

**SUPPLEMENTARY INFORMATION:****Authority for This Rulemaking**

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes controlled airspace at Hot Spring County Airport, Thermopolis, WY.

**History**

On November 4, 2016, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to establish Class E airspace extending upward from 700 feet above the surface at Hot Springs County Airport, Thermopolis, WY. (81 FR 76886) Docket FAA-2016-8163. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11A, dated August 3, 2016, and effective September 15, 2016, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

**Availability and Summary of Documents for Incorporation by Reference**

This document amends FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016. FAA Order 7400.11A is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11A lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

**The Rule**

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 establishes Class E airspace extending upward from 700 feet above the surface within a 4.8-mile radius of the Hot Springs County Airport, Thermopolis, WY with segments extending to 7 miles southwest of the airport, and 5.5 miles northeast of the airport. This airspace is

established to accommodate new Area Navigation (RNAV) Global Positioning System (GPS) standard instrument approach procedures developed for the airport.

**Regulatory Notices and Analyses**

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**Environmental Review**

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures," paragraph 5-6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

**Lists of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**Adoption of the Amendment**

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

**PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS**

- 1. The authority citation for Part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

**§ 71.1 [Amended]**

- 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11A, Airspace Designations and Reporting

Points, dated August 3, 2016, and effective September 15, 2016, is amended as follows:

*Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.*

\* \* \* \* \*

**ANM WY E5 Thermopolis, WY [New]**

Hot Springs County Airport, WY  
(Lat. 43°42'49" N., long. 108°23'23" W.)

That airspace extending upward from 700 feet above the surface within a 4.8-mile radius of Hot Spring County Airport, and within 4.8 miles each side of the airport 230° bearing extending from the 4.8 mile radius to 7 miles southwest of the airport, and within 1.8 miles each side of the airport 055° bearing extending from the 4.8-mile radius to 5.5 miles northeast of the airport.

Issued in Seattle, Washington, on January 4, 2017.

**Richard Roberts,**

*Manager, Operations Support Group, Western Service Center.*

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**BILLING CODE 4910-13-P**

**DEPARTMENT OF STATE****22 CFR Parts 35, 103, 127 and 138**

**RIN 1400-AE09**

**Public Notice: 9828]**

**2017 Civil Monetary Penalties Inflationary Adjustment**

**AGENCY:** Department of State.

**ACTION:** Final rule.

**SUMMARY:** This final rule is issued to adjust the civil monetary penalties (CMP) for regulatory provisions maintained and enforced by the Department of State. The revised CMP adjusts the amount of civil monetary penalties assessed by the Department of State based on the December 2016 guidance from the Office of Management and Budget. The new amounts will apply only to those penalties assessed on or after the effective date of this rule, regardless of the date on which the underlying facts or violations occurred.

**DATES:** This final rule is effective on January 11, 2017.

**FOR FURTHER INFORMATION CONTACT:**

Alice Kottmyer, Attorney-Adviser, Office of Management, [kottmyeram@state.gov](mailto:kottmyeram@state.gov). ATTN: Regulatory Change, CMP Adjustments, (202) 647-2318.

**SUPPLEMENTARY INFORMATION:** The Federal Civil Penalties Inflation Adjustment Act of 1990, Public Law 101-410 (the 1990 Act), as amended by the Debt Collection Improvement Act of

1996, Public Law 104–134 (the 1996 Act), required the head of each agency to adjust its CMPs for inflation no later than October 23, 1996 and required agencies to make adjustments at least once every four years thereafter. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Section 701 of Public Law 114–74 (the 2015 Act) further amended the 1990 Act by requiring agencies to adjust CMPs, if necessary, pursuant to a “catch-up” adjustment methodology prescribed by the 2015 Act, which mandated that the catch-up adjustment take effect no later than August 1, 2016. Additionally, the 2015 Act required agencies to make annual adjustments to their respective CMPs in accordance with guidance issued by the Office of Management and Budget (OMB).

Based on these statutes, the Department of State (the Department) published a final rule on June 8, 2016, to implement the “catch-up” provisions (“June 2016 final rule”). See 81 FR 36791.

On December 16, 2016, OMB notified agencies that the annual cost-of-living adjustment multiplier for 2017, based on the Consumer Price Index, is 1.01636. Additional information may be found in OMB Memorandum M–17–11, which can be found at [https://www.whitehouse.gov/sites/default/files/omb/memoranda/2017/m-17-11\\_0.pdf](https://www.whitehouse.gov/sites/default/files/omb/memoranda/2017/m-17-11_0.pdf). This final rule amends Department CMPs for fiscal year 2017.

Within the Department of State (Title 22, Code of Federal Regulations), this rule affects four areas:

(1) Part 35, which implements the Program Fraud Civil Remedies Act of 1986 (PFCRA), codified at 31 U.S.C. 3801–3812;

(2) Part 103, which implements the Chemical Weapons Convention Implementation Act of 1998 (CWC Act);

(3) Part 127, which implements the penalty provisions of sections 38(e), 39A(c), and 40(k) of the Arms Export Control Act (AECA) (22 U.S.C. 2778(e), 2779a(c), 2780(k)); and

(4) Part 138, which implements Section 319 of Public Law 101–121, codified at 31 U.S.C. 1352, and prohibits recipients of federal contracts, grants, and loans from using appropriated funds for lobbying the Executive or Legislative Branches of the federal government in connection with a specific contract.

### Specific Changes to 22 CFR Made by This Rule

#### I. Part 35

The PFCRA, enacted in 1986, authorizes agencies, with approval from

the Department of Justice, to pursue individuals or firms for false claims. According to the June 2016 final rule, the maximum liability under the PFCRA is \$10,781, up to a maximum of \$323,442. Applying the 2016 multiplier (1.01636) provided by OMB, the new maximum liabilities are as follows: \$10,957, up to a maximum of \$328,734.

#### II. Part 103

The CWC Act provided domestic implementation of the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction. The penalty provisions of the CWC Act are codified at 22 U.S.C. 6761. Based on the June 2016 final rule, a person violating 22 U.S.C. 6761(a)(1)(A), *Prohibited acts relating to inspections*, is subject to a civil penalty of an amount not to exceed \$36,256 for each such violation. A person violating 22 U.S.C. 6761(a)(1)(B), *Recordkeeping violations*, is subject to a civil penalty in an amount not to exceed \$7, 251 for each such violation.

Applying the 2016 multiplier (1.01636), the new maximum amounts are as follows: *Prohibited acts related to inspections*, \$36,849; for *Recordkeeping violations*, \$7,370.

#### III. Part 127

The Assistant Secretary of State for Political-Military Affairs is responsible for the imposition of CMPs under the International Traffic in Arms Regulations (ITAR), which is administered by the Directorate of Defense Trade Controls (DDTC).

##### (1) AECA section 38(e):

According to the June 2016 final rule, the new maximum penalty under 22 U.S.C. 2778(e), or Section 38(e) of the AECA, is \$1,094,010 per violation. Applying the 2016 multiplier (1.01636), the new maximum penalty is \$1,111,908.

##### (2) AECA section 39A(c):

According to the June 2016 final rule, the new maximum adjusted penalty for 22 U.S.C. 2779a(c), or Section 39A(c) of the AECA, is \$795,445 per violation. Applying the 2016 multiplier (1.01636), the new maximum penalty is \$808,458.

##### (3) AECA section 40(k):

According to the June 2016 final rule, the maximum penalty for 22 U.S.C. 2780(k), or Section 40(k) of the AECA, is \$946,805 per violation. Applying the 2016 multiplier (1.01636), the new maximum penalty is \$962,295.

#### IV. Part 138

Section 319 of Public Law 101–121, codified at 31 U.S.C. 1352, provides penalties for recipients of federal

contracts, grants, and loans who use appropriated funds to lobby the Executive or Legislative Branches of the federal government in connection with a specific contract, grant, or loan. Any person who violates that prohibition is subject to a civil penalty. The statute also requires each person who requests or receives a federal contract, grant, cooperative agreement, loan, or a federal commitment to insure or guarantee a loan, to disclose any lobbying; there is a penalty for failure to disclose.

The June 2016 final rule raised the maximum penalties for both improper expenditures and failure to disclose, to not less than \$18,936 and not more than \$189,361. Applying the 2016 multiplier (1.01636), the new maximum penalty under 31 U.S.C. 1352 is: not less than \$19,246, and not more than \$192,459.

#### Effective Date of Penalties

The revised CMP amounts will go into effect on the date this rule is published. All violations for which CMPs are assessed on or after the effective date of this rule, regardless of whether the violation occurred before the effective date, will be assessed at the adjusted penalty level.

#### Future Adjustments and Reporting

The 2015 Act directed agencies to undertake an annual review of CMPs using a formula prescribed by the statute. Annual adjustments to CMPs are made in accordance with the guidance issued by OMB. As in this rulemaking, the Department of State will publish notification of annual inflation adjustments to CMPs in the **Federal Register** no later than January 15 of each year, with the adjusted amount taking effect immediately upon publication.

### Regulatory Analysis and Notices

#### Administrative Procedure Act

The Department of State is publishing this rule using the “good cause” exception to the Administrative Procedure Act (5 U.S.C. 553(b)), as the Department has determined that public comment on this rulemaking would be impractical, unnecessary, or contrary to the public interest. This rulemaking is mandatory; it implements Public Law 114–74.

#### Regulatory Flexibility Act

Because this rulemaking is exempt from Section 553 of the Administrative Procedures Act, a Regulatory Flexibility Analysis is not required.

#### Unfunded Mandates Reform Act of 1995

This rule does not involve a mandate that will result in the expenditure by State, local, and tribal governments, in

the aggregate, or by the private sector, of \$100 million or more in any year and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

*Small Business Regulatory Enforcement Fairness Act of 1996*

This rule has been found not to be a major rule within the meaning of the Small Business Regulatory Enforcement Fairness Act of 1996.

*Executive Orders 12372 and 13132*

This amendment will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this amendment does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement.

*Executive Orders 12866 and 13563*

The Department believes that benefits of the rulemaking outweigh any costs, and there are no feasible alternatives to this rulemaking. It is the Department's position that this rulemaking is not an economically significant rule under the criteria of Executive Order 12866, and is consistent with the provisions of Executive Order 13563.

*Executive Order 12988*

The Department of State has reviewed the proposed amendment in light of Executive Order 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

*Executive Order 13175*

The Department of State has determined that this rulemaking will not have tribal implications, will not impose substantial direct compliance costs on Indian tribal governments, and will not preempt tribal law. Accordingly, Executive Order 13175 does not apply to this rulemaking.

*Paperwork Reduction Act*

This rulemaking does not impose or revise any information collections subject to 44 U.S.C. Chapter 35.

**List of Subjects**

*22 CFR Part 35*

Administrative practice and procedure, Claims, Fraud, Penalties.

*22 CFR Part 103*

Administrative practice and procedure, Chemicals, Classified information, Foreign relations, Freedom of information, International organization, Investigations, Penalties, Reporting and recordkeeping requirements.

*22 CFR Part 127*

Arms and munitions, Exports.

*22 CFR Part 138*

Government contracts, Grant programs, Loan programs, Lobbying, Penalties, Reporting and recordkeeping requirements.

For the reasons set forth above, 22 CFR parts 35, 103, 127, and 138 are amended as follows:

**PART 35—PROGRAM FRAUD CIVIL REMEDIES**

■ 1. The authority citation for part 35 continues to read as follows:

**Authority:** 22 U.S.C. 2651a; 31 U.S.C. 3801 *et seq.*; Pub. L. 114–74, 129 Stat. 584.

**§ 35.3 [Amended]**

■ 2. In § 35.3:

■ a. Remove “\$10,781” and add in its place “\$10,957”, wherever it occurs.

■ b. In paragraph (f), remove “\$323,442” and add in its place “\$328,734”.

**PART 103—REGULATIONS FOR IMPLEMENTATION OF THE CHEMICAL WEAPONS CONVENTION AND THE CHEMICAL WEAPONS CONVENTION IMPLEMENTATION ACT OF 1998 ON THE TAKING OF SAMPLES AND ON ENFORCEMENT OF REQUIREMENTS CONCERNING RECORDKEEPING AND INSPECTIONS**

■ 3. The authority citation for part 103 continues to read as follows:

**Authority:** 22 U.S.C. 2651a; 22 U.S.C. 6701 *et seq.*; Pub. L. 114–74, 129 Stat. 584.

**§ 103.6 [Amended]**

■ 4. Amend § 103.6 to remove “\$36,256” and add in its place “\$36,849” in paragraph (a)(1), and to remove “\$7,251” and add in its place “\$7,370” in paragraph (a)(2).

**PART 127—VIOLATIONS AND PENALTIES**

■ 5. The authority citation for part 127 continues to read as follows:

**Authority:** Sections 2, 38, and 42, Pub. L. 90–629, 90 Stat. 744 (22 U.S.C. 2752, 2778, 2791); 22 U.S.C. 401; 22 U.S.C. 2651a; 22 U.S.C. 2779a; 22 U.S.C. 2780; E.O. 13637, 78 FR 16129; Pub. L. 114–74, 129 Stat. 584.

**§ 127.10 [Amended]**

■ 6. Section 127.10 is amended as follows:

■ a. In paragraph (a)(1)(i), remove “\$1,094,010” and add in its place “\$1,111,908”;

■ b. In paragraph (a)(1)(ii), remove “\$795,445” and add in its place “\$808,458”; and

■ c. In paragraph (a)(1)(iii), remove “\$946,805” and add in its place “962,295.”

**PART 138—RESTRICTIONS ON LOBBYING**

■ 7. The authority citation for part 138 continues to read as follows:

**Authority:** 22 U.S.C. 2651a; 31 U.S.C. 1352; Pub. L. 114–74, 129 Stat. 584.

■ 8. Revise the heading of part 138 to read as set forth above.

**§ 138.400 [Amended]**

■ 9. Amend § 138.400 by removing “\$18,936” and “\$189,361” and adding in their place “\$19,246” and “\$192,459”, respectively, wherever they occur.

Dated: January 4, 2017.

**Alicia Frechette,**

*Executive Director, Office of the Legal Adviser & Bureau of Legislative Affairs, Department of State.*

[FR Doc. 2017–00166 Filed 1–10–17; 8:45 am]

**BILLING CODE 4710–08–P**

**EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

**29 CFR Part 1614**

**RIN 3046–AA94**

**Affirmative Action for Individuals With Disabilities in Federal Employment; Correction**

**AGENCY:** Equal Employment Opportunity Commission.

**ACTION:** Final rule; correction.

**SUMMARY:** The Equal Employment Opportunity Commission (EEOC or Commission) is correcting a final rule that appeared in the **Federal Register** of January 3, 2017 (82 FR 654). The document amended the regulations that require federal agencies to engage in affirmative action for individuals with disabilities, clarifying the obligations that the Rehabilitation Act of 1973 imposes on federal agencies, as employers, that are over and above the obligation not to discriminate on the basis of disability. The document published January 3 neglected to indicate its effective date. This