

(1) If a party fails to make required initial disclosures or expert testimony disclosure, or fails to designate a person pursuant to Rule 30(b)(6) or Rule 31(a) of the Federal Rules of Civil Procedure, or if a party, or such designated person, or an officer, director or managing agent of a party fails to attend a deposition or fails to answer any question propounded in a discovery deposition, or any interrogatory, or fails to produce and permit the inspection and copying of any document, electronically stored information, or tangible thing, the party entitled to disclosure or seeking discovery may file a motion to compel disclosure, a designation, or attendance at a deposition, or an answer, or production and an opportunity to inspect and copy. A motion to compel initial disclosures must be filed within thirty days after the deadline therefor and include a copy of the disclosure(s), if any, and a motion to compel an expert testimony disclosure must be filed prior to the close of the discovery period. A motion to compel discovery must be filed before the day of the deadline for pretrial disclosures for the first testimony period as originally set or as reset. A motion to compel discovery shall include a copy of the request for designation of a witness or of the relevant portion of the discovery deposition; or a copy of the interrogatory with any answer or objection that was made; or a copy of the request for production, any proffer of production or objection to production in response to the request, and a list and brief description of the documents, electronically stored information, or tangible things that were not produced for inspection and copying. A motion to compel initial disclosures, expert testimony disclosure, or discovery must be supported by a showing from the moving party that such party or the attorney therefor has made a good faith effort, by conference or correspondence, to resolve with the other party or the attorney therefor the issues presented in the motion but the parties were unable to resolve their differences. If issues raised in the motion are subsequently resolved by agreement of the parties, the moving party should inform the Board in writing of the issues in the motion which no longer require adjudication.

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(i) \* \* \*

(1) Any motion by a party to determine the sufficiency of an answer or objection, including testing the sufficiency of a general objection on the ground of excessive number, to a request made by that party for an admission must be filed before the day

of the deadline for pretrial disclosures for the first testimony period, as originally set or as reset. The motion shall include a copy of the request for admission and any exhibits thereto and of the answer or objection. The motion must be supported by a written statement from the moving party showing that such party or the attorney therefor has made a good faith effort, by conference or correspondence, to resolve with the other party or the attorney therefor the issues presented in the motion and has been unable to reach agreement. If issues raised in the motion are subsequently resolved by agreement of the parties, the moving party should inform the Board in writing of the issues in the motion which no longer require adjudication.

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■ 3. Amend § 2.127 by revising paragraph (e)(1) to read as follows:

**§ 2.127 Motions.**

\* \* \* \* \*

(e)(1) A party may not file a motion for summary judgment until the party has made its initial disclosures, except for a motion asserting claim or issue preclusion or lack of jurisdiction by the Trademark Trial and Appeal Board. A motion for summary judgment must be filed before the day of the deadline for pretrial disclosures for the first testimony period, as originally set or as reset. A motion under Rule 56(d) of the Federal Rules of Civil Procedure, if filed in response to a motion for summary judgment, shall be filed within thirty days from the date of service of the summary judgment motion. The time for filing a motion under Rule 56(d) will not be extended or reopened. If no motion under Rule 56(d) is filed, a brief in response to the motion for summary judgment shall be filed within thirty days from the date of service of the motion unless the time is extended by stipulation of the parties approved by the Board, or upon motion granted by the Board, or upon order of the Board. If a motion for an extension is denied, the time for responding to the motion for summary judgment may remain as specified under this section. A reply brief, if filed, shall be filed within twenty days from the date of service of the brief in response to the motion. The time for filing a reply brief will not be extended or reopened. The Board will consider no further papers in support of or in opposition to a motion for summary judgment.

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Dated: July 17, 2017.

**Joseph D. Matal,**

*Performing the Functions and Duties of the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.*

[FR Doc. 2017-15346 Filed 7-20-17; 8:45 am]

**BILLING CODE 3510-16-P**

**POSTAL SERVICE**

**39 CFR Part 447**

**Rules of Conduct for Postal Employees**

**AGENCY:** Postal Service.

**ACTION:** Final rule.

**SUMMARY:** The Postal Service is revising its rules concerning employee conduct to specify the circumstances under which a nonbargaining employee may consume intoxicating beverages at an Officer Approved Event or a Postmaster General Approved event. This revision is intended to ensure that the relevant rules conform to the Postal Service's existing practices regarding this matter.

**DATES:** *Effective date:* August 21, 2017.

**FOR FURTHER INFORMATION CONTACT:**

David B. Ellis at (202) 268-2981, or [david.b.ellis@usps.gov](mailto:david.b.ellis@usps.gov).

**SUPPLEMENTARY INFORMATION:** The Postal Service has determined that it is necessary to revise and update its regulations concerning employee conduct to reflect current practices concerning the possession and consumption of intoxicating beverages at officially-approved Postal Service events. The current rules, set forth at 39 CFR 447.21(e), are couched in general terms that fail to provide sufficient guidance to managers or employees.

