

respectively, of FAA Order 7400.11A dated August 3, 2016, and effective September 15, 2016, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

#### Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11A dated August 3, 2016, and effective September 15, 2016, which is incorporated by reference in 14 CFR part 71.1. FAA Order 7400.11A is publicly available as listed in the ADDRESSES section of this document. FAA Order 7400.11A lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

#### The Rule

This action amends the legal descriptions for Class E surface area airspace and Class E airspace upward from 700 feet above the surface to correct the airport name to Cedar City Regional Airport, Cedar City, UT, (formerly Cedar City Municipal Airport), and geographic coordinates from (lat. 37°42'06" N., long. 113°05'53" W.) to (lat. 37°42'03" N., long. 113°05'56" W.) to coincide with the FAA's aeronautical database. This action also corrects the navigation aid noted in the Class E surface area airspace legal description from the Cedar City VOR/DME to the Enoch VOR/DME. This is an administrative change and does not affect the boundaries, altitudes, or operating requirements of the airspace, therefore, notice and public procedure under 5 U.S.C. 553(b) is unnecessary.

#### Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial

number of small entities under the criteria of the Regulatory Flexibility Act.

#### Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures," paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exists that warrant preparation of an environmental assessment.

#### Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

#### Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

#### PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for Part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

#### § 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, effective September 15, 2016, is amended as follows:

*Paragraph 6002. Class E Airspace Designated as Surface Areas.*

\* \* \* \* \*

#### ANM UT E2 Cedar City, UT [Modified]

Cedar City Regional Airport, UT (Lat. 37°42'03" N., long. 113°05'56" W.) Enoch VOR/DME (Lat. 37°47'14" N., long. 113°04'06" W.) Meggi LOM (Lat. 37°47'28" N., long. 113°01'17" W.)

Within a 4.2-mile radius of Cedar City Regional Airport, and within 1.8 miles each side of the Enoch VOR/DME 195° radial extending from the 4.2-mile radius to the VOR/DME, and within 1.8 miles each side of Meggi LOM 214° bearing extending from the 4.2-mile radius to the LOM.

*Paragraph 6005. Class E Airspace Areas Extending Upward from 700 feet or More Above the Surface of the Earth.*

\* \* \* \* \*

#### ANM UT E5 Cedar City, UT [Modified]

Cedar City Regional Airport, UT (Lat. 37°42'03" N., long. 113°05'56" W.)

That airspace extending upward from 700 feet above the surface bounded by a line beginning at lat. 38°03'00" N., long. 113°13'30" W.; to lat. 38°05'30" N., long. 112°58'30" W.; to lat. 37°58'30" N., long. 112°45'30" W.; to lat. 37°45'00" N., long. 112°56'45" W.; to lat. 37°47'30" N., long. 113°15'00" W.; thence to point of beginning. That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 38°00'00" N., long. 113°45'30" W.; to lat. 38°19'00" N., long. 112°51'30" W.; to lat. 37°58'32" N., long. 112°38'00" W.; to lat. 37°37'00" N., long. 112°53'30" W.; to lat. 37°38'15" N., long. 113°22'18" W.; thence to point of origin; and excluding that airspace within Federal airways; the Midford, UT, and St. George, UT, Class E airspace areas.

Issued in Seattle, Washington, on December 14, 2016.

**Tracey Johnson,**

*Manager, Operations Support Group, Western Service Center.*

[FR Doc. 2016–30649 Filed 12–27–16; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF COMMERCE

### Office of the Secretary

#### 15 CFR Part 6

[Docket No. 161220999–6999–01]

RIN 0605–AA47

#### Civil Monetary Penalty Adjustments for Inflation

**AGENCY:** Office of the Chief Financial Officer and Assistant Secretary for Administration, Department of Commerce.

**ACTION:** Final rule.

**SUMMARY:** This final rule is being issued to adjust for inflation each civil monetary penalty (CMP) provided by law within the jurisdiction of the United States Department of Commerce (Department of Commerce). The Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996 and the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, requires the head of each agency to adjust for inflation its CMP levels in effect as of November 2, 2015, under a revised methodology that was effective for 2016 which provided for initial catch up adjustments for inflation in 2016, and under a revised methodology for each year thereafter. The initial catch up adjustments for inflation to the Department of Commerce's CMPs were published in the **Federal Register** on June 7, 2016 and became effective July 7, 2016, and, as required, did not exceed 150 percent of the amount of the

