

issuers more than approximately \$3 million dollars in administrative costs in 2012. The rule contains no mandates on State, local or tribal governments. Thus, this final rule does not impose an unfunded mandate on State, local or tribal governments.

#### F. Federalism

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a final rule that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has federalism implications. The requirements specified in this final rule would not impose substantial direct costs on State and local governments.

Throughout the process of developing this final rule, CMS has attempted to balance States' interests in regulating health insurance issuers and the Congress' intent to provide uniform protections to consumers in every State. By doing so, it is CMS' view that it has complied with the requirements of Executive Order 13132. Under the requirements set forth in section 8(a) of Executive Order 13132, and by the signatures affixed to this rule, HHS certifies that CMS has complied with the requirements of Executive Order 13132 for the attached final rule in a meaningful and timely manner.

#### G. Congressional Review Act

This final rule is subject to the Congressional Review Act provisions of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 et seq.), which specifies that before a rule can take effect, the Federal agency promulgating the rule shall submit to each House of the Congress and to the Comptroller General a report containing a copy of the rule along with other specified information, and has been transmitted to the Congress and the Comptroller General for review.

#### List of Subjects in 45 CFR Part 158

Administrative practice and procedure, Claims, Health care, Health insurance, Health plans, Penalties, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, the Department of Health and Human Services amends 45 CFR part 158 as set forth below:

#### PART 158—ISSUER USE OF PREMIUM REVENUE: REPORTING AND REBATE REQUIREMENTS

■ 1. The authority citation for part 158 continues to read as follows:

**Authority:** Section 2718 of the Public Health Service Act (42 U.S.C. 300gg–18), as amended.

■ 2. Section 158.251 is added to read as follows:

#### § 158.251 Notice of MLR information.

(a) *Notice of MLR information when the MLR standard is met or exceeded.*—

(1) *General requirement.* Except as provided in paragraph (b) of this section, for the 2011 MLR reporting year, an issuer whose MLR meets or exceeds the applicable MLR standard required by § 158.210 or § 158.211 must provide each policyholder and subscriber of a group health plan, and each subscriber in the individual market, a notice in accordance with the requirements of this section.

(2) *Timing.* An issuer must provide the notice required in this paragraph (a) with the first plan document that the issuer provides to enrollees on or after July 1, 2012.

(3) *Form and appearance.* The notice must be prominently displayed in clear, conspicuous 14-point bold type on the front of the plan document or as a separate notice. The notice may be provided electronically, if the requirements for electronic disclosure under section 2715 of the Public Health Service Act are met.

(4) *Language.* The following language must be used to satisfy the notice requirement of this paragraph (a):

*Medical Loss Ratio Information*—The Affordable Care Act requires health insurers in the individual and small group markets to spend at least 80 percent of the premiums they receive on health care services and activities to improve health care quality (in the large group market, this amount is 85 percent). This is referred to as the Medical Loss Ratio (MLR) rule or the 80/20 rule. If a health insurer does not spend at least 80 percent of the premiums it receives on health care services and activities to improve health care quality, the insurer must rebate the difference.

A health insurer's Medical Loss Ratio is determined separately for each State's individual, small group and large group markets in which the health insurer offers health insurance. In some States, health insurers must meet a higher or lower Medical Loss Ratio. No later than August 1, 2012, health insurers must send any rebates due for 2011 and information to employers and individuals regarding any rebates due for 2011.

You are receiving this notice because your health insurer had a Medical Loss Ratio for 2011 that met or exceeded the required Medical Loss Ratio. For more

information on Medical Loss Ratio and your health insurer's Medical Loss Ratio, visit [www.HealthCare.gov](http://www.HealthCare.gov)."

(b) *Exceptions.* The requirements of paragraph (a) of this section do not apply to an issuer that reports its experience separately under § 158.120(d)(3) or (d)(4), or to an issuer whose experience is non-credible as defined in § 158.230(c)(3) and determined in accordance with § 158.231.

Dated: March 8, 2012.

**Marilyn Tavenner,**

*Acting Administrator, Centers for Medicare & Medicaid Services.*

Approved: May 10, 2012.

**Kathleen Sebelius,**

*Secretary, Department of Health and Human Services.*

[FR Doc. 2012–11753 Filed 5–11–12; 11:15 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 12 and 90

[DA 11–1838]

#### Redundancy of Communications Systems: Backup Power Private Land Mobile Radio Services: Selection and Assignment of Frequencies, and Transition of the Upper 200 Channels in the 800 MHz Band to EA Licensing

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document the Federal Communications Commission's (Commission) Public Safety and Homeland Security Bureau (Bureau) and Office of Managing Director (OMD) make nonsubstantive, editorial revisions to the Commission's rules. The Bureau and OMD make these revisions to delete certain rule provisions that are without current legal effect and obsolete. These nonsubstantive revisions are part of the Commission's ongoing examination and improvement of its processes and procedures. The revisions and the specific reasons for each one are set forth below.

