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**George Gonzalez,**

*Acting Manager, Rules and Regulations Group.*

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## FEDERAL TRADE COMMISSION

### 16 CFR Part 310

**RIN 3084-AA98**

#### Telemarketing Sales Rule Fees

**AGENCY:** Federal Trade Commission.

**ACTION:** Final rule.

**SUMMARY:** The Federal Trade Commission (the “Commission”) is amending its Telemarketing Sales Rule (“TSR”) by updating the fees charged to entities accessing the National Do Not Call Registry (the “Registry”) as required by the Do-Not-Call Registry Fee Extension Act of 2007.

**DATES:** This final rule (the revised fees) is effective October 1, 2021.

**ADDRESSES:** Copies of this document are available on the internet at the Commission’s website: <https://www.ftc.gov>.

**FOR FURTHER INFORMATION CONTACT:** Ami Joy Dziekan (202-326-2648), Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Room CC-9225, Washington, DC 20580.

**SUPPLEMENTARY INFORMATION:** To comply with the Do-Not-Call Registry Fee Extension Act of 2007 (15 U.S.C. 6152) (the “Act”), the Commission is amending the TSR by updating the fees entities are charged for accessing the Registry as follows: The revised rule increases the annual fee for access to the Registry for each area code of data from \$66 to \$69 per area code; and increases the maximum amount that will be charged to any single entity for accessing area codes of data from \$18,044 to \$19,017. Entities may add area codes during the second six months of their annual subscription period, and the fee for those additional area codes increases to \$35 from \$33.

These increases are in accordance with the Act, which specifies that beginning after fiscal year 2009, the dollar amounts charged shall be increased by an amount equal to the amounts specified in the Act, multiplied by the percentage (if any) by which the average of the monthly consumer price index (for all urban consumers

published by the Department of Labor) (“CPI”) for the most recently ended 12-month period ending on June 30 exceeds the CPI for the 12-month period ending June 30, 2008. The Act also states that any increase shall be rounded to the nearest dollar and that there shall be no increase in the dollar amounts if the change in the CPI since the last fee increase is less than one percent. For fiscal year 2009, the Act specified that the original annual fee for access to the Registry for each area code of data was \$54 per area code, or \$27 per area code of data during the second six months of an entity’s annual subscription period, and that the maximum amount that would be charged to any single entity for accessing area codes of data would be \$14,850.

The determination whether a fee change is required and the amount of the fee change involves a two-step process. First, to determine whether a fee change is required, we measure the change in the CPI from the time of the previous increase in fees. There was an increase in the fees for fiscal year 2021. Accordingly, we calculated the change in the CPI since last year, and the increase was 5.39 percent. Because this change is over the one percent threshold, the fees will change for fiscal year 2022.

Second, to determine how much the fees should increase this fiscal year, we use the calculation specified by the Act set forth above: The percentage change in the baseline CPI applied to the original fees for fiscal year 2009. The average value of the CPI for July 1, 2007, to June 30, 2008, was 211.702; the average value for July 1, 2020, to June 30, 2021, was 271.696, an increase of 28.34 percent. Applying the 28.34 percent increase to the base amount from fiscal year 2009, leads to a \$69 fee for access to a single area code of data for a full year for fiscal year 2022, an increase of \$3 from last year. The actual amount is \$69.16, but when rounded, pursuant to the Act, \$66 is the appropriate fee. The fee for accessing an additional area code for a half year increases by three dollars to \$35 (rounded from \$34.58). The maximum amount charged increases to \$19,017 (rounded from \$19,017.05).

*Administrative Procedure Act; Regulatory Flexibility Act; Paperwork Reduction Act.* The revisions to the Fee Rule are technical in nature and merely incorporate statutory changes to the TSR. These statutory changes have been adopted without change or interpretation, making public comment unnecessary. Therefore, the Commission has determined that the notice and comment requirements of the

Administrative Procedure Act do not apply. *See* 5 U.S.C. 553(b). For this reason, the requirements of the Regulatory Flexibility Act also do not apply. *See* 5 U.S.C. 603, 604.

Pursuant to the Paperwork Reduction Act, 44 U.S.C. 3501–3521, the Office of Management and Budget (“OMB”) approved the information collection requirements in the Amended TSR and assigned the following existing OMB Control Number: 3084-0169. The amendments outlined in this Final Rule pertain only to the fee provision (§ 310.8) of the Amended TSR and will not establish or alter any record keeping, reporting, or third-party disclosure requirements elsewhere in the Amended TSR.

#### List of Subjects in 16 CFR Part 310

Advertising, Consumer protection, Reporting and recordkeeping requirements, Telephone, Trade practices.

Accordingly, the Federal Trade Commission amends part 310 of title 16 of the Code of Federal Regulations as follows:

#### PART 310—TELEMARKETING SALES RULE

■ 1. The authority citation for part 310 continues to read as follows:

**Authority:** 15 U.S.C. 6101–6108; 15 U.S.C. 6151–6155.

■ 2. In § 310.8, revise paragraphs (c) and (d) to read as follows:

#### § 310.8 Fee for access to the National Do Not Call Registry.

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(c) The annual fee, which must be paid by any person prior to obtaining access to the National Do Not Call Registry, is \$69 for each area code of data accessed, up to a maximum of \$19,017; *provided*, however, that there shall be no charge to any person for accessing the first five area codes of data, and *provided further*, that there shall be no charge to any person engaging in or causing others to engage in outbound telephone calls to consumers and who is accessing area codes of data in the National Do Not Call Registry if the person is permitted to access, but is not required to access, the National Do Not Call Registry under 47 CFR 64.1200, or any other Federal regulation or law. No person may participate in any arrangement to share the cost of accessing the National Do Not Call Registry, including any arrangement with any telemarketer or service provider to divide the costs to access the registry among various clients of that telemarketer or service provider.

(d) Each person who pays, either directly or through another person, the annual fee set forth in paragraph (c) of this section, each person excepted under paragraph (c) of this section from paying the annual fee, and each person excepted from paying an annual fee under § 310.4(b)(1)(iii)(B), will be provided a unique account number that will allow that person to access the registry data for the selected area codes at any time for the twelve month period beginning on the first day of the month in which the person paid the fee (“the annual period”). To obtain access to additional area codes of data during the first six months of the annual period, each person required to pay the fee under paragraph (c) of this section must first pay \$69 for each additional area code of data not initially selected. To obtain access to additional area codes of data during the second six months of the annual period, each person required to pay the fee under paragraph (c) of this section must first pay \$35 for each additional area code of data not initially selected. The payment of the additional fee will permit the person to access the additional area codes of data for the remainder of the annual period.

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By direction of the Commission.

**April J. Tabor,**  
Secretary.

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**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 100**

[Docket Number USCG-2021-0431]

RIN 1625-AA08

**Special Local Regulation; Tampa Bay, St. Petersburg, FL**

**AGENCY:** Coast Guard, DHS.  
**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a special local regulation for certain waters of Tampa Bay, St. Petersburg, FL. This action is necessary to provide for the safety of race participants, participant vessels, spectators, and the general public on these navigable waters near the St. Petersburg Pier during the St. Pete Powerboat Grand Prix boat race. This rule will establish an enforcement area where all persons and vessels, except those persons and vessels participating

in the high speed boat race, are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area without obtaining permission from the Captain of the Port St. Petersburg or a designated representative.

**DATES:** This rule is effective daily from 8 a.m. until 7 p.m. each day from September 3, 2021, through September 5, 2021.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2021-0431 in the search box and click “Search.” Click on Open Docket Folder on the line associated with this rule.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Marine Science Technician First Class Michael Shackelford, U.S. Coast Guard Sector St. Petersburg Prevention Department; telephone 813-228-2191, email [Michael.D.Shackelford@uscg.mil](mailto:Michael.D.Shackelford@uscg.mil).

**SUPPLEMENTARY INFORMATION:**

**I. Table of Abbreviations**

CFR Code of Federal Regulations  
DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of proposed rulemaking  
§ Section  
U.S.C. United States Code

**II. Background Information and Regulatory History**

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. Immediate action is needed to protect persons and property from the potential safety hazards associated with the power boat race. The NPRM process would delay the establishment of the temporary special local regulation until after the date of the event and compromise public safety. We must establish this temporary special local regulation immediately and lack sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for

making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be contrary to the public interest because immediate action is needed to respond to the potential safety hazards associated with the power boat race.

**III. Legal Authority and Need for Rule**

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70041. The Captain of the St. Petersburg (COTP) has determined that potential hazards associated with the St. Pete Powerboat Grand Prix, St. Petersburg, FL will be a safety concern for anyone within certain waters adjacent to St. Petersburg Pier. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the regulated area during the event.

**IV. Discussion of the Rule**

This rule establishes a temporary special local regulation daily from 8:00 a.m. until 7:00 p.m. each day from September 3, 2021, through September 5, 2021. The temporary special local regulation will establish an enforcement area where designated representatives may control vessel traffic as determined by the prevailing conditions. The enforcement area will cover all navigable waters of Tampa Bay near the St. Petersburg Pier inside an area commencing at latitude 27°46’56” N, 082°36’56” W, thence to position 27°47’9” N, 082°34’33” W, thence to position 27°46’7” N, 082°34’29” W, thence to position 27°45’59” N, 082°37’3” W, thence to position 27°46’24” N, 082°37’30” W, thence back to the original position, 27°46’56” N, 082°36’56” W.

Persons and vessels may request authorization to enter, transit through, anchor in, or remain within the regulated area by contacting the COTP St. Petersburg by telephone at (727) 824-7506, or a designated representative via VHF radio on channel 16. If authorization to enter, transit through, anchor in, or remain within the regulated area is granted by the COTP St. Petersburg or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the COTP St. Petersburg or a designated representative. The Coast Guard will provide notice of the temporary special local regulation by Local Notice to Mariners, Broadcast Notice to Mariners, and/or on-scene designated representatives.