CMP on the date of enactment of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (November 2, 2015). The revised methodology for agencies for 2017 and each year thereafter provides for the improvement of the effectiveness of CMPs and to maintain their deterrent effect. Effective 2017, agencies' annual adjustments for inflation to CMPs shall take effect not later than January 15. The Department of Commerce's 2017 adjustments for inflation to CMPs apply only to CMPs with a dollar amount, and will not apply to CMPs written as functions of violations. The Department of Commerce's 2017 adjustments for inflation to CMPs apply only to those CMPs, including those whose associated violation predated such adjustment, which are assessed by the Department of Commerce after the effective date of the new CMP level.

**DATES:** This rule is effective January 15, 2017.

**FOR FURTHER INFORMATION CONTACT:**

Stephen Kunze, Deputy Chief Financial Officer and Director for Financial Management, Office of Financial Management, at (202) 482-1207, Department of Commerce, 1401 Constitution Avenue NW., Room D200, Washington, DC 20230. The Department of Commerce's Civil Monetary Penalty Adjustments for Inflation are available for downloading from the Department of Commerce, Office of Financial Management's Web site at the following address: [http://www.osec.doc.gov/ofm/OFM\\_Publications.html](http://www.osec.doc.gov/ofm/OFM_Publications.html).

**SUPPLEMENTARY INFORMATION:**

**Background**

The Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101-410; 28 U.S.C. 2461), as amended by the Debt Collection Improvement Act of 1996 (Pub. L. 104-134), provided for agencies' adjustments for inflation to CMPs to ensure that CMPs continue to maintain their deterrent value and that CMPs due to the Federal Government were properly accounted for and collected. On October 24, 1996, November 1, 2000, December 14, 2004, December 11, 2008, and December 7, 2012, the Department of Commerce published in the **Federal Register** a schedule of CMPs adjusted for inflation as required by law.

A CMP is defined as any penalty, fine, or other sanction that:

1. Is for a specific monetary amount as provided by Federal law, or has a maximum amount provided for by Federal law; and,
2. Is assessed or enforced by an agency pursuant to Federal law; and,

3. Is assessed or enforced pursuant to an administrative proceeding or a civil action in the Federal courts.

On November 2, 2015, the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Section 701 of Pub. L. 114-74) further amended the Federal Civil Penalties Inflation Adjustment Act of 2015 to improve the effectiveness of CMPs and to maintain their deterrent effect. This amendment requires agencies to: (1) Adjust the CMP levels in effect as of November 2, 2015, with initial catch up adjustments for inflation through a final rulemaking that shall take effect no later than August 1, 2016; and (2) make subsequent annual adjustments for inflation to CMPs that shall take effect not later than January 15.

The Department of Commerce's initial catch up adjustments for inflation to CMPs were published in the **Federal Register** on June 7, 2016, and the new CMP levels became effective July 7, 2016.

The Department of Commerce's 2017 adjustments for inflation to CMPs apply only to CMPs with a dollar amount, and will not apply to CMPs written as functions of violations. These 2017 adjustments for inflation to CMPs apply only to those CMPs, including those whose associated violation predated such adjustment, which are assessed by the Department of Commerce after the effective date of the new CMP level.

This regulation adjusts for inflation CMPs that are provided by law within the jurisdiction of the Department of Commerce. The actual CMP assessed for a particular violation is dependent upon a variety of factors. For example, the National Oceanic and Atmospheric Administration's (NOAA) Policy for the Assessment of Civil Administrative Penalties and Permit Sanctions (Penalty Policy), a compilation of NOAA internal guidelines that are used when assessing CMPs for violations for most of the statutes NOAA enforces, will be interpreted in a manner consistent with this regulation to maintain the deterrent effect of the CMPs. The CMP ranges in the Penalty Policy are intended to aid enforcement attorneys in determining the appropriate CMP to assess for a particular violation. The Penalty Policy is maintained and made available to the public on NOAA's Office of the General Counsel, Enforcement Section Web site at: <http://www.gc.noaa.gov/enforce-office3.html>.

