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DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 774

[Docket No. 160718621–7125–02]

RIN 0694–AH04

Commerce Control List: Removal of Certain Nuclear Nonproliferation (NP) Column 2 Controls

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule; delay of implementation date.

SUMMARY: In accordance with the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review,'' published in the **Federal Register** on January 24, 2017 (the Memorandum), this action temporarily delays the implementation date of one revision implemented by the final rule entitled ''Commerce Control List: Removal of Certain Nuclear Nonproliferation (NP) Column 2 Controls'' published by the Bureau of Industry and Security (BIS) in the **Federal Register** on November 25, 2016. The final rule amended the Export Administration Regulations (EAR) to remove nuclear nonproliferation (NP) Column 2 license requirements from certain pressure tubes, pipes, fittings, pipe valves, pumps, numerically controlled machine tools, oscilloscopes, and transient recorders on the Commerce Control List (CCL).

DATES: This rule is effective January 31, 2017. ''Software'' ''specially designed'' for the ''development,'' ''production,'' or ''use'' of items previously controlled under ECCN 3A292, as discussed in the final rule published in the **Federal Register** of November 25, 2016 (81 FR 85138), will continue to be classified and licensed by BIS under the designation EAR99 through a delayed date of March 21, 2017. As of March 22, 2017, such ''software'' will be classified and licensed by BIS under ECCN 3D991.

FOR FURTHER INFORMATION CONTACT: Steven Clagett, Director, Nuclear and Missile Technology Controls Division, Office of Nonproliferation and Treaty Compliance, Bureau of Industry and Security, Telephone: (202) 482–1641.

SUPPLEMENTARY INFORMATION:

Background

On November 25, 2016, the Bureau of Industry and Security (BIS) published a final rule entitled ''Commerce Control List: Removal of Certain Nuclear Nonproliferation (NP) Column 2 Controls'' (81 FR 85138) to amend the Export Administration Regulations (EAR) to remove nuclear nonproliferation (NP) Column 2 license requirements from certain pressure tubes, pipes, fittings, pipe valves, pumps, numerically controlled machine tools, oscilloscopes, and transient recorders on the Commerce Control List (CCL). These changes were intended to revise the EAR controls on these items by making them more consistent with the export controls of other countries that manufacture these items and that, together with the United States, are participating countries in the Nuclear Suppliers Group (NSG). As a result of the changes made by this rule, some of these items were no longer listed under an Export Control Classification Number (ECCN) on the CCL. However, such items remain subject to the EAR under the designation EAR99. This rule also created four new ECCNs to maintain anti-terrorism (AT) controls on certain affected commodities and related ''software'' and ''technology.'' All items subject to the EAR, regardless of whether they are listed on the CCL, may require a license for reasons described elsewhere in the EAR (*e.g.,* license requirements based on end-user/end-use controls, embargoes, or other special controls).

All but one of the changes made by this rule were implemented on the date of publication, November 25, 2016. A consequence of the amendment of ECCN 3A992 to add certain oscilloscopes and transient recorders under new paragraphs 3A992.d through .g, was that ECCN 3D991, which includes certain ''software'' for general purpose electronic equipment described in ECCN 3A992, then also controlled ''software'' for the ''development,'' ''production,'' or ''use'' of the oscilloscopes and transient recorders described in new 3A992.d through .g. Such ''software'' had been classified and licensed by BIS under the designation EAR99, and its classification under 3D991 imposed a foreign policy control on the ''software'' for anti-terrorism reasons. BIS must notify Congress before imposing such a control. This modification in the application of foreign policy controls under the EAR was addressed in BIS's ''2017 Report on Foreign Policy-Based Export Controls,'' submitted to the Congress in January 2017. Therefore, the November 25 rule delayed the implementation of this control through January 31, 2017. Effective February 1, 2017, such ''software'' would have been classified and licensed by BIS under ECCN 3D991 and would have required a license to destinations indicated under Anti-Terrorism (AT) Column 1 on the Commerce Country Chart.

Provisions of This Action

This action delays the implementation date of the imposition of anti-terrorism controls on ''software'' ''specially designed'' for the ''development,'' ''production,'' or ''use'' of items previously controlled under ECCN 3A292 but reclassified by the November 25 rule. Such ''software'' had been classified and licensed by BIS under the designation EAR99; as a result of the November 25 rule, it will be classified and licensed by BIS under ECCN 3D991. The implementation date of this change had been January 31, 2017, but this action delays the implementation date to March 21, 2017. This action is issued in accordance with the Memorandum that required temporary postponement of rules that have been published in the **Federal Register** but have not yet taken effect, for 60 days from the date of the Memorandum for the purpose of reviewing questions of fact, law, and policy.

