

Dangerous or abusive behavior includes: (1) Violence, intimidation, physical threats, harassment, or physical or verbal abuse of officials or employees of the credit union, members, or agents of the credit union. This includes actions while on credit union premises and through use of telephone, mail, email, or other electronic method; (2) Behavior that causes or threatens damage to credit union property; or (3) Unauthorized use or access of credit union property. Expressions of frustration with the credit union or its employees through elevated volume and tone; expressions of intent to seek lawful recourse, regardless of perceived merit; or repeated interactions with credit union employees is insufficient to constitute dangerous or abusive behavior.

Section 4. Expulsion or withdrawal does not relieve a member of any liability to the credit union. The credit union will pay all of the member's shares upon their expulsion or withdrawal less any amounts due to this credit union.

Section 5. An expulsion of a member pursuant to section 2 shall be done individually, on a case-by-case basis, and neither the NCUA Board nor any credit union may expel a class of members.

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#### Official NCUA Commentary—Federal Credit Union Bylaws

##### Article II. Qualifications for Membership

\* \* \* \* \*

(iii) *Violent, belligerent, disruptive, or abusive members*: Many credit unions have confronted the issue of handling a violent, belligerent, disruptive, or abusive individual. Doing so is not a simple matter insofar as it requires the credit union to balance the need to preserve the safety of individual staff, other members, and the integrity of the workplace, on one hand, with the rights of the affected member on the other. In accordance with the Act and applicable legal interpretations, there is a reasonably wide range within which FCUs may fashion a policy that works in their case.

Thus, an individual who has become violent, belligerent, disruptive, or abusive may be prohibited from entering the premises or making telephone contact with the credit union, and the individual may be severely restricted in terms of eligibility for products or services. So long as the individual is not barred from exercising the right to vote at annual meetings and is allowed to maintain a regular share account, the FCU may fashion and implement a policy that is reasonably designed to preserve the safety of its employees and the integrity of the workplace. The policy need not be identical nor applied uniformly in all cases; there is room for flexibility and a customized approach to fit the particular circumstances. In fact, the NCUA anticipates that in some circumstances, such as violence or a credible threat of violence against another member or credit union staff in the FCU or its surrounding property, an FCU may take immediate action to restrict most, if not all, services to the member. This may occur along a parallel track as the credit union begins the process of expelling the member under Article XIV. In other situations, such as a

member who frequently writes checks with insufficient funds, the FCU may attempt to resolve the matter with the member before limiting check writing services. Once a limitation of services policy is adopted or revised, members must receive notice. The FCU should disclose the policy to new members when they join and notify existing members of the policy at least 30 days before it becomes effective. The credit union's board has the option to adopt the optional amendment addressing members in good standing.

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#### Article XIV. Expulsion and Withdrawal

As noted in the commentary to Article II, there is a fairly wide range of measures available to the credit union in responding to abusive or unreasonably disruptive members. A credit union can limit services under Article II for a member not in good standing. A credit union may also expel the member for cause after two-thirds vote of the credit union's directors.<sup>11</sup> Dangerous and abusive behavior is considered any violent, belligerent, unreasonably disruptive, or abusive behavior. Examples of dangerous and abusive conduct include, but are not limited to, a member threatening physical harm to employees, a member repeatedly purchasing gifts for or asking tellers on dates, a member repeatedly cursing at employees, and a member threatening to follow a loan officer home for a denying loan.

A credit union must provide notice to the member of the expulsion. The notice must include the reason for the expulsion. The notice must be specific and not just include conclusory statements regarding the reason for the member's expulsion. For example, a general statement that the member's behavior has been deemed abusive and the member is being subject to expulsion procedures would generally be insufficient as an explanation. A credit union is prohibited from expelling a class of members under this provision. That would include a board acting to remove all delinquent members or class of delinquent members.

If a special meeting of the members is called to expel the member, only in-person voting is permitted in conjunction with the special meeting, so that the affected member has an opportunity to present their case and respond to the credit union's concerns. However, an in-person meeting is not required if a member is expelled by a two-thirds vote of the board of directors. In addition, FCUs should consider the commentary under Article XVI about members using accounts for unlawful purposes.

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 271

[EPA–R01–RCRA–2022–0421; FRL–10012–01–R1]

### Maine: Final Authorization of State Hazardous Waste Management Program Revisions

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** Maine has applied to the Environmental Protection Agency (EPA) for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA), as amended. The EPA proposes to grant final authorization to Maine for these revisions by a direct final rule, which can be found in the “Rules and Regulations” section in this issue of the **Federal Register**. We have explained the reasons for this authorization in the preamble to the direct final rule. Unless EPA receives written comments that oppose this authorization during the comment period, the direct final rule will become effective on the date it establishes, and the EPA will not take further action on this proposed rule.

**DATES:** Send your written comments by November 2, 2022.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R01–RCRA–2022–0421, at <https://www.regulations.gov/>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [www.regulations.gov](https://www.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, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

<sup>11</sup> See 12 U.S.C. 1764.

**FOR FURTHER INFORMATION CONTACT:**

Sharon Leitch, RCRA Waste Management, UST and Pesticides Section; Land, Chemicals and Redevelopment Division; EPA Region 1, 5 Post Office Square, Suite 100 (Mail code 07-1), Boston, MA 02109-3912; phone: (617) 918-1647; email: [leitch.sharon@epa.gov](mailto:leitch.sharon@epa.gov).

**SUPPLEMENTARY INFORMATION:** In the “Rules and Regulations” section in this issue of the **Federal Register**, the EPA is authorizing the revisions by a direct final rule. The EPA did not make a proposal prior to the direct final rule because we believe this action is not controversial and do not expect comments that oppose it. We have explained the reasons for this authorization in the preamble to the direct final rule. Unless the EPA receives adverse written comments that oppose this authorization during the comment period, the direct final rule will become effective on the date it establishes, and the EPA will not take further action on this proposal. If the EPA receives comments that oppose this action, we will withdraw the direct final rule and it will not take effect. The EPA will then respond to public comments in a later final rule based on this proposal. You may not have another opportunity for comment. If you want to comment on this action, you should do so at this time. For additional information, please see the direct final rule published in the “Rules and Regulations” section in this issue of the **Federal Register**.

**Authority:** This proposed action is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: September 23, 2022.

**David W. Cash,**

*Regional Administrator, U.S. EPA Region I.*

[FR Doc. 2022-21320 Filed 9-30-22; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION****Federal Railroad Administration****49 CFR Part 243**

[Docket No. FRA-2020-0017, Notice No. 1]

RIN 2130-AC87

**Training, Qualification, and Oversight for Safety-Related Railroad Employees**

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** In response to petitions for rulemaking, FRA proposes amending its regulation on Training, Qualification, and Oversight for Safety-Related Railroad Employees (Training Rule) to codify agency guidance and clarify existing requirements.

**DATES:** Written comments on the proposed rule must be received by December 2, 2022. FRA will consider comments received after that date to the extent practicable.

**ADDRESSES:**

**Comments:** Comments related to Docket No. FRA-2020-0017 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, docket number (FRA-2020-0017), and Regulatory Identification Number (RIN) for this rulemaking (2130-AC87). All comments received will be posted without change to <https://www.regulations.gov>; this includes any personal information. Please see the Privacy Act Statement heading in Section IV 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:**

Robert J. Castiglione, Staff Director, Safety Partnerships Division, Office of Railroad Safety, FRA, telephone: 817-247-3707, email: [robert.castiglione@dot.gov](mailto:robert.castiglione@dot.gov); or Alan H. Nagler, Senior Attorney, Office of the Chief Counsel, FRA, telephone: 202-493-6038, email: [alan.nagler@dot.gov](mailto:alan.nagler@dot.gov).

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**I. Executive Summary****Purpose of the Regulatory Action and Legal Authority**

In response to the mandate of section 401(a) of the Rail Safety Improvement Act of 2008 (RSIA),<sup>1</sup> on November 7, 2014, FRA published a final rule (2014 Final Rule) establishing minimum training standards for safety-related railroad employees and requiring railroad carriers, contractors, and subcontractors to develop and submit certain training programs to FRA for approval.<sup>2</sup>

On May 3, 2017, FRA published a final rule which delayed implementation dates in the 2014 Final Rule by one year.<sup>3</sup> The delay was necessary to help model training program developers and other regulated entities comply with the rule.<sup>4</sup> On April 27, 2018, FRA published a final rule in response to a petition for reconsideration of that May 2017 rule by granting the American Short Line and Regional Railroad Association's (ASLRRA) request to delay the implementation dates by an additional year.<sup>5</sup> FRA determined that the delay was necessary to improve compliance, reduce significant cost impacts associated with the rule, and prevent complicating the approval process.<sup>6</sup>

On June 27 and July 31, 2019, FRA received joint petitions for rulemaking filed by ASLRRA and the National Railroad Construction and Maintenance Association, Inc. (NRC) (collectively, “Associations”) requesting additional implementation delays and other changes to the 2014 Final Rule; these petitions were docketed in DOT's Docket Management System as FRA-2019-0050. On January 2, 2020, FRA responded to the Associations' petitions for rulemaking by issuing a final rule delaying the regulation's implementation dates for all contractors,

<sup>1</sup> Public Law 110-432, 122 Stat. 4883 (Oct. 16, 2008), codified at 49 U.S.C. 20162. The Secretary of Transportation delegated the authority to carry out this mandate to the Federal Railroad Administrator. 49 CFR 1.89(b).

<sup>2</sup> 79 FR 66459.

<sup>3</sup> 82 FR 20549.

<sup>4</sup> 82 FR 20550. In December 2016, FRA completed sharing training documents FRA uses to train the agency's personnel on Federal rail safety requirements with model program developers and made those documents available on FRA's website. However, even after FRA produced those documents and performed significant outreach to educate the regulated community, one association (considered a major model program developer) informed FRA it found certain aspects of the rule confusing to implement and difficult for contractors to apply in practice.

<sup>5</sup> 83 FR 18455.

<sup>6</sup> 83 FR 18456.