

exemption from this preemption under certain circumstances.

Section 106(f) of the CPSIA states that rules issued under that section “shall be considered consumer product safety standards issued by the Commission under section of the Consumer Product Safety Act” thus, implying that the preemptive effect of section 26(a) of the CPSA would apply. Therefore, a rule issued under section 106 of the CPSIA will invoke the preemptive effect of section 26(a) of the CPSA when it becomes effective.

#### K. Effective Date

Under the procedure set forth in section 106(g) of the CPSIA, when ASTM revises ASTM F963, the revision becomes the CPSC standard within 180 days of notification to the Commission, unless the Commission determines that the revision does not improve the safety of the product. In accordance with this provision, this rule establishes an effective date that is 180 days after we receive notification from ASTM of revisions to the standard. As discussed in section F of this preamble, this is a direct final rule. Unless we receive a significant adverse comment within 30 days, the rule will become effective on April 30, 2017. Additionally, the effective date for the NOR is April 30, 2017, the same date that the provisions of ASTM F963–16 become effective.

#### List of Subjects

##### 16 CFR Part 1112

Administrative practice and procedure, Audit, Consumer protection, Incorporation by reference, Reporting and recordkeeping requirements, Third party conformity assessment body.

##### 16 CFR Part 1250

Consumer protection, Imports, Incorporation by reference, Infants and children, Law enforcement, Safety, Toys.

For the reasons discussed in the preamble, the Commission amends 16 CFR chapter II, as follows:

#### PART 1112—REQUIREMENTS PERTAINING TO THIRD PARTY CONFORMITY ASSESSMENT BODIES

- 1. The authority citation for part 1112 is revised to read as follows:

**Authority:** 15 U.S.C. 2063; Pub. L. 110–314, section 3, 122 Stat. 3016, 3017 (2008).

- 2. Amend § 1112.15 by:

- a. Revising the introductory text to paragraph (b)(32);
- b. Removing and reserving paragraph (b)(32)(i);
- c. Revising the introductory text to paragraph (b)(32)(ii);

- d. Adding paragraphs (b)(32)(ii)(JJ) and (KK);

- e. Revising paragraph (c)(1)(ii) and removing paragraph (c)(1)(iii).

The revisions and additions read as follows:

#### § 1112.15 When can a third party conformity assessment body apply for CPSC acceptance for a particular CPSC rule or test method?

\* \* \* \* \*

(b) \* \* \*

(32) 16 CFR part 1250, safety standard for toys. The CPSC only requires certain provisions of ASTM F963–16 to be subject to third party testing; and therefore, the CPSC only accepts the accreditation of third party conformity assessment bodies for testing under the following toy safety standards:

(i) [Reserved]

(ii) ASTM F963–16:

\* \* \* \* \*

(JJ) Section 4.40, Expanding Materials

(KK) Section 4.41, Toy Chests (except labeling and/or instructional literature requirements)

\* \* \* \* \*

(c) \* \* \*

(1) \* \* \*

(ii) ASTM F963–16, “Standard Consumer Safety Specification for Toy Safety,” August 1, 2016.

\* \* \* \* \*

- 3. Add part 1250 to read as follows:

#### PART 1250—SAFETY STANDARD MANDATING ASTM F963 FOR TOYS

Sec.

1250.1 Scope.

1250.2 Requirements for toy safety.

**Authority:** Pub. L. 110–314, sec. 106, 122 Stat. 3016 (August 14, 2008); Pub. L. 112–28, 125 Stat. 273 (August 12, 2011).

##### § 1250.1 Scope.

This part establishes a consumer product safety standard for toys that mandates provisions of ASTM F963.

##### § 1250.2 Requirements for toy safety.

(a) Except as provided for in paragraph (b) of this section, toys must comply with the provisions of ASTM F963–16, Standard Consumer Safety Specification for Toy Safety, approved August 1, 2016. The Director of the Federal Register approves the incorporation by reference listed in this section in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy of this ASTM standard from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428–2959 USA; phone: 610–832–9585; <http://www.astm.org/>. You may inspect a copy

at the Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East-West Highway, Bethesda, MD 20814, telephone 301–504–7923, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: [http://www.archives.gov/federal-register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal-register/code_of_federal_regulations/ibr_locations.html).

(b) Pursuant to section 106(a) of the Consumer Product Safety Improvement Act of 2008 section 4.2 and Annex 5 or any provision of ASTM F963 that restates or incorporates an existing mandatory standard or ban promulgated by the Commission or by statute or any provision that restates or incorporates a regulation promulgated by the Food and Drug Administration or any statute administered by the Food and Drug Administration are not part of the mandatory standard incorporated in paragraph (a) of this section.

Dated: January 27, 2017.

**Todd A. Stevenson,**

Secretary, U.S. Consumer Product Safety Commission.

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#### DEPARTMENT OF ENERGY

#### Federal Energy Regulatory Commission

#### 18 CFR Part 39

[Docket No. RM15–25–000]

#### Availability of Certain North American Electric Reliability Corporation Databases to the Commission

January 18, 2017.

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Notice of compliance date.

**SUMMARY:** This document provides notice of the compliance date for the amended regulations adopted in the final rule issued by the Federal Energy Regulatory Commission (Commission) in Docket No. RM15–25–000, requiring the North American Electric Reliability Corporation (NERC) to provide the Commission with access to certain databases compiled and maintained by NERC.

**DATES:** The date for compliance with the amended regulations adopted in Docket No. RM15–25–000 is February 21, 2017.

**FOR FURTHER INFORMATION CONTACT:** Raymond Orocco-John (Technical Information), Office of Electric

Reliability, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, Telephone: (202) 502-6593, *Raymond.Orocco-John@ferc.gov*.

