

or reviews.⁴ Commissioner statements issued at that time lauded the resurrection of these types of Notices, describing them as unique tools that the Commission had allowed to languish and that would allow staff to pursue the full range of actions against bad actors.⁵ While the ANPR now downplays their likely impact, the agency invested non-trivial resources in drafting the Notice of Penalty Offenses, identifying potential recipients, and serving it on more than 700 entities.⁶ Rather than churning out another proposed rule, perhaps we should stay the course on these initiatives and devote the incremental resources to enforcement in other critical areas.

The opportunity cost of yet another rulemaking should not be understated. Importantly, as noted above, the division that has responsibility for endorsements also oversees enforcement of the Opioid Addiction Recovery Fraud Prevention Act. Last year, after an 18-month delay not caused by staff, the Commission announced its first case under this statute.⁷ For the second consecutive year, deaths from overdoses rose dramatically and now exceed the country's peak deaths from AIDS, car crashes, and guns.⁸ Our citizens who

⁴ See www.ftc.gov/enforcement/penalty-offenses/endorsements.

⁵ For example, Commissioner Chopra wrote that "this unique authority in consumer protection enforcement . . . that past Commissioners largely ignored, depriving our hardworking staff of the ability to pursue the full range of actions against bad actors . . . is particularly important given the Supreme Court's recent ruling in *AMG Capital Management*." Rohit Chopra, Prepared Remarks of Commissioner Rohit Chopra, *Regarding the Resurrection of the FTC's Penalty Offense Authority to Deter False Claims by For-Profit Colleges* (Oct. 6, 2021), https://www.ftc.gov/system/files/documents/public_statements/1597178/prepared_remarks_of_commissioner_chopra_re_penalty_offense.pdf. He further observed that "[a]ctivating the FTC's Penalty Offense Authority is one of many examples where the agency needs to put its tools to use, rather than letting them languish." *Id.* Chair Khan agreed, tweeting that "@FTC is resurrecting its Penalty Offense Authority to put companies on notice that certain practices are unlawful and violators will be hit with significant financial penalties." Lina Khan, @linakhanFTC, <https://twitter.com/linakhanftc/status/1445816849430634496>. The Notice of Penalty Offenses for endorsements was issued on Oct. 13, 2021.

⁶ FTC Press Release, *FTC Puts Hundreds of Businesses on Notice about Fake Reviews and other Misleading Endorsements* (Oct. 13, 2021), <https://www.ftc.gov/news-events/news/press-releases/2021/10/ftc-puts-hundreds-businesses-notice-about-fake-reviews-other-misleading-endorsements>.

⁷ Christine S. Wilson, Concurring Statement of Commissioner Christine S. Wilson, R360 LLC (May 17, 2022), https://www.ftc.gov/system/files/ftc_gov/pdf/2022-05-17-R360-Commissioner-Wilson-Statement-FINAL.pdf.

⁸ Noah Weiland and Margot Sanger-Katz, "Overdose Deaths Continue Rising, With Fentanyl and Meth Key Culprits, NY Times (May 11, 2022), <https://www.nytimes.com/2022/05/11/us/politics/overdose-deaths-fentanyl-meth.html?action=click&>

suffer from opioid addiction are some of the most vulnerable people in this country; we could use our power and authority to great benefit by devoting more resources to this area.

Although I disagree with its issuance, it is worth noting that staff's approach to this ANPR is laudable. Rather than employing an "everything but the kitchen sink" approach, the ANPR is carefully tailored to focus on practices that are likely to be clear violations of Section 5. For the reasons described in this statement, I cannot support its issuance.

Accordingly, I dissent.

[FR Doc. 2022-24139 Filed 11-7-22; 8:45 am]

BILLING CODE 6750-01-P

DEPARTMENT OF THE INTERIOR

National Indian Gaming Commission

25 CFR Part 571

RIN 3141-AA68

Audit Standards

AGENCY: National Indian Gaming Commission.

ACTION: Proposed rule; correction.

SUMMARY: The National Indian Gaming Commission inadvertently referred to an incorrect RIN in a recent proposed rule published in the **Federal Register** concerning audit standards. This document corrects that error in the proposed rule.

DATES: This correction is effective November 8, 2022, and is applicable beginning October 21, 2022.

FOR FURTHER INFORMATION CONTACT: Michael Hoenig, 202-632-7003.

SUPPLEMENTARY INFORMATION: The proposed rule on audit standards used an incorrect RIN. The RIN used (RIN 3141-AA72) is assigned to Self Regulation of Class II Gaming Activities. The correct reference for the audit standards regulations is RIN 3141-AA68.

Correction

In proposed rule FR Doc. 2022-11482, beginning on page 33091 in the issue of June 1, 2022, make the following correction. On page 33091, correct the RIN in the document heading to read "RIN 3141-AA68".

pgtype=Article&state=default&module=styln-opioid&variant=show®ion=MAIN_CONTENT_1&block=storyline_levelup_swipe_recirc.

Dated: November 2, 2022.

Michael Hoenig,
General Counsel.

[FR Doc. 2022-24305 Filed 11-7-22; 8:45 am]

BILLING CODE 7565-01-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2022-0895]

RIN 1625-AA00

Safety Zone; Potomac River, Between Charles County, MD and King George County, VA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a temporary safety zone for certain waters of the Potomac River. This action is necessary to provide for the safety of life on these navigable waters at the old Governor Harry W. Nice/Senator Thomas "Mac" Middleton Memorial (US-301) Bridge during demolition operations from February 1, 2023 through February 14, 2023. This proposed rulemaking would prohibit persons and vessels from being in the safety zone unless authorized by the Captain of the Port, Maryland-National Capital Region or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before December 8, 2022.

ADDRESSES: You may submit comments identified by docket number USCG-2022-0895 using the Federal Decision Making Portal at <https://www.regulations.gov>. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Mr. Ron Houck, Sector Maryland-NCR, Waterways Management Division, U.S. Coast Guard; telephone 410-576-2674, email D05-DG-SectorMD-NCR-Prevention-WWM@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port
DHS Department of Homeland Security