

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration**

[Docket No. FAA-2020-0611]

**Agency Information Collection  
Activities: Requests for Comments;  
Clearance of Renewed Approval of  
Information Collection: Hazardous  
Materials Training Requirements****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, the FAA invites public comments about its intention to request the Office of Management and Budget (OMB) grant approval to renew an information collection. This collection involves the FAA's certification process requirements for operators and repair stations that are required to submit documentation related to hazardous materials training programs.

**DATES:** Written comments should be submitted by August 9, 2022.**ADDRESSES:** Please send written comments:*By Electronic Docket:*[www.regulations.gov](http://www.regulations.gov) (Enter docket number into search field)*By mail:* Victoria Lehman, Security & Hazardous Materials Safety, FAA Office of Hazardous Materials Safety (AXH-510), Federal Aviation Administration, 800 Independence Avenue SW, Room 300 East, Washington, DC 20591*By fax:* 202-267-8496**FOR FURTHER INFORMATION CONTACT:**Victoria Lehman by email at: [hazmatinfo@faa.gov](mailto:hazmatinfo@faa.gov); phone: 202-267-7211**SUPPLEMENTARY INFORMATION:***OMB Control Number:* 2120-0705.*Title:* Hazardous Materials Training Requirements.*Form Numbers:* There are no FAA forms associated with this collection of information.*Type of Review:* Renewal of an information collection.

*Background:* The FAA, as prescribed in Title 14, Code of Federal Regulations (14 CFR) parts 121 and 135, requires certificate holders to submit manuals and hazardous materials ("hazmat") training programs, or revisions to an approved hazmat training program to obtain initial and final approval as part of the FAA's certification process. Original certification is completed in accordance with 14 CFR part 119. Continuing certification is completed in

accordance with 14 CFR parts 121 and 135. The FAA uses the approval process to determine compliance of the hazmat training programs with the applicable regulations, national policies, and safe operating practices. The FAA must ensure that the documents adequately establish safe operating procedures. Additionally, 14 CFR part 145 requires certain repair stations to provide documentation showing that persons handling hazmat for transportation have been trained following the Department of Transportation's (DOT, "Department") guidelines.

*Respondents:* The FAA estimates 6,893 respondents that are 14 CFR parts 121, 135, and 145 active certificate holders. The FAA estimates 80 active firms under part 121, 1,915 active firms under part 135, and 4,898 active firms under part 145.

*Frequency:* There is a one-time cost to revise manuals. Information is collected on occasion. Part 121 and part 135 operators are required to submit documentation of their hazardous materials training to receive original certification. If an operator decides to make a change to its training program, it must provide the updated manual. A part 145 repair station is required to submit a statement to the FAA certifying that all of its hazmat employees are trained under the Hazardous Materials Regulations prior to receiving the initial part 145 certificate.

*Estimated Average Burden per Response:* 374.69 hours of manual revision, recordkeeping, and notification for each part 121 operator, and 6.31 hours for each part 135 operator.

The FAA estimates 1.22 hours of certification submission and notification for part 145 operators. These are all annualized averages, which account for the wide variability in the type, complexity, and size of operation. Certificate holders are not anticipated to spend the same amount of time each year. Therefore, based on subject-matter expertise, the FAA expects that all part 121 operators will require 0.8 hours for minimum revisions to revise their manuals, and all part 135 operators will require 0.4 hours to accomplish this task. The estimated hours needed for the additional, substantial revisions range from 4 hours for part 121 operators, to 2 hours for part 135 operators. The FAA expects 65 part 121 operators and 624 part 135 operators to provide substantial revisions. Time averages the same of 0.08 hours per employee for recordkeeping for part 121 and part 135 operators. It is estimated that part 145 operators will spend 1 hour for notification. The FAA continues to

assume these time burdens are reasonable estimates. Additionally, the type of update can vary. Operators may make minor revisions to the manual, or they may choose to make more significant changes reflecting a larger change in their operations.

