

- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

This rule is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175, nor will it impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by *December 16, 2014*. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of this **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to

enforce its requirements. (See section 307(b)(2).)

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Oxides of nitrogen, Ozone, Volatile organic compounds.

Dated: September 24, 2014.

**Susan Hedman**,

*Regional Administrator, Region 5.*

40 CFR part 52 is amended as follows:

#### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

■ 2. Section 52.720 is amended by adding paragraph (c)(202) to read as follows:

#### § 52.720 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(202) On January 17, 2013, the Illinois Environmental Protection Agency submitted a request to phase out Stage II vapor recovery standards at 35 Ill. Adm. Code 218.586 and to make other related revisions to 35 Ill. Adm. Code Parts 201, 218, and 219.

(i) Incorporation by reference.

(A) Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter a: Permits and General Provisions, Part 201: Permits and General Provisions, Subpart C: Prohibitions, Section 201.146 “Exemptions from State Permit Requirements” and Subpart K: Records and Reports, Section 201.302 “Reports”, effective December 23, 2013.

(B) Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter C: Emissions Standards And Limitations For Stationary Sources, Part 218: Organic Material Emission Standards and Limitations For the Chicago Area, Subpart A: General Provisions, Section 218.112 “Incorporations By Reference” and Subpart Y: Gasoline Distribution, Sections 218.583 “Gasoline Dispensing Operations—Storage Tank Filling Operations” and 218.586 “Gasoline Dispensing Operations—Motor Vehicle Fueling Operations”, effective December 23, 2013.

(C) Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emission Standards and Limitations for

Stationary Sources, Part 219: Organic Material Emission Standards and Limitations for the Metro East Area, Subpart A: General Provisions, Sections 219.105 “Test Methods and Procedures” and 219.112 “Incorporations by Reference”, and Subpart Y: Gasoline Distribution, Section 219.583 “Gasoline Dispensing Operations—Storage Tank Filling Operations”, effective December 23, 2013.

[FR Doc. 2014–24462 Filed 10–16–14; 8:45 am]

BILLING CODE 6560–50–P

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### Centers for Medicare & Medicaid Services

#### 42 CFR Chapter IV

#### Office of Inspector General

#### 42 CFR Chapter V

[CMS–1439–RCN]

RIN 0938–AR30

#### Medicare Program; Final Waivers in Connection With the Shared Savings Program; Continuation of Effectiveness and Extension of Timeline for Publication of Final Rule

**AGENCY:** Centers for Medicare & Medicaid Services (CMS) and Office of Inspector General (OIG), HHS.

**ACTION:** Interim final rule; continuation of effectiveness and extension of timeline for publication of final rule.

**SUMMARY:** This document announces the continuation of effectiveness of an interim final rule and the extension of the timeline for publication of the final rule. This document is issued in accordance with section 1871(a)(3)(C) of the Social Security Act (the Act), which allows an interim final rule to remain in effect after the expiration of the timeline specified in section 1871(a)(3)(B) of the Act if the Secretary publishes a notice of continuation prior to the expiration of the timeline.

**DATES:** This document is effective on October 17, 2014.

#### FOR FURTHER INFORMATION CONTACT:

Catherine Bernstein (410) 786–6887 or Lisa Ohrin (410) 786–8852, for general issues and issues related to the Physician Self-Referral Law.

Patrice Drew (202) 619–1368, for general issues and issues related to the Federal anti-kickback statute or civil monetary penalties law.

**SUPPLEMENTARY INFORMATION:**

## I. Background

Section 1871(a)(3)(A) of the Social Security Act (the Act) sets forth certain procedures for promulgating regulations necessary to carry out the administration of the insurance programs under Title XVIII of the Act. Section 1871(a)(3)(A) of the Act requires the Secretary, in consultation with the Director of the Office of Management and Budget (OMB), to establish a regular timeline for the publication of a final rule based on the previous publication of a proposed rule or an interim final rule. In accordance with section 1871(a)(3)(B) of the Act, such regular timeline may vary among different final rules, based on the complexity of the rule, the number and scope of the comments received, and other relevant factors. The timeline for publishing the final rule, however, cannot exceed 3 years from the date of publication of the proposed or interim final rule, unless there are exceptional circumstances. After consultation with the Director of OMB, the Department, through CMS, published a notice in the December 30, 2004 *Federal Register* (69 FR 78442) establishing a general 3-year timeline for publishing Medicare final rules after the publication of a proposed or interim final rule.

Section 1871(a)(3)(C) of the Act states that a Medicare interim final rule shall not continue in effect if the final rule is not published before the expiration of the regular timeline, unless the Secretary publishes at the end of the regular timeline a notice of continuation that includes an explanation of why the regular timeline was not met. Upon publication of such a notice, the timeline for publishing the final rule is extended for 1 year.

