

identification to enter the building. Because of access restrictions, visitors will not be admitted beyond the immediate entrance area more than 30 minutes before the hearing starts. For information about having your name placed on the building access list to attend the hearing, see the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

The rules of 26 CFR 601.601(a)(3) apply to the hearing. Persons who wish to present oral comments at the hearing must submit written comments or electronic comments by November 28, 2016 and submit an outline of the topics to be discussed and the amount of time to be devoted to each topic (a signed original and 8 copies) by November 28, 2016. A period of 10 minutes will be allotted to each person for making comments. An agenda showing the scheduling of the speakers will be prepared after the deadline for receiving outlines has passed. Copies of the agenda will be available free of charge at the hearing.

#### Drafting Information

The principal author of these regulations is Maria Del Pilar Austin of the Office of the Associate Chief Counsel (Procedure and Administration). Other personnel from the Treasury Department and the IRS participated in their development.

#### List of Subjects in 26 CFR Part 300

Reporting and recordkeeping requirements, User fees.

#### Proposed Amendments to the Regulations

Accordingly, 26 CFR part 300 is proposed to be amended as follows:

#### PART 300—USER FEES

■ **Paragraph. 1.** The authority citation for part 300 continues to read as follows:

**Authority:** 31 U.S.C. 9701 \* \* \*

■ **Par 2.** In § 300.3, paragraphs (b)(1) introductory text and (d) are revised to read as follows:

§ 300.3 *Offer to compromise fee.*

\* \* \* \* \*

(b) *Fee*—(1) The fee for processing an offer to compromise submitted before February 27, 2017, is \$186. The fee for processing an offer to compromise submitted on or after February 27, 2017, is \$300. No fee will be charged if an offer is—\* \* \*

\* \* \* \* \*

(d) *Effective/applicability date.* This section is applicable beginning February 27, 2017.

**John Dalrymple,**  
*Deputy Commissioner for Services and Enforcement.*

[FR Doc. 2016–24666 Filed 10–12–16; 8:45 am]

**BILLING CODE 4830–01–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 151006928–6899–01]

RIN 0648–BF43

#### Fisheries of the Northeastern United States; Jonah Crab Fishery; Advance Notice of Proposed Rulemaking and Notice of Intent To Prepare an Environmental Impact Statement; Scoping Process

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Advance notice of proposed rulemaking; request for comments.

**SUMMARY:** Based on Atlantic States Marine Fisheries Commission recommendations, we are issuing this advance notice of proposed rulemaking announcing our intent to develop regulations in support of an Interstate Fishery Management Plan for Jonah crab. The advance notice of proposed rulemaking is necessary to provide the public with background information and to alert interested parties of future regulations governing Jonah crab fishing in Federal waters of the Exclusive Economic Zone. We are also announcing our intent to prepare an Environmental Impact Statement in accordance with the National Environmental Policy Act. This notice is to alert the interested public of the scoping process and potential development of a draft Environmental Impact Statement, and to outline opportunity for public participation in that process.

**DATES:** Written and electronic comments must be received on or before November 14, 2016.

**ADDRESSES:** You may submit comments on the Jonah Crab Plan, identified by NOAA–NMFS–2015–0127, by either of the following methods:

• *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. *Go to*

[www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2015-0127](http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2015-0127), click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.

• *Mail:* Submit written comments to John K. Bullard, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope: “Comments on Jonah Crab Plan.”

*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. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

Requests for copies of the Commission’s Jonah Crab Plan should be directed to Robert Beal, Executive Director, Atlantic States Marine Fisheries Commission, 1050 N. Highland St, Suite A–N, Arlington, VA 22201. It is also available electronically at: [http://www.asafc.org/uploads/file/55e9daffjonahCrabInterstateFMP\\_Aug2015.pdf](http://www.asafc.org/uploads/file/55e9daffjonahCrabInterstateFMP_Aug2015.pdf).

Requests for copies of the scoping document and other information should be directed to Allison Murphy, Fishery Policy Analyst, NOAA Fisheries, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930, telephone (978) 281–9122. The scoping document will be available electronically at: <http://www.greateratlantic.fisheries.noaa.gov/>.

**FOR FURTHER INFORMATION CONTACT:** Allison Murphy, Fishery Policy Analyst, NMFS, [allison.murphy@noaa.gov](mailto:allison.murphy@noaa.gov), telephone (978) 281–9122.

#### SUPPLEMENTARY INFORMATION:

##### Background

Jonah crab (*Cancer borealis*), also known as rock crab, is not currently managed under Federal regulations. The Atlantic States Marine Fisheries Commission’s Lobster Board, working through its public meeting process, approved an Interstate Fishery Management Plan for Jonah Crab in August 2015. The goal of the plan is to promote conservation, reduce the possibility of recruitment failure, and allow the industry to continue fishing

the resource at present levels. The Commission's Jonah Crab Plan includes commercial and recreational measures, and reporting requirements, summarized in Table 1, below.

