

to costs under Medicare or in other countries?

### G. Regulatory Impact Analysis

1. What benefits, costs, and other impacts do plans, issuers, or other stakeholders anticipate from the reporting requirements of PHS Act section 2799A-10, ERISA section 725, and Code section 9825?

2. Are there benefits to academics or other researchers? How will consumers benefit?

3. What data, research, or other information is available to help quantify the benefits, costs, and other impacts of the reporting requirements? Are there existing data, research, or reporting analogues that could be extrapolated from to predict market impacts?

4. What actions could the Departments and OPM take to minimize the compliance costs of the reporting requirements?

5. Operationally, which types of employees will be necessary to ensure compliance with the reporting requirements? Will staff specialized in medical billing coding be needed for the purpose of reporting?

6. Will new or additional technology be needed for the collection, maintenance, or storage of the data to be reported?

7. Will there be coordination costs or benefits from simultaneously complying with state regulations that require the reporting of medical services costs or prescription drug costs?

8. Would greater alignment with other Federal reporting requirements reduce associated compliance costs, and if so, how?

### III. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping, or third-party disclosure requirements under the Paperwork Reduction Act of 1995 (PRA). However, Section II of this document does contain a general solicitation of comments in the form of a request for information. In accordance with the implementing regulations of the PRA, specifically 5 CFR 1320.3(h)(4), this general solicitation is exempt from the PRA. Facts or opinions submitted in response to general solicitations of comments from the public, published in the **Federal Register** or other publications, regardless of the form or format thereof, provided that no person is required to supply specific information pertaining to the commenter, other than that necessary for self-identification, as a condition of the agency's full

consideration, are not generally considered information collections and therefore not subject to the PRA. Consequently, there is no need for review by the Office of Management and Budget under the authority of the PRA.

Signed at Washington DC.

**Laurie Bodenheimer,**

*Associate Director, Healthcare and Insurance, Office of Personnel Management.*

Signed at Washington DC.

**Rachel D. Levy,**

*Associate Chief Counsel (Employee Benefits, Exempt Organizations, and Employment Taxes), Internal Revenue Service, Department of the Treasury. Signed at Washington DC.*

**Carol A. Weiser,**

*Benefits Tax Counsel, Department of the Treasury.*

Signed at Washington DC.

**Ali Khawar,**

*Acting Assistant Secretary, Employee Benefits Security Administration, Department of Labor.*

Signed at Washington DC.

**Xavier Becerra,**

*Secretary, Department of Health and Human Services.*

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## NUCLEAR REGULATORY COMMISSION

### 10 CFR Chapter I

[NRC-2017-0214]

### Retrospective Review of Administrative Requirements

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Availability of comment evaluation summary; public meeting and status of rulemaking activities.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC), on February 4, 2020, requested input from its licensees and members of the public on any administrative requirements that may be modified or eliminated without an adverse effect on public health or safety, common defense and security, protection of the environment, or regulatory efficiency and effectiveness. The public comment period ended on May 6, 2020, and the NRC evaluated the comments. This document announces the availability of the comment evaluation summary and provides the status of the NRC's Retrospective Review of Administrative Requirements initiative. The NRC plans to hold a public meeting to discuss the comment

evaluation process and answer stakeholder questions.

**DATES:** The comment evaluation summary is available on June 23, 2021. A public meeting will be held on June 30, 2021.

**ADDRESSES:** Please refer to Docket ID NRC-2017-0214 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- **Federal Rulemaking website:** Go to <https://www.regulations.gov> and search for Docket ID NRC-2017-0214. Address questions about NRC dockets to Dawn Forder; telephone: 301-415-3407; email: [Dawn.Forder@nrc.gov](mailto:Dawn.Forder@nrc.gov). For technical questions contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

- **Attention:** The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov) or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. (EST), Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Andrew G. Carrera, telephone: 301-415-1078, email: [Andrew.Carrera@nrc.gov](mailto:Andrew.Carrera@nrc.gov); or Solomon Sahle, telephone: 301-415-3781, email: [Solomon.Sahle@nrc.gov](mailto:Solomon.Sahle@nrc.gov). Both are staff of the Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

**SUPPLEMENTARY INFORMATION:**

### I. Background

On February 4, 2020, the NRC published a document in the **Federal Register** (85 FR 6103) requesting input from its licensees and members of the public on any administrative requirements that may be modified or eliminated without an adverse effect on

public health or safety, common defense and security, protection of the environment, or regulatory efficiency and effectiveness. The public comment period was originally scheduled to close on April 6, 2020. On April 2, 2020, the NRC published a document in the **Federal Register** (85 FR 18477) extending the deadline to May 6, 2020. During the comment period, on March 5, 2020 (ADAMS Accession No. ML20069A022), and March 24, 2020 (ADAMS Accession No. ML20085H593), the NRC held public meetings to discuss the NRC's request for public input. In addition, the NRC requested input from agency staff through various methods of internal outreach. The NRC received comment submissions from the Nuclear Energy Institute, agency staff, and a member of the public, for a total of 100 individual comments. The evaluation summary of these comments is available in ADAMS under Accession No. ML21012A439.

## II. Discussion

For this Retrospective Review of Administrative Requirements (RROAR) initiative, the NRC developed criteria with which to evaluate potential regulatory changes. In addition to the following five criteria, the NRC considered programmatic experience, intent of the requirement, impact to the NRC's mission, and overall impact to resources when determining whether to pursue a change to the regulations.

1. Submittals resulting from routine and periodic recordkeeping and reporting requirements, such as directives to submit recurring reports that the NRC has not consulted or referenced in programmatic operations or policy development in the last 3 years.

2. Requirements for reports or records that contain information reasonably accessible to the agency from alternative resources that, as a result, may be candidates for elimination.

3. Requirements for reports or records that could be modified to result in reduced burden without impacting programmatic needs, regulatory efficiency, or transparency, through: (a) Less frequent reporting, (b) shortened record retention periods, (c) requiring entities to maintain a record rather than submit a report, or (d) implementing another mechanism that reduces burden for collecting or retaining information.

4. Recordkeeping and reporting requirements that result in significant burden.

5. Reports or records that contain information used by other Federal agencies, State and local governments, or Federally recognized Tribes will be

dropped from the review provided the information collected is necessary to support the NRC's mission or to fulfill a binding NRC obligation.

To be screened in for rulemaking consideration, comments had to meet at least one of Criteria 1 through 4 and not meet Criterion 5.

Once screened in for rulemaking consideration, the staff organized the comments into three categories of action: (1) To be further evaluated in a new RROAR-related rulemaking (44 comments), (2) to be incorporated in an annual administrative corrections rulemaking (5 comments), or (3) to be considered in an ongoing rulemaking activity outside the RROAR initiative (5 comments). For comments that need further evaluation within the context of a new RROAR rulemaking effort, the NRC will consider the comments, in combination with its preliminary evaluation of the comments, in the rulemaking process. However, this is not a final determination and could change as NRC proceeds through rulemaking activities.

The NRC's evaluation identified 46 comments that did not meet the criteria. The staff plans no further action on 44 of these comments, and identified two comments to be reviewed for potential non-rulemaking solutions under the agency's innovation and transformation efforts.

## III. Public Meeting

The NRC will conduct a public meeting to discuss the comment evaluation process and answer stakeholder questions.

The meeting will be held on June 30, 2021, from 10:00 a.m. to 12:00 p.m. Eastern Standard Time. Interested members of the public can participate in this meeting via WebEx at: <https://usnrc.webex.com/usnrc/onstage/g.php?MTID=e01dcfc6971f79f394a24d902b4e0e9b3>, or by phone conference at (888) 390-2141, passcode 8801623.

This is an Information Public Meeting with a question and answer session. The purpose of this meeting is for the NRC staff to meet directly with individuals to discuss regulatory and technical issues. Attendees will have an opportunity to ask questions of the NRC staff or make comments about the issues discussed throughout the meeting; however, the NRC is not actively soliciting comments towards regulatory decisions at this meeting. For additional information or to request reasonable accommodations, please contact Andrew Carrera, phone: 301-415-1078, email: [Andrew.Carrera@nrc.gov](mailto:Andrew.Carrera@nrc.gov), or Solomon Sahle, phone: 301-415-3781, email: [\[nrc.gov\]\(https://www.nrc.gov/public-invoke/public-meetings/index.cfm\). Stakeholders should monitor the NRC's public meeting website for information about the public meeting; <https://www.nrc.gov/public-invoke/public-meetings/index.cfm>.](mailto:Solomon.Sahle@</a></p>
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Dated: June 14, 2021.

For the Nuclear Regulatory Commission.

**Kevin A. Coyne,**

*Deputy Director, Division of Rulemaking, Environmental Review and Financial Support, Office of Nuclear Material Safety and Safeguards.*

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## DEPARTMENT OF LABOR

### Office of the Secretary

#### 29 CFR Part 10

#### Wage and Hour Division

#### 29 CFR Part 531

RIN 1235-AA21

### Tip Regulations Under the Fair Labor Standards Act (FLSA); Partial Withdrawal

**AGENCY:** Wage and Hour Division, Department of Labor.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** In this notice of proposed rulemaking (NPRM), the Department of Labor (Department) proposes to withdraw and re-propose one portion of the Tip Regulations Under the Fair Labor Standards Act (FLSA) (2020 Tip final rule) related to the determination of when a tipped employee is employed in dual jobs under the Fair Labor Standards Act of 1938 (FLSA or the Act). Specifically, the Department is proposing to amend its regulations to clarify that an employer may only take a tip credit when its tipped employees perform work that is part of the employee's tipped occupation. Work that is part of the tipped occupation includes work that produces tips as well as work that directly supports tip-producing work, provided the directly supporting work is not performed for a substantial amount of time.

**DATES:** Submit written comments on or before August 23, 2021.

**ADDRESSES:** You may submit comments, identified by Regulatory Information Number (RIN) 1235-AA21, by either of the following methods: *Electronic Comments:* Submit comments through the Federal eRulemaking Portal at <https://www.regulations.gov>. Follow the instructions for submitting comments. *Mail:* Address written submissions to: