bureau continues to be the implementation ***of*** the Dodd-Frank Act amendments to the Home Mortgage Disclosure Act (HMDA) and other

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revisions to the HMDA regulations. The Dodd-Frank Act amendments augment ***existing*** data reporting requirements regarding housing-related loans and applications for such loans. In addition to obtaining data that is critical to the purposes ***of*** HMDA--which include providing the public and public officials with information that can be used to help determine whether financial institutions are serving the housing needs ***of*** their communities, assisting public officials in the distribution ***of*** public sector investments, and assisting in identifying possible discriminatory lending patterns and enforcing antidiscrimination statutes--the Bureau views this rulemaking as an opportunity to streamline and modernize HMDA data collection and reporting, in furtherance ***of*** its mission under the Dodd-Frank Act to reduce unwarranted regulatory burden. The Bureau published a proposed HMDA rule in the Federal Register on August 29, 2014 to add several new reporting requirements and to clarify several ***existing*** requirements.

Publication ***of*** the proposal followed initial outreach efforts and the convening ***of*** a panel under the Small Business Regulatory Enforcement Fairness Act in conjunction with the Office ***of*** Management and Budget

and the Small Business Administration's Chief Counsel for Advocacy, to consult with small lenders ***who*** may be affected by the rulemaking. As the Bureau develops a final rule, it expects to review and consider public comments on the proposed rule, consult with other agencies and coordinate with them on implementation efforts, conduct additional outreach to build and refine operational capacity, and prepare to assist financial institutions in their compliance efforts.

A major effort ***of*** the Bureau is the implementation ***of*** its final rule combining several federal mortgage disclosures that consumers receive in connection with applying for and closing on a mortgage loan under the Truth in Lending Act (TILA) and the Real Estate Settlement Procedures Act (RESPA). This project is mandated under the Dodd-Frank Act both to increase consumer understanding ***of*** mortgage transactions and to facilitate compliance by industry. The integrated forms are the cornerstone ***of*** the Bureau's broader ``Know Before You Owe'' initiative. These new ``Know Before You Owe'' mortgage forms and their implementing regulations will replace several pages ***of existing*** federal disclosures with two simpler, streamlined forms that will help consumers understand their options, choose the deal that is best for them, and avoid costly surprises at the closing table. The Bureau conducted extensive qualitative testing ***of*** the new forms prior to issuing a proposal, and also conducted a post-proposal quantitative study to validate the results ***of*** the new forms. The results ***of*** the quantitative testing showed that consumers ***of*** all different experience levels, with different loan types--whether focused on buying a home or refinancing--were able to understand the Bureau's new forms better than the current forms.

The rule was issued in November 2013 and takes effect in August 2015. The Bureau is working intensively to support implementation efforts and prepare consumer education materials and initiatives to help consumers understand and use the new forms. To facilitate implementation, the Bureau has released two compliance guides, sample forms, and additional materials. The Bureau also has been conducting extensive industry outreach to identify interpretive questions or implementation challenges with the rule, and hosting ongoing webinars to address common questions. In addition, in late 2014, the Bureau plans to issue a small proposed rule to make technical corrections, allow for certain language related to new construction loans to be added to the Loan Estimate form, and modify the same-day redisclosure

requirement for floating interest rates that are locked after the Loan Estimate is first provided.

In addition, the Bureau is working to support the full implementation ***of***, and facilitate compliance with, various mortgage-related final rules issued by the Bureau in January 2013 to strengthen consumer protections involving the origination and servicing ***of*** mortgages. These rules, implementing requirements under the Dodd-Frank Act, were all effective by January 2014. The Bureau is working diligently to monitor the market and plans to make clarifications and adjustments to the rules where warranted. The Bureau is planning to issue rules in fall 2014 to provide certain adjustments to its rules for certain nonprofit entities and to provide a cure mechanism for lenders seeking to make ``qualified mortgages'' under rules requiring assessment ***of*** consumers' ability to repay their mortgage loans where the mortgages exceed certain limitations on points and fees. The Bureau also anticipates issuing a proposal in fall 2014 to amend various provisions ***of*** its mortgage servicing rules, in both Regulation X and Regulation Z, including further clarification ***of*** the applicability ***of*** certain provisions when the borrower is in bankruptcy, possible additional enhancements to loss mitigation requirements, and other topics. In addition, in order to promote access to credit, the Bureau is currently engaged in further research to assess the impact ***of*** certain provisions implemented under the Dodd-Frank Act that modify general requirements for small creditors that operate predominantly in ``rural or underserved'' areas, and expects to release a notice ***of*** proposed rulemaking in early 2015.

Further, the Bureau continues to participate in a series ***of*** interagency rulemakings to implement various Dodd-Frank Act amendments to TILA and the Financial Institutions Reform, Recovery and Enforcement Act (FIRREA) relating to mortgage appraisals. These include implementing certain other Dodd-Frank Act amendments to FIRREA concerning regulation ***of*** appraisal management companies and automated valuation models.

Bureau Regulatory Efforts in Other Consumer Financial Markets

In addition to the implementation ***of*** the Dodd-Frank Act mortgage related amendments, the Bureau is also working on a number ***of*** rulemakings to address important consumer protection issues in other

markets for consumer financial products and services. Much ***of*** this effort will be based on previous work ***of*** the Bureau such as Requests for Information, Advance Notices ***of*** Proposed Rulemaking (ANPRMs), and previously issued Bureau studies and reports.

First, the Bureau anticipates in fall 2014 issuing a proposed rule to create a comprehensive set ***of*** protections for General Purpose Reloadable (GPR) cards and other prepaid products, such as payroll cards and student loan disbursement cards, which are increasingly being used by consumers in place ***of*** a traditional deposit account or credit card. The proposal will build on comments received by the Bureau in response to a 2012 ANPRM seeking comment, data, and information from the public about GPR cards. The proposed rule will seek to expand coverage in Regulation E (implementing the Electronic Fund Transfer Act) to prepaid accounts, including GPR cards, by extending and in some cases modifying disclosure, periodic statement, and error resolution requirements that apply to consumer asset accounts that are currently subject to Regulation E. The Bureau also expects the proposal to address treatment ***of*** overdraft services and

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credit features in connection with prepaid accounts under both Regulation Z (Truth in Lending Act) and Regulation E.

Building on Bureau research and other sources, the Bureau is also considering what rules may be appropriate for addressing the sustained use ***of*** short-term, high-cost credit products such as payday loans and deposit advance products. The Bureau issued a white paper on these products in April 2013 and a data point providing additional research in March 2014, and is continuing to analyze other consumer protection concerns associated with the use ***of*** high-cost, small-dollar credit products. Rulemaking might include disclosures or address acts or practices in connection with these products.

The Bureau is also continuing to develop research on other critical consumer protection markets to help assess whether regulation may be warranted. For example, the Bureau issued research on bank and credit union overdraft programs in 2013 and 2014 and is planning to release the results ***of*** further studies on overdraft programs and their effects on consumers.

In addition, the Bureau has launched research initiatives to build on its November 2013 ANPRM on debt collection. These efforts include undertaking a survey to obtain information from consumers about their

experiences with debt collection and launching consumer testing initiatives to determine what information would be useful for consumers to have about debt collection and their debts and how that information should be provided to them.

Bureau work is also continuing on a number ***of*** earlier initiatives concerning consumer payment services. In addition to the prepaid rulemaking discussed above, in 2014, the Bureau engaged in a rulemaking to make further amendments to its ***existing*** rule that applies to consumer remittance transfers to foreign countries. The primary purpose ***of*** the rulemaking was to address whether to extend a provision under the Dodd-Frank Act that allows insured depository institutions to estimate certain information for purposes ***of*** consumer disclosures. The provision would have expired in July 2015 unless the Bureau exercises authority to extend it for up to five years. The Bureau's final rule extended the provision to July 2020.

The Bureau is continuing rulemaking activities that will further establish the Bureau's nonbank supervisory authority by defining larger participants ***of*** certain markets for consumer financial products and services. Larger participants ***of*** such markets, as the Bureau defines by rule, are subject to the Bureau's supervisory authority. In fall 2014, the Bureau issued a final rule that amended the regulation defining larger participants ***of*** certain consumer financial products and services markets by adding a new section to define larger participants ***of*** a market for international money transfers, and began a rulemaking that would define larger participants ***of*** a market for automobile financing and define certain automobile leasing activity as a financial product or service.

Bureau Regulatory Streamlining Efforts

Another priority for the Bureau is continuing work on an earlier initiative to consider opportunities to modernize and streamline regulations that it inherited from other agencies pursuant to a transfer ***of*** rulemaking authority under the Dodd-Frank Act. In connection with the HMDA rulemaking described above, the Bureau has identified potential opportunities to reduce unwarranted regulatory burden concerning reporting ***of*** mortgage application, origination, and purchase activity, as described in the proposed rule. Similarly, the Bureau took the opportunity when streamlining federal mortgage forms as

mandated by the Dodd-Frank Act and discussed above, to clarify ***existing*** regulations to address longstanding compliance concerns. The Bureau also issued a final rule in fall 2014 to allow financial institutions that restrict their information sharing practices and meet other requirements to post their annual privacy notices to customers under the Gramm-Leach-Bliley Act online rather than delivering them individually. The rulemaking addresses longstanding concerns that the annual mailings are a source ***of*** unwarranted regulatory burden and unwanted paperwork for consumers.

Additional Analysis, Planning, and Prioritization

The Bureau is continuing to assess timelines for the issuance ***of*** additional Dodd-Frank Act related rulemakings and rulemakings inherited by the CFPB from other agencies as part ***of*** the transfer ***of*** authorities under the Dodd-Frank Act. The Bureau is also continuing to conduct outreach and research to assess issues in various other markets for consumer financial products and services. For example, as directed by Congress, the Bureau is conducting a study on the use ***of*** agreements providing for arbitration ***of*** consumer disputes in connection with the offering or providing ***of*** consumer financial products or services. Upon completion ***of*** this study, the Bureau will evaluate possible policy responses, including possible rulemaking actions, the findings ***of*** which shall be consistent with the study. The Bureau will similarly evaluate policy responses to other ongoing research and outreach, taking into account the critical need for and effectiveness ***of*** various policy tools. The Bureau will update its regulatory agenda in spring 2015 to reflect the results ***of*** further analysis, planning, and prioritization.

BILLING CODE 4810-AM-P

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Statement ***of*** Regulatory Priorities

The U.S. Consumer Product Safety Commission is charged with protecting the public from unreasonable risks ***of*** death and injury associated with consumer products. To achieve this goal, the CPSC:

develops mandatory product safety standards or bans when other efforts are inadequate to address a safety hazard, or where required by statute;

obtains repair, replacement, or refunds for defective

products that present a substantial product hazard;
develops information and education campaigns about the

safety ***of*** consumer products;

participates in the development or revision ***of*** voluntary
product safety standards; and
follows statutory mandates.
Unless directed otherwise by congressional mandate, when deciding

which ***of*** these approaches to take in any specific case, the CPSC

gathers and analyzes data about the nature and extent ***of*** the risk
presented by the product. The Commission's rules at 16 CFR 1009.8
require the Commission to consider, among other factors, the following

criteria when deciding the level ***of*** priority for any particular
project:

frequency and severity ***of*** injury;

causality ***of*** injury;
chronic illness and future injuries;

costs and ***benefits*** ***of*** Commission action;

unforeseen nature ***of*** the risk;

vulnerability ***of*** the population at risk;

probability ***of*** exposure to the hazard; and
additional criteria that warrant Commission attention.

