110 and part D of the Act and EPA's regulations.

## VII. Incorporation by Reference

In this document, the EPA is proposing to include regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference revisions to Title 6 of the NYCRR Subpart 227–1, ''Stationary Combustion Installations,'' as described in section III of this preamble. The EPA has made, and will continue to make, these materials available through the docket for this action, EPA–R02–OAR–2022–0321, at *http://regulations.gov,* and at the EPA Region II Office (please contact the person identified in the **FOR FUTHER INFORMATION CONTACT** section of this preamble for more information).

## VIII. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. *See* 42 U.S.C. 7410(k); *see* also 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided they meet the criteria of the CAA. Accordingly, this action merely proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993), and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because this action does not involve technical standards; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not proposing to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose any substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

## List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental Relations, Incorporation by Reference, Particulate matter, Reporting and recordkeeping requirements.

**Authority:** 42 U.S.C. 7401 *et seq.*

**Lisa Garcia,**

*Regional Administrator, Region 2.*

[FR Doc. 2022–20243 Filed 9–19–22; 8:45 am]

BILLING CODE 6560–50–P

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## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 770

**[EPA–HQ–OPPT–2017–0245; FRL–8452–03–OCSPP]**

**RIN 2070–AK94**

## Voluntary Consensus Standards Update; Formaldehyde Emission Standards for Composite Wood Products

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Supplemental notice of proposed rulemaking.

**SUMMARY:** On March 29, 2022, the Environmental Protection Agency (EPA) proposed to update of the incorporation by reference of several voluntary consensus standards in the Agency's formaldehyde standards for composite wood products regulations under the Toxic Substances Control Act (TSCA). Two additional voluntary consensus standards that are incorporated by reference in the existing regulations were updated by the issuing standards organization after the public comment period for the March 29, 2022, proposed rule ended. EPA is now proposing to update the incorporation by reference of the two additional voluntary consensus standards in the formaldehyde standards for composite wood products regulations.

**DATES:** Comments must be received on or before October 20, 2022.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2017–0245, through the Federal eRulemaking Portal at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting and visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets.*

**FOR FURTHER INFORMATION CONTACT:**

*For technical information contact:* Jeffrey Putt, Existing Chemicals Risk Management Division (Mail Code 7404T), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–3703; email address: *putt.jeffrey@epa.gov.*

*For general information contact:* The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

## I. General Information

### *A. Does this action apply to me?*

You may be affected by this supplemental proposal if you manufacture (including import), sell, supply, or offer for sale in the United States any of the following: hardwood plywood, medium-density fiberboard, particleboard, and/or products containing these composite wood materials. You may also be affected by this supplemental proposal if you test or work with certification firms that certify such materials. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document

applies to them. Potentially affected entities may include:

- Veneer, plywood, and engineered wood product manufacturing (NAICS code 3212).
- Manufactured home (mobile home) manufacturing (NAICS code 321991).
- Prefabricated wood building manufacturing (NAICS code 321992).
- Furniture and related product manufacturing (NAICS code 337).
- Furniture merchant wholesalers (NAICS code 42321).
- Lumber, plywood, millwork, and wood panel merchant wholesalers (NAICS code 42331).
- Other construction material merchant wholesalers (NAICS code 423390), *e.g.,* merchant wholesale distributors of manufactured homes (*i.e.,* mobile homes) and/or prefabricated buildings.
- Furniture stores (NAICS code 4421).
- Building material and supplies dealers (NAICS code 4441).
- Manufactured (mobile) home dealers (NAICS code 45393).
- Motor home manufacturing (NAICS code 336213).
- Travel trailer and camper manufacturing (NAICS code 336214).
- Recreational vehicle (RV) dealers (NAICS code 441210).
- Recreational vehicle merchant wholesalers (NAICS code 423110).
- Engineering services (NAICS code 541330).
- Testing laboratories (NAICS code 541380).
- Administrative management and general management consulting services (NAICS code 541611).
- All other professional, scientific, and technical services (NAICS code 541990).
- All other support services (NAICS code 561990).
- Business associations (NAICS code 813910).
- Professional organizations (NAICS code 813920).

If you have any questions regarding the applicability of this action, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

*B. What is the Agency's authority for taking this action?*

EPA is issuing this supplemental proposal pursuant to the authority in section 601 of TSCA, 15 U.S.C. 2697, relating to formaldehyde emission standards for composite wood products.

