

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 205

[Doc. No. AMS-NOP-15-0012; NOP-15-06]

RIN 0581-AD44

#### National Organic Program (NOP); Organic Livestock and Poultry Practices

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule; delay of effective date.

**SUMMARY:** The United States Department of Agriculture's Agricultural Marketing Service (AMS) is delaying the effective date of the rule published on January 19, 2017, for an additional six months to November 14, 2017, to allow time for further consideration by USDA. The effective date for this rule was initially March 20, 2017, and was subsequently delayed to May 19, 2017, by a document published in the **Federal Register** on February 9, 2017. The final rule amends the organic livestock and poultry production requirements by adding new provisions for livestock handling and transport for slaughter and avian living conditions; and expands and clarifies existing requirements covering livestock care and production practices and mammalian living conditions.

**DATES:** The effective date of the final rule published on January 19, 2017 (82 FR 7042), delayed until May 19, 2017, on February 9, 2017 (82 FR 9967), is further delayed until November 14, 2017.

**FOR FURTHER INFORMATION CONTACT:** Paul Lewis, Ph.D., Director, Standards Division. Telephone: (202) 720-3252; Fax: (202) 260-9151.

**SUPPLEMENTARY INFORMATION:** Consistent with the memorandum of January 20, 2017, to the heads of executive departments and agencies from the Assistant to the President and Chief of

Staff, entitled, "Regulatory Freeze Pending Review," on February 9, 2017, AMS delayed the effective date of the final rule, Organic Livestock and Poultry Practices, that was published in the **Federal Register** on January 19, 2017 (82 FR 7042) to May 19, 2017.

Because there are significant policy and legal issues addressed within the final rule that warrant further review by USDA, AMS is further delaying the effective date of this rule by 180 days to November 14, 2017. In addition, AMS will publish a proposed rule that solicits public comments on the direction that USDA should take with respect to the rule. The public will have a 30-day comment period to specify whether USDA should: (1) Let the rule become effective, (2) suspend the rule indefinitely, (3) delay the effective date of the rule further, or (4) withdraw the rule.

The rule amends the organic livestock and poultry production requirements of the USDA organic regulations by adding new provisions for livestock handling and transport for slaughter and avian living conditions; and expands and clarifies existing requirements covering livestock care and production practices and mammalian living conditions. The rule finalizes a proposed rule that AMS published in the **Federal Register** on April 13, 2016, 81 FR 21955.

To the extent that 5 U.S.C. 553(b)(A) applies to this action, it is exempt from notice and comment for good cause and the reasons cited above. AMS finds that notice and solicitation of comment regarding the brief extension of the effective date for the final regulation are impracticable, unnecessary, or contrary to the public interest pursuant to 5 U.S.C. 553(b)(B). The delay of the effective date until November 14, 2017, should give AMS sufficient time to receive and consider public comments and take action on the disposition of the rule. AMS also believes that affected entities need to be informed as soon as possible of the extension and its length in order to plan and adjust their implementation process accordingly.

Dated: May 4, 2017.

**Bruce Summers,**

*Acting Administrator, Agricultural Marketing Service.*

[FR Doc. 2017-09409 Filed 5-9-17; 8:45 am]

**BILLING CODE 3410-02-P**

## DEPARTMENT OF AGRICULTURE

### National Institute of Food and Agriculture

#### 7 CFR Part 3434

RIN 0524-AA39

#### Hispanic-Serving Agricultural Colleges and Universities

**AGENCY:** National Institute of Food and Agriculture (NIFA), USDA.

**ACTION:** Final rule.

**SUMMARY:** This rule updates the list of institutions that are granted Hispanic-Serving Agricultural Colleges and Universities (HSACU) certification by the Secretary and are eligible for HSACU programs for the period starting October 1, 2016, and ending September 30, 2017.

**DATES:** This rule is effective May 10, 2017 and applicable beginning October 1, 2016.

**FOR FURTHER INFORMATION CONTACT:** Lisa Read; Policy Analyst; National Institute of Food and Agriculture; U.S. Department of Agriculture, STOP 2272, 1400 Independence Avenue SW., Washington, DC 20250-2272; Voice: 202-731-1366; Fax: 202-401-7752; Email: [ldepaolo@nifa.usda.gov](mailto:ldepaolo@nifa.usda.gov).

**SUPPLEMENTARY INFORMATION:**

#### HSACU Institutions for Fiscal Year 2017

This rule makes changes to the existing list of institutions in Appendix B of 7 CFR part 3434. The list of institutions is amended to reflect the institutions that are granted HSACU certification by the Secretary and are eligible for HSACU programs for the period starting October 1, 2016, and ending September 30, 2017.

