in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled “Federalism” (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled “Consultation and Coordination with Indian Tribal Governments” (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 et seq.).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VIII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 et seq.), EPA will submit a report containing this rule 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. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 12, 2018.

Michael L. Goodis,
Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:


2. In § 180.910, add alphabetically the inert ingredients to the table to read as follows:

§ 180.910 Inert ingredients used pre- and post-harvest; exemptions from the requirement of a tolerance.

* * * * *

<table>
<thead>
<tr>
<th>Inert ingredients</th>
<th>Limits</th>
<th>Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>N,N-Dimethyl 9-decanamide (CAS Reg. No. 1356964–77–6)</td>
<td>Not to exceed 20% by weight of pesticide formulation</td>
<td>Surfactant, solvent</td>
</tr>
<tr>
<td>N,N-Dimethylodecanamide (CAS Reg. No. 3007–53–2)</td>
<td>Not to exceed 20% by weight of pesticide formulation</td>
<td>Surfactant, solvent</td>
</tr>
<tr>
<td>N,N-Dimethyltetradecanamide (CAS Reg. No. 3015–65–4)</td>
<td>Not to exceed 20% by weight of pesticide formulation</td>
<td>Surfactant, solvent</td>
</tr>
</tbody>
</table>

[Dated: March 12, 2018.

FOR FURTHER INFORMATION CONTACT:
Emily Calvert, (410) 786–4277.
Andre Damonze, (410) 786–1795.

SUPPLEMENTARY INFORMATION:

I. Background

In the December 30, 2015 final rule (80 FR 81674) titled “Medicare Program; Prior Authorization Process for Certain Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) Items; Update to the Master List of Items Frequently Subject to Unnecessary Utilization” we implemented section 1834(a)(15) of the Social Security Act (the Act) by establishing an initial Master List (called the Master List of Items Frequently Subject to Unnecessary Utilization) of certain DMEPOS that the Secretary determined, on the basis of prior payment experience, are frequently subject to unnecessary utilization and by establishing a prior authorization process for these items. The Master List includes items that meet the following criteria:

• Appear on the DMEPOS Fee Schedule list.
• Have an average purchase fee of $1,000 or greater (adjusted annually for inflation) or an average monthly rental fee schedule of $100 or greater (adjusted annually for inflation). (These dollar amounts are referred to as the “payment threshold.”)
• Meet either of the following criteria: ++ Identified in a Government Accountability Office (GAO) or Department of Health and Human Services Office of Inspector General (OIG) report that is national in scope and published in 2007 or later as having a high rate of fraud or unnecessary utilization.
++ Listed in the 2011 or later Comprehensive Error Rate Testing (CERT) program’s Annual Medicare Fee-For-Service (FFS) Improper Payment Rate Report DME and/or DMEPOS Service Specific Report(s).

The rule described the maintenance process of the Master List as follows:

• The Master List is self-updating annually. That is, items on the DMEPOS Fee Schedule that meet the “payment threshold” are added to the list when
the item is listed in a future OIG or GAO report of a national scope or listed in a future CERT DME and/or DMEPOS Service Specific Report(s).

- Items remain on the Master List for 10 years from the date the item was added to the Master List.
- Items are updated on the Master List when the Healthcare Common Procedure Coding System (HCPCS) codes representing an item have been discontinued and cross-walked to an equivalent item.
- Items are removed from the list sooner than 10 years if the purchase amount drops below the “payment threshold”.
- Items that age off the Master List because they have been on the list for 10 years can remain on or be added back to the Master List if a subsequent GAO/OIG, or CERT DME and/or DMEPOS Service Specific Report(s) identifies the item to be frequently subject to unnecessary utilization.
- Items already on the Master List that are identified by a GAO/OIG, or CERT DME and/or DMEPOS Service Specific Report(s) will remain on the list for 10 years from the publication date of the new report(s).

We will notify the public annually of any additions and deletions from the Master List by posting the notification in the Federal Register and on the CMS Prior Authorization website.

II. Provisions of the Document

In the December 30, 2015 final rule (80 FR 81674), we stated that we would notify the public annually of any additions and deletions from the Master List by posting the notification in the Federal Register and on the CMS Prior Authorization website.

HCPCS | Description
--- | ---
E0260 | Hospital bed semi-electric (head and foot adjustment) with any type side rails with mattress.
E0601 | Continuous Airway Pressure (CPAP) Device.
E1390 | Oxygen Concentrator.
K0004 | High strength, lightweight wheelchair.

The full updated list is also available in the download section of the following CMS website: https://www.cms.gov/Research-Statistics-Data-and-Systems/Monitoring-Programs/Medicare-FFS-Compliance-Programs/DMEPOS/Prior-Authorization-Process-for-Certain-Durable-Medical-Equipment-Prosthetic-Orthotics-Supplies-Items.html.

Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

IV. Regulatory Impact Statement


Executive Orders 12866 and 13563 direct agencies to assess all 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). A regulatory impact analysis
(RIA) must be prepared for major rules
with economically significant effects
($100 million or more in any 1 year).
This document does not reach the
economic threshold and thus is not
considered a major rule.

The RFA requires agencies to analyze
options for regulatory relief of small
entities. For purposes of the RFA, small
entities include small businesses,
nonprofit organizations, and small
governmental jurisdictions. Most
hospitals and most other providers and
suppliers are small entities, either by
nonprofit status or by having revenues
of less than $7.5 million to $38.5
million in any 1 year. Individuals and
states are not included in the definition
of a small entity. We are not preparing
an analysis for the RFA because we have
determined, and the Secretary certifies,
that this document will not have a
significant economic impact on a
substantial number of small entities.

