

**ASW TX E5 Alice, TX [Amended]**

Alice International Airport, TX  
(Lat. 27°44'27" N., long. 98°01'37" W.)  
Orange Grove NALF, TX  
(Lat. 27°53'49" N., long. 98°02'37" W.)  
Navy Orange Grove TACAN  
(Lat. 27°53'43" N., long. 98°02'33" W.)  
Kingsville, Kleberg County Airport, TX  
(Lat. 27°33'03" N., long. 98°01'51" W.)

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of Alice International Airport, and within 2 miles each side of the 135° bearing from Alice International Airport extending from the 7.5-mile radius to 9.8 miles southeast of the airport, and within a 7.2-mile radius of the Orange Grove NALF, and within 1.6 miles each side of the 129° radial of the Navy Orange Grove TACAN extending from the 7.2-mile radius of the Orange Grove NALF to 11 miles southeast of the Orange Grove NALF, and within 1.5 miles each side of the 320° radial of the Navy Orange Grove TACAN extending from the 7.2-mile radius of the Orange Grove NALF to 9.7 miles northwest of the Orange Grove NALF, and within a 6.6-mile radius of Kleberg County Airport, and within 4.0 miles each side of the 320° bearing from the Kleberg County Airport from the 6.6-mile radius to 10.3 miles northwest of the airport, excluding that airspace within the Corpus Christi, TX, Class E airspace area.

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**ASW TX E5 Bay City, TX [Amended]**

Bay City Municipal Airport, TX  
(Lat. 28°58'24" N., long. 95°51'48" W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Bay City Municipal Airport.

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**ASW TX E5 Brenham, TX [Amended]**

Brenham Municipal Airport, TX  
(Lat. 30°13'11" N., long. 96°22'28" W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Brenham Municipal Airport.

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**ASW TX E5 Burnet, TX [Amended]**

Burnet Municipal Airport-Kate Craddock Field, TX  
(Lat. 30°44'20" N., long. 98°14'19" W.)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of Burnet Municipal Airport-Kate Craddock Field.

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**ASW TX E5 Falfurrias, TX [Amended]**

Brooks County Airport, TX  
(Lat. 27°12'22" N., long. 98°07'16" W.)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of Brooks County Airport.

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**ASW TX E5 Graford, TX [Amended]**

Possum Kingdom Airport, TX  
(Lat. 32°55'24" N., long. 98°26'13" W.)

That airspace extending upward from 700 feet above the surface within a 7.0-mile

radius of Possum Kingdom Airport and within 4 miles each side of the 031° bearing from the airport extending from the 7.0-mile radius to 10.9 miles northeast of the airport, and within 4 miles each side of the 210° bearing from the airport extending from the 7.0-mile radius to 10.9 miles southwest of the airport.

\* \* \* \* \*

**ASW TX E5 Hamilton, TX [Amended]**

Hamilton Municipal Airport, TX  
(Lat. 31°39'57" N., long. 98°08'55" W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Hamilton Municipal Airport, and within 2 miles each side of the 009° bearing from the airport extending from the 6.5-mile radius to 9.4 miles north of the airport, and within 2 miles each side of the 189° bearing from the airport extending from the 6.5-mile radius to 10.3 miles south of the airport.

Issued in Fort Worth, Texas, on February 8, 2017.

**Walter Tweedy,**

*Acting Manager, Operations Support Group,  
ATO Central Service Center.*

[FR Doc. 2017-03835 Filed 2-27-17; 8:45 am]

**BILLING CODE 4910-13-P****SECURITIES AND EXCHANGE COMMISSION****17 CFR Part 230**

[Release Nos. 33-10238A; 34-79161A; File No. S7-22-15]

**RIN 3235-AL80****Exemptions To Facilitate Intrastate and Regional Securities Offerings****AGENCY:** Securities and Exchange Commission.**ACTION:** Final rule; technical correction.

**SUMMARY:** This document makes a technical correction to one of the final regulations (SEC Rel. No. 33-10238) published in the **Federal Register** on November 21, 2016 (81 FR 83494). Specifically, the amendments to Rule 504 of Regulation D under the Securities Act of 1933 inadvertently omitted the word "or" from the last sentence of the rule; this correction is reflected in the text of the amendments below.

**DATES:** This correction is effective February 28, 2017.

**FOR FURTHER INFORMATION CONTACT:**

Anthony G. Barone, Special Counsel, or Jenny Riegel, Special Counsel, Division of Corporation Finance, at (202) 551-3460.

**SUPPLEMENTARY INFORMATION:** We are making a technical correction to Rule

504<sup>1</sup> of Regulation D<sup>2</sup> under the Securities Act of 1933.

**List of Subjects in 17 CFR Part 230**

Reporting and recordkeeping requirements, Securities.

**Text of the Amendments**

For the reasons set out above, title 17, chapter II of the Code of Federal Regulations is amended as follows:

**PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933**

■ 1. The general authority citation for part 230 continues to read as follows:

**Authority:** 15 U.S.C. 77b, 77b note, 77c, 77d, 77f, 77g, 77h, 77j, 77r, 77s, 77z-3, 77sss, 78c, 78d, 78j, 78l, 78m, 78n, 78o, 78o-7 note, 78t, 78w, 78ll(d), 78mm, 80a-8, 80a-24, 80a-28, 80a-29, 80a-30, and 80a-37, and Pub. L. 112-106, sec. 201(a), sec. 401, 126 Stat. 313 (2012), unless otherwise noted.

\* \* \* \* \*

■ 2. Amend § 230.504 by revising paragraph (b)(2) to read as follows:

**§ 230.504 Exemption for limited offerings and sales of securities not exceeding \$5,000,000.**

\* \* \* \* \*

(b) \* \* \*

(2) The aggregate offering price for an offering of securities under this § 230.504, as defined in § 230.501(c), shall not exceed \$5,000,000, less the aggregate offering price for all securities sold within the twelve months before the start of and during the offering of securities under this § 230.504 or in violation of section 5(a) of the Securities Act.

\* \* \* \* \*

Dated: February 22, 2017.

**Brent J. Fields,***Secretary.*

[FR Doc. 2017-03848 Filed 2-27-17; 8:45 am]

**BILLING CODE 8011-01-P****DEPARTMENT OF HEALTH AND HUMAN SERVICES****Food and Drug Administration****21 CFR Part 2**

[Docket No. FDA-2015-N-1355]

**RIN 0910-AH36****Use of Ozone-Depleting Substances**

**AGENCY:** Food and Drug Administration, HHS.

<sup>1</sup> 17 CFR 230.504.<sup>2</sup> 17 CFR 230.500 through 230.508.

**ACTION:** Direct final rule; confirmation of effective date.

**SUMMARY:** In accordance with a determination by the Director of the Office of Management and Budget (OMB) that the direct final rule (“Use of Ozone Depleting Substances”) published on October 26, 2016, is excluded from the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled “Regulatory Freeze Pending Review,” this action confirms the effective date of February 23, 2017, for the direct final rule.

**DATES:** The effective date of the direct final rule that published on October 26, 2016, at 81 FR 74298, is confirmed to be February 23, 2017.

**FOR FURTHER INFORMATION CONTACT:** Daniel Orr, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6246, Silver Spring, MD 20993, 240-402-0979, [daniel.orr@fda.hhs.gov](mailto:daniel.orr@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:** On October 26, 2016, the Food and Drug Administration (FDA or Agency) issued a direct final rule amending the regulation on uses of ozone-depleting substances (ODSs), including chlorofluorocarbons, to remove the designations for sterile aerosol talc administered intrapleurally by thoracoscopy for human use and metered-dose atropine sulfate aerosol human drugs administered by oral inhalation as “essential uses” under the Clean Air Act. FDA took this action because alternative products that do not use ODSs are now available, and because these products are no longer being marketed in versions that contain ODSs. FDA did not receive any significant adverse comments regarding the direct final rule, which was published with an effective date of February 23, 2017.

A memorandum of January 20, 2017 (82 FR 8346), from the Assistant to the President and Chief of Staff, entitled “Regulatory Freeze Pending Review,” directed the heads of Executive Departments and Agencies to temporarily postpone for 60 days from the date of the memorandum the effective dates of all regulations that had been published in the **Federal Register** but had not yet taken effect, for the purpose of “reviewing questions of fact, law, and policy they raise.” The memorandum also stated that the Director of OMB may exclude certain regulations if they “affect critical health, safety, financial, or national security matters, or for some other reason.”

Pursuant to the memorandum, the Director of OMB has excluded the direct final rule that published on October 26, 2016, at 81 FR 74298, from the directive to delay the effective date of certain regulations. The Department, therefore, confirms that the effective date of the direct final rule is February 23, 2017.

Dated: February 22, 2017.

**Thomas E. Price,**

*Secretary.*

[FR Doc. 2017-03866 Filed 2-27-17; 8:45 am]

**BILLING CODE 4164-01-P**

## DEPARTMENT OF THE INTERIOR

### National Indian Gaming Commission

#### 25 CFR Part 575

#### Annual Adjustment of Civil Monetary Penalty To Reflect Inflation

**AGENCY:** National Indian Gaming Commission, Department of the Interior.

**ACTION:** Final rule.

**SUMMARY:** In compliance with the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the Act) and Office of Management and Budget (OMB) guidance, the National Indian Gaming Commission (NIGC or Commission) is amending its civil monetary penalty rule to reflect an annual adjustment for inflation in order to improve the penalty’s effectiveness and maintain its deterrent effect. The Act provides that the new penalty level must apply to penalties assessed after the effective date of the increase, including when the penalties whose associated violation predate the increase.

**DATES:** This final rule is effective February 28, 2017.

**FOR FURTHER INFORMATION CONTACT:** Contact Armando J. Acosta, Senior Attorney, Office of General Counsel, National Indian Gaming Commission, at (202) 632-7003; fax (202) 632-7066 (not toll-free numbers).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On November 2, 2015, the President signed into law the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Sec. 701 of Pub. L. 114-74). Beginning in 2017, the Act requires agencies to make annual inflationary adjustments to their civil monetary penalties by January 15th of each year, in accordance with yearly OMB guidance.

##### II. Calculation of Annual Adjustment

On December 16, 2016, OMB issued guidance to agencies to calculate the annual adjustment. See Memorandum for the Heads of Executive Departments and Agencies, from Shaun Donovan, Director, Office of Management and Budget, Subject: *Implementation of the 2017 annual adjustment pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015*. According to OMB, the cost-of-living adjustment multiplier for 2017, based on the Consumer Price Index (CPI-U) for the month of October 2016, not seasonally adjusted, is 1.01636.

Pursuant to this guidance, the Commission has calculated the annual adjustment level of the civil monetary penalty contained in 25 CFR 575.4 (“The Chairman may assess a civil fine, not to exceed \$49,467 per violation, against a tribe, management contractor, or individual operating Indian gaming for each notice of violation . . .”). The 2017 adjusted level of the civil monetary penalty is \$50,276 (\$49,467 × 1.01636).

##### III. Regulatory Matters

###### *Regulatory Planning and Review*

This final rule is not a significant rule under Executive Order 12866.

(1) This rule will not have an effect of \$100 million or more on the economy or will not adversely affect, in a material way, the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities.

(2) This rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency.

(3) This rule does not involve entitlements, grants, user fees, or loan programs or the rights or obligations of recipients.

(4) This regulatory change does not raise novel legal or policy issues.

###### *Regulatory Flexibility Act*

The Commission certifies that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because the rule makes annual adjustments for inflation.

###### *Small Business Regulatory Enforcement Fairness Act*

This final rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. It will not result in the expenditure by state, local, or tribal governments, in the aggregate, or by the