

fare well when subjected to judicial review. And fourth, Chair Khan's public statements¹² give me no basis to believe that she will seek to ensure that proposed rule provisions fit within the Congressionally circumscribed jurisdiction of the FTC. Neither has Chair Khan given me reason to believe that she harbors any concerns about harms that will befall the agency (and ultimately consumers) as a consequence of her overreach.

While baseline privacy legislation is important, I am pleased that Congress also is considering legislation that would provide heightened privacy protections for children.¹³ Recent research reveals that platforms use granular data to track children's online behavior, serve highly curated feeds that increase engagement, and (in some instances) push kids towards harmful content.¹⁴ More broadly, the research reveals a "catastrophic wave of mood disorders (anxiety and depression) and related behaviors (self-harm and suicide)" among minors, and particularly teenage girls, who spend a significant amount of time on social media daily.¹⁵ The Kids Online Safety Act makes particularly noteworthy contributions, and I applaud Senators Richard Blumenthal and Marsha Blackburn on their work.

I appreciate that my newest colleague, Commissioner Alvaro Bedoya, brings to the Commission deep experience in the field of privacy and data security and shares my concerns about protecting children online.¹⁶ I look forward to

working with him, FTC staff, and our fellow Commissioners to take constructive steps in this area, including advancing key research, heightening awareness, bringing enforcement actions, and concluding the Commission's ongoing review of the Children's Online Privacy Protection Act.

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DEPARTMENT OF LABOR

Employee Benefits Security Administration

29 CFR Part 2570

RIN 1210–AC05

Reopening of Comment Period and Hearing Regarding Proposed Amendment to Procedures Governing the Filing and Processing of Prohibited Transaction Exemption Applications

AGENCY: Employee Benefits Security Administration.

ACTION: Hearing announcement and reopening of the comment period.

SUMMARY: The Department of Labor's Employee Benefits Security Administration (EBSA) will hold a virtual public hearing regarding the proposed amendment to its prohibited transaction exemption filing and processing procedures. EBSA welcomes requests from the general public to testify at the hearing.

As discussed in the **DATES** section below, the Department of Labor (the Department) also is reopening the comment period regarding the proposed amendment to its prohibited transaction exemption filing and processing procedures.

DATES: The public hearing will be held on September 15, 2022, and (if necessary) September 16, 2022, via WebEx beginning at 9 a.m. EDT. Requests to testify at the hearing should be submitted to the Department on or before September 8, 2022. The Department will reopen the comment period for the proposed amendment on September 15, 2022. The Department

will publish a **Federal Register** notice announcing that the hearing transcript is available on EBSA's web page and when the reopened comment period closes.

ADDRESSES: Please submit all comments and requests to testify concerning the proposed rule to the Office of Exemption Determinations through the Federal eRulemaking Portal at www.regulations.gov using Docket ID number EBSA–2022–0003. Instructions are provided at the end of this notice.

FOR FURTHER INFORMATION CONTACT: Brian Shiker, Office of Exemption Determinations, EBSA, by phone at (202) 693–8552 (not a toll-free number) or email shiker.brian@dol.gov.

SUPPLEMENTARY INFORMATION:

Background

This spring, the Department published a proposed amendment (the Rule) that would update its existing procedures governing the filing and processing of applications for administrative exemptions from the prohibited transaction provisions of the Employee Retirement Income Security Act, the Internal Revenue Code, and the Federal Employees' Retirement System Act. The Rule was published in the **Federal Register** (87 FR 14722) on March 15, 2022.

The Department received 29 comment letters on the Rule before the public comment period ended on May 29, 2022. After consideration of the comments, including a written request for a public hearing, the Department has decided to hold a virtual public hearing to provide an opportunity for all interested parties to testify on material factual information regarding the Rule.

The hearing will be held via WebEx on September 15, 2022, and (if necessary) September 16, 2022, beginning at 9 a.m. EDT. It will be transcribed. Registration information to access and view the hearing will be available on EBSA's website: www.dol.gov/agencies/ebsa.

Instructions for Submitting Requests To Testify

Individuals and organizations interested in testifying at the public hearing must submit a written request to testify and a summary of their testimony by September 8, 2022. Requests to testify must include:

(1) the name, title, organization, address, email address, and telephone number of the individual who would testify;

(2) if applicable, the name of the organization(s) whose views would be represented;

¹² See, e.g., Koenig, Bryan, *FTC's Khan More Worried About Inaction Than Blowback*, Law360 (Apr. 22, 2022), <https://www.law360.com/articles/148661/ftc-s-khan-more-worried-about-inaction-than-blowback>; Scola, Nancy, *Lina Khan Isn't Worried About Going Too Far*, NY Magazine (Oct. 27, 2021), <https://nymag.com/intelligencer/article/lina-khan-ftc-profile.html>.

¹³ Kids Online Safety Act, S.3663, 117th Congress (2021–22), [https://www.congress.gov/bill/117th-congress/senate-bill/3663/text/Children and Teens' Online Privacy Protection Act, S.1628](https://www.congress.gov/bill/117th-congress/senate-bill/3663/text/Children%20and%20Teens'%20Online%20Privacy%20Protection%20Act,%20S.1628), 117th Congress (2021–22), <https://www.congress.gov/bill/117th-congress/senate-bill/1628/text>; see also Cristiano Lima, *Senate panel advances bills to boost children's safety online*, Wash. Post (Jul. 27, 2022), <https://www.washingtonpost.com/technology/2022/07/27/senate-child-safety-bill/>.

¹⁴ See, e.g., Testimony of Jonathan Haidt, Teen Mental Health is Plummeting, and Social Media is a Major Contributing Cause, Before the Senate Judiciary Committee, Subcommittee on Technology, Privacy, and the Law (May 4, 2022), <https://www.judiciary.senate.gov/imo/media/doc/Haidt%20Testimony.pdf>.

¹⁵ *Id.*

¹⁶ I have given several speeches discussing these concerns. See Christine S. Wilson, *The FTC's Role in Supporting Online Safety* (Nov. 21, 2019), https://www.ftc.gov/system/files/documents/public_statements/1557684/commissioner_wilson_remarks_at_the_family_online_safety_institute_11-21-19.pdf; Christine S. Wilson, *Opening Remarks at*

FTC Workshop: The Future of the COPPA Rule (Oct. 7, 2019), https://www.ftc.gov/system/files/documents/public_statements/1547693/wilson_ftc_coppa_workshop_opening_remarks_10-7-19.pdf; see also Christine S. Wilson, *Remarks at Global Antitrust Institute, FTC v. Facebook* (Dec. 11, 2019), https://www.ftc.gov/system/files/documents/public_statements/1557534/commissioner_wilson_remarks_at_global_antitrust_institute_12112019.pdf (discussing, inter alia, my work with staff to secure the provisions of the settlement that provide heightened review for products targeted to minors).

(3) the date of the requestor's written comment on the Rule (if applicable); and

(4) a concise summary of the testimony that would be presented.

Any requestors with disabilities requiring special accommodations for their testimony should contact Mr. Brian Shiker after submitting their written request.

The Department will organize the hearing into several moderated panels. Presenters will be given 10 minutes to testify, and they should be prepared to answer questions regarding their testimony. EBSA will post an agenda containing the panel compositions and presentation times on www.dol.gov/agencies/ebsa no later than September 13, 2022.

EBSA may limit the number of presenters based on how many testimony requests it receives. In that event, EBSA will ensure that the broadest array of viewpoints on all aspects of the Rule are represented and will include in the public record all testimony summaries it receives.

Reopening of Comment Period

The Department will reopen the Rule's comment period beginning on the hearing date (September 15, 2022) until approximately 14 days after the Department publishes the hearing transcript on EBSA's web page. The Department will publish a **Federal Register** notice announcing that the hearing transcript is available on EBSA web page and when the reopened comment period closes.

All comments and requests to testify will be available to the public, without charge, online at www.regulations.gov, at Docket ID number: EBSA-2022-0003 and www.dol.gov/ebsa. They also will be available for public inspection in the Public Disclosure Room of the Employee Benefits Security Administration, U.S. Department of Labor, Room N-1513, 200 Constitution Avenue NW, Washington, DC 20210; however, the Public Disclosure Room may be closed for all or a portion of the reopened comment period due to circumstances surrounding the COVID-19 pandemic caused by the novel coronavirus.

Warning to Commentors and Requestors: Please DO NOT submit any personal information you consider to be confidential or protected (such as your Social Security number or an unlisted phone number) or any confidential business information you do not want to be publicly disclosed on your comment, request to testify, and testimony summary. Please also be aware that the Federal eRulemaking Portal on

Regulations.gov is an "anonymous access" system, meaning EBSA will not know your identity or contact information unless you provide it.

Signed at Washington, DC, this 15th day of August, 2022.

Ali Khawar,

Acting Assistant Secretary, Employee Benefits Security Administration, U.S. Department of Labor.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R09-OAR-2022-0373; FRL-9765-01-R9]

Air Plan Revisions; California; South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; partial withdrawal of proposed rule; withdrawal of proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing a limited approval and limited disapproval of two revised rules and an approval of a rule rescission to the South Coast Air Quality Management District (SCAQMD) portion of the California State Implementation Plan (SIP). These revisions concern emissions of volatile organic compounds (VOCs) from marine and pleasure craft coating operations and the coating of metals. The EPA previously proposed to fully approve these SIP revisions on the grounds that they satisfied the relevant requirements under the Clean Air Act (CAA or the Act). After the comment periods, the EPA identified a deficiency in the submittals that warrants a limited disapproval. Therefore, we are withdrawing our previously proposed approvals of these SIP revisions as they pertain to these rules, published in the **Federal Register** on May 20, 2021, and August 24, 2021, and now propose a limited approval and limited disapproval for these revisions into the California SIP.

DATES: As of August 22, 2022, the proposed approval of Rule 1107 in the proposed rule published on May 20, 2021 (86 FR 27344), and the proposed rule published on August 24, 2021 (86 FR 47268), are withdrawn. Comments on this proposed limited approval and limited disapproval and approval must be received on or before September 21, 2022.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R09-OAR-2022-0373 at <https://www.regulations.gov>. For comments submitted at Regulations.gov, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from 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, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>. If you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Arnold Lazarus, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 972-3024 or by email at Lazarus.Arnold@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document, "we," "us" and "our" refer to the EPA.

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