#### Certification Process

As stated in 7 CFR 3434.4, an institution must meet the following criteria to receive HSACU certification: (1) Be a Hispanic-Serving Institution (HSI), (2) offer agriculture-related degrees, (3) not appear on the Excluded Parties List System (EPLS), (4) be accredited, and (5) award at least 15% of agriculture-related degrees to Hispanic students over the two most recent academic years.

NIFA obtained the latest report from the U.S. Department of Education's

National Center for Education Statistics that lists all HSIs and the degrees conferred by these institutions (completion data) during the 2014–15 academic year. NIFA used this report to identify HSIs that conferred a degree in an instructional program that appears in Appendix A of 7 CFR part 3434 and to confirm that over the 2013–14 and 2014–15 academic years at least 15% of the degrees in agriculture-related fields were awarded to Hispanic students. NIFA further confirmed that these institutions were nationally accredited and were not on the exclusions listing in the System for Award Management (<https://www.sam.gov/portal/SAM/##11>).

The updated list of HSACUs is based on (1) completions data from 2013–14 and 2014–15, and (2) enrollment data from Fall 2015. NIFA identified 104 institutions that met the eligibility criteria to receive HSACU certification for FY 2017 (October 1, 2016 to September 30, 2017).

#### **Declaration of Intent To Apply for NLGCA Designation**

As set forth in Section 7101 of the Agricultural Act of 2014 (Pub. L. 113–79), which amends 7 U.S.C. 3103, an institution that is eligible to be designated as an HSACU may notify the Secretary of its intent not to be considered an HSACU. To opt out of designation as an HSACU, an authorized official at the institution must submit a declaration of intent not to be considered an HSACU to NIFA by email at [NLGCA.status@nifa.usda.gov](mailto:NLGCA.status@nifa.usda.gov). In accordance with Section 7101, a declaration by an institution not to be considered an HSACU shall remain in effect until September 30, 2018. Institutions that opt out of HSACU designation will have the option to apply for designation as a Non-Land Grant College of Agriculture (NLGCA) institution. To be eligible for NLGCA designation, institutions must be public colleges or universities offering baccalaureate or higher degrees in the study of food and agricultural sciences, as defined in 7 U.S.C. 3103. An online form to request NLGCA designation is available at <http://nifa.usda.gov/webform/request-non-land-grant-college-agriculture-designation>.

In FYs 2015, 2016 and 2017 five institutions opted out of their HSACU designation and received NLGCA designation, hence they are excluded from the FY 2017 HSACU list.

#### **Appeal Process**

As set forth in 7 CFR 3434.8, NIFA will permit HSIs that are not granted HSACU certification to submit an

appeal within 30 days of the publication of this notice.

#### **Classification**

This rule relates to internal agency management. Accordingly, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity for comment are not required, and this rule may be made effective less than 30 days after publication in the **Federal Register**. This rule also is exempt from the provisions of Executive Order 12866. This action is not a rule as defined by the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 601 *et seq.*, or the Congressional Review Act, 5 U.S.C. 801 *et seq.*, and thus is exempt from the provisions of those Acts. This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

#### **List of Subjects in 7 CFR Part 3434**

Administrative practice and procedure; Agricultural research, Education, Extension; Hispanic-Serving Institutions; Federal assistance.

Accordingly, part 3434 of Title 7 of the Code of Federal Regulations is amended as set forth below:

#### **PART 3434—HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES CERTIFICATION PROCESS**

■ 1. The authority citation for part 3434 continues to read as follows:

**Authority:** 7 U.S.C. 3103.

■ 2. Revise appendix B to part 3434 to read as follows:

#### **Appendix B to Part 3434—List of HSACU Institutions, 2016–2017**

The institutions listed in this appendix are granted HSACU certification by the Secretary and are eligible for HSACU programs for the period starting October 1, 2016, and ending September 30, 2017. Institutions are listed alphabetically under the state of the school's location, with the campus indicated where applicable.

##### **Arizona (5)**

Arizona Western College  
Central Arizona College  
Cochise County Community College  
Phoenix College  
Pima Community College

##### **California (40)**

Allan Hancock College  
Antioch University—Los Angeles  
Bakersfield College  
California Baptist University  
California Lutheran University  
Chaffey College

College of the Desert  
College of the Sequoias  
Cuyamaca College  
El Camino Community College District  
Fullerton College  
Golden West College  
Hartnell College  
Imperial Valley College  
Long Beach City College  
Los Angeles Pierce College  
Merced College  
MiraCosta College  
Modesto Junior College  
Mt San Antonio College  
Mt San Jacinto Community College District  
National University  
Orange Coast College  
Pacific Union College  
Porterville College  
Reedley College  
Santa Ana College  
San Bernardino Valley College  
San Diego City College  
San Diego Mesa College  
San Diego State University  
San Francisco State University  
San Jose State University  
Saint Mary's College of California  
Southwestern College  
University of La Verne  
Victor Valley College  
West Hills College—Coalinga  
Whittier College  
Woodland Community College

##### **Colorado (2)**

Community College of Denver  
Trinidad State Junior College

##### **Florida (3)**

Broward College  
Florida International University  
Miami Dade College

##### **Illinois (1)**

Dominican University

##### **Kansas (2)**

Dodge City Community College  
Seward County Community College and Area Technical School

##### **Massachusetts (1)**

Springfield Technical Community College

##### **Nevada (1)**

Truckee Meadows Community College

##### **New Jersey (3)**

Essex County College  
Montclair State University  
Saint Peter's University

##### **New Mexico (10)**

Central New Mexico Community College  
Eastern New Mexico University—Main Campus  
Eastern New Mexico University—Ruidoso Campus  
Mesalands Community College  
New Mexico Highlands University  
New Mexico Institute of Mining and Technology  
Northern New Mexico College  
Santa Fe Community College  
Western New Mexico University  
University of New Mexico—Los Alamos Campus

**New York (4)**

CUNY City College  
 CUNY LaGuardia Community College  
 Mercy College  
 SUNY Westchester Community College

**Oregon (1)**

Chemeketa Community College

**Puerto Rico (10)**

Instituto Tecnológico de Puerto Rico—  
 Recinto de Manati  
 Inter American University of Puerto Rico—  
 Aguadilla  
 Inter American University of Puerto Rico—  
 Bayamon  
 Inter American University of Puerto Rico—  
 Metro  
 Inter American University of Puerto Rico—  
 San German  
 Inter American University of Puerto Rico—  
 Ponce  
 Pontifical Catholic University of Puerto  
 Rico—Ponce  
 Universidad Del Este  
 Universidad Del Turabo  
 Universidad Metropolitana

**Texas (18)**

Houston Community College  
 Palo Alto College  
 Saint Edwards's University  
 San Antonio College  
 Southwest Texas Junior College  
 St. Mary's University  
 Texas State Technical College  
 Texas State University  
 The University of Texas—Pan American  
 The University of Texas at Brownsville  
 The University of Texas at El Paso  
 The University of Texas Rio Grande Valley  
 The University of Texas at San Antonio  
 University of Houston  
 University of Houston—Clear Lake  
 University of the Incarnate Word  
 University of St. Thomas  
 Western Texas College

**Washington (3)**

Heritage University  
 Wenatchee Valley College  
 Yakima Valley Community College

Done in Washington, DC, this 1st day of  
 May 2017.

**Sonny Ramaswamy,**

*Director, National Institute of Food and  
 Agriculture.*

[FR Doc. 2017-09415 Filed 5-9-17; 8:45 am]

**BILLING CODE 3410-22-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 25**

[Docket No. FAA-2017-0319; Special  
 Conditions No. 25-668-SC]

**Special Conditions: Embraer S.A.,  
 Model ERJ 190-300 Series Airplanes;  
 Operation Without Normal Electrical  
 Power**

**AGENCY:** Federal Aviation  
 Administration (FAA), DOT.

**ACTION:** Final special conditions; request  
 for comments.

**SUMMARY:** These special conditions are issued for the Embraer S.A. (Embraer) Model ERJ 190-300 series airplanes. These airplanes will have novel or unusual design features when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. These design features are electrical and electronic systems that perform critical functions, the loss of which could be catastrophic to the airplane. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for these design features. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

**DATES:** This action is effective on Embraer S.A. on May 10, 2017. We must receive your comments by June 26, 2017.

**ADDRESSES:** Send comments identified by docket number FAA-2017-0319 using any of the following methods:

- *Federal eRegulations Portal:* Go to <http://www.regulations.gov/> and follow the online instructions for sending your comments electronically.

- *Mail:* Send comments to Docket Operations, M-30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12-140, West Building Ground Floor, Washington, DC 20590-0001.

- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* Fax comments to Docket Operations at 202-493-2251.

*Privacy:* The FAA will post all comments it receives, without change, to <http://www.regulations.gov/>,

including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477-19478).

*Docket:* Background documents or comments received may be read at <http://www.regulations.gov/> at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Stephen Slotte, FAA, Airplane and Flight Crew Interface Branch, ANM-111, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057-3356; telephone 425-227-2315; facsimile 425-227-1320.

**SUPPLEMENTARY INFORMATION:** The FAA has determined that notice of, and opportunity for prior public comment on, these special conditions is impracticable because these procedures would significantly delay issuance of the design approval and thus delivery of the affected airplanes.

In addition, the substance of these special conditions has been subject to the public comment process in several prior instances with no substantive comments received. The FAA therefore finds it unnecessary to delay the effective date and finds that good cause exists for making these special conditions effective upon publication in the **Federal Register**.

**Comments Invited**

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

We will consider all comments we receive by the closing date for comments. We may change these special conditions based on the comments we receive.

**Background**

On September 13, 2013, Embraer applied for an amendment to type certificate (TC) no. A57NM to include