

commencing the risk-based supervision process under the rule. As a result of these activities, several entities have voluntarily consented to the CFPB's supervisory authority.

Additionally, the CFPB is conducting, or has scheduled, supervisory examinations of one or more data aggregators, including larger participants in the consumer reporting market.

3.1.2 CFPB Issued Circular Regarding Reopening Deposit Accounts That Consumers Previously Closed

On May 10, 2023, the CFPB issued a circular to emphasize that a financial institution's unilateral reopening of deposit accounts that consumers previously closed can constitute a violation of the CFPA's prohibition on unfair acts or practices.⁸⁰

3.1.3 CFPB Issued an Advisory Opinion Addressing Protection of Homeowners From Illegal Collection Tactics on Zombie Mortgages

On April 26, 2023, the CFPB issued an advisory opinion on debt collectors, covered by the FDCPA, threatening to foreclose on homes with mortgages past the statute of limitations.⁸¹ The advisory opinion clarifies that a covered debt collector who brings or threatens to bring a State court foreclosure action to collect a time-barred mortgage debt may violate the FDCPA and its implementing regulation.

3.1.4 CFPB Issued Policy Statement on Abusive Acts or Practices

On April 3, 2023, the CFPB issued a policy statement to explain how the CFPB analyzes the elements of abusiveness through relevant examples, with the goal of providing an analytical framework to fellow government enforcers and to the market for how to identify violative acts or practices.⁸²

⁸⁰ CFPB Circular 2023-02, Reopening deposit accounts that consumers previously closed, available at <https://www.consumerfinance.gov/compliance/circulars/consumer-financial-protection-circular-2023-02-reopening-deposit-accounts-that-consumers-previously-closed/>.

⁸¹ CFPB Advisory Opinion, FDCPA; Time-Barred Debt, available at <https://www.consumerfinance.gov/about-us/newsroom/cfpb-issues-guidance-to-protect-homeowners-from-illegal-collection-tactics-on-zombie-mortgages/>.

⁸² CFPB Policy Statement on Abusive Acts or Practices, available at <https://www.consumerfinance.gov/compliance/supervisory-guidance/policy-statement-on-abusiveness/>.

3.1.5 CFPB Issued Bulletin 2023-01: Unfair Billing and Collection Practices After Bankruptcy Discharged of Certain Student Loan Debts

On March 16, 2023, the CFPB issued a bulletin on unfair billing and collection practices after bankruptcy discharges of certain student loan debt.⁸³ The bulletin details examiners' findings that student loan servicers who collected on student loans that were discharged by a bankruptcy court had engaged in an unfair act or practice in violation of the CFPA. The CFPB issued this bulletin to notify regulated entities how the CFPB intends to exercise its enforcement and supervisory authorities on this issue.

3.1.6 CFPB Issued an Advisory Opinion To Protect Mortgage Borrowers From Pay-to-Play Digital Mortgage Comparison Shopping Platforms

On February 7, 2023, the CFPB issued an advisory opinion outlining how companies that operate digital mortgage comparison-shopping platforms violate the Real Estate Settlement Procedures Act when they steer shoppers to lenders by using pay-to-play tactics rather than providing shoppers with comprehensive and objective information.⁸⁴

3.1.7 CFPB Issued Circular on Unlawful Negative Option Marketing Practices

On January 19, 2023, the CFPB issued a circular that states that persons engaged in negative option marketing practices may violate the prohibition on unfair, deceptive, or abusive acts or practices in the CFPA.⁸⁵ Negative option marketing practices may violate that prohibition where a seller (1) misrepresents or fails to clearly and conspicuously disclose the material terms of a negative option program; (2) fails to obtain consumers' informed consent; or (3) misleads consumers who want to cancel, erects unreasonable barriers to cancellation, or fails to honor cancellation requests that comply with its promised cancellation procedures.

⁸³ CFPB, Unfair Billing and Collection Practices After Bankruptcy Discharges or Certain Student Loan Debts, available at https://s3.amazonaws.com/files.consumerfinance.gov/f/documents/cfpb_unfair-billing-collection-bankruptcy-student-loan-debt_2023-01.pdf.

⁸⁴ CFPB, Digital Mortgage Comparison-Shopping Platforms and Related Payments to Operators, available at https://s3.amazonaws.com/files.consumerfinance.gov/f/documents/cfpb_respa-advisory-opinion-on-online-mortgage-comparison-shopping-tools_2023-02.pdf.

⁸⁵ CFPB Circular 2023-01, Unlawful negative option marketing practices, available at <https://www.consumerfinance.gov/compliance/circulars/consumer-financial-protection-circular-2023-01-unlawful-negative-option-marketing-practices/>.

