

Square, 145 N Street NE, Suite 3E.405B, Washington, DC 20530.

Dated: March 2, 2022.

**Melody Braswell,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

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## DEPARTMENT OF JUSTICE

[OMB Number 1117-0047]

### Agency Information Collection Activities; Proposed eCollection, eComments Requested; Extension Without Change of a Previously Approved Collection; Application for Import Quota for Ephedrine, Pseudoephedrine, and Phenylpropanolamine; DEA Form 488

**AGENCY:** Drug Enforcement Administration, Department of Justice.

**ACTION:** 60-Day notice.

**SUMMARY:** The Drug Enforcement Administration (DEA), Department of Justice, will be submitting the following information collection request to the Office of Management and Budget for review and approval in accordance with the Paperwork Reduction Act of 1995. This information collection is also associated with the proposed rulemaking "Management of Quotas for Controlled Substances and List I Chemicals," published in the **Federal Register**. It is likely that the final rule will not be published before this information collection expires on May 31, 2022. If the final rule does publish prior to the expiration, it will be published as the 30-Day Notice.

**DATES:** Comments are encouraged and will be accepted for 60 days until May 9, 2022.

**FOR FURTHER INFORMATION CONTACT:** If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Scott A. Brinks, Regulatory Drafting and Policy Support Section (DPW), Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrisette Drive, Springfield, Virginia 22152; Telephone: (571) 776-2265.

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information proposed to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

### Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *Title of the Form/Collection:* Application for Import Quota for Ephedrine, Pseudoephedrine, and Phenylpropanolamine.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* DEA Form 488. The applicable component within the Department of Justice is the Drug Enforcement Administration, Diversion Control Division.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

*Affected public (Primary):* Business or other for-profit.

*Affected public (Other):* Not-for-profit institutions; Federal, State, local, and tribal governments.

*Abstract:* Pursuant to 21 U.S.C. 952 and 21 CFR 1315.34, any person who desires to import the List I chemicals Ephedrine, Pseudoephedrine, or Phenylpropanolamine during the next calendar year must apply on DEA Form 488 for an import quota for each such List I chemical.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The DEA estimates 49 respondents complete 126 DEA Form 488 applications annually, and that each form takes 0.5 hours to complete. Respondents complete a separate DEA Form 488 for each List I chemical for which quota is sought.

6. *An estimate of the total public burden (in hours) associated with the proposed collection:* The DEA estimates this collection takes a total of 63 annual burden hours.

If additional information is required, please contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, Suite 3E.405B, Washington, DC 20530.

Dated: March 2, 2022.

**Melody Braswell,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

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## DEPARTMENT OF JUSTICE

### Notice of Lodging Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States v. Polo Development, Inc., et al.*, Civil Action No. 4:20-cv-2400-JRA, was lodged with the United States District Court for the Northern District of Ohio on March 1, 2022.

This proposed Consent Decree concerns an amended complaint filed by the United States against Defendants Polo Development, Inc., AIM Georgia, LLC, Joseph Zdrilich, Donna Zdrilich, and Carbon Hills, LLC, pursuant to Section 309(b) of the Clean Water Act, 33 U.S.C. 1319(b), to obtain injunctive relief from and impose civil penalties against the Defendants for violating Section 301(a) of the Clean Water Act, 33 U.S.C. 1311(a), by discharging pollutants without a permit into waters of the United States. The proposed Consent Decree resolves these claims by requiring the Defendants to restore impacted areas, record a conservation easement, and pay a civil penalty.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this Notice. Please address comments to Patrick R. Jacobi, United States Department of Justice, Environment and Natural Resources Division, Environmental Defense Section, Denver Place Building, 999 18th Street, Suite 370—South Terrace, Denver, CO 80202, [pubcomment\\_edns.enrd@usdoj.gov](mailto:pubcomment_edns.enrd@usdoj.gov), and refer to *United States v. Polo Development, Inc., et al.*, DJ #'s 90-5-1-1-21099, 90-5-1-1-22034.

Subject to public health protocols, the proposed Consent Decree may be

examined at the Clerk's Office, United States District Court for the Northern District of Ohio, 2 South Main Street, Akron, Ohio 44308. In addition, the proposed Consent Decree may be examined electronically at <http://www.justice.gov/enrd/consent-decrees>.

**Cherie Rogers,**

*Assistant Section Chief, Environmental Defense Section, Environment and Natural Resources Division.*

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**BILLING CODE P**

## DEPARTMENT OF LABOR

### Employee Benefits Security Administration

[Application Number D-11681]

**ZRIN 1210-ZA18**

#### Amendments to Class Prohibited Transaction Exemptions To Remove Credit Ratings Pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act

**AGENCY:** Employee Benefits Security Administration, U.S. Department of Labor.

**ACTION:** Notice of amendments to class exemptions.

**SUMMARY:** This document amends six class exemptions from prohibited transaction rules set forth in the Employee Retirement Income Security Act of 1974 (ERISA or the Act) and the Internal Revenue Code (the Code). The amended exemptions are Prohibited Transaction Exemptions (PTEs) 75-1, 80-83, 81-8, 95-60, 97-41 and 2006-16. The amendments relate to the use of credit ratings as conditions in these class exemptions. Section 939A of the Dodd-Frank Wall Street Reform and Consumer Protection Act requires the Department to remove any references to or requirements of reliance on credit ratings from its class exemptions and to substitute standards of creditworthiness as the Department determines to be appropriate. The amendments affect participants and beneficiaries of employee benefit plans, owners of individual retirement accounts (IRAs), fiduciaries of employee benefit plans and IRAs, and the financial institutions that engage in transactions with, or provide services or products to, the plans and IRAs.

**DATES:** This amendment will be in effect on May 9, 2022.

**FOR FURTHER INFORMATION CONTACT:** Susan Wilker, Office of Exemption Determinations, Employee Benefits

Security Administration, U.S. Department of Labor, (202) 693-8540 (this is not a toll-free number).

#### SUPPLEMENTARY INFORMATION:

##### Executive Order 12866 and 13563 Statement

Under Executive Orders 12866 and 13563, the Department must determine whether a regulatory action is "significant" and therefore subject to the requirements of the Executive Order and subject to review by the Office of Management and Budget (OMB). Executive Orders 13563 and 12866 direct agencies to assess the 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). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing and streamlining rules, and of promoting flexibility. It also requires federal agencies to develop a plan under which the agencies will periodically review their existing significant regulations to make the agencies' regulatory programs more effective or less burdensome in achieving their regulatory objectives.

Under Executive Order 12866, "significant" regulatory actions are subject to the requirements of the Executive Order and review by OMB. Section 3(f) of Executive Order 12866, defines a "significant regulatory action" as an action that is likely to result in a rule (1) having an annual effect on the economy of \$100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also referred to as an "economically significant action"); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

In 2013, OMB determined that the proposal was significant within the meaning of section 3(f)(4) of the Executive Order. However, since then other regulators have adopted similar changes to their regulations and financial institutions have been

complying with updated credit quality standards. Therefore, pursuant to the terms of the Executive Order, it has been determined that this action is not "significant" within the meaning of section 3(f) of the Executive Order and therefore is not subject to review by OMB. This action also does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

#### Background

In the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank), Congress included provisions designed to reduce federal regulatory reliance on credit ratings, finding that in the financial crisis of 2008 certain credit ratings had been inaccurate, and that they "contributed significantly to the mismanagement of risks by financial institutions and investors, which in turn adversely impacted the health of the economy in the United States and around the world."<sup>1</sup> Thus, Dodd-Frank required federal agencies, including the Department, to review any regulation that referenced or required credit ratings, and to remove the references or requirements and substitute standards of creditworthiness as the agency deemed appropriate.<sup>2</sup> As part of its compliance with Dodd-Frank, the Department conducted a review of its administrative class prohibited transaction exemptions.

In the absence of an exemption, ERISA and the Code prohibit certain transactions involving employee benefit plans and IRAs. Class exemptions granted by the Department provide prohibited transaction relief that is broadly available to any party that can satisfy its conditions and definitional provisions. Under the authority provided in ERISA section 408(a), the Department may grant such exemptions, provided the Secretary of Labor (the "Secretary") finds that the exemptions are (i) administratively feasible, (ii) in the interests of plans and IRAs, and their participants and beneficiaries, and (iii) protective of the rights of participants and beneficiaries of plans and IRAs.<sup>3</sup>

The Department's review of its class exemptions determined that PTEs 75-1,

<sup>1</sup> Dodd-Frank Wall Street Reform and Consumer Protection Act section 931(5), Public Law 111-203, 124 Stat. 1376 (2010).

<sup>2</sup> *Id.*, section 939A.

<sup>3</sup> Code section 4975(c)(2) authorizes the Secretary of the Treasury to grant exemptions from the parallel prohibited transaction provisions of the Code. Reorganization Plan No. 4 of 1978 (5 U.S.C. app. at 214 (2000)) generally transferred the authority of the Secretary of the Treasury to grant administrative exemptions under Code section 4975 to the Secretary of Labor.