

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Grain Inspection, Packers and Stockyards Administration

#### 9 CFR Part 201

RIN 0580-AB26

#### Poultry Grower Ranking Systems

**AGENCY:** Grain Inspection, Packers and Stockyards Administration, USDA

**ACTION:** Proposed rule: Extension of comment period.

**SUMMARY:** 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," the Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) is extending by 30 days the public comment period for this proposed rule, which was published on December 20, 2016.

This proposed rule identifies criteria that the Secretary may consider when determining whether a live poultry dealer's use of a poultry grower ranking system for ranking poultry growers for settlement purposes is unfair, unjustly discriminatory, or deceptive or gives an undue or unreasonable preference, advantage, prejudice, or disadvantage. The proposed amendments also clarify that absent demonstration of a legitimate business justification, failing to use a poultry grower ranking system in a fair manner after applying the identified criteria is unfair, unjustly discriminatory, or deceptive and a violation of section 202(a) of the Packers and Stockyards Act, 1921, as amended and supplemented (P&S Act), regardless of whether it harms or is likely to harm competition.

**DATES:** The comment period for the proposed rule published at 81 FR 92723 on December 20, 2016 is extended. Comments must be received on or before March 24, 2017.

**ADDRESSES:** We invite you to submit comments on this proposed rule by any of the following methods:

- *Mail:* M. Irene Omade, GIPSA, USDA, 1400 Independence Avenue SW., Room 2542A-S, Washington, DC 20250-3613.

- *Hand Delivery or Courier:* M. Irene Omade, GIPSA, USDA, 1400 Independence Avenue SW., Room 2530-S, Washington, DC 20250-3613.

- *Internet:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

*Instructions:* All comments should make reference to the date and page number of this issue of the **Federal Register**. All comments received will be included in the public docket without change, including any personal information provided. Regulatory analyses and other documents relating to this rulemaking will be available for public inspection in Room 2542A-S, 1400 Independence Avenue SW., Washington, DC 20250-3613 during regular business hours. All comments will be available for public inspection in the above office during regular business hours (7 CFR 1.27(b)). Please call the Management and Budget Services staff of GIPSA at (202) 720-8479 to arrange a public inspection of comments or other documents related to this rulemaking.

**FOR FURTHER INFORMATION CONTACT:** S. Brett Offutt, Director, Litigation and Economic Analysis Division, P&SP, GIPSA, 1400 Independence Ave. SW., Washington, DC 20250, (202) 720-7051, [s.brett.offutt@usda.gov](mailto:s.brett.offutt@usda.gov).

**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," GIPSA is extending by 30 days the public comment period of the proposed rule entitled "Poultry Grower Ranking Systems" that was published in the **Federal Register** on December 20, 2016, (81 FR 92723).

GIPSA previously published a notice of proposed rulemaking on June 22, 2010 (75 FR 35338), which included requirements regarding a live poultry dealer's use of a poultry grower ranking system when determining payment for grower services. That proposed rule would have required live poultry dealers paying growers on a tournament

system to pay growers raising the same type and kind of poultry the same base pay and further required that growers be settled in groups with other growers with like house types. Upon review of public comments received both in writing and through public meetings held during the comment period in 2010, we elected not to publish this rule as a final rule, but rather have modified proposed § 201.214 and published it as a proposed rule and requested further public comment.

**Authority:** 7 U.S.C. 181-229c.

**Marianne Plaus,**

*Acting Administrator, Grain Inspection, Packers and Stockyards Administration.*

[FR Doc. 2017-02497 Filed 2-6-17; 8:45 am]

**BILLING CODE 3410-KD-P**

## DEPARTMENT OF AGRICULTURE

### Grain Inspection, Packers and Stockyards Administration

#### 9 CFR Part 201

RIN 0580-AB27

#### Unfair Practices and Undue Preferences in Violation of the Packers and Stockyards Act

**AGENCY:** Grain Inspection, Packers and Stockyards Administration, USDA

**ACTION:** Proposed rule: Extension of comment period.

**SUMMARY:** 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," the Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) is extending by 30 days the public comment period for this proposed rule, which was published on December 20, 2016. This proposed rule would clarify the conduct or action by packers, swine contractors, or live poultry dealers that GIPSA considers unfair, unjustly discriminatory, or deceptive and a violation of section 202(a) of the Packers and Stockyards Act, 1921, as amended and supplemented (P&S Act). This proposed rule would also identify criteria that the Secretary would consider in determining whether conduct or action by packers, swine

contractors, or live poultry dealers constitutes an undue or unreasonable preference or advantage and a violation of section 202(b) of the P&S Act.