**DATES:** Effective May 16, 2012.

**FOR FURTHER INFORMATION CONTACT:** Eric Ehrenreich, Policy and Licensing Division, Public Safety and Homeland Security Bureau, at (202) 418–1726, or by email at [Eric.Ehrenreich@fcc.gov](mailto:Eric.Ehrenreich@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Bureau and OMD's *Order*, DA 11–1838, adopted and released on November 1, 2011. The full

text of this document is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY-A257), 445 12th Street SW., Washington, DC 20554. The complete text of this document also may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street SW., Room, CY-B402, Washington, DC 20554. The full text may also be downloaded at: [www.fcc.gov](http://www.fcc.gov).

1. This *Order* deletes a rule setting forth backup power requirements for communications providers. This rule never took effect and ultimately was vacated in its entirety by the U.S. Court of Appeals for the District of Columbia (DC Circuit). The rule, 47 CFR 12.2, is therefore without current legal effect and is deleted as obsolete.

2. This *Order* also deletes a rule providing that UHF television translators on Channels 70 to 83 must operate on a secondary basis to land mobile operations in the 800 MHz band and will not be protected from such operations. There are no UHF television translators operating on Channels 70 to 83, and the Commission has eliminated the TV allocation from these channels. Accordingly, this rule provision, 47 CFR 90.621(d), is without current legal effect and is deleted as obsolete.

3. This *Order* also deletes a provision that allocates specified channels for Basic Exchange Telecommunication Radio Service (BETRS) but expressly cautions that a pending FCC proposal could remove this allocation from these channels. The Commission removed the allocation in 2005. Accordingly, this provision, 47 CFR 90.621(h), is without current legal effect and is deleted as obsolete.

4. This *Order* also deletes rule provisions that provided a framework for the relocation of incumbent site-based licensees in the upper 200 channels of the 800 MHz Band by incoming geographically-based (EA) licensees. These provisions were a component of the 1995 reconfiguration of the 800 MHz band from site-based to geographic-based service that has since been completed. Accordingly, these provisions, 47 CFR 90.699(a)–(c), (e)–(f), are without current legal effect and are deleted as obsolete.

## I. Procedural Matters

### A. Accessible Formats

5. To request materials in accessible formats for people with disabilities

(Braille, large print, electronic files, audio format), send an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

### B. Paperwork Reduction Act Analysis

6. The rules contained herein have been analyzed with respect to the Paperwork Reduction Act of 1995 and found to contain no new or modified form, information collection, and/or recordkeeping, labeling, disclosure, or record retention requirements, and will not increase or decrease burden hours imposed on the public. In addition, therefore, this *Order* does not contain any new or modified “information collection burden for small business concerns with fewer than 25 employees,” pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198.

### C. Congressional Review Act

7. The Commission will send a copy of this *Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act (“CRA”), see 5 U.S.C. 801(a)(1)(A).

### D. Effective Date of Rule

8. The rule amendments adopted in this *Order* and set forth in the attached Appendix are ministerial, nonsubstantive, editorial revisions of the rules under 47 CFR 0.231(b) and 0.392(e). The revisions adopted in this *Order* merely delete obsolete rule provisions and the Bureau and OMD find good cause to conclude that notice and comment procedures are unnecessary and would not serve any useful purpose. See 5 U.S.C. 553(b)(3)(B). Because the rules being deleted are obsolete and without current legal effect, the Bureau and OMD also find good cause to make these nonsubstantive, editorial revisions of the rules effective upon publication in the **Federal Register**. See 5 U.S.C. 553(d)(3).

## II. Final Regulatory Flexibility Analysis

9. Because this *Order* is being adopted without notice and comment, the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, does not apply.

## III. Ordering Clauses

10. Accordingly, *it is ordered that*, effective upon publication in the **Federal Register**, Parts 12 and 90 of the

Commission's rules are amended, as set forth, pursuant to the authority contained in sections 4(i), 5(c) and 303(r) of the Communications Act, 47 U.S.C. 154(i), 155(c) and 303(r), and §§ 0.231(b) and 0.392(e) of the Commission's regulations, 47 CFR 0.231(b) and 0.392(e).

11. *It is further ordered* that the Secretary shall cause a copy of this *Order* to be published in the **Federal Register**.

## List of Subjects in 47 CFR Parts 12 and 90

Communications, Communications common carriers, Communications equipment, Radio, Telecommunications, Telephone, Television.

Federal Communications Commission.

**Thomas J. Beers**,  
Division Chief.

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 12 and 90 to read as follows:

## PART 12—REDUNDANCY OF COMMUNICATIONS SYSTEMS

■ 1. The authority citation for part 12 continues to read as follows:

**Authority:** Sections 1, 4(i), 4(j), 4(o), 5(c), 218, 219, 301, 303(g), 303(j), 303(r), 332, 403, 621(b)(3), and 621(d) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 154(o), 155(c), 218, 219, 301, 303(g), 303(j), 303(r), 332, 403, 621(b)(3), and 621(d), unless otherwise noted.

### § 12.2 [Removed]

■ 2. Remove § 12.2.

## PART 90—PRIVATE LAND MOBILE RADIO SERVICES

■ 3. The authority citation for Part 90 continues to read as follows:

**Authority:** Sections 4(i), 11, 303(g), 303(r), and 332(c)(7) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 161, 303(g), 303(r), and 332(c)(7).

### § 90.621 [Amended]

■ 4. In § 90.621, remove and reserve paragraphs (d) and (h).

### § 90.699 [Amended]

■ 5. In § 90.699, remove and reserve paragraphs (a) through (c), (e) and (f).

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