

Federal Register – December 2021

[Uniform Administrative Requirements, Cost Principles, and Audit Requirements, 86 Federal Register 68533, December 3, 2021](#)

GUIDANCE: This document announces the availability of the first of two 2021 Compliance Supplement Addenda (2021 Addendum 1) for the Office of Management and Budget's uniform administrative requirements, cost principles, and audit requirements regulations. This document also offers interested parties an opportunity to comment on the 2021 Addendum 1.
COMMENTS DUE: January 3, 2022

[OSHA Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings; Extension of Comment Period, 86 Federal Register 68533, December 3, 2021](#)

NOTICE: On October 27, 2021, OSHA issued an ANPRM to initiate rulemaking to protect indoor and outdoor workers from hazardous heat and to obtain additional information about the extent and nature of hazardous heat in the workplace and the nature and effectiveness of interventions and controls used to prevent heat-related injury and illness. OSHA is extending the period for submitting comments by 30 days to allow stakeholders interested in the ANPRM on Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings additional time to review the ANPRM and collect information and data necessary for comment.
COMMENTS DUE: January 26, 2022

[Agency Information Collection Activities; Approval of an Information Collection Request: Commercial Driver Licensing and Test Standards, 86 Federal Register 69116, December 6, 2021](#)

NOTICE: The FMCSA requests approval to revise and renew an ICR titled, "Commercial Driver Licensing and Test Standards," due to an increase in the number of commercial driver's license records. This ICR is needed to ensure that drivers, motor carriers and the States are complying with notification and recordkeeping requirements for information related to testing, licensing, violations, convictions, and disqualifications and that the information is accurate, complete, transmitted, and recorded within certain time periods as required by the Commercial Motor Vehicle Safety Act of 1986 (CMVSA), as amended.
COMMENTS DUE: January 5, 2022

[IRS Information Reporting of Health Insurance Coverage and Other Issues, 86 Federal Register 68939, December 6, 2021](#)

NOTICE OF PROPOSED RULEMAKING: This document contains proposed regulations providing that "minimum essential coverage," as that term is used in health insurance-related tax laws, does not include Medicaid coverage that is limited to COVID-19 testing and diagnostic services provided under the Families First Coronavirus Response Act. The proposed regulations also would provide an automatic extension of time for providers of minimum essential coverage (including health insurance issuers, self-insured employers, and government agencies) to furnish individual statements regarding such coverage and would provide an alternative method for furnishing individual statements when the shared responsibility payment amount is zero. Additionally, the proposed regulations would provide an automatic extension of time for "applicable large employers" (generally employers with 50 or more full-time or full-time equivalent employees) to furnish statements relating to health insurance that the employer offers to its full-time

	<p>employees. The proposed regulations would affect some taxpayers who claim the premium tax credit; health insurance issuers, self-insured employers, government agencies, and other persons that provide minimum essential coverage to individuals; and applicable large employers.</p> <p>COMMENTS DUE: February 4, 2022</p>
<p>Date of Receipt of Electronic Submissions of Patent Correspondence, 86 Federal Register 69195, December 7, 2021</p>	<p>PROPOSED RULE: The USPTO proposes to amend the patent rules of practice to provide that the receipt date of correspondence officially submitted electronically by way of the Office electronic filing system is the date in the Eastern time zone of the United States (Eastern Time) when the USPTO received the correspondence, rather than the date on which the correspondence is received at the correspondence address in Alexandria, Virginia. This is because the USPTO is expecting to provide physical servers for receiving electronic submissions in locations that are separate from the USPTO headquarters in Alexandria, Virginia. This proposed change will ensure consistency and predictability with respect to correspondence receipt dates as the date of receipt accorded to correspondence submitted electronically will not depend upon the location of USPTO servers. The USPTO is also proposing to amend the patent rules of practice to make other clarifying changes regarding the receipt of electronic submissions, including providing a definition for Eastern Time. These changes will harmonize the patent rules with the trademark rules and provide clarity regarding the date of receipt of electronic submissions.</p> <p>COMMENTS DUE: February 7, 2022</p>
<p>Privacy of Consumer Financial Information Rule Under the Gramm-Leach-Bliley Act, 86 Federal Register 70020, December 9, 2021</p>	<p>FINAL RULE: The Federal Trade Commission is amending its Privacy Rule to revise the rule's scope, to modify the rule's definitions of "financial institution" and "Federal functional regulator," and to update the rule's annual customer privacy notice requirement. The amendments also remove certain examples in the rule that apply to financial institutions that now fall outside its scope. This action is necessary to conform the rule to the current requirements of the Gramm-Leach-Bliley Act ("GLBA"), as amended by the Dodd-Frank and FAST Acts, and the Commission's revisions to the Safeguards Rule, which are being announced simultaneously through a separate document published elsewhere in this issue of the Federal Register .</p> <p>EFFECTIVE DATE: January 10, 2022</p>
<p>Standards for Safeguarding Customer Information, 86 Federal Register 70272, December 9, 2021</p>	<p>FINAL RULE: The Federal Trade Commission ("FTC" or "Commission") is issuing a final rule ("Final Rule") to amend the Standards for Safeguarding Customer Information ("Safeguards Rule" or "Rule"). The Final Rule contains five main modifications to the existing Rule. First, it adds provisions designed to provide covered financial institutions with more guidance on how to develop and implement specific aspects of an overall information security program, such as access controls, authentication, and encryption. Second, it adds provisions designed to improve the accountability of financial institutions' information security programs, such as by requiring periodic reports to boards of directors or governing bodies. Third, it</p>

	<p>exempts financial institutions that collect less customer information from certain requirements. Fourth, it expands the definition of “financial institution” to include entities engaged in activities the Federal Reserve Board determines to be incidental to financial activities. This change adds “finders” —companies that bring together buyers and sellers of a product or service— within the scope of the Rule. Finally, the Final Rule defines several terms and provides related examples in the Rule itself rather than incorporates them from the Privacy of Consumer Financial Information Rule (“Privacy Rule”).</p> <p>EFFECTIVE DATE: January 10, 2022</p>
<p>DOD, GSA and Update to Certain Online References in the FAR, 86 Federal Register 71323, December 15, 2021</p>	<p>FINAL RULE: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to replace FAR references to Federal Business Opportunities (FBO.gov) and Wage Determinations Online (WDOL.gov) websites with the System for Award Management (SAM.gov) website because of their integration with and the increased functionality of SAM.gov.</p> <p>EFFECTIVE DATE: January 14, 2022</p>
<p>Electronic Patent Issuance, 86 Federal Register 71209, December 15, 2021</p>	<p>NOTICE OF PROPOSED RULEMAKING: The United States Patent and Trademark Office (USPTO) is proposing to implement electronic patent issuance. Under the proposed change, the USPTO would issue patents electronically through its patent document viewing systems (i.e., Patent Center and Patent Application Image Retrieval (PAIR)). Patents would no longer be issued on paper, and as a result, they would no longer be mailed to the correspondence address of record as part of the patent issuance process. The elimination of these steps would allow issued patents to be available weeks sooner in electronic form, and the patentee would be able to view and print the complete issued patent via the USPTO's patent document viewing systems immediately upon issue. Patentees would continue to have the option of ordering an unlimited number of paper presentation copies and certified copies of patents.</p> <p>COMMENTS DUE: February 14, 2022</p>
<p>USPTO To Begin Issuing Electronic Trademark Registration Certificates, 86 Federal Register 71209, December 15, 2021</p>	<p>REQUEST FOR COMMENTS: The United States Patent and Trademark Office (USPTO) is seeking comments on its plan to begin issuing electronic trademark registration certificates in the spring of 2022. Upon issuance, the electronic registration certificate will be the official registration certificate. After the USPTO begins issuing electronic registration certificates, trademark owners will have the option to order paper “presentation” copies for a fee. They will also continue to be able to order certified copies of their trademark registrations. This notice outlines the USPTO's plan and requests comments from U.S. trademark owners, practitioners, and other interested parties regarding their views about this plan.</p> <p>COMMENTS DUE: December 15, 2021</p>
<p>Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; 2020/22 Beginning Postsecondary Students (BPS:20/22) Full Scale Study</p>	<p>NOTICE: The 2020/22 Beginning Postsecondary Students Full-Scale (BPS:20/22) is conducted by the National Center for Education Statistics, part of the Institute of Education Sciences, within the Department of Education, and is part of the Beginning Postsecondary Students Longitudinal Study data collection</p>

[\(title correction published on 12/28/21\), 86 Federal Register 71252, December 15, 2021](#)

program at <https://nces.ed.gov/surveys/bps/>. The BPS:20/22 Full-scale Data Collection will begin 03/01/22 and end 11/11/22. BPS is designed to follow a cohort of students who enroll in postsecondary education for the first time during the same academic year, irrespective of the date of high school completion. The study collects data on students' persistence in and completion of postsecondary education programs; their transition to employment; demographic characteristics; and changes over time in their goals, marital status, income, and debt, among other indicators. Data from BPS are used to help researchers and policymakers better understand how financial aid influences persistence and completion, what percentages of students complete various degree programs, what are the early employment and wage outcomes for certificate and degree attainers, and why students leave school. BPS:20/22 will be a nationally-representative sample of approximately 37,000 students who were first-time beginning students during the 2019-20 academic year. The BPS:20/22 field test included approximately 3,700 students who first began in the 2018-19 academic year. These students will be asked to complete a survey and administrative data will also be collected for them. Administrative data matching will be conducted with sources including the National Student Loan Data System (NSLDS), containing federal loan and grant files; the Central Processing System (CPS), which houses and processes data contained in the Free Application for Federal Student Aid (FAFSA) forms; the National Student Clearinghouse (NSC) which provides enrollment and degree verification; vendors of national undergraduate, graduate, and professional student admission tests; and possible other administrative data sources such as the Veterans Benefits Administration (VBA). These data will be obtained through file matching/downloading. In addition, this request includes conducting panel maintenance activities for the BPS:20/25 field test sample. BPS:20/25 is anticipated but has not yet been authorized. This submission covers BPS:20/22 full-scale materials and procedures required for conducting the student survey and for matching data to administrative records. Along with this full-scale package NCES will provide the Office of Management and Budget (OMB) with a memorandum summarizing changes from the field test for the full-scale data collection. The materials for the BPS:20/22 full-scale study are based upon the field test materials. This submission is designed to adequately justify the need for and overall practical utility of the full study, presenting the overarching plan for all of the phases of the data collection and providing as much detail about the measures to be used as is available at the time of this submission. As part of the completed field test, NCES published a notice in the Federal Register allowing first a 60- and then a 30-day public comment period. Field test materials, procedures, and results have informed this request for clearance for the full-scale study. For this full-scale study NCES will publish a notice in the Federal Register allowing an additional 30-day public

	<p>comment period on the final details of the BPS:20/22 full-scale study.</p> <p>COMMENTS DUE: January 14, 2022</p>
<p>Accepted Means of Compliance; Operations Over Human Beings, Category 2 and Category 3 Small Unmanned Aircraft, 86 Federal Register 71372, December 16, 2021</p>	<p>NOTIFICATION: This document announces the acceptance of a means of compliance (MOC) in accordance with a rule issued by the FAA on January 21, 2021, and went into effect on April 21, 2021. The Administrator finds the Virginia Tech Mid-Atlantic Aviation Partnership (VT MAAP) MOC Version 1.0 an acceptable means, but not the only means, of demonstrating compliance with the requirements of Category 2 and Category 3 small unmanned aircraft systems (small UAS) operations over people.</p>
<p>Proposed Collection; 60-Day Comment Request; NIH Electronic Application System for NIH Certificates of Confidentiality, 86 Federal Register 71650, December 17, 2021</p>	<p>NOTICE: The current CoC system sends system communications and the approved Certificate to the Principal Investigator and the Institutional Official. NIH is adding two optional data fields to the electronic system for the submission and processing of requests for NIH to issue Certificates of Confidentiality (CoCs). The optional data fields will allow the requester to identify another person that receives CoC system communications and the approved Certificate. This request system provides one electronic form to be used by all research organizations that request a Certificate of Confidentiality (CoC) from NIH. As described in the authorizing legislation (Section 301(d) of the Public Health Service Act, 42 U.S.C. 241(d)), CoCs are issued by the agencies of the U.S. Department of Health and Human Services (HHS), including NIH, to authorize researchers to protect the privacy of human research subjects by prohibiting them from releasing names and identifying characteristics of research participants to anyone not connected with the research, except in limited circumstances specified in the statute. At NIH, the issuance of CoCs has been delegated to the NIH Office of Extramural Research (OER) in the NIH Office of the Director. NIH received 795 requests for CoCs from January 2020 through December 2020 and expects to receive approximately the same number of requests in subsequent years. NIH has been using an online CoC system to review requests and issue CoCs since 2015. The current CoC request form includes six sections of information collected from research organizations. The information provided is used to determine eligibility for a CoC and to issue the CoC to the requesting organization. Eligible requesting organizations that provide legally binding affirmations that they will abide by the terms of the CoC are issued a Certificate of Confidentiality. This system has increased efficiency and reduced burden for both requesters and NIH staff who currently process these requests.</p> <p>COMMENTS DUE: Within 60 days of publication</p>
<p>HHS Solicitation of New Safe Harbors and Special Fraud Alerts, 86 Federal Register 71611, December 17, 2021</p>	<p>NOTICE: In accordance with section 205 of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), this annual notification solicits proposals and recommendations for developing new, or modifying existing, safe harbor provisions under section 1128B(b) of the Social Security Act (the Act), the Federal anti-kickback statute), as well as developing new OIG Special Fraud Alerts.</p> <p>COMMENTS DUE: February 15, 2022</p>

<p>GSA, NASA DOD Information Collection; Certain Federal Acquisition Regulation Part 16 Contract Pricing Requirements, 86 Federal Register 71641, December 17, 2021</p>	<p>NOTICE: In accordance with the Paperwork Reduction Act of 1995, and the Office of Management and Budget (OMB) regulations, DoD, GSA, and NASA invite the public to comment on a revision concerning certain Federal Acquisition Regulation (FAR) part 16 contract pricing requirements. DoD, GSA, and NASA invite comments on: Whether the proposed collection of information is necessary for the proper performance of the functions of Federal Government acquisitions, including whether the information will have practical utility; the accuracy of the estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. OMB has approved this information collection for use through February 28, 2022. DoD, GSA, and NASA propose that OMB extend its approval for use for three additional years beyond the current expiration date.</p> <p>COMMENTS DUE: February 15, 2022</p>
<p>Agency Information Collection Activities; Submission for OMB Review; Comment Request; Internal Revenue Service Exempt Organization Forms: 990, 990-BL, 990-EZ, 990-N, 990-PF, 990-T, 990-W, 990 SCH E, 990 SCH I, 990 SCH M, 990 SCH D, 990 SCH F, 990 SCH H, 990 SCH J, 990 SCH K, 990 SCH R, 990/990-EZ SCH A, 990/990-EZ SCH C, 990/990-EZ SCH G, 990/990-EZ SCH L, 990/990-EZ SCH N, 990/990-EZ SCH O, 990/990-EZ/990-PF SCH B, 1023, 1023-EZ, 1023-Interactive, 1024, 1024-A, 1028, 1120-POL, 4720, 5578, 5884-C, 6069, 6497, 8038, 8038-B, 8038-CP, 8038-G, 8038-GC, 8038-R, 8038-T, 8038-TC, 8282, 8328, 8330, 8453-E.O., 8453-X, 8718, 8868, 8870, 8871, 8872, 8879-E.O., 8886-T, 8899 and Related Attachments, 86 Federal Register 72683, December 22, 2021</p>	<p>NOTICE: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.</p> <p>COMMENTS DUE: January 21, 2022</p>
<p>Passports: Option for Passport Applicants Eligible To Apply by Mail for Renewal of Passports To Apply On-Line, 86 Federal Register 72520, December 22, 2021</p>	<p>FINAL RULE: Pursuant to Department regulations, the renewal of a U.S. passport must meet certain requirements to qualify for submission of an application by mail. The Department will now provide qualified applicants the option of submitting renewal applications by mail or on-line via the Department's official website. This amendment will provide more flexibility for the renewal applicant, will improve the customer experience, and eliminate the added burden, time, and cost to the customer by providing the on-line option as an alternative to the mail in process.</p> <p>EFFECTIVE DATE: December 23, 2021</p>
<p>Revision of Agency Information Collection Activity Under OMB Review: Security Threat Assessment for Individuals Applying for a Hazardous Materials Endorsement for a Commercial Driver's License, 86 Federal Register 73311, December 27, 2021</p>	<p>NOTICE: This notice announces that the Transportation Security Administration (TSA) has forwarded the Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652-0027, abstracted below to OMB for review and approval of revision of the currently approved collection under the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The collection involves the submission of biometric and</p>

