

mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. Send or deliver information identified as CBI only to the following address: Roberto Morales, U.S. EPA, Office of Air Quality Planning and Standards, Mail Code C404-02, Research Triangle Park, NC 27711, telephone (919) 541-0880, e-mail at morales.roberto@epa.gov, Attention: Docket ID No. OAR-2007-0562.

2. *Tips for Preparing Your Comments.* When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

II. Background

The process for designating areas following promulgation of a new or revised NAAQS is contained in Clean Air Act (CAA) Section 107(d) (42 U.S.C. 7407). Following the promulgation of a new or revised standard, each Governor or Tribal Leader has an opportunity to recommend air quality designations, including the appropriate boundaries for nonattainment areas, to EPA. EPA considers these recommendations as part of its duty to promulgate the formal area designations and boundaries for the new or revised standards. By no later than 120 days prior to promulgating designations, EPA is required to notify states or tribes of any intended modification to an area designation or boundary recommendation that EPA deems necessary. On or around August 19 and 20, 2008, EPA notified states and tribes of its intended area designations for the 2006 24-hour PM_{2.5} NAAQS. States and tribes now have an opportunity to demonstrate why they believe a modification proposed by EPA may be inappropriate. In these

responses, EPA encourages states and tribes to provide comments and additional information for consideration by EPA in finalizing designations. EPA plans to make final designation determinations for the 2006 24-hour PM_{2.5} NAAQS by December 18, 2008.

The purpose of this notice is to solicit public comments from interested parties other than states and tribes on EPA's recent responses to the state and tribal designation recommendations for the 2006 24-hour PM_{2.5} NAAQS. CAA Section 107(d) provides a process for designations that involves recommendations by states and tribes to EPA and responses from EPA to those parties, prior to EPA promulgating final designations and boundaries. EPA is not required under CAA Section 107(d) to seek public comment during the designation process, but is electing to do so for the 2006 24-hour PM_{2.5} NAAQS in order to gather additional information for EPA to consider before making final designations. EPA invites public comment on its responses to states and tribes during the 30-day comment period provided in this notice. Due to the statutory timeframe for promulgating designations set out in CAA Section 107(d), EPA will not be able to consider any comments submitted after October 2, 2008, notwithstanding what may have appeared in any state-specific announcements. This notice and opportunity for public comment does not affect any rights or obligations of any state, tribe or the EPA which might otherwise exist pursuant to CAA section 107(d).

Please refer to the **ADDRESSES** section above in this document for specific instructions on submitting comments and locating relevant public documents.

- In providing comments to EPA please consider the agency's charge under CAA section 107(d). Under this section, EPA is obligated to identify every area as attainment, nonattainment, or unclassifiable. Further, in establishing nonattainment area boundaries, the agency is required to identify the area that does not meet the 2006 PM_{2.5} 24-hour standard and any nearby area that is contributing to the area that does not meet that standard. If you believe that a specific geographic area that EPA is proposing to identify as a nonattainment area should not be categorized by the section 107(d) criteria as nonattainment, or if you believe that a specific area not proposed by EPA to be identified as a nonattainment area should in fact be categorized as nonattainment using the section 107(d) criteria, please be as specific as possible in supporting your belief.

- Describe any assumptions and provide any technical information and/or data that you used.

- Provide specific examples to illustrate your concerns, and suggest alternatives.

- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

- Make sure to submit your comments by the comment period deadline identified.

III. Internet Web Site for Rulemaking Information

The EPA has also established a Web site for this rulemaking at <http://www.epa.gov/pmdesignations/2006standards/index.htm>. The Web site includes EPA's state and tribal designation recommendations, as well as the rulemaking actions and other related information that the public may find useful.

Dated: August 20, 2008.

Jenny Noonan Edmonds,

Acting Director, Office of Air Quality Planning and Standards.

[FR Doc. E8-20241 Filed 8-29-08; 8:45 am]

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OFFICE OF PERSONNEL MANAGEMENT

48 CFR Part 1652

RIN 3206-AL66

Federal Employees Health Benefits Program Acquisition Regulation: Miscellaneous Clarifications and Corrections

AGENCY: Office of Personnel Management.

ACTION: Proposed rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing a proposed rule to amend the Federal Employees Health Benefits Acquisition Regulations (FEHBAR). The rule clarifies the rate setting process for community rated carriers with respect to Similarly Sized Subscriber Groups (SSSG) and removes the ban on adjustments based on rate reconciliation for the final year of Federal Employees Health Benefits Program (FEHBP) contracts.

DATES: Comments must be received on or before: October 2, 2008.

FOR FURTHER INFORMATION CONTACT: Edward M. DeHarde, Senior Policy Analyst at 202-606-0004, or e-mail Edward.DeHarde@opm.gov.

ADDRESSES: You may submit comments, identified by docket number and/or RIN

number by any of the following methods:

- *Federal eRulemaking Portal*: <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Mail*: Edward M. DeHarde, Senior Policy Analyst, Insurance Policy Group, Office of Personnel Management, 1900 E Street, NW., Room 3415, Washington, DC 20415.