## II. Notice of Continuation

Section 1899 of the Act establishes the Shared Savings Program to encourage the development of Accountable Care Organizations (ACOs) in Medicare. The Shared Savings Program is one of the first initiatives implemented under the Affordable Care Act aimed specifically at improving value in the Medicare program—that is, both higher quality and lower total expenditures for individual Medicare beneficiaries and the Medicare program. The Shared Savings Program final rule appeared in the November 2, 2011 *Federal Register* (76 FR 67801), and the first performance year concluded on December 31, 2013.

In connection with the Shared Savings Program, section 1899(f) of the Act authorizes the Secretary to waive certain specified fraud and abuse laws.

Specifically, section 1899(f) of the Act provides that “[t]he Secretary may waive such requirements of sections 1128A and 1128B and title XVIII of [the] Act as may be necessary to carry out the provisions of [section 1899 of the Act].” The Secretary determined that certain waivers were “necessary,” consistent with this statutory standard, and, CMS and OIG jointly published an interim final rule with comment period (hereinafter referred as “Waiver IFC”) (76 FR 67992; November 2, 2011) in conjunction with the issuance of the Shared Savings Program final rule.<sup>1</sup> The Waiver IFC established waivers of the application of the Federal physician self-referral law (section 1877 of the Act), the Federal anti-kickback statute (section 1128B(b) of the Act), and certain civil monetary penalties (CMP) law provisions (sections 1128A(a)(5), (b)(1), and (b)(2) of the Act) to specified arrangements involving ACOs participating in the Shared Savings Program.

Because the Waiver IFC was issued under the authority at section 1899(f) of the Act, it is considered a Medicare rule subject to the conditions of section 1871(a)(3)(C) of the Act. This document extends the timeline for publication of a final rule concerning Shared Savings Program waivers promulgated in the Waiver IFC. In the absence of this continuation notice, the Waiver IFC would expire, creating legal uncertainty for ACOs participating in the Shared Savings Program and potentially disrupting ongoing business plans or operations of some ACOs.

Our goal is to ensure that the regulations setting forth waivers of the fraud and abuse laws continue to be closely aligned with the Shared Savings Program regulations.

Based on stakeholder feedback and CMS’s experience operating the Shared Savings Program, CMS determined that certain modifications to the Shared Savings Program regulations were necessary. Therefore, CMS is currently developing a proposed rule regarding the Shared Savings Program. In light of the planned issuance of a proposed rule and the importance of final waiver regulations that align with the Shared Savings Program, we believe the prudent course of action at this time is to extend the effectiveness of the Waiver IFC. In addition, we believe that an extension of the Waiver IFC will avoid impediments to the development of innovative care models envisioned by

<sup>1</sup> The Waiver IFC was issued as part of a cross-agency, coordinated effort by several Federal agencies to issue documents addressing legal issues regarding ACOs participating in the Shared Savings Program.

the Shared Savings Program and new approaches to the delivery of health care for beneficiaries (see 76 FR 68008). As noted previously, the Secretary has determined that the waivers are necessary to carry out the Shared Savings Program.

Our decision to extend the Waiver IFC, rather than issue a final rule at this time, should not be viewed as a diminution of the Department’s commitment to establish waivers “to foster the success of the Shared Savings Program, the purposes of which are to promote accountability for a Medicare patient population, manage and coordinate care for Medicare fee-for-service beneficiaries, and encourage redesigned care processes to improve quality” (76 FR 68008). Our goal remains “to balance effectively the need for ACO certainty, innovation, and flexibility in the Shared Savings Program with protections for beneficiaries and the Medicare program” (76 FR 68008). At this time, we believe we can best achieve this balance by issuing this continuation notice.

We also believe that we would benefit from additional input from stakeholders to inform our understanding of—(1) how and to what extent ACOs are using the waivers; (2) whether the existing waivers serve the needs of ACOs and the Medicare program; (3) whether the waivers adequately protect the Medicare program and beneficiaries from the types of harms associated with referral payments or payments to reduce or limit services; and (4) whether there are new or changed considerations that should inform the development of additional notice and comment rulemaking.

This document extends the timeline for publication of a final rule through November 2, 2015. In accordance with section 1871(a)(3)(C) of the Act, the Waiver IFC shall remain in effect through November 2, 2015, unless a final waiver rule becomes effective on an earlier date.

This document was approved by the Administrator for the Centers for Medicare and Medicaid Services and the Inspector General for the Department of the Health and Human Services as it relates to the authorities that fall within the respective purviews of their offices. This includes, without limitation, section 1877(a) of the Act for the Administrator and sections 1128A(a)(5), (b)(1), and (b)(2) and 1128B(b)(1) and (b)(2) of the Act for the Inspector General.

**Authority:** Section 1871 of the Social Security Act (42 U.S.C. 1395hh). (Catalog of Federal Domestic Assistance Program No. 93.773 Medicare—Hospital

Insurance Program; and No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: October 10, 2014.