*Estimated Total Annual Burden:* 29,975.58 hours for part 121 operators, 12,088.89 hours for part 135 operators, and 5,974 hours for part 145 operators.

The amount of time per response is expected to vary. For example, new responses take significantly longer than revisions. Furthermore, operators with will-carry hazardous materials operations are anticipated to have longer responses than will-not carry hazardous materials operations. Part 145 repair stations will require less time to develop a certification statement than operators require to develop a manual. Due to the pandemic, the data collection during this time reflects new normal operations.

Issued in Washington, DC, on June 7, 2022.

**Daniel Benjamin Supko,***Executive Director, FAA, Office of Hazardous Materials Safety.*

[FR Doc. 2022-12523 Filed 6-9-22; 8:45 am]

**BILLING CODE 4910-13-P****DEPARTMENT OF TRANSPORTATION****Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-2022-0134]

**Definitions of Broker and Bona Fide Agents****AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).**ACTION:** Notice; request for comments.

**SUMMARY:** FMCSA is requesting responses to a number of questions in order to inform future guidance on the definitions of *broker* and *bona fide agents*. FMCSA is required to issue guidance by November 15, 2022, in response to the Infrastructure Investment and Jobs Act (IIJA).

**DATES:** Comments on this notice must be received on or before July 11, 2022.**ADDRESSES:** You may submit comments bearing the Federal Docket Management System Docket ID FMCSA-2022-0134 using any of the following methods:

- *Federal eRulemaking Portal:* Go to [www.regulations.gov](http://www.regulations.gov). Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001.

- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.

- *Fax:* (202) 493–2251.

*Instructions:* Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to [www.regulations.gov](http://www.regulations.gov), including any personal information included in a comment. Please see the Privacy heading below.

*Docket:* For access to the docket to read background documents or comments, go to [www.regulations.gov](http://www.regulations.gov) at any time or visit Room W12–140 on the ground level of the West Building, DOT, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

*Privacy:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its guidance process. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

**FOR FURTHER INFORMATION CONTACT:** Mr. Jeff Secrist, Registration, Licensing, and Insurance Division, Office of Registration and Safety Information, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, (202) 385–2367, [jeff.secris@dot.gov](mailto:jeff.secris@dot.gov). If you have questions on viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

#### SUPPLEMENTARY INFORMATION:

### I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

#### *Submitting Comments*

If you submit a comment, please include the docket number for this notice (FMCSA–2022–0134), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use

only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to <https://www.regulations.gov/docket/FMCSA-2022-0134/document>, click on this notice, click “Comment,” and type your comment into the text box on the following screen.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

### II. Background

Currently, *broker* is defined in 49 U.S.C. 13102(2) as a “person, other than a motor carrier or an employee or agent of a motor carrier, that as a principal or agent sells, offers for sale, negotiates for, or holds itself out by solicitation, advertisement, or otherwise as selling, providing, or arranging for, transportation by motor carrier for compensation.” It is also defined in 49 CFR 371.2(a) as a “person who, for compensation, arranges, or offers to arrange, the transportation of property by an authorized motor carrier. Motor carriers, or persons who are employees or bona fide agents of carriers, are not brokers within the meaning of this section when they arrange or offer to arrange the transportation of shipments which they are authorized to transport and which they have accepted and legally bound themselves to transport.” In that same section, *bona fide agents* are defined as “persons who are part of the normal organization of a motor carrier and perform duties under the carrier’s directions pursuant to a preexisting agreement which provides for a continuing relationship, precluding the exercise of discretion on the part of the agent in allocating traffic between the carrier and others.” 49 CFR 371.2(b).

Over the past decade, FMCSA has received numerous inquiries and several petitions related to the definition of a broker.<sup>1</sup> FMCSA is aware that there is significant stakeholder interest in

FMCSA’s unauthorized brokerage enforcement. On November 15, 2021, The President signed the IIJA into law. (Pub. L. 117–58, 135 Stat. 429) Section 23021 of the IIJA<sup>2</sup> directed the Secretary (FMCSA) to issue guidance, within 1 year of the date of enactment of the IIJA, clarifying the definitions of the terms *broker* and *bona fide agents* in 49 CFR 371.2. The guidance must take into consideration the extent to which technology has changed the nature of freight brokerage, the role of bona fide agents, and other aspects of the freight transportation industry. Additionally, when issuing the guidance, FMCSA must, at a minimum: (1) examine the role of a dispatch service in the transportation industry; (2) examine the extent to which dispatch services could be considered brokers or bona fide agents; and (3) clarify the level of financial penalties for unauthorized brokerage activities under 49 U.S.C. 14916, applicable to a dispatch service.

### III. Questions

FMCSA is requesting comment on the following questions, to inform the agency as it completes the guidance required by the IIJA. Please identify the question you are responding to in each section of your comments.

1. What evaluation criteria should FMCSA use when determining whether a business model/entity meets the definition of a broker?

2. Provide examples of operations that meet the definition of *broker* in 49 CFR 371.2 and examples of operations that do not meet the definition in 49 CFR 371.2.

3. What role should the possession of money exchanged between shippers and motor carriers in a brokered transaction play in determining whether one is conducting brokerage or not?

4. How would you define the term *dispatch service*? Is there a commonly accepted definition? What role do dispatch services play in the transportation industry?

5. To the best of your knowledge, do dispatch services need to obtain a business license/Employer Identification Number from the State in which they primarily conduct business?

6. Some “dispatch services” cite 49 CFR 371.2(b) as the reason they do not obtain FMCSA brokerage authority registration in order to conduct their operations. As noted above, section 371.2(b) states that bona fide agents are “persons who are part of the normal organization of a motor carrier and perform duties under the carrier’s

<sup>1</sup> A list of open and closed petitions for rulemaking is available at <https://www.fmcsa.dot.gov/regulations/petitions-0>.

<sup>2</sup> The full text is available at [congress.gov/117/plaws/publ58/PLAW-117publ58.pdf](https://congress.gov/117/plaws/publ58/PLAW-117publ58.pdf).

directions pursuant to a pre-existing agreement which provides for a continuing relationship, precluding the exercise of discretion on the part of the agent in allocating traffic between the carrier and others." Some dispatch services interpret this regulation as allowing them to represent more than one carrier yet not obtain broker operating authority registration. Others interpret this regulation to argue that a dispatch service can only represent one carrier without obtaining broker authority. What should FMCSA consider when determining if a dispatch service needs to obtain broker operating authority?

7. If a dispatch service represents more than one carrier, does this in and of itself make it a broker operating without authority?

8. When should a dispatch service be considered a *bona fide agent*?

9. What role do bona fide agents play in the transportation of freight?

10. Electronic bulletin boards match shippers and carriers for a fee. The fee is a membership fee to have access to the bulletin board information. Should electronic bulletin boards be considered brokers and required to register with FMCSA to obtain broker operating authority? If so, when and why?

11. How has technology changed the nature of freight brokerage, and how should these changes be reflected, if at all, in FMCSA's guidance?

12. Are there other business models/services, other than dispatch services and electronic bulletin boards, that should be considered when clarifying the definition of *broker*?

13. Are there other aspects of the freight transportation industry that FMCSA should consider in issuing guidance pertaining to the definitions of *broker* and *bona fide agents*?

**Robin Hutcherson,**

*Deputy Administrator.*

[FR Doc. 2022-12574 Filed 6-9-22; 8:45 am]

**BILLING CODE 4910-EX-P**

---

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA-2000-7257, Notice No. 91]

#### Railroad Safety Advisory Committee; Notice of Meeting

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

**ACTION:** Notice of public meeting.

**SUMMARY:** FRA announces the sixty-second meeting of the Railroad Safety

Advisory Committee (RSAC), a Federal Advisory Committee that develops, through a consensus process, recommendations for railroad safety regulations and other solutions to railroad safety issues.

**DATES:** The RSAC meeting is scheduled for Monday, June 27, 2022. The meeting will commence at 9:30 a.m. and will adjourn by 4:30 p.m. (all times Eastern Daylight Time). Requests to submit written materials to be reviewed during the meeting must be received by June 17, 2022. Requests for accommodations because of a disability must be received by June 17, 2022.

**ADDRESSES:** The RSAC meeting will be held at the National Association of Home Builders, located at 1201 15th Street NW, Washington, DC 20005. A final agenda will be posted on the RSAC internet website at <https://rsac.fra.dot.gov/> at least one week in advance of the meeting. Please see the RSAC website for additional information on the committee at <https://rsac.fra.dot.gov/>.

**FOR FURTHER INFORMATION CONTACT:** Kenton Kilgore, RSAC Designated Federal Officer/RSAC Coordinator, FRA Office of Railroad Safety, (202) 493-6286 or [kenton.kilgore@dot.gov](mailto:kenton.kilgore@dot.gov). Any committee-related request should be sent to Mr. Kilgore.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), FRA is giving notice of a meeting of the RSAC.

The RSAC is composed of 51 voting representatives from 26 member organizations, representing various rail industry perspectives. The diversity of the RSAC ensures the requisite range of views and expertise necessary to discharge its responsibilities.

**Public Participation:** The meeting is open to the public and attendance is on a first-come, first served basis, and is accessible to individuals with disabilities. DOT and FRA are committed to providing equal access to this meeting for all participants. If you need alternative formats or services because of a disability, please contact Mr. Kenton Kilgore as listed in the **FOR FURTHER INFORMATION CONTACT** section and submit your request by June 17.

Any member of the public may submit a written statement to the committee at any time. If a member of the public wants to submit written materials to be reviewed by the committee during the meeting, it must be received by June 17.

**Agenda Summary:** The RSAC meeting topics will include updates on recent activity by RSAC Working Groups for Passenger Safety; and Track Standards.

FRA intends to propose to the RSAC four new tasks, related to: (1) roadway worker protection; (2) confidential close call reporting; (3) railroad communications; and (4) practices to maximize alertness and reduce fatigue. The detailed agenda will be posted on the RSAC internet website at least one week in advance of the meeting.

Issued in Washington, DC.

**Amitabha Bose,**  
*Administrator.*

[FR Doc. 2022-12520 Filed 6-9-22; 8:45 am]

**BILLING CODE 4910-06-P**

---

## DEPARTMENT OF THE TREASURY

### Office of the Comptroller of the Currency

[Docket ID OCC-2022-0011]

#### Mutual Savings Association Advisory Committee

**AGENCY:** Office of the Comptroller of the Currency (OCC), Department of the Treasury.

**ACTION:** Notice of Federal Advisory Committee meeting.

**SUMMARY:** The OCC announces a meeting of the Mutual Savings Association Advisory Committee (MSAAC).

**DATES:** A public meeting of the MSAAC will be held on Monday, June 27, 2022, beginning at 1:00 p.m. Eastern Daylight Time (EDT). The meeting will be in person and virtual.

**ADDRESSES:** The OCC will host the June 27, 2022 meeting of the MSAAC at the OCC's offices at 400 7th Street SW, Washington, DC 20219 and virtually.

**FOR FURTHER INFORMATION CONTACT:** Michael R. Brickman, Deputy Comptroller for Thrift Supervision, (202) 649-5420, Office of the Comptroller of the Currency, Washington, DC 20219. You also may access prior MSAAC meeting materials on the MSAAC page of the OCC's website at Mutual Savings Association Advisory Committee.

**SUPPLEMENTARY INFORMATION:** Under the authority of the Federal Advisory Committee Act, 5 U.S.C. App. 2, and the regulations implementing the Act at 41 CFR part 102-3, the OCC is announcing that the MSAAC will convene a meeting on Monday, June 27, 2022. The meeting is open to the public and will begin at 1:00 p.m. EDT. The purpose of the meeting is for the MSAAC to advise the OCC on regulatory or other changes the OCC may make to ensure the health and viability of mutual savings associations.