**DATES:** The comment period for the proposed rule published at 81 FR 92723 on December 20, 2016 is extended. Comments must be received on or before March 24, 2017.

**ADDRESSES:** We invite you to submit comments on this proposed rule by any of the following methods:

- *Mail:* M. Irene Omade, GIPSA, USDA, 1400 Independence Avenue SW., Room 2542A-S, Washington, DC 20250-3613.
- *Hand Delivery or Courier:* M. Irene Omade, GIPSA, USDA, 1400 Independence Avenue SW., Room 2530-S, Washington, DC 20250-3613.
- *Internet:* <http://www.regulations.gov>

Follow the on-line instructions for submitting comments.

**Instructions:** All comments should make reference to the date and page number of this issue of the **Federal Register**. All comments received will be included in the public docket without change, including any personal information provided. Regulatory analyses and other documents relating to this rulemaking will be available for public inspection in Room 2542A-S, 1400 Independence Avenue SW., Washington, DC 20250-3613 during regular business hours. All comments will be available for public inspection in the above office during regular business hours (7 CFR 1.27(b)). Please call the Management and Budget Services staff of GIPSA at (202) 720-8479 to arrange a public inspection of comments or other documents related to this rulemaking.

**FOR FURTHER INFORMATION CONTACT:** S. Brett Offutt, Director, Litigation and Economic Analysis Division, P&SP, GIPSA, 1400 Independence Ave. SW., Washington, DC 20250, (202) 720-7051, [s.brett.offutt@usda.gov](mailto:s.brett.offutt@usda.gov).

**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," GIPSA is extending by 30 days the public comment period of the proposed rule entitled "Unfair Practices and Undue Preferences in Violation of the Packers and Stockyards Act" that was published in the **Federal Register** on December 20, 2016, (81 FR 92703).

This proposed rule would make two changes to the regulation issued under P&S Act. The first clarifies the conduct or action by packers, swine contractors,

or live poultry dealers that GIPSA considers unfair, unjustly discriminatory, or deceptive and a violation of section 202(a) of the P&S Act. The second provides criteria, in response to requirements of the 2008 Farm Bill, to consider in determining whether a packer, swine contractor, or live poultry dealer has engaged in conduct resulting in an undue preference or advantage to one or more livestock producers or poultry growers in violation of § 202(b) of the P&S Act.

**Authority:** 7 U.S.C. 181-229c.

**Marianne Plaus,**

*Acting Administrator, Grain Inspection, Packers and Stockyards Administration.*

[FR Doc. 2017-02495 Filed 2-6-17; 8:45 am]

**BILLING CODE 3410-KD-P**

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 73

[NRC-2016-0145]

RIN 3150-AJ79

### Access Authorization and Fitness-For-Duty Determinations

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Public meeting.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) plans to hold a public meeting to discuss a rulemaking activity regarding the role of third parties in access authorization and fitness-for-duty determinations. The purpose of the meeting is to provide information on the background and status of this rulemaking activity and to obtain input from interested stakeholders.

**DATES:** The public meeting will be held on February 13, 2017. See Section II, Public Meeting, of this document for more information on the meeting.

**ADDRESSES:** Please refer to Docket ID NRC-2016-0145 when contacting the NRC about the availability of information regarding this meeting. You may obtain publicly-available information related to this meeting using any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2016-0145. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

### FOR FURTHER INFORMATION CONTACT:

Daniel I. Doyle, telephone: 301-415-3748, email: [Daniel.Doyle@nrc.gov](mailto:Daniel.Doyle@nrc.gov); or Mark Resner, telephone: 301-287-3680, email: [Mark.Resner@nrc.gov](mailto:Mark.Resner@nrc.gov). Both are staff members of the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

### SUPPLEMENTARY INFORMATION:

#### I. Background

In a staff requirements memorandum dated June 6, 2016 (SRM-SECY-15-0149, ADAMS Accession No. ML16158A286), the Commission approved proceeding with the rulemaking process to further explore the issues raised in an NRC staff paper regarding the role of third party arbitrators in licensee access authorization and fitness-for-duty determinations. The NRC is in the early stages of developing a draft regulatory basis document that will describe the regulatory issue, options to address the issue, and the recommended option. The NRC will consider the information shared at the meeting in the development of the draft regulatory basis document.

The NRC held a similar public meeting on November 16, 2016, and a summary of that meeting is available in ADAMS under Accession No. ML16336A034. The NRC is holding this meeting in response to a request from stakeholders to allow another opportunity for public input prior to publication of a draft regulatory basis document. The NRC also held a closed meeting on December 12, 2016, with representatives from the International Brotherhood of Electrical Workers, and a summary of that meeting is available