In addition, section 1102(b) of the Act
requires us to prepare an RIA if a rule
may have a significant impact on the
operations of a substantial number of
small rural hospitals. This analysis must
conform to the provisions of section 604
of the RFA. For purposes of section
1102(b) of the Act, we define a small
rural hospital as a hospital that is
located outside of a Metropolitan
Statistical Area for Medicare payment
regulations and has fewer than 100
beds. We are not preparing an analysis
for section 1102(b) of the Act because
we have determined, and the Secretary
certifies, that this action will not have
a significant impact on the operations of
a substantial number of small rural
hospitals.

Section 202 of the Unfunded
Mandates Reform Act of 1995 also
requires that agencies assess anticipated
costs and benefits before issuing any
rule whose mandates require spending
in any 1 year of $100 million in 1995
dollars, updated annually for inflation.
Currently, that threshold is
approximately $148 million. This action
will have no consequential effect on
state, local, or tribal governments or on
the private sector.

Executive Order 13132 establishes
certain requirements that an agency
must meet when it promulgates a
proposed rule (and subsequent final
rule) that imposes substantial direct
requirement costs on state and local
governments, preempts state law, or
otherwise has Federalism implications.
Since this action does not impose any
costs on state or local governments, the
requirements of Executive Order 13132
are not applicable.

Executive Order 13771, titled
Reducing Regulation and Controlling
Regulatory Costs, was issued on January
30, 2017 and requires that the costs
associated with significant new
regulations “shall, to the extent
permitted by law, be offset by the
elimination of existing costs associated
with at least two prior regulations.”
OMB’s interim guidance, issued on
April 5, 2017, https://
www.whitehouse.gov/sites/
whitehouse.gov/files/memoranda/
2017/M-17-21-OMB.pdf, explains that
for Fiscal Year 2017 the above
requirements only apply to each new
“significant regulatory action that
imposes costs.” It has been determined
that this document is not a “significant
regulatory action” and thus does not
trigger the aforementioned requirements
of Executive Order 13771.

In accordance with the provisions
of Executive Order 12866, this document
was reviewed by the Office of
Management and Budget.


Seema Verma,
Administrator, Centers for Medicare &
Medicaid Services.

[FR Doc. 2018–06552 Filed 3–29–18; 8:45 am]

BILLING CODE 4120–01–P

FEDERAL COMMUNICATIONS
COMMISSION

47 CFR Parts 74, 76, and 78
[MB Docket No. 17–231; FCC 18–16]

Maintenance of Copies of FCC Rules

AGENCY: Federal Communications
Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal
Communications Commission (FCC or
Commission) eliminates rules that
require certain broadcast and cable
entities to maintain paper copies of the
Commission’s regulations. As set forth
below, we conclude that eliminating
these requirements, which apply to low
power TV, TV and FM translators, TV
and FM booster stations, cable
television relay station (CARS)
licensees, and certain cable operators,
will advance the Commission’s goal of
reducing outdated regulations and
unnecessary regulatory burdens that can
impede competition and innovation in
media markets.


FOR FURTHER INFORMATION CONTACT: For
additional information, contact Jonathan
Mark, Jonathan.Mark@fcc.gov, of the
Media Bureau, Policy Division, (202)
418–3634. Direct press inquiries to
Janice Wise at (202) 418–8165.

SUPPLEMENTARY INFORMATION: This is a
summary of the Commission’s Report
and Order (Order), FCC 18–16, adopted
and released on February 20, 2018. The
full text of this document is available
electronically via the FCC’s Electronic
Document Management System
(EDOCS) website at http://
fjallfoss.fcc.gov/edocs_public/
or via the
FCC’s Electronic Comment Filing
System (ECFS) website at http://
fjallfoss.fcc.gov/ecfs2/. (Documents will
be available electronically in ASCII,
Microsoft Word, and/or Adobe Acrobat.)

This document is also available for
public inspection and copying during
regular business hours in the FCC
Reference Information Center, which is
located in Room CY–A257 at FCC
Headquarters, 445 12th Street SW,
Washington, DC 20554. The Reference
Information Center is open to the public
Monday through Thursday from 8:00
a.m. to 4:30 p.m. and Friday from 8:00
a.m. to 11:30 a.m. The complete text
may be purchased from the
Commission’s copy contractor, 445 12th
Street SW, Room CY–B402, Washington,
DC 20554. Alternative formats are
available for people with disabilities
(Braille, large print, electronic files,
audio format), by sending an email to
fcc504@fcc.gov or calling the
Commission’s Consumer and
Governmental Affairs Bureau at (202)
418–0530 (voice), (202) 418–0432
(TTY).

Synopsis

I. Report and Order

1. In this Order, we eliminate rules
that require certain broadcast and cable
entities to maintain paper copies of the
Commission’s regulations. As part of
our initiative to modernize our media
regulations, we issued a Notice of
Proposed Rulemaking (NPRM)
proposing to eliminate requirements
that regulatees maintain copies of
certain portions of the Code of Federal
Regulations (CFR). We received
unanimous support for this proposal. As
set forth below, we conclude that
eliminating these requirements, which
apply to low power TV, TV and FM
translators, TV and FM booster stations,
cable television relay station (CARS)
licensees, and certain cable operators,
will advance the Commission’s goal of
reducing outdated regulations and
unnecessary regulatory burdens that can
impede competition and innovation in
media markets.

2. We adopt the proposal to eliminate
the requirement, set forth in § 74.769 of
our rules, that licensees or permittees of