The Department of Commerce's 2017 adjustments for inflation to CMPs set forth in this regulation were determined pursuant to the revised methodology prescribed by the Federal Civil Penalties Inflation Adjustment Act Improvements

Act of 2015, which requires the maximum CMP, or the minimum and maximum CMP, as applicable, to be increased by the cost-of-living adjustment. The term "cost-of-living adjustment" is defined by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015. For the 2017 adjustments for inflation to CMPs, the cost-of-living adjustment is the percentage for each CMP by which the Consumer Price Index for the month of October 2016 exceeds the Consumer Price Index for the month of October 2015.

**Classification**

Pursuant to 5 U.S.C. 553(b)B, there is good cause to issue this rule without prior public notice or opportunity for public comment because it would be impracticable and unnecessary. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Section 701(b)) requires agencies, effective 2017, to make annual adjustments for inflation to CMPs notwithstanding section 553 of title 5, United States Code. Additionally, the methodology used, effective 2017, for adjusting CMPs for inflation is given by statute, with no discretion provided to agencies regarding the substance of the adjustments for inflation to CMPs. The Department of Commerce is charged only with performing ministerial computations to determine the dollar amount of adjustments for inflation to CMPs. Accordingly, prior public notice and an opportunity for public comment are not required for this rule.

**Paperwork Reduction Act**

The provisions of the Paperwork Reduction Act of 1995, Public Law 104-13, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this rule because there are no new or revised recordkeeping or reporting requirements.

**Regulatory Analysis**

*E.O. 12866, Regulatory Review*

This rule is not a significant regulatory action as that term is defined in Executive Order 12866.

*Regulatory Flexibility Act*

Because notice of proposed rulemaking and opportunity for comment are not required pursuant to 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility act (5 U.S.C. 601, *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis is not required and has not been prepared.

**List of Subjects in 15 CFR Part 6**

Law enforcement, Civil monetary penalties.

Dated: December 21, 2016.

**Stephen Kunze,**

*Deputy Chief Financial Officer and Director for Financial Management, Department of Commerce.*

**Authority and Issuance**

■ For the reasons stated in the preamble, the Department of Commerce revises 15 CFR part 6 to read as follows:

**PART 6—CIVIL MONETARY PENALTY ADJUSTMENTS FOR INFLATION**

Sec.

6.1 Definitions.

6.2 Purpose and scope.

6.3 2017 Adjustments for inflation to civil monetary penalties.

6.4 Effective date of 2017 adjustments for inflation to civil monetary penalties.

6.5 Subsequent annual adjustments for inflation to civil monetary penalties.

**Authority:** Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); Pub. L. 104–134, 110 Stat. 1321 (31 U.S.C. 3701 note); Sec. 701 of Pub. L. 114–74, 129 Stat. 599 (28 U.S.C. 1 note; 28 U.S.C. 2461 note).

**§ 6.1 Definitions.**

(a) The *Department of Commerce* means the United States Department of Commerce.

(b) *Civil Monetary Penalty* means any penalty, fine, or other sanction that:

(1) Is for a specific monetary amount as provided by Federal law, or has a maximum amount provided for by Federal law; and

(2) Is assessed or enforced by an agency pursuant to Federal law; and

(3) Is assessed or enforced pursuant to an administrative proceeding or a civil action in the Federal courts.

**§ 6.2 Purpose and scope.**

The purpose of this part is to make adjustments for inflation to civil monetary penalties, as required by the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410; 28 U.S.C. 2461), as amended by the Debt Collection Improvement Act of 1996 (Pub. L. 104–134) and the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Section 701 of Pub. L. 114–74), of each civil monetary penalty provided by law within the jurisdiction of the United States Department of Commerce (Department of Commerce).

**§ 6.3 Adjustments for inflation to civil monetary penalties.**

The civil monetary penalties provided by law within the jurisdiction of the Department of Commerce, as set forth in

paragraphs (a) through (f) of this section, are hereby adjusted for inflation in 2017 in accordance with the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended, from the amounts of such civil monetary penalties that were in effect as of July 7, 2016, to the amounts of such civil monetary penalties, as thus adjusted. The year stated in parenthesis represents the year that the civil monetary penalty was last set by law or adjusted by law (excluding adjustments for inflation).