Significant Regulatory Actions:
Currently, the Commission is considering one rule that would
constitute a ``significant regulatory

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action'' under the definition ***of*** that term in Executive Order 12866:
1. Flammability Standard for Upholstered Furniture

Under section 4 ***of*** the Flammable Fabrics Act (FFA), the Commission

may issue a flammability standard or other regulation for a product ***of***
interior furnishing if the Commission determines that such a standard

is needed to adequately protect the public against unreasonable risk ***of***

the occurrence ***of*** fire leading to death or personal injury, or
significant property damage. The Commission's regulatory proceeding

could result in several actions, one ***of*** which could be the development

of a mandatory standard requiring that upholstered furniture meet mandatory requirements specified in the standard.
BILLING CODE 6355-01-P

FEDERAL TRADE COMMISSION (FTC)

Statement ***of*** Regulatory and Deregulatory Priorities

I. Regulatory and Deregulatory Priorities
Background
The Federal Trade Commission (``FTC'' or ``Commission'') is an independent agency charged by its enabling statute, the Federal Trade Commission Act, with protecting ***American*** consumers from ``unfair methods ***of*** competition'' and ``unfair or deceptive acts or practices'' in the marketplace. The Commission strives to ensure that consumers ***benefit*** from a vigorously competitive marketplace. The Commission's work is rooted in a belief that competition, based on truthful and non-misleading information about products and services, provides consumers the best choice ***of*** products and services at the lowest prices.

The Commission pursues its goal ***of*** promoting competition in the marketplace through two different but complementary approaches. Unfair or deceptive acts or practices injure both consumers and honest competitors alike and undermine competitive markets. Through its consumer protection activities, the Commission seeks to ensure that consumers receive accurate, truthful, and non-misleading information in the marketplace. At the same time, for consumers to have a choice ***of*** products and services at competitive prices and quality, the marketplace must be free from anticompetitive business practices. Thus, the second part ***of*** the Commission's basic mission--antitrust enforcement--is to prohibit anticompetitive mergers or other anticompetitive business practices without unduly interfering with the legitimate activities ***of*** businesses. These two complementary missions make the Commission unique insofar as it is the Nation's only Federal agency to be given this combination ***of*** statutory authority to protect consumers.
The Commission is, first and foremost, a law enforcement agency. It pursues its mandate primarily through case-by-case enforcement ***of*** the Federal Trade Commission Act and other statutes. In addition, the Commission is also charged with the responsibility ***of*** issuing and

enforcing regulations under a number ***of*** statutes. Pursuant to the FTC Act, the Commission currently has in place 16 trade regulation rules. Other examples include the regulations enforced pursuant to credit, financial and marketing practice statutes \1\ and to energy laws.\2\

The Commission also has adopted a number ***of*** voluntary industry guides.

Most ***of*** the regulations and guides pertain to consumer protection matters and are intended to ensure that consumers receive the information necessary to evaluate competing products and make informed purchasing decisions.

\1\ For example, the Controlling the Assault ***of*** Non-Solicited

Pornography and Marketing Act ***of*** 2003 (CAN-SPAM Act) (15 U.S.C. sections 7701-7713) and the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. sections 6101-6108).

\2\ For example, the Energy Policy Act ***of*** 1992 (106 Stat. 2776,

codified in scattered sections ***of*** the U.S. Code, particularly 42 U.S.C. section 6201 et seq. and the Energy Independence and Security

Act ***of*** 2007 (EISA)).

Commission Initiatives

The Commission protects consumers through a variety ***of*** tools, including both regulatory and non-regulatory approaches. It has encouraged industry self-regulation, developed a corporate leniency policy for certain rule violations, and established compliance partnerships where appropriate.

As detailed below, protecting consumer privacy, containing the

rising costs ***of*** health care and prescription drugs, fostering competition and innovation in cutting-edge, high-tech industries, challenging deceptive advertising and marketing, and safeguarding the

interests ***of*** potentially vulnerable consumers, such as children and the

financially distressed, continue to be at the forefront ***of*** the Commission's consumer protection and competition programs. By subject

area, the FTC discusses some ***of*** the major workshops, reports,\3\ and initiatives it has pursued since the 2013 Regulatory Plan was published.

\3\ The FTC also prepares a number ***of*** annual and periodic

reports on the statutes it administers. These are not discussed in this plan.

(a) Protecting Consumer Privacy. As the nation's top enforcer on the consumer privacy beat, the FTC works to ensure that consumers can take advantage ***of*** the ***benefits*** ***of*** a dynamic and ever-changing digital marketplace without compromising their privacy. The FTC achieves that goal through civil law enforcement, policy initiatives, and consumer and business education. For example, the FTC's unparalleled experience in consumer privacy enforcement has addressed practices offline, online, and in the mobile environment by large, well-known companies and lesser-known players alike. Data security is an important focus ***of*** the Commission's privacy work. Since 2002, the FTC has brought over 50 cases against companies that have engaged in unfair or deceptive practices that the Commission alleged put consumers' personal data at unreasonable risk.

The Commission's recent policy initiatives to promote privacy included a three-part ``Spring Privacy Series'' \4\ that examined the privacy implications ***of*** three new areas ***of*** technology or business practices that have garnered considerable attention for the possible privacy concerns they raise for consumers.

\4\ See press release ``FTC to Host Spring Seminars on Emerging Consumer Privacy Issues'' dated December 2, 2013, at *http://www.ftc.gov/news-events/press-releases/2013/12/ftc-host-spring-seminars-emerging-consumer-privacy-issues*.

The first event on February 19, 2014, focused on the privacy and security implications ***of*** mobile device tracking, which involves physically tracking consumers in retail and other businesses using signals from their smartphones.

The second seminar on March 19, 2014, examined alternative scoring products, which are scores increasingly used by businesses for a wide variety ***of*** purposes, ranging from identity verification and fraud prevention to marketing and advertising. The event discussed the privacy ramifications ***of*** such predictive scores, which may fall outside the Fair Credit Reporting Act.

The final seminar on May 7, 2014, examined consumers' use ***of*** connected health and fitness devices that regularly collect

information about them and may transmit this information to other entities.

In November 2013, the Commission held a workshop entitled Internet

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Things--Privacy and Security in a Connected World to explore consumer

privacy and security issues posed by the growing connectivity ***of*** consumer devices, such as cars, home appliances, and health and fitness devices.\5\

\5\ See workshop agenda and conference description at *http://www.ftc.gov/news-events/events-calendar/2013/11/internet-things-privacy-security-connected-world*.

(b) Protecting Children. Children increasingly use the Internet for entertainment, information and schoolwork. The Children's Online Privacy Protection Act (COPPA) and the FTC's COPPA Rule protect children's privacy when they are online by putting their parents in

charge ***of*** ***who*** gets to collect personal information about their preteen kids. The FTC enforces COPPA by ensuring that parents have the tools they need to protect their children's privacy.

The Commission is actively litigating to protect children and their parents when children use mobile apps that appeal to children and offer virtual goods for sale. On August 1, 2014, the FTC filed a court complaint alleging that Amazon.com, Inc. billed parents and other

account holders for millions ***of*** dollars in unauthorized in-app charges incurred by children.\6\ Amazon offers many children's apps in its app store for download to mobile devices such as the Kindle Fire. The lawsuit seeks a court order requiring refunds to consumers for the unauthorized charges and permanently banning the company from billing parents and other account holders for in-app charges without their consent. This is the FTC's third case relating to children's in-app purchases; Apple and Google both settled FTC complaints concerning the issue in 2014.\7\

\6\ FTC v. Amazon.com, Inc., No. 2:14-cv-01038 (W.D. Wash.) (Complaint For Permanent Injunction And Other Equitable Relief filed on July 10, 2014).

\7\ In the Matter ***of*** Apple Inc., Docket No. C-4444, Decision and

Order, March 25, 2014; In the Matter ***of*** Google Inc., Docket No. 122 3237, Proposed Agreement Containing Consent Order, September 4, 2014.

The Commission has issued an updated version ***of*** the popular free consumer guide, ``Net Cetera: Chatting with Kids About Being Online.'' \8\ The revised publication contains updated information for parents and other adults to use when talking with kids about how to be safe, secure and responsible online. The revision adds new topics that reflect changes in the online world since the guide was first issued in 2009. In the revised booklet, adults can find advice on how to talk with kids about mobile apps, using public Wi-Fi securely and how to recognize text message spam. The booklet also includes information about the recent changes to the COPPA Rule.

\8\ See ``Net Cetera: Chatting with Kids About Being Online'' at

http://www.consumer.ftc.gov/articles/pdf-0001-netcetera.pdf.

(c) Protecting Seniors. The Commission works vigilantly to fight

telephone scams that harm millions ***of*** Americans. The agency has aggressively used law enforcement tools \9\ as well as efforts to educate consumers about these scams and to find technological solutions that will make it more difficult for scammers to operate and hide from

law enforcement. FTC education and outreach programs reach tens ***of***

millions ***of*** people every year. Among them is the recently created ``Pass It On'' program that provides seniors with information, in

English and Spanish, on a variety ***of*** scams targeting the elderly. The agency also works with the Elder Justice Coordinating Council to help

protect seniors and with the AARP Foundation, ***whose*** peer counselors provided fraud-avoidance advice last year to more than a thousand

seniors ***who*** had filed complaints with the FTC about certain frauds, including lottery, prize promotion, and grandparent scams. The Commission is also promoting initiatives to make it harder for scammers to fake or ``spoof'' their caller Identification information and the

more widespread availability ***of*** technology that will block calls from fraudsters, essentially operating as a spam filter for the telephone.

\9\ The FTC has brought more than 130 cases involving

telemarketing fraud against more than 800 defendants during the past decade.

(d) Protecting Financially Distressed Consumers. Even as the economy recovers, some consumers continue to face financial challenges. The FTC acts to ensure that consumers are protected from deceptive and unfair credit practices and get the information they need to make informed financial choices. The Commission has continued its enforcement efforts by bringing law enforcement actions to curb deceptive and unfair practices in mortgage rescue, debt relief, auto financing and debt collection.

In October 2014, the FTC also co-hosted a roundtable on debt collection issues with the Consumer Financial Protection Bureau (CFPB). The roundtable specifically examined how debt collection issues affect Latino consumers, especially those ***who*** have limited English proficiency (LEP). The event brought together consumer advocates, industry representatives, State and Federal regulators, and academics to exchange information on a range ***of*** issues. Topics included an overview ***of*** the Latino community, its finances, and the collectors ***who*** contact members ***of*** this community; pre-litigation collection from Latino consumers; the experience ***of*** LEP Latinos in debt collection litigation; credit reporting issues among LEP Latinos; and developing improved strategies for educating and reaching out to LEP Latinos about debt collection.

(e) Ensuring Consumers ***Benefit*** from New Technologies While Also Protecting Them.

Mobile Cramming. The widespread adoption ***of*** mobile devices has provided many important ***benefits*** to consumers, including the convenience ***of*** paying for goods and services using a mobile phone. Recently, the FTC has brought a number ***of*** law enforcement actions in addition to policy and education activities designed to combat mobile cramming that are part ***of*** the Commission's overall work to protect consumers in the mobile environment. In the Commission's six mobile cramming cases brought since the spring ***of*** 2013, the three that have been fully or partially resolved have resulted in strong relief for consumers. The agency has obtained judgments totaling more than $160 million, as well as court orders preventing the defendants from further

illegal cramming. The Commission also has two ongoing cases against two other merchants ***who*** crammed charges onto consumers' bills, along with its case against wireless carrier T-Mobile filed earlier in July 2014.\10\

\10\ FTC v. T-Mobile USA, Inc., No. 2:14-cv-00967 (W.D. Wash.) (Complaint For Permanent Injunction And Other Equitable Relief filed on July 1, 2014).

Mobile Billing. One mobile payment option is known as ``carrier billing''--the ability to charge a good or service directly to a mobile phone account. In a report issued on July 28, 2014, FTC staff recommended steps that mobile carriers and other companies should take to prevent consumers from being stuck with unauthorized charges on their mobile phone bills, an unlawful practice known as mobile cramming.\11\ FTC staff set out five recommended best practices for industry participants to protect consumers against unwanted charges while enabling innovation and consumer access to another payment mechanism. The FTC will continue to monitor and, where appropriate, investigate industry participants--carriers, billing intermediaries, and merchants--involved in third-party

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mobile billing and bring further enforcement actions. Further, the FTC will continue to monitor the issue ***of*** cramming on mobile phone accounts and evaluate whether other potential solutions--including legislative measures and additional regulatory changes--are necessary to ensure consumers are protected from unwanted and unauthorized charges.

\11\ See ``Mobile Cramming: A Federal Trade Commission Staff Report (July 2014)'' at *http://www.ftc.gov/system/files/documents/reports/mobile-cramming-federal-trade-commission-staff-report-july-2014/140728mobilecramming.pdf*.

Mobile Shopping Apps. A new staff report issued on August 1, 2014, by the Commission finds that many mobile apps for use in shopping do not provide consumers with important information--such as how the apps manage payment-related disputes or handle consumer data--prior to download. The report, ``What's the Deal? An FTC Study on Mobile Shopping Apps,'' \12\ looked at some ***of*** the most popular apps used by consumers to comparison shop, collect and redeem deals and

discounts, and pay in-store with their mobile devices. The report builds on the findings ***of*** the Commission's 2012 workshop on mobile payments and the report from that workshop, which raised concerns about consumers' potential financial liability--as well as the privacy and security ***of*** their data--when using mobile payment services. The report is part ***of*** the Commission's work to ensure that consumers are fully protected in the growing mobile space, which has included workshops and other initiatives to study cutting-edge issues in this area, along with a number ***of*** law enforcement cases.

\12\ See ``What's the Deal? An FTC Study on Mobile Shopping Apps (August 2014)'' at *http://www.ftc.gov/system/files/documents/reports/whats-deal-federal-trade-commission-study-mobile-shopping-apps-august-2014/140801mobileshoppingapps.pdf*.

Use ***of*** Big Data. The Commission hosted a public workshop entitled ``Big Data: A Tool for Inclusion or Exclusion?'' on September 15, 2014, which explored the use ***of*** ``big data'' and its impact on ***American*** consumers, including low-income and underserved consumers. A growing number ***of*** companies are increasingly using big data analytics techniques to categorize consumers and make predictions about their behavior. As part ***of*** the FTC's ongoing work to shed light on the full scope ***of*** big data practices, the workshop examined the potentially positive and negative effects ***of*** big data on low income and underserved populations.

(f) Promoting Competition in Health Care. The FTC continues to work to eliminate anticompetitive settlements featuring payments by branded drug firms to a generic competitor to keep generic drugs off the market (so-called, ``pay-for-delay'' agreements). It's a practice where the pharmaceutical industry wins, but consumers lose. The brand company protects its drug franchise, and the generic competitor shares in the monopoly profits preserved by avoiding competition. The Commission supports legislation to ban these harmful agreements while actively litigating Federal court challenges to invalidate individual agreements. In a significant victory on June 17, 2013, the U.S. Supreme Court reversed a lower court ruling and held that pay-for-delay agreements between brand and generic drug companies are subject to antitrust scrutiny under an antitrust ``rule ***of*** reason'' analysis. FTC

v. Actavis, Inc., 570 U.S. 756 (2013). The FTC now has three active pay-for-delay litigations underway in federal courts. Two ***of*** them involve the blockbuster male testosterone replacement drug Androgel, including the Actavis case on remand to the U.S. District Court for the Northern District ***of*** Georgia and FTC v. AbbVie, Inc., in the U.S. District Court for the Eastern District ***of*** Pennsylvania.\13\ The third, underway in the U.S. District Court for the Eastern District ***of*** Pennsylvania, FTC v. Cephalon, Inc., involves the billion-dollar narcolepsy drug Provigil.\14\ However, solving this problem through the courts will take considerable time, during which ***American*** consumers and ***governments*** will continue to pay high prices for prescription drugs.

\13\ FTC v. AbbVie, Inc., No. 2:14-cv-05151-RK (E.D. Pa.) (Complaint For Injunctive And Other Equitable Relief filed on September 8, 2014).

\14\ FTC v. Cephalon, Inc., No. 2:08-CV-02141 (E.D. Pa.).

The FTC also continues to vigorously challenge anticompetitive acquisitions in health care provider markets. For example, in January 2014, a federal court in Idaho issued a permanent injunction enjoining St. Luke's Health System's acquisition ***of*** Saltzer Medical Group, Idaho's largest independent, multi-specialty physician practice group, and requiring full divestiture ***of*** Saltzer's physicians and assets in an action brought by the FTC, together with the Idaho Attorney General.

The complaint charged that the combination ***of*** St. Luke's employed primary care physicians and Saltzer's physicians would give the merged firm the market power to demand higher rates for primary care physician services in Nampa, Idaho, and surrounding areas. This case is on appeal. Moreover, in April 2014, in the first appellate decision in a health care provider merger in 15 years, the U.S. Court ***of*** Appeals for the Sixth Circuit upheld the Commission's 2012 decision finding that ProMedica Health System, Inc. acquisition ***of*** a rival, St. Luke's Hospital in the Toledo, Ohio area, violated the antitrust laws. The Commission's order requires ProMedica to divest St. Luke's Hospital to an FTC-approved buyer.

(g) Fostering Innovation & Competition. For more than two decades, the Commission has examined difficult issues at the intersection ***of***

antitrust and intellectual property law--issues related to innovation, standard-setting, and patents. The Commission's work in this area is grounded in the recognition that intellectual property and competition laws share the fundamental goals ***of*** promoting innovation and consumer welfare. The Commission has authored several seminal reports on competition and patent law and conducted workshops to learn more about emerging practices and trends.

For instance, the FTC and DOJ held a joint workshop in December 2012 to explore the impact ***of*** patent assertion entity (PAE) activities \15\ and encouraged efforts ***of*** the Patent Trade Office to provide the public with more complete information regarding patent ownership.\16\ The FTC and DOJ also received public comments in conjunction with the workshop. While workshop panelists and commenters identified potential harms and efficiencies ***of*** PAE activity, they noted a lack ***of*** empirical data in this area and recommended that FTC use its authority under Section 6(b) ***of*** the Federal Trade Commission Act. After public notice and comment, on August 8, 2014, the Commission received authority from the Office ***of*** Management and Budget to issue compulsory process orders to PAEs and other industry participants for the purpose ***of*** gathering information to examine how PAEs do business and develop a better understanding ***of*** how they impact innovation and competition.

\15\ See press release ``Federal Trade Commission, Department ***of*** Justice to Hold Workshop on Patent Assertion Entity Activities'' dated November 19, 2012, at http://www.ftc.gov/opa/2012/11/paeworkshop.shtm.

\16\ See Comments ***of*** the Antitrust Division ***of*** the United States Department ***of*** Justice And the United States Federal Trade Commission, February 1, 2013, Before the United States Department ***of*** Commerce Patent and Trademark Office, In the Matter ***of*** Notice ***of*** Roundtable on Proposed Requirements for Recordation ***of*** Real-Party-in-Interest Information Throughout Application Pendency and Patent Term, Docket No. PTO-P-2012-0047, at http://www.ftc.gov/os/2013/02/130201pto-rpi-comment.pdf.

(h) Alcohol Advertising. On February 1, 2012, the Office ***of*** Management and Budget (OMB) gave the Commission

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approval, under the Paperwork Reduction Act, to issue compulsory process orders to up to 14 alcohol companies. On April 16, 2012, the Commission issued the orders, seeking information on company brands, sales, and marketing expenses; compliance with advertising placement codes; and use ***of*** social media and other digital marketing.\17\ On March 20, 2014, the Commission released a report, setting forth the results ***of*** its study.\18\ The Commission also continues to promote the ``We Don't Serve Teens'' consumer education program, supporting the legal drinking age.\19\

\17\ A copy ***of*** the order, a list ***of*** the target companies, and the press release are available online at *http://www.ftc.gov/opa/2012/04/alcoholstudy.shtm*.

\18\ See Self-Regulation in the Alcohol Industry (March 2014), available at *http://www.ftc.gov/system/files/documents/reports/self-regulation-alcohol-industry-report-federal-trade-commission/140320alcoholreport.pdf*.

\19\ More information can be found at *http://www.dontserveteens.gov/*.

(i) Gasoline Prices. Given the impact ***of*** energy prices on consumer budgets, the energy sector continues to be a major focus ***of*** FTC law enforcement and study. In November 2009, the FTC's Petroleum Market Manipulation Rule became final.\20\ Our staff continues to examine all communications from the public about potential violations ***of*** this Rule, which prohibits manipulation in wholesale markets for crude oil, gasoline, and petroleum distillates. Other activities complement these efforts, including merger enforcement and an agreement with the Commodity Futures Trading Commission to share investigative information. In view ***of*** the fundamental importance ***of*** oil, natural gas, and other energy resources to the overall vitality ***of*** the United States and world economy, we expect that FTC review and oversight ***of*** the oil and natural gas industries will remain a centerpiece ***of*** our work for years to come.

\20\ 16 CFR part 317; See press release: ``New FTC Rule Prohibits Petroleum Market Manipulation'' (Aug. 6, 2009), available at *http://www.ftc.gov/opa/2009/08/mmr.shtm;* ``FTC Issues Compliance

Guide for Its Petroleum Market Manipulation Regulations," News

Release (Nov. 13, 2009), available at http://www.ftc.gov/opa/2009/11/mmr.shtm.

(j) Fraud Surveys. The FTC's Bureau ***of*** Economics (BE) continues to conduct fraud surveys and related research on consumer susceptibility to fraud. For example, BE conducted an exploratory experimental study in a university economics laboratory to see whether we could identify

characteristics ***of*** consumers ***who*** might be more likely to fall victim to

fraud. A second exploratory study ***of*** susceptibility to fraud was

conducted using an Internet panel. The results ***of*** that study are

currently being analyzed. The most recent survey ***of*** the incidence ***of*** consumer fraud was conducted between late November 2011 and early February 2012, and a report describing the findings was released in

April 2013. The results ***of*** these efforts may aid the FTC to better target its enforcement actions and consumer education initiatives and improve future fraud surveys.

(k) Protecting Consumers from Cross-Border Harm. The FTC continues

to focus on combatting cross-border violations ***of*** law that affect consumers. For example, this year the Commission approved fourteen settlements with U.S. businesses that had falsely claimed they were abiding by an international privacy framework known as the U.S.-European Union Safe Harbor that enables U.S. companies to transfer consumer data from the European Union (EU) to the United States in

compliance with EU law.\21\ Additionally, the FTC, with the help ***of*** counterparts in Canada, Slovakia, and Austria, brought an action against a notorious multi-million dollar international business directory scam in FTC v. Construct Data.\22\ Building on the FTC's work

with African consumer agencies, the FTC signed a memorandum ***of*** understanding (MOU) with Nigeria's Consumer Protection Council and its Economic and Financial Crimes Commission.\23\ It is the first FTC MOU

of this kind to include a foreign criminal enforcement authority.

\21\ See press release ``FTC Approves Final Orders Settling

Charges ***of*** U.S.-EU Safe Harbor Violations Against 14 Companies"

dated June 25, 2014, at http://www.ftc.gov/news-events/press-releases/2014/06/ftc-approves-final-orders-settling-charges-us-eu-safe-harbor.

\22\ FTC v. Construct Data Publishers, a.s. d/b/a Fair Guide,

Civil Action Number: 13 cv 1999 (N.D. Ill.) Default Judgment and Order for Permanent Injunction and Other Equitable Relief Against Construct Data Publishers A.S., Wolfgang Valvoda, and Susanne Anhorn (March 7, 2014).

\23\ See press release ``FTC Signs Memorandum ***of*** Understanding with Nigerian Consumer Protection and Criminal Enforcement Authorities'' dated August 28, 2013, at http://www.ftc.gov/news-events/press-releases/2013/08/ftc-signs-memorandum-understanding-nigerian-consumer-protection.

The FTC strives to promote sound approaches to common problems by building relationships with sister agencies around the world. With over 130 jurisdictions enforcing competition laws, the FTC continues to lead efforts to develop strong mutual enforcement cooperation and sound policy with its international partners. We continue to strengthen cooperation and coordination with agencies to reach compatible results on cases ***of*** mutual interest, such as Thermo Fisher/Life Technologies, in which the FTC recently cooperated with antitrust agencies in nine jurisdictions to reach consistent results.\24\ We also work to develop improved tools to facilitate cooperation. This year, FTC and Department ***of*** Justice Antitrust Division staff jointly released a model waiver ***of*** confidentiality that is designed to streamline the waiver negotiation process, facilitating deeper communication between cooperating agencies.\25\ During the past year the FTC held bilateral meetings with key partners, including competition agencies in the EU, Canada, Mexico, Japan, China and India, and continued to play a lead role in the International Competition Network, including co-leading the Agency Effectiveness Working Group and its Investigative Process Project.

\24\ See press release ``FTC Puts Conditions on Thermo Fisher Scientific Inc.'s Proposed Acquisition ***of*** Life Technologies Corporation'' dated January 31, 2014, at http://www.ftc.gov/news-events/press-releases/2014/01/ftc-puts-conditions-thermo-fisher-scientific-incs-proposed.

\25\ See press release ``Federal Trade Commission and Justice Department Issue Updated Model Waiver ***of*** Confidentiality for International Civil Matters and Accompanying FAQ'' dated September 25, 2013, at http://www.ftc.gov/news-events/press-releases/2013/09/federal-trade-commission-and-justice-department-issue-updated.

(l) Self-Regulatory and Compliance Initiatives With Industry. The Commission continues to engage industry in compliance partnerships in the funeral and franchise industries. Specifically, the Commission's Funeral Rule Offender Program, conducted in partnership with the National Funeral Directors Association, is designed to educate funeral

home operators found in violation ***of*** the requirements ***of*** the Funeral Rule, 16 CFR 453, so that they can meet the rule's disclosure requirements. Almost 460 funeral homes have participated in the program since its inception in 1996. In addition, the Commission established the Franchise Rule Alternative Law Enforcement Program in partnership with the International Franchise Association (IFA), a nonprofit organization that represents both franchisors and franchisees. This program is designed to assist franchisors found to have a minor or

technical violation ***of*** the Franchise Rule, 16 CFR 436, in complying with the rule. Violations involving fraud or other section 5 violations are not candidates for referral to the program. The IFA teaches the franchisor how to comply with the rule and monitors its business for a

period ***of*** years. Where appropriate, the program offers franchisees the opportunity to mediate claims arising from the law violations. Since December

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1998, 21 companies have agreed to participate in the program.

Rulemakings and Studies Required by Statute

Congress has enacted laws requiring the Commission to undertake rulemakings and studies. This section discusses required rules and studies. The final actions section below describes actions taken on the required rulemakings and studies since the 2013 Regulatory Plan was published.

FACTA Rules. The Commission has issued all ***of*** the rules required by FACTA (Fair and Accurate Credit Transactions Act). These rules are

codified in several parts ***of*** 16 CFR 602 et seq., amending or supplementing regulations relating to the Fair Credit Reporting Act.

FACTA Studies. On March 27, 2009, the Commission issued compulsory

information requests to the nine largest private providers ***of*** homeowner insurance in the nation. The purpose was to help the FTC collect data

for its study on the effects ***of*** credit-based scores in the homeowner

insurance market, a study mandated by section 215 ***of*** the FACTA. During

the summer ***of*** 2009, these nine insurers submitted responses to the

Commission's requests. FTC staff has reviewed the large policy-level data files included in these submissions and has identified a sample set ***of*** data to be used for the study. The insurance companies then worked with their vendor to ensure the security ***of*** delivering the data set to the FTC's own and separate vendor. That data was sent to the FTC's vendor, which then sent the data, stripped ***of*** any personally identifiable information, to the FTC. The FTC's vendor also sent other data to the Social Security Administration (SSA), which will provide the FTC with additional data for the Report. The FTC hopes to receive the SSA data soon. Staff expects the Report will be submitted to Congress during the spring ***of*** 2015. This study is not affected by the Consumer Financial Protection Act.

Section 319 ***of*** FACTA requires the FTC to study the accuracy and completeness ***of*** information in consumers' credit reports and to consider methods for improving the accuracy and completeness ***of*** such information. Section 319 ***of*** the Act also requires the Commission to issue a series ***of*** biennial reports to Congress over a period ***of*** 11 years. The Commission's December 2012 report to Congress on credit reporting accuracy focused on identifying potential errors that could have a material effect on a person's credit standing. Any participants ***who*** identified a potentially material error on their report were encouraged to dispute the erroneous information. The study found that 26 percent ***of*** consumers reported a potential material error on one or more ***of*** their three reports and filed a dispute with at least one credit reporting agency (CRA), and half ***of*** these consumers experienced a change in their credit scores. For five percent ***of*** consumers, the errors on their credit reports could lead to them paying more for products such as auto loans and insurance. Congress instructed the FTC to complete this study by December 2014, when a final report is due.

Retrospective Review ***of Existing*** Regulations

In 1992, the Commission implemented a program to review its rules and guides regularly. The Commission's review program is patterned after provisions in the Regulatory Flexibility Act, 5 U.S.C. 601-612. Under the Commission's program, rules are reviewed on a 10-year schedule. For many rules, this has resulted in more frequent reviews than are generally required by section 610 ***of*** the Regulatory

Flexibility Act. This program is also broader than the review contemplated under the Regulatory Flexibility Act, in that it provides the Commission with an ongoing systematic approach for seeking information about the costs and ***benefits*** ***of*** its rules and guides and whether there are changes that could minimize any adverse economic effects, not just a ``significant economic impact upon a substantial number ***of*** small entities.'' 5 U.S.C. 610.

As part ***of*** its continuing 10-year review plan, the Commission examines the effect ***of*** rules and guides on small businesses and on the marketplace in general. These reviews may lead to the revision or rescission ***of*** rules and guides to ensure that the Commission's consumer protection and competition goals are achieved efficiently and at the least cost to business. In a number ***of*** instances, the Commission has determined that ***existing*** rules and guides were no longer necessary or in the public interest. Most ***of*** the matters currently under review pertain to consumer protection and are intended to ensure that consumers receive the information necessary to evaluate competing products and make informed purchasing decisions. Pursuant to this program, the Commission has rescinded 37 rules and guides promulgated under the FTC's general authority and updated dozens ***of*** others since the early 1990s.

In light ***of*** Executive Orders 13563 and 13579, the FTC continues to take a fresh look at its long-standing regulatory review process. The Commission is taking a number ***of*** steps to ease burdens on business and promote transparency in its regulatory review program:

The Commission recently issued a revised 10-year review schedule (see next paragraph below) and is accelerating the review ***of*** a number ***of*** rules and guides in response to recent changes in technology and the marketplace. The Commission is currently reviewing 20 ***of*** the 65 rules and guides within its jurisdiction.

The Commission continues to request and review public comments on the effectiveness ***of*** its regulatory review program and suggestions for its improvement.

The FTC maintains a Web page at http://www.ftc.gov/regreview that serves as a one-stop shop for the public to obtain information and provide comments on individual rules and guides under

review as well as the Commission's regulatory review program generally. In addition, the Commission's 10-year periodic review schedule includes initiating reviews for the following rules and guides (79 FR 14199, March 13, 2014) during 2014 and 2015:

(1) Standards for Safeguarding Customer Information, 16 CFR 314,

(2) Contact Lens Rule, 16 CFR 315,

(3) CAN-SPAM Rule, 16 CFR 316, and

(4) Ophthalmic Practice Rules (Eyeglass Rule), 16 CFR 456.

As set out below under Ongoing Rule and Guide Reviews, the Commission recently initiated reviews ***of*** the Telemarketing Sales Rule (TSR), 16 CFR 308, and the Hobby Rules, 16 CFR 304.

Ongoing Rule and Guide Reviews

The Commission is continuing review ***of*** a number ***of*** rules and guides, which are discussed below.

(a) Rules

Premerger Notification Rules and Report Form (or HSR Rules), 16 CFR 801-803. The Premerger Office is considering recommending amendments to the HSR Rules regarding standards for the valuation ***of*** potentially reportable transactions, regarding the instructions to the HSR Form to update information related to NAICS (North ***American*** Industry Classification System) codes, recent rule changes, and a change ***of*** address for delivery ***of*** filings to the FTC Premerger Office. The proposed amendments may be issued during the first quarter ***of*** 2015. The Premerger Office is also considering amendments to the Instructions to the HSR Form to update information related to NAICS codes and

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recent rule changes and allow the submission ***of*** filings on electronic media.\26\

\26\ See Final Actions for information about a separate final rule proceeding for HSR Rules.

Fuel Rating Rule, 16 CFR 306. First issued in 1979, the Fuel Rating Rule (or Automotive Fuel Ratings, Certification and Posting Rule) enables consumers to buy gasoline with an appropriate octane rating for their vehicle and establishes standard procedures for determining, certifying, and posting octane ratings. On March 27, 2014, the Commission proposed amendments to the Rule that would adopt and revise

rating, certification, and labeling requirements for blends ***of*** gasoline with more than 10 percent ethanol and would allow an alternative octane rating method that would lower compliance costs. 79 FR 18850. The comment period closed on July 2, 2014. Staff is reviewing comments and anticipates sending a recommendation to the Commission by the end ***of*** the first quarter ***of*** 2015.

Telemarketing Sales Rule (TSR), 16 CFR 308. Anti-Fraud Provisions--Commission staff are considering proposed ``Anti-Fraud'' amendments to the TSR concerning, among other things, the misuse ***of*** novel payment methods by telemarketers and sellers. On May 21, 2013, the Commission issued a Notice ***of*** Proposed Rulemaking (``NPRM''), which was published in the Federal Register on July 9, 2013. 78 FR 41200. After a short extension, the comment period closed on August 8, 2013. Commission staff is reviewing the comments submitted in response to the NPRM, and anticipates making a recommendation to the Commission by the end ***of*** 2014.

Periodic Rule Review--On August 11, 2014, Commission initiated periodic review ***of*** the TSR as set out on the 10-year review schedule. 79 FR 46732. The comment period as extended will close on November 13, 2014. 79 FR 61267 (Oct. 10, 2014).

Hobby Rules, 16 CFR 304. As part ***of*** the systematic rule review process, on July 14, 2014, the Commission requested public comments on, among other things, the economic impact and ***benefits*** ***of*** the Hobby Rules (Rules and Regulations under the Hobby Protection Act); possible conflict between the Rules and State, local, or other Federal laws or regulations; and the effect on the Rules ***of*** any technological, economic, or other industry changes. 79 FR 40691. The comment period closed on September 22, 2014. The Hobby Protection Act, 16 U.S.C. 2101-2106, prohibits manufacturing or importing imitation numismatic and collectible political items unless they are marked in accordance with regulations prescribed by the Federal Trade Commission. The implementing Rules prescribe that imitation political items--such as buttons, posters or coffee mugs--must be marked with the calendar year in which they were manufactured, and imitation numismatic items--including coins, tokens and paper money--must be marked with the word ``copy.'' Staff anticipates sending a recommendation to the Commission by May 2015.

The Fair Packaging and Labeling Act (``FPLA'') Rules, 16 CFR 500-502. The FPLA requires consumer commodities to be marked with

statements ***of***: (1) Identity; (2) net quantity ***of*** contents; and (3) name and place ***of*** the business ***of*** manufacturer, packer, or distributor.

These requirements serve FPLA's stated purpose ***of*** ``enabling consumers to obtain accurate information as to the quantity ***of*** the contents and . . . to facilitate value comparisons.'' As part ***of*** its ongoing systematic review process, the Commission requested comments on March 19, 2014, regarding, among other things, the economic impact and ***benefits*** ***of*** the FPLA Rules; possible conflict between the Rules and State, local, or other Federal laws or regulations; and the effect on the Rules ***of*** any technological, economic, or other industry changes. The comment period closed on May 21, 2014. Staff is reviewing the comments and anticipates forwarding a recommendation to the Commission by the end ***of*** 2014.

Care Labeling Rule, 16 CFR 423. Promulgated in 1971, the Rule on Care Labeling ***of*** Textile Apparel and Certain Piece Goods as Amended (the Care Labeling Rule) makes it an unfair or deceptive act or practice for manufacturers and importers ***of*** textile wearing apparel and certain piece goods to sell these items without attaching care labels stating ``what regular care is needed for the ordinary use ***of*** the product.'' The Rule also requires that the manufacturer or importer possess, prior to sale, a reasonable basis for the care instructions and allows the use ***of*** approved care symbols in lieu ***of*** words to disclose care instructions. After reviewing the comments from a periodic rule review (76 FR 41148; July 13, 2011), the Commission concluded on September 20, 2012, that the Rule continued to ***benefit*** consumers and would be retained, and sought comments on potential updates to the Rule, including changes that would: Allow garment manufacturers and marketers to include instructions for professional wetcleaning on labels; permit the use ***of*** ASTM Standard D5489-07, ``Standard Guide for Care Symbols for Care Instructions on Textile Products,'' or ISO 3758:2005(E), ``Textiles--Care labeling code using symbols,'' in lieu ***of*** terms; clarify what can constitute a reasonable basis for care instructions; and update the definition ***of*** ``dryclean.'' 77 FR 58338. On March 28, 2014, the Commission hosted a public roundtable in Washington, DC, that analyzed proposed changes to the Rule. Staff anticipates forwarding a recommendation to the Commission

action during early 2015.

Used Car Rule, 16 CFR 455. The Used Motor Vehicle Trade Regulation Rule (``Used Car Rule''), 16 CFR 455, sets out the general duties ***of*** a used vehicle dealer; requires that a completed Buyers Guide be posted at all times on the side window ***of*** each used car a dealer offers for sale; and mandates disclosure ***of*** whether the vehicle is covered by a dealer warranty and, if so, the type and duration ***of*** the warranty coverage, or whether the vehicle is being sold ``as is-no warranty.'' The Commission published a notice seeking public comments on the effectiveness and impact ***of*** the rule. See 73 FR 42285 (July 21, 2008). The comment period, as extended and then reopened, ended on June 15, 2009. In response to comments, the Commission published a Notice ***of*** Proposed Rulemaking on December 17, 2012 (See 77 FR 74746) and a final rule revising the Spanish translation ***of*** the window form on December 12, 2012. See 77 FR 73912. The extended comment period on the NPRM ended on March 13, 2012. The Commission is currently considering staff's recommendation relating to the next step in this rulemaking.

Consumer Warranty Rules, 16 CFR 701-703. The Rule Governing the Disclosure ***of*** Written Consumer Product Warranty Terms and Conditions (Rule 701) establishes requirements for warrantors for disclosing the terms and conditions ***of*** written warranties on consumer products actually costing the consumer more than $15.00. The Rule Governing the Pre-Sale Availability ***of*** Written Warranty Terms, 16 CFR part 702 (Rule 702) requires sellers and warrantors to make the terms ***of*** a written warranty available to the consumer prior to sale. The Rule Governing Informal Dispute Settlement Procedures (IDSM) (Rule 703) establishes minimum requirements for those informal dispute settlement mechanisms that are incorporated by the warrantor into its consumer product warranty. By incorporating the IDSM into the warranty, the warrantor requires the consumer to use the IDSM before pursuing any legal remedies in

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court. On August 23, 2011, as part ***of*** its ongoing systematic review ***of*** all FTC rules and guides, the Commission requested comments on, among other things, the economic impact and ***benefits*** ***of*** these Rules, Guides, and Interpretations; \27\ possible conflict between the Rules, Guides, and Interpretations and state, local, or other federal laws or

regulations; and the effect on the Rules, Guides, and Interpretations ***of*** any technological, economic, or other industry changes. See 76 FR 52596. The comment period closed on October 24, 2011. Staff anticipates sending a recommendation to the Commission by the fall ***of*** 2014.

\27\ The Federal Register Notice also announced the review ***of*** the related Guides for the Advertising ***of*** Warranties and Guarantees, 16 CFR 239, and the Interpretations ***of*** Magnuson-Moss Warranty Act, 16 CFR 700.

Cooling-Off Rule, 16 CFR 429. The Cooling-Off Rule requires that a consumer be given a 3-day right to cancel certain sales greater than $25.00 that occur at a place other than a seller's place ***of*** business. The rule also requires a seller to notify buyers orally ***of*** the right to cancel, to provide buyers with a dated receipt or copy ***of*** the contract containing the name and address ***of*** the seller and notice ***of*** cancellation rights, and to provide buyers with forms which buyers may use to cancel the contract. As part ***of*** its systematic regulatory review process and following public comment, the Commission announced that it was retaining the Cooling-Off Rule and proposed increasing its $25 exclusionary limit to $130 to account for inflation. 78 FR 3855 (Jan. 17, 2013). The comment period closed on March 4, 2013. Staff reviewed the comments, and the Commission is currently reviewing its recommendation.

Unavailability Rule, 16 CFR 424. The Unavailability Rule states that it is a violation ***of*** section 5 ***of*** the FTC Act for retail stores ***of*** food, groceries, or other merchandise to advertise products for sale at a stated price if those stores do not have the advertised products in stock and readily available to customers during the effective period ***of*** the advertisement, unless the advertisement clearly discloses that supplies ***of*** the advertised products are limited or are available only at some outlets. This Rule is intended to ***benefit*** consumers by ensuring that advertised items are available, that advertising-induced purchasing trips are not fruitless, and that store prices accurately reflect the prices appearing in the ads. On August 12, 2011, the Commission announced an ANPRM and a request for comment on the Rule as

part ***of*** its systematic periodic review ***of*** current rules. The comment period closed on October 19, 2011. Staff has reviewed the comments and expects to submit a recommendation to the Commission by the winter ***of*** 2015.

(b) Guides

Jewelry Guides, 16 CFR 23. The Commission sought public comments on its Guides for the Jewelry, Precious Metals, and Pewter Industries, which are commonly known as the Jewelry Guides. 77 FR 39202 (July 2, 2012). Since completing its last review ***of*** the Jewelry Guides in 1996, the Commission revised sections ***of*** the Guides and addressed other issues raised in petitions from jewelry trade associations. The Guides explain to businesses how to avoid making deceptive claims about precious metal, pewter, diamond, gemstone, and pearl products and when they should make disclosures to avoid unfair or deceptive trade practices. The comment period initially set to close on August 27, 2012, was subsequently extended until September 28, 2012. Staff also conducted a public roundtable to examine possible modifications to the Guides in June 2013. Staff is currently reviewing the record, including comments and the roundtable transcript.

Used Auto Parts Guides, 16 CFR 20. On July 14, 2014, the Commission completed its review ***of*** the Guides for the Rebuilt, Reconditioned and Other Used Automobile Parts Industry (Used Auto Parts Guides or Guides), which are designed to prevent the unfair or deceptive marketing ***of*** used motor vehicle parts and assemblies, such as engines and transmissions, containing used parts. 79 FR 40623. The Guides prohibit misrepresentations that a part is new or about the condition, extent ***of*** previous use, reconstruction, or repair ***of*** a part. Previously used parts must be clearly and conspicuously identified as such in advertising and packaging and, if the part appears new, on the part itself. In May 2012, the Commission sought public comments on the Used Auto Parts Guides. 77 FR 29922. After considering the comments, the Commission decided to retain and amend the Guides. Significant amendments include providing that the term ``remanufactured,'' like the term ``factory rebuilt,'' should be used only if the product was rebuilt ``at a factory generally engaged in the rebuilding ***of*** such products;'' applying the Guides to used tires; and shortening and updating the sample list ***of*** parts that may be industry products.

Final Actions

Since the publication ***of*** the 2013 Regulatory Plan, the Commission

has issued the following final rules or taken other actions to close other rulemaking proceedings.

Mail or Telephone Order Merchandise Rule, 16 CFR 435. The Mail or Telephone Order Rule requires that, when sellers advertise merchandise, they must have a reasonable basis for stating or implying that they can ship within a certain time. On September 11, 2014, the Commission announced it was adopting final amendments to its Trade Regulation Rule previously entitled ``Mail or Telephone Order Merchandise,'' including revising its name to ``Mail, Internet, or Telephone Order Merchandise'' (the ``Rule''). 79 FR 55615 (Sept. 17, 2014). The final rule is based upon the comments received in response to an Advance Notice ***of*** Proposed Rulemaking, a Notice ***of*** Proposed Rulemaking, a Staff Report, and other information. Other final amendments clarify that the Rule covers all orders placed over the Internet; revise the Rule to allow sellers to provide refunds and refund notices by any means at least as fast and reliable as first class mail; clarify sellers' obligations when buyers use payment systems not enumerated in the Rule; and require that refunds be made within seven working days for purchases made using third-party credit cards. The final rule is effective on December 8, 2014.

Wool Rules, 16 CFR 300. On June 4, 2014, the Commission amended the Wool Rules (Rules and Regulations Under The Wool Products Labeling Act ***of*** 1939) to conform to the 2006 amendments to the Wool Suit Fabric Labeling Fairness and International Standards Conforming Act (the Wool Act) and the amended Textile Rules. The changes included incorporating the Wool Act's new definitions for cashmere and very fine wools, clarifying descriptions ***of*** products containing virgin or new wool, and allowing certain hang-tags disclosing fiber trademarks and performance even if they do not disclose the product's full fiber content. The amended Rules were effective on July 7, 2014.

Fur Rules, 16 CFR 301. The Commission published amendments to the Fur Rules (or Rules and Regulations under the Fur Products Labeling Act) on May 28, 2014, to update the Fur Products Name Guide, provide more labeling flexibility, incorporate Truth in Fur Labeling Act provisions, and conform the guaranty provisions to those governing the Rules under the Textile Fiber Products Identification

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Act. 79 FR 30445. The amendments are effective November 19, 2014. More specifically, the changes eliminate unnecessary requirements on companies that sell fur products to give them more flexibility on

labeling, update the Fur Products Name Guide that lists common animal names allowed on fur labels, incorporate provisions ***of*** a fur labeling law passed by Congress in 2010, the Truth in Fur Labeling Act ***of*** 2010 (``TFLA''), including the elimination ***of*** the Commission's discretion to exempt fur products ***of*** ``relatively small quantity or value'' from disclosure requirements; and providing that the Fur Act would not apply to products covered by the hunter/trapper exemption.

Textile Labeling Rules, 16 CFR 303. These Rules implement Textile Fiber Identification Act requirements that apparel and other covered household textile articles be marked with (1) the generic names and percentages by weight ***of*** the constituent fibers present in the textile fiber product; (2) the name under which the manufacturer or another responsible USA company does business, or in lieu thereof, the registered identification number (RIN) ***of*** such a company; and (3) the name ***of*** the country where the textile product was processed or manufactured. After notice and comment, the Commission amended the Rules on April 4, 2014, to clarify and update its provisions and provide more flexibility, giving businesses more compliance options without imposing significant new obligations. 79 FR 18766.

Premerger Notification Rules and Report Form (or HSR Rules), 16 CFR 801-803. On April 25, 2014, the Commission, in conjunction with the Department ***of*** Justice's Antitrust Division, issued amendments to the HSR Rules, updating the Instructions to the HSR Form with the address for the Premerger Office's new location in the Constitution Center. The effective date ***of*** the new address was May 6, 2014. 79 FR 25662.

