

# Notices

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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

### Disclosure of Agency Legal Materials; Comment Request

**AGENCY:** Administrative Conference of the United States (ACUS).

**ACTION:** Notice.

**SUMMARY:** The Office of the Chairman of ACUS is requesting public input on what legal materials agencies must or should make publicly available and how they ought to do so. Responses to this request may inform an ongoing ACUS project, *Disclosure of Agency Legal Materials*. If warranted, the project will recommend statutory reforms to ensure that agencies provide public access to legal materials in the most equitable, effective, and efficient way possible for both the public and agencies.

**DATES:** Comments must be received no later than 10 a.m. (ET) July 18, 2022.

**ADDRESSES:** You may submit comments by email to [info@acus.gov](mailto:info@acus.gov) (with “Disclosure of Agency Legal Materials Comments” in the subject line of the message); online by clicking “Submit a comment” near the bottom of the project web page found at <https://www.acus.gov/research-projects/disclosure-agency-legal-materials>; or by U.S. Mail addressed to Disclosure of Agency Legal Materials Comments, Administrative Conference of the United States, Suite 706 South, 1120 20th Street NW, Washington, DC 20036. ACUS will ordinarily post comments on the project web page as they are received. Commenters should not include information, such as personal information or confidential business information, that they do not wish to appear on the ACUS website. For the full ACUS public comment policy, please visit <https://www.acus.gov/policy/public-comment-policy>.

**FOR FURTHER INFORMATION CONTACT:** Todd Rubin, Attorney Advisor, Administrative Conference of the

United States, 1120 20th Street NW, Suite 706 South, Washington, DC 20036; Telephone (202) 480–2080; email [trubin@acus.gov](mailto:trubin@acus.gov).

**SUPPLEMENTARY INFORMATION:** The Administrative Conference Act, 5 U.S.C. 591–596, established the Administrative Conference of the United States. The Conference studies the efficiency, adequacy, and fairness of the administrative procedures used by Federal agencies and makes recommendations to agencies, the President, Congress, and the Judicial Conference of the United States for procedural improvements (5 U.S.C. 594(1)). For further information about the Conference and its activities, see [www.acus.gov](http://www.acus.gov).

### Disclosure of Agency Legal Materials

Agencies generate a wide range of materials that impose legal obligations on members of the public, agency employees, and agency heads; determine the rights or interests of private parties; advise the public of the agencies’ interpretation of the statutes and rules they administer; advise the public prospectively of the manner in which agencies plan to exercise discretionary powers; or otherwise explain agency actions that affect members of the public. Federal laws govern when and how agencies make these legal materials publicly available. These include generally applicable statutes such as the Freedom of Information Act (FOIA), the Federal Register Act, the E-Government Act of 2002, the Federal Records Act, as well as agency- and program-specific statutes.

ACUS has undertaken many projects in which it has recommended best practices for the disclosure of records such as guidance documents,<sup>1</sup> adjudication rules,<sup>2</sup> adjudication

materials,<sup>3</sup> and litigation materials.<sup>4</sup> Many of these projects focus on a broader set of materials than legal materials, but they do encompass, touch on, or include legal materials. A recurrent question in the discussion surrounding these projects has been whether Congress should amend the main statutes governing disclosure of agency legal materials to consolidate and harmonize overlapping requirements, account for technological developments, and correct statutory ambiguities and drafting errors.

ACUS is now undertaking this project to answer this question. A team of leading scholars will submit a report to ACUS that addresses this question and others that may be identified. If warranted, a committee of ACUS members will develop proposed recommendations to Congress for possible consideration by the ACUS Assembly. Recommended statutory reforms will provide clear standards as to what legal materials agencies must publish and where they must publish them (whether in the **Federal Register**, on their websites, or elsewhere). The objective of any such proposed amendments will be to ensure that agencies provide appropriate public access to legal materials in the most equitable, effective, and efficient way possible for both the public and the agency. Visit <https://www.acus.gov/research-projects> to learn more about how ACUS develops recommendations.

### Specific Topics for Public Comment

ACUS welcomes views, information, and data on all aspects of this topic. ACUS also seeks specific feedback on the following questions:

1. What types of agency records should ACUS consider to be “agency legal materials” for purposes of this project?
2. What obstacles have you or others faced in gaining access to agency legal materials?
3. Are there certain types of agency legal materials or legal information that agencies are not making publicly available that would be valuable to you or others?

<sup>1</sup> See, e.g., Admin. Conf. of the U.S., Recommendation 2021–7, *Public Availability of Inoperative Agency Guidance Documents*, 87 FR 1718 (Jan. 12, 2022); Admin. Conf. of the U.S., Recommendation 2019–3, *Public Availability of Agency Guidance Documents*, 84 FR 38931 (Aug. 8, 2019).