**C'Reda Weeden,**

*Executive Secretary to the Department,  
Department of Health and Human Services.*

[FR Doc. 2014-24663 Filed 10-16-14; 8:45 am]

**BILLING CODE 4120-01-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 46 CFR Part 125

[Docket No. USCG-2012-0208]

RIN 1625-AB62

#### Offshore Supply Vessels of at Least 6,000 GT ITC

**AGENCY:** Coast Guard, DHS.

**ACTION:** Interim rule; correction.

**SUMMARY:** The Coast Guard published an interim rule in the **Federal Register** on August 18, 2014, to ensure the safe carriage of oil, hazardous substances, and individuals in addition to the crew on U.S.-flagged OSVs of at least 6,000 gross tonnage as measured under the Convention Measurement System. In that interim rule, we revised a paragraph listing consensus standards incorporated by reference. In doing so, we inadvertently duplicated two paragraphs and presented others out of order. This correction resolves that error by removing the doubled paragraphs and reordering the others.

**DATES:** This correction is effective on October 17, 2014.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this final rule, call or email Justin Staples, Office of Standards Evaluation and Development, Coast Guard; telephone 202-372-1483, email [Justin.L.Staples@uscg.mil](mailto:Justin.L.Staples@uscg.mil). If you have questions on viewing material on the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202-366-9826.

**SUPPLEMENTARY INFORMATION:** On August 18, 2014, the Coast Guard published an interim rule to ensure the safe carriage of oil, hazardous substances, and individuals in addition to the crew on U.S.-flagged OSVs of at least 6,000 gross tonnage as measured under the Convention Measurement System. 79 FR 48894.

In that rule, the Coast Guard revised 46 CFR 125.180 to include a number of new standards to be incorporated by reference. In the process, we

inadvertently duplicated two paragraphs listing standards published by the National Fire Protection Association (NFPA). In addition, the standards had originally appeared in order of the year those particular editions of the standards were published. We intended to reorganize them by identification number instead, but left some of them out of order. This correction deletes the redundant paragraphs and correctly orders the remaining ones.

#### List of Subjects in 46 CFR Part 125

Administrative practice and procedure, Cargo vessels, Hazardous materials transportation, Incorporation by reference, Marine safety, Seamen.

For the reasons described in the preamble, 46 CFR part 125 is amended by making the following correcting amendment:

#### PART 125—GENERAL

■ 1. The authority citation for part 125 continues to read as follows:

**Authority:** 46 U.S.C. 2103, 3306, 3307; 49 U.S.C. App. 1804; sec. 617, Pub. L. 111-281, 124 Stat. 2905; Department of Homeland Security Delegation No. 0170.1.

■ 2. In § 125.180, revise paragraph (i) to read as follows:

#### § 125.180 Incorporation by reference.

\* \* \* \* \*

(i) National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, MA 02269-9101, 617-770-3000, <http://www.nfpa.org>;

(1) NFPA 10—Standard for Portable Fire Extinguishers, 1994 Edition, IBR approved for § 132.350.

(2) NFPA 70—National Electrical Code, 1993 Edition, IBR approved for §§ 129.320, 129.340, and 129.370.

(3) NFPA 302—Fire Protection Standard for Pleasure and Commercial Motor Craft, 1994 Edition, IBR approved for § 129.550.

(4) NFPA 306—Control of Gas Hazards on Vessels, 1993 Edition, IBR approved for § 126.160.

(5) NFPA 1963—Fire Hose Connections, 1993 Edition, IBR approved for § 132.130.

\* \* \* \* \*

#### K. Cervoni,

*Chief, Office of Regulations and Administrative Law, U.S. Coast Guard.*

[FR Doc. 2014-24716 Filed 10-16-14; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[Docket No. 101206604-1758-02]

RIN 0648-XD559

#### Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; 2014-2015 Accountability Measure and Closure for Gulf King Mackerel in Western Zone

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS implements an accountability measure (AM) for commercial king mackerel in the western zone of the Gulf of Mexico (Gulf) exclusive economic zone (EEZ) through this temporary final rule. NMFS has determined that the commercial quota for king mackerel in the western zone of the Gulf EEZ will have been reached by October 17, 2014. Therefore, NMFS closes the western zone of the Gulf to commercial king mackerel fishing in the EEZ. This closure is necessary to protect the Gulf king mackerel resource.

**DATES:** The closure is effective noon, local time, October 17, 2014, until 12:01 a.m., local time, on July 1, 2015.

**FOR FURTHER INFORMATION CONTACT:** Susan Gerhart, 727-824-5305, email: [susan.gerhart@noaa.gov](mailto:susan.gerhart@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The fishery for coastal migratory pelagic fish (king mackerel, Spanish mackerel, and cobia) is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The commercial quota for the Gulf migratory group king mackerel in the western zone is 1,071,360 lb (485,961 kg) (76 FR 82058, December 29, 2011), for the current fishing year, July 1, 2014, through June 30, 2015.

Regulations at 50 CFR 622.388(a)(1) require NMFS to close the commercial sector for Gulf migratory group king mackerel in the western zone when the quota is reached, or is projected to be