Prenotification Negative Option Rule, 16 CFR 425. On July 25, 2014, the Commission announced it was closing the periodic Regulatory Review and retaining the Negative Option Rule (the Trade Regulation Rule on Prenotification Negative Option Plans) as currently written. 79 FR 44271 (July 31, 2014). The Negative Option Rule governs the operation ***of*** prenotification subscription plans. Under these plans, sellers ship merchandise automatically to their subscribers and bill them for the merchandise within a prescribed time. The Negative Option Rule protects consumers by requiring the disclosure ***of*** the terms ***of*** membership clearly and conspicuously and establishes procedures for administering the subscription plans.

Energy Labeling Rule, 16 CFR 305. On April 9, 2014, the Commission issued conforming amendments to the Rule requiring a new Department ***of***

Energy (``DOE'') test procedure for televisions and establishing data reporting requirements for those products. 79 FR 19464.\28\

\28\ See Ongoing Rule and Guide Reviews for information about a separate ongoing rulemaking proceeding for the Energy Labeling Rule.

Telemarketing Sales Rule, 16 CFR 310. Caller ID--After reviewing the public comments elicited by an Advance Notice ***of*** Proposed Rulemaking, 75 FR 78179 (Dec. 15, 2010) seeking suggestions on ways to enhance the effectiveness and enforceability ***of*** the caller identification (``Caller ID'') requirements ***of*** the TSR as well as technical presentations at the FTC's 2012 Robocall Summit, the Commission determined that amending the TSR would not reduce the incidence ***of*** the falsification, or ``spoofing,'' ***of*** Caller ID information in telemarketing calls. The Commission issued a Federal Register Notice closing this proceeding, effective December 5, 2013. 78 FR 77024 (Dec. 20, 2014).

Fred Meyer Guides, 16 CFR 240. On September 18, 2014, the Commission completed its review ***of*** the Fred Meyer Guides (officially the Guides for Advertising Allowances and Other Merchandising Payments and Services) and is retaining the Guides with updates that, among other revisions, clarify that the Guides apply to Internet commerce and bring the Guides into conformity with current case law regarding the applicability ***of*** Sections 2(d) and (e) ***of*** the Robinson-Patman Act to knowing inducement ***of*** disproportional promotional allowances. 79 FR 58245 (Sept. 29, 2014). The Guides assist businesses in complying with sections 2(d) and 2(e) ***of*** the Robinson-Patman Act, which proscribe certain discriminations in the provision ***of*** promotional allowances and services to customers. Broadly put, the Guides provide that unlawful discrimination may be avoided by providing promotional allowances and services to customers on ``proportionally equal terms.''

Vocational Schools Guides, 16 CFR 254. On November 18, 2013, the Commission amended the Vocational Schools Guides (or the Private Vocational and Distance Education Schools Guides) to address more specifically misrepresentations commonly used in recruitment, including those regarding completion/dropout rates and post-graduation job prospects; about whether completion ***of*** a program will qualify students to take a licensing exam; concerning a student's score on an admissions

test, how long it takes to complete a course or program, or a student's likelihood ***of*** success; and regarding the likelihood ***of*** financial aid or help with language barriers or learning disabilities, or how much credit students will receive for courses completed elsewhere. 78 FR 68987. The Vocational School Guides address marketing practices by businesses that offer vocational training.

Summary

In both content and process, the FTC's ongoing and proposed regulatory actions are consistent with the President's priorities. The actions under consideration inform and protect consumers, while minimizing the regulatory burdens on businesses. The Commission will continue working toward these goals. The Commission's 10-year review program is patterned after provisions in the Regulatory Flexibility Act and complies with the Small Business Regulatory Enforcement Fairness Act ***of*** 1996. The Commission's 10-year program also is consistent with section 5(a) ***of*** Executive Order 12866, which directs executive branch agencies to develop a plan to reevaluate periodically all ***of*** their significant ***existing*** regulations. 58 FR 51735 (Sept. 30, 1993). In addition, the final rules issued by the Commission continue to be consistent with the President's Statement ***of*** Regulatory Philosophy and Principles, Executive Order 12866, section 1(a), which directs agencies to promulgate only such regulations as are, inter alia, required by law or are made necessary by compelling public need, such as material failures ***of*** private markets to protect or improve the health and safety ***of*** the public.

The Commission continues to identify and weigh the costs and ***benefits*** ***of*** proposed actions and possible alternative actions and to receive the broadest practicable array ***of*** comment from affected consumers, businesses, and the public at large. In sum, the Commission's regulatory actions are aimed at efficiently and fairly promoting the ability ***of*** ``private markets to protect or improve the health and safety ***of*** the public, the environment, or the well-being ***of*** the ***American*** people.'' Executive Order 12866, section 1.

II. Regulatory and Deregulatory Actions

The Commission has no proposed rules that would be a ``significant

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regulatory action'' under the definition in Executive Order 12866.\29\ The Commission has no proposed rules that would have significant international impacts under the definition in Executive Order 13609. Also, there are no international regulatory cooperation activities that are reasonably anticipated to lead to significant regulations under Executive Order 13609.

\29\ Section 3(f) ***of*** Executive Order 12866 defines a regulatory action to be ``significant'' if it is likely to result in a rule that may:

(1) Have an annual effect on the economy ***of*** $100 million or more or adversely affect in a material way the economy; a sector ***of*** the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or tribal ***governments*** or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact ***of*** entitlements, grants, user fees, or loan programs, or the rights and obligations ***of*** recipients thereof; or

(4) Raise novel legal or policy issues arising out ***of*** legal mandates, the President's priorities, or the principles set forth in this Executive order.

BILLING CODE 6750-01-P

NATIONAL INDIAN GAMING COMMISSION (NIGC)

Statement ***of*** Regulatory Priorities

In 1988, Congress adopted the Indian Gaming Regulatory Act (IGRA) (Pub L. 100-497, 102 Stat. 2475) with a primary purpose ***of*** providing ``a statutory basis for the operation ***of*** gaming by Indian tribes as a means ***of*** promoting tribal economic development, self-sufficiency, and strong tribal ***governments***.'' IGRA established the National Indian Gaming Commission (NIGC or the Commission) to protect such gaming, amongst other things, as a means ***of*** generating tribal revenue.

At its core, Indian gaming is a function ***of*** sovereignty exercised

by tribal ***governments***. In addition, the Federal ***government*** maintains a ***government***-to-***government*** relationship with the tribes--a responsibility ***of*** the NIGC. Thus, while the Agency is committed to strong regulation ***of*** Indian gaming, the Commission is equally committed to strengthening ***government***-to-***government*** relations by engaging in meaningful consultation with tribes to fulfill IGRA's intent. The NIGC's vision is to adhere to principles ***of*** good ***government***, including transparency to promote agency accountability and fiscal responsibility, to operate consistently to ensure fairness and clarity in the administration ***of*** IGRA, and to respect the responsibilities ***of*** each sovereign in order to fully promote tribal economic development, self-sufficiency, and strong tribal ***governments***. The NIGC is fully committed to working with tribes to ensure the integrity ***of*** the industry by exercising its regulatory responsibilities through technical assistance, compliance, and enforcement activities.

Retrospective Review ***of*** ***Existing*** Regulations

As an independent regulatory agency, the NIGC has been performing a retrospective review ***of*** its ***existing*** regulations well before Executive Order 13579 was issued on July 11, 2011. The NIGC, however, recognizes the importance ***of*** Executive Order 13579 and its regulatory review is being conducted in the spirit ***of*** Executive Order 13579, to identify those regulations that may be outmoded, ineffective, insufficient, or excessively burdensome and to modify, streamline, expand, or repeal them in accordance with input from the public. In addition, as required by Executive Order 13175, the Commission has been conducting ***government***-to-***government*** consultations with tribes regarding each regulation's relevancy, consistency in application, and limitations or barriers to implementation, based on the tribes' experiences. The consultation process is also intended to result in the identification ***of*** areas for improvement and needed amendments, if any, new regulations, and the possible repeal ***of*** outdated regulations.

The following Regulatory Identifier Numbers (RINs) have been identified as associated with the review:

RIN Title

3141-AA32..... Amendment ***of*** Definitions.
3141-AA55..... Minimum Internal Control Standards.

3141-AA58..... Amendment ***of*** Approval ***of*** Management Contracts.
3141-AA60..... Class II Minimum Internal Control Standards.

3143-AA61..... Self-Regulation ***of*** Class II Gaming.

More specifically, the NIGC is currently considering promulgating new regulations in the following areas: (i) Amendments to its regulatory definitions to conform to the newly promulgated rules; (ii) the removal, revision, or suspension ***of*** the ***existing*** minimum internal control standards (MICS) in part 542; (iii) updates or revisions to its management contract regulations to address the current state ***of*** the industry; (iv) updates and revisions to its Self-Regulation ***of*** Class II Gaming regulations; and (v) the review and revision ***of*** the minimum internal control standards for Class II gaming. The NIGC anticipates that the ongoing consultations with regulated tribes will continue to play an important role in the development ***of*** the NIGC's rulemaking efforts.

BILLING CODE 7565-01-P

U.S. NUCLEAR REGULATORY COMMISSION'S FISCAL YEAR 2014 REGULATORY PLAN

A. Statement ***of*** Regulatory Priorities

Under the authority ***of*** the Atomic Energy Act ***of*** 1954, as amended, and the Energy Reorganization Act ***of*** 1974, as amended, the U.S. Nuclear Regulatory Commission (NRC) regulates the possession and use ***of*** source, byproduct, and special nuclear material. The NRC's regulatory mission is to license and regulate the Nation's civilian use ***of*** byproduct, source, and special nuclear materials, to ensure adequate protection ***of*** public health and safety, promote the common defense and security, and protect the environment. As part ***of*** its mission, the NRC regulates the operation ***of*** nuclear power plants and fuel-cycle plants; the safeguarding ***of*** nuclear materials from theft and sabotage; the safe transport, storage, and disposal ***of*** radioactive materials and wastes;

the decommissioning and safe release for other uses ***of*** licensed facilities that are no longer in operation; and the medical,

industrial, and research applications ***of*** nuclear material. In addition,

the NRC licenses the import and export ***of*** radioactive materials.

As part ***of*** its regulatory process, the NRC routinely conducts comprehensive

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regulatory analyses that examine the costs and ***benefits of*** contemplated regulations. The NRC has developed internal procedures and programs to ensure that it imposes only necessary requirements on its licensees and

to review ***existing*** regulations to determine whether the requirements imposed are still necessary.

The NRC's Regulatory Plan contains a statement ***of***: (1) The major rules that the NRC expects to publish in final form in fiscal year (FY) 2014 and FY 2015; (2) the other significant rulemakings that the NRC expects to publish in final form in FY 2014; and (3) the other significant rulemakings that the NRC expects to publish in final form in FY 2015 and beyond. For each rule and rulemaking, the NRC is including a citation to an applicable Federal Register notice, which

provides further information, a summary ***of*** the legal basis for the rule

or rulemaking, an explanation ***of*** why the NRC is pursuing the rule or rulemaking, the rulemaking's schedule, and contact information.

B.1. Major Rules (FY 2014)

The NRC will have published one major rule in final form by the end

of FY 2014.

Revision ***of*** Fee Schedules; Fee Recovery for FY 2014 (Regulation Identifier Number (RIN) 3150-AJ32)

Through this rule, the NRC will amend the licensing, inspection, and annual fees charged to its applicants and licensees. The amendments

are necessary to implement the Omnibus Budget Reconciliation Act ***of*** 1990, as amended, which requires the NRC to recover through fees

approximately 90 percent ***of*** its budget authority in FY 2014, not including amounts appropriated for Waste Incidental to Reprocessing and amounts appropriated for generic homeland security activities. These

fees represent the cost ***of*** the NRC's services provided to applicants and licensees. The proposed rule was published in the Federal Register

(FR) on April 14, 2014 (79 FR 21036), and the comment period ended on May 14, 2014.

