

living near the facilities) and other factors the Administrator deems are appropriate (e.g., proximity of the facilities to nearby schools and communities, especially those with potential environmental justice concerns).

*C. Did EPA conduct any outreach to facilities prior to this action?*

In October 2021, EPA sent letters to 31 facilities providing notice that EPA was considering exercising this discretionary authority. These letters also provided the facilities with the opportunity to respond or provide any additional information before EPA made its determination.

EPA received communications from 19 facilities. Some included inquiries under the scope of the discretionary authority under EPCRA section 313(b)(2) and TRI reporting; others acknowledged that the facility would be prepared to submit any TRI reporting forms to EPA should they be required by EPCRA section 313(a) and 40 CFR part 372. All communications with facilities under this authority have been uploaded to facility-specific dockets, which are listed in Unit II.A.

Additionally, one facility indicated that they no longer conduct any ethylene oxide sterilization on-site, they have sold their previous sterilization establishment, and all sterilization activity has been contracted out-of-state. A separate facility also provided information to EPA regarding the size of and technology used in their operations to support their claim of using very low levels of ethylene oxide such that they would be unlikely to ever meet TRI reporting thresholds. After reviewing this information, EPA decided not to extend reporting requirements to these two facilities. Those facilities and their dockets are listed below:

1. Andersen Scientific, 1001 Aviation Parkway, Suite 600, Morrisville, NC 27560; Ethylene oxide (CASRN: 75-21-8); Docket ID: EPA-HQ-OPPT-2021-0695.

2. NovoSci Corporation, 2021 Airport Road, Conroe, TX 77301; Ethylene oxide (CASRN: 75-21-8); Docket ID: EPA-HQ-OPPT-2021-0706.

*D. What reporting may be required under EPCRA section 313(a) and 40 CFR part 372 following the Administrator's determination under EPCRA section 313(b)(2)?*

EPCRA requires reporting to provide information on releases and other waste management of TRI chemicals. This information is used by the public and assists EPA and other regulatory agencies in determining whether future regulations are needed. Among other

data elements, facilities must report (1) the quantities of routine and accidental releases; (2) releases resulting from catastrophic or other one-time events of TRI chemicals; (3) the maximum amount (in ranges) of the TRI chemical on-site during the calendar year; and (4) the amount contained in wastes managed on-site or transferred off-site. Facilities reporting to TRI must submit either a Form R for each chemical, or a Form A Certification Statement for applicable chemicals. Form R is the standard TRI reporting form. Form A Certification Statement is a simplified certification form available to facilities to report on chemicals for which the facility neither (1) manufactures, processes, or otherwise uses above one million pounds; nor (2) exceeds 500 pounds for total quantities released or otherwise managed as waste on-site and quantities transferred off-site for waste management. More information on the data reported on TRI reporting forms, including instructions for reporting facilities, can be found in the current TRI Reporting Forms and Instructions (Ref. 3).

Under EPCRA section 313(a) and 40 CFR part 372, the facilities listed in this notice may be required to submit TRI reporting forms for ethylene oxide (and ethylene glycol, where noted) if they manufacture, process, or otherwise use the chemical above the respective activity thresholds in 40 CFR 372.25. Reporting on ethylene oxide and ethylene glycol would begin with Reporting Year 2022, and Reporting Year 2022 forms from these facilities will be due to EPA by July 1, 2023. This reporting requirement will continue to apply for each subsequent reporting year where the facility's chemical activities meet or exceed the respective activity threshold.

### III. References

The following is a listing 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 person listed under **FOR FURTHER INFORMATION CONTACT**.

1. U.S. EPA. Determination of the Administrator of the Environmental Protection Agency Under the Emergency Planning and Community Right-to-Know Act Section 313(b)(2) to Apply the Requirements of EPCRA Section 313 to Certain Contract Sterilization Facilities. December 16, 2021.

2. U.S. EPA. Evaluation of the Inhalation Carcinogenicity of Ethylene Oxide (EPA/635/R-16/350Fa). December 2016. Available at [https://cfpub.epa.gov/ncea/iris/iris\\_documents/documents/toxreviews/1025tr.pdf](https://cfpub.epa.gov/ncea/iris/iris_documents/documents/toxreviews/1025tr.pdf).

3. U.S. EPA. Toxic Chemical Release Inventory Reporting Forms and Instructions. Available at <https://www.epa.gov/tri/rfi>.

*Authority:* 42 U.S.C. 11023.

*Dated:* December 21, 2021.

**Michal Freedhoff,**

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

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## FEDERAL DEPOSIT INSURANCE CORPORATION

### Notice of the FDIC's Response to Exception Requests Pursuant to Recordkeeping for Timely Deposit Insurance Determination

**AGENCY:** Federal Deposit Insurance Corporation (FDIC).

**ACTION:** Notice of the FDIC's response to exception requests pursuant to the recordkeeping for timely deposit insurance determination rule.

**SUMMARY:** In accordance with its rule regarding recordkeeping for timely deposit insurance determination, the FDIC is providing notice that it has granted time-limited exception relief to two covered institutions from the information technology system and recordkeeping requirements applicable to official items (subject accounts) in order for those covered institutions to integrate certain information technology systems that hold the requisite information to calculate deposit insurance in accordance with part 370.

**DATES:** The FDIC's grant of exception relief is effective as of December 20, 2021.

**FOR FURTHER INFORMATION CONTACT:** Cassandra Knighton, Section Chief, Division of Complex Institution Supervision and Resolution; [CKnighton@FDIC.gov](mailto:CKnighton@FDIC.gov); (972) 761-2802.

**SUPPLEMENTARY INFORMATION:** The FDIC granted a time-limited exception request to two covered institutions pursuant to the FDIC's rule entitled "Recordkeeping for Timely Deposit Insurance Determination," codified at 12 CFR part 370 (part 370 or the Rule).<sup>1</sup> Part 370 generally requires covered institutions to implement the information technology system and recordkeeping capabilities needed to quickly calculate

<sup>1</sup> 12 CFR part 370.

the amount of deposit insurance coverage available for each deposit account in the event of failure. Pursuant to § 370.8(b)(1), one or more covered institutions may submit a request in the form of a letter to the FDIC for an exception from one or more of the requirements of part 370 if circumstances exist that would make it impracticable or overly burdensome to meet those requirements. Pursuant to § 370.8(b)(2), the FDIC publishes a notice of its response to each exception request in the **Federal Register**. Pursuant to § 370.8(b)(3), a covered institution may rely upon another covered institution's exception request which the FDIC has previously granted by notifying the FDIC that it will invoke relief from certain part 370 requirements and demonstrating that the covered institution has substantially similar facts and circumstances to those of the covered institution that has already received the FDIC's approval. The notification letter must also include the information required under § 370.8(b)(1) and cite the applicable notice published pursuant to § 370.8(b)(2). Unless informed otherwise by the FDIC within 120 days after the FDIC's receipt of a complete notification for exception, the exception will be deemed granted subject to the same conditions set forth in the FDIC's published notice.

These grants of relief will be subject to ongoing FDIC review, analysis, and verification during the FDIC's routine part 370 compliance tests. The FDIC presumes each covered institution is meeting all the requirements set forth in the Rule unless relief has otherwise been granted. These grants of relief may be rescinded or modified upon: Discovery of misrepresentation; material change of circumstances or conditions related to the subject accounts; or failure to satisfy conditions applicable to each. The following exceptions were granted by the FDIC as of December 20, 2021.

#### **I. Exception Relief for Additional Time To Integrate Information Technology Systems That Contain the Requisite Information To Calculate Deposit Insurance for Official Items**

The FDIC granted time-limited exception relief from part 370's information technology system requirements set forth in § 370.3 and recordkeeping requirements set forth in § 370.4 applicable to official items, as described in 12 CFR 370.4(c), for up to 18 months after the compliance date. One covered institution requested exception relief from the recordkeeping and information technology system requirements with respect to interest payments made to customers via official

items and official items used in the accounts payable process to remit vendor payments. The covered institution previously completed system enhancements that provide the name, address, and amount of the official items; however, the government identification number, where it is available, is not immediately accessible by its part 370 calculation system because the systems that create the payments are not connected to the core deposit and accounts payable systems that store the customer information. The covered institution requested exception relief in order to develop, test, implement, and validate its planned solution that requires it to source the government identification number from the systems that contain customer information and provide that data into the part 370 calculation system. The other covered institution requested exception relief from the information technology system and recordkeeping requirements for official items for which the covered institution may have sufficient information to make a deposit insurance calculation but does not have the capability to retrieve the information or reliably tie it to the payee. The covered institution does not currently have a method for tracing official items back to the original loan or deposit servicing information technology systems in a manner that would permit it to associate government identification numbers, if available, with other payee information in the covered institution's payment systems. The covered institution requested exception relief in order to assess and implement a solution to this issue that would seek to appropriately balance the requirements of the Rule and consumer data security and other considerations.

As conditions of this exception relief, these covered institutions must: Provide documentation that describes the process put in place to manually calculate deposit insurance for the subject accounts in the event of failure during the relief period; maintain the capability to restrict access to the deposit accounts subject to this exception in the event of failure until a deposit insurance determination can be made and place all such accounts into the pending file of its part 370 output files during the relief period; submit a status report to [part370@fdic.gov](mailto:part370@fdic.gov) at the midpoint of the exception relief period; and immediately bring to the FDIC's attention any change of circumstances or conditions.

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on December 20, 2021.

**James P. Sheesley,**

*Assistant Executive Secretary.*

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## **FEDERAL ELECTION COMMISSION**

[Notice 2021-19]

### **Privacy Act of 1974; New System of Records**

**AGENCY:** Federal Election Commission.

**ACTION:** Notice of new system of records.

**SUMMARY:** In accordance with the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Federal Election Commission ("the FEC" or "the Commission" or "the agency") is publishing for comment a new system of records that is maintained by the Commission. This new system has been entitled FEC 17, Reasonable Accommodation. This system has been proposed as a result of a reevaluation of the manner in which the Commission maintains records.

**DATES:** Comment on the establishment of the new system of records must be received no later than January 27, 2022. The new system of records will be effective February 7, 2022 unless the Commission receives comments that would result in a contrary determination.

**ADDRESSES:** Comments should be addressed in writing to Gregory Baker, Co-Chief Privacy Officer, Federal Election Commission, 1050 First Street NE, Washington, DC 20463, by close of business on January 27, 2022.

**FOR FURTHER INFORMATION CONTACT:** Gregory Baker, Co-Chief Privacy Officer, Federal Election Commission, (202) 694-1612.

**SUPPLEMENTARY INFORMATION:** The Privacy Act regulates the collection, maintenance, use and dissemination of information about individuals by Federal agencies. Its basic rule generally prohibits the disclosure of any individual's "record," if contained in a "system of records" to a third party without the individual's consent. See 5 U.S.C. 552a(b). A "system of records" is any group of records in which records can be retrieved by the individual's name, or by a unique identifier assigned to the individual. See 5 U.S.C. 552a(a)(5).

There are a number of exceptions to the basic rule of nondisclosure without consent. Among them is an exception that permits nonconsensual disclosure