

covered loans and applications handled in the offices of the institution that was previously covered. When an institution remains not covered after acquiring a branch office of a covered institution, data collection is required for transactions of the acquired branch office that take place prior to the acquisition. Data collection by the acquired branch office is optional for transactions taking place in the remainder of the calendar year after the acquisition.

iv. Two covered institutions merge. The surviving or newly formed institution is a covered institution. Data collection is required for the entire calendar year of the merger. The surviving or newly formed institution files either a consolidated submission or separate submissions for that calendar year. When a covered institution acquires a branch office of a covered institution, data collection is required for the entire calendar year of the merger. Data for the acquired branch office may be submitted by either institution.

5. *Originations.* Whether an institution is a financial institution depends in part on whether the institution originated at least 25 closed-end mortgage loans in each of the two preceding calendar years or at least 200 open-end lines of credit in each of the two preceding calendar years. Comments 4(a)–2 through –4 discuss whether activities with respect to a particular closed-end mortgage loan or open-end line of credit constitute an origination for purposes of § 1003.2(g).

6. *Branches of foreign banks—treated as banks.* A Federal branch or a State-licensed or insured branch of a foreign bank that meets the definition of a “bank” under section 3(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(a)) is a bank for the purposes of § 1003.2(g).

7. *Branches and offices of foreign banks and other entities—treated as nondepository financial institutions.* A Federal agency, State-licensed agency, State-licensed uninsured branch of a foreign bank, commercial lending company owned or controlled by a foreign bank, or entity operating under section 25 or 25A of the Federal Reserve Act, 12 U.S.C. 601 and 611 (Edge Act and agreement corporations) may not meet the definition of “bank” under the Federal Deposit Insurance Act and may thereby fail to satisfy the definition of a depository financial institution under § 1003.2(g)(1). An entity is nonetheless a financial institution if it meets the definition of nondepository financial institution under § 1003.2(g)(2).

\* \* \* \* \*

*Section 1003.3—Exempt Institutions and Excluded and Partially Exempt Transactions*

\* \* \* \* \*

3(c) Excluded Transactions

\* \* \* \* \*

Paragraph 3(c)(11)

1. *General.* Section 1003.3(c)(11) provides that a closed-end mortgage loan is an excluded transaction if a financial institution originated fewer than 25 closed-end mortgage loans in either of the two preceding calendar years. For example, assume that a bank is a financial institution in 2018 under

§ 1003.2(g) because it originated 600 open-end lines of credit in 2016, 650 open-end lines of credit in 2017, and met all of the other requirements under § 1003.2(g)(1). Also assume that the bank originated 10 and 20 closed-end mortgage loans in 2016 and 2017, respectively. The open-end lines of credit that the bank originated or purchased, or for which it received applications, during 2018 are covered loans and must be reported, unless they otherwise are excluded transactions under § 1003.3(c). However, the closed-end mortgage loans that the bank originated or purchased, or for which it received applications, during 2018 are excluded transactions under § 1003.3(c)(11) and need not be reported. See comments 4(a)–2 through –4 for guidance about the activities that constitute an origination.

2. *Optional reporting.* A financial institution may report applications for, originations of, or purchases of closed-end mortgage loans that are excluded transactions because the financial institution originated fewer than 25 closed-end mortgage loans in either of the two preceding calendar years. However, a financial institution that chooses to report such excluded applications for, originations of, or purchases of closed-end mortgage loans must report all such applications for closed-end mortgage loans that it receives, closed-end mortgage loans that it originates, and closed-end mortgage loans that it purchases that otherwise would be covered loans for a given calendar year. Note that applications which remain pending at the end of a calendar year are not reported, as described in comment 4(a)(8)(i)–14.

**Rohit Chopra,**

*Director, Consumer Financial Protection Bureau.*

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**SECURITIES AND EXCHANGE COMMISSION**

**17 CFR Part 200**

[Release No. 33–11139; 34–96508; IA–6203; IC–34774]

**Technical Amendments to Commission Rules**

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Final rule; technical amendments.

**SUMMARY:** To conform with current **Federal Register** requirements of structuring statutory authority citations within the Code of Federal Regulations (“CFR”), the Securities and Exchange Commission (“Commission”) is adopting technical amendments to its regulations regarding organization; conduct and ethics; and information and requests. The technical amendments move the citations of statutory authority for the regulations

from the subpart level to the part level and amend related citations to remove duplicative statutory citations at the subpart level.

**DATES:** *Effective:* December 21, 2022.

**FOR FURTHER INFORMATION CONTACT:** J. Matthew DeLesDernier, Deputy Secretary, Office of the Secretary, (202) 551–5400, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

**SUPPLEMENTARY INFORMATION:** To conform with current **Federal Register** requirements for structuring statutory authority citations within the CFR, the Commission is making technical changes to Commission rules to provide enhanced clarity regarding citations of statutory authority for part 200 of 17 CFR (“part 200”) and its subparts.<sup>1</sup> Specifically, the Commission is moving the citations of statutory authority contained in subparts of 17 CFR part 200 to appear directly under 17 CFR part 200. Currently, the citations of statutory authority for part 200 are provided at the subpart level. The technical amendments move these citations of statutory authority from the subpart level to the part level. In connection with these changes, the Commission is amending the citations to statutory authority for the subparts of part 200 to: (1) remove duplication in the citations of statutory authority resulting from this change; and (2) update citation formats to match current **Federal Register** standards.

**I. Administrative Law Matters**

The Commission finds, in accordance with the Administrative Procedure Act (“APA”), that these amendments relate solely to agency organization, procedure, or practice.<sup>2</sup> Accordingly, the APA’s provisions regarding notice of rulemaking and opportunity for public comment are not applicable. These changes are therefore effective on December 21, 2022. In accordance with the APA, we find that there is good cause to establish an effective date less than 30 days after publication of these amendments.<sup>3</sup> These amendments do not substantially affect the rights or obligations of non-agency parties and pertain to clarifying the authority of internal Commission operations. For the same reasons, the provisions of the Small Business Regulatory Enforcement Fairness Act are not applicable.<sup>4</sup>

<sup>1</sup> See 17 CFR 200.1 through 200.800.

<sup>2</sup> 5 U.S.C. 553(b)(3)(A).

<sup>3</sup> 5 U.S.C. 553(d).

<sup>4</sup> See 5 U.S.C. 804(3)(C) (the term “rule” does not include “any rule of agency organization, procedure, or practice that does not substantially

Additionally, the provisions of the Regulatory Flexibility Act,<sup>5</sup> which apply only when notice and comment are required by the APA or other law, are not applicable.<sup>6</sup> These amendments do not contain any collection of information requirements as defined by the Paperwork Reduction Act of 1995.<sup>7</sup> Further, because these amendments impose no new burdens on private parties, the Commission does not believe that the amendments will have any impact on competition for purposes of section 23(a)(2) of the Exchange Act.<sup>8</sup>

## II. Statutory Authority

We are adopting these technical amendments under the authority set forth in section 19(a) of the Securities Act of 1933 [15 U.S.C. 77s], section 319 of the Trust Indenture Act of 1939 [15 U.S.C. 77sss], section 23(a) of the Securities Exchange Act of 1934 [15 U.S.C. 78w(a)], section 38(a) of the Investment Company Act of 1940 [15 U.S.C. 80a-37(a)], and section 211(a) of the Investment Advisers Act of 1940 [15 U.S.C. 80b-11(a)].

### List of Subjects in 17 CFR Part 200

Administrative practice and procedure, Authority delegations (Government agencies).

### Text of Amendments

For reasons set forth in the preamble, title 17, chapter II of the Code of Federal Regulations is amended as follows:

### PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

- 1. Add an authority citation for part 200 to read as follows:

**Authority:** 5 U.S.C. 552, 552a, 552b, and 557; 11 U.S.C. 901 and 1109(a); 15 U.S.C. 77c, 77e, 77f, 77g, 77h, 77j, 77o, 77q, 77s, 77u, 77z-3, 77ggg(a), 77hhh, 77sss, 77uuu, 78b, 78c(b), 78d, 78d-1, 78d-2, 78e, 78f, 78g, 78h, 78i, 78k, 78k-1, 78l, 78m, 78n, 78o, 78o-4, 78q, 78q-1, 78w, 78t-1, 78u, 78w, 78ll(d), 78mm, 78eee, 80a-8, 80a-20, 80a-24, 80a-29, 80a-37, 80a-41, 80a-44(a), 80a-44(b), 80b-3, 80b-4, 80b-5, 80b-9, 80b-10(a), 80b-11, 7202, and 7211 *et seq.*; 29 U.S.C. 794; 44 U.S.C. 3506 and 3507; Reorganization Plan No. 10 of 1950 (15 U.S.C. 78d nt); sec. 8G, Pub. L. 95-452, 92 Stat. 1101 (5 U.S.C. App.); sec. 913, Pub. L. 111-203, 124 Stat. 1376, 1827; sec. 3(a), Pub. L. 114-185, 130 Stat. 538; E.O. 11222, 30 FR 6469, 3 CFR, 1964-1965 Comp., p. 36; E.O. 12356, 47 FR 14874, 3 CFR, 1982 Comp., p. 166; E.O. 12600, 52 FR 23781, 3 CFR, 1987 Comp., p.

affect the rights or obligations of non-agency parties”).

<sup>5</sup> 5 U.S.C. 601 *et seq.*

<sup>6</sup> See 5 U.S.C. 601(2).

<sup>7</sup> See 5 CFR 1320.3.

<sup>8</sup> 15 U.S.C. 78w(a)(2).

235; Information Security Oversight Office Directive No. 1, 47 FR 27836; and 5 CFR 735.104 and 5 CFR parts 2634 and 2635, unless otherwise noted.

### Subpart A—Organization and Program Management

- 2. Remove the authority citation for part 200, subpart A.

### Subpart B—Disposition of Commission Business

- 3. Remove the authority citation for part 200, subpart B.

### Subpart C—Canons of Ethics

- 4. Remove the authority citation for part 200, subpart C.

### Subpart D—Information and Requests

- 5. Remove the authority citation for part 200, subpart D.

### Subpart F—Code of Behavior Governing Ex Parte Communications Between Persons Outside the Commission and Decisional Employees

- 6. Remove the authority citation for part 200, subpart F.

### Subpart G—Plan of Organization and Operation Effective During Emergency Conditions

- 7. Remove the authority citation for part 200, subpart G.

### Subpart H—Regulations Pertaining to the Privacy of Individuals and Systems of Records Maintained by the Commission

- 8. Remove the authority citation for part 200, subpart H.

### Subpart I—Regulations Pertaining to Public Observation of Commission Meetings

- 9. Remove the authority citation for part 200, subpart I.

### Subpart J—Classification and Declassification of National Security Information and Material

- 10. Remove the authority citation for part 200, subpart J.

### Subpart K—Regulations Pertaining to the Protection of the Environment

- 11. Remove the authority citation for part 200, subpart K.

### Subpart L—Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Securities and Exchange Commission

- 12. Remove the authority citation for part 200, subpart L.

### Subpart M—Regulation Concerning Conduct of Members and Employees and Former Members and Employees of the Commission

- 13. Remove the authority citation for part 200, subpart M.

### Subpart N—Commission Information Collection Requirements Under the Paperwork Reduction Act: OMB Control Numbers

- 14. Remove the authority citation for part 200, subpart N.

By the Commission.

Dated: December 15, 2022.

**J. Matthew DeLesDernier,**

*Deputy Secretary.*

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Parts 170 and 570

[Docket No. FDA-2017-D-0085]

#### Best Practices for Convening a GRAS Panel; Guidance for Industry; Availability

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notification of availability.

**SUMMARY:** The Food and Drug Administration (FDA or we) is announcing the availability of a final guidance for industry entitled “Best Practices for Convening a GRAS Panel.” This guidance document is intended for any person who is responsible for a conclusion that a substance may be used in food on the basis of the generally recognized as safe (GRAS) provision of the Federal Food, Drug, and Cosmetic Act (FD&C Act) when that person convenes a panel of experts (“GRAS panel”) to independently evaluate whether the available scientific data, information, and methods establish that the substance is safe under the conditions of its intended use in human food or animal food. This guidance provides our current thinking on best practices to identify GRAS panel