As revised, the general prohibition against consuming intoxicating beverages on duty is replaced with a rule that intoxicating beverages may be consumed by non-bargaining employees while on duty only if consumption occurs at certain events known as *Officer Approved Events* and *Postmaster General Approved Events*. This change was made because the current regulations' general prohibition against on-duty consumption is not in accordance with Postal Service practice. The Postal Service permits the consumption of intoxicating beverages by nonbargaining employees at business meetings, sales meetings, and recognition events. At such events, Postal Service nonbargaining employees may be on duty because the event occurs during their normal work hours and their attendance is authorized or required, or because they are hosting or

performing Postal Service responsibilities at a recognition event, meeting with a customer, or otherwise conducting Postal Service business, whether or not the event occurs during the nonbargaining employee's normal work hours. Such events often involve the serving of food and beverages, whether during a meal or as refreshments at the event.

The Postal Service, however, wishes to restrict the consumption of intoxicating beverages by nonbargaining employees at Postal Service events to appropriate situations for which executive approval has been obtained, whether or not the employees are on duty. As a result, any event where intoxicating beverages are served to Postal Service nonbargaining employees, whether they are on duty or off duty, must meet the requirements for an Officer Approved Event or a Postmaster General Approved Event. Among other things, this means that the consumption of intoxicating beverages at the event would require the express approval of a Postal Service Officer or the Postmaster General.

The new regulations will not change the existing prohibitions against beginning work or returning to duty intoxicated. They will, however, impose a specific prohibition against becoming intoxicated at Officer Approved Events or Postmaster General Approved Events.

The new regulations also clarify the conditions under which intoxicating beverages may be possessed or consumed on Postal Service premises. First, beer and wine would be permitted on Postal Service premises if approved by a Postal Service Officer in connection with an Officer Approved Event. Under current regulations, only the Postmaster General may approve the consumption of intoxicating beverages on Postal Service Premises. Second, intoxicating beverages other than beer and wine would never be permitted on Postal Service premises, regardless of whether the event is an Officer Approved Event or a Postmaster General Approved Event. Under current regulations, the Postmaster General may approve the consumption of intoxicating beverages other than beer and wine on Postal Service premises.

#### List of Subjects in 39 CFR Part 447

Conflict of interests, Employee conduct, Government employees.

For the reasons stated in the preamble, the Postal Service amends 39 CFR part 447 as set forth below:

## PART 447—RULES OF CONDUCT FOR POSTAL EMPLOYEES

■ 1. The authority citation for part 447 continues to read as follows:

Authority: 39 U.S.C. 401.

### Subpart B—Employee Conduct

■ 2. Revise § 447.21(e) to read as follows:

#### § 447.21 Prohibited conduct.

\* \* \* \* \*

(e)(1) Except as provided in this paragraph, employees must not drink beer, wine, or other intoxicating beverages while on duty; begin work or return to duty intoxicated; or drink intoxicating beverages in a public place while in uniform. Employees found to be violating this policy may be subject to disciplinary action.

(2) A nonbargaining employee may consume beer or wine at an Officer Approved Event. An *Officer Approved Event* means: A meeting of Postal Service employees convened by management, such as a working meal, an employee recognition event, or an employee appreciation event; or an event whose primary purpose is to interact with external individuals or entities, such as an industry conference, a sales meeting, or a supplier meeting; that in all cases is either attended by an Officer of the Postal Service who personally decides that the consumption of beer and wine by employees is appropriate, or with respect to which an Officer of the Postal Service has granted specific, written, and advance approval for the consumption of beer and wine by employees.

(3) A nonbargaining employee may consume beer, wine, or other intoxicating beverages at a Postmaster General Approved Event. A *Postmaster General Approved Event* means any Postal Service-related event with respect to which the Postmaster General personally approves the consumption of beer, wine, or other intoxicating beverages.

(4) No employee may become intoxicated while at an Officer Approved Event or a Postmaster General Approved Event. Except in connection with an Officer Approved Event or a Postmaster General Approved Event occurring at a Postal Service facility or premises, no employee shall have or bring any container of beer or wine into any Postal Service facility or premises, whether the container has been opened or not. Intoxicating beverages other than beer and wine may never be brought

into any Postal Service facility or premises under any circumstances.

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Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017-15311 Filed 7-20-17; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R04-OAR-2016-0656; FRL-9965-14-Region 4]

### Air Plan Approval; Florida: Unnecessary Rule Removal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving a revision to the Florida State Implementation Plan submitted by the Florida Department of Environmental Protection (DEP) on February 20, 2013. The revision removes unnecessary and superseded rules from the Florida State Implementation Plan (SIP). Specifically, this revision removes non-regulatory introductory language, as well as a regulation that has been superseded by more stringent federal regulations. This action is being taken pursuant to the Clean Air Act (CAA or Act).

**DATES:** This direct final rule is effective September 19, 2017 without further notice, unless EPA receives adverse comment by August 21, 2017. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R04-OAR-2016-0656 at <http://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment