

Inasmuch as section 201(h) of the CSA directs that temporary scheduling actions be issued by order and sets forth the procedures by which such orders are to be issued, the DEA believes that the notice and comment requirements of section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553, do not apply to this notice of intent. In the alternative, even assuming that this notice of intent might be subject to section 553 of the APA, the Administrator finds that there is good cause to forgo the notice and comment requirements of section 553, as any further delays in the process for issuance of temporary scheduling orders would be impracticable and contrary to the public interest in view of the manifest urgency to avoid an imminent hazard to the public safety.

Although the DEA believes this notice of intent to issue a temporary scheduling order is not subject to the notice and comment requirements of section 553 of the APA, the DEA notes that in accordance with 21 U.S.C. 811(h)(4), the Administrator will take into consideration any comments

submitted by the Assistant Secretary with regard to the proposed temporary scheduling order.

Further, the DEA believes that this temporary scheduling action is not a "rule" as defined by 5 U.S.C. 601(2), and, accordingly, is not subject to the requirements of the Regulatory Flexibility Act (RFA). The requirements for the preparation of an initial regulatory flexibility analysis in 5 U.S.C. 603(a) are not applicable where, as here, the DEA is not required by section 553 of the APA or any other law to publish a general notice of proposed rulemaking.

Additionally, this action is not a significant regulatory action as defined by Executive Order 12866 (Regulatory Planning and Review), section 3(f), and, accordingly, this action has not been reviewed by the Office of Management and Budget.

This action will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various

levels of government. Therefore, in accordance with Executive Order 13132 (Federalism) it is determined that this action does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

**List of Subjects in 21 CFR Part 1308**

Administrative practice and procedure, Drug traffic control, Reporting and recordkeeping requirements.

For the reasons set out above, the DEA proposes to amend 21 CFR part 1308 as follows:

**PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES**

- 1. The authority citation for part 1308 continues to read as follows:

**Authority:** 21 U.S.C. 811, 812, 871(b), unless otherwise noted.

- 2. In § 1308.11, add paragraph (h)(17) to read as follows:

**§ 1308.11 Schedule I.**

\* \* \* \* \*  
(h) \* \* \*

(17) *N*-(1-phenethylpiperidin-4-yl)-*N*-phenylacrylamide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers (Other names: acryl fentanyl, acryloylfentanyl) .....

(9811)

\* \* \* \* \*

Dated: May 24, 2017.

**Chuck Rosenberg,**  
*Acting Administrator.*

[FR Doc. 2017-11215 Filed 6-1-17; 8:45 am]

**BILLING CODE 4410-09-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 158**

[EPA-HQ-OPP-2015-0683; FRL-9962-67]

RIN 2070-AK00

**Notification of Submission to the Secretaries of Agriculture and Health and Human Services; Pesticides; Technical Amendment to Data Requirements for Antimicrobial Pesticides**

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

**ACTION:** Notification of submission to the Secretaries of Agriculture and Health and Human Services.

**SUMMARY:** This document notifies the public as required by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) that the EPA Administrator has forwarded to the Secretary of the

United States Department of Agriculture (USDA) and the Secretary of the United States Department of Health and Human Services (HHS) a draft regulatory document concerning Pesticides; Technical Amendment to Data Requirements for Antimicrobial Pesticides. The draft regulatory document is not available to the public until after it has been signed and made available by EPA.

**DATES:** See Unit I. under **SUPPLEMENTARY INFORMATION.**

**ADDRESSES:** The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2015-0683, is available at <http://www.regulations.gov> or at the Office of Pesticide Programs Regulatory 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>.

**FOR FURTHER INFORMATION CONTACT:** Cameo Smoot, Field and External Affairs Division (7506P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington DC 20460-0001; telephone number: (703) 305-5454; email address: [smoot.cameo@epa.gov](mailto:smoot.cameo@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. What action is EPA taking?**

Section 25(a)(2)(A) of FIFRA requires the EPA Administrator to provide the Secretary of USDA with a copy of any draft proposed rule at least 60 days before signing it in proposed form for publication in the **Federal Register**. Similarly, FIFRA section 21(b) requires the EPA Administrator to provide the Secretary of HHS with a copy of any draft proposed rule pertaining to a public health pesticide at least 60 days before publishing it in the **Federal Register**. The draft proposed rule is not available to the public until after it has been signed by EPA. If either Secretary comments in writing regarding the draft proposed rule within 30 days after receiving it, the EPA Administrator shall include the comments of the Secretary and the EPA Administrator's response to those comments with the proposed rule that publishes in the **Federal Register**. If either Secretary

does not comment in writing within 30 days after receiving the draft proposed rule, the EPA Administrator may sign the proposed rule for publication in the **Federal Register** any time after the 30-day period.