*C. What action is the Agency taking?*

The Agency is issuing this proposed rule to supplement a recent Notice of Proposed Rulemaking (Ref. 1). EPA is specifically soliciting comment on the proposed inclusion of ANSI A208.1–2022 Particleboard and ANSI A208.2–2022 Medium Density Fiberboard to update the incorporation by reference (IBR) of these two voluntary consensus standards issued by the Composite Panel Association (CPA) in 40 CFR 770.99 to reflect the most recent editions. CPA updated these standards after EPA incorporated them in 40 CFR 770.99 and after the proposed rule (87 FR 17963) was published on March 29, 2022. The supplemental proposed rule would require regulated entities to adhere to the updated editions of the voluntary consensus standards when complying with the requirements of 40 CFR part 770.

EPA is proposing to update the IBR of these two standards assembled by CPA in 40 CFR 770.99 to reflect the most recent editions:

1. Particleboard (ANSI A208.1–2022)

This standard was approved through the American National Standards Institute (ANSI) and describes the requirements and test methods for dimensional tolerances, physical and mechanical properties and formaldehyde emissions for particleboard, along with methods of identifying products conforming to the standard. The ANSI standard was last updated in June 2022 (Ref. 2). EPA is proposing to take action to update the version of the standard incorporated by reference in 40 CFR 770.99 from ANSI A208.1–2016 to ANSI A208.1–2022.

2. Medium Density Fiberboard (MDF) for Interior Applications (ANSI A208.2–2022)

This standard was approved through ANSI and describes the requirements and test methods for dimensional tolerances, physical and mechanical properties and formaldehyde emissions for MDF, along with methods of identifying products conforming to the standard. The ANSI standard was last updated in April 2022 (Ref. 3). EPA is proposing to take action to update the version of the standard incorporated by reference in 40 CFR 770.99 from ANSI A208.2–2016 to ANSI A208.2–2022.

3. Availability

Copies of these materials may be obtained from the Composite Panel Association, 19465 Deerfield Avenue, Suite 306, Leesburg, VA 20176, or by calling (703) 724–1128, or at *www.compositepanel.org.*

Additionally, as a result of the proposed inclusion of these two standards, EPA is soliciting comment on the proposed update to 40 CFR 770.3 to reflect the proposed standards that would be incorporated by reference in 40 CFR 770.99.

*D. Why is the Agency taking this action?*

The Agency is proposing to adopt two voluntary consensus standards for incorporation by reference at 40 CFR 770.99. This rulemaking would update two voluntary consensus standards under 40 CFR 770.99 to their current editions to address outdated, superseded, and withdrawn standards that were updated after the proposed rule was published in March 2022. These new updates are needed because outdated versions have been replaced by these new standards. EPA is proposing to update these voluntary consensus standards to reflect the current editions that are in use by regulated entities and industry stakeholders. EPA believes that this action is warranted to facilitate regulated entities using the most up to date voluntary consensus standards to comply with the regulation at 40 CFR part 770.

*E. What are the incremental economic impacts?*

EPA anticipates no additional costs to stakeholders associated with this supplemental proposal for updated standards. This supplemental proposal is part of a routine action that updates voluntary consensus standards referenced in the incorporation by reference section of the regulation at 40 CFR part 770 to address updated, superseded, and withdrawn versions of the referenced standards.

## II. References

The following is a list of the documents that are specifically referenced in this document. The docket includes these documents and other information considered by EPA, including documents that are referenced within the documents that are included in the docket, even if the referenced document is not physically located in the docket. For assistance in locating these other documents, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

1. EPA. Voluntary Consensus Standards Update; Formaldehyde Emission Standards for Composite Wood Products. Proposed Rule. **Federal Register**. 87 FR 17963, March, 29, 2022 (FRL–8452–02).
2. American National Standards Institute (ANSI). ANSI A208.1–2022, Particleboard.
3. ANSI. ANSI A208.2–2022, Medium Density Fiberboard (MDF) for Interior Applications.

## III. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *https://www.epa.gov/laws-regulations/laws-and-executive-orders.*

*A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review*

This action is not a significant regulatory action under Executive Order 12866 (58 FR 51735, October 4, 1993) and was therefore not submitted to the Office of Management and Budget (OMB) for review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011).

*B. Paperwork Reduction Act (PRA)*

This action does not impose any new information collection burden under the PRA, 44 U.S.C. 3501 *et seq.* Burden is defined in 5 CFR 1320.3(b). This action does not create any new reporting or recordkeeping obligations. OMB previously approved the information collection activities contained in the existing regulations and assigned OMB control number 2070–0185 (EPA ICR No. 2446.03).

