

approved by the Director of the Federal Register as of September 30, 2017.

**FOR FURTHER INFORMATION CONTACT:**

Nicolas Baker, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Federal Energy Management Program, Mailstop EE-5F, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-8215, email: [nicolas.baker@ee.doe.gov](mailto:nicolas.baker@ee.doe.gov).

Kavita Vaidyanathan, U.S. Department of Energy, Office of the General Counsel, Forrestal Building, GC-33, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-0669, email: [kavita.vaidyanathan@hq.doe.gov](mailto:kavita.vaidyanathan@hq.doe.gov).

**SUPPLEMENTARY INFORMATION:** On

February 6, 2017, the United States Department of Energy (“DOE”) temporarily postponed the effective date of its final rule amending the baseline Federal building standards published in the **Federal Register** on January 10, 2017. See 82 FR 9343. The January 31st rule temporarily postponed the effective date of the final rule by 60 days, starting from January 20, 2017. The temporary 60-day delay in effective date was necessary to give the newly appointed Secretary of Energy (Secretary) the opportunity for further review and consideration of new regulations. However, the Secretary was not confirmed and did not begin work in his position until March 3, 2017. As a result, the Secretary was unable to accomplish the review and consideration during the original postponement of the effective date of the regulation establishing the baseline Federal building standards. Therefore, DOE hereby further temporarily postpones the effective date of that baseline Federal building standards regulation to allow the Secretary the opportunity to accomplish this task. The effective date of this regulation is postponed until September 30, 2017. This will not change the statutory compliance date, which will remain on January 10, 2018.

To the extent that 5 U.S.C. 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. 553(b)(A). Alternatively, DOE’s implementation of this action without opportunity for public comment, effective immediately upon publication in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. 553(b)(B) and 553(d)(3). Pursuant to 5 U.S.C. 553(b)(B), DOE has determined that good cause exists to forego the requirement to provide prior notice and an opportunity for public comment thereon for this rule as such procedures

would be impracticable, unnecessary and contrary to the public interest. DOE is temporarily postponing the effective date of this regulation pursuant to the previously-noted need for review by the Secretary. The January 10, 2018, compliance date is unaffected by this action. As a result, seeking public comment on this delay is unnecessary and contrary to the public interest. It is also impracticable given the timing of the Secretary’s confirmation and the March 21 effective date established by the prior temporary postponement. For these same reasons DOE finds good cause to waive the 30-day delay in effective date provided for in 5 U.S.C. 553(d).

Issued in Washington, DC, on March 15, 2017.

**John T. Lucas,**

*Acting General Counsel.*

[FR Doc. 2017-05485 Filed 3-20-17; 8:45 am]

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## SMALL BUSINESS ADMINISTRATION

### 13 CFR Part 107

RIN 3245-AG67

#### Small Business Investment Companies: Passive Business Expansion and Technical Clarifications

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Final rule; delay of effective date.

**SUMMARY:** On December 28, 2016, the Small Business Administration (SBA) published a final rule to expand permitted investments in passive businesses and provide further clarification with regard to investments in such businesses for the Small Business Investment Company (SBIC) Program, with an effective date of January 27, 2017. On January 26, 2017, SBA published a delay of effective date until March 21, 2017 and re-opened the rule for additional public comment in response to the memorandum dated January 20, 2017 from the Assistant to the President and Chief of Staff, entitled “Regulatory Freeze Pending Review.” SBA requires additional time to consider this final rule and determine whether any further changes are required; therefore, the effective date for this final rule is delayed until May 20, 2017. Any changes to the final rule based on this redetermination will be published in the **Federal Register**.

**DATES:** As of March 21, 2017, the effective date of the SBA final rule published December 28, 2016 (81 FR

95419), and delayed January 26, 2017 (82 FR 8499), is further delayed until May 20, 2017.

**FOR FURTHER INFORMATION CONTACT:**

Theresa Jamerson, Office of Investment and Innovation, (202) 205-7563 or [sbic@sba.gov](mailto:sbic@sba.gov).

**SUPPLEMENTARY INFORMATION:** The U.S. Small Business Administration (SBA) Final Rule: Small Business Investment Companies: Passive Business Expansion and Technical Clarifications, 81 FR 95419 (December 28, 2016), had an effective date of January 27, 2017. The January effective date was delayed to March 21, 2017, and the comment period was reopened until February 19, 2017. 82 FR 8499 (Jan. 26, 2017). This new delay of effective date will provide 60 additional days for SBA to further analyze questions of fact, law, and policy related to this rulemaking, in accordance with OMB Memorandum #M-17-16, Implementation of Regulatory Freeze (Jan. 24, 2017). SBA will use the supplemental time to assess the additional comments it received through February 19, 2017, and will further consider the rule’s impact on the SBIC program and program participants. SBA will also use the supplemental time to make necessary determinations regarding the effects of the final rule on the examining and liquidation functions of the SBA’s Office of Investment and Innovation.

SBA is considering revising the regulations for the Small Business Investment Company (SBIC) program to expand permitted investments in passive businesses and provide further clarification with regard to investments in such businesses. SBICs are generally prohibited from investing in passive businesses under the Small Business Investment Act of 1958, as amended (Act). SBIC program regulations provide for two exceptions that allow an SBIC to structure an investment utilizing a passive small business as a pass-through. The first exception provides conditions under which an SBIC may structure an investment through up to two levels of passive entities to make an investment in a non-passive business that is a subsidiary of the passive business directly financed by the SBIC. The second exception, prior to this final rule, enabled a partnership SBIC, with SBA’s prior approval, to provide financing to a small business through a passive, wholly-owned C corporation (commonly known as a blocker corporation), but only if a direct financing would cause the SBIC’s investors to incur Unrelated Business Taxable Income (UBTI). This final rule clarifies several aspects of the first

exception and in the second exception eliminates the prior approval requirement and expands the purposes for which a blocker corporation may be formed. The final rule also adds new reporting and other requirements for passive investments to help protect SBA's financial interests and ensure adequate oversight and makes minor technical amendments. Finally, this rule makes a conforming change to the regulations regarding the amount of leverage available to SBICs under common control. This change is necessary for consistency with the Consolidated Appropriations Act, 2016, which increased the maximum amount of such leverage to \$350 million from \$225 million.

