

to law or regulation, including a reduction necessary to comply with the amendments made by Public Law 108–411, regarding pay-setting under the General Schedule and Federal Wage System and regulations implementing those amendments;

(16) An action taken under 5 U.S.C. 7515.; or

(17) An action taken against a technician in the National Guard concerning any activity under section 709(f)(4) of title 32, United States Code, except as provided by section 709(f)(5) of title 32, United States Code.

\* \* \* \* \*

#### § 752.402 [Amended]

■ 14. Amend § 752.402 by removing the definition for “Business day”.

■ 15. Amend § 752.403 by revising the section heading and removing paragraphs (c) through (f) to read as follows:

#### § 752.403 Standard for action.

\* \* \* \* \*

■ 16. Amend § 752.404 by revising paragraph (b)(1), and removing paragraph (g)(3) to read as follows:

#### § 752.404 Procedures.

\* \* \* \* \*

(b) \* \* \*

(1) An employee against whom an action is proposed is entitled to at least 30 days’ advance written notice unless there is an exception pursuant to paragraph (d) of this section. The notice must state the specific reason(s) for the proposed action and inform the employee of his or her right to review the material which is relied on to support the reasons for action given in the notice. The notice must further include detailed information with respect to any right to appeal the action pursuant to section 1097(b)(2)(A) of Public Law 115–91, the forums in which the employee may file an appeal, and any limitations on the rights of the employee that would apply because of the forum in which the employee decides to file.

\* \* \* \* \*

#### § 752.407 [Removed]

■ 17. Remove § 752.407.

### Subpart F—Regulatory Requirements for Taking Adverse Action Under the Senior Executive Service

#### § 752.602 [Amended]

■ 18. Amend § 752.602 by removing the definition for “Business day”.

■ 19. Amend § 752.603 by revising the section heading and removing paragraphs (c) through (f) to read as follows:

#### § 752.603 Standard for action.

\* \* \* \* \*

#### § 752.604 [Amended]

■ 20. Amend § 752.604 by revising paragraph (b)(1), and removing paragraph (g)(3) to read as follows:

#### § 752.604 Procedures.

\* \* \* \* \*

(b) \* \* \*

(1) An appointee against whom an action is proposed is entitled to at least 30 days’ advance written notice unless there is an exception pursuant to paragraph (d) of this section. The notice must state the specific reason(s) for the proposed action and inform the appointee of his or her right to review the material that is relied on to support the reasons for action given in the notice. The notice must further include detailed information with respect to any right to appeal the action pursuant to section 1097(b)(2)(A) of Public Law 115–91, the forums in which the employee may file an appeal, and any limitations on the rights of the employee that would apply because of the forum in which the employee decides to file.

\* \* \* \* \*

#### § 752.607 [Removed]

■ 21. Remove § 752.607.

[FR Doc. 2021–28205 Filed 1–3–22; 8:45 am]

BILLING CODE 6325–39–P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 271

[EPA–R01–RCRA–2020–0175; FRL 8892–01–R1]

### Massachusetts: Final Authorization of State Hazardous Waste Management Program Revisions

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

**ACTION:** Proposed rule.

**SUMMARY:** Massachusetts has applied to the EPA for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA), as amended. The EPA proposes to grant final authorization to Massachusetts for these revisions by a direct final rule, which can be found in the “Rules and Regulations” section of this issue of the **Federal Register**. We have explained the reasons for this authorization in the preamble to the direct final rule. Unless the EPA receives written comments that oppose this authorization during the comment period, the direct final rule

will become effective on the date it establishes, and the EPA will not take further action on this proposal.

**DATES:** Send your written comments by February 3, 2022.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R01–RCRA–2020–0175, at <https://www.regulations.gov/>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [www.regulations.gov](https://www.regulations.gov/). The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full the EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:** Sara Kinslow, RCRA Waste Management, UST, and Pesticides Section; Land, Chemicals, and Redevelopment Division; U.S. EPA Region 1, 5 Post Office Square, Suite 100 (Mail code 07–1), Boston, MA 02109–3912; phone: 617–918–1648; email: [kinslow.sara@epa.gov](mailto:kinslow.sara@epa.gov).

**SUPPLEMENTARY INFORMATION:** In the “Rules and Regulations” section of this issue of the **Federal Register**, the EPA is authorizing the revisions by a direct final rule. The EPA did not make a proposal prior to the direct final rule because we believe this action is not controversial and do not expect comments that oppose it. We have explained the reasons for this authorization in the preamble of the direct final rule. Unless the EPA receives adverse written comments that oppose this authorization during the comment period, the direct final rule will become effective on the date it establishes, and the EPA will not take further action on this proposal. If the EPA receives comments that oppose this action, we will withdraw the direct final rule, and it will not take effect. The EPA will then respond to public comments in a later final rule based on this

proposal. You may not have another opportunity for comment. If you want to comment on this action, you must do so at this time. For additional information, please see the direct final rule published in the “Rules and Regulations” section of this issue of the **Federal Register**.

**Authority:** This proposed action is issued under the authority of Sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912(a), 6926, 6974(b).

**Deb Szaro,**

*Acting Regional Administrator, U.S. EPA Region I.*

[FR Doc. 2021–28332 Filed 1–3–22; 8:45 am]

**BILLING CODE 6560–50–P**

## **NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES**

### **National Endowment for the Humanities**

#### **45 CFR Part 1167**

**RIN 3136–AA44**

#### **Testimony and Production of Records**

**AGENCY:** National Endowment for the Humanities; National Foundation on the Arts and the Humanities.

**ACTION:** Proposed rule with request for comments.

**SUMMARY:** The National Endowment for the Humanities (NEH) is proposing to issue regulations to be followed when an NEH employee receives a demand or request to provide testimony or produce records in a legal proceeding. These procedures are designed to promote economy and efficiency in NEH’s programs and operations, to minimize the possibility of involving NEH in controversial issues not related to its functions, to maintain the impartiality of NEH among private litigants, and to protect sensitive, confidential information and the deliberative process.

**DATES:** Send comments on or before February 3, 2022.

**ADDRESSES:** You may send comments by email to [gencounsel@neh.gov](mailto:gencounsel@neh.gov).

**Instructions:** Include “3136–AA44” in the subject line of the email.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Voyatzis, Deputy General Counsel, Office of the General Counsel, National Endowment for the Humanities, 400 7th Street SW, Room 4060, Washington, DC 20506; (202) 606–8322; [gencounsel@neh.gov](mailto:gencounsel@neh.gov).

**SUPPLEMENTARY INFORMATION:**

#### **Background**

The Federal courts have upheld the authority of a Federal agency to establish procedures governing the production of records and testimony by personnel in legal proceedings in which the agency is not a party. *United States ex rel. Touhy v. Ragen*, 340 U.S. 462 (1951). This proposed rule would establish policies and procedures that the agency will follow when, in a legal proceeding, a current or former NEH employee receives a demand or request to testify as to facts or events that relate to his or her official duties or the functions of NEH or to produce official records and information.

This proposed rule relates to testimony and the production of records only in connection with legal proceedings to which the United States is not a party. It would not apply to requests under the Freedom of Information Act, 5 U.S.C. 552, or the Privacy Act of 1974, 5 U.S.C. 552a; Congressional demands or requests for testimony or records; or legal proceedings to which the United States is a party.

#### **Request for Comments**

NEH requests comments, which NEH must receive at the above address, by the above date.

#### **Executive Order 12866, Regulatory Planning and Review, and Executive Order 13563, Improving Regulation and Regulatory Review**

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget for review.

#### **Executive Order 13132, Federalism**

This rulemaking does not have federalism implications. 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.

#### **Executive Order 12988, Civil Justice Reform**

This rulemaking meets the applicable standards set forth in section 3(a) and 3(b)(2) of Executive Order 12988. Specifically, this rulemaking is written in clear language designed to help reduce litigation.

#### **Executive Order 13175, Indian Tribal Governments**

Under the criteria in Executive Order 13175, NEH evaluated this rulemaking and determined that it will not have any

potential effects on Federally recognized Indian Tribes.

#### **Executive Order 12630, Takings**

Under the criteria in Executive Order 12630, this rulemaking does not have significant takings implications. Therefore, a takings implication assessment is not required.

#### **Regulatory Flexibility Act of 1980**

This rulemaking will not have a significant adverse impact on a substantial number of small entities, including small businesses, small governmental jurisdictions, or certain small not-for-profit organizations.

#### **Paperwork Reduction Act of 1995**

This rulemaking does not impose an information collection burden under the Paperwork Reduction Act. This action contains no provisions constituting a collection of information pursuant to the Paperwork Reduction Act.

#### **Unfunded Mandates Reform Act of 1995**

This rulemaking does not contain a Federal mandate that will result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year.

#### **National Environmental Policy Act of 1969**

This rulemaking will not have a significant effect on the human environment.

#### **Small Business Regulatory Enforcement Fairness Act of 1996**

This rulemaking will not be a major rule as defined in section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rulemaking will not result in an annual effect on the economy of \$100 million or more, a major increase in costs or prices, significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

#### **E-Government Act of 2002**

All information about NEH required to be published in the **Federal Register** may be accessed at [www.neh.gov](http://www.neh.gov). The website [www.regulations.gov](http://www.regulations.gov) contains electronic dockets for NEH’s rulemakings under the Administrative Procedure Act of 1946.

#### **Plain Writing Act of 2010**

To ensure this proposed rule speaks in plain and clear language so that the