

*I. National Technology Transfer and Advancement Act (NTTAA)*

This rulemaking does not involve technical standards and is therefore not subject to considerations under section 12(d) of NTTAA, 15 U.S.C. 272 note.

*J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations*

EPA has determined that this action will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations as specified in Executive Order 12898 (59 FR 7629, February 16, 1994). This action does not address any human health or environmental risks and does not affect the level of protection provided to human health or the environment. This action adds an additional chemical to the EPCRA section 313 reporting requirements. By adding a chemical to

the list of toxic chemicals subject to reporting under section 313 of EPCRA, EPA would be providing communities across the United States (including minority populations and low income populations) with access to data which they may use to seek lower exposures and consequently reductions in chemical risks for themselves and their children. This information can also be used by government agencies and others to identify potential problems, set priorities, and take appropriate steps to reduce any potential risks to human health and the environment. Therefore, the informational benefits of the action would have positive human health and environmental impacts on minority populations, low-income populations, and children.

**List of Subjects in 40 CFR Part 372**

Environmental protection, Community right-to-know, Reporting and recordkeeping requirements, and Toxic chemicals.

Dated: November 2, 2016.

**Gina McCarthy,**  
*Administrator.*

Therefore, it is proposed that 40 CFR chapter I be amended as follows:

**PART 372—[AMENDED]**

■ 1. The authority citation for part 372 continues to read as follows:

**Authority:** 42 U.S.C. 11023 and 11048.

■ 2. In § 372.65, paragraph (c) is amended by adding alphabetically an entry for “Nonylphenol Ethoxylates (This category includes only those chemicals covered by the CAS numbers listed here)” to the table to read as follows:

**§ 372.65 Chemicals and chemical categories to which this part applies.**

\* \* \* \* \*  
(c) \* \* \*

Category name	Effective date
* * * * *	*
Nonylphenol Ethoxylates (This category includes only those chemicals covered by the CAS numbers listed here)	1/1/18
7311–27–5 Ethanol, 2-[2-[2-(4-nonylphenoxy)ethoxy]ethoxy]ethoxy]-	
9016–45–9 Poly(oxy-1,2-ethanediyl), $\alpha$ -(nonylphenyl)- $\omega$ -hydroxy-	
20427–84–3 Ethanol, 2-[2-(4-nonylphenoxy)ethoxy]-	
26027–38–3 Poly(oxy-1,2-ethanediyl), $\alpha$ -(4-nonylphenyl)- $\omega$ -hydroxy-	
26571–11–9 3,6,9,12,15,18,21,24-Octaoxaheacosan-1-ol, 26-(nonylphenoxy)-	
27176–93–8 Ethanol, 2-[2-(nonylphenoxy)ethoxy]-	
27177–05–5 3,6,9,12,15,18,21-Heptaoxatricosan-1-ol, 23-(nonylphenoxy)-	
27177–08–8 3,6,9,12,15,18,21,24,27-Nonaoxanonacosan-1-ol, 29-(nonylphenoxy)-	
27986–36–3 Ethanol, 2-(nonylphenoxy)-	
37205–87–1 Poly(oxy-1,2-ethanediyl), $\alpha$ -(isononylphenyl)- $\omega$ -hydroxy-	
51938–25–1 Poly(oxy-1,2-ethanediyl), $\alpha$ -(2-nonylphenyl)- $\omega$ -hydroxy-	
68412–54–4 Poly(oxy-1,2-ethanediyl), $\alpha$ -(nonylphenyl)- $\omega$ -hydroxy-, branched	
127087–87–0 Poly(oxy-1,2-ethanediyl), $\alpha$ -(4-nonylphenyl)- $\omega$ -hydroxy-, branched	
* * * * *	*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 216**

[Docket No. 080302361–6677–01]

RIN 0648–AU02

**Protective Regulations for Hawaiian Spinner Dolphins Under the Marine Mammal Protection Act; Reopening of Public Comment Period**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; reopening of public comment period.

**SUMMARY:** We, the National Marine Fisheries Service (NMFS), are reopening the public comment period on the proposed rule under the Marine Mammal Protection Act (MMPA) to prohibit swimming with and approaching a Hawaiian spinner dolphin within 50 yards (45.7 m) (for persons, vessels, and objects), including approach by interception. The comment period for the proposed rule that published on August 24, 2016 (81 FR 57854) closed on October 23, 2016. NMFS is reopening the public comment period for an additional 15 days to

provide the public with additional time to submit information and to comment on this proposed rule.

**DATES:** Written comments on this proposed rule must be received by December 1, 2016. Comments received between the close of the first comment period on October 23, 2016, and the reopening of the comment period November 16, 2016 will be considered timely received.

**ADDRESSES:** You may submit comments, information, or data on the proposed rule, identified by NOAA–2005–0226, and on the Draft Environmental Impact Statement (DEIS) by either of the following methods:

*Electronic Submission:* Submit all electronic comments via the Federal eRulemaking Portal. Go to

[www.regulations.gov/](http://www.regulations.gov/)  
#!docketDetail;D=NOAA-2005-0226,  
click the "Comment Now!" icon,  
complete the required fields, and enter  
or attach your comments.

**Mail:** Submit written comments to  
Susan Pultz, Chief, Conservation  
Planning and Rulemaking Branch,  
Protected Resources Division, National  
Marine Fisheries Service, Pacific Islands  
Regional Office, 1845 Wasp Blvd., Bldg.  
176, Honolulu, HI 96818, Attn:  
Hawaiian Spinner Dolphin Proposed  
Rule.

**Instructions:** Comments sent by any  
other method, to any other address or  
individual, or received after the end of  
the comment period, may not be  
considered by NMFS. All comments  
received are a part of the public record  
and will generally be posted for public  
viewing on [www.regulations.gov](http://www.regulations.gov)  
without change. All personal identifying  
information (e.g., name, address, etc.),  
confidential business information, or  
otherwise sensitive information  
submitted voluntarily by the sender will  
be publicly accessible. We will accept  
anonymous comments (enter "N/A" in  
the required fields if you wish to remain  
anonymous).

The DEIS and references can be found  
online at [http://www.fpir.noaa.gov/PRD/  
prd\\_spinner\\_EIS.html](http://www.fpir.noaa.gov/PRD/prd_spinner_EIS.html). Additionally,  
copies of the DEIS are available in print  
at the following libraries:

Hilo Library, 300 Waianuenue Ave., Hilo,  
HI 96720;

Kailua-Kona Library, 75–138 Hualalai Rd.,  
Kailua Kona, HI 96740;

Kealakekua Library, 81–6619 Mamalahoa  
Hwy., Kealakekua, HI 96750;

Pahoa Library, 15–3070 Pahoa-Kalapana  
Rd., Pahoa, HI 96778;

Kihei Library, 35 Waimahaihai St., Kihei,  
HI 96753;

Lahaina Library, 680 Wharf St., Lahaina, HI  
96761;

Lanai Library, 555 Fraser Ave., Lanai City,  
HI 96763;

Hawaii State Library, 478 S. King St.,  
Honolulu, HI 96813;

Waianae Library, 85–625 Farrington Hwy.,  
Waianae, HI 96792; and

Lihue Library, 4344 Hardy St., Lihue, HI  
96766;

or upon request from the Conservation  
Planning and Rulemaking Branch Chief (see  
**ADDRESSES**).

**FOR FURTHER INFORMATION CONTACT:**

Susan Pultz, NMFS, Pacific Islands  
Region, Chief, Conservation Planning  
and Rulemaking Branch, 808–725–5150;  
or Trevor Spradlin, NMFS, Office of  
Protected Resources, Acting Chief,  
Marine Mammal and Sea Turtle  
Conservation Division, 301–427–8402.

**SUPPLEMENTARY INFORMATION:**

**Background**

On August 24, 2016, we published a  
proposed rule to prohibit swimming  
with and approaching a Hawaiian  
spinner dolphin within 50 yards (45.7  
meters) (for persons, vessels, and  
objects), including approach by  
interception. These proposed regulatory  
measures are intended to prevent take,

as defined under the Marine Mammal  
Protection Act (MMPA), of Hawaiian  
spinner dolphins from occurring in  
marine areas where viewing pressures  
are most prevalent. The proposed rule  
allowed for a 60-day public comment  
period, which ended on October 23,  
2016.

NMFS has received several requests to  
extend the public comment period.  
These requests indicated that additional  
time was needed to consider more fully  
the proposed rulemaking and DEIS and  
to provide comments on the proposed  
regulations. Requests also indicated that  
additional time was needed for tour  
operators to compile and provide data  
with regard to spinner dolphin use of  
coastal habitats from multiple years of  
logbook records. In response to these  
requests, we are reopening the public  
comment period until December 1,  
2016, to receive additional information  
and comments that may be relevant to  
any aspect of the proposal. Comments  
and information submitted during the  
prior comment period will be fully  
considered in the preparation of the  
final rule and need not be resubmitted.

**Authority:** 16 U.S.C. 1361 *et seq.*

Dated: November 8, 2016.

**Samuel D. Rauch III,**

*Deputy Assistant Administrator for  
Regulatory Programs, National Marine  
Fisheries Service.*

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