

enforce its requirements. See CAA section 307(b)(2).

X. Legal Authority and Statutory Provisions

The statutory authority for this action is granted to EPA by CAA sections 211(h) and 301(a), as amended; 42 U.S.C. 7545(h) and 7601(a).

List of Subjects in 40 CFR Part 80

Environmental protection, Administrative practice and procedures, Air pollution control, Fuel additives, Gasoline, Motor vehicle and motor vehicle engines, Motor vehicle

pollution, Penalties, Reporting and recordkeeping requirements.

Dated: May 31, 2017.

E. Scott Pruitt,
Administrator.

For the reasons discussed in the preamble, the Environmental Protection Agency is amending 40 CFR part 80 as follows:

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

■ 1. The authority citation for part 80 continues to read as follows:

Authority: 42 U.S.C. 7414, 7521, 7542, 7545, and 7601(a).

- 2. Section 80.27 is amended in the table in paragraph (a)(2)(ii) by:
 - a. Revising the entries for North Carolina and Tennessee.
 - b. Revising footnotes 6 and 7.
 - c. Adding new footnotes 8, 9, and 10.

The revisions and additions read as follows:

§ 80.27 Controls and prohibitions on gasoline volatility.

- (a) * * *
- (2) * * *
- (ii) * * *

APPLICABLE STANDARDS¹ 1992 AND SUBSEQUENT YEARS

State	May	June	July	August	September
* * * * *					
North Carolina ^{6,7,9}	9.0	9.0	9.0	9.0	9.0
* * * * *					
Tennessee:					
Knox County	9.0	9.0	9.0	9.0	9.0
Middle Tennessee Area ¹⁰	9.0	9.0	9.0	9.0	9.0
All volatility nonattainment areas	9.0	7.8	7.8	7.8	7.8
* * * * *					

¹ Standards are expressed in pounds per square inch (psi).

⁶ The standard for Davidson, Forsyth and Guilford Counties and a portion of Davie County from June 1 until September 15 in 1992 through 1992 was 7.8 psi.

⁷ The standard for Durham and Wake Counties, and a portion of Dutchville Township in Granville County from June 1 until September 15 in 1992 through 2013 was 7.8 psi.

⁸ The standard for Jefferson and Shelby Counties from June 1 until September 15 in 1992 through July 2, 2015 was 7.8 psi.

⁹ The standard for Mecklenburg and Gaston Counties from June 1 until September 15 in 1992 through 2015 was 7.8 psi.

¹⁰ The standard for the Middle Tennessee Area (Davidson, Rutherford, Sumner, Williamson, and Wilson Counties) from June 1 until September 15 in 1992 through June 7, 2017 was 7.8 psi.

* * * * *
[FR Doc. 2017-11700 Filed 6-6-17; 8:45 am]
BILLING CODE 6560-50-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 270

[Docket No. FRA-2011-0060, Notice No. 6]

RIN 2130-AC31

System Safety Program

AGENCY: Federal Railroad Administration (FRA), Department of Transportation.

ACTION: Final rule; stay of regulations.

SUMMARY: On August 12, 2016, FRA published a final rule requiring commuter and intercity passenger railroads to develop and implement a system safety program (SSP) to improve the safety of their operations. On February 10, 2017, FRA stayed the SSP

final rule's requirements until March 21, 2017, and extended the stay until May 22, 2017 and then to June 5, 2017. This document extends that stay until December 4, 2017.

DATES: Effective June 2, 2017, 49 CFR part 270 is stayed until December 4, 2017.

FOR FURTHER INFORMATION CONTACT: Matthew Navarrete, Trial Attorney, U.S. Department of Transportation, Federal Railroad Administration, Office of Chief Counsel; telephone: 202-493-0138; email: *Matthew.Navarrete@dot.gov*.

SUPPLEMENTARY INFORMATION: On August 12, 2016, FRA published a final rule requiring commuter and intercity passenger railroads to develop and implement an SSP to improve the safety of their operations. See 81 FR 53850. On February 10, 2017, FRA stayed the SSP final rule's requirements until March 21, 2017 consistent with the new Administration's guidance issued January 20, 2017, intended to provide the Administration an adequate opportunity to review new and pending

regulations. 82 FR 10443 (Feb. 13, 2017). To provide additional time for that review, FRA extended the stay until May 22, 2017 and then to June 5, 2017. 82 FR 14476 (Mar. 21, 2017) and 82 FR 23150 (May 22, 2017).

The review includes petitions for reconsideration of the SSP final rule (Petitions).¹ FRA will conduct some form of outreach with interested parties to inform its decisions on the issues raised in the Petitions. FRA will announce any outreach process by separate notice in the **Federal Register**. Accordingly, to allow time for potential outreach, and to complete review of the rule and the Petitions, FRA is extending the stay of the rule until December 4, 2017.

