

DEPARTMENT OF DEFENSE**Office of the Secretary****32 CFR Chapter I****Defense Acquisition Regulations System****48 CFR Chapter 2****Cybersecurity Maturity Model Certification (CMMC) 2.0 Updates and Way Forward**

AGENCY: Office of the Under Secretary of Defense for Acquisition and Sustainment, Department of Defense (DoD).

ACTION: Advanced notice of proposed rulemaking.

SUMMARY: This document provides updated information on DoD's way forward for the approved Cybersecurity Maturity Model Certification (CMMC) program changes, designated as "CMMC 2.0." CMMC 2.0 builds upon the initial CMMC framework to dynamically enhance Defense Industrial Base (DIB) cybersecurity against evolving threats. The CMMC framework is designed to protect sensitive unclassified information that is shared by the Department with its contractors and subcontractors and provide assurance that Federal Contract Information (FCI) and Controlled Unclassified Information (CUI) will be protected at a level commensurate with the risk from cybersecurity threats, including Advanced Persistent Threats. Under the CMMC program, DIB contractors will be required to implement certain cybersecurity protection standards, and, as required, perform self-assessments or obtain third-party certification as a condition of DoD contract award.

DATES: November 17, 2021.

ADDRESSES: Visit the updated CMMC website for CMMC 2.0 updates: <https://www.acq.osd.mil/cmmc/>.

FOR FURTHER INFORMATION CONTACT: Ms. Diane Knight, Office of the Under Secretary of Defense for Acquisition and Sustainment, at 202-770-9100 or diane.l.knight10.civ@mail.mil.

SUPPLEMENTARY INFORMATION:**Background**

The CMMC program is designed to enhance DIB cybersecurity to meet evolving threats and safeguard the information that supports and enables the Warfighter.

Interim Defense Federal Acquisition Regulation Supplement (DFARS) rule, *Assessing Contractor Implementation of Cybersecurity Requirements* (DFARS

Case 2019-D041), effective November 30, 2020, implemented DFARS clause 252.204-7021, *Contractor Compliance with the Cybersecurity Maturity Model Certification Level Requirement*. This clause implemented the initial version of CMMC program, hereafter "CMMC 1.0."

CMMC 1.0 was designed to protect FCI and CUI shared with and handled by DoD contractors and subcontractors on non-federal contractor information systems. CMMC 1.0 involved five progressively advanced levels of cybersecurity standards and required that DIB contractors undergo a certification process to demonstrate compliance with the CMMC cybersecurity standards at a given level.

In March 2021, the Department initiated an internal assessment of CMMC 1.0 implementation that was informed by more than 850 public comments in response to the interim DFARS rule. This comprehensive, programmatic assessment of CMMC engaged cybersecurity and acquisition leaders within DoD to refine policy and program implementation. This review resulted in "CMMC 2.0," which updates the program structure and the requirements to streamline and improve implementation of the CMMC program.

Way Forward

The changes reflected in the CMMC 2.0 framework will be implemented through the rulemaking process. DoD will pursue rulemaking in both: (1) Title 32 of the Code of Federal Regulations (CFR); and, (2) title 48 CFR, to establish CMMC 2.0 program requirements and implement any needed changes to the CMMC program content in 48 CFR. Both rules will have public comment periods.

Publication of title 32 and title 48 CFR rules will implement DoD's requirements for the updated CMMC version 2.0, which include various modifications from CMMC 1.0.

These modifications include:

- Eliminating levels 2 and 4, and renaming the remaining three levels in CMMC 2.0 as follows:
 - Level 1 (Foundational) will remain the same as CMMC 1.0 Level 1;
 - Level 2 (Advanced) will be similar to CMMC 1.0 Level 3;
 - Level 3 (Expert) will be similar to CMMC 1.0 Level 5.
- Removing CMMC-unique practices and all maturity processes from all levels;
 - For CMMC Level 1 (Foundational), allowing annual self-assessments with an annual affirmation by DIB company leadership;
 - Bifurcating CMMC Level 2 (Advanced) assessment requirements:

- Prioritized acquisitions involving CUI will require an independent third party assessment;

- Non-prioritized acquisitions involving CUI will require an annual self-assessment and annual company affirmation;

- For CMMC Level 3 (Expert), requiring Government-led assessments.

- Developing a time-bound and enforceable Plan of Action and Milestone process; and,

- Developing a selective, time-bound waiver process, if needed and approved.

The title 32 CFR rulemaking for CMMC 2.0 will be followed by additional title 48 CFR rulemaking, as needed, to implement any needed changes to the CMMC program content in 48 CFR. DoD will work through the rulemaking processes as expeditiously as possible.

Until the CMMC 2.0 changes become effective through both the title 32 CFR and title 48 CFR rulemaking processes, the Department will suspend the CMMC Piloting efforts and will not approve inclusion of a CMMC requirement in DoD solicitations.

The CMMC 2.0 program requirements will not be mandatory until the title 32 CFR rulemaking is complete, and the CMMC program requirements have been implemented as needed into acquisition regulation through title 48 rulemaking.

Dated: November 8, 2021.

