

§ 127.1302 [Amended]

■ 40. In § 127.1302(a) introductory text and (c), remove the word “shall” wherever it appears, and add, in its place, the word “must”.

§ 127.1311 [Amended]

■ 41. In § 127.1311, remove the word “shall” wherever it appears, and add, in its place, the word “must”.

§ 127.1313 [Amended]

■ 42. Amend § 127.1313 as follows:

- a. In paragraph (a), remove the word “shall” and add, in its place, the word “must”; and
- b. In paragraph (b),
- i. Remove the word “shall” and add, in its place, the word “must”; and
- ii. Remove the text, “Chapter 4 of NFPA 30”; and add, in its place the text “NFPA 30 (incorporated by reference, see § 127.003)”.

§ 127.1315 [Amended]

■ 43. In § 127.1315 introductory text, remove the word “shall” and add, in its place, the word “must”.

§ 127.1317 [Amended]

■ 44. In § 127.1317(a), (d), and (e), remove the word “shall” wherever it appears, and add, in its place, the word “must”.

§ 127.1319 [Amended]

■ 45. In § 127.1319, remove the word “shall” wherever it appears, and add, in its place, the word “must”.

§ 127.1321 [Amended]

■ 46. In § 127.1321, remove the word “shall” wherever it appears, and add, in its place, the word “must”.

§ 127.1325 [Amended]

■ 47. In § 127.1325 introductory text, remove the word “shall” and add, in its place, the word “must”.

§ 127.1401 [Amended]

■ 48. In § 127.1401, remove the word “shall” and add, in its place, the word “must”.

§ 127.1403 [Amended]

■ 49. In § 127.1403, remove the word “shall” wherever it appears, and add, in its place, the word “must”.

§ 127.1405 [Amended]

■ 50. Amend § 127.1405 as follows:

- a. In the introductory text, remove the word “shall” and add, in its place, the word “must”;
- b. In paragraph (a)(1), remove the word “and”; and
- c. In paragraph (b), after the text “NFPA 51B”, add the text

“(incorporated by reference, see § 127.003)”.

§ 127.1407 [Amended]

■ 51. In § 127.1407(a) introductory text and paragraphs (c), (d), (e), and (f), remove the word “shall” wherever it appears, and add, in its place, the word “must”.

§ 127.1409 [Amended]

■ 52. In § 127.1409, remove the word “shall” wherever it appears, and add, in its place, the word “must”.

§ 127.1501 [Amended]

■ 53. In § 127.1501(a), delete the word “existing.”

§ 127.1503 [Amended]

■ 54. In § 127.1503, after the text “NFPA 10”, add the text “(incorporated by reference, see § 127.003)”.

§ 127.1511 [Amended]

■ 55. In § 127.1511, remove the text “ASTM F 1121” and add, in its place, the text “ASTM F1121–87 (Reapproved 2019)”.

§ 127.1601 [Amended]

■ 56. In § 127.1601 introductory text, remove the word “shall” and add, in its place, the word “must”.

§ 127.1603 [Amended]

■ 57. In § 127.1603 introductory text, remove the word “shall” and add, in its place, the word “must”.

§ 127.1605 [Amended]

■ 58. In § 127.1605 introductory text, remove the word “shall” and add, in its place, the word “must”.

Dated: January 24, 2022.

J.W. Mauger,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Prevention Policy.

[FR Doc. 2022–01888 Filed 2–1–22; 8:45 am]

BILLING CODE 9110–04–P

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Part 1155

[Docket No. ATBCB–2020–0003]

RIN 3014–AA46

Procedures for Issuing Guidance Documents; Recission

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Final rule.

SUMMARY: Pursuant to the Executive Order entitled “Revocation of Certain Executive Orders concerning Federal Regulation”, the Architectural and Transportation Barriers Compliance Board (hereafter, “Access Board,” or “Board”), is removing its regulation that details internal procedures for issuance, public availability, modification, and withdrawal of agency guidance documents, as defined by the Executive Order entitled “Promoting the Rule of Law Through Agency Guidance Documents”.

DATES: This final rule is effective February 2, 2022.

FOR FURTHER INFORMATION CONTACT: General Counsel Christopher Kuczynski, (202) 272–0042, generalcounsel@access-board.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Executive Order (E.O.) 13891, “Promoting the Rule of Law Through Improved Agency Guidance Documents,” issued on October 9, 2019, required each agency to promulgate regulations that “set forth processes and procedures for issuing guidance documents.” 84 FR 55235. On September 21, 2020, the Board issued a final rule, entitled “Guidance Documents,” to implement E.O. 13891. 85 FR 59187. The final rule established 36 CFR part 1155, which created internal procedural requirements governing the issuance, public availability, and modification or withdrawal of Access Board guidance documents.

On January 20, 2021, President Biden issued E.O. 13992, “Revocation of Certain Executive Orders Concerning Federal Regulation,” which, among other things, revokes E.O. 13891. 86 FR 7049. To comply with the new executive order, the Access Board is rescinding its newly-issued guidance procedures codified at 36 CFR part 1155. Nonetheless, the Board intends to retain all Access Board guidance documents in a single location on the agency’s website at www.access-board.gov/guidance, as we believe this improves the usability of, and access to, our guidance documents for the public.

II. Regulatory Process Matters

Administrative Procedure Act

The rescinded guidance procedures and this final rule solely address internal matters related to agency management and practices. As such, this rule is exempt from the notice-and-comment process pursuant to the Administrative Procedure Act. See 5 U.S.C. 553(a)(2), 553(b)(3)(A). The

original final rule was issued without notice and comment. This rule is also exempt from the requirement in 5 U.S.C. 553(d) that the effective date of a regulation must be at least 30 days after publication in the **Federal Register**.

Executive Order 12866

This final rule rescinds internal rules of agency procedure only. OMB has determined that the rule is not a significant regulatory action within the meaning of Executive Order 12866.

Congressional Review Act

This final rule is not a major rule within the meaning of the Congressional Review Act. See 5 U.S.C. 801, *et seq.*

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires Federal agencies to analyze regulatory options that may assist in minimizing any significant impact of a rule on small businesses and small governmental jurisdictions. See 5 U.S.C. 604, 605(b). Because this final rule relates solely to the rescission of agency internal procedures and, moreover, is not subject to notice-and-comment rulemaking, the RFA is inapplicable.

Federalism (Executive Order 13132)

The Access Board has analyzed this direct final rule in accordance with the principles and criteria set forth in Executive Order 13132. The Board has determined that this action will not have a substantial direct effect on the States, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, does not have Federalism implications.

Paperwork Reduction Act

This final rule does not specify any new collections of information or recordkeeping requirements that require OMB approval under the Paperwork Reduction Act. See 44 U.S.C. 3501 *et seq.*

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (codified at 2 U.S.C. 1531 *et seq.*) (“UMRA”) generally requires that Federal agencies assess the effects of their discretionary regulatory actions that may result in the expenditure of \$100 million (adjusted for inflation) or more in any one year by the private sector, or by State, local, and tribal governments in the aggregate. Because this direct final rule is being issued under the good cause exception in the Administrative Procedure Act section 553(b)(B), UMRA’s analytical

requirements are inapplicable. See 2 U.S.C. 1532(a).

List of Subjects in 36 CFR Part 1155

Administrative practice and procedure.

For the reasons discussed in the preamble, and under the authority of 29 U.S.C. 792, the Access Board amends 36 CFR chapter XI as follows:

PART 1155—[REMOVE AND RESERVE]

- 1. Remove and reserve part 1155.

Sachin Pavithran,
Executive Director.

[FR Doc. 2022–02132 Filed 2–1–22; 8:45 am]

BILLING CODE 8150–01–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 1

RIN 2900–AR20

Threshold for Reporting VA Debts to Consumer Reporting Agencies

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) amends its regulations around the conditions by which VA benefits debts or medical debts are reported to consumer reporting agencies (CRA). The Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 provides the Secretary authority to prescribe regulations that establish the minimum amount of a benefits or medical debt that the Secretary will report to the CRA. This change will establish the methodology for determining a minimum threshold for debts reported to CRA.

DATES: This rule is effective March 4, 2022.

FOR FURTHER INFORMATION CONTACT:

Jason Hoge, Director of Operations, Debt Management Center, Office of Management, 189, 1 Federal Drive, Suite 4500, Fort Snelling, MN 55111, (612) 725–4337. (This is not a toll-free telephone number.)

SUPPLEMENTARY INFORMATION: On July 23, 2021 (86 FR 38958), VA published a proposed rule in the **Federal Register** that would significantly reduce the amount of VA debts referred to the CRA. VA provided a 60-day comment period, which ended on September 21, 2021. VA received nine comments on the proposed rule.

Summary of Regulatory Changes

This final rule amends VA’s regulation that governs reporting of delinquent debts to CRA. This rulemaking would update the regulation to comply with section 2007 of Public Law 116–315, the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020. Section 2007 amends chapter 53 of title 38, United States Code by adding section 5320 as follows: “The Secretary shall prescribe regulations that establish the minimum amount of a claim or debt, arising from a benefit administered by the Under Secretary for Benefits or Under Secretary for Health, that the Secretary will report to a consumer reporting agency under section 3711 of title 31.”

This amendment will establish the methodology for determining the minimum threshold for reporting certain VA debts to CRA. It will also exclude from the minimum threshold those debts in which there is an indication of fraud, misrepresentation, or bad faith on the part of the debtor.

Background on Governing Statutes

The Debt Collection Improvement Act of 1996 (DCIA), in part, mandated agencies to report delinquent debts to CRA. 31 U.S.C. 3711(e); Sec. 31001(k), Public Law 104–134, 110 Stat. 1321. The purpose of the DCIA includes maximizing collection of delinquent debts by ensuring quick action to recover debts, use of appropriate collection tools, and minimizing the costs of debt collection. Sec. 31001(b), Public Law 104–134.

Section 5320 of title 38, United States Code, authorizes VA to “establish the minimum amount of a claim or debt, arising from a benefit administered by the Under Secretary for Benefits or Under Secretary for Health, that the Secretary will report to a consumer reporting agency under section 3711 of title 31.” The intent of section 5320 is to lessen negative impact of CRA reports on Veterans.

Introduction to Regulatory Changes

As explained in more detail below, we amend 38 CFR 1.916 to comply with 38 U.S.C. 5320, to establish a minimum threshold for reporting debts to CRA.

In accordance with 31 U.S.C. 3711(e), the VA Debt Management Center (DMC) is responsible for reporting delinquent debts to CRA. Prior to January 5, 2021, DMC reported an average of 5,000 delinquent Veteran accounts monthly. DMC regularly receives complaints from Veterans whose accounts have been reported to CRA. Common complaints