

Dated: December 19, 2016.

Alexis Strauss,

Acting Regional Administrator, Region IX.

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for Part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

### Subpart F—California

■ 2. Section 52.220 is amended by adding paragraphs (c)(242)(i)(A)(2), (c)(379)(i)(B)(2), (c)(485)(B), (c)(487), and (c)(488) to read as follows:

#### § 52.220 Identification of plan—in part.

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(c) \* \* \*  
(242) \* \* \*  
(i) \* \* \*  
(A) \* \* \*

(2) Previously approved on August 17, 1998 in paragraph (c)(242)(i)(A)(1) of this section and now deleted with replacement in paragraph (c)(485)(B)(1), Rule 1118, adopted on October 28, 1996.

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(379) \* \* \*  
(i) \* \* \*  
(B) \* \* \*

(2) Previously approved on September 17, 2010 in paragraph (c)(379)(i)(B)(1) of this section and now deleted with replacement in paragraph (c)(488)(i)(A)(1), Rule 2, “Definitions,” Rev. Adopted and Effective on June 30, 1999, Table 1—Exempt Compounds: Rev. and Effective on November 4, 2009

\* \* \* \* \*

(485) \* \* \*  
(i) \* \* \*

(B) Mojave Desert Air Quality Management District.

(1) Rule 1118, “Aerospace Assembly, Rework and Component Manufacturing Operations,” amended on October 26, 2015.

(2) [Reserved]

\* \* \* \* \*

(487) New and amended regulations were submitted on September 6, 2016 by the Governor’s designee.

(i) Incorporation by reference.

(A) Northern Sierra Air Quality Management District.

(1) Rule 513, “Emissions Statements and Recordkeeping,” amended on June 27, 2016.

(2) [Reserved]

(488) New and amended regulations were submitted on April 21, 2016 by the Governor’s designee.

(i) Incorporation by reference.

(A) San Diego County Air Pollution Control District.

(1) Regulation 1, Rule 2, “Definitions,” Rev. Adopted and Effective on June 30, 1999, Table 1—Exempt Compounds: Rev. and Effective on June 14, 2016.

(2) [Reserved]

**Note:** This document was received for publication by the Office of the Federal Register on June 12, 2017.

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 97

[FRL–9963–26–OAR]

#### Allocations of Cross-State Air Pollution Rule Allowances From New Unit Set-Asides for the 2017 Compliance Year

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of data availability (NODA).

**SUMMARY:** The Environmental Protection Agency (EPA) is providing notice of the availability of data on emission allowance allocations to certain units under the Cross-State Air Pollution Rule (CSAPR). EPA has completed preliminary calculations for the first round of allocations of allowances from the CSAPR new unit set-asides (NUSAs) for the 2017 control periods and has posted spreadsheets containing the calculations on EPA’s Web site. EPA will consider timely objections to the preliminary calculations (including objections concerning the identification of units eligible for allocations) and will promulgate a notice responding to any such objections no later than August 1, 2017, the deadline for recording the first-round allocations in sources’ Allowance Management System accounts.

**DATES:** Objections to the information referenced in this notice must be received on or before July 21, 2017.

**ADDRESSES:** Submit your objections via email to [CSAPR\\_NUSA@epa.gov](mailto:CSAPR_NUSA@epa.gov). Include “2017 NUSA allocations” in the email subject line and include your name, title, affiliation, address, phone number, and email address in the body of the email.

**FOR FURTHER INFORMATION CONTACT:** Questions concerning this action should be addressed to Robert Miller at (202) 343–9077 or [miller.robert1@epa.gov](mailto:miller.robert1@epa.gov) or Kenon Smith at (202) 343–9164 or [smith.kenon@epa.gov](mailto:smith.kenon@epa.gov).

**SUPPLEMENTARY INFORMATION:** Under each CSAPR trading program where EPA is responsible for determining emission allowance allocations, a portion of each state’s emissions budget for the program for each control period is reserved in a NUSA (and in an additional Indian country NUSA in the case of states with Indian country within their borders) for allocation to certain units that would not otherwise receive allowance allocations. The procedures for annually allocating allowances from each NUSA to eligible units are set forth in the CSAPR regulations at 40 CFR 97.411(b) and 97.412 (NO<sub>x</sub> Annual Trading Program), 97.511(b) and 97.512 (NO<sub>x</sub> Ozone Season Group 1 Trading Program), 97.611(b) and 97.612 (SO<sub>2</sub> Group 1 Trading Program), 97.711(b) and 97.712 (SO<sub>2</sub> Group 2 Trading Program), and 97.811(b) and 97.812 (NO<sub>x</sub> Ozone Season Group 2 Trading Program). Each NUSA allowance allocation process involves up to two rounds of allocations to eligible units, termed “new” units, followed by the allocation to “existing” units of any allowances not allocated to new units.

This notice concerns preliminary calculations for the first round of NUSA allowance allocations for the 2017 control periods. Generally, the allocation procedures call for each eligible unit to receive a first-round 2017 NUSA allocation equal to its 2016 emissions as reported under 40 CFR part 75 unless the total of such allocations to all eligible units would exceed the amount of allowances in the NUSA, in which case the allocations are reduced on a pro-rata basis.

The detailed unit-by-unit data and preliminary allowance allocation calculations are set forth in Excel spreadsheets titled “CSAPR\_NUSA\_2017\_NO<sub>x</sub>\_Annual\_1st\_Round\_Prelim\_Data”, “CSAPR\_NUSA\_2017\_NO<sub>x</sub>\_OS\_1st\_Round\_Prelim\_Data”, and “CSAPR\_NUSA\_2017\_SO<sub>2</sub>\_1st\_Round\_Prelim\_Data,” available on EPA’s Web site at <https://www.epa.gov/csapr/new-unit-set-aside-notices-data-availability-nusa-noda-cross-state-air-pollution-rule>. Each of the spreadsheets contains a separate worksheet for each state covered by that program showing, for each unit identified as eligible for a first-round NUSA allocation, (1) the unit’s emissions in the 2016 control period (annual or ozone season as applicable), (2) the maximum first-round 2017 NUSA allowance allocation for which the unit is eligible (typically the unit’s emissions in the 2016 control period), (3) various adjustments to the unit’s maximum allocation, many of which are necessary only if the NUSA pool is

oversubscribed, and (4) the preliminary calculation of the unit's first-round 2017 NUSA allowance allocation.

Each state worksheet also contains a summary showing (1) the quantity of allowances initially available in that state's 2017 NUSA, (2) the sum of the first-round 2017 NUSA allowance allocations that will be made to new units in that state, assuming there are no corrections to the data, and (3) the quantity of allowances that would remain in the 2017 NUSA for use in second-round allocations to new units (or ultimately for allocation to existing units), again assuming there are no corrections to the data.

Objections should be strictly limited to the data and calculations upon which the NUSA allowance allocations are based and should be emailed to the address identified in **ADDRESSES**. Objections must include: (1) Precise identification of the specific data and/or calculations the commenter believes are inaccurate, (2) new proposed data and/or calculations upon which the commenter believes EPA should rely instead to determine allowance allocations, and (3) the reasons why EPA should rely on the commenter's proposed data and/or calculations and not the data referenced in this notice.

EPA notes that an allocation or lack of allocation of allowances to a given unit does not constitute a determination that CSAPR does or does not apply to the unit. EPA also notes that allocations are subject to potential correction.

**Authority:** 40 CFR 97.411(b), 97.511(b), 97.611(b), 97.711(b), and 97.811(b).

Dated: May 22, 2017.

**Richard A. Haeuber,**

*Acting Director, Clean Air Markets Division, Office of Atmospheric Programs, Office of Air and Radiation.*

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 54

[WC Docket No. 02-60; FCC 17-71]

### Rural Health Care Support Mechanism

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document, the Federal Communications Commission (Commission) amends the Rural Health Care (RHC) Program rule which defines "health care provider" to implement the provision of the Rural Healthcare

Connectivity Act of 2016 amending the Communications Act of 1934 (the Act) to include skilled nursing facilities (SNFs) amongst the list of health care providers eligible to receive support.

**DATES:** Effective June 21, 2017.

**FOR FURTHER INFORMATION CONTACT:**

Regina Brown, [regina.brown@fcc.gov](mailto:regina.brown@fcc.gov), Telecommunications Access Policy Division, Wireline Competition Bureau, (202) 418-0792 or TTY: (202) 418-0484.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Memorandum Opinion and Order (MO&O) in WC Docket No. 02-60; FCC 17-71, adopted on June 7, 2017, and released on June 8, 2017. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY-A257, 445 12th Street SW., Washington, DC 20554, or at the following Internet address: [https://apps.fcc.gov/edocs\\_public/attachmatch/FCC-17-71A1.pdf](https://apps.fcc.gov/edocs_public/attachmatch/FCC-17-71A1.pdf).

### I. Discussion

1. In this MO&O, we implement the Rural Healthcare Connectivity Act of 2016, which amends section 254(h)(7)(B) of the Act, to include SNFs amongst the list of health care providers eligible to receive RHC Program support. Specifically, we amend § 54.600(a) of the Commission's rules defining "health care provider" under the RHC Program to include SNFs as eligible health care providers.

2. In the 1996 Act, Congress limited the types of health care providers eligible to receive support. SNFs were not included as an eligible entity type. Following the 1996 Act, the Commission established the RHC Program implementing the provisions of the 1996 Act and adopting rules for the program, including § 54.600(a) of the Commission's rules, which defines "health care provider[s]" supported under our RHC support programs in a manner that mirrored the terms of section 254(h)(7)(B) of the Act. This definition did not include SNFs.

3. On June 22, 2016, the President signed legislation that included SNFs amongst the list of health care providers eligible to receive RHC Program support. We interpret this law as directing the Commission to include SNFs in all programs for which health care providers are otherwise eligible and therefore amend § 54.600(a) of the Commission's rules defining "health care provider" under the RHC Program to mirror the current statutory definition in 47 U.S.C. 254(h)(7)(B). We find that a notice and comment rule making proceeding in this matter is unnecessary

because the rule modification flows from the direction provided in the Rural Healthcare Connectivity Act of 2016 to include SNFs within the existing RHC Program. Section 1.412(c) of the Commission's rules provides that rule changes may be adopted without prior notice where the Commission for good cause finds that notice and comment procedures are unnecessary, so long as the basis for the good cause finding is published with the rule changes. The final rule adopted in this MO&O does not involve discretionary action on our part, but rather simply effectuates the Act according to the specific terms set forth in the legislation, which became effective on December 19, 2016. Accordingly, we conclude that this change constitutes a ministerial, noncontroversial amendment to our rules and thus this action falls within the "good cause" exception of the Administrative Procedure Act. We therefore forgo notice and comment in this limited context.

4. We also find good cause to make this rule change effective upon publication in the **Federal Register**. Specifically, making this rule change effective upon publication in the **Federal Register** enables SNFs to benefit expeditiously, consistent with Congress's goal of including SNFs as an eligible health care provider type under the RHC Program. No additional time is needed for affected parties to prepare for the rule's effectiveness because Commission staff, USAC, and interested parties have already had a chance to do so; the associated RHC Program application forms incorporating SNFs into the RHC Program have already been prepared, put out for notice and comment, and approved. Additionally, while the rule change enables SNFs to benefit from the RHC Program, it does not immediately oblige them to take any particular action unless they choose to do so. Thus, we find good cause to make this rule change effective upon publication in the **Federal Register**.

### II. Procedural Matters

#### A. Paperwork Reduction Act Analysis

2. Because approval has already been obtained for the addition of SNFs to the category of eligible health care providers pursuant to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13, this document does not contain any new or modified information collection requirements subject to PRA. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business