(a) *United States Department of Commerce.* (1) 31 U.S.C. 3802(a)(1), Program Fraud Civil Remedies Act of 1986 (1986), violation, maximum from \$10,781 to \$10,957.

(2) 31 U.S.C. 3802(a)(2), Program Fraud Civil Remedies Act of 1986 (1986), violation, maximum from \$10,781 to \$10,957.

(3) 31 U.S.C. 3729(a)(1)(G), False Claims Act (1986); violation, minimum from \$10,781 to \$10,957; maximum from \$21,563 to \$21,916.

(b) *Bureau of Industry and Security.* (1) 15 U.S.C. 5408(b)(1), Fastener Quality Act (1990), violation, maximum from \$44,539 to \$45,268.

(2) 22 U.S.C. 6761(a)(1)(A), Chemical Weapons Convention Implementation Act (1998), violation, maximum from \$36,256 to \$36,849.

(3) 22 U.S.C. 6761(a)(l)(B), Chemical Weapons Convention Implementation Act (1998), violation, maximum from \$7,251 to \$7,370.

(4) 50 U.S.C. 1705(b), International Emergency Economic Powers Act (2007), violation, maximum from \$284,582 to \$289,238.

(5) 22 U.S.C. 8142(a), United States Additional Protocol Implementation Act (2006), violation, maximum from \$29,464 to \$29,946.

(c) *Census Bureau.* (1) 13 U.S.C. 304, Collection of Foreign Trade Statistics (2002), each day's delinquency of a violation; total of not to exceed maximum violation, from \$1,312 to \$1,333; maximum per violation, from \$13,118 to \$13,333.

(2) 13 U.S.C. 305(b), Collection of Foreign Trade Statistics (2002), violation, maximum from \$13,118 to \$13,333.

(d) *Economics and Statistics Administration.* (1) 22 U.S.C. 3105(a), International Investment and Trade in Services Act (1990); failure to furnish information, minimum from \$4,454 to \$4,527; maximum from \$44,539 to \$45,268.

(e) *International Trade Administration.* (1) 19 U.S.C. 81s, Foreign Trade Zone (1934), violation, maximum from \$2,750 to \$2,795.

(2) 19 U.S.C. 1677f(f)(4), U.S.-Canada FTA Protective Order (1988), violation, maximum from \$197,869 to \$201,106.

(f) *National Oceanic and Atmospheric Administration.* (1) 51 U.S.C. 60123(a), Land Remote Sensing Policy Act of 2010 (2010), violation, maximum from \$10,874 to \$11,052.

(2) 51 U.S.C. 60148(c), Land Remote Sensing Policy Act of 2010 (2010), violation, maximum from \$10,874 to \$11,052.

(3) 16 U.S.C. 773f(a), Northern Pacific Halibut Act of 1982 (2007), violation, maximum from \$227,666 to \$231,391.

(4) 16 U.S.C. 783, Sponge Act (1914), violation, maximum from \$1,625 to \$1,652.

(5) 16 U.S.C. 957(d), (e), and (f), Tuna Conventions Act of 1950 (1962):

(i) Violation of 16 U.S.C. 957(a), maximum from \$81,250 to \$82,579.

(ii) Subsequent violation of 16 U.S.C. 957(a), maximum from \$175,000 to \$177,863.

(iii) Violation of 16 U.S.C. 957(b), maximum from \$2,750 to \$2,795.

(iv) Subsequent violation of 16 U.S.C. 957(b), maximum from \$16,250 to \$16,516.

(v) Violation of 16 U.S.C. 957(c), maximum from \$350,000 to \$355,726.

(6) 16 U.S.C. 957(i), Tuna Conventions Act of 1950,<sup>1</sup> violation, maximum from \$178,156 to \$181,071.

(7) 16 U.S.C. 959, Tuna Conventions Act of 1950,<sup>2</sup> violation, maximum from \$178,156 to \$181,071.

(8) 16 U.S.C. 971f(a), Atlantic Tunas Convention Act of 1975,<sup>3</sup> violation, maximum from \$178,156 to \$181,071.

(9) 16 U.S.C. 973f(a), South Pacific Tuna Act of 1988 (1988), violation, maximum from \$494,672 to \$502,765.

(10) 16 U.S.C. 1174(b), Fur Seal Act Amendments of 1983 (1983), violation, maximum from \$23,548 to \$23,933.

(11) 16 U.S.C. 1375(a)(1), Marine Mammal Protection Act of 1972 (1972), violation, maximum from \$27,500 to \$27,950.

(12) 16 U.S.C. 1385(e), Dolphin Protection Consumer Information Act,<sup>4</sup> violation, maximum from \$178,156 to \$181,071.

(13) 16 U.S.C. 1437(d)(1), National Marine Sanctuaries Act (1992), violation, maximum from \$167,728 to \$170,472.

(14) 16 U.S.C. 1540(a)(1), Endangered Species Act of 1973:

<sup>1</sup> This National Oceanic and Atmospheric Administration maximum civil monetary penalty, as prescribed by law, is the maximum civil penalty per 16 U.S.C. 1858(a), Magnuson-Stevens Fishery Conservation and Management Act civil monetary penalty (item (15)).

<sup>2</sup> See footnote 1.

<sup>3</sup> See footnote 1.

<sup>4</sup> See footnote 1.

(i) Violation as specified (1988), maximum from \$49,467 to \$50,276.

(ii) Violation as specified (1988), maximum from \$23,744 to \$24,132.

(iii) Otherwise violation (1978), maximum from \$1,625 to \$1,652.

(15) 16 U.S.C. 1858(a), Magnuson-Stevens Fishery Conservation and Management Act (1990), violation, maximum from \$178,156 to \$181,071.

(16) 16 U.S.C. 2437(a), Antarctic Marine Living Resources Convention Act of 1984,<sup>5</sup> violation, maximum from \$178,156 to \$181,071.

(17) 16 U.S.C. 2465(a), Antarctic Protection Act of 1990,<sup>6</sup> violation, maximum from \$178,156 to \$181,071.

(18) 16 U.S.C. 3373(a), Lacey Act Amendments of 1981 (1981):

(i) 16 U.S.C. 3373(a)(1), violation, maximum from \$25,464 to \$25,881.

(ii) 16 U.S.C. 3373(a)(2), violation, maximum from \$637 to \$647.

(19) 16 U.S.C. 3606(b)(1), Atlantic Salmon Convention Act of 1982,<sup>7</sup> violation, maximum from \$178,156 to \$181,071.

(20) 16 U.S.C. 3637(b), Pacific Salmon Treaty Act of 1985,<sup>8</sup> violation, maximum from \$178,156 to \$181,071.

(21) 16 U.S.C. 4016(b)(1)(B), Fish and Seafood Promotion Act of 1986 (1986); violation, minimum from \$1,078 to \$1,096; maximum from \$10,781 to \$10,957.

(22) 16 U.S.C. 5010, North Pacific Anadromous Stocks Act of 1992,<sup>9</sup> violation, maximum from \$178,156 to \$181,071.

(23) 16 U.S.C. 5103(b)(2), Atlantic Coastal Fisheries Cooperative Management Act,<sup>10</sup> violation, maximum from \$178,156 to \$181,071.

(24) 16 U.S.C. 5154(c)(1), Atlantic Striped Bass Conservation Act,<sup>11</sup> violation, maximum from \$178,156 to \$181,071.

(25) 16 U.S.C. 5507(a), High Seas Fishing Compliance Act of 1995 (1995), violation, maximum from \$154,742 to \$157,274.

(26) 16 U.S.C. 5606(b), Northwest Atlantic Fisheries Convention Act of 1995,<sup>12</sup> violation, maximum from \$178,156 to \$181,071.

(27) 16 U.S.C. 6905(c), Western and Central Pacific Fisheries Convention Implementation Act,<sup>13</sup> violation, maximum from \$178,156 to \$181,071.

(28) 16 U.S.C. 7009(c) and (d), Pacific Whiting Act of 2006,<sup>14</sup> violation, maximum from \$178,156 to \$181,071.

(29) 22 U.S.C. 1978(e), Fishermen's Protective Act of 1967 (1971):

(i) Violation, maximum from \$27,500 to \$27,950.

