

applicant meets the income eligibility requirement.

(i) Certified programs must re-verify the income and disability eligibility of an equipment recipient under certain circumstances.

(j) Certified programs must permit the transfer of an equipment recipient's account when the recipient relocates to another state.

(k) Certified programs must include an attestation on consumer application forms.

(l) Certified programs must conduct annual audits and submit to Commission-directed audits.

(m) Certified programs must document compliance with NDBEDP requirements, provide such documentation to the Commission upon request, and retain such records for at least five years.

(n) Certified programs must submit reimbursement claims as instructed by the TRS Fund Administrator, and supplemental information and documentation as requested. In addition, the entity selected to conduct national outreach will submit claims for reimbursement on a quarterly basis.

(o) Certified programs must submit reports every six months as instructed by the NDBEDP Administrator. In addition, the entity selected to conduct national outreach will submit an annual report.

(p) Informal and formal complaints may be filed against NDBEDP certified programs, and the Commission may conduct such inquiries and hold such proceedings as it may deem necessary.

(q) Certified programs must include the NDBEDP whistleblower protections in appropriate publications.

Federal Communications Commission.

**Marlene H. Dortch,**

Secretary.

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Parts 571 and 585

[Docket No. NHTSA-2016-0125]

RIN 2127-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:** This action temporarily delays for 36 days the effective date of the rule entitled "Federal Motor Vehicle Safety Standards; Minimum Sound Requirements for Hybrid and Electric Vehicles," published in the **Federal Register** on December 14, 2016.

**DATES:** The effective date of the final rule published at 81 FR 90416, December 14, 2016, is delayed until March 21, 2017.

**FOR FURTHER INFORMATION CONTACT:** For legal issues, contact Tom Healy, Office of Chief Counsel, at (202) 366-2992. For non-legal issues, contact Mike Pyne, Office of Vehicle Safety Compliance, at (202) 366-4171.

**SUPPLEMENTARY INFORMATION:** In accordance with the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled "Regulatory Freeze Pending Review,"<sup>1</sup> this action temporarily delays for 36 days<sup>2</sup> the effective date of the rule entitled "Federal Motor Vehicle Safety Standards; Minimum Sound Requirements for Hybrid and Electric Vehicles," published in the **Federal Register** on December 14, 2016, at 81 FR

<sup>1</sup> Available at <https://www.whitehouse.gov/the-press-office/2017/01/20/memorandum-heads-executive-departments-and-agencies> (last accessed Jan. 24, 2017).

<sup>2</sup> The delay is 36 days because a delay of 60 days from the date of the "Freeze Memo" is March 21, 2016. The original effective date for the final rule was February 13, 2017.

90416. That rule satisfied the mandate in the Pedestrian Safety Enhancement Act (PSEA) of 2010 by establishing a new Federal motor vehicle safety standards (FMVSS) setting minimum sound requirements for hybrid and electric vehicles. This new standard requires hybrid and electric passenger cars, light trucks and vans, and low speed vehicles to produce sounds meeting the requirements of this standard, and applies to electric vehicles and those hybrid vehicles that are capable of propulsion in any forward or reverse gear without the vehicle's internal combustion engine operating.

To the extent that 5 U.S.C. 553 is applicable, this action is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. 553(b)(3)(A). Alternatively, NHTSA's implementation of this action without opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is justified based on the good cause exceptions in 5 U.S.C. 553(b)(3)(B) and 553(d)(3). Seeking public comment is impracticable, unnecessary, and contrary to the public interest. The temporary 36-day delay in effective date is necessary to give Department officials the opportunity for further review and consideration of new regulations, consistent with the Assistant to the President's memorandum of January 20, 2017. Given the imminence of the effective date, seeking prior public comment on this temporary delay would have been impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations. The imminence of effective date is also good cause for making this action effective immediately upon publication.

**Authority:** 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.95.

Issued on: February 1, 2017.

**Jack Danielson,**

Acting Deputy Administrator.

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