

simply said “Good.” The other two comments noted general concerns about approving “more herbicides and pesticides from Dow, Bayer, and Monsanto” and the toxicity of this chemical, stating, in part, that “food should not be contaminated with these chemicals.” The Agency recognizes that some individuals believe that pesticides should be banned on agricultural crops; however, the existing legal framework provided by section 408 of the Federal Food, Drug and Cosmetic Act (FFDCA) states that tolerances may be set when persons seeking such tolerances or exemptions have demonstrated that the pesticide meets the safety standard imposed by that statute. EPA has assessed the effects of this chemical on human health and determined that aggregate exposure to it will be safe. These comments provide no information to support a different conclusion.

**D. Revisions to Petitioned-For Tolerances**

The submitted banana field trial data support a tolerance of 0.03 ppm, instead of the petitioned-for tolerance of 0.04 ppm, in whole bananas. The petitioner used a combined limit of quantitation (LOQ) different from that used by the Agency for the input dataset of the Organization for Economic Cooperation and Development (OECD) tolerance calculation procedure. The combined LOQ used by EPA resulted in a recommended tolerance of 0.03 ppm.

**V. Conclusion**

Therefore, a tolerance is established for residues of thiamethoxam, including its metabolites and degradates, in or on banana at 0.03 ppm.

**VI. Statutory and Executive Order Reviews**

This action establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled “Regulatory Planning and Review” (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled “Protection of Children from Environmental Health Risks and Safety Risks” (62 FR 19885, April 23, 1997). This action does not contain any information collections

subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled “Federalism” (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled “Consultation and Coordination with Indian Tribal Governments” (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

**VII. Congressional Review Act**

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

**List of Subjects in 40 CFR Part 180**

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: January 13, 2017.

**Michael Goodis,**

*Acting Director, Registration Division, Office of Pesticide Programs.*

Therefore, 40 CFR chapter I is amended as follows:

**PART 180—[AMENDED]**

■ 1. The authority citation for part 180 continues to read as follows:

**Authority:** 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.565, add alphabetically the commodity “Banana” to the table in paragraph (a) and revise footnote 1 to read as follows:

**§ 180.565 Thiamethoxam; tolerances for residues.**

(a) \* \* \*

Commodity	Parts per million
* * * * *	
Banana <sup>1</sup> .....	0.03
* * * * *	

<sup>1</sup> There are no U.S. registrations for these commodities as of February 15, 2017.

\* \* \* \* \*  
[FR Doc. 2017-03075 Filed 2-14-17; 8:45 am]

**BILLING CODE 6560-50-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

[Docket No. CDC-2016-0068]

**42 CFR Parts 70 and 71**

**RIN 0920-AA63**

**Control of Communicable Diseases; Delay of Effective Date**

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

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

**SUMMARY:** The Centers for Disease Control and Prevention (CDC) in the Department of Health and Human Services (HHS) announces a change in the effective date of the final rule titled “Control of Communicable Diseases” that was published on January 19, 2017. This action is undertaken in accordance with the memorandum of January 20,

2017 from the Assistant to the President and Chief of Staff entitled “Regulatory Freeze Pending Review.”

**DATES:** The effective date of the final rule amending 42 CFR parts 70 and 71 published January 19, 2017 (82 FR 6890) is delayed to March 21, 2017.

**FOR FURTHER INFORMATION CONTACT:** Martin S. Cetron, M.D., Director, Division of Global Migration and Quarantine, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS E-03, Atlanta, Georgia, 30329. Phone: (404) 498-1600. Email: [dgmqpolicyoffice@cdc.gov](mailto:dgmqpolicyoffice@cdc.gov).

**SUPPLEMENTARY INFORMATION:** On January 19, 2017, HHS/CDC published a final rule titled “Control of Communicable Diseases” (82 FR 6890) with an effective date of February 21, 2017. With this document, HHS/CDC announces a new effective date for this final rule of March 21, 2017.

HHS/CDC bases this action on the Presidential directive expressed in the memorandum of January 20, 2017 from the Assistant to the President and Chief of Staff entitled “Regulatory Freeze Pending Review.” This memorandum directed the heads of Executive Departments and Agencies to temporarily postpone for sixty 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.

Dated: February 9, 2017.