3.1.8 CFPB Released Updates to Mortgage Servicing Exam Procedures

On January 18, 2023, the CFPB released its updated mortgage servicing exam procedures.⁸⁶ The examination procedures describe the types of information that CFPB examiners gather to evaluate mortgage servicers' policies and procedures; assess whether servicers are complying with applicable laws; and identify risks to consumers related to mortgage servicing. The updated Examination Procedures include CFPB guidance released since the last update in June 2016.

4. Remedial Actions

The CFPB's supervisory activities resulted in and supported the below enforcement actions.

4.1.1 Citizens Bank

On May 23, 2023, the CFPB reached a settlement to resolve allegations that Citizens Bank violated consumer financial protection laws and rules that protect individuals when they dispute credit card transactions.⁸⁷ The CFPB alleges that Citizens Bank failed to properly manage and respond to customers' credit card disputes and fraud claims. The order requires Citizens Bank to pay a \$9 million civil money penalty.

Rohit Chopra,

Director, Consumer Financial Protection Bureau.

[FR Doc. 2023-16764 Filed 8-4-23; 8:45 am]

BILLING CODE 4810-AM-P

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 2023-0031]

Agency Information Collection Activities; Proposed Collection; Comment Request; Investigation of Smart Toys and Additional Toys Through Child Observations

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: Pursuant to the Paperwork Reduction Act of 1995 (PRA), the Consumer Product Safety Commission

⁸⁶ CFPB, Mortgage Servicing Examination Procedures, available at <https://www.consumerfinance.gov/compliance/supervision-examinations/mortgage-servicing-examination-procedures/>.

⁸⁷ *Bureau of Consumer Financial Protection v. Citizens Bank, N.A.*, Stipulated Final Judgment and Order, available at <https://www.consumerfinance.gov/enforcement/actions/citizens-bank/>.

(CPSC or Commission) invites public comment about a request for approval from the Office of Management and Budget (OMB) for a new information collection. The proposed collection is associated with CPSC's investigation, through child observations and caregiver questionnaires, of smart toys and additional toys (take-apart vehicles, musical instruments, figurines, plush toys with electronic components, and manipulatives) to consider children's ability to interact with toys as the manufacturer intended and assist in updating CPSC's age determination guidelines. Before CPSC can collect this information from the public, we must solicit public comment on this proposed collection of information and receive OMB approval. *This notice describes the collection of information for which CPSC intends to seek OMB approval.*

DATES: Submit written or electronic comments on the collection of information by October 6, 2023.

ADDRESSES: You can submit comments, identified by Docket No. CPSC-2023-0031, by any of the following methods:

Electronic Submissions: CPSC encourages you to submit electronic comments to the Federal eRulemaking Portal at: <https://www.regulations.gov>. Follow the instructions for submitting comments. CPSC typically does not accept comments submitted by electronic mail (email), except as described below.

Mail/Hand Delivery/Courier/Confidential Written Submissions: Submit comments by mail, hand delivery, or courier to: Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone: (301) 504-7479. If you wish to submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public, you may submit such comments by mail, hand delivery, or courier, or you may email them to: cpsc-os@cpsc.gov.

Instructions: All submissions must include the agency name and docket number. CPSC may post all comments without change, including any personal identifiers, contact information, or other personal information provided, to: <https://www.regulations.gov>. Do not submit through this website: confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If you wish to submit such information, please submit it according to the instructions for mail/hand delivery/courier/confidential written submissions.

Docket: For access to the docket to read background documents or comments received, go to: <https://www.regulations.gov>; insert the docket number, CPSC-2023-0031, into the "Search" box; and follow the prompts.

FOR FURTHER INFORMATION CONTACT: Cynthia Gillham, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; (301) 504-7791, or by email to: CGillham@cpsc.gov.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3521), before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning the proposed collection of information. In this notice we provide the estimated burden associated with a new information collection for CPSC's investigation, through child observations and caregiver questionnaires, of smart toys and additional toys to consider children's ability to interact with toys as the manufacturer intended, to inform CPSC's age determination guidelines.¹ Under the PRA, an agency must publish the following information:

- A title for the collection of information;
- A summary of the collection of information;
- A brief description of the need for the information and the proposed use of the information;
- A description of the likely respondents and proposed frequency of response to the collection of information;
- An estimate of the burden that will result from the collection of information; and
- Notice that comments may be submitted to the agency and OMB.

44 U.S.C. 3507(a)(1)(D). In accordance with this requirement, the Commission provides the following information:

Title: Investigation of Smart Toys and Additional Toys Through Child Observations.

