

# Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### 23 CFR Part 490

[Docket No. FHWA–2013–0053; FHWA–2013–0054]

RIN 2125–AF53; 2125–AF54

#### National Performance Management Measures; Assessing Pavement Condition for the National Highway Performance Program and Bridge Condition for the National Highway Performance Program; National Performance Management Measures; Assessing Performance of the National Highway System, Freight Movement on the Interstate System, and Congestion Mitigation and Air Quality Improvement Program

**AGENCY:** Federal Highway Administration (FHWA), Department of Transportation (DOT).

**ACTION:** Final regulations; delay of effective dates.

**SUMMARY:** In accordance with the memorandum of January 20, 2017, from

the Assistant to the President and Chief of Staff, entitled “Regulatory Freeze Pending Review,” published in the **Federal Register** on January 24, 2017, the Department delays the effective dates of the following regulations until March 21, 2017: National Performance Management Measures; Assessing Pavement Condition for the National Highway Performance program and Bridge Condition for the National Highway Performance Program, RIN 2125–AF53; and National Performance Management measures; Assessing Performance of the National Highway System, Freight Movement on the Interstate System, and Congestion Mitigation and Air Quality Improvement Program, RIN 2125–AF54. **DATES:** Effective February 13, 2017, the effective date of the final rules published on January 18, 2017, at 82 FR 5886 and January 18, 2017, at 82 FR 5970, respectively, is delayed to March 21, 2017.

The incorporation by reference of certain publications listed in the final rule published on January 18, 2017, at 82 FR 5886 is approved by the Director of the Federal Register as of March 21, 2017.

**FOR FURTHER INFORMATION CONTACT:** Christopher Richardson, Assistant Chief Counsel for Legislation, Regulations, and General Law, Office of Chief Counsel, Federal Highway Administration, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone: (202) 366–0761. Office hours are from 8:00 a.m. to 4:30 p.m. e.t., Monday through Friday, except Federal holidays.

### SUPPLEMENTARY INFORMATION:

#### Electronic Access and Filing

A copy of the Notice of Proposed Rulemakings (NPRMs), all comments received, the Final Rules, and all background material may be viewed online at <http://www.regulations.gov> using the docket numbers listed above. A copy of this notice will be placed on each docket. Electronic retrieval help and guidelines are available on the Web site. It is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded from the Office of the Federal Register’s Web site at <http://www.ofr.gov> and the Government Publishing Office’s Web site at <http://www.gpo.gov>.

#### Background

On January 20, 2017, the Assistant to the President and Chief of Staff issued a memorandum entitled, “Regulatory Freeze Pending Review.” This memorandum directed heads of executive departments and agencies to take certain steps to ensure that the President’s appointees and designees have the opportunity to review new and pending regulations. It instructed agencies to temporarily postpone the effective dates of regulations that had been published in the **Federal Register** but were not yet effective until 60 days after the date of the memorandum (January 20, 2017). In accordance with that directive, the FHWA is delaying the effective dates of the regulations listed below as follows:

RIN	Title	Agency contact	Original effective date	Delayed effective date
2125–AF53 .....	Assessing Pavement Condition for the National Highway Performance Program and Bridge Condition for the National Highway Performance Program.	Francine Shaw Whitson, Office of Infrastructure, 202–366–8028.	February 17, 2017 ...	March 21, 2017.
2125–AF54 .....	Assessing Performance of the National Highway System, Freight Movement on the Interstate System, and Congestion Mitigation and Air Quality Improvement Program.	Francine Shaw Whitson, Office of Infrastructure, 202–366–8028.	February 17, 2017 ...	March 21, 2017.

### Waiver of Rulemaking and Delayed Effective Date

Under the Administrative Procedure Act (APA) (5 U.S.C. 553), FHWA generally offers interested parties the opportunity to comment on proposed

regulations and publishes rules not less than 30 days before their effective dates. However, the APA provides that an agency is not required to conduct notice-and-comment rulemaking or delay effective dates when the agency, for good cause, finds that the

requirement is impracticable, unnecessary, or contrary to the public interest (5 U.S.C. 553(b)(B) and (d)(3)). There is good cause to waive both of these requirements here as the President’s appointees and designees need to delay the effective dates of these

regulations to have adequate time to review new or pending regulations, and neither the notice and comment process nor delayed effective date could be implemented in time to allow for this review.

#### List of Subjects in 23 CFR Part 490

Bridges, Highway safety, Highways and roads, Incorporation by reference, Reporting and recordkeeping requirements.

Issued on: February 7, 2017.

**Walter C. Waidelich, Jr.,**

*Acting Deputy Administrator, Federal Highway Administration.*

[FR Doc. 2017-02860 Filed 2-10-17; 8:45 am]

BILLING CODE 4910-22-P

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### 36 CFR Part 13

[NPS-AKRO-22869; PPAKAKROZ5, PPMRLE1Y.L00000]

RIN 1024-AE28

#### Alaska; Subsistence Collections

**AGENCY:** National Park Service, Interior.

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

**SUMMARY:** In accordance with a January 20, 2017, memorandum of the Chief of Staff for the White House, we, the National Park Service, are delaying the effective date of a rule we published on January 12, 2017.

**DATES:** The effective date of the rule that published on January 12, 2017, at 82 FR 3626, is delayed from February 13, 2017, to March 21, 2017.

#### FOR FURTHER INFORMATION CONTACT:

Andee Sears, Regional Law Enforcement Specialist, Alaska Regional Office, 240 West 5th Ave., Anchorage, AK 99501. Phone (907) 644-3410. Email: AKR\_Regulations@nps.gov.

**SUPPLEMENTARY INFORMATION:** On January 12, 2017, we published a rule to amend regulations for National Park System units in Alaska to allow qualified subsistence users to collect nonedible fish and wildlife parts and plants for creating handicrafts for barter and customary trade. The rule also clarifies that capturing, collecting or possessing living wildlife is generally prohibited and adopts restrictions on using human-produced foods to bait bears for subsistence uses. The rule was to be effective on February 13, 2017.

On January 20, 2017, the Chief of Staff for the White House issued a

memorandum instructing Federal agencies to temporarily postpone the effective date for 60 days after January 20, 2017, of any regulations that have published in the **Federal Register** but not yet taken effect, for the purpose of “reviewing questions of fact, law, and policy they raise.” We are, therefore, delaying the effective date of our rule published on January 12, 2017, at 82 FR 3626 (see **DATES**, above) to allow sufficient time for review of the rule relative to national wildlife management policy.

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, our 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), we have 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. We are temporarily postponing for 60 days the effective date of this regulation pursuant to the previously-noted memorandum of the Chief of Staff. As a result, seeking public comment on this delay is unnecessary and contrary to the public interest. For these same reasons we find good cause to waive the 30-day delay in effective date provided for in 5 U.S.C. 553(d).

**Authority:** 16 U.S.C. 3124; 54 U.S.C. 100101, 100751, 320102; Sec. 13.1204 also issued under Sec. 1035, Public Law 104-333, 110 Stat. 4240.

**Maureen D. Foster,**

*Acting Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 2017-02890 Filed 2-10-17; 8:45 am]

BILLING CODE 4312-52-P

## LEGAL SERVICES CORPORATION

### 45 CFR Part 1611

#### Income Level for Individuals Eligible for Assistance

**AGENCY:** Legal Services Corporation.

**ACTION:** Final rule.

**SUMMARY:** The Legal Services Corporation (LSC or the Corporation) is required by law to establish maximum income levels for individuals eligible for legal assistance. This document updates the specified income levels to reflect the

annual amendments to the Federal Poverty Guidelines issued by the Department of Health and Human Services (HHS).

**DATES:** Effective February 13, 2017.

#### FOR FURTHER INFORMATION CONTACT:

Stefanie K. Davis, Assistant General Counsel, Legal Services Corporation, 3333 K St. NW., Washington, DC 20007; (202) 295-1563; [sdavis@lsc.gov](mailto:sdavis@lsc.gov).

**SUPPLEMENTARY INFORMATION:** Section 1007(a)(2) of the Legal Services Corporation Act (Act), 42 U.S.C. 2996f(a)(2), requires the Corporation to establish maximum income levels for individuals eligible for legal assistance. Section 1611.3(c) of the Corporation’s regulations establishes a maximum income level equivalent to 125% of the Federal Poverty Guidelines (Guidelines), which HHS is responsible for updating and issuing. 45 CFR 1611.3(c).

Each year, LSC publishes an update to Appendix A of 45 CFR part 1611 to provide client income eligibility standards based on the most recent Guidelines. The figures for 2017, set out below, are equivalent to 125% of the Guidelines published by HHS on January 31, 2017, 82 FR 8832.

In addition, LSC is publishing a chart listing income levels that are 200% of the Guidelines. This chart is for reference purposes only as an aid to recipients in assessing the financial eligibility of an applicant whose income is greater than 125% of the applicable Guidelines amount, but less than 200% of the applicable Guidelines amount (and who may be found to be financially eligible under duly adopted exceptions to the annual income ceiling in accordance with 45 CFR 1611.3, 1611.4, and 1611.5).

Except where there are minor variances due to rounding, the amount by which the guideline increases for each additional member of the household is a consistent amount.

#### List of Subjects in 45 CFR Part 1611

Grant Programs—Law, Legal services.

For reasons set forth in the preamble, the Legal Services Corporation amends 45 CFR part 1611 as follows:

#### PART 1611—ELIGIBILITY

■ 1. The authority citation for part 1611 is revised to read as follows:

**Authority:** 42 U.S.C. 2996g(e).

■ 2. Revise appendix A to part 1611 to read as follows: