

# Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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## DEPARTMENT OF AGRICULTURE

### Food Safety and Inspection Service

#### 9 CFR Part 557

[Docket No. FSIS-2017-0024]

#### Import Reinspection of Fish of the Order Siluriformes

**AGENCY:** Food Safety and Inspection Service, USDA.

**ACTION:** Notification of regulatory enforcement.

**SUMMARY:** The Food Safety and Inspection Service (FSIS) is announcing that starting August 2, 2017, all shipments of imported Siluriformes fish and fish products entering the United States (U.S.) must be presented at an Official Import Inspection Establishment for reinspection by FSIS personnel.

**DATES:** Beginning August 2, 2017, FSIS will enforce the regulations in 9 CFR part 557 (9 CFR 557.1–557.8, 557.10–557.19 and 557.24–557.26). All shipments of imported Siluriformes fish and fish products must be presented at an Official Import Inspection Establishment for reinspection by FSIS personnel beginning August 2, 2017.

**FOR FURTHER INFORMATION CONTACT:** Roberta Wagner, Assistant Administrator, Office of Policy and Program Development; Telephone: (202) 205-0495.

#### SUPPLEMENTARY INFORMATION:

##### Background

On December 2, 2015, FSIS published the final rule, “Mandatory Inspection of Fish of the Order Siluriformes and Products Derived from Such Fish,” establishing a mandatory inspection program for fish of the order Siluriformes (80 FR 75590). The final rule set forth regulations in accordance with the provisions of the 2008 and 2014 Farm Bills, which amended the Federal Meat Inspection Act (FMIA) to

include all fish of the order Siluriformes as amenable species and specifically provided for the inspection of Siluriformes fish and fish products to be used as human food. The regulations include a new part 557 (9 CFR 557.1–557.8, 557.10–557.19 and 557.24–557.26), “Importation,” which, among other things, requires that all fish and fish products from any foreign country be reinspected before entering the U.S. (9 CFR 557.6(a)(1)).

The final rule was effective on March 1, 2016, but provided an 18-month transitional period until September 1, 2017, to ensure an orderly transition from Food and Drug Administration (FDA) regulatory oversight to the FSIS mandatory fish inspection program. During the transitional period, the Agency is exercising broad discretion in enforcing the new regulatory requirements, except when product is determined to be adulterated (*e.g.*, the product contains a violative residue or is contaminated) or misbranded (*e.g.*, the product is missing a label).

The final rule stated that during the transitional period, imported fish and fish products would be reinspected and subjected to species and residue testing on at least a quarterly basis for each foreign establishment eligible to export fish to the U.S. Further, as discussed in the preamble of the final rule, at the end of the 18-month transitional period, all imported Siluriformes fish and fish product shipments would be reinspected, just as all imported meat and poultry products are reinspected (80 FR 75608). FSIS began selecting shipments of imported Siluriformes for reinspection and residue testing on April 15, 2016.

#### Reinspection of All Imported Shipments of Siluriformes Fish and Fish Products

The explanatory statement accompanying the Consolidated Appropriations Act, 2017, Public Law 115–31 Stat. 135, enacted May 5, 2017, directs FSIS to begin reinspecting all imported Siluriformes fish and fish product shipments upon the date the Act is enacted (<https://www.congress.gov/crec/2017/05/03/CREC-2017-05-03-bk2.pdf>). FSIS is issuing this notification announcing that beginning August 2, 2017, all shipments of imported Siluriformes fish and fish product must be presented at an Official

Import Inspection Establishment for reinspection by FSIS personnel.

To apply for import reinspection, applicants, typically the Importer of Record, must submit a paper or an electronic inspection application form (FSIS Form 9540–1) to FSIS in advance of the shipment’s arrival, but no later than when the entry is filed with the U.S. Customs and Border Protection (CBP) (9 CFR 557.5). The applicant must identify, on the application, the official import inspection establishment where reinspection will occur. The paper import inspection application is available on line at: <https://www.fsis.usda.gov/wps/wcm/connect/a8eead0d-23c3-428e-937f-a8a05b09edbb/FSIS-9540-1-Import-Inspection-Application.pdf?MOD=AJPERES>.

After August 2, 2017, FSIS will begin taking action in regard to imported fish product that has bypassed FSIS import reinspection, but entered commerce, *i.e.* “failure to present” (FTP) product.

FSIS will be posting reinspection guidance materials on its Siluriformes Web page <https://www.fsis.usda.gov/wps/portal/fsis/topics/inspection/siluriformes>.

A list of Official Import Inspection Establishments available to reinspect Siluriformes fish is available on the FSIS Siluriformes Web page <https://www.fsis.usda.gov/wps/wcm/connect/b58fa982-8029-4ccb-88c1-1663f32070d9/Siluriformes-I-Houses.pdf?MOD=AJPERES>.

FSIS also strongly encourages importers and brokers to communicate and coordinate closely with your FSIS District Office, to facilitate full compliance prior to August 2, 2017 <https://www.fsis.usda.gov/wps/portal/informational/districtoffices>.

In addition, the Agency will announce any additional information in the Agency’s Constituent Update (<http://www.fsis.usda.gov/wps/portal/fsis/newsroom/meetings/newsletters/constituentupdates>).

#### USDA Nondiscrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to

discrimination any person in the United States under any program or activity conducted by the USDA.

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at [http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain\\_combined\\_6\\_8\\_12.pdf](http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf), or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email:

*Mail:* U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250-9410.

*Fax:* (202) 690-7442.

*Email:* [program.intake@usda.gov](mailto:program.intake@usda.gov).

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

#### Additional Public Notification

FSIS will announce this notice online through the FSIS Web page located at <http://www.fsis.usda.gov/federal-register>.

FSIS will also make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to constituents and stakeholders. The Update is communicated via Listserv, a free electronic mail subscription service for industry, trade groups, consumer interest groups, health professionals, and other individuals who have asked to be included. The Update is also available on the FSIS Web page. In addition, FSIS offers an electronic mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at <http://www.fsis.usda.gov/subscribe>. Options range from recalls to export information to regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

Done at Washington, DC, on June 26, 2017.

**Alfred V. Almanza,**  
*Administrator.*

[FR Doc. 2017-13644 Filed 6-30-17; 8:45 am]

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## DEFENSE NUCLEAR FACILITIES SAFETY BOARD

### 10 CFR Part 1703

[Docket No. DNFSB-2017-0001]

RIN 3155-AA00

#### Freedom of Information Act

**AGENCY:** Defense Nuclear Facilities Safety Board.

**ACTION:** Final rule.

**SUMMARY:** The Freedom of Information Act (FOIA) Improvement Act of 2016 requires each Federal agency to issue regulations implementing its statutory provisions. In this final rule, the Defense Nuclear Facilities Safety Board amends its regulations to comply with the statutory direction.

**DATES:** This rule is effective on July 26, 2017.

#### FOR FURTHER INFORMATION CONTACT:

James Biggins, General Counsel, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW., Suite 700, Washington, DC 20004-2901, (202) 694-7000.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Defense Nuclear Facilities Safety Board (DNFSB) implements the Freedom of Information Act through its regulations found at 10 CFR part 1703. This rule amends the DNFSB's regulations to incorporate certain changes made to the FOIA, 5 U.S.C. 552, by the FOIA Improvement Act of 2016 (Pub. L. 114-185, 130 Stat. 538 (2016)). The FOIA Improvement Act also requires agency regulations to address dispute resolution procedures and to provide notification to requestors about the availability of dispute resolution services. The FOIA Improvement Act requires the DNFSB to issue regulations which incorporate the changes made by the FOIA Improvement Act. This rule updates the DNFSB regulations in 10 CFR part 1703 to reflect those statutory changes.

The FOIA Improvement Act requires a change to the DNFSB's fee schedule, which will be updated in a separate notice. The fee schedule was last published in the **Federal Register** on August 28, 2015, 80 FR 52174. Pursuant to the FOIA Improvement Act, the DNFSB will not assess any search fees if it has failed to comply with any time limit for response to the request absent an extension of its time limit.

The FOIA Improvement Act requires agencies to designate a FOIA Public Liaison and also elevates the responsibility of the Chief FOIA Officer.

Additionally the Act adds to the agency record reporting requirements. The DNFSB will provide this information through its FOIA electronic reading room. The Chief FOIA officer is the DNFSB Deputy General Manager, and will designate a FOIA Public Liaison. Information about how to contact the FOIA Public Liaison will be available through the DNFSB FOIA electronic reading room.

The DNFSB is issuing this rule as a final rule without the opportunity for public comment. The agency finds, for good cause, that allowing for notice and public comment is unnecessary. The changes made to the DNFSB implementing regulations reduce the burden on requestors, provide additional dispute resolution alternatives, and require the DNFSB to meet its response deadlines or waive the fees in whole or in part. The changes to the regulations are mandated by statute. The DNFSB has also reviewed public comments provided to other Federal agencies that have issued their regulations for public comment, and the DNFSB has used those comments to inform its regulations.

##### II. Regulatory Analysis

###### *Regulatory Flexibility Act*

Under the Regulatory Flexibility Act, 5 U.S.C. 601-612, agencies must consider the impact of their rulemakings on "small entities" (small businesses, small organizations, and local governments). The DNFSB has reviewed this regulation and by approving it certifies that this regulation will not have a significant economic impact on a substantial number of small entities. This rule decreases the regulatory burden for requestors under FOIA, waives fees under certain circumstances, and provides additional dispute resolution options. Additionally, the agency received 21 FOIA requests in fiscal year 2016 and charged \$0.00 in fees. The DNFSB therefore determines and certifies that these amendments to its FOIA implementing regulations will not have a significant economic impact on a substantial number of small entities.

###### *Unfunded Mandates Reform Act of 1995*

This rule will not result in the expenditure by State, local, and tribal governments, in aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.