B.2. Major Rules (FY 2015)

The NRC anticipates publishing one major rule in final form in FY 2015.

Revision ***of*** Fee Schedules; Fee Recovery for FY 2015--The NRC will update its requirement to recover approximately 90 percent ***of*** its budget authority in FY 2015.

C.1. Other Significant Rulemakings (FY 2014)

The NRC has published four other significant rulemakings in final form in FY 2014. All four rules update the NRC's list ***of*** approved spent fuel storage casks to include amendments to Certificates ***of*** Compliance (CoC). Final rules were published in the FR as follows:

Transnuclear, Inc. Standardized NUHOMS[supreg] Cask System; Amendment No. 11 to CoC No. 1004 (RIN 3150-AJ10), was published on December 27, 2013 (78 FR 78693), and effective on January 7, 2014.

HI-STORM 100 Cask System; Amendment No. 9 to CoC No. 1014 (RIN 3150-AJ12), was published on December 26, 2013 (78 FR 78165), and effective on March 11, 2014.

Transnuclear, Inc. Standardized NUHOMS[supreg] Cask System; Amendment No. 13 to CoC No. 1004 (RIN 3150-AJ28), was published on March 10, 2014 (79 FR 13192). The final rule will be effective on May 24, 2014.

Transnuclear, Inc. Standardized Advanced NUHOMS[supreg] Horizontal Modular Storage System; Amendment No. 3 to CoC No. 1029 (RIN 3150-AJ31), was published on April 15, 2014 (79 FR 21121). The NRC is in the process ***of*** considering comments received on this direct final rule.

The NRC will have published two CoC rules in final form in FY 2014.

Two CoC Rulemakings (RIN 3150-AJ30; and RIN 3150-AJ39)--These rulemakings allow a power reactor licensee to store spent fuel in approved cask designs under a general license.

C.2. Other Significant Rulemakings (FY 2015 and Beyond)

The other significant rulemakings that the NRC anticipates publishing in final form in FY 2015 and beyond are listed below. Some ***of*** these regulatory priorities are a result ***of*** recommendations from the Fukushima Dai-ichi Near-Term Task Force. In 2011, the NRC established this task force to examine regulatory requirements, programs, processes, and implementation based on information from the Fukushima

Dai-ichi site in Japan, following the March 11, 2011, earthquake and tsunami (see ``Recommendations for Enhancing Reactor Safety in the 21st Century: The Near-Term Task Force Review ***of*** Insights from the Fukushima Dai-ichi Accident,'' dated July 12, 2011 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML111861807)).

Station Blackout Mitigation Strategies (RIN 3150-AJ08)

This rulemaking addresses Fukushima Dai-ichi Near-Term Task Force Recommendations 4 and 7. The NRC published a draft regulatory basis for public comment in the Federal Register on April 10, 2013 (78 FR 21275), supporting the potential amendment ***of*** its regulations for nuclear power plant licensees and their station blackout mitigation strategies. The NRC issued a final regulatory basis for rulemaking in a document published in the Federal Register on July 23, 2013 (78 FR 44035).

Performance-Based Emergency Core Cooling System Acceptance Criteria (RIN 3150-AH42)

The proposed rule was published in the Federal Register on March 24, 2014 (79 FR 16106). The proposed rule would replace prescriptive requirements with performance-based requirements, incorporate recent research findings, and expand applicability to all fuel designs and cladding materials. Further, the proposed rule would allow licensees to use an alternative risk-informed approach to evaluate the effects ***of*** debris on long-term cooling. The proposed rule addresses two petitions for rulemaking (PRMs). On April 22, 2014 (79 FR 22456), a document was published in the FR extending the comment period until August 21, 2014.

Strengthening and Integrating Onsite Emergency Response Capabilities (RIN 3150-AJ11)

This rulemaking addresses Fukushima Dai-ichi Near-Term Task Force Recommendation 8. The draft regulatory basis for this rulemaking was published in the FR on January 8, 2013 (78 FR 1154). The NRC solicited stakeholder feedback on why the NRC finds rulemaking necessary to revise its regulations governing the integration and enhancement ***of*** requirements for onsite emergency response capabilities. The final regulatory basis for this rulemaking was published in the FR on October 25, 2013 (78 FR 63901). Preliminary proposed rule language was made available in a document published in the FR on November 15, 2013 (78 FR 68774).

Medical Use ***of*** Byproduct Material (Formerly Titled: Preceptor Attestation Requirements) (RIN 3150-AI63)

The proposed rule would amend medical use regulations related to medical event definitions for permanent implant brachytherapy; training and experience requirements for authorized users, medical physicists,

Radiation

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Safety Officers, and nuclear pharmacists; and requirements for the testing and reporting ***of*** failed molybdenum/technetium and rubidium generators. This rule would also make changes that would allow Associate Radiation Safety Officers to be named on a medical license, and make other clarifications. This rulemaking would also consider a request filed in a PRM, PRM-35-20, to ``grandfather'' certain board-certified individuals, and per Commission direction in the Staff Requirements Memorandum dated August 13, 2012, to SECY-12-0053 (ADAMS Accession No. ML12072A299), subsume a proposed rule previously published under RIN 3150-AI26, ``Medical Use ***of*** Byproduct Material-Amendments/Medical Event Definition'' [NRC-2008-0071].

10 CFR Part 26 Drug and Alcohol Testing (RIN 3150-AJ15)

This proposed rule would amend the drug testing requirements ***of*** 10 CFR part 26, ``Fitness-for-Duty Programs,'' to incorporate lessons learned from implementing the 2008 10 CFR part 26 final rule; enhance the identification ***of*** new testing subversion methods; and require the evaluation and testing ***of*** semi-synthetic opiates, synthetic drugs and urine, and use ***of*** chemicals or multiple prescriptions that could result in a person being unfit for duty.

Enhanced Weapons, Firearms Background Checks, and Security Event Notifications (RIN 3150-AI49)

The proposed rule was published in the FR on February 2, 2011 (76 FR 6200). A supplemental proposed rule was published in the FR on January 10, 2013 (78 FR 2214). This proposed rule would implement the NRC's authority under the new Section 161A ***of*** the Atomic Energy Act ***of*** 1954, as amended, and revise ***existing*** regulations governing security event notifications.

Cyber Event Notification Rule (RIN 3150-AJ37)

This rule would establish a new section in 10 CFR part 73, ``Physical Protection ***of*** Plants and Materials,'' for cyber security event notifications. This rule was originally proposed as part ***of*** the Enhanced Weapons rulemaking (RIN 3150-AI49).

Site-Specific Analysis (Disposal ***of*** Unique Waste Streams) (RIN 3150-AI92)

The proposed rule would amend the Commission's regulations to

require both currently operating and future low-level radioactive waste

disposal facilities to enhance safe disposal ***of*** low-level radioactive waste by conducting a performance assessment and an intruder assessment to demonstrate compliance with performance objectives in 10 CFR part

61, ``Licensing Requirements for Land Disposal ***of*** Radioactive Waste.'' Preliminary proposed rule language was made available in a document published in the FR on May 3, 2011 (76 FR 24831). The regulatory basis for rulemaking was made available in a document published in the FR on December 7, 2012 (77 FR 72997). On January 8, 2013 (78 FR 1155), the NRC published a document correcting the title and the ADAMS accession

number ***of*** the regulatory basis document referenced in the document that was published on December 7, 2012.

10 CFR Part 26 Drug Testing--U.S. Department ***of*** Health and Human Services (HHS) Guidelines (RIN 3150-AI67)
The proposed rule would amend the Commission's regulations to selectively align drug testing requirements in 10 CFR part 26 with Federal drug testing guidelines issued by HHS. The regulatory basis was published in the FR on July 1, 2013 (78 FR 39190).

NRC

Proposed Rule Stage

159. Revision ***of*** Fee Schedules: Fee Recovery for FY 2015 [NRC-2014-0200]

Priority: Economically Significant. Major under 5 U.S.C. 801.
Legal Authority: 42 U.S.C. 2201; 42 U.S.C. 5841
CFR Citation: 10 CFR 170; 10 CFR 171.
Legal Deadline: NPRM, Statutory, September 30, 2015.

The Omnibus Budget Reconciliation Act ***of*** 1990 (OBRA-90), as

amended, 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. The OBRA-90 requires that the fees for FY 2015, must be collected by September 30, 2015.
Abstract: This proposed rulemaking would amend the licensing, inspection, and annual fees that the Commission charges its applicants and licensees. These amendments would 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.

Statement ***of*** Need: This rulemaking would amend the licensing inspection, and annual fees charged to the NRC's licensees and applicants for an NRC license. The amendments are necessary to recover approximately 90 percent ***of*** the NRC's budget authority for FY 2015 less the amounts appropriated for non-fee items. The OBRA-90, as amended, requires that the NRC accomplish the 90 percent recovery through the assessment ***of*** fees. The NRC assesses two types ***of*** fees to recover its budget authority. License and inspection fees are assessed under the authority ***of*** the Independent Offices Appropriation Act ***of*** 1952 (IOAA) to recover the costs ***of*** providing individually identifiable services to specific applicants and licensees (10 CFR part 170). IOAA requires that the NRC recover the full cost to the NRC ***of*** all identifiable regulatory services that each applicant or licensee receives. The NRC recovers generic and other regulatory costs not recovered from fees imposed under 10 CFR part 170 through the assessment ***of*** annual fees under the authority ***of*** OBRA-90 (10 CFR part 171). Annual fee charges are consistent with the guidance in the Conference Committee Report on OBRA-90. The NRC assesses annual charges under the principle that licensees ***who*** require the greatest expenditure ***of*** the Agency's resources should pay the greatest annual fee.

Summary ***of*** Legal Basis: The OBRA-90, as amended, requires that the fees for FY 2015 must be collected by September 30, 2015.
Alternatives: Because this action is mandated by statute and the fees must be assessed through rulemaking, the NRC did not consider alternatives to this action.

Anticipated Cost and ***Benefits***: The cost to the NRC's licensees is approximately 90 percent ***of*** the NRC FY 2015 budget authority less the amounts appropriated for non-fee items. The estimated dollar amount to be billed to licensees as fees to the NRC's applicants and licensees for FY 2015 is approximately $925.2 million.
Risks: Not applicable.
Timetable:

Action Date FR Cite

NPRM..... 03/00/15 .....

Regulatory Flexibility Analysis Required: Yes.
Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations.

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Government Levels Affected: Local, State.
Federalism: Undetermined.
Agency Contact: Arlette P. Howard, Nuclear Regulatory Commission,

Office ***of*** the Chief Financial Officer, Washington, DC 20555-0001,

Phone: 301 415-1481, Email: *arlette.howard@nrc.gov*
RIN: 3150-AJ44
BILLING CODE 7590-01-P

FEDERAL ACQUISITION REGULATION (FAR)

I. Mission and Overview

The Federal Acquisition Regulation (FAR) was established to codify

uniform policies for acquisition ***of*** supplies and services by executive agencies. It is issued and maintained jointly, pursuant to the Office

of Federal Procurement Policy (OFPP) Reauthorization Act, under the

statutory authorities granted to the Secretary ***of*** Defense,

Administrator ***of*** General Services, and the Administrator, National Aeronautics and Space Administration. Statutory authorities to issue and revise the FAR have been delegated to the procurement executives in

Department ***of*** Defense (DoD), GSA, and National Aeronautics and Space Administration (NASA). The FAR Council formulated a plan for a

retrospective analysis ***of existing*** rules and a paperwork burden plan in response to the President's Executive Orders 13563 and 13610. The plan

conducts a periodic review ***of existing*** significant regulations and also focuses on reducing the paperwork burdens on small business. The plan

is located at *http://www.acquisition.gov*.