Julie Greenisen (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, Telephone: (202) 502-6362, *julie.greenisen@ferc.gov*.

**SUPPLEMENTARY INFORMATION:** On June 16, 2016, the Commission issued a final rule amending its regulations to require NERC to provide the Commission, and Commission staff, with access to certain databases compiled and maintained by NERC.<sup>1</sup> The compliance date for the new regulation was deferred based on issuance of the final rule in a related rulemaking, Commission Docket No. RM16-15-000. The final rule in the related proceeding has now been issued and was published in the **Federal Register** on December 21, 2016, to become effective February 21, 2017. This document provides notice of the corresponding date for compliance with the regulations adopted in Docket No. RM15-25-000.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. 2017-02228 Filed 2-1-17; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Part 40

[Docket No. RM16-7-000; Order No. 835]

#### Disturbance Control Standard—Contingency Reserve for Recovery From a Balancing Contingency Event Reliability Standard

**AGENCY:** Federal Energy Regulatory Commission, Department of Energy.

**ACTION:** Final rule.

**SUMMARY:** The Commission approves Reliability Standard BAL-002-2 (Disturbance Control Standard—Contingency Reserve for Recovery from a Balancing Contingency Event) submitted by the North American Electric Reliability Corporation (NERC). Reliability Standard BAL-002-2 is designed to ensure that balancing authorities and reserve sharing groups balance resources and demand and

return their Area Control Error to defined values following a Reportable Balancing Contingency Event. In addition, the Commission directs NERC to develop modifications to Reliability Standard BAL-002-2 to address concerns regarding extensions of the 15-minute period for Area Control Error recovery and contingency reserve restoration. The Commission also directs NERC to collect and report on data regarding additional megawatt losses following Reportable Balancing Contingency Events during the Contingency Reserve Restoration Period and to study and report on the reliability risks associated with megawatt losses above the most severe single contingency that do not cause energy emergencies.

**DATES:** This rule is effective April 3, 2017.

**FOR FURTHER INFORMATION CONTACT:** Enakpodia Agbedia (Technical Information), Office of Electric Reliability, Division of Reliability Standards, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, Telephone: (202) 502-6750, *Enakpodia.Agbedia@ferc.gov*.

Mark Bennett (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, Telephone: (202) 502-8524, *Mark.Bennett@ferc.gov*.

**SUPPLEMENTARY INFORMATION:**

**ORDER NO. 835**

**FINAL RULE**

**(Issued January 19, 2017)**

1. Pursuant to section 215 of the Federal Power Act (FPA),<sup>1</sup> the Commission approves Reliability Standard BAL-002-2 (Disturbance Control Standard—Contingency Reserve for Recovery from a Balancing Contingency Event). The North American Electric Reliability Corporation (NERC), the Commission-certified Electric Reliability Organization (ERO), developed and submitted Reliability Standard BAL-002-2 for Commission approval. Reliability Standard BAL-002-2 is intended to ensure that balancing authorities and reserve sharing groups are able to recover from system contingencies by deploying adequate reserves to return their Area Control Error (ACE) to defined values and by replacing the capacity and energy lost due to generation or transmission

equipment outages.<sup>2</sup> In addition, the Commission approves eight new and revised definitions proposed by NERC for inclusion in the NERC Glossary and the retirement of currently-effective Reliability Standard BAL-002-1 immediately prior to the effective date of Reliability Standard BAL-002-2. The Commission also approves, with one modification, Reliability Standard BAL-002-2's associated violation risk factors and violation severity levels, and implementation plan.

2. Pursuant to section 215(d)(5) of the FPA,<sup>3</sup> the Commission directs NERC to develop modifications to Reliability Standard BAL-002-2, Requirement R1 to address concerns related to the potential reliability impact of repeated extensions of the period for ACE recovery. To address the concerns, the Notice of Proposed Rulemaking (NOPR) proposed directing that NERC modify the Reliability Standard to require reliability coordinator approval of extensions of the ACE recovery period. Numerous commenters opposed the proposal, arguing that the proposal has the potential to complicate an already challenging situation. Thus, to address the underlying concern while cognizant of the NOPR comments, the final rule adopts a different approach of directing NERC to develop modifications to Reliability Standard BAL-002-2 that would require an entity to provide certain information to the reliability coordinator when the entity does not timely recover ACE due to an intervening disturbance. As discussed below, the Commission also directs NERC: (1) To collect and report on data related to resets of the contingency reserve restoration period; and (2) to study and report on the reliability risks associated with megawatt losses above an applicable entity's most severe single contingency (MSSC) that do not cause energy emergencies.

#### I. Background

3. Section 215 of the FPA requires a Commission-certified ERO to develop mandatory and enforceable Reliability Standards that are subject to Commission review and approval. The Commission may approve, by rule or order, a proposed Reliability Standard or modification to a Reliability Standard

<sup>2</sup> ACE is the instantaneous difference between a balancing authority's Net Actual and Scheduled Interchange, taking into account the effects of Frequency Bias, correction for meter error, and Automatic Time Error Correction (ATEC), if operating in ATEC mode. ATEC is only applicable to balancing authorities in the Western Interconnection. NERC Glossary of Terms Used in NERC Reliability Standards (NERC Glossary) at 7 (updated September 29, 2016).

<sup>3</sup> 16 U.S.C. 824o(d)(5).

<sup>1</sup> Availability of Certain North American Electric Reliability Corporation Databases to the Commission, Order No. 824, 155 FERC ¶ 61,275 (2016).

<sup>1</sup> 16 U.S.C. 824(o).