SUPPLEMENTARY INFORMATION: The purpose of this proposed regulation is to clarify requirements with respect to the rate setting process for community rated carriers and to require rate reconciliation for the final contract term for community rated carriers that leave the FEHBP.

In prior years, carriers were not subjected to rate reconciliation in the final year of their contracts. Information technology and electronic transmission and storage of data now make it possible to efficiently perform rate reconciliation for the final contract year. Therefore, OPM will begin conducting such rate reconciliation on community rated contracts that terminate after January 1, 2009.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because all the small plan FEHBP contracts fall below the threshold for submitting cost or pricing data.

Executive Order 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

Lists of Subjects in 48 CFR Parts 1652

Government employees, Government procurement, Health insurance, Reporting and recordkeeping requirements.

Office of Personnel Management.

Michael W. Hager,
Acting Director.

Accordingly, OPM proposes to amend chapter 16 of title 48, CFR as follows:

PART 1652—CONTRACT CLAUSES

1. The authority citation for part 1652 continues to read as follows:

Authority: 5 U.S.C. 8913; 40 U.S.C. 486(c); 48 CFR 1.301.

Subpart 1652.2—Texts of FEHBP Clauses

2. Amend § 1652.216–70 by revising paragraphs (b)(2) through (b)(4) and (b)(6), and adding paragraphs (b)(7) and (b)(8) to read as follows:

1652.216–70 Accounting and price adjustment.

* * * * *

(b) * * *

(2) The subscription rates agreed to in this contract shall be equivalent to the subscription rates given to the carrier's similarly sized subscriber groups (SSSGs) as defined in FEHBAR 1602.170–13. The subscription rates shall be determined according to the carrier's established policy which must be applied consistently to the FEHBP and to the carrier's similarly sized subscriber groups (SSSGs). If an SSSG receives a rate lower than that determined according to the carrier's methodology, it is considered a discount. The FEHBP must receive a discount equal to or greater than the carrier's largest SSSG discount.

(3) If, at the time of the rate reconciliation, the subscription rates are found to be lower than the equivalent rates for the lower of the two SSSGs, the carrier may include an adjustment to the Federal group's rates for the next contract period, except as noted in paragraph (b)(7) of this clause.

(4) If, at the time of the rate reconciliation, the subscription rates are found to be higher than the equivalent rates for the lower of the two SSSGs, the Carrier shall reimburse the Fund, for example, by reducing the FEHB rates for the next contract term to reflect the difference between the estimated rates and the rates which are derived using the methodology of the lower rated SSSG, except as noted in paragraph (b)(7) of this clause.

* * * * *

(6) For contract years beginning on or after January 1, 2009, in the event this contract is not renewed, the final rate reconciliation will be performed. The carrier must promptly pay any amount owed to OPM. Any amount recoverable by the carrier is limited to the amount in the contingency reserve for the terminating plan as of December 31 of the terminating year.

(7) Carriers may provide additional guaranteed discounts to the FEHBP that are not given to SSSGs. Any such guaranteed discounts must be clearly identified as guaranteed discounts. After the beginning of the contract year for which the rates are set, these guaranteed FEHBP discounts may not be adjusted.

(8) Carriers may not impose surcharges (loadings not defined based on an established rating method) on the FEHBP subscription rates or use surcharges in the rate reconciliation

process irrespective of whether surcharges are applied to the SSSGs.

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OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

48 CFR Part 9904

Harmonization of Cost Accounting Standards 412 and 413 With the Pension Protection Act of 2006

ACTION: . Advance Notice of Proposed Rulemaking.

SUMMARY: The Office of Federal Procurement Policy, Cost Accounting Standards Board, invites public comments concerning an Advance Notice of Proposed Rulemaking on the harmonization of Cost Accounting Standards 412 and 413 with the Pension Protection Act of 2006.

DATES: Comments must be in writing and must be received by November 3, 2008.

ADDRESSES: The full text of the Advance Notice of Proposed Rulemaking, including the Board's response to public comments on the Staff Discussion Paper and the draft proposed amendments to Cost Accounting Standards 412 and 413, is available at: http://www.whitehouse.gov/omb/procurement/casb/2008_anprm.pdf and <http://www.regulations.gov>.

All comments to this Advance Notice of Proposed Rulemaking must be in writing. Due to delays in the receipt and processing of mail, respondents are strongly encouraged to submit comments electronically to ensure timely receipt. Electronic comments may be submitted in any one of three ways:

1. Comments may be directly sent via <http://www.regulations.gov>—a Federal E-Government Web site that allows the public to find, review, and submit comments on documents that agencies have published in the **Federal Register** and that are open for comment. Simply type "CAS Pension Harmonization ANPRM" (without quotes) in the Comment or Submission search box, click Go, and follow the instructions for submitting comments;

2. Comments may be included in an e-mail message sent to casb2@omb.eop.gov. The comments may be submitted in the text of the e-mail message or as an attachment; or

3. Comments may also be submitted via facsimile to (202) 395–5105.