<sup>2</sup> See, e.g., Admin. Conf. of the U.S., Recommendation 2020–5, *Publication of Policies Governing Agency Adjudicators*, 86 FR 6622 (Jan. 22, 2021); Admin. Conf. of the U.S., Recommendation 2018–5, *Public Availability of Adjudication Rules*, 84 FR 2142 (Feb. 6, 2019).

<sup>3</sup> See, e.g., Admin. Conf. of the U.S., Recommendation 2017–1, *Adjudication Materials on Agency websites*, 82 FR 31039 (July 5, 2017).

<sup>4</sup> See, e.g., Admin. Conf. of the U.S., Recommendation 2020–6, *Agency Litigation web pages*, 86 FR 6624 (Jan. 22, 2021).

4. Agencies provide public access to legal materials in different ways. Agencies make some materials available to the general public on their own initiative without having received a request from a member of the public (*i.e.*, proactive disclosure). Other materials are provided to members of the public on request. What types of legal materials should agencies proactively disclose to the general public? What types of legal materials may or should agencies disclose only in response to a request from a member of the public?

5. For agency legal materials that should be proactively disclosed, where or how should agencies make them publicly available (on agency websites, in the **Federal Register**, or elsewhere)?

6. Are there certain types of agency legal materials, or certain types of information contained in agency legal materials, that agencies should not make publicly available? When there is public interest in these types of materials or information, how should agencies balance the public interest in disclosure with any private or governmental interests in nondisclosure?

7. Some statutes governing the public availability of agency legal materials apply to most or all agencies (*e.g.*, Federal Register Act), whereas others apply to only one or a small number of agencies (*e.g.*, Food and Drug Administration Modernization Act of 1997). When should Congress create disclosure requirements that apply to most or all agencies, and when should Congress create disclosure requirements that apply to only one or a small number of agencies?

8. Are there certain best practices regarding disclosure of legal materials on agency websites that should be required by statute (*e.g.*, indexing of legal materials, search functions to help find legal materials)? If so, should these practices be required for all legal materials or only certain types of legal materials?

9. What inconsistencies, ambiguities, and overlaps exist in the main statutes governing disclosure of agency legal materials (*e.g.*, FOIA, Federal Register Act, E-Government Act of 2002, Federal Records Act) that Congress should remedy?

10. What other statutory reforms might be warranted to ensure adequate public availability of agency legal materials?

Dated: May 13, 2022.

**Shawne McGibbon,**  
General Counsel.

[FR Doc. 2022–10749 Filed 5–18–22; 8:45 am]

**BILLING CODE 6110–01–P**

## DEPARTMENT OF AGRICULTURE

### Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by June 21, 2022 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

### Food Safety and Inspection Service

*Title:* Importation and Transportation of Meat, Poultry and Egg Products.

*OMB Control Number:* 0583–0094.

*Summary of Collection:* The Food Safety and Inspection Service (FSIS) has been delegated the authority to exercise the functions of the Secretary as provided in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*), and the Egg Products Inspection Act (EPIA) (21 U.S.C. 1031, *et seq.*) These statutes mandate that FSIS protect the public by

ensuring that meat, poultry, and egg products are safe, wholesome, unadulterated, and properly labeled and packaged. Meat and poultry products not marked with the mark of inspection and shipped from one official establishment to another for further processing must be transported under FSIS seal to prevent such unmarked product from entering commerce. To track product shipped under seal, FSIS requires shipping establishments to complete a form that identifies the type, amount, and weight of the product.

*Need and Use of the Information:* FSIS will collect information using form 7350–1, Request and Notice of Shipment of Sealed Meat/Poultry. FSIS will collect the name, number, method of shipping, and destination of product, type, and description of product to be shipped, reason for shipping product, and a signature. Foreign countries that wish to export meat, poultry, and egg products to the United States must establish eligibility to do so by putting in place inspection systems that are “equivalent to” the U.S. inspection system (9 CFR 327.2 and 381.196) and by annually certifying that they continue to do so. Meat, poultry, and egg products intended for importation into the U.S. must be accompanied by an inspection certificate signed by an official of the foreign government responsible for the inspection and certification of the product.

*Description of Respondents:* Business or other for-profit.

*Number of Respondents:* 56.

*Frequency of Responses:* Recordkeeping; Reporting: On occasion.

*Total Burden Hours:* 3,679.

Dated: May 16, 2022.

**Ruth Brown,**  
Departmental Information Collection  
Clearance Officer.

[FR Doc. 2022–10766 Filed 5–18–22; 8:45 am]

**BILLING CODE 3410–DM–P**

## DEPARTMENT OF AGRICULTURE

### Submission for OMB Review; Comment Request

May 16, 2022.

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Comments are requested regarding: (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have