OMB Control Number: New.

Type of Request: New information collection requirement.

Type of Review Requested: Regular.

Requested Expiration Date of Approval: 1 year from date of approval.

Summary of the Collection of Information: CPSC proposes to conduct individual in-person data collection

sessions with up to 60 children aged 2-4 years old and their caregivers, for a total of 120 participants. Caregivers will answer a series of screening questions to determine if the caregiver and child meet the criteria for enrollment in the study. CPSC will enroll in the data collection study children and caregivers who meet the screening criteria and are willing to participate.

Over two in-person sessions, researchers will collect data primarily through direct human observations of children's interactions with toys and caregivers' responses to questionnaires. In each session, researchers will introduce children to 4-5 toys chosen from 6 toy categories (smart toys, take-apart vehicles, musical instruments, figurines, plush toys with electronic components, and manipulatives). The researcher will demonstrate for the child how to use each toy and then document the child's play patterns with the toy, noting the child's ability to interact with each toy as the manufacturer intended. Researchers will use coding checklists to document real-time observations of the child's interactions with the toys, in the form of concrete behaviors across different modalities, such as gross motor (*e.g.*, turns figurines head), fine motor (*e.g.*, slides switch on/off), and behavioral (*e.g.*, feeding an animal, engages in pretend play with one or multiple figurines), which demonstrate the child's ability to use the toy as intended.

Caregivers will respond to researcher questions about the caregiver's perception of their child's ability to interact with the selected toys as intended, potential purchasing decisions for the specific toys, and whether the caregiver would demonstrate how to play with the toys or some of the components as the manufacturer intends. Researchers will record on paper forms their observations of children's interactions and caregiver's responses to questions about the toys.

Researchers will randomize the presentation order of the toys for each caregiver/child pair to preclude any effects of sequence and control for learning or fatigue that might take place. Also, researchers will use video cameras to record each child's interaction with a toy. Researchers will use the video as a backup reference for real time coding.

Researchers will separate out all personally identifiable information from data collected. Also, researchers will separate out from collected information all identifying information from the initial screening, as well as scheduling. This information will be kept on a secure server in password protected files and discarded by researchers when

¹ On August 1, 2023, the Commission voted (4-0) to publish this notice.

no longer needed. At the end of each session, researchers will save the video data onto a secure server. Researchers will enter data recorded on the paper forms into a secure database, which also will be kept on a secure server. Researchers will limit access to this information and will summarize all information collected during the sessions using generic categories and summary statistics.

Description of the Need for the Information and Proposed Use of the Information: Created in 1972, the CPSC is an independent federal regulatory agency with a public health and safety mission to protect the public from unreasonable risks of injury and death from consumer products used in and around the home, in recreation, and in schools. As part of this statutory mandate, CPSC is authorized to conduct research on consumer products and behavior to identify and address product safety hazards, as well as to develop efficient and effective means of bringing about safety improvements. This information collection supports the Commission's strategic goal of safety.

Age-appropriate toys are important for the physical, intellectual, and socioemotional development of children. Age-appropriate toys can help children learn, develop imaginative capacities, and refine motor coordination. However, interacting with toys intended for older children poses a potential risk for the child to be seriously or fatally injured. In 2021, an estimated 206,400 toy-related injuries were treated in U.S. hospital emergency rooms.² Of the 206,400 toy-related injuries, an estimated 74% happened to children 14 years of age or younger; 69% occurred to children 12 years of age or younger; and 37% happened to children 4 years of age or younger.

To identify a toy's safety hazards, the CPSC Division of Human Factors first determines the intended age group of potential users. CPSC considers age determinations for toys to be of paramount importance because age-grading and labeling can be used to assist consumers in making purchasing decisions, and also serve as the basis for the toy's regulatory requirements and the associated testing parameters. For example, toys intended for children under 8 years of age are required to undergo use and abuse tests based on actual use and misuse by children of that age. Test specifications vary for

different age groups (*i.e.*, children 18 months and younger, 19–36 months, and 37–95 months). Toys intended for children younger than 3 years old cannot possess small parts. Additionally, since 2008, CPSC regulations require lead and phthalates limitations for many products intended for children 12 years of age.

