

Accordingly, for the reasons stated in the preamble, part 1240 of chapter V of title 8 of the Code of Federal Regulations is proposed to be amended as follows:

**PART 1240—PROCEEDINGS TO DETERMINE REMOVABILITY OF ALIENS IN THE UNITED STATES**

■ 1. The authority citation for part 1240 continues to read as follows:

**Authority:** 8 U.S.C. 1103, 1158, 1182, 1186a, 1186b, 1225, 1226, 1227, 1228, 1229a, 1229b, 1229c, 1252 note, 1361, 1362; secs. 202 and 203, Pub. L. 105–100 (111 Stat. 2160, 2193); sec. 902, Pub. L. 105–277 (112 Stat. 2681).

■ 2. Amend § 1240.21 by:

■ a. Removing and reserving paragraph (b); and

■ b. Revising paragraphs (c) introductory text, and (c)(1) to read as follows:

**§ 1240.21 Suspension of deportation and adjustment of status under section 244(a) of the Act (as in effect before April 1, 1997) and cancellation of removal and adjustment of status under section 240A(b) of the Act for certain nonpermanent residents.**

\* \* \* \* \*

(c) *Grants of suspension of deportation or cancellation of removal in fiscal years subsequent to fiscal year 1998.* On and after October 1, 1998, the Immigration Court and the Board may grant applications for suspension of deportation and adjustment of status under section 244(a) of the Act (as in effect prior to April 1, 1997) or cancellation of removal and adjustment of status under section 240A(b) of the Act that meet the statutory requirements for such relief and warrant a favorable exercise of discretion until the annual numerical limitation has been reached in that fiscal year. The awarding of such relief shall be determined according to the date the order granting such relief becomes final as defined in §§ 1003.1(d)(7) and 1003.39 of this chapter.

(1) *Applicability of the Annual Limitation.* When grants are no longer available in a fiscal year, further decisions to grant such relief must be reserved until such time as a grant becomes available under the annual limitation in a subsequent fiscal year.

\* \* \* \* \*

Dated: November 21, 2016.

**Loretta E. Lynch,**  
*Attorney General.*

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**BILLING CODE 4410–30–P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

[Docket No. FAA–2016–9452]

**14 CFR Part 21**

**Airworthiness Criteria: Glider Design Criteria for Stemme AG Model Stemme S12 Powered Glider**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed design criteria.

**SUMMARY:** This notice announces the availability of and requests comments on the proposed design criteria for the Stemme AG model Stemme S12 powered glider. The Administrator finds the proposed design criteria, which make up the certification basis for the Stemme S12, acceptable. These final design criteria will be published in the **Federal Register**.

**DATES:** Comments must be received on or before December 30, 2016.

**ADDRESSES:** Send comments identified by docket number FAA–2016–9452 using any of the following methods:

- *Federal eRegulations Portal:* Go to <http://www.regulations.gov> and follow the online instructions for sending your comments electronically.

- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

- *Hand Delivery of Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m., and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* Fax comments to Docket Operations at 202–493–2251.

*Privacy:* The FAA will post all comments it receives, without change, to <http://regulations.gov>, including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), as well as at <http://DocketsInfo.dot.gov>.

*Docket:* Background documents or comments received may be read at <http://www.regulations.gov> at any time.

Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m., and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jim Rutherford, Federal Aviation Administration, Small Airplane Directorate, Aircraft Certification Service, 901 Locust, Room 301, Kansas City, MO 64106, telephone (816) 329–4165, facsimile (816) 329–4090.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the design criteria, explain the reason for any recommended change, and include supporting data. We ask that you send us two copies of written comments.

We will consider all comments received on or before the closing date for comments. We will consider comments filed late if it is possible to do so without incurring expense or delay. We may change these airworthiness design criteria based on received comments.

**Background**

On January 08, 2016, Stemme AG submitted an application for type validation of the Stemme S12 in accordance with the Technical Implementation Procedures for Airworthiness and Environmental Certification Between the FAA and the European Aviation Safety Agency (EASA), Revision 5, dated September 15, 2015. The Stemme S12 is a two-seat, self-launching, powered glider with a liquid cooled, turbocharged engine mounted in the center fuselage, an indirect drive shaft, and a fully-foldable, variable-pitch composite propeller in the nose. It is constructed from glass and carbon fiber reinforced composites, features a conventional T-type tailplane, and has a retractable main landing gear. The glider has a maximum weight of 1,984 pounds (900 kilograms) and may be equipped with an optional dual-axis autopilot system. EASA type certificated the Stemme S12 under Type Certificate Number (No.) EASA.A.054 on March 11, 2016. The associated EASA Type Certificate Data Sheet (TCDS) No. EASA.A.054 defined the certification basis Stemme AG submitted to the FAA for review and acceptance.

The applicable requirements for glider certification in the United States can be

found in FAA Advisory Circular (AC) 21.17–2A, “Type Certification—Fixed-Wing Gliders (Sailplanes), Including Powered Gliders,” dated February 10, 1993. AC 21.17–2A has been the basis for certification of gliders and powered gliders in the United States for many years. AC 21.17–2A states that applicants may utilize the Joint Aviation Requirements (JAR)–22, “Sailplanes and Powered Sailplanes”, or another accepted airworthiness criteria, or a combination of both, as the accepted means for showing compliance for glider type certification.

#### Type Certification Basis

The applicant proposed a Certification Basis based on EASA Certification Specification (CS)–22, “Sailplanes and Powered Sailplanes”, initial issue, dated November 14, 2003. In addition to CS–22 requirements, the applicant proposed to comply with other requirements from the certification basis referenced in EASA TCDS No. EASA.A.054, including special conditions and equivalent safety findings.

#### The Proposed Design Criteria

Applicable Airworthiness Criteria under § 21.17(b).

Based on the Special Class provisions of § 21.17(b), the following airworthiness requirements form the FAA Certification Basis for this design:

1. 14 CFR part 21, effective February 1, 1965, including amendments 21–1 through 21–93 as applicable.
2. EASA CS–22, initial issue, dated November 14, 2003.
3. EASA Special Condition No. SC–A.22.1.01, “Increase in maximum mass for sailplanes and powered sailplanes.”
4. “Preliminary Standard for the Substantiation of Indirect Drive Shafts in Power Plants of Powered Sailplanes Certified to JAR–22” (with a modification for the Stemme AG model Stemme S 10), Luftfahrt-Bundesamt (LBA) document number (no.) I231–87, issued August 05, 1988.
5. Installation of a Dual-Axis Autopilot System, including—
  - EASA CS–VLA (Very Light Aeroplanes) 1309, “Equipment, systems, and installations”; initial issue, dated November 14, 2003; and
  - EASA CS–23.1329, “Automatic pilot system”, amendment 3, dated July 20, 2012.
6. Drop Testing for Retractable Landing Gear (EASA equivalent safety findings) to include CS–VLA 725, “Limit drop tests”; CS–VLA 726, “Ground load dynamic tests”; and CS–VLA 727, “Reserve energy absorption”; initial issue dated November 14, 2003.

7. “Standards for Structural Substantiation of Sailplane and Powered Sailplane Parts Consisting of Glass or Carbon Fiber Reinforced Plastics”, LBA document no. I4–FVK/91, issued July 1991.

8. “Guideline for the analysis of the electrical system for powered sailplanes”, LBA document no. I334–MS 92, issued September 15, 1992.

9. The following kinds of operation are allowed: VFR–Day.

10. Date of application for FAA Type Certificate: January 08, 2016.

Issued in Kansas City, Missouri on November 18, 2016.

**Mel Johnson,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2016–28575 Filed 11–29–16; 8:45 am]

**BILLING CODE 4910–13–P**

## OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

### 29 CFR Part 2201

#### Regulations Implementing the Freedom of Information Act

**AGENCY:** Occupational Safety and Health Review Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Occupational Safety and Health Review Commission (“OSHR”) is proposing revisions to its regulations implementing the Freedom of Information Act (“FOIA”). These proposed revisions account for statutory amendments included in the FOIA Improvement Act of 2016 (“FOIA Improvement Act”), as well as the addition of procedures pertaining to confidential commercial information and preservation of records, clarifications of existing procedures, and updates to contact information.

**DATES:** Comments must be received by OSHRC on or before December 20, 2016.

**ADDRESSES:** You may submit comments by any of the following methods:

- *Email:* [NChadwick@oshrc.gov](mailto:NChadwick@oshrc.gov). Include “PROPOSED RULEMAKING, PART 2201” in the subject line of the message.
- *Fax:* (202) 606–5417.
- *Mail:* Occupational Safety and Health Review Commission, ATTN: FOIA Public Liaison, One Lafayette Centre, 1120 20th Street NW., Ninth Floor, Washington, DC 20036–3457.
- *Hand Delivery/Courier:* Same as mailing address.

*Instructions:* All submissions must include your name, return address, and email address, if applicable. Please

clearly label submissions as “PROPOSED RULEMAKING, PART 2201.”

#### FOR FURTHER INFORMATION CONTACT:

OSHR’s FOIA Public Liaison, by telephone at (202) 606–5410, by email at [NChadwick@oshrc.gov](mailto:NChadwick@oshrc.gov), or by mail at the address stated above.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

OSHR proposes several substantive and procedural revisions to its regulations implementing the FOIA that fall within four general categories. First, OSHRC proposes modifying its existing FOIA regulations to reflect the amendments to the FOIA contained in the FOIA Improvement Act of 2016, Public Law 114–185. The FOIA Improvement Act amended various practices under the FOIA, such as requiring notification to requesters of the right to seek dispute resolution at various times throughout the FOIA process from the National Archives and Records Administration’s Office of Government Information Services (“OGIS”), a ninety-day minimum time period to file administrative appeals, and limitations on assessing certain fees and exceptions to those limitations.

Second, OSHRC proposes revising its regulations to further clarify and update its procedures relating to the submission and processing of FOIA requests.

Third, OSHRC proposes adding a new section to its regulations establishing procedures to notify submitters of records containing confidential commercial information when those records are requested under the FOIA, in compliance with Executive Order 12,600.

Fourth, OSHRC proposes adding a new section to its regulations explaining the procedure for the preservation of records related to FOIA requests.

Accordingly, OSHRC proposes to revise its regulations implementing the FOIA and put them out for public comment. The specific amendments that OSHRC proposes to each section of 29 CFR part 2201 are discussed hereafter in regulatory sequence.

In 29 CFR 2201.3, OSHRC proposes revising paragraph (a) to direct requestors to OSHRC’s FOIA Reference Guide for further information. OSHRC proposes a minor revision to paragraph (c) explaining the role of the FOIA Public Liaison. OSHRC also proposes minor revisions to paragraph (d) to update the contact information for the FOIA Requester Service Center.

In 29 CFR 2201.4, OSHRC proposes a minor revision to a reference to another section of the regulations included in