

*J. National Environmental Policy Act*

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act of 1969 (NEPA) is not required because the rule is covered by a categorical exclusion (see 43 CFR 46.210(i)). As a regulation of an administrative nature, this rule is covered by a categorical exclusion (see 43 CFR 46.210(i)). Therefore, a detailed statement under NEPA is not required. We have also determined that the rule does not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under NEPA.

*K. Effects on the Energy Supply (E.O. 13211)*

This rule is not a significant energy action under the definition in E.O. 13211. Therefore, a Statement of Energy Effects is not required.

**List of Subjects***30 CFR Part 550*

Administrative practice and procedure, Continental shelf, Environmental impact statements, Environmental protection, Federal lands, Government contracts, Investigations, Mineral resources, Oil and gas exploration, Outer continental shelf, Penalties, Pipelines, Reporting and recordkeeping requirements, Rights-of-way, Reporting and recordkeeping requirements, Sulphur.

*30 CFR Part 553*

Administrative practice and procedure, Continental shelf, Financial responsibility, Outer continental shelf, Oil and gas exploration, Oil pollution, Liability, Limit of liability, Penalties, Pipelines, Reporting and recordkeeping requirements, Rights-of-way, Surety bonds, Treasury securities.

Dated: February 3, 2017.

**Richard T. Cardinale,**

*Acting Assistant Secretary—Land and Minerals Management.*

For the reasons stated in the preamble, the BOEM adopts as final the interim final rule amending 30 CFR parts 550 and 553, which was published at 81 FR 43066 on July 1, 2016, as a final rule with the following changes:

**PART 550—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF**

■ 1. The authority citation for part 550 continues to read as follows:

**Authority:** 30 U.S.C. 1751; 31 U.S.C. 9701; 43 U.S.C. 1334.

■ 2. Revise § 550.1403 to read as follows:

**§ 550.1403 What is the maximum civil penalty?**

The maximum civil penalty is \$42,704 per day per violation.

**PART 553—OIL SPILL FINANCIAL RESPONSIBILITY FOR OFFSHORE FACILITIES**

■ 3. The authority citation for part 553 continues to read as follows:

**Authority:** 33 U.S.C. 2704, 2716; E.O. 12777, as amended.

■ 4. In § 553.51, revise paragraph (a) to read as follows:

**§ 553.51 What are the penalties for not complying with this part?**

(a) If you fail to comply with the financial responsibility requirements of OPA at 33 U.S.C. 2716 or with the requirements of this part, then you may be liable for a civil penalty of up to \$45,268 per COF per day of violation (that is, each day a COF is operated without acceptable evidence of OSFR).

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[FR Doc. 2017-02983 Filed 2-14-17; 8:45 am]

**BILLING CODE 4310-MR-P**

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 60**

**[EPA-HQ-OAR-2016-0382; FRL-9959-43-OAR]**

**RIN 2060-AT15**

**Revisions to Procedure 2—Quality Assurance Requirements for Particulate Matter Continuous Emission Monitoring Systems at Stationary Sources**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Withdrawal of direct final rule.

**SUMMARY:** Because the Environmental Protection Agency (EPA) received an adverse comment, we are withdrawing the direct final rule titled, “Revisions to Procedure 2—Quality Assurance Requirements for Particulate Matter Continuous Emission Monitoring Systems at Stationary Sources.”

**DATES:** Effective February 15, 2017, the EPA withdraws the direct final rule published at 81 FR 83160, on November 21, 2016.

**FOR FURTHER INFORMATION CONTACT:** Questions concerning this action should be addressed to Ms. Kimberly Garnett, U.S. Environmental Protection Agency,

Office of Air Quality Planning and Standards, Air Quality Assessment Division, Measurement Technology Group (E143-02), Research Triangle Park, NC 27711; telephone number: (919) 541-1158; fax number: (919) 541-0516; email address: *garnett.kim@epa.gov*.