CPSC staff consider numerous toy characteristics when determining the intended age, including the physical characteristics of the toy (*e.g.*, size and weight of the toy and its components), the cognitive requirements for using the toy as intended, the fine motor or other physical skills required to use the toy as the manufacturer intended, and the toy's theme and appearance. CPSC's *Age Determination Guidelines: Relating Consumer Product Characteristics to the Skills, Play Behaviors, and Interests of Children (Guidelines)*, available at <https://www.cpsc.gov/content/2020-Age-Determination-Guidelines>, provide details and examples for each of these characteristics for different age groups. Manufacturers can use the *Guidelines* to generate an intended age during a toy's design phase. Manufacturers can also use the *Guidelines* to accurately age label a product, which promotes safety by informing consumer purchasing and toy-safety decisions (meaning which toys are appropriate to allow a child to play with).

Although the *Guidelines* include extensive information about a large variety of toys, some toy categories are not well covered in the *Guidelines* because they include toys that are new to the U.S. market since the research that went into the 2020 version of the *Guidelines*. Conversely, while smart toys are discussed in the *Guidelines*, this category of toys evolves rapidly, so the *Guidelines* may not represent what is currently in the market. Other toys such as figurines, interlocking building sets, and musical toys are discussed in the *Guidelines*, though not extensively. This data collection will add to the information about selected toys in six toy categories (smart toys, take-apart vehicles, musical instruments, figurines, plush toys with electronic components, and manipulatives), and enrich CPSC's understanding regarding the ages of children who are interested in these toys and who possess the skills and cognitive ability to use them as intended. This data collection will provide information to help CPSC determine the developmentally appropriate ages for selected toys. Ultimately, the data collection will inform the various stakeholders who use the information contained in the *Guidelines*.

Affected Public: Children between 2–4 years and their caregivers.

Estimated Number of Respondents: 60 children and 60 caregivers, totaling 120 individuals.

Frequency: One-time data collection that will take place over two in-person sessions. The first session will last 80 minutes, and the second session will last 80 minutes.

Estimated Total Annual Burden Hours: CPSC plans to pilot test the study with 4 participants (2 caregivers and 2 children) with a maximum time burden of 2.67 hours per person (10.68 hours). CPSC also assumes a 15-minute completion time for the recruitment screener questionnaire to be filled out by a maximum of 100 people, to select 60 adult participants (25 hours).

Once selected for the study, CPSC estimates that the total time for each respondent pair (caregiver/child) to participate in the data collection will likely not be more than 160 minutes. Therefore, each participant has a maximum time burden of 2.67 hours. Data collection duration for each respondent will be 2.67 hours, or a total of 160 hours for 60 respondent pairs. Each respondent pair will not incur any reporting costs from the information collection. The pair also will not incur a record keeping burden or record keeping costs from this information collection. We will assume an hourly wage rate of \$31.54 for each respondent pair (caregiver and child).³

Accordingly, the total burden hours to recruit participants and for selected respondents to participate is 356 hours (recruitment screening time (25 hours), pilot study (10.68 hours), and the main study (2.67 hours × 120 participants)).

The total cost of this collection to the federal government is \$93,345 annually. This represents 6 months of staff time. This amount includes federal employee salaries and benefits. No travel costs are associated with the collection. This estimate uses an annual salary of \$126,949 (the equivalent of a GS–13, Step 5 employee, in the Washington, DC area in 2023)⁴ which represents 68.0 percent of the employer costs for employee compensation. The remaining 32.0 percent of employer costs are added for benefits (U.S. Bureau of Labor Statistics, "Employer Costs for Employee Compensation," March 2023, percentage of wages and salaries for all civilian management, professional, and

² Consumer Product Safety Commission: Toy-Related Deaths and Injuries, Calendar Year 2021. November, 2022: Toy-Related Deaths and Injuries, Calendar Year 2021; available at: <https://www.cpsc.gov/Research--Statistics/Toys-and-Childrens-Products>.

³ https://www.bls.gov/oes/current/oes_va.htm#00-0000.

⁴ <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2023/DCB.pdf>.

related employees),⁵ for a total annual compensation per FTE of \$186,690.

Estimated Total Annual Burden Cost: \$104,573.24 (Respondents: \$11,228.24 (31.54/hr. × 356 hours) + Federal Government: \$93,345).

Comments: CPSC requests that interested parties submit comments regarding this proposed information collection (see the **ADDRESSES** section at the beginning of this notice). Pursuant to 44 U.S.C. 3506(c)(2)(A), the Commission specifically invites comments on:

- Whether the proposed collection of information is necessary for the proper performance of CPSC's functions, including whether the information will have practical utility;
 - The accuracy of CPSC's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
 - Ways to enhance the quality, utility, and clarity of the information the Commission proposes to collect;
 - Ways to reduce the burden of the collection of information on respondents, including the use of automated collection techniques when appropriate, and other forms of information technology;
 - The estimated burden hours associated with child toy observations and caregiver surveys, including any alternative estimates; and
 - The estimated respondent cost other than burden hour cost.

