

completion of the diversion agreement bars the OED Director from pursuing discipline based on the conduct set forth in the diversion agreement.

(d) A material breach of the diversion agreement shall be cause for termination of the practitioner's participation in the diversion program. Upon a material breach of the diversion agreement, the OED Director may pursue discipline based on the conduct set forth in the diversion agreement.

■ 10. Revise § 11.43 to read as follows:

§ 11.43 Motions before a hearing officer.

Motions, including all prehearing motions commonly filed under the Federal Rules of Civil Procedure, shall be served on an opposing party and filed with the hearing officer. Every motion must include a statement that the moving party or attorney for the moving party has conferred with the opposing party or attorney for the opposing party in a good-faith effort to resolve the issues raised by the motion and whether the motion is opposed. If, prior to a decision on the motion, the parties resolve issues raised by a motion presented to the hearing officer, the parties shall promptly notify the hearing officer. Any motion for summary judgment or motion to dismiss shall be accompanied by a written memorandum setting forth a concise statement of the facts and supporting reasons, along with a citation of the authorities upon which the movant relies. All memoranda shall be double-spaced and written in 12-point font unless otherwise ordered by the hearing officer. Unless the hearing officer extends the time for good cause, the opposing party shall serve and file a memorandum in response to any motion for summary judgment or motion to dismiss within 21 days of the date of service of the motion, and the moving party may file a reply memorandum within 14 days after service of the opposing party's responsive memorandum.

■ 11. Amend § 11.44 by revising paragraph (a) to read as follows:

§ 11.44 Hearings.

(a) The hearing officer shall preside over hearings in disciplinary proceedings. After the time for filing an answer has elapsed, the hearing officer shall set the time and place for the hearing. In cases involving an incarcerated respondent, any necessary oral hearing may be held at the location of incarceration. The hearing officer may order a hearing to be conducted by remote videoconference in whole or in part. Oral hearings will be recorded and transcribed, and the testimony of witnesses will be received under oath or

affirmation. The hearing officer shall conduct the hearing as if the proceeding were subject to 5 U.S.C. 556. A copy of the transcript of the hearing shall become part of the record. A copy of the transcript shall also be provided to the OED Director and the respondent at the expense of the Office.

* * * * *

■ 12. Amend § 11.52 by:

■ a. Revising paragraphs (a) and (b);

■ b. Redesignating paragraphs (c) through (f) as paragraphs (d) through (g); and

■ c. Adding a new paragraph (c).

The revisions and addition read as follows:

§ 11.52 Written discovery.

(a) After an answer is filed under § 11.36, a party may file a motion under § 11.43 seeking authorization to propound written discovery of relevant evidence, including:

(1) A reasonable number of requests for admission, including requests for admission as to the genuineness of documents;

(2) A reasonable number of interrogatories;

(3) A reasonable number of documents to be produced for inspection and copying; and

(4) A reasonable number of things other than documents to be produced for inspection.

(b) The motion shall include a copy of the proposed written discovery requests and explain in detail, for each request made, how the discovery sought is reasonable and relevant to an issue actually raised in the complaint or the answer. Any response shall include specific objections to each request, if any. Any objection not raised in the response will be deemed to have been waived.

(c) The hearing officer may authorize any discovery requests the hearing officer deems to be reasonable and relevant. Unless the hearing officer orders otherwise, within 5 days of the hearing officer authorizing any discovery requests, the moving party shall serve a copy of the authorized discovery requests to the opposing party and, within 30 days of such service, the opposing party shall serve responses to the authorized discovery requests.

* * * * *

■ 13. Amend § 11.55 by revising paragraph (m) and adding paragraph (p) to read as follows:

§ 11.55 Appeal to the USPTO Director.

* * * * *

(m) Unless the USPTO Director permits, no further briefs or motions shall be filed.

* * * * *

(p) The USPTO Director may extend the time for filing a brief upon the granting of a motion setting forth good cause warranting the extension.

■ 14. Amend § 11.504 by adding paragraph (e) to read as follows:

§ 11.504 Professional independence of a practitioner.

* * * * *

(e) The prohibitions of paragraph (a), (b), or (d)(1) or (2) of this section shall not apply to an arrangement that fully complies with the laws, rules, and regulations of the attorney licensing authority of a State that regulates such arrangement and in which the practitioner is an active member in good standing.

Katherine K. Vidal,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2022–18215 Filed 9–7–22; 8:45 am]

BILLING CODE 3510–16–P

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 523 and 552

[GSAR Case 2022–G517, Docket No. GSA–GSAR–2022–0014, Sequence No. 1]

RIN 3090–AK60

General Services Administration Acquisition Regulation (GSAR); Single-Use Plastics and Packaging

AGENCY: Office of Acquisition Policy, General Services Administration (GSA).

ACTION: Advance notice of proposed rulemaking; extension of comment period.

SUMMARY: The General Services Administration (GSA) published an advance notice of proposed rulemaking on July 7, 2022, seeking public feedback pertaining to the use of plastic consumed in both packaging and shipping, as well as other single-use plastics for which the agency contracts. The deadline for submitting comments is being extended from September 6, 2022, to September 27, 2022, to provide additional time for interested parties to provide inputs.

DATES: For the advance notice of proposed rulemaking published on July 7, 2022 (87 FR 40476), submit comments on or before September 27, 2022.

ADDRESSES: Submit comments in response to GSAR Case 2022–G517 to the Federal eRulemaking portal at <https://www.regulations.gov> by searching for “GSAR Case 2022–G517”. Select the link “Comment Now” that corresponds with “GSAR Case 2022–G517”. Follow the instructions provided on the “Comment Now” screen. Please include your name, company name (if any), and “GSAR Case 2022–G517” on your attached document. If your comment cannot be submitted using <https://www.regulations.gov>, call or email the points of contact in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

Instructions: Please submit comments only and cite “GSAR Case 2022–G517” in all correspondence related to this case. Comments received generally will be posted without change to <https://www.regulations.gov>, including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check <https://www.regulations.gov>, approximately two to three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: Ms. Adina Torberntsson, Procurement Analyst, at 303–236–2677 or gsarpolicy@gsa.gov, for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755 or GSARegSec@gsa.gov. Please cite GSAR Case 2022–G517.

SUPPLEMENTARY INFORMATION:

I. Background

On July 7, 2022, the General Services Administration published an advance notice of proposed rulemaking (ANPR) in the **Federal Register** at 87 FR 40476 seeking public feedback pertaining to the use of plastic consumed in both packaging and shipping, as well as other single-use plastics for which the agency contracts. The comment period is extended to September 27, 2022, to allow additional time for interested parties to submit comments in response to the questions posed in the ANPR.

Jeffrey A. Koses,

Senior Procurement Executive, Office of Acquisition Policy, Office of Governmentwide Policy, General Services Administration.

[FR Doc. 2022–19376 Filed 9–7–22; 8:45 am]

BILLING CODE 6820–61–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 271

[Docket No. FRA–2021–0035, Notice No. 1]

RIN 2130–AC89

Risk Reduction Program

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: In response to issues raised by a petition for reconsideration of the Risk Reduction Program (RRP) final rule, FRA is issuing this NPRM to solicit information to help determine whether FRA should retain or remove a provision in the RRP final rule clarifying that contractors who perform a significant portion of a railroad’s operations are considered the railroad’s directly affected employees for purposes of the RRP rule.

DATES: Comments on this proposed rulemaking must be received on or before November 7, 2022. Comments received after that date will be considered to the extent possible without incurring additional expense or delay.

ADDRESSES:

Comments: Comments related to Docket No. FRA–2021–35 may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number or Regulatory Identification Number (RIN) for this rulemaking. Note that all comments received will be posted without change to <https://www.regulations.gov> including any personal information provided. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: Miriam Kloepfel, Staff Director, Risk Reduction Program Division, Office of Railroad Safety, FRA, telephone: 202–493–6224, email: Miriam.Kloepfel@dot.gov; or Elizabeth Gross, Attorney

Adviser, Office of the Chief Counsel, FRA, telephone: 202–493–1342, email: Elizabeth.Gross@dot.gov.

SUPPLEMENTARY INFORMATION:

Table of Contents for Supplementary Information

- I. Background
 - A. Statutory Mandate
 - B. Rulemaking Background
 - C. Petition for Reconsideration
- II. Discussion
 - A. FRA’s Rationale for Retaining § 271.3(c)
 - B. Information Requested
- III. Regulatory Impact and Notices
 - A. Executive Order 12866
 - B. Regulatory Flexibility Act and Executive Order 13272
 - C. Paperwork Reduction Act
 - D. Environmental Impact
 - E. Executive Order 12898 (Environmental Justice)
 - F. Federalism Implications
 - G. Unfunded Mandates Reform Act of 1995
 - H. International Trade Impact Assessment
 - I. Tribal Consultation
 - J. Privacy Act Statement

I. Background

Risk reduction is a comprehensive, system-oriented approach to improving safety by which an organization formally identifies and analyzes applicable hazards and takes action to mitigate, if not eliminate, the risks associated with those hazards. It provides a railroad with a set of decision-making processes and procedures that can help it plan, organize, direct, and control its railroad operations in a way that enhances safety and promotes compliance with regulatory standards. As such, risk reduction is a form of safety management system, which is a term generally referring to a comprehensive, process-oriented approach to managing safety throughout an organization.

A. Statutory Mandate

On October 16, 2008, the Rail Safety Improvement Act of 2008 (RSIA) was enacted. Section 103 of the RSIA, codified at 49 U.S.C. 20156, directed the Secretary of Transportation (Secretary) to issue a regulation requiring Class I railroads, railroad carriers that provide intercity rail passenger or commuter rail passenger transportation (passenger railroads), and railroads with inadequate safety performance (ISP railroads) to develop, submit to the Secretary for review and approval, and implement a railroad safety risk reduction program. Under sec. 20156(g), each railroad carrier required to submit a railroad safety risk reduction program must “consult with, employ good faith, and use its best efforts to reach agreement with, all of its directly affected employees, including any