

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 9, 2017.

**Michael J. 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 § 180.