**Norris Cochran,**

*Acting Secretary, Department of Health and Human Services.*

[FR Doc. 2017-03042 Filed 2-14-17; 8:45 am]

**BILLING CODE 4163-18-P**

## FEDERAL MARITIME COMMISSION

### 46 CFR Part 506

[Docket No. 17-01]

RIN 3072-4C67

### Inflation Adjustment of Civil Monetary Penalties

**AGENCY:** Federal Maritime Commission.  
**ACTION:** Final rule.

**SUMMARY:** The Commission is publishing its adjustments to inflation annually, pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act). The 2015 Act requires that agencies adjust and publish their civil penalties by January 15th each year.

**DATES:** This rule is effective on February 15, 2017, and is applicable beginning January 15, 2017.

**FOR FURTHER INFORMATION CONTACT:** Tyler Wood, General Counsel, Federal Maritime Commission, 800 North Capitol Street NW., Room 1018, Washington, DC 20573, (202) 523-5740.

**SUPPLEMENTARY INFORMATION:** This rule adjusts the civil monetary penalties assessable by the Commission in accordance with the 2015 Act, which became effective on November 2, 2015. The 2015 Act further amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (FCPIAA), Public Law 101-410, 104 Stat. 890 (codified as amended at 28 U.S.C. 2461 note), in order to improve the effectiveness of civil monetary penalties and to maintain their deterrent effect.

The 2015 Act requires agencies to adjust CMPs under their jurisdiction by January 15, 2017, based on changes in the consumer price index (CPI-U) using data from October in the previous calendar year. On December 16, 2016, Office of Management and Budget published guidance stating that the CPI-U multiplier for October 2016 is 1.01636.<sup>1</sup> In order to complete the adjustment for January 2017, agencies must multiply the most recent civil penalty amounts in 46 CFR part 506, *i.e.*, those that include the catch-up adjustment required by the 2015 Act by 1.01636.<sup>2</sup> For the Commission, this means applying the multiplier to the penalty amounts set forth in the Commission’s June 30, 2016 interim final rule, which went into effect on August 1, 2016.<sup>3</sup>

### Rulemaking Analyses and Notices

#### Notice and Effective Date

Adjustments under the FCPIAA, as amended by the 2015 Act, are not subject to the procedural rulemaking requirements of the Administrative Procedure Act (APA) (5 U.S.C. 553), including the requirements for prior notice, an opportunity for comment, and a delay between the issuance of a final rule and its effective date.<sup>4</sup> As noted above, the 2015 Act requires that the Commission adjust its CMPs no later than January 15 of each year.

#### Congressional Review Act

The rule is not a “major rule” as defined by the Congressional Review Act, codified at 5 U.S.C. 801 *et seq.* The rule will not result in: (1) An annual

<sup>1</sup> Office of Management and Budget, M-17-11, Implementation of the 2017 annual adjustment pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, at 1 (Dec. 16, 2016) (M-17-11).

<sup>2</sup> *Id.* at 2-3.

<sup>3</sup> 81 FR 42552.

<sup>4</sup> FCPIAA § 4(b)(2); M-17-11 at 2.

effect on the economy of \$100,000,000 or more; (2) a major increase in costs or prices; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based companies to compete with foreign-based companies. 5 U.S.C. 804(2).

#### Regulatory Flexibility Act

The Regulatory Flexibility Act (codified as amended at 5 U.S.C. 601-612) provides that whenever an agency promulgates a final rule after being required to publish a notice of proposed rulemaking under the APA (5 U.S.C. 553), the agency must prepare and make available a final regulatory flexibility analysis (FRFA) describing the impact of the rule on small entities. 5 U.S.C. 604. As indicated above, this final rule is not subject to the APA’s notice and comment requirements, and the Commission is not required to prepare an FRFA in conjunction with this final rule.

#### Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3521) requires an agency to seek and receive approval from the Office of Management and Budget (OMB) before collecting information from the public. 44 U.S.C. 3507. The agency must submit collections of information in rules to OMB in conjunction with the publication of the notice of proposed rulemaking. 5 CFR 1320.11. This final rule does not contain any collections of information, as defined by 44 U.S.C. 3502(3) and 5 CFR 1320.3(c).

#### Regulation Identifier Number

The Commission assigns a regulation identifier number (RIN) to each regulatory action listed in the Unified Agenda of Federal Regulatory and Deregulatory Actions (Unified Agenda). The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. You may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda, available at <http://www.reginfo.gov/public/do/eAgendaMain>.

#### List of Subjects in 46 CFR Part 506

Administrative practice and procedure, Penalties.

For the reasons stated in the preamble, Part 506 of title 46 of the Code of Federal Regulations is amended as follows: