

Issued on March 17, 2022.

**Lance T. Gant,**

*Director, Compliance & Airworthiness  
Division, Aircraft Certification Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 15 CFR Part 997

[Docket No. 220228-0064]

RIN 0648-BK83

#### U.S. Integrated Ocean Observing System Office, Legislation; Name Change

**AGENCY:** U.S. Integrated Ocean Observing System (IOOS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Final rule, technical amendment.

**SUMMARY:** The U.S. Integrated Ocean Observing System Office, led by the National Oceanic and Atmospheric Administration (NOAA), issues this final rule to change the name for “Regional Information Coordination Entities (RICEs)” to “Regional Coastal Observing Systems.” This rule has no substantive effect.

**DATES:** These regulations are effective on March 24, 2022.

**FOR FURTHER INFORMATION CONTACT:** Oriana Villar at 240-533-9466 or [Oriana.Villar@noaa.gov](mailto:Oriana.Villar@noaa.gov), or at U.S. IOOS Office, 1315 East West Highway, Suite 300, Silver Spring, MD 20910.

**SUPPLEMENTARY INFORMATION:** The Integrated Coastal and Ocean Observation System (ICOOS) Act of 2009 (Pub. L. 111-11) (ICOOS Act or Act, codified at 33 U.S.C. 3601-3610) and the Coordinated Ocean Observation and Research Act of 2020 (Pub. L. 116-271, Title I) (COORA, amending 33 U.S.C. 3601-3610), directs the President to establish a National Integrated Coastal and Ocean Observation System (System). The System must “include in situ, remote, and other coastal and ocean observation and modeling capabilities, technologies, data management, communication systems, and product development systems and [be] designed to address regional and national needs for ocean and coastal information, to gather specific data on key coastal, ocean, and Great Lakes

variables, and to ensure timely and sustained dissemination and availability of these data.” 33 U.S.C. 3601(1).

The ICOOS Act and COORA direct the Interagency Ocean Observation Committee (IOOC) to develop contract certification standards and compliance procedures for integrating regional coastal observing systems into the System. 33 U.S.C. 3603(c)(2)(B)(v). The COORA Act, in amending the ICOOS Act, replaces the term Regional Information Coordination Entity (RICE) with the term Regional Coastal Observing System (RCOS). The term “regional coastal observing system” means an organizational body that is certified or established by contract or memorandum by the lead Federal agency designated in section 12304(c)(3) and coordinates Federal, State, local, tribal, and private interests at a regional level with the responsibility of engaging the private and public sectors in designing, operating, and improving regional coastal observing systems in order to ensure the provision of data and information that meet the needs of user groups from the respective regions.”

NOAA promulgated regulations in 2014 to develop certification criteria and procedures for integrating RICEs into the system. (June 5, 2014; 79 FR 32449). These regulations are found at 15 CFR part 997.

By this final rule, NOAA is officially changing the name of the Regional Information Coordination Entity (RICE) to reflect the new name, Regional Coastal Observing System (RCOS), as defined in the COORA. This change is necessary to implement the new name established by the COORA in the implementing regulations. This name change has no substantive impact.

By this final rule, NOAA is also updating its mailing address in 997.11(b) and changing the name of the “U.S. IOOS Program Office” to the “U.S. IOOS Office” in 997.20(b), 997.23(f)(5), 997.23(f)(5), and 997.24(a). These changes also do not have substantive impacts.

#### I. Classifications

##### A. Administrative Procedures Act

This rule pertains solely to the renaming of “Regional Information Coordination Entities (RICEs)” to “Regional Coastal Observing Systems (RCOSs)” in an existing rule necessitated by the Coordinated Ocean Observation and Research Act of 2020 (Pub. L. 116-271, Title I). NOAA also is updating its mailing address and updating the name of the IOOS Office. It makes no changes to the substantive

legal rights, obligations, or interests of affected parties. This rule therefore is a “rule of agency organization, procedure or practice” and is therefore exempt from the notice-and-comment requirements of 5 U.S.C. 553 under 5 U.S.C. 553(b)(A). Nor is a 30-day delay in effective date required under 5 U.S.C. 553(d) due to the non-substantive nature of this technical amendment.

##### B. Executive Order 12866: Regulatory Impact

This rule has been determined to be not significant within the meaning of Executive Order 12866.

##### C. Paperwork Reduction Act

This rule does not contain any new or revisions to the existing information collection requirement that was approved by OMB (OMB Control Number 0648-0672, Application to be Certified as a Regional Information Coordination Entity) under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.* Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

##### D. Regulatory Flexibility Act

This regulation is exempt from the notice and comment provisions of the Administrative Procedures Act (APA), 5 U.S.C. 553. Therefore, the requirements of the Regulatory Flexibility Act do not apply, 5 U.S.C. 603(a). No other rule requires a regulatory flexibility analysis and none has been prepared.

#### List of Subjects in 15 CFR Part 997

Science and technology.

**Nicole R. LeBoeuf,**

*Assistant Administrator, for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration.*

Accordingly, for the reasons set forth above, 15 CFR part 997 is amended as follows:

#### PART 997— REGIONAL COASTAL OBSERVING SYSTEM

■ 1. The authority citation for part 997 is revised to read as follows:

**Authority:** 33 U.S.C. 3602-3603.

■ 2. In part 997:

■ a. Revise the part heading to read as set forth above.

■ b. Remove the text “Regional Information Coordination Entity (RICE)” wherever it appears and add in its place

the text “Regional Coastal Observing System (RCOS)”;

■ c. Remove the text “a RICE” wherever it appears and add in its place the text “an RCOS”;

■ d. Remove the text “RICE” wherever it appears and add in its place the text “RCOS”; and

■ e. Remove the text “U.S. IOOS Program Office” wherever it appears and add in its place the text “U.S. IOOS Office”.

■ 3. In § 997.11, revise paragraph (b) to read as follows:

**§ 997.11 Application process.**

\* \* \* \* \*

(b) Submission shall be made to NOAA at the following address, or to such other address as may be indicated in the future: Director U.S. IOOS Office, NOAA, 1315 East West Hwy., Suite 3000, Silver Spring, MD 20910. Submissions may also be made online at <http://www.ioos.noaa.gov/certification>.

[FR Doc. 2022–06196 Filed 3–23–22; 8:45 am]

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## CONSUMER PRODUCT SAFETY COMMISSION

### 16 CFR Part 1307

[Docket No. CPSC–2014–0033]

#### Prohibition of Children’s Toys and Child Care Articles Containing Specified Phthalates

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Request for comments.

**SUMMARY:** The Consumer Product Safety Commission (Commission or CPSC) is publishing this document following a Federal court opinion remanding the Commission’s final phthalates rule to allow the Commission to address two procedural deficiencies found by the court. This document seeks public comment regarding the justification for the phthalates final rule and the staff’s cost-benefit analysis for continuing the interim prohibition on DINP.

**DATES:** Written comments should be submitted by May 9, 2022.

**ADDRESSES:** You may submit comments, identified by Docket No. CPSC–2014–0033, by any of the following methods:

*Electronic Submissions:* Submit electronic comments to the Federal eRulemaking Portal at: <https://www.regulations.gov>. Follow the instructions for submitting comments. The CPSC does not accept comments submitted by electronic mail (email), except through [https://](https://www.regulations.gov)

[www.regulations.gov](http://www.regulations.gov) and as described below. The CPSC encourages you to submit electronic comments by using the Federal eRulemaking Portal, as described above.

*Mail/Hand Delivery/Courier Submissions:* Submit comments by mail/hand delivery/courier to: Division of the Secretariat, Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504–7479. Alternatively, as a temporary option during the COVID–19 pandemic, you can email such submissions to: [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov).

*Instructions:* All submissions received must include the agency name and docket number for this notice. CPSC may post all comments without change, including any personal identifiers, contact information, or other personal information provided, to: <https://www.regulations.gov>. Do not submit electronically confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If you wish to submit such information, please submit it according to the instructions for written submissions.

*Docket:* For access to the docket to read background documents or comments received, go to: <https://www.regulations.gov>, and insert the docket number, CPSC–2014–0033, into the “Search” box, and follow the prompts.

**FOR FURTHER INFORMATION CONTACT:** Susan Proper, Directorate for Economic Analysis, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone: (301) 504–7628; email: [sproper@cpsc.gov](mailto:sproper@cpsc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Section 108(b)(3) of the Consumer Product Safety Improvement Act of 2008 (CPSIA) required the Commission to promulgate a final rule addressing children’s toys and child care articles containing certain phthalates not later than 180 days after the Commission received a final Chronic Hazard Advisory Panel (CHAP) report.<sup>1</sup> The Commission was required to “determine, based on such report, whether to continue in effect the [interim] prohibition” on children’s toys that can be placed in a child’s mouth and child care articles “in order to ensure a reasonable certainty of no harm to children, pregnant women, or other

susceptible individuals with an adequate margin of safety.” 15 U.S.C. 2057c (b)(3)(A). Additionally, the Commission was required to “evaluate the findings and recommendations of the Chronic Hazard Advisory Panel and declare any children’s product containing any phthalates to be a banned hazardous product under section 8 of the Consumer Product Safety Act (15 U.S.C. 2057), as the Commission determines necessary to protect the health of children.” 15 U.S.C. 2057c (b)(3)(B).

On December 30, 2014, the Commission published a notice of proposed rulemaking (NPRM) in the **Federal Register**. 79 FR 78324. The Commission published a final rule on October 27, 2017, with an effective date of April 25, 2018. 82 FR 49938. The final rule was substantially the same as the proposed rule. The preambles of the NPRM and final rule provide more detailed discussions of the CHAP report and staff’s technical analysis and findings in support of the rule.

In December 2017, the Texas Association of Manufacturers and others petitioned the U.S. Court of Appeals for the Fifth Circuit for a review of the CPSC’s final phthalates rule. In March 2021, the court remanded without vacating the phthalates final rule to the CPSC to address two procedural deficiencies found by the court. *Tex. Ass’n of Mfrs. v. United States Consumer Prod. Safety Comm’n*, 989 F.3d 368 (5th Cir. 2021). As relevant here, the court held that the final rule had failed to: (1) Provide adequate notice and comment regarding a change in the primary justification from the proposed rule to the final rule; and (2) consider the costs and benefits of continuing the interim prohibition on DINP. This document is being published to address these two procedural deficiencies. We note that the court did not vacate the final rule, and thus the rule remains in effect.

##### II. Request for Comments

###### A. Phthalates Final Rule Justification

The Fifth Circuit held that the phthalates final rule did not provide adequate notice and comment regarding a change in the primary justification between the proposed rule and the final rule. The court remanded the rule to allow CPSC to seek public comment on the justification for the final rule. The Commission’s justification for the proposed rule was based on data demonstrating that 10 percent of pregnant women had a Hazard Index (HI) greater than one, which exceeded the acceptable risk, and that the average

<sup>1</sup> The Commission voted 4–0 to approve this notice.