II. Statement ***of*** Regulatory and Deregulatory Priorities

Federal Acquisition Regulation Priorities

Specific FAR cases that the FAR Council plans to address in Fiscal Year 2015 include:

Regulations ***of*** Concern to Small Businesses

Small Business Subcontracting Improvements--This case implements statutory requirements from the Small Business Jobs Act ***of*** 2010 aimed at protecting small business subcontractors and increasing subcontracting opportunities for small business. (FAR Case 2014-003)

Set-Asides under Multiple Award Contracts--This case implements statutory requirements from the Small Business Jobs Act ***of*** 2010 and is aimed at providing agencies with clarifying guidance on how to use multiple award contracts as a tool to increase Federal contracting opportunities for small businesses. (FAR Case 2014-002)

Payment ***of*** Subcontractors--This case implements section 1334 ***of*** the Small Business Jobs Act ***of*** 2010 and the Small Business Administration's (SBA) Final Rule 78 FR 42391, Small Business Subcontracting. The rule requires prime contractors ***of*** contracts requiring a subcontracting plan to notify the contracting officer in writing if the prime contractor pays a reduced price to a subcontractor or if payment is more than 90 days past due. A contracting officer will then use his or her best judgment in determining whether the late or reduced payment was justified and if not the contracting officer will record the identity ***of*** a prime contractor with a history ***of*** unjustified untimely payments to subcontractors in the Federal Awardee Performance and Integrity Information System (FAPIIS) or any successor system. (FAR Case 2014-004)

Consolidation ***of*** Contract Requirements--This case implements section 1313 ***of*** the Small Business Jobs Act ***of*** 2010 and SBA's final rule to ensure that decisions made by Federal agencies regarding consolidation ***of*** contract requirements are made with a view to providing small businesses with appropriate opportunities to participate as prime and subcontractors. (FAR Case 2014-015)

Clarification ***of*** Requirement for Justifications for 8(a) Sole-Source Contracts--This case amends the FAR in response to GAO Report to the Chairman, Subcommittee on Contracting Oversight, Committee on Homeland Security and Governmental Affairs, U.S. Senate, entitled Federal Contracting: Slow Start to Implementation ***of*** Justifications for 8(a) Sole-Source Contracts (GAO-13-118 dated December 2012). The GAO report indicated that the FAR is not clear on whether a justification is required and suggested that clarifying guidance is needed to help ensure that agencies are applying the justification requirement consistently. Based on GAO's recommendation, this case further

clarifies the processes and procedures in the FAR to ensure uniform, consistent, and coherent guidance regarding the use ***of*** sole-source 8(a) justifications. (FAR Case 2013-018)

Contracts under the Small Business Administration 8(a) Program--This case clarifies FAR subpart 19.8, ``Contracting with the Small Business Administration (The 8(a) Program).'' Clarifications include the evaluation, offering, and acceptance process for requirements under the 8(a) program, procedures for acquiring SBA's consent to procure an 8(a) requirement outside the 8(a) program, and the impact ***of*** exiting the 8(a) program in terms ***of*** the firm's ability to receive future 8(a) requirements and its current contractual commitments. (FAR Case 2012-022)

Regulations Which Promote Fiscal Responsibility

Notification ***of*** Pass-Through Contracts--This case implements section 802 ***of*** the NDAA for FY 2013. Section 802 requires in those instances where an offeror for a contract, task order, or delivery order informs the agency pursuant to FAR 52.215-22 ***of*** their intention to award subcontracts for more than 70 percent ***of*** the total cost ***of*** work to be performed under the contract, task order, or delivery order, the contracting officer is required to (1) consider the availability ***of*** alternative contract vehicles and the feasibility ***of*** contracting directly with a subcontractor or subcontractors that will perform the bulk ***of*** the work; (2) make a written determination that the contracting approach selected is in the best interest ***of*** the ***Government***; and (3) document the basis for such determination. (FAR Case 2013-012)

Limitation on Allowable ***Government*** Contractor Compensation Costs--This interim rule implements section 702 ***of*** the Bipartisan Budget Act ***of*** 2013. In accordance with section 702, the interim rule revises the allowable cost limit relative to the compensation ***of*** contractor and subcontractor employees. Also, in accordance with section 702, this interim rule implements the possible exception to this allowable cost limit for scientists, engineers, or other specialists upon an agency determination that such exceptions are needed to ensure that the executive agency has continued access to needed skills and capabilities. (FAR Case 2014-012)

Regulations Which Promote Ethics and Integrity in Contractor

Performance

Information on Corporate Contractor Performance and Integrity--This

case implements section 852 ***of*** the NDAA for FY 2013 (Pub. L. 112-239). Section 852 requires that the Federal Awardee Performance and Integrity Information System (FAPPIIS) include, to the extent practicable,

identification ***of*** any immediate owner or subsidiary, and all

predecessors ***of*** an offeror that held a Federal contract or grant within the last three years. The objective is to provide a more comprehensive

understanding ***of*** the performance and integrity ***of*** a

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contractor in awarding a Federal contract. (FAR Case 2013-020)

Trafficking in Persons--This case implements Executive Order 13627,

and title XVII ***of*** the NDAA for FY 2013, to strengthen protections against trafficking in persons in Federal contracts. The case creates a stronger framework and additional requirements related to awareness, compliance, and enforcement. Contractors and subcontractors must

disclose to employees the key conditions ***of*** employment, starting with wages and work location. (FAR Case 2013-001)

Prohibition on Contracting with Corporations with Delinquent Taxes

or a Felony Conviction--This case implements multiple sections ***of*** the Consolidated Appropriations Act, 2014 (Pub. L. 113-76) to prohibit

using any ***of*** the funds appropriated by the Act to enter into a contract with any corporation with a delinquent Federal tax liability or a felony conviction. (FAR case 2014-019)

Prohibition On Contracting with Inverted Domestic Corporations--

This case implements section 733 ***of*** Division E ***of*** the Consolidated Appropriations Act, 2014 (Pub. L. 113-76), which prohibits expenditure

of appropriated funds for contracts with a foreign incorporated entity that is treated as an inverted domestic corporation or any subsidiary

of such entity. The FAR is being updated to (1) revise the methods used to implement the inverted domestic corporation contracting prohibition; (2) amend the definition to clarify entities considered to be an inverted domestic corporation; (3) revise the representation to require two affirmative yes/no representations with respect to inverted domestic corporation status; and require a contractor to promptly inform the contracting officer, in writing, in the event the contractor

becomes either an inverted domestic corporation or a subsidiary ***of*** an inverted domestic corporation during the performance ***of*** the contract. (FAR Case 2014-017)

Regulations Which Promote Accountability and Transparency

Commercial and ***Government*** Entity (CAGE) Code--This case requires the use ***of*** CAGE codes, an alpha-numeric identifier used extensively throughout the ***Government***, for awards valued greater than the micropurchase threshold. The case also requires identification ***of*** the immediate corporate/organization parent and highest level corporate/ organization parent during contractor registration for Federal contracts. The goal is to provide for standardization across the Federal ***government***, and to facilitate data collection as means ***of*** promoting increased traceability and transparency. (FAR Case 2012-014)

Uniform Procurement Identification--This case requires the use ***of*** a unique identifier for contracting offices and a standard unique Procurement Instrument Identification Number for transactions. The goal is to provide for standardization across the Federal ***government*** and to facilitate data tracking and collection. (FAR Case 2012-023)

Uniform Use ***of*** Line Items--This case establishes a requirement for use ***of*** a standardized uniform line item numbering structure in Federal procurement. This case is one component ***of*** the effort to implement Federal spending data standards in Federal procurement. This effort will help improve analysis and management decision that can reduce duplication in Federal spending, reduce costs for recipients ***of*** Federal dollars by reducing variations in standards for reporting and billing purposes, and provide greater transparency on outcomes ***of*** spending. (FAR Case 2013-014)

Privacy Training--This case creates a FAR clause to require contractors that (1) need access to a system ***of*** records, (2) handle personally identifiable information, or (3) design, develop, maintain, or operate a system ***of*** records on behalf ***of*** the ***Government*** have their personnel complete privacy training. This addition complies with subsections (e) (agency requirements) and (m) (***Government*** contractors) ***of*** the Privacy Act (5 U.S.C. 552a). (FAR Case 2010-013)

Regulations That Promote Protection ***of*** ***Government*** Information and

Systems

Basic Safeguarding ***of*** Contractor Information Systems--This case amends the FAR to implement procedures for safeguarding contractor information systems that contain information provided by or generated for the ***Government***. The purpose ***of*** these safeguards is to provide the ***Government*** with the necessary assurance that contractors are taking basic security measures on their information systems containing ***Government*** information. (FAR Case 2011-020)

Expanded Reporting ***of*** Nonconforming Items--This case expands ***Government*** and contractor requirements for reporting ***of*** nonconforming items. A nonconforming item includes items that are likely to result in failure ***of*** the supplies or services, or materially reduces the usability ***of*** the supplies or services for their intended purpose. It is a partial implementation ***of*** section 818 ***of*** the NDAA for FY 2012. (FAR Case 2013-002)

Higher-Level Contract Quality Requirements--This case clarifies when to use higher-level quality standards in solicitations and contracts. The rule also updates the examples ***of*** higher-level quality standards by removing obsolete standards and adding new industry standards that pertain to quality assurance for avoidance ***of*** counterfeit items. (FAR Case 2012-032)

Regulations Which Promote Fair Labor Practices

Fair Pay and Safe Workplaces--This rule implements Executive Order 13673, Fair Pay and Safe Workplaces, seeks to increase efficiency in the work performed by Federal contractors by ensuring that they understand and comply with labor laws designed to promote safe, healthy, fair and effective workplaces. (FAR Case 2014-025)

Minimum wage for contractors--This rule implements Executive Order 13658, Establishing a Minimum Wage for Contractors, requires agencies, to the extent permitted by law, to include a clause in new solicitations and resultant contract specifying, as a condition ***of*** payment, that the minimum wage to be paid to workers, in the performance ***of*** the contract or any subcontract there under, shall be at least $10.10 per hour beginning January 1, 2015.

Equal Employment and Affirmative Action for Veterans and Individuals with Disabilities--This rule implements DOL regulations at

41 CFR 60-250 and 60-300 designed to promote equal opportunity for veterans and individuals with disabilities. (FAR case 2014-013)

Regulations That Promote Environmental Goals

EPEAT Items--This case expands the Federal requirement to procure EPEAT[supreg]-registered products beyond personal computer products to cover imaging equipment (i.e., copiers, digital duplicators, facsimile machines, mailing machines, multifunction devices, printers, and

scanners) and televisions and modify the ***existing*** FAR requirements to recognize the revised standard applicable to computer products. (FAR Case 2013-016)

High Global Warming Potential Hydrofluorocarbons-- This case implements the President's Climate Action Plan by setting forth

policies and procedures for the acquisition ***of*** items that contain, use, or are manufactured with ozone-depleting substances; or contain or use high global warming potential hydrofluorocarbons.

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Contractors shall refer to EPA's Significant New Alternatives Policy

(SNAP) program (available at *http://www.epa.gov/ozone/snap*) which has

additional information and a list ***of*** alternatives to ozone-depleting substances and lower global warming hydrofluorocarbons. (FAR Case 2014-026)

Dated: September 19, 2014
Jeffrey A. Koses,

Senior Procurement Executive/Deputy CAO, Office ***of*** Acquisition Policy, U.S. General Services Administration.
[FR Doc. 2014-28927 Filed 12-19-14; 8:45 am]
BILLING CODE 6820-EP-P

Classification

Language: ENGLISH

Publication-Type: Newswire

Subject: EXECUTIVE ORDERS (89%); AGENCY RULEMAKING (89%); ***GOVERNMENT*** PRINTING OFFICES (77%); ADMINISTRATIVE PROCEDURE (75%)

Industry: ***GOVERNMENT*** PRINTING OFFICES (77%)

Geographic: UNITED STATES (79%)

Load-Date: December 23, 2014

End of Document