	<p>biographic information that TSA uses to verify identity and conduct a security threat assessment (STA) required before obtaining the hazardous materials endorsement (HME) on a commercial driver's license (CDL) issued by States and the District of Columbia, and a customer satisfaction survey.</p> <p>COMMENTS DUE: January 26, 2022</p>
<p>Revision of Annual Information Return/Reports, 86 Federal Register 73976, December 29, 2021</p>	<p>FINAL: This document contains final revisions to the instructions for the Form 5500 Annual Return/Report of Employee Benefit Plan and Form 5500-SF Short Form Annual Return/Report of Small Employee Benefit Plan effective for plan years beginning on or after January 1, 2021. These final revisions to the instructions were included in a broader proposal of form and instruction changes published on September 15, 2021. The limited number of instruction changes in this document implement annual reporting changes for multiple-employer plans (including pooled employer plans) that result from statutory provisions in section 101 of the Setting Every Community Up for Retirement Enhancement Act of 2019 (SECURE Act). The other changes to the Form 5500 Annual Return/Report included in the September 2021 proposal will be the subject of one or more separate and later final notices. The final instruction revisions in this document are effective for plan years beginning on or after January 1, 2021. The Form 5500 Annual Return/Report for the 2021 plan year generally is not required to be filed until seven months after the end of the 2021 plan year, e.g., July 2022 for calendar year plans, and a 2 1/2 - month extension is available.</p> <p>EFFECTIVE DATE: January 1, 2022</p>
<h2>Virginia Register – December 2021</h2>	
<p>12VAC5-115. Virginia Immunization Information System (amending 12VAC5-115-30), Virginia Register of Regulations, Volume 38, Issue 8, December 6, 2021</p>	<p>FINAL RULE: Pursuant to Chapter 211 of the 2021 Acts of Assembly, Special Session I, the amendments make reporting using Virginia Immunization Information System (VIIS) mandatory for any health care provider in the Commonwealth that administers immunizations.</p> <p>EFFECTIVE DATE: January 7, 2022</p>
<p>20VAC5-309. Rules for Enforcement of the Underground Utility Damage Prevention Act (amending 20VAC5-309-150), Virginia Register of Regulations, Volume 38, Issue 9, December 20, 2021</p>	<p>FINAL RULE: The amendments allow for a qualified contractor, in addition to the excavator, to complete the post-excavation video inspection for trenchless excavation across gravity fed sewer mains and combination storm and sanitary sewer system utility lines.</p> <p>EFFECTIVE DATE: January 1, 2022</p>