DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

32 CFR Part 644

33 CFR Chapter II

36 CFR Parts 312, 327, 328, 330, and 331

[COE–2017–0004]

United States Army, Corps of Engineers; Subgroup to the DoD Regulatory Reform Task Force, Review of Existing Rules

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Request for comment.

SUMMARY: In accordance with Executive Order 13777, "Enforcing the Regulatory Reform Agenda," the United States Army, Corps of Engineers Subgroup to the DoD Regulatory Reform Task Force is seeking input on its existing regulations that may be appropriate for repeal, replacement, or modification. See the SUPPLEMENTARY INFORMATION section below for additional guidance.

DATES: Interested parties should submit written comments to the address shown below on or before September 18, 2017, to be considered.

ADDRESSES: You may send comments, identified by docket number COE–2017–0004, by any of the following methods:

- Email: CorpsRegulatoryReview@usace.army.mil and include docket number COE–2017–0004 in the subject line of the message.
- Hand Delivery/Courier: Due to security requirements, we cannot receive comments by hand delivery or courier.

Instructions: Direct your comments to docket number COE–2017–0004. All comments received will be included in the public docket without change and may be made available on-line at http://www.regulations.gov, including any personal information provided, unless the commenter indicates that the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI, or otherwise protected, through regulations.gov or email. The regulations.gov Web site is an anonymous access system, which means we will not know your identity or contact information unless you provide it in the body of your comment. If you send an email directly to the Corps without going through regulations.gov, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, we recommend that you include your name and other contact information in the body of your comment and also include your contact information with any disk or CD–ROM you submit. If we cannot read your comment because of technical difficulties and cannot contact you for clarification, we may not be able to consider your comment. Electronic comments should avoid the use of any special characters, any form of encryption, and be free of any defects or viruses.

Docket: For access to the docket to read background documents or comments received, go to www.regulations.gov. All documents in the docket are listed. Although listed in the index, some information is not publicly available, such as CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form.

FOR FURTHER INFORMATION CONTACT: Ms. Mary Coulombe, 202–761–1228, mary.j.coulombe@usace.army.mil.

SUPPLEMENTARY INFORMATION: On February 24, 2017, the President signed Executive Order (E.O.) 13777, “Enforcing the Regulatory Reform Agenda,” which established a Federal policy "to alleviate unnecessary regulatory burdens" on the American People.

Section 3(a) of the E.O. directs Federal agencies to establish a Regulatory Reform Task Force (Task Force). One of the duties of the Task Force is to evaluate existing regulations and "make recommendations to the agency head regarding their repeal, replacement, or modification." The E.O. further asks that each Task Force "attempt to identify regulations that: (i) Eliminate jobs, or inhibit job creation; (ii) are outdated, unnecessary, or ineffective; (iii) impose costs that exceed benefits; (iv) create a serious inconsistency or otherwise interfere..."
with regulatory reform initiatives and policies; (v) are inconsistent with the requirements of section 515 of the
Treasury and General Government Appropriation Act, 2001 (44 U.S.C. 3516
note), or the guidance issued pursuant
to that provision in particular those
regulations that rely in whole or in part
on data, information, or methods that
are not publicly available or that are
insufficiently transparent to meet the
standard of reproducibility; or (vi)
derive from or implement Executive
Orders or other Presidential directives
that have been subsequently rescinded
or substantially modified."
Section 3(e) of the E.O. 13777 calls
on the Task Force to “seek input and other
assistance, as permitted by law, from
entities significantly affected by Federal
regulations, including State, local, and
tribal governments, small businesses,
consumers, non-governmental
organizations, trade associations” on
regulations that meet some or all of the
criteria above. Through this notice, the
United States Army, Corps of Engineers
is soliciting such input from the public
to inform evaluation of the United
States Army, Corps of Engineers existing
regulations by the Task Force’s United
States Army, Corps of Engineers
Subgroup. Although the agency will not
respond to each individual comment,
the United States Army, Corps of
Engineers may follow-up with
respondents to clarify comments. The
United States Army, Corps of
Engineers values public feedback and will
consider all input that it receives. In
addition to the regulations listed below,
we are open to receiving comments on
other Corps of Engineers regulations as
well.