**SUPPLEMENTARY INFORMATION:** The direct final rule, “Revisions to Procedure 2—Quality Assurance Requirements for Particulate Matter Continuous Emission Monitoring Systems at Stationary Sources,” published on November 21, 2016, at 81 FR 83160. We stated in that direct final rule that if we received adverse comment by December 21, 2016, the direct final rule would not take effect and we would publish a timely withdrawal in the **Federal Register**. We subsequently received adverse comment on that direct final rule requesting that the EPA delete or reserve section(s) in the rule that conflict with the intended revisions. We will address the comment in a subsequent final action, which will be based on the parallel proposed rule also published on November 21, 2016, at 81 FR 83189. As stated in the direct final rule and the parallel proposed rule, we will not institute a second comment period on this action.

**List of Subjects in 40 CFR Part 60**

Environmental protection, Administrative practice and procedure, Air pollution control, Continuous emission monitoring systems, Particulate matter, Procedures.

Dated: February 8, 2017.

**Sarah Dunham,**

*Acting Assistant Administrator.*

[FR Doc. 2017-03063 Filed 2-14-17; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 97**

**[FRL-9959-26-OAR]**

**Allocations of Cross-State Air Pollution Rule Allowances From New Unit Set-Asides for the 2016 Compliance Year**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of data availability (NODA).

**SUMMARY:** The Environmental Protection Agency (EPA) is providing notice of emission allowance allocations to certain units under the new unit set-aside (NUSA) provisions of the Cross-

State Air Pollution Rule (CSAPR) federal implementation plans (FIPs). EPA has completed final calculations for the second round of NUSA allowance allocations for the 2016 compliance year of the CSAPR NO<sub>x</sub> Annual, SO<sub>2</sub> Group 1, and SO<sub>2</sub> Group 2 Trading Programs. EPA has posted spreadsheets showing the second-round 2016 NUSA allocations of CSAPR NO<sub>x</sub> Annual, SO<sub>2</sub> Group 1, and SO<sub>2</sub> Group 2 allowances to new units as well as the allocations to existing units of the remaining CSAPR NO<sub>x</sub> Annual, SO<sub>2</sub> Group 1, and SO<sub>2</sub> Group 2 allowances not allocated to new units in either round of the 2016 NUSA allocation process. EPA will record the allocated CSAPR NO<sub>x</sub> Annual, SO<sub>2</sub> Group 1, and SO<sub>2</sub> Group 2 allowances in sources' Allowance Management System (AMS) accounts by February 15, 2017.

**DATES:** February 15, 2017.

**FOR FURTHER INFORMATION CONTACT:**

Questions concerning this action should be addressed to Robert Miller at (202) 343-9077 or [miller.robert1@epa.gov](mailto:miller.robert1@epa.gov) or to Kenon Smith at (202) 343-9164 or [smith.kenon@epa.gov](mailto:smith.kenon@epa.gov).

**SUPPLEMENTARY INFORMATION:** Under the CSAPR FIPs, a portion of each state budget for each of the CSAPR trading programs is reserved as a NUSA from which allowances are allocated to eligible units through an annual one- or two-round process. EPA has described the CSAPR NUSA allocation process in five NODAs previously published in the *Federal Register*: 81 FR 33636 (May 27, 2016); 81 FR 50630 (August 2, 2016); 81 FR 63156 (September 14, 2016); 81 FR 80593 (November 16, 2016) and 81 FR 89035 (December 9, 2016). In the most recent of these previous NODAs, EPA provided notice of preliminary lists of new units eligible for second-round 2016 NUSA allocations of CSAPR NO<sub>x</sub> Annual, SO<sub>2</sub> Group 1, and SO<sub>2</sub> Group 2 allowances and provided an opportunity for the public to submit objections.

EPA received no objections to the preliminary lists of new units eligible for second-round 2016 NUSA allocations of CSAPR NO<sub>x</sub> Annual, SO<sub>2</sub> Group 1, or SO<sub>2</sub> Group 2 allowances whose availability was announced in the December 9 NODA. EPA is therefore making second-round 2016 NUSA allocations of CSAPR NO<sub>x</sub> Annual, SO<sub>2</sub> Group 1, and SO<sub>2</sub> Group 2 allowances to the new units identified on these lists in accordance with the procedures set forth in 40 CFR 97.412(a)(9) and (12), 97.612(a)(9) and (12), and 97.712(a)(9) and (12).

