

## PART 228—CRITERIA FOR THE MANAGEMENT OF DISPOSAL SITES FOR OCEAN DUMPING

■ 1. The authority citation for part 228 continues to read as follows:

**Authority:** 33 U.S.C. 1412 and 1418.

■ 2. Section 228.15 is amended by revising paragraph (b)(4)(vi) introductory text and adding paragraph (b)(6) to read as follows:

### § 228.15 Dumping sites designated on a final basis.

\* \* \* \* \*

(b) \* \* \*

(4) \* \* \*

(vi) *Restrictions:* The designation in this paragraph (b)(4) sets forth conditions for the use of the Central Long Island Sound (CLDS), Western Long Island Sound (WLDS) and Eastern Long Island Sound (ELDS) Dredged Material Disposal Sites. These conditions apply to all disposal subject to the MPRSA, namely, all federal projects and nonfederal projects greater than 25,000 cubic yards. All references to “permittees” shall be deemed to include the U.S. Army Corps of Engineers (USACE) when it is authorizing its own dredged material disposal from a USACE dredging project. The conditions for this designation are as follows:

\* \* \* \* \*

(6) Eastern Long Island Sound Dredged Material Disposal Site (ELDS).

(i) *Location:* Corner Coordinates (NAD83) 41°15.81' N., 72°05.23' W.; 41°16.81' N., 72°05.23' W.; 41°16.81' N., 72°07.22' W.; 41°15.97' N., 72°07.22' W.; 41°15.81' N., 72°06.58' W.

(ii) *Size:* A 1 x 1.5 nautical mile irregularly-shaped polygon, with an area of 1.3 square nautical miles (nmi<sup>2</sup>) due to the exclusion of bedrock areas. North-central bedrock area corner coordinates (NAD83) are: 41°16.34' N., 72°05.89' W.; 41°16.81' N., 72°05.89' W.; 41°16.81' N., 72°06.44' W.; 41°16.22' N., 72°06.11' W.

(iii) *Depth:* Ranges from 59 to 100 feet (18 m to 30 m).

(iv) *Primary use:* Dredged material disposal.

(v) *Period of use:* Continuing use.

(vi) *Restrictions:* See paragraphs (b)(4)(vi)(A) through (N) of this section.

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

#### 45 CFR Part 1302

RIN 0970-AC63

#### Head Start Program

**AGENCY:** Office of Head Start (OHS), Administration for Children and Families (ACF), Department of Health and Human Services (HHS).

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

**SUMMARY:** The Office of Head Start will delay the compliance date for background checks procedures described in the Head Start Program Performance Standards final rule that was published in the **Federal Register** on September 6, 2016. We are taking this action to afford programs more time to implement systems that meet the background checks procedures and to align with deadlines for states complying with background check requirements found in the Child Care and Development Block Grant (CCDBG) Act of 2014.

**DATES:** The compliance date for the background checks procedures described in 45 CFR 1302.90(b) is delayed until September 30, 2017.

**FOR FURTHER INFORMATION CONTACT:** Colleen Rathgeb, Division Director of Early Childhood Policy and Budget, Office of Early Childhood Development, *OHS\_NPRM@acf.hhs.gov*, (202) 358-3263 (not a toll-free call). Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1-800-877-8339 between 8 a.m. and 7 p.m. Eastern Standard Time.

**SUPPLEMENTARY INFORMATION:** The Head Start program provides grants to local public and private non-profit and for-profit agencies to provide comprehensive child development services to economically disadvantaged children and families and to help preschoolers develop the skills they need to be successful in school. We amended our Head Start program performance standards in a final rule that published in the **Federal Register** on September 6, 2016.

Head Start Program Performance Standards are the foundation for Head Start's mission to deliver comprehensive, high-quality individualized services to support children from low-income families prepare for school. They outline requirements grantees and delegate

agencies must implement to operate high quality Head Start or Early Head Start programs and provide a structure to monitor and enforce quality standards.

Our performance standards highlight child safety as a top priority. We strengthen our criminal background checks process at 45 CFR 1302.90(b), in the final rule, to reflect changes in the Improving Head Start for School Readiness Act of 2007 (Act), 42 U.S.C. 9801 *et seq.*, and to complement background check requirements in the Child Care and Development Block Grant (CCDBG) Act of 2014, 20 U.S.C. 1431 *et seq.*, 20.

In the **SUPPLEMENTARY INFORMATION** section of the final rule, we provided a table, *Table 1: Compliance Table* that lists dates by which programs must implement specific standards. We list August 1, 2017 as the date by which programs must comply with background checks performance standards at 45 CFR 1302.90(b)(2), (4), and (5) in the final rule.

Generally, before a person is hired, we require programs to conduct a sex offender registry check and obtain either a state or tribal criminal history records, including fingerprint checks, or a Federal Bureau of Investigation (FBI) criminal history records, including fingerprint checks, before a person is hired. This performance standard under section 1302.90(b)(1) became effective the date the final rule was published. Programs were to have systems in place, by August 1, 2017, to accommodate this part of the background checks process.

In sections 1302.90 (b)(2), (4), and (5), we afford programs 90 days to obtain which ever check they could not obtain before the person was hired, as well as child abuse and neglect state registry check, if available; we require programs to have systems in place that ensure these newly hired employees do not have unsupervised access to children until their background process is complete; and we require programs to conduct complete background checks that consist of a sex offender registry check, state or tribal history records, including fingerprint checks and an FBI criminal history records, including fingerprint check, as well as a child abuse and neglect state registry check, if available, for each employee at least once every five years.

We believe programs will need more time to implement systems to complete the backgrounds checks process listed at sections 1302.90(b)(2), (4), and (5) in our final rule. Also, we recognize most states will have systems that can accommodate our programs' background checks requests by September 30, 2017.

The reason being, Congress requires states that receive CCDBG funds to use the same set of comprehensive background checks for all child care teachers and staff. These states must have requirements as well as policies and procedures to enforce and conduct criminal background checks for existing and prospective child care providers by September 30, 2017. We can minimize burden on programs that operate with both Head Start and Child Care Development Funds if we extend the time by which our programs must comply with section 1302.90(b) to September 30, 2017. Until September 30, 2017, the criminal record check requirements from section 648A of the Act remain in place.

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** to provide a period for public comment before the provisions of a rule take effect in accordance with section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). However, we can waive this notice and comment procedure if the Secretary finds, for good cause, that the notice and comment process is impracticable, unnecessary, or contrary to the public interest, and incorporates a statement of the finding and the reasons therefore in the notice.

We find good cause to waive public comment under Section 553(b) of the Administrative Procedure Act because it is unnecessary and contrary to the public interest to provide for public comment in this instance. The delayed compliance date poses no harm or burden to programs or the public. To have provided a period for public comment would have only extended concern in the Head Start community of how they were going to comply with the requirement in a different timeframe than that afforded the child care program. Programs may voluntarily come into compliance at an earlier date if they have the processes already in place.

Dated: November 22, 2016.

**Mark H. Greenberg,**

*Acting Assistant Secretary for Children and Families.*

Approved: November 30, 2016.

**Sylvia M. Burwell,**  
*Secretary.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 140214138-4482-02]

RIN 0648-XF043

#### Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Commercial Quota Harvested for the State of New York

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS announces that the 2016 commercial Atlantic bluefish quota allocated to the State of New York has been harvested. Vessels issued a commercial Federal permit for this fishery may not land bluefish in New York for the remainder of calendar year 2016, unless additional quota becomes available through a transfer from another state. Regulations governing these fisheries require publication of this notice to advise New York that the quota has been harvested, and to advise Federal vessel and dealer permit holders that no Federal commercial quota is available to land bluefish in New York.

**DATES:** Effective 0001 hours, December 2, 2016, through December 31, 2016.

**FOR FURTHER INFORMATION CONTACT:** Reid Lichwell, (978) 281-9112, or [Reid.Lichwell@noaa.gov](mailto:Reid.Lichwell@noaa.gov).

**SUPPLEMENTARY INFORMATION:** Regulations governing the bluefish fishery are found at 50 CFR part 648. The bluefish regulations require annual specification of a commercial quota that is apportioned on a percentage basis among the coastal states from Florida through Maine. The processes to set the bluefish annual commercial quotas and the percent allocated to each state are described in § 648.162.

The initial coast wide commercial quota for Atlantic bluefish for the 2016 fishing year was set at 4,884,780 lb (2,215,699 kg) (81 FR 51370; August 4, 2016). The percent allocated to New York is 10.39 percent, resulting in an initial commercial quota of 507,289 lb (230,103 kg). The 2016 allocation was adjusted to 877,289 lb (397,932 kg) (81 FR 85904; November 29, 2016) to reflect quota transfers from other states.

The Administrator, Greater Atlantic Region, NMFS (Regional Administrator), monitors the state commercial quotas and determines when a state's commercial quota has been harvested.

NMFS is required to publish a notice in the **Federal Register** alerting Federal commercial vessel and dealer permit holders that, effective upon a specific date, the state's commercial quota has been harvested and no commercial quota is available to land bluefish in that state. The Regional Administrator has determined, based upon dealer reports and other available information, that New York has harvested its bluefish quota for 2016.

Section 648.4(b) provides that Federal permit holders agree, as a condition of the permit, not to land bluefish in any state that the Regional Administrator has determined no longer has commercial quota available. Therefore, vessels holding Federal commercial permits are prohibited from landing bluefish, effective 0001 hours, December 2, 2016, for the remainder of the 2016 calendar year, unless additional quota becomes available through a transfer and is announced in the **Federal Register**. Federally permitted dealers are also notified that they may not purchase bluefish, effective 0001 hours, December 2, 2016, from federally permitted vessels that land in New York for the remainder of the calendar year, or until additional quota becomes available through a transfer from another state.

#### Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

The Assistant Administrator for Fisheries, NOAA (AA), finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be contrary to the public interest. This action closes the bluefish fishery for New York until January 1, 2017, under current regulations. The regulations at § 648.103(b) require such action to ensure that vessels do not exceed state quotas. If implementation of this closure was delayed to solicit public comment, the quota for this fishing year would be exceeded, thereby undermining the conservation objectives of the Atlantic Bluefish Fishery Management Plan. The AA further finds, pursuant to 5 U.S.C. 553(d)(3), good cause to waive the 30 day delayed effectiveness period for the reason stated above.

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

Dated: November 30, 2016.

**Emily H. Menashes,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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