FRA's implementation of this action without opportunity for public comment is based on the good cause exceptions in 5 U.S.C. 553(b)(B) and 553(d)(3), in that seeking public

¹ See SSP rulemaking docket for these petitions at: <https://www.regulations.gov/docket?D=FRA-2011-0060>.

comment on the stay is impracticable, unnecessary, and contrary to the public interest. The delay in the effective date until December 4, 2017, is necessary to continue the review of the rule and Petitions, including any potential outreach. Given the imminence of the effective date of the “System Safety Program” final rule, seeking prior public comment on this temporary delay would be impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations.

Authority: 49 U.S.C. 20103, 20106–20107, 20118–20119, 20156, 21301, 21304, 21311; 28 U.S.C. 2461, note; and 49 CFR 1.89.

Issued in Washington, DC, on June 1, 2017.

Patrick T. Warren,
Executive Director.

[FR Doc. 2017–11727 Filed 6–2–17; 4:15 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Parts 571 and 585

[Docket No. NHTSA–2016–0125]

RIN 2126–AK93

Federal Motor Vehicle Safety Standards; Minimum Sound Requirements for Hybrid and Electric Vehicles

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Final rule; delay of effective date.

SUMMARY: In accordance with the Presidential directive as expressed in the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled “Regulatory Freeze Pending Review,” this action temporarily delays until September 5, 2017, the effective date of the final rule titled “Federal Motor Vehicle Safety Standards; Minimum Sound Requirements for Hybrid and Electric Vehicles,” initially scheduled to become effective on February 13, 2017.

DATES: The effective date of the final rule published on December 14, 2016 (81 FR 90416), is delayed until September 5, 2017. The initial compliance date is September 1, 2018, with full phase in by September 1, 2019.

FOR FURTHER INFORMATION CONTACT: For legal issues, contact Thomas Healy, Office of Chief Counsel, at (202) 366–2992. For non-legal issues, contact Mike

Pyne, Office of Rulemaking, at (202) 366–4171.

SUPPLEMENTARY INFORMATION: NHTSA bases this action in part on the Presidential directive expressed in the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled “Regulatory Freeze Pending Review” (the January 20, 2017 memorandum). 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 certain regulations that had been published in the **Federal Register**, but had not yet taken effect. Because the original effective date of the final rule published on December 14, 2016, fell within that 60-day window, the effective date of the rule was extended to March 21, 2017, in a final rule published on February 6, 2017 (82 FR 9368). The effective date was again extended to May 22, 2017, in a final rule published March 21, 2017 (82 FR 14477). The effective date was further extended until June 5, 2017, in a final rule published May 22, 2017 (82 FR 23150). Consistent with the memorandum of the Assistant to the President and Chief of Staff, and as stated in the February 6, 2017, final rule delaying the effective date, the Agency further delays the effective date of this regulation until September 5, 2017.

This delay of the effective date of the final rule is also based on the need to allow additional time to respond to several petitions for reconsideration filed in response to the final rule. These responses will provide regulated entities with greater certainty as to the requirements of the Minimum Sound Requirements for Hybrid and Electric Vehicles final rule prior to the rule coming into effect. Delaying the effective date of the final rule to allow additional time to respond to these petitions for reconsideration is prudent in this instance because the petitions concern topics such as the date by which manufacturers are required to comply with the rule’s requirements and the stringency of the requirements themselves, both of which impact manufacturers’ compliance plans.

The Agency’s implementation of this action without opportunity for public comment is based on the good cause exceptions in 5 U.S.C. 553(b)(B) and 553(d)(3), in that seeking public comment is impracticable, unnecessary and contrary to the public interest. The delay in the effective date until September 5, 2017, is necessary to provide the opportunity for further review and consideration of this new

regulation, consistent with the January 20, 2017 memorandum. Given the imminence of the effective date of the “Federal Motor Vehicle Safety Standards; Minimum Sound Requirements for Hybrid and Electric Vehicles” final rule, seeking prior public comment on this temporary delay would be impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations.

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30116; delegation of authority at 49 CFR 1.95.

Terry T. Shelton,

Acting Executive Director.

[FR Doc. 2017–11732 Filed 6–2–17; 4:15 pm]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 217

[Docket No. 160830798–7517–02]

RIN 0648–BG32

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Waterfront Construction

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS, upon request from the U.S. Navy (Navy), issues these regulations pursuant to the Marine Mammal Protection Act (MMPA) to govern the taking of marine mammals incidental to conducting waterfront construction at Naval Submarine Base Kings Bay, GA, over the course of five years (2017–2022). These regulations, which allow for the issuance of Letters of Authorization (LOA) for the incidental take of marine mammals during the described activities and specified timeframes, prescribe the permissible methods of taking and other means of effecting the least practicable adverse impact on marine mammal species or stocks and their habitat, and establish requirements pertaining to the monitoring and reporting of such taking.

DATES: Effective from July 12, 2017, through July 11, 2022.

ADDRESSES: A copy of Navy’s application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: www.nmfs.noaa.gov/pr/