TABLE 1—COMMISSION-RECOMMENDED JONAH CRAB MANAGEMENT MEASURES

	Description
<b>Commercial Management Measure</b>	
Permits .....	Limits participation in the directed trap fishery to only those vessels and permit holders that already hold a lobster permit, or can prove prior participation in the crab fishery before the June 2, 2015, control date.
Minimum Size .....	4¾ inches (12.065 cm).
Landing Disposition .....	Whole crab fishery, with an exception for New Jersey, Maryland, Delaware, and Virginia harvesters who can demonstrate history in the claw-only fishery.*
Broodstock Protection .....	Prohibition on the retention of egg-bearing females.
Incidental Catch Limit .....	1,000 crabs/trip for non-lobster trap and non-trap gear.
<b>Recreational Management Measures</b>	
Possession Limit .....	50 whole crabs/person per day.
Broodstock Protection .....	Prohibition on the retention of egg-bearing females.
<b>Reporting Requirements</b>	
Dealer Reporting .....	100-percent dealer reporting.
Harvester Reporting .....	100-percent harvester reporting, but allows jurisdictions that currently require less than 100 percent of lobster harvesters to report are required to maintain its current reporting programs and extend them to Jonah crab.

\* The Commission is considering a coastwide claw-only fishery as part of Addendum II.

Anticipating that the approved Jonah Crab Plan would include permitting requirements, the Commission requested that we issue a control date for the Jonah crab fishery. We published a notice (80 FR 31347; June 2, 2015) establishing June 2, 2015, as the control date. The notice advised Jonah crab harvesters to locate and preserve records. It also notified harvesters that landings after the control date may not be treated the same as landings that occurred prior to the control date.

The Board recommended allowing any lobster permit holder to continue to fish for and retain Jonah crabs. The Board also recommended allowing access for historic crab-only harvesters to continue to fish for and retain Jonah crabs. The Board has not yet developed qualification criteria for historic crab-only harvesters in the Jonah Crab Plan. While the Board's Plan Development Team has investigated Jonah crab-only landings, it has not been able to investigate Jonah crab-only harvesters with substantial landings. We will work with the Commission and state partners through the development of these recommendations.

In the Jonah Crab FMP, the Lobster Board recommended an incidental catch limit of 200 crabs/day, up to 500 crabs/trip. After the FMP was approved, the Board became aware that the approved limit might restrict some historical fishing practices, which was not intended. In November 2015, the Board

initiated Addendum I to reconsider the incidental catch limit. At its May 2016 meeting, the Lobster Board finalized Addendum I by selecting an incidental catch limit of 1,000 crabs for a trip of any length for both non-trap and non-lobster trap gear.

In May 2016, the Lobster Board initiated Addendum II to further develop claw-only fishery requirements. Although draft Addendum II has not yet been released for public comment, we expect it to contain alternatives that would allow a coastwide claw-only fishery, as well as an alternative that would restrict Jonah crab landings to only whole crabs (*i.e.*, prohibit landing claws). We expect the draft addendum to be discussed in October 2016, and revised claw-only fishery requirements to be selected by the Lobster Board in February 2017, following public comment.

States were required to implement Jonah Crab Plan requirements by June 1, 2016. In September, 2015, the Commission formally requested that we issue complementary regulations in Federal waters. We are reviewing the Commission's Jonah Crab Plan, available data, and are considering implementing complementary measures in Federal waters. We are seeking public comment on the Commission's recommended measures, as well as soliciting input on any additional alternatives that we should consider for

managing the Federal Jonah crab fishery.

#### Public Comment

We are soliciting written comments to help us determine the scope of issues to be addressed by potential Federal regulations in support of the Jonah Crab Plan, as well as to identify significant issues for inclusion in the Environmental Impact Statement. We are particularly interested in comment on the Commission's recommended measures outlined in Table 1, including potential criteria for a possible limited access directed fishery. We are also interested in comment on the nature and extent of a possible claw-only fishery which may be revised in Addendum II. Scoping consists of identifying the range of actions, alternatives, and impacts to be considered. After the scoping process is completed, we will begin development of Federal regulations and may prepare an Environmental Impact Statement to analyze the impacts of the range of alternatives under consideration. Impacts may be direct, indirect, or cumulative.

In addition to having the opportunity to comment on this notice, the public will have the opportunity to comment on the measures and alternatives being considered through the public comment period and a public meeting, consistent with National Environmental Policy Act and the Administrative Procedure Act.

We have scheduled a scoping webinar for October 20, 2016 at 5:00 p.m. during which we will take and discuss scoping comments on future Jonah crab regulations. Please use the link and call in information provided below:

- Webinar: <https://noaaevents.webex.com/noaaevents/onstage/g.php?MTID=ed272b501b73da9f75dff6eb36ca49229>,

noaaevents.webex.com/noaaevents/onstage/g.php?MTID=ed272b501b73da9f75dff6eb36ca49229,

- Webinar access code: Meeting123,
- Telephone Number: 877-661-2084,
- Participant Code: 613780.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: October 6, 2016.

**Samuel D. Rauch III,**

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

[FR Doc. 2016-24746 Filed 10-12-16; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 160728670-6904-01]

RIN 0648-BG23

#### **Fisheries off West Coast States; Highly Migratory Fisheries; California Drift Gillnet Fishery; Protected Species Hard Caps for the California/Oregon Large-Mesh Drift Gillnet Fishery**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

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

**SUMMARY:** NMFS is proposing regulations under the authority of Section 303(b) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) to implement an immediate closure of the California thresher shark/swordfish drift gillnet (DGN) (mesh size  $\geq 14$  inches) fishery if a hard cap (*i.e.*, limit) on mortality/injury is met or exceeded for certain protected species during a rolling 2-year period. The length of the closure would be dependent on when—during the 2-year period—the hard cap is reached.

**DATES:** Comments on the proposed rule and supporting documents must be submitted in writing by November 28, 2016.

**ADDRESSES:** You may submit comments on this document, the draft Environmental Assessment (EA), draft Regulatory Impact Review (RIR) and

Initial Regulatory Flexibility Analysis (IRFA), identified by NOAA-NMFS-2016-0123, by any of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2016-0123>, click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.

- **Mail:** Submit written comments to Lyle Enriquez, NMFS West Coast Region, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802. Include the identifier “NOAA-NMFS-2016-0123” in the comments.

**Instructions:** Comments must be submitted by one of the above methods to ensure they are received, documented, and considered by NMFS. 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. 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.) submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

Copies of the draft EA, draft RIR, IRFA, and other supporting documents are available via the Federal eRulemaking Portal: <http://www.regulations.gov>, docket NOAA-NMFS-2016-0123 or by contacting the Regional Administrator, Barry Thom, NMFS West Coast Region, 1201 NE Lloyd Blvd., Portland, OR 97232-2182, or [RegionalAdministrator.WCRHMS@noaa.gov](mailto:RegionalAdministrator.WCRHMS@noaa.gov).

**FOR FURTHER INFORMATION CONTACT:** Lyle Enriquez, NMFS, West Coast Region, 562-980-4025, or [Lyle.Enriquez@noaa.gov](mailto:Lyle.Enriquez@noaa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

The DGN fishery for swordfish and thresher shark (14” minimum mesh size) is federally managed under the Federal Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (HMS FMP) and via regulations of the states of California and Oregon to conserve target and non-target stocks, including protected species that are incidentally captured. The HMS FMP

was prepared by the Pacific Fishery Management Council (Council) and is implemented under the authority of the MSA by regulations at 50 CFR part 660.

The DGN fishery has been subject to a number of seasonal closures. Since 1982, it has been closed inside the entire U.S. West Coast exclusive economic zone (EEZ) from February 1 to April 30 of each year. In 1986, a closure was established within 75 miles of the California mainland from June 1 through Aug 14 of each year to conserve common thresher sharks; this closure was extended to include May in 1990 and later years. In 2001, NMFS implemented two Pacific sea turtle conservation areas on the U.S. West Coast with seasonal DGN restrictions to protect endangered leatherback and loggerhead sea turtles. The larger of the two closures spans the EEZ north of Point Conception, CA (34°27’ N. latitude) to mid-Oregon (45° N. latitude) and west to 129° W. longitude. DGN fishing is prohibited annually within this conservation area from August 15 to November 15 to protect leatherback sea turtles. A smaller closure was implemented to protect Pacific loggerhead turtles from DGN gear from June 1–August 31 of each year during a forecasted or occurring El Niño event, and is located south of Point Conception, CA, and east of 120° W. longitude (72 FR 31756). The number of active vessels in the DGN fishery has remained under 50 vessels since 2003, and there has been an average of 20 active vessels per year from 2010 through 2015.

Since 1990, NMFS has targeted 20 percent observer coverage of the DGN fishery each year, per recommendations from the Southwest Fisheries Science Center (NMFS 1989). NMFS’ fleet-wide observer coverage target has been 30 percent since 2013. Since some DGN vessels are unobservable due to safety or accommodations requirements, the observable vessels are observed at a rate higher than 30 percent to attain the fleet-wide 30 percent coverage. Four to six DGN vessels have been unobservable during each fishing season from 2011 to present.

##### **Council Background**

In March 2012, the Council tasked NMFS with determining the steps needed to implement protected species hard caps in the DGN fishery. Originally concerned with sea turtle interactions, the Council expanded its scope to include marine mammals at its June 2014 meeting. At that meeting, the Council directed its Highly Migratory Species Management Team (HMSMT) to begin developing a range of alternatives