Patricia L. Toppings,

*OSD Federal Register Liaison Officer,
Department of Defense.*

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LIBRARY OF CONGRESS**U.S. Copyright Office****37 CFR Parts 201, 220, 222, 223, and 224**

[Docket No. 2021-6]

Copyright Claims Board: Initiation of Proceedings and Related Procedures

AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: The U.S. Copyright Office is further extending the deadline for the submission of written comments in response to its September 29, 2021, notice of proposed rulemaking regarding initiating proceedings before the Copyright Claims Board.

DATES: The comment period for the notice of proposed rulemaking

published September 29, 2021, at 86 FR 53897, is extended. Initial written comments must be received no later than 11:59 p.m. Eastern Time on November 30, 2021. Written reply comments must be received no later than 11:59 p.m. Eastern Time on December 15, 2021.

ADDRESSES: For reasons of government efficiency, the Copyright Office is using the *regulations.gov* system for the submission and posting of public comments in this proceeding. All comments are therefore to be submitted electronically through *regulations.gov*. Specific instructions for submitting comments are available on the Copyright Office website at <http://copyright.gov/rulemaking/case-act-implementation/initiating-proceedings/>. If electronic submission of comments is not feasible due to lack of access to a computer and/or the internet, please contact the Office using the contact information below for special instructions.

FOR FURTHER INFORMATION CONTACT: Megan Efthimiadis, Assistant to the General Counsel, by email at meft@copyright.gov, or by telephone at 202-707-8350.

SUPPLEMENTARY INFORMATION: On September 29, 2021, the U.S. Copyright Office issued a notice of proposed rulemaking (“NPRM”) regarding initiating proceedings before the Copyright Claims Board (“CCB”). The Office solicited public comments on a broad range of procedures governing the initial stages of a CCB proceeding, including filing the initial claim, opting out of a proceeding, and filing a response and any counterclaims.

On October 27, 2021, the Office extended the comment period in this proceeding by two weeks. In response to stakeholder requests following that extension, the Office is now further extending the deadline for the submission of initial comments to no later than 11:59 p.m. Eastern Time on November 30, 2021, and the deadline for the submission of reply comments to no later than 11:59 p.m. Eastern Time on December 15, 2021. The Office does not intend to grant further extensions in this proceeding.

Dated: November 10, 2021.

Kevin R. Amer,

Acting General Counsel and Associate Register of Copyrights.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R04-OAR-2021-0055; FRL-8986-01-R4]

Air Plan Approval; North Carolina; Mecklenburg Volatile Organic Compounds

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision to the Mecklenburg County portion of the North Carolina SIP, hereinafter referred to as the Mecklenburg Local Implementation Plan (LIP). The revision was submitted by the State of North Carolina, through the North Carolina Division of Air Quality (NCDAQ), on behalf of Mecklenburg County Air Quality (MCAQ) via a letter dated April 24, 2020, and was received by EPA on June 19, 2020. The revision updates several Mecklenburg County Air Pollution Control Ordinance (MCAPCO) rules incorporated into the LIP, removes several rules, and adds several rules. The rules addressed in this proposal relate to volatile organic compound (VOC) emissions and include several VOC Reasonably Available Control Techniques (RACT) rules. EPA is proposing to approve these changes pursuant to the Clean Air Act (CAA or Act).

DATES: Comments must be received on or before December 17, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R04-OAR-2021-0055 at www.regulations.gov. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. 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. 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 www2.epa.gov/dockets/commenting-epa-dockets.

FOR FURTHER INFORMATION CONTACT: Jane Spann, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303-8960. The telephone number is (404) 562-9029. Ms. Spann can also be reached via electronic mail at spann.jane@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background and Overview

The Mecklenburg County LIP was submitted to EPA on June 14, 1990, and EPA approved the plan on May 2, 1991. See 56 FR 20140. Mecklenburg County is now requesting that EPA approve changes to the LIP for, among other things, general consistency with the North Carolina SIP.¹ Mecklenburg County prepared three submittals in order to update the LIP and reflect regulatory and administrative changes that NCDAQ made to the North Carolina SIP since EPA’s 1991 LIP approval.² The three submittals were submitted as follows: NCDAQ transmitted the October 25, 2017, submittal to EPA but later withdrew it from review through a letter dated February 15, 2019. On April 24, 2020, NCDAQ resubmitted the October 25, 2017, update to EPA and also submitted the January 21, 2016, and January 14, 2019, updates. Due to an inconsistency with public notices at the local level, these submittals were withdrawn from EPA through a letter dated February 15, 2019. Mecklenburg County corrected this error, and NCDAQ submitted the updates to EPA in a submittal dated April 24, 2020.³ This proposed rule proposes to modify the LIP by revising, adding, and removing several rules related to the control of VOCs, including several VOC RACT rules, located in MCAPCO Article 2.0000, *Air Pollution and Control Regulations and Procedures*, Section 2.0900, *Volatile Organic Compounds*.

On April 30, 2004, EPA designated the Charlotte-Gastonia-Rock Hill, NC-SC

¹ Hereinafter, the terms “North Carolina SIP” and “SIP” refer to the North Carolina regulatory portion of the North Carolina SIP (*i.e.*, the portion that contains SIP-approved North Carolina regulations).

² The Mecklenburg County, North Carolina revision that is dated April 24, 2020, and received by EPA on June 19, 2020, is comprised of three previous submittals—one dated January 21, 2016; one dated October 25, 2017; and one dated January 14, 2019.

³ EPA notes that the April 24, 2020, submittal was received by EPA on June 19, 2020.