Determination of Exemption From Notice and Comment

To the extent that the requirements of 5 U.S.C. 553 apply to this action, there is good cause to exempt this action from notice and comment pursuant to 5 U.S.C. 553(b)(B). BIS is delaying the

effective date for this action to give DOC officials the opportunity to further review and consider the revision, consistent with the Memorandum. The rule published November 25 containing the revision was exempt from notice and comment because it involved a military and foreign affairs function of the United States (See 5 U.S.C. 553(a)(1)). Given the imminence of the new effective date, seeking prior public comment on this temporary delay would be impractical, unnecessary, and also contrary to the public interest in the orderly promulgation and implementation of regulations.

Dated: January 27, 2017.

Matthew S. Borman,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 2017–02164 Filed 1–31–17; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 1105

[Docket No. FDA–2016–N–1555]

Refuse To Accept Procedures for Premarket Tobacco Product Submissions; Revised Effective Date

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; delay of effective date.

SUMMARY: In accordance with the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review,'' this action revises the effective date of the final rule (''Refuse to Accept Procedures for Premarket Tobacco Product Submissions'') published December 29, 2016, from January 30, 2017, until March 21, 2017.

DATES: The effective date of the rule that published on December 29, 2016, at 81 FR 95863, is delayed until March 21, 2017.

FOR FURTHER INFORMATION CONTACT: Center for Tobacco Products, Food and Drug Administration, 10903 New Hampshire Ave., Document Control Center, Bldg. 71, Rm. G335, Silver Spring, MD 20993–0002, email: *AskCTP@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: On December 29, 2016, the Food and Drug Administration (FDA or Agency) issued a final rule describing when FDA will refuse to accept a tobacco product submission (or application) because the application has not met a minimum threshold for acceptability for FDA review (81 FR 95863). Under the rule, FDA will refuse to accept a tobacco product submission, for example, that is not in English, does not pertain to a tobacco product, or does not identify the type of submission. The rule was published with an effective date of January 30, 2017.

FDA bases this action on the memorandum of January 20, 2017 (82 FR 8346), from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review.'' That memorandum directed the heads of Executive Departments and Agencies to temporarily postpone for 60 days from the date of the memorandum the effective dates of all regulations that had been published in the **Federal Register** but had not yet taken effect, for the purpose of ''reviewing questions of fact, law, and policy they raise.'' FDA, therefore, is revising the effective date of the rule that published on December 29, 2016 (81 FR 95863), to March 21, 2017.

To the extent that 5 U.S.C. 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. 553(b)(A). Alternatively, the Agency's implementation of this action without opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. 553(b)(B) and (d)(3). Seeking public comment is impracticable, unnecessary, and contrary to the public interest. The temporary delay in the effective date until March 21, 2017, is necessary to give Agency officials the opportunity for further review and consideration of the new regulation, consistent with the memorandum described previously. Given the imminence of the effective date and the brief length of the extension of the effective date, seeking prior public comment on this temporary delay would have been impracticable, as well as contrary to the public interest in the orderly promulgation and implementation of regulations.[1] FDA also believes that affected entities need to be informed as soon as possible of the extension and its length in order to plan and adjust their implementation process accordingly.

[1] In the event that this rule does not publish on or before January 30, 2017, good cause similarly exists to stay the effectiveness of the rule published December 29, 2016, and revise its effective date until March 21, 2017.

Dated: January 27, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–02174 Filed 1–30–17; 11:15 am]

BILLING CODE 4164–01–P

DEPARTMENT OF JUSTICE

28 CFR Part 31

[Docket No.: OJP (OJJDP) 1719E]

RIN 1121–AA83

Juvenile Justice and Delinquency Prevention Act Formula Grant Program

AGENCY: Office of Justice Programs, Department of Justice.

ACTION: Final rule; delay of effective date.

SUMMARY: On January 17, 2017, the Office of Juvenile Justice and Delinquency Prevention (''OJJDP'') of the U.S. Department of Justice's Office of Justice Programs (''OJP''), published a partial final rule to amend portions of the formula grant program (''Formula Grant Program'') regulation to reflect changes in OJJDP policy. That rule is scheduled to become effective February 16, 2017.

In accordance with the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review,'' this action hereby temporarily delays the effective date of the final rule entitled ''Juvenile Justice and Delinquency Prevention Act Formula Grant Program'' until March 21, 2017 (which is 60 days from January 20, 2017). This temporary delay will allow Department of Justice officials an opportunity to review any potential questions of fact, law and policy raised by this regulation, consistent with the Chief of Staff's memorandum of January 20, 2017.

DATES: This rule is effective February 1, 2017. The effective date of the final rule amending 28 CFR part 31 published in the **Federal Register** on January 17, 2017, at 82 FR 4783, is delayed to March 21, 2017.

FOR FURTHER INFORMATION CONTACT: Mr. Gregory Thompson, Senior Advisor, Office of Juvenile Justice and Delinquency Prevention, at 202–307–5911.

SUPPLEMENTARY INFORMATION: The OJJDP Formula Grant Program is authorized by the Juvenile Justice and Delinquency Prevention Act (''JJDPA''). The JJDPA authorizes OJJDP to provide an annual grant to each State to improve its juvenile justice system and to support