As described in the December 9 NODA, any allowances remaining in the

CSAPR NO<sub>x</sub> Annual, SO<sub>2</sub> Group 1, and SO<sub>2</sub> Group 2 NUSAs for a given state and control period after the second round of NUSA allocations to new units is completed are to be allocated to the existing units in the state according to the procedures set forth in 40 CFR 97.412(a)(10) and (12), 97.612(a)(10) and (12), and 97.712(a)(10) and (12). EPA has determined that CSAPR NO<sub>x</sub> Annual, SO<sub>2</sub> Group 1, and SO<sub>2</sub> Group 2 allowances do remain in the NUSAs for a number of states following completion of second-round 2016 NUSA allocations; accordingly, EPA is allocating these allowances to existing units. The NUSA allowances are generally allocated to the existing units in proportion to the allocations previously made to the existing units under 40 CFR 97.411(a)(1), 97.611(a)(1), and 97.711(a)(1), adjusted for rounding.

Under 40 CFR 97.412(b)(10), 97.612(b)(10), and 97.712(b)(10), any allowances remaining in the CSAPR NO<sub>x</sub> Annual, SO<sub>2</sub> Group 1, and SO<sub>2</sub> Group 2 Indian country NUSAs for a given state and control period after the second round of Indian country NUSA allocations to new units are added to the NUSA for that state or are made available for allocation by the state pursuant to an approved SIP revision. No new units eligible for allocations of CSAPR NO<sub>x</sub> Annual, SO<sub>2</sub> Group 1, and SO<sub>2</sub> Group 2 allowances from any 2016 Indian country NUSA have been identified, and no state has an approved SIP revision governing allocation of 2016 CSAPR NUSA allowances. The Indian country NUSA allowances are therefore being added to the NUSAs for the respective states and are included in the pools of allowances that are being allocated to existing units under 40 CFR 97.412(b)(10) and (12), 97.612(b)(10) and (12), and 97.712(b)(10) and (12).

The final unit-by-unit data and allowance allocation calculations are set forth in Excel spreadsheets titled "CSAPR\_NUSA\_2016\_NOx\_Annual\_2nd\_Round\_Final\_Data\_New\_Units", "CSAPR\_NUSA\_2016\_SO2\_2nd\_Round\_Final\_Data\_New\_Units", "CSAPR\_NUSA\_2016\_NOx\_Annual\_2nd\_Round\_Final\_Data\_Existing\_Units", and "CSAPR\_NUSA\_2016\_SO2\_2nd\_Round\_Final\_Data\_Existing\_Units", available on EPA's Web site at <https://www.epa.gov/csapr/csapr-compliance-year-2016-nusa-nodas>.

Pursuant to CSAPR's allowance recordation timing requirements, the allocated NUSA allowances will be recorded in sources' AMS accounts by February 15, 2017. EPA notes that an allocation or lack of allocation of allowances to a given unit does not constitute a determination that CSAPR

does or does not apply to the unit. EPA also notes that NUSA allocations of CSAPR NO<sub>x</sub> Annual, SO<sub>2</sub> Group 1, and SO<sub>2</sub> Group 2 allowances are subject to potential correction if a unit to which NUSA allowances have been allocated for a given compliance year is not actually an affected unit as of January 1 of the compliance year.<sup>1</sup>

**Authority:** 40 CFR 97.411(b), 97.611(b), and 97.711(b).

January 27, 2017.

**Richard Haeuber,**

*Acting Director, Clean Air Markets Division, Office of Atmospheric Programs, Office of Air and Radiation.*

[FR Doc. 2017-03069 Filed 2-14-17; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

[EPA-HQ-OPP-2015-0705; FRL-9957-00]

### Thiamethoxam; Pesticide Tolerance

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes a tolerance for residues of thiamethoxam in or on bananas. Syngenta Crop Protection, LLC requested this tolerance under the Federal Food, Drug, and Cosmetic Act (FFDCA).

**DATES:** This regulation is effective February 15, 2017. Objections and requests for hearings must be received on or before April 17, 2017, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

**ADDRESSES:** The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2015-0705, is available at <http://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460-0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPP Docket is (703) 305-5805. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

<sup>1</sup> See 40 CFR 97.411(c), 97.611(c), and 97.711(c).