The Corps regulations subject to this
review are:

- 32 CFR part 644—Real Estate
  Handbook
- 33 CFR part 203—Emergency
  Employment of Army and Other
  Resources, Natural Disaster
  Procedures
- 33 CFR part 207—Navigation
  Regulations
- 33 CFR part 208—Flood Control
  Regulations
- 33 CFR part 209—Administrative
  Procedure
- 33 CFR part 210—Procurement
  Activities of the Corps of Engineers
- 33 CFR part 214—Emergency
  Supplies of Drinking Water
- 33 CFR part 220—Design Criteria for
  Dam and Lake Projects
- 33 CFR part 221—Work for Others
- 33 CFR part 222—Engineering and
  Design
- 33 CFR part 223—Boards,
  Commissions, and Committees
- 33 CFR part 230—Procedures for
  Implementing NEPA
- 33 CFR part 236—Water Resource
  Policies and Authorities: Corps of
  Engineers Participation in
  Improvements for Environmental
  Quality
- 33 CFR part 238—Water Resources
  Policies and Authorities: Flood
  Damage Reduction Measures in Urban
  Areas
- 33 CFR part 239—Water Resources
  Policies and Authorities: Federal
  Participation in Covered Flood
  Control Channels
- 33 CFR part 240—General Credit for
  Flood Control
- 33 CFR part 241—Flood Control Cost-
  sharing Requirements Under the
  Ability to Pay Provision
- 33 CFR part 242—Flood Plain
  Management Services Program
  Establishment of Fees for Cost
  Recovery
- 33 CFR part 245—Removal of Wrecks
  and Other Obstructions
- 33 CFR part 263—Continuing
  Authorities Programs
- 33 CFR part 273—Aquatnic Plant
  Control
- 33 CFR part 274—Pest Control
  Program for Civil Works Projects
- 33 CFR part 276—Water Resources
  Policies and Authorities: Application
  of Section 134a of Public Law 94–587
- 33 CFR part 277—Water Resources
  Policies and Authorities: Navigation
  Policy: Cost Apportionment of Bridge
  Alterations
- 33 CFR part 279—Resource Use:
  Establishment of Objectives
- 33 CFR part 320—General Regulatory
  Policies
- 33 CFR part 321—Permits for Dams
  and Dikes in Navigable Waters of the
  United States
- 33 CFR part 322—Permits for
  Structures or Work In or Affecting
  Navigable Waters of the United
  States
- 33 CFR part 323—Permits for
  Discharges of Dredged or Fill Material
  into Waters of the United States
- 33 CFR part 324—Permits for Ocean
  Dumping of Dredged Material
- 33 CFR part 325—Processing of
  Department of the Army permits
- 33 CFR part 326—Enforcement
- 33 CFR part 327—Public Hearings
- 33 CFR part 328—Definition of
  Waters of the United States
- 33 CFR part 329—Definition of
  Navigable Waters of the United States
- 33 CFR part 330—Nationwide Permit
  Program
- 33 CFR part 331—Administrative
  Appeal Process
- 33 CFR part 332—Compensatory
  Mitigation for Losses of Aquatic
  Resources
- 33 CFR part 334—Danger Zone and
  Restricted Area Regulations
- 33 CFR part 335—Operation and
  Maintenance of Army Corps of
  Engineers Civil Works Projects
  Involving the Discharge of Dredged or
  Fill Material into Waters of the United
  States or Ocean Waters
- 33 CFR part 336—Factors to be
  Considered in the Evaluation of Army
  Corps of Engineers Dredging Projects
  Involving the Discharge of Dredged
  Material into Waters of the United
  States and Ocean Waters
- 33 CFR part 337—Practice and
  Procedure
- 33 CFR part 338—Other Corps
  Activities Involving the Discharge of
  Dredged Material or Fill into Waters of
  the United States
- 33 CFR part 339—Intergovernmental
  Review of Department of the Army
  Corps of Engineers Programs and
  Activities
- 33 CFR part 335—Programmatic
  Regulations for the Comprehensive
  Everglades Restoration Plan
- 33 CFR part 312—Prohibition of
  Discriminatory Practices in Water
  Resources Development Projects
- 33 CFR part 327—Rules and
  Regulations Governing Public Use of
  Water Resource Development Projects
  Administered by the Chief of
  Engineers
- 33 CFR part 329—Regulation of
  Seaplane Operations at Civil Works
  Water Resource Development Projects
  Administered by the Chief of
  Engineers
- 33 CFR part 330, Regulation of Law
  Enforcement Services Contracts at
  Civil Works Water Resources Projects
  Administered by the Chief of
  Engineers
- 33 CFR part 331—Regulations
  Governing the Protection, Use, and
  Management of the Falls of Ohio
  National Wildlife Conservation Area,
  Kentucky and Indiana

Dated: July 17, 2017.

Jeffery A. Anderson,
Colonel, U.S. Army, Chief of Staff.
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ENVIRONMENTAL PROTECTION
AGENCY

40 CFR Part 52

Air Plan Approval; ME; Regional Haze
5-Year Progress Report

AGENCY: Environmental Protection
Agency [EPA].