

Federal Register – November 2022

[Institutional Eligibility Under the Higher Education Act of 1965, as Amended; Student Assistance General Provisions; Federal Perkins Loan Program; Federal Family Education Loan Program; and William D. Ford Federal Direct Loan Program, 87 Federal Register 65904, November 1, 2022](#)

FINAL REGULATIONS: The Secretary establishes new regulations governing the William D. Ford Federal Direct Loan (Direct Loan) Program to establish a new Federal standard and a process for determining whether a borrower has a defense to repayment on a loan based on an act or omission of their school. We also are amending the Direct Loan Program regulations to prohibit participating schools from using certain contractual provisions regarding dispute resolution processes and to require certain notifications and disclosures by institutions (institutions or schools) regarding their use of mandatory arbitration. Additionally, we are amending the Direct Loan regulations to eliminate interest capitalization in instances where it is not required by statute. We are also amending the regulations governing closed school discharges and total and permanent disability (TPD) discharges in the Federal Perkins Loan (Perkins), Direct Loan, and Federal Family Education Loan (FFEL) programs. We are also amending the regulations governing false certification discharges in the Direct Loan and FFEL programs. Finally, we are amending the regulations governing Public Service Loan Forgiveness (PSLF) in the Direct Loan program to improve the application process, and to clarify and expand definitions for full-time employment, qualifying employers, and qualifying monthly payments. The changes would bring greater transparency and clarity and improve the administration of Federal student financial aid programs to assist and protect students, participating institutions, and taxpayers.

EFFECTIVE DATE: July 1, 2023

[FAFSA Simplification Act Changes for Implementation in the 2023-2024 Award Year, 87 Federal Register 66683, November 4, 2022](#)

NOTICE: The U.S. Department of Education (Department) publishes this notice, as required by the Consolidated Appropriations Act, 2022, of the phased implementation of some elements of the FAFSA Simplification Act for the 2023-2024 award year. This notice also addresses other rules that will take effect for the 2023-2024 award year as part of the FAFSA Simplification Act.

[Agency Information Collection Activities; Renewal of an Approved Information Collection: Commercial Driver's License Drug and Alcohol Clearinghouse, 87 Federal Register 66769, November 4, 2022](#)

NOTICE: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget for its review and approval and invites public comment. The FMCSA requests to renew an ICR titled, "Commercial Driver's License Drug and Alcohol Clearinghouse." The Agency's final rule, published December 5, 2016, titled "Commercial Driver's License Drug and Alcohol Clearinghouse" (81 FR 87686) (Clearinghouse) established the regulatory requirements for the Clearinghouse. The compliance date of the final rule was January 6, 2020. The FMCSA began collecting data as authorized users began registering in the Clearinghouse in September 2019. This ICR is needed to ensure that querying and reporting requirements are met to diminish the problem of

	<p>commercial driver's license (CDL) and commercial learner's permit (CLP) holders who test positive for drugs or alcohol and then continue to perform safety sensitive functions, including driving a commercial motor vehicle (CMV), without participating in the required return-to-duty (RTD) process.</p> <p>COMMENTS DUE: January 3, 2023</p>
<p>NSF Agency Information Collection Activities: Comment Request; Standard Application Process (SAP) Portal, 87 Federal Register 66754, November 4, 2022</p>	<p>NOTICE: Title III of the Foundations for Evidence-Based Policymaking Act of 2018 (hereafter the Evidence Act) mandates that OMB establish a Standard Application Process (SAP) for requesting access to certain confidential data assets. While the adoption of the SAP is required for statistical agencies and units designated under the Confidential Information Protection and Statistical Efficiency Act of 2018 (CIPSEA), it is recognized that other agencies and organizational units within the Executive Branch may benefit from the adoption of the SAP to accept applications for access to confidential data assets. The SAP is to be a process through which agencies, the Congressional Budget Office, State, local, and Tribal governments, researchers, and other individuals, as appropriate, may apply to access confidential data assets held by a federal statistical agency or unit for the purposes of developing evidence. With the Interagency Council on Statistical Policy (ICSP) as advisors, the entities upon whom this requirement is levied are working with the SAP Project Management Office (PMO) and with OMB to implement the SAP. The SAP Portal is to be a single web-based common application designed to collect information from individuals requesting access to confidential data assets from federal statistical agencies and units.</p> <p>COMMENTS DUE: Within 30 days of this notice</p>
<p>Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act), 87 Federal Register 67826, November 10, 2022</p>	<p>FINAL RULE: Section 10(a) of the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act) directs the Commission to establish regulations to create a process that “streamlines the ways in which a private entity may voluntarily share with the Commission information relating to” a call or text message that violates prohibitions regarding robocalls or spoofing set forth section 227(b) and 227(e) of the Communications Act of 1934, as amended. On June 17, 2021, the Commission adopted a Report and Order to implement section 10(a) by creating an online portal located on the Commission's website where private entities may submit information about robocall and spoofing violations. The Enforcement Bureau (Bureau) will manage this portal.</p> <p>EFFECTIVE DATE: November 10, 2022</p>
<p>The Emergency Alert System, 87 Federal Register 67808, November 10, 2022</p>	<p>FINAL RULE: In this document, the Federal Communication Commission (the “FCC” or “Commission”), implements changes to its rules governing the Emergency Alert System (EAS) to improve the clarity and accessibility of EAS messages distributed to the public.</p> <p>EFFECTIVE DATE: December 12, 2022</p>
<p>Protection of Human Subjects and Institutional Review Boards, and Institutional Review Boards; Cooperative Research; Extension of Comment Period, 87 Federal Register 67808, November 14, 2022</p>	<p>PROPOSED RULE: In the proposed rule entitled “Institutional Review Boards; Cooperative Research,” FDA requested comment on a change to its regulations that would require any institution located in the United States participating in FDA-regulated</p>

	<p>cooperative research to rely on approval by a single institutional review board (IRB) for that portion of the research that is conducted in the United States, with some exceptions (Docket No. FDA-2019-N-2175). The Agency is taking this action in response to requests for an extension to allow interested persons additional time to submit comments.</p> <p>COMMENTS DUE: December 28, 2022</p>
<p>EBSA Prohibited Transaction Exemption (PTE) 2002-51 To Permit Certain Transactions Identified in the Voluntary Fiduciary Correction Program, 87 Federal Register 70753, November 21, 2022</p>	<p>PROPOSED AMENDMENT: This document gives notice of a proposed amendment to Prohibited Transaction Exemption 2002-51, an exemption for certain transactions identified in the Department's Voluntary Fiduciary Correction Program (VFC Program or VFCP). The VFC Program allows persons who may have engaged in a breach of fiduciary duty under the Employee Retirement Income Security Act (ERISA) to correct the breach and avoid certain Department of Labor-initiated civil actions and assessment of civil penalties. PTE 2002-51 (the VFCP Class Exemption) is a related class exemption that provides an exemption from excise taxes imposed by the Internal Revenue Code of 1986, as amended, for certain eligible transactions corrected pursuant to the VFC Program. This amendment to the VFCP Class Exemption is being proposed in connection with the Department's amendment and restatement of the VFC Program, published elsewhere in today's issue of the Federal Register (2022 Program Notice). If granted, the amendment to the VFCP Class Exemption would affect plans, participants and beneficiaries of such plans, and certain other persons engaging in such transactions.</p> <p>COMMENTS DUE: January 23, 2023</p>
<p>Emergency Alert System; Wireless Emergency Alerts; Protecting the Nation's Communications Systems From Cybersecurity Threats, 87 Federal Register 71539, November 23, 2022</p>	<p>PROPOSED RULE: The Commission proposes requirements for Emergency Alert System (EAS) Participants to report compromises of their EAS equipment, communications systems, and services to the Commission. Additionally, this document proposes requirements for EAS Participants and Commercial Mobile Service (CMS) providers that participate in Wireless Emergency Alerts (WEA) to annually certify to having a cybersecurity risk management plan in place and to employ sufficient security measures to ensure the confidentiality, integrity, and availability of their respective alerting systems. This document also proposes requirements for participating CMS providers to take steps to ensure that only valid alerts are displayed on consumer devices. These requirements would further protect the nation's communications systems from cybersecurity threats. With this Notice of Proposed Rulemaking, the Commission seeks comment on the proposed rules and any suitable alternatives.</p> <p>COMMENTS DUE: December 23, 2023</p>
<p>NSF Comment Request; Office of Equity and Civil Rights Awardee Survey Form, 87 Federal Register 73337, November 29, 2022</p>	<p>NOTICE: The purpose of the National Science Foundation's (NSF) Office of Equity and Civil Rights (OECR) Awardee Survey Form is to collect awardee feedback and input on NSF's awardee term and condition that requires NSF to be notified: (1) of any findings/determinations regarding the PI or co-PI that demonstrate a violation of awardee codes of conduct, policies, regulations or statutes relating to sexual harassment, other</p>

	<p>forms of harassment, or sexual assault; or (2) if the awardee places the PI, or co-PI on administrative leave or imposes an administrative action relating to a finding or investigation of a violation of awardee policies, codes of conduct, statutes or regulations relating to sexual harassment, other forms of harassment, or sexual assault. This survey will assist NSF OECR in assessing how the term and condition has been implemented at awardee organizations and whether improvements or adjustments to the term and condition are either necessary or appropriate to maximize its efficacy and ease of use. This survey will allow us to reach out directly to NSF awardees, to include Authorized Organizational Representatives, Title IX coordinators and researchers, to better understand their respective experiences with the term and condition and to gather their comments for adjustments or enhancements to it.</p> <p>COMMENTS DUE: January 30, 2023</p>
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Virginia Register – November 2022

<p>18VAC110-20, Regulations Governing the Practice of Pharmacy, Virginia Register of Regulations, Volume 39, Issue 6, November 7, 2022</p>	<p>NOTICE: The purpose of the proposed action is to exempt an automated dispensing device (ADD) from the pharmacist review requirements of 18VAC110-20-555 when that ADD is exclusively stocked with drugs solely administered for stat or emergency use. This action is in response to a petition for rulemaking.</p> <p>COMMENTS DUE: December 7, 2022</p>
<p>8VAC40-31. Regulations Governing Certification of Certain Institutions to Confer Degrees, Diplomas and Certificates (adding 8VAC40-31-125), Virginia Register of Regulations, Volume 39, Issue 6, November 7, 2022</p>	<p>FINAL REGULATION: The amendments require out-of-state postsecondary schools offering distance education to Virginia citizens to be certified by the State Council of Higher Education for Virginia or be participants in a reciprocity agreement to which the Commonwealth belongs. This action establishes certification requirements for schools that do not participate in a reciprocity agreement. A change to the proposed regulation provides a delayed applicability for institutions that currently enroll Virginia residents.</p> <p>EFFECTIVE DATE: December 7, 2022</p>
<p>8VAC40-31. Regulations Governing Certification of Certain Institutions to Confer Degrees, Diplomas and Certificates (amending 8VAC40-31-260), Virginia Register of Regulations, Volume 39, Issue 6, November 7, 2022</p>	<p>FINAL REGULATION: The amendments increase fees to cover the essential functions of the Private Postsecondary Education unit of the Academic Affairs division of the State Council of Higher Education for Virginia.</p> <p>EFFECTIVE DATE: December 7, 2022</p>
<p>12VAC5-440, Regulations for Summer Camps, Virginia Register of Regulations, Volume 39, Issue 7, November 21, 2022</p>	<p>NOTICE OF INTENDED REGULATORY ACTION: The purpose of the proposed action is to amend the regulation following periodic review of the chapter. The Regulations for Summer Camps protect the health and safety of campers younger than 18 years of age who participate in overnight camps for entertainment, education, recreation, religious instruction or activities, physical education, or health. Environmental health staff permit and inspect these facilities for approved water and sewage, camp location, food handling, and general sanitation. This regulatory action intends to update the regulations with modern standards for health and safety at summer camps. Proposed amendments will also conform regulation with current department policies and practices and may include amendments</p>

	<p>based on public comment and from discussions with stakeholders.</p> <p>COMMENTS DUE: January 4, 2023</p>
<p>18VAC110-21. Regulations Governing the Licensure of Pharmacists and Registration of Pharmacy Technicians (amending 18VAC110-21-10, 18VAC110-21-20, 18VAC110-21-40, 18VAC110-21-140, 18VAC110-21-150, 18VAC110-21-170, 18VAC110-21-180; adding 18VAC110-21-1, Virginia Register of Regulations, Volume 39, Issue 7, November 21, 2022</p>	<p>FINAL REGULATION: The amendments conform regulation to Chapters 102 and 237 of the 2020 Acts of Assembly, including (i) establishing the requirements for registration as a pharmacy technician trainee for a person enrolled in a training program and engaging in tasks that may be delegated to a technician; (ii) specifying the certification examinations that are acceptable for registration as a pharmacy technician; and (iii) setting out the requirement for accreditation of training programs that will become effective on July 1, 2022. A change to the proposed regulation specifies that passage of the national examination is not required for reinstatement applicants who have maintained a national certification.</p> <p>EFFECTIVE DATE: December 21, 2022</p>
<p>18VAC110-21. Regulations Governing the Licensure of Pharmacists and Registration of Pharmacy Technicians (adding 18VAC110-21-46), Virginia Register of Regulations, Volume 39, Issue 7, November 21, 2022</p>	<p>FINAL REGULATION: The amendments (i) list drugs and devices that may be initiated by a pharmacist for a patient older than 18 years of age and (ii) provide the protocol to notify a primary care provider, maintain patient records, and protect patient privacy. A change to the proposed regulation adds "controlled paraphernalia or other supplies or equipment" to the types of treatment a pharmacist may initiate.</p> <p>EFFECTIVE DATE: December 21, 2022</p>