(ii) Subsequent violation, maximum from \$81,250 to \$82,579.

(30) 30 U.S.C. 1462(a), Deep Seabed Hard Mineral Resources Act (1980), violation, maximum, from \$70,117 to \$71,264.

(31) 42 U.S.C. 9152(c), Ocean Thermal Energy Conversion Act of 1980 (1980), violation, maximum from \$70,117 to \$71,264.

(32) 16 U.S.C. 1827a, Billfish Conservation Act of 2012,<sup>15</sup> violation, maximum from \$178,156 to \$181,071.

(33) 16 U.S.C. 7407(b)(1), Port State Measures Agreement Act of 2015,<sup>16</sup> violation, maximum from \$178,156 to \$181,071.

(34) 16 U.S.C. 1826g(f), High Seas Driftnet Fishing Moratorium Protection Act,<sup>17</sup> violation, maximum from \$178,156 to \$181,071.

#### **§ 6.4 Effective date of adjustments for inflation to civil monetary penalties.**

The Department of Commerce's 2017 adjustments for inflation made by § 6.3, of the civil monetary penalties there specified, are effective on January 15, 2017, and said civil monetary penalties, as thus adjusted by the adjustments for inflation made by § 6.3, apply only to those civil monetary penalties, including those whose associated violation predated such adjustment, which are assessed by the Department of Commerce after the effective date of the new civil monetary penalty level, and before the effective date of any future adjustments for inflation to civil monetary penalties thereto made subsequent to January 15, 2017 as provided in § 6.5.

#### **§ 6.5 Subsequent annual adjustments for inflation to civil monetary penalties.**

The Secretary of Commerce or his or her designee by regulation shall make subsequent adjustments for inflation to the Department of Commerce's civil monetary penalties annually, which shall take effect not later than January 15, notwithstanding section 553 of title 5, United States Code.

[FR Doc. 2016-31292 Filed 12-27-16; 8:45 am]

**BILLING CODE 3510-DP-P**

<sup>14</sup> See footnote 1.

<sup>15</sup> See footnote 1.

<sup>16</sup> See footnote 1.

<sup>17</sup> See footnote 1.

## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

#### **15 CFR Part 902**

#### **50 CFR Parts 300 and 679**

[Docket No. 151001910-6999-02]

RIN 0648-BF42

### **Fisheries of the Exclusive Economic Zone Off Alaska; Allow the Use of Longline Pot Gear in the Gulf of Alaska Sablefish Individual Fishing Quota Fishery; Amendment 101**

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues regulations to implement Amendment 101 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA FMP) for the sablefish individual fishing quota (IFQ) fisheries in the Gulf of Alaska (GOA). This final rule authorizes the use of longline pot gear in the GOA sablefish IFQ fishery. In addition, this final rule establishes management measures to minimize potential conflicts between hook-and-line and longline pot gear used in the sablefish IFQ fisheries in the GOA. This final rule also includes regulations developed under the Northern Pacific Halibut Act of 1982 (Halibut Act) to authorize harvest of halibut IFQ caught incidentally in longline pot gear used in the GOA sablefish IFQ fishery. This final rule is necessary to improve efficiency and provide economic benefits for the sablefish IFQ fleet and minimize potential fishery interactions with whales and seabirds. This action is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, the Halibut Act, the GOA FMP, and other applicable laws.

**DATES:** Effective January 27, 2017.

**ADDRESSES:** Electronic copies of Amendment 101 and the Environmental Assessment (EA)/Regulatory Impact Review (RIR) prepared for this action (collectively the "Analysis"), and the Initial Regulatory Flexibility Analysis (IRFA) prepared for this action are available from [www.regulations.gov](http://www.regulations.gov) or from the NMFS Alaska Region Web site at [alaskafisheries.noaa.gov](http://alaskafisheries.noaa.gov).

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this rule may

<sup>5</sup> See footnote 1.

<sup>6</sup> See footnote 1.

<sup>7</sup> See footnote 1.

<sup>8</sup> See footnote 1.

<sup>9</sup> See footnote 1.

<sup>10</sup> See footnote 1.

<sup>11</sup> See footnote 1.

<sup>12</sup> See footnote 1.

<sup>13</sup> See footnote 1.