## II. Do any Statutory and Executive Order reviews apply to this notification?

No. This document is merely a notification of submission to the Secretaries of USDA and HHS. As such, none of the regulatory assessment requirements apply to this document.

Dated: May 17, 2017.

**Marietta Echeverria,**

*Acting Director, Office of Pesticide Programs.*

[FR Doc. 2017-11569 Filed 6-1-17; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 258

[EPA-R08-RCRA-2016-0505; FRL-9962-17-Region 8]

### Determination To Approve Alternative Final Cover Request for Phase 2 of the City of Wolf Point, Montana, Landfill

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

**ACTION:** Proposed rulemaking.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve an alternative final cover for Phase 2 of the City of Wolf Point landfill, a municipal solid waste landfill (MSWLF) owned and operated by the City of Wolf Point, Montana, on the Assiniboine and Sioux Tribes' Fort Peck Reservation in Montana. The EPA is seeking public comment on EPA's determination to approve the City of Wolf Point's alternative final cover proposal.

In the "Rules and Regulations" section of this **Federal Register**, we are making the final determination to approve the alternative final cover for Phase 2 of the City of Wolf Point landfill, as a direct final rule without a prior proposed rule. If we receive no relevant adverse comment, we will not take further action on this proposed rule.

**DATES:** Written comments must be received on or before July 3, 2017.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R08-RCRA-2016-0505, by one of the following methods:

- Online: <http://www.regulations.gov>.

Follow the online instructions for submitting comments. Once submitted,

comments cannot be edited or removed from [regulations.gov](http://www.regulations.gov).

- Email: [roach.michael@epa.gov](mailto:roach.michael@epa.gov).

- Mail: Michael Roach,

Environmental Protection Agency, Region 8, Mail Code: 8P-R, 1595 Wynkoop Street, Denver, Colorado 80202.

- Hand delivery: Environmental Protection Agency Region 8, Mail Code: 8P-R, 1595 Wynkoop Street, Denver, Colorado 80202. Such deliveries are only accepted during normal hours of operation, which are Monday through Friday from 8:00 a.m. until 4:30 p.m.

**Instructions:** Direct your comments to Docket ID No. EPA-R08-RCRA-2016-0505. The EPA may publish any comment received to its public docket without change and may be available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or by email. The <http://www.regulations.gov> Web site is an "anonymous" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA rather than going through <http://www.regulations.gov>, your email address will be captured automatically and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption and be free of any defects or viruses. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit

<http://www2.epa.gov/dockets/commenting-epa-dockets>.

#### FOR FURTHER INFORMATION CONTACT:

Michael Roach, Resource Conservation and Recovery Program, Mail Code: 8P-R, Environmental Protection Agency, Region 8, 1595 Wynkoop Street, Denver, Colorado, 80202; telephone number: (303) 312-6369; email address: [roach.michael@epa.gov](mailto:roach.michael@epa.gov).

**SUPPLEMENTARY INFORMATION:** In the "Rules and Regulations" section of this **Federal Register**, the EPA is promulgating a site-specific rule that approves an alternative final cover for Phase 2 of the City of Wolf Point landfill, a municipal solid waste landfill (MSWLF) owned and operated by the City of Wolf Point, Montana, on the Assiniboine and Sioux Tribes' Fort Peck Reservation in Montana, as a direct final rule. The EPA did not make a proposal prior to the direct final rule because we believe these actions are not controversial and do not expect relevant adverse comments. We have explained the reasons for this approval in the preamble to the direct final rule.

Unless the EPA receives relevant adverse comments that oppose the site-specific rule during the comment period, the direct final rule will become effective on the date it establishes, and we will not take further action on this proposal. If we get relevant adverse comments that oppose the site-specific rule, we will withdraw the direct final rule and it will not take immediate effect. We will then respond to public comments in a later final rule based on this proposal. You may not have another opportunity for comment. If you want to comment on this action, you must do so at this time.

Dated: April 17, 2017.

**Debra H. Thomas,**

*Acting Regional Administrator, Region 8.*

[FR Doc. 2017-11228 Filed 6-1-17; 8:45 am]

**BILLING CODE 6560-50-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 8 and 20

[WC Docket No. 17-108; FCC 17-60]

### Restoring Internet Freedom

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** In this document, a *Notice of Proposed Rulemaking (NPRM)* proposes to end the Commission's public-utility regulation of the Internet and seeks comment on returning to the bipartisan,