Dated: March 10, 2017.

**A. Joseph Shepard,**

*Associate Administrator, Office of Investment and Innovation.*

[FR Doc. 2017-05533 Filed 3-20-17; 8:45 am]

BILLING CODE 8025-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 17

[Docket No. FAA-2017-0075]

#### Office Relocation

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** On November 1, 2016, the FAA Office of Dispute Resolution for Acquisition (ODRA), which is now part of the FAA Office of Adjudication, relocated to a new address different from the one listed in its Procedural Regulations. This rule updates the address for ODRA filings by hand delivery, courier or other form of in-person delivery and the address for ODRA filings by U.S. Mail. The telephone and facsimile numbers are unchanged.

**DATES:** This rule is effective March 21, 2017.

**FOR FURTHER INFORMATION CONTACT:** Marie A. Collins, Administrative Judge and Dispute Resolution Officer, FAA Office of Dispute Resolution for Acquisition, AGC-70, 600 Independence Avenue SW., Room 2W100, Washington, DC 20591, telephone number (202) 267-3290, facsimile (202) 267-3720.

**SUPPLEMENTARY INFORMATION:** The new address for ODRA filings by hand delivery, courier or other form of in-

person delivery is: 600 Independence Avenue SW., Room 2W100, Washington, DC 20591. The new address for ODRA filings by U.S. Mail is: 800 Independence Avenue SW., Washington, DC 20591 [Attention: AGC-70, Wilbur Wright Bldg., Room 2W100].

#### List of Subjects in 14 CFR Part 17

Administrative practice and procedure, Authority delegations (Government agencies), Government contracts.

#### The Amendment

For the reasons discussed in the preamble, 14 CFR part 17 is amended as follows:

### PART 17—PROCEDURES FOR PROTESTS AND CONTRACT DISPUTES

■ 1. The authority citation for part 17 continues to read as follows:

**Authority:** 5 U.S.C. 570-581, 49 U.S.C. 106(f)(2), 40110, 40111, 40112, 46102, 46014, 46105, 46109, and 46110.

■ 2. In § 17.15, revise paragraph (b) to read as follows:

#### § 17.15 Filing a protest.

\* \* \* \* \*

(b) Protests shall be filed with the ODRA, AGC-70, Federal Aviation Administration, telephone (202) 267-3290 as follows:

(1) 600 Independence Avenue SW., Room 2W100, Washington, DC 20591 for filing by hand delivery, courier or other form of in-person delivery;

(2) 800 Independence Avenue SW., Washington, DC 20591 [Attention: AGC-70, Wilbur Wright Bldg., Room 2W100] for filing by U.S. Mail; or

(3) Numbers (202) 267-3720 or alternate (202) 267-1293 for filing by facsimile.

\* \* \* \* \*

■ 3. In § 17.27, revise paragraph (b) to read as follows:

#### § 17.27 Filing a contract dispute.

\* \* \* \* \*

(b) Contract Disputes shall be filed with the ODRA, AGC-70, Federal Aviation Administration, telephone (202) 267-3290 as follows:

(1) 600 Independence Avenue SW., Room 2W100, Washington, DC 20591 for filing by hand delivery, courier or other form of in-person delivery;

(2) 800 Independence Avenue SW., Washington, DC 20591 [Attention: AGC-70, Wilbur Wright Bldg., Room 2W100] for filing by U.S. Mail; or

(3) Numbers (202) 267-3720 or alternate (202) 267-1293 for filing by facsimile.

\* \* \* \* \*

■ 4. In § 17.59, revise paragraph (b) to read as follows:

#### § 17.59 Filing a Pre-dispute.

\* \* \* \* \*

(b) Pre-disputes shall be filed with the ODRA, AGC-70, Federal Aviation Administration, telephone (202) 267-3290 as follows:

(1) 600 Independence Avenue SW., Room 2W100, Washington, DC 20591 for filing by hand delivery, courier or other form of in-person delivery;

(2) 800 Independence Avenue SW., Washington, DC 20591 [Attention: AGC-70, Wilbur Wright Bldg., Room 2W100] for filing by U.S. Mail; or

(3) Numbers (202) 267-3720 or alternate (202) 267-1293 for filing by facsimile.

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Issued in Washington, DC, on March 13, 2017.

**Anthony N. Palladino,**

*Director and Administrative Judge, Office of Dispute Resolution for Acquisition.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2017-0129; Directorate Identifier 2017-NM-020-AD; Amendment 39-18825; AD 2017-06-01]

RIN 2120-AA64

#### Airworthiness Directives; The Boeing Company Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** We are superseding Airworthiness Directive (AD) 2017-03-04, which applied to all The Boeing Company Model 737-500 series airplanes. AD 2017-03-04 required inspections to detect cracks in the fuselage skin panels, permanent repairs of time-limited repairs, skin panel replacement, and related investigative and corrective actions if necessary. This AD reduces the applicability of AD 2017-03-04. This AD was prompted by a determination that airplanes were inadvertently included in the applicability of AD 2017-03-04. We are