

Dated: January 5, 2017.

**Pamela M. Bush,**

*Commission Secretary.*

[FR Doc. 2017-00413 Filed 1-19-17; 8:45 am]

BILLING CODE 6360-01-P

## SOCIAL SECURITY ADMINISTRATION

### 20 CFR Part 404

[Docket No. SSA-2014-0016]

RIN 0960-AH66

#### Unsuccessful Work Attempts and Expedited Reinstatement Eligibility; Correction

**AGENCY:** Social Security Administration.

**ACTION:** Final rules; correction.

**SUMMARY:** We published a document in the **Federal Register** revising our rules on October 17, 2016. That document inadvertently omitted a corresponding technical change to § 404.1592f(a) when § 404.1592c(a) was amended with the final rule publication. By making this technical correction we will also need to redesignate the amendatory instructions to incorporate the missing section changes to § 404.1592f(a). This document corrects the final regulation by making these technical corrections.

**DATES:** The corrections are effective April 17, 2017.

#### FOR FURTHER INFORMATION CONTACT:

Kristine Erwin-Tribbitt, Office of Retirement and Disability Policy, Office of Research, Demonstration, and Employment Support, Social Security Administration, 6401 Security Boulevard, Robert Ball Building 3-A-26, Baltimore, MD 21235-6401, (410) 965-3353. For information on eligibility or filing for benefits, call our national toll-free number, 1-800-772-1213 or TTY 1-800-325-0778, or visit our Internet site, Social Security Online, at <http://www.socialsecurity.gov>.

**SUPPLEMENTARY INFORMATION:** We published a final rule in the **Federal Register** of October 17, 2016 (81 FR 71367) titled, Unsuccessful Work Attempts and Expedited Reinstatement Eligibility. The final rule, among other things, amended 20 CFR parts 404 and 416. We inadvertently omitted a corresponding technical change to § 404.1592f(a) when § 404.1592c(a) was amended with the final rule publication. This document amends and corrects the final regulation.

(Catalog of Federal Domestic Assistance Program Nos. 9601, Social Security—Disability Insurance; 96.006, Supplemental Security Income; 96.008, Social Security—Work Incentives Planning and Assistance Program.)

In FR Doc. 2016-24873 appearing on page 71369 in the **Federal Register** of Monday, October 17, the following corrections are made:

#### Corrections

1. On page 71369, in the third column, redesignate amendatory instructions 6 through 9 as 7 through 10 and add new amendatory instruction 6 to read as follows:

■ 6. Amend § 404.1592f by revising paragraph (a) to read as follows:

#### § 404.1592f How do we determine reinstated benefits?

(a) If you meet the requirements for reinstatement under § 404.1592c(a), we will then consider in which month to reinstate your entitlement. We will reinstate your entitlement with the earliest month, in the 12-month period that ends with the month before you filed your request for reinstatement, that you would have met all of the requirements under § 404.1592c(a) if you had filed your request for reinstatement in that month. Otherwise, you will be entitled to reinstated benefits beginning with the month in which you filed your request for such benefits if you did not perform substantial gainful activity in that month. If you performed substantial gainful activity in the month of filing, but are no longer able to perform substantial gainful activity, we will reinstate your benefits with the month after the month you filed your request for reinstatement. We cannot reinstate your entitlement for any month prior to January 2001.

\* \* \* \* \*

**Carolyn W. Colvin,**

*Acting Commissioner of Social Security.*

[FR Doc. 2017-00076 Filed 1-19-17; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Parts 73 and 74

[Docket No. FDA-2016-F-0821]

#### Listing of Color Additives Exempt From Certification; Titanium Dioxide and Listing of Color Additives Subject to Certification; [Phthalocyaninato (2-)] Copper; Confirmation of Effective Date

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

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

**SUMMARY:** The Food and Drug Administration (FDA or we) is confirming the effective date of December 2, 2016, for the final rule that appeared in the **Federal Register** of November 1, 2016, and that amended the color additive regulations to provide for the safe use of titanium dioxide and [phthalocyaninato (2-)] copper to color orientation marks for intraocular lenses (IOLs). We are taking this action to ensure clarity that the effective date in the final rule remains December 2, 2016.

**DATES:** Effective date of final rule

published in the **Federal Register** of November 1, 2016 (81 FR 75689), confirmed: December 2, 2016.

#### FOR FURTHER INFORMATION CONTACT:

Laura A. Dye, Center for Food Safety and Applied Nutrition (HFS-265), Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740-3835, 240-402-1275.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of November 1, 2016 (81 FR 75689), we amended the color additive regulations in § 73.3126 (21 CFR 73.3126) and § 74.3045 (21 CFR 74.3045) to provide for the safe use of titanium dioxide and [phthalocyaninato (2-)] copper to color orientation marks for IOLs.

The preamble to the final rule stated that persons who would be adversely affected by one or more provisions in the final rule could file electronic or written objections (81 FR 75689 at 75691). We also stated that the effective date of the final rule would be on December 2, 2016, unless a person properly files an objection or request for a hearing to review any provisions in the final rule (81 FR 75689). We explained that, to file an objection, a person must, among other things, specify with particularity the provision(s) of the regulation to which they object and the grounds for the objection (81 FR 75689 at 75691). Within each objection, a person also must specifically state whether he/she requests a hearing. We received no objections or requests for a hearing on the final rule that met these requirements. We received five general comments, including one that disagreed with the rule, but the comments did not meet the requirements to be considered an objection under 21 CFR 12.22(a)(3). Therefore, we find that the effective date of the final rule that published in the **Federal Register** of November 1, 2016, should be confirmed.

#### List of Subjects

21 CFR Part 73

Color additives, Cosmetics, Drugs, Medical devices.

21 CFR Part 74

Color additives, Cosmetics, Drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 341, 342, 343, 348, 351, 352, 355, 361, 362, 371, 379e) and under authority delegated to the Commissioner of Food and Drugs, and redelegated to the Director, Office of Food Additive Safety, we are giving notice that no objections or requests for a hearing were filed in response to the November 1, 2016, final rule. Accordingly, the amendments issued thereby became effective December 2, 2016.

Dated: January 9, 2017.

**Dennis M. Keefe,**

Director, Office of Food Additive Safety, Center for Food Safety and Applied Nutrition.

[FR Doc. 2017-00534 Filed 1-19-17; 8:45 am]

**BILLING CODE 4164-01-P**

**DEPARTMENT OF THE INTERIOR**

**Bureau of Indian Affairs**

**25 CFR Parts 140, 141, 211, 213, 225, 226, 227, 243, and 249**

[178A2100DD/AAKC001030/AOA501010.999900253G]

**RIN 1076-AF35**

**Civil Penalties Inflation Adjustments; Annual Adjustments**

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Final rule.

**SUMMARY:** This rule provides for annual adjustments to the level of civil monetary penalties contained in Bureau of Indian Affairs (Bureau) regulations to account for inflation under the Federal Civil Penalties Inflation Adjustment Act

Improvements Act of 2015 and Office of Management and Budget (OMB) guidance.

**DATES:** This rule is effective on January 23, 2017.

**FOR FURTHER INFORMATION CONTACT:**

Elizabeth Appel, Director, Office of Regulatory Affairs and Collaborative Action, Office of the Assistant Secretary—Indian Affairs; telephone (202) 273-4680, *elizabeth.appel@bia.gov*.

**SUPPLEMENTARY INFORMATION:**

- I. Background
- II. Calculation of Annual Adjustments
- III. Procedural Requirements
  - A. Regulatory Planning and Review (E.O. 12866)
  - B. Regulatory Flexibility Act
  - C. Small Business Regulatory Enforcement Fairness Act
  - D. Unfunded Mandates Reform Act
  - E. Takings (E.O. 12630)
  - F. Federalism (E.O. 13132)
  - G. Civil Justice Reform (E.O. 12988)
  - H. Consultation With Indian Tribes (E.O. 13175)
  - I. Paperwork Reduction Act
  - J. National Environmental Policy Act
  - K. Effects on the Energy Supply (E.O. 13211)
  - L. Clarity of This Regulation
  - M. Administrative Procedure Act

**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) (“the Act”). The Act requires Federal agencies to adjust the level of civil monetary penalties with an initial “catch-up” adjustment through rulemaking and then make subsequent annual adjustments for inflation. The purpose of these adjustments is to maintain the deterrent effect of civil

penalties and to further the policy goals of the underlying statutes.

The Office of Management and Budget (OMB) issued guidance for Federal agencies on calculating the catch-up adjustment. See February 24, 2016, Memorandum for the Heads of Executive Departments and Agencies, from Shaun Donovan, Director, Office of Management and Budget, re: *Implementation of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015* (M-16-06). Under the guidance, the Department identified applicable civil monetary penalties and calculated the catch-up adjustment. A civil monetary penalty is any assessment with a dollar amount that is levied for a violation of a Federal civil statute or regulation, and is assessed or enforceable through a civil action in Federal court or an administrative proceeding. A civil monetary penalty does not include a penalty levied for violation of a criminal statute, or fees for services, licenses, permits, or other regulatory review. The calculated catch-up adjustment is based on the percent change between the Consumer Price Index for all Urban Consumers (CPI-U) for the month of October in the year of the previous adjustment (or in the year of establishment, if no adjustment has been made) and the October 2015 CPI-U.

The Bureau issued an interim final rule providing for calculated catch-up adjustments on June 30, 2016 (81 FR 42478) and requesting comments post-promulgation. The Bureau issued a final rule affirming the catch-up adjustments set forth in the interim final rule on December 2, 2016 (81 FR 86953). The final rule adjusted the following civil monetary penalties, effective on August 1, 2016:

CFR citation	Description of penalty	Current penalty	Catchup adjustment multiplier	Adjusted penalty
25 CFR 140.3 .....	Penalty for trading in Indian country without a license .....	\$500	2.50000	\$1,250
25 CFR 141.50 .....	Penalty for trading on Navajo, Hopi or Zuni reservations without a license .....	500	2.50000	1,250
25 CFR 211.55 .....	Penalty for violation of leases of Tribal land for mineral development, violation of part 211, or failure to comply with a notice of noncompliance or cessation order.	1,000	1.50245	1,502
25 CFR 213.37 .....	Penalty for failure of lessee to comply with lease of restricted lands of members of the Five Civilized Tribes in Oklahoma for mining, operating regulations at part 213, or orders.	500	2.50000	1,250
25 CFR 225.37 .....	Penalty for violation of minerals agreement, regulations at part 225, other applicable laws or regulations, or failure to comply with a notice of noncompliance or cessation order.	1,000	1.59089	1,591
25 CFR 226.42 .....	Penalty for violation of lease of Osage reservation lands for oil and gas mining or regulations at part 226, or noncompliance with the Superintendent’s order.	500	1.78156	891
25 CFR 226.43(a) ...	Penalty per day for failure to obtain permission to start operations .....	50	1.78156	89
25 CFR 226.43(b) ...	Penalty per day for failure to file records .....	50	1.78156	89
25 CFR 226.43(c) ...	Penalty for each well and tank battery for failure to mark wells and tank batteries	50	1.78156	89
25 CFR 226.43(d) ...	Penalty each day after operations are commenced for failure to construct and maintain pits.	50	1.78156	89