

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the North American International Auto Show, Detroit River, Detroit, MI security zone listed in 33 CFR 165.915(a)(3). This security zone includes all waters of the Detroit River encompassed by a line beginning at a point of origin on land adjacent to the west end of Joe Lewis Arena at 42°19.44' N., 083°03.11' W.; then extending offshore approximately 150 yards to 42°19.39' N., 083°03.07' W.; then proceeding upriver approximately 2000 yards to a point at 42°19.72' N., 083°01.88' W.; then proceeding onshore to a point on land adjacent the Tercentennial State Park at 42°19.79' N., 083°01.90' W.; then proceeding downriver along the shoreline to connect back to the point of origin. All coordinates are North American Datum 1983.

All persons and vessels shall comply with the instructions of the Captain of the Port Detroit or his designated on-scene representative, who may be contacted via VHF Channel 16.

Under the provisions of 33 CFR 165.33, no person or vessel may enter or remain in this security zone without the permission of the Captain of the Port Detroit. Each person and vessel in this security zone shall obey any direction or order of the Captain of the Port Detroit. The Captain of the Port Detroit may take possession and control of any vessel in this security zone. The Captain of the Port Detroit may remove any person, vessel, article, or thing from this security zone. No person may board, or take or place any article or thing on board any vessel in this security zone without the permission of the Captain of Port Detroit. No person may take or place any article or thing upon any waterfront facility in this security zone without the permission of the Captain of the Port Detroit.

Vessels that wish to transit through this security zone shall request permission from the Captain of the Port Detroit or his designated representative. Requests must be made in advance and approved by the Captain of Port before transits will be authorized. Approvals may be granted on a case by case basis. The Captain of the Port may be contacted via U.S. Coast Guard Sector Detroit on channel 16, VHF-FM. The Coast Guard will give notice to the public via Local Notice to Mariners and VHF radio broadcasts that the regulation is in effect.

This document is issued under authority of 33 CFR 165.915 and 5 U.S.C. 552 (a). If the Captain of the Port determines that this security zone need not be enforced for the full duration

stated in this document; he may suspend such enforcement and notify the public of the suspension via a Broadcast Notice to Mariners.

Dated: January 6, 2017.

**Scott B. Lemasters,**

*Captain, U.S. Coast Guard, Captain of the Port Detroit.*

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**BILLING CODE 9110-04-P**

## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 17

**RIN 2900-AP57**

#### Repayment by VA of Educational Loans for Certain Psychiatrists; Correction

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule; correcting amendment.

**SUMMARY:** The Department of Veterans Affairs published in the **Federal Register** on September 29, 2016, a document amending its regulations concerning the repayment of educational loans for certain psychiatrists who agree to a period of obligated service with VA. The document contained several section and paragraph numbering errors. This document corrects the errors and does not make any substantive change to the content of the final rule.

**DATES:** *Effective Date:* January 17, 2017.

#### FOR FURTHER INFORMATION CONTACT:

Crystal Cruz, Deputy Director, Healthcare Talent Management (10A2A4), Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Ave. NW., Washington, DC 20420; (405) 552-4346. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** VA published a final rule in the **Federal Register** on September 29, 2016, which established into regulation Public Law 114-2, the Clay Hunt Suicide Prevention for American Veterans Act (Clay Hunt SAV Act), enacted on February 12, 2015. Section 4 of this Act establishes a pilot program for the repayment of educational loans for certain psychiatrists seeking employment in VA, which will be referred to as the Program for the Repayment of Educational Loans. The document contained several section and paragraph numbering errors, which will be corrected in this document. The **DATES** section of the final rule incorrectly cited § 17.644 as the section that contains the collection of

information. We are amending the **DATES** section to correctly state § 17.643 as the section that contains the collection of information. No other edits are made to the **DATES** section. Section 17.643 had two paragraphs that were numbered (c)(2)(ii). We are now redesignating the second paragraph (c)(2)(ii) in § 17.643 as paragraph (c)(2)(iii). No other edits are made to § 17.643. Section 17.644 did not have a paragraph (a)(3) and was, therefore, marked as reserved. We are now redesignating paragraphs (a)(4), (5), (6), (7), and (8) of § 17.644 as paragraphs (a)(3), (4), (5), (6), and (7). No other edits are made to § 17.644.

#### List of Subjects in 38 CFR Part 17

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Government contracts, Grant programs—health, Grant programs—veterans, Health care, Health facilities, Health professions, Health records, Homeless, Medical and Dental schools, Medical devices, Medical research, Mental health programs, Nursing homes, Reporting and recordkeeping requirements, Travel and transportation expenses, Veterans.

#### Correction

In the final rule document published on September 29, 2016, at 81 FR 66815, make the following correction:

1. On page 66815, in the first column, in the **DATES** section, remove “§ 17.644” and add in its place “§ 17.643” to read as follows:

**DATES:** *Effective Date:* This rule is effective on September 29, 2016, except for § 17.643 which contains information collection requirements that have not been approved by OMB. VA will publish a document in the **Federal Register** announcing the effective date.

For the reasons set out in the preamble, VA is correcting 38 CFR part 17 by making the following correcting amendments:

#### PART 17—MEDICAL

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

**Authority:** 38 U.S.C. 501, and as noted in specific sections. Sections 17.640 and 17.647 also issued under Pub. L. 114-2, sec. 4.

Sections 17.641 through 17.646 also issued under 38 U.S.C. 501(a) and Pub. L. 114-2, sec. 4.

#### § 17.643 [Amended]

■ 2. In § 17.643, redesignate the second paragraph (c)(2)(ii) as paragraph (c)(2)(iii).

**§ 17.644 [Amended]**

■ 3. In § 17.644, redesignate paragraphs (a)(4), (5), (6), (7), and (8) as paragraphs (a)(3), (4), (5), (6), and (7).

Dated: January 5, 2017.

**Janet Coleman,**

*Chief, Regulation Policy & Management,  
Office of the Secretary, Department of  
Veterans Affairs.*

[FR Doc. 2017-00232 Filed 1-13-17; 8:45 am]

**BILLING CODE 8320-01-P**

**SURFACE TRANSPORTATION BOARD****49 CFR Part 1022**

[Docket No. EP 716 (Sub-No. 2)]

**Civil Monetary Penalties—2017 Adjustment**

**AGENCY:** Surface Transportation Board.

**ACTION:** Final rule.

**SUMMARY:** The Surface Transportation Board (Board) is issuing a final rule to implement the annual inflationary adjustment to its civil monetary penalties, pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.

**DATES:** This final rule is effective January 17, 2017, and is applicable beginning January 13, 2017.

**FOR FURTHER INFORMATION CONTACT:** Sarah Fancher: (202) 245-0355. Federal Information Relay Service (FIRS) for the hearing impaired: 1-800-877-8339.

**SUPPLEMENTARY INFORMATION:****I. Background**

The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act), passed as part of the Bipartisan Budget Act of 2015, Public Law 114-74, 129 Stat. 599, requires agencies to adjust their civil penalties for inflation annually, beginning on January 15, 2017, and no later than January 15 of every year thereafter. In accordance with the 2015 Act, annual inflation adjustments will be based on the percent change between the Consumer Price Index for all Urban Consumers (CPI-U) for October of the previous year and the October CPI-U of the year before that. Penalty level adjustments should be rounded to the nearest dollar.

**II. Discussion**

The statutory definition of civil monetary penalty covers various civil penalty provisions under the Rail (Part A), Motor Carriers, Water Carriers, Brokers, and Freight Forwarders (Part B), and Pipeline Carriers (Part C) provisions of the Interstate Commerce

Act, as amended by the ICC Termination Act of 1995. The Board's civil (and criminal) penalty authority related to rail transportation appears at 49 U.S.C. 11901-11908. The Board's penalty authority related to motor carriers, water carriers, brokers, and freight forwarders appears at 49 U.S.C. 14901-14915. The Board's penalty authority related to pipeline carriers appears at 49 U.S.C. 16101-16106.<sup>1</sup> The Board has regulations at 49 CFR pt. 1022, which codify the method set forth in the 2015 Act for annually adjusting for inflation the civil monetary penalties within the Board's jurisdiction.<sup>2</sup>

As set forth in this final rule, the Board is amending 49 CFR pt. 1022 so that its regulations and civil monetary penalties conform to the requirements of the 2015 Act. The adjusted penalties set forth in the rule will apply only to violations which occur after the effective date of this regulation.

In accordance with the 2015 Act, the annual adjustment adopted here is calculated by multiplying each current penalty by the cost-of-living adjustment factor of 1.01636, which reflects the percentage change between the October 2016 CPI-U (724.113) and the October 2015 CPI-U (712.458). The table at the end of this decision shows the relevant statutory provision of each civil penalty and a description, the current baseline statutory civil penalty level, and the adjusted statutory civil penalty level for 2017.

**III. Final Rule**

The final rule is set forth at the end of this decision. This final rule is issued without prior public notice or opportunity for public comment. The Administrative Procedure Act (APA), 5 U.S.C. 553(b)(B), does not require that process "when the agency for good cause finds" that public notice and comment are "unnecessary." Here, Congress has mandated that the agency make the inflation adjustment to its civil monetary penalties. The Board has no discretion to set alternative levels of adjusted civil monetary penalties, because the amount of the inflation adjustment must be calculated in accordance with the statutory formula. The Board simply determines the

<sup>1</sup> The Board also has criminal penalty authority, enforceable in a federal criminal court. Congress has not, however, authorized federal agencies to adjust statutorily-prescribed criminal penalty provisions for inflation, and this rule does not address those provisions.

<sup>2</sup> The current statutory civil penalties were set through an interim final rule, *Civil Monetary Penalty Inflation Adjustment Rule*, EP 716 (Sub-No. 1) (STB served Oct. 20, 2016). In that decision, the Board issued a "catch-up adjustment" for its civil monetary penalties as mandated by the 2015 Act.

amount of inflation adjustments by performing technical, ministerial computations. Because the Board has no discretion to do anything except promulgate the rule and perform ministerial computations to apply it, the Board has determined that there is good cause to promulgate this rule without soliciting public comment and to make this regulation effective immediately upon publication.

**IV. Regulatory Flexibility Statement**

The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 801 *et seq.*, generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Because the Board has determined that notice and comment are not required under the APA for this rulemaking, the requirements of the RFA do not apply.

**V. Paperwork Reduction Act**

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*

**List of Subjects in 49 CFR Part 1022**

Administrative practice and procedures, Brokers, Civil penalties, Freight forwarders, Motor carriers, Pipeline carriers, Rail carriers, Water carriers.

*It is ordered:*

1. The Board amends its rules as set forth in this decision. Notice of the final rule will be published in the **Federal Register**.

2. This decision is effective on its date of service.

Decided: January 9, 2017.

By the Board, Chairman Elliott, Vice Chairman Miller, and Commissioner Begeman.

**Kenyatta Clay,**

*Clearance Clerk.*

For the reasons set forth in the preamble, part 1022 of title 49, chapter X, of the Code of Federal Regulations is amended as follows:

**PART 1022—CIVIL MONETARY PENALTY INFLATION ADJUSTMENT**

■ 1. The authority citation for part 1022 continues to read as follows:

**Authority:** 5 U.S.C. 551-557; 28 U.S.C. 2461 note; 49 U.S.C. 11901, 14901, 14903, 14904, 14905, 14906, 14907, 14908, 14910, 14915, 16101, 16103.