*C. Regulatory Flexibility Act (RFA)*

The Agency certifies that this action will not have a significant economic impact on a substantial number of small entities under the RFA, 5 U.S.C. 601 *et seq.* In making this determination, EPA concludes that the impact of concern is any significant adverse economic impact on small entities, and the Agency is certifying that this rule will not have a significant economic impact on a substantial number of small entities because the proposed rule will update incorporation by reference of voluntary consensus standards in 40 CFR part 770 by adopting the most current versions of those standards. The updated versions of the standards are substantially similar to the previous versions. EPA expects that many small entities are already complying with the updated versions of the finalized standards. This action will relieve these entities of the burden of having to also demonstrate compliance with outdated versions of these standards.

*D. Unfunded Mandates Reform Act (UMRA)*

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local or tribal governments or the private sector.

*E. Executive Order 13132: Federalism*

This action does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

*F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments*

This action does not have tribal implications as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes. Thus, E.O. 13175 does not apply to this action.

*G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks*

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997), as applying only to those regulatory actions that concern environmental health or safety risks that the Agency has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

*H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use*

This action is not a ''significant energy action'' as defined in Executive Order 13211 (66 FR 28355, May 22, 2001), because it is not likely to have a significant adverse effect on the supply, distribution or use of energy and has not otherwise been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action.

*I. National Technology Transfer and Advancement Act (NTTAA) and 1 CFR Part 51*

This action involves voluntary standards under NTTAA section 12(d), 15 U.S.C. 272 note. EPA is proposing to adopt the use of ANSI A208.1–2022 and ANSI A208.2–2022. Additional information about these standards, including how to access them, is provided under **SUPPLEMENTARY INFORMATION**.

*J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations*

EPA believes that this action is not subject to Executive Order 12898 (59 FR 7629, February 16, 1994) because it does not establish an environmental health or safety standard. This action will not materially alter the final rule as published and will update existing voluntary consensus standards incorporated by reference in the final rule.

**List of Subjects in 40 CFR Part 770**

Environmental protection, Formaldehyde, Incorporation by reference, Reporting and recordkeeping requirements, Third-party certification, Toxic substances, Wood.

Dated: September 12, 2022.

**Michal Freedhoff,**

*Assistant Administrator, Office of Chemical Safety and Pollution Prevention.*

Therefore, for the reasons set forth in the preamble, EPA proposes to amend 40 CFR chapter I, as proposed to be amended at 87 FR 17963 (March 29, 2022) as follows:

## PART 770—FORMALDEHYDE STANDARDS FOR COMPOSITE WOOD PRODUCTS

■ 1. The authority citation for part 770 continues to read as follows:

**Authority:** 15 U.S.C. 2697(d).

■ 2. Amend § 770.3 by revising the definitions for ''Medium-density fiberboard'' and ''Particleboard'' to read as follows:

### § 770.3 Definitions

* * * * *

*Medium-density fiberboard* means a panel composed of cellulosic fibers made by dry forming and pressing a resinated fiber mat (as determined under ANSI A208.2–2022 (incorporated by reference, see § 770.99)).

* * * * *

*Particleboard* means a panel composed of cellulosic material in the form of discrete particles (as distinguished from fibers, flakes, or strands) that are pressed together with resin (as determined under ANSI A208.1–2022 (incorporated by reference, see § 770.99)). Particleboard does not include any product specified in PS 2–18 (incorporated by reference, see § 770.99).

* * * * *

■ 3. Amend § 770.99 by revising the introductory text and paragraphs (d)(5) and (6) to read as follows:

**§ 770.99 Incorporation by reference.**

Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with *5 U.S.C. 552(a)* and *1 CFR part 51.* To enforce any edition other than that specified in this section, the Environmental Protection Agency (EPA) must publish a document in the **Federal Register** and the material must be available to the public. All approved incorporation by reference (IBR) material is available for inspection at the EPA and at the National Archives and Records Administration (NARA). Contact EPA at: OPPT Docket in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number of the EPA/DC Public Reading room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. For information on the availability of this material at NARA, email: *fr.inspection@nara.gov*; website: *www.archives.gov/federal-register/cfr/ibr-locations.html.* The material may be obtained from the following source(s):

* * * * *

(d) * * *

(5) ANSI A208.1–2022, Particleboard, Approved June 22, 2022, IBR approved for § 770.3.

(6) ANSI A208.2–2022, Medium Density Fiberboard (MDF) for Interior Applications, Approved April 14, 2022, IBR approved for § 770.3.

[FR Doc. 2022–20043 Filed 9–19–22; 8:45 am]

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## CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

### 45 CFR Part 2558

**RIN 3045–AA60**

### Protection of Human Subjects

**AGENCY:** Corporation for National and Community Service.

**ACTION:** Proposed rule.

**SUMMARY:** The Corporation for National and Community Service (operating as AmeriCorps) is proposing to adopt the Federal Policy for Protection of Human Subjects (referred to as the Common Rule). The Common Rule outlines the basic ethical principles and procedures that an agency will abide by when conducting or sponsoring research involving human subjects. Among the procedures required by the Common Rule are use of institutional review boards (IRBs), obtaining informed consent of research subjects, and requiring submission of assurances of compliance with the rule. AmeriCorps is proposing to make the Common Rule applicable to itself, meaning that all research involving human subjects conducted, supported, or otherwise subject to regulation by AmeriCorps will be subject to the Common Rule's ethical principles and procedures.

**DATES:** Written comments must be submitted by November 21, 2022.

**ADDRESSES:** You may send your comments electronically through the Federal government's one-stop rulemaking website at *www.regulations.gov.* You may also send your comments to Elizabeth Appel, Associate General Counsel, at *eappel@cns.gov* or by mail to AmeriCorps, 250 E Street SW, Washington DC 20525.

**FOR FURTHER INFORMATION CONTACT:** Mary Hyde, Ph.D., Director, AmeriCorps Office of Research and Evaluation, at (202) 606–6834 or *mhyde@cns.gov.*

**SUPPLEMENTARY INFORMATION:** On June 18, 1991, the U.S. Department of Health and Human Services (HHS) issued a rule setting forth the Common Rule requirements for the protection of human subjects. (56 FR 28003). The HHS regulations are codified at 45 CFR part 46. At that time, 15 other agencies joined HHS in adopting a uniform set of rules for the protection of human subjects, identical to Subpart A of 45 CFR part 46. The basic provisions of the Common Rule include, among other things, requirements related to the review of human subjects research by an IRB, obtaining and documenting informed consent of human subjects, and submitting written assurance of institutional compliance with the Common Rule. On January 19, 2017, HHS issued a final rule revising the Common Rule, which, among other things, established new requirements regarding the information that must be given to prospective research subjects as part of the informed consent process. 82 FR 7149.

AmeriCorps is proposing to codify the text of the revised Common Rule in its regulations at 45 CFR part 4558. This proposed rule is substantively identical to the HHS regulations in 45 CFR part 46, subpart A, ensuring consistency across Federal agencies. With this proposed codification, AmeriCorps would be subject to the same ethical principles and procedures that other agencies who have adopted the Common Rule are subject to when conducting or supporting research involving human subjects. The rule applies broadly: most relevant to AmeriCorps, it covers instances when an investigator conducting research obtains information through interaction with the individual and uses, studies, or analyzes the information. The rule also sets out certain research that is exempt from the rule. For any non-exempt research, under this rule AmeriCorps would:

- Conduct or support non-exempt research only if the institution engaged in the research has provided an assurance that it will comply with the Common Rule, and
- Conduct or support non-exempt research only if (when required by the rule) the institution has certified to AmeriCorps that the research has been reviewed and approved by an IRB.

The rule also sets out requirements applicable to the IRBs, including requirements for the IRB membership, IRB functions and operations, IRB review of research and criteria for IRB approval of research, IRB authority to suspend or terminate approval of research that is not being conducted in accordance with the IRB's requirements or has been associated with unexpected serious harm to subjects, and IRB records. The rule also sets out the requirements for investigators to obtain the legally effective informed consent of the subject before involving the subject in any non-exempt research. For example, the investigator must seek informed consent only under circumstances that provide sufficient opportunity to discuss and consider whether to participate in the research (to minimize the possibility of coercion or undue influence), and the investigator must provide the prospective subject with information a reasonable person would want to have in order to make an informed decision as to whether to participate in the research and provide the information in language understandable to the prospective subject. The rule also sets out the basic elements of what information must be provided to each prospective subject and how informed consent must be documented.

AmeriCorps at times undertakes research that would be considered non-exempt research under the Common Rule. The Office of Research and Evaluation (ORE), within AmeriCorps, furthers AmeriCorps' mission by providing accurate and timely research on national service, social innovation,