the bet in the “exacta” pool and $3,100 with respect to the bet in the “trifecta” pool. Under paragraph (c)(1)(iii)(A) of this section, the bets are not identical bets. Under paragraph (c)(1)(iii) of this section, the bets are not aggregated for purposes of determining the amount of the wager for either payment because they are not wagers in the same pari-mutuel pool. No section 3402(g) withholding is required on either payment because neither payment separately exceeds the $5,000 withholding threshold. Example 15. C makes two $100 bets for the same dog to win a particular race. C places one bet at the racetrack and one bet at an off-track betting establishment, but the two pools constitute a single pool. C receives separate tickets for each bet. C wins both bets and is paid $4,000 from the racetrack and $4,000 from the off-track betting establishment. Under paragraph (c)(1)(iii) of this section, the bets are not aggregated for purposes of determining the amount of the wager because the wager placed at the racetrack and the wager placed at the off-track betting establishment are reflected on separate tickets, despite being placed in the same pari-mutuel pool. No section 3402(g) withholding is required because neither payment separately exceeds the $5,000 withholding threshold. Example 16. C places a $200 Pick 6 bet for a series of races at the racetrack on a particular day and receives a single ticket for the bet. No wager correctly picks all six races that day, so that portion of the pool carries over to the following day. On the following day, C places an additional $200 Pick 6 bet for that day’s series of races and receives a new ticket for that bet. C wins $100,000 on the second day. Pursuant to the rule in paragraph (c)(1)(iii) of this section, the bets are on two separate tickets, so C’s two Pick 6 bets are not aggregated for purposes of determining the amount of the wager. Assuming that the applicable rate is 25%, the racetrack would deduct and withhold $24,950 (($100,000 − $200) × 25) because the amount of the proceeds ($99,800) is at least five times as large as the amount wagered ($200). The racetrack also must report C’s winnings on Form W–2G pursuant to paragraph (e) of this section and furnish a copy of the Form W–2G to C.

(g) Applicability date. These rules apply to payments made after [the date of publication of the Treasury decision adopting these rules as final regulations in the Federal Register]. For rules that apply to payments made before that date, see 26 CFR 31.3402(g)–1 (revised April 2015).

Par. 3. Section 31.3406–90 is amended by adding an entry for paragraph (h) to §31.3406(g)–2 to read as follows:

§31.3406–90 Outline of the backup withholding regulations.
* * * * *

§31.3406(g)–2 Exception for reportable payments for which backup withholding is otherwise required.
* * * * *
from GHG pollution and contributions to such pollution that occur across the nation.

Thus, any petition for judicial review of the EPA’s decision to deny the petition for reconsideration described in this document must be filed in the U.S. Court of Appeals for the District of Columbia Circuit by February 28, 2017.

III. Description of Action

On July 25, 2016, EPA Administrator McCarthy signed the action entitled “Finding that Greenhouse Gas Emissions from Aircraft Cause or Contribute to Air Pollution that May Reasonably Be Anticipated to Endanger Public Health and Welfare.” That action included two findings under section 231(a)(2)(A) of the CAA. These findings were that: (1) Concentrations of six well-mixed greenhouse gases (GHGs) in the atmosphere endanger the public health and welfare of current and future generations (the endangerment finding), and (2) GHGs emitted from certain classes of engines used in certain aircraft contribute to the air pollution that poses a threat to the public health and welfare (the contribution finding).

The Administrator made these findings using the same definitions of “air pollution” and “air pollutant” as were used in earlier findings under CAA section 202(a)(1) regarding motor vehicle GHG emissions (the 2009 Findings), namely the combined mix of six key well-mixed GHGs: carbon dioxide (CO₂), methane, nitrous oxide, hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆). While the 2009 Findings under CAA section 202(a)(1) relate to GHG emissions from motor vehicles and new motor vehicle engines, these findings under CAA section 231(a)(2)(A) relate to GHG emissions from certain classes of engines used in certain aircraft. These findings were published in the Federal Register on August 15, 2016 (81 FR 54422), and became effective on September 14, 2016 (2016 Findings). The Biogenic CO₂ Coalition (Petitioner) submitted a petition dated October 14, 2016 asking the EPA to reconsider the 2016 Findings with respect to the Agency’s treatment of biogenic carbon dioxide (CO₂) emissions from short-cycle annual herbaceous crops. CAA section 307(d)(7)(B) states that “[o]nly an objection to a rule or procedure which was raised with reasonable specificity during the period for public comment (including any public hearing) may be raised during judicial review. If the person raising an objection can demonstrate to the Administrator that it was impracticable to raise such objection within such time or if the grounds for such objection arose after the period for public comment (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of the rule, the Administrator shall convene a proceeding for reconsideration of the rule and provide the same procedural rights as would have been afforded had the information been available at the time the rule was proposed.”

The EPA carefully reviewed the petition for reconsideration and evaluated all the information presented on the issues raised, along with information contained in the docket for the 2016 Findings, in reaching a decision on the petition. The EPA has concluded that the petition does not meet the criteria for reconsideration in CAA section 307(d)(7)(B). In a letter to the petitioner, the EPA Administrator, Gina McCarthy, denied the petition for reconsideration. The letter included an enclosure, a Reconsideration Response document entitled “Response to the Biogenic CO₂ Coalition’s Petition for Reconsideration of the Final Finding that Greenhouse Gas Emissions from Aircraft Cause or Contribute to Air Pollution that May Reasonably Be Anticipated to Endanger Public Health and Welfare,” that articulates in detail the rationale for the EPA’s final responses to the petition for reconsideration and the EPA Administrator’s denial of that petition. These documents are all available in the docket for this action.

IV. Conclusion

For the reasons discussed in the letter to the petitioner and the Reconsideration Response document, the petition to reconsider the final Finding that Greenhouse Gas Emissions from Aircraft Cause or Contribute to Air Pollution that May Reasonably Be Anticipated to Endanger Public Health and Welfare is denied.

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1 The contribution finding concludes that GHG emissions from certain classes of engines used in "U.S. covered aircraft" contribute to the air pollution that endangers public health and welfare. The definition of "U.S. covered aircraft" includes subsonic jet aircraft with a maximum takeoff mass (MTOM) greater than 5,700 kilograms and subsonic propeller driven aircraft (e.g., turboprops) with a MTOM greater than 8,618 kilograms. This contribution finding for engines used in U.S. covered aircraft results in the vast majority (89 percent) of total U.S. aircraft GHG emissions being included in this determination.
FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 2, 15, 25, 30, and 101


Petitions for Reconsideration of Action in Rulemaking Proceeding

AGENCY: Federal Communications Commission.

ACTION: Petition for Reconsideration.

SUMMARY: Petitions for Reconsideration (Petitions) have been filed in the Commission’s rulemaking proceeding by Chris Pearson, on behalf of 5G Americas; Donald L. Herman, Jr., on behalf of Adams Telcom, Inc., jointly with Central Texas Communications, Inc., E.N.M.R. Telephone Cooperative, Louisiana Competitive Telecommunications, Inc., and Pine Belt Communications, Inc.; Audrey L. Allison, on behalf of The Boeing Company; Steven K. Berry, on behalf of Competitive Carriers Association; Brian M. Josef, on behalf of CTIA; Giselle Creesser, on behalf of Inmarsat, Inc., jointly with Microwave Engineering, Inc., and Nextlink Wireless,LLC; Petra Vorwig, on behalf of National Telecommunications Industry Association; Steve B. Sharkey, on behalf of T-Mobile USA, Inc.; and Christopher Murphy, on behalf of ViaSat, Inc.

DATES: Oppositors to the Petition must be filed on or before January 17, 2017. Replies to opposition must be filed on or before January 24, 2017.


FOR FURTHER INFORMATION CONTACT: John Schauble, Wireless Telecommunications Bureau, (202) 418–0797; email: John.Schauble@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission’s document, Report No. 3065, released December 22, 2016. The full text of the Petitions is available for viewing and copying at the FCC Reference Information Center, 445 12th Street SW., Room CY–A257, Washington, DC 20554 or may be accessed online via the Commission’s Electronic Comment Filing System at: http://apps.fcc.gov/ecfs/. The Commission will not send a copy of this document pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A), because this document does not have an impact on any rules of particular applicability.


Number of Petitions Filed: 13.

Federal Communications Commission.

Katura Howard, Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2016–31709 Filed 12–29–16; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73


Petitions for Reconsideration of Action in Rulemaking Proceeding

AGENCY: Federal Communications Commission.

ACTION: Petition for Reconsideration.

SUMMARY: Petitions for Reconsideration (Petitions) have been filed in the Commission’s rulemaking proceeding by David Oxenford and Kelly Donohue, on behalf of National Telecommunications Industry Association; Steve B. Sharkey, on behalf of T-Mobile USA, Inc.; and Christopher Murphy, on behalf of ViaSat, Inc.

DATES: Oppositors to the Petitions must be filed on on or before January 17, 2017. Replies to opposition must be filed on or before January 24, 2017.


FOR FURTHER INFORMATION CONTACT: John Schauble, Wireless Telecommunications Bureau, (202) 418–0797; email: John.Schauble@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission’s document, Report No. 3064, released December 21, 2016. The full text of the Petitions is available for viewing and copying at the FCC Reference Information Center, 445 12th Street SW., Room CY–A257, Washington, DC 20554 or may be accessed online via the Commission’s Electronic Comment Filing System at: http://apps.fcc.gov/ecfs/. The Commission will not send a copy of this document pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A), because this document does not have an impact on any rules of particular applicability.


Katura Howard, Federal Register Liaison Officer, Office of the Secretary.

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