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2023-16790 Filed 8-4-23; 8:45 am]

BILLING CODE 6355-01-P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Advisory Committee on Women in the Services; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Personnel and Readiness, Department of Defense (DoD).

ACTION: Notice of Federal advisory committee meeting.

SUMMARY: The DoD is publishing this notice to announce that the following Federal advisory committee meeting of the Defense Advisory Committee on Women in the Services (DACOWITS) will take place.

DATES: DACOWITS will hold an open-to-the-public meeting—Tuesday, September 12, 2023, from 8:00 a.m. to 10:15 a.m. (EST) and Wednesday, September 13, 2023, from 8:00 a.m. to 12:00 p.m. (EST).

ADDRESSES: The meeting will take place at the Association of the United States Army Conference Center, located at 2425 Wilson Boulevard, Arlington, Virginia 22201. The meeting will also be held virtually. To participate in the meeting, see the Meeting Accessibility section for instructions.

FOR FURTHER INFORMATION CONTACT: LTC Samantha Frazier, Designated Federal Officer (DFO), (202) 650-2943 (voice), *Samantha.j.frazier11.mil@mail.mil* (email). The most up-to-date changes to the meeting agenda can be found on the website: <https://dacowits.defense.gov>.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of chapter 10 of title 5 United States Code (U.S.C.) (commonly known as the “Federal Advisory Committee Act” or “FACA”), 5 U.S.C. 552b (commonly known as the “Government in the Sunshine Act”), and 41 Code of Federal Regulations (CFR) 102-3.140 and 102-3.150.

Availability of Materials for the Meeting: Additional information, including the agenda or any updates to the agenda, is available at the DACOWITS website, <https://dacowits.defense.gov/>. Materials presented in the meeting may also be obtained on the DACOWITS website.

Purpose of the Meeting: The purpose of the meeting is for the DACOWITS to receive briefings and have discussions on topics related to the recruitment, retention, employment, integration, well-being, and treatment of women in the Armed Forces of the United States. Additionally, the Committee will vote on its 2023 recommendations.

Agenda: Tuesday, September 12, 2023, from 8:00 a.m. to 10:15 a.m.—Welcome, Introductions, Announcements, Request for Information Status Update, Briefing, Public Comment Period, and DACOWITS discussion.

Wednesday, September 13, 2023, from 8:00 a.m. to 12:00 p.m.—Welcome, Introductions and Announcements, Voting on 2023 recommendations.

Meeting Accessibility: Pursuant to 5 U.S.C. 552b and 41 CFR 102-3.140 through 102-3.165, this meeting is open to the public, subject to availability of space, from 8:00 a.m. to 10:15 a.m. on September 12, 2023, and from 8:00 a.m. to 12:00 p.m. on September 13, 2023. The meeting will also be streamed by videoconference. The number of

participants is limited and is on a first-come basis. Any member of the public who wishes to participate via videoconference must register by contacting DACOWITS at osd.pentagon.ousd-p-r.mbx.dacowits@mail.mil or by contacting Mr. Robert Bowling at (703) 380-0116 no later than Tuesday, September 5, 2023. Once registered, the videoconference information will be provided.

Special Accommodations: Individuals requiring special accommodations to access the public meeting should contact Mr. Robert Bowling no later than Tuesday, September 5, 2023, so appropriate arrangements can be made.

Written Statements: Pursuant to 41 CFR 102-3.140, and section 10(a)(3) of the FACA, interested persons may submit a written statement to the DACOWITS. Individuals submitting a written statement must submit their statement no later than 5:00 p.m., Tuesday, September 5, 2023, to Mr. Robert Bowling (703) 380-0116 (voice) or to robert.d.bowling1.mil@mail.mil (email). Mailing address is 4800 Mark Center Drive, Suite 04J25-01, Alexandria, VA 22350. Members of the public interested in making an oral statement, must submit a written statement. If a statement is not received by Tuesday, September 5, 2023, it may not be provided to or considered by the Committee during this quarterly business meeting. After reviewing the written statements, the Chair and the DFO will determine if the requesting persons are permitted to make an oral presentation. The DFO will review all timely submissions with the DACOWITS Chair and ensure they are provided to the members of the Committee.

Dated: August 1, 2023.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2023-16727 Filed 8-4-23; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

Department of Defense Board of Actuaries; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Personnel and Readiness, Department of Defense Board of Actuaries, Department of Defense (DoD).

ACTION: Notice of Federal advisory committee meeting.

⁵ https://www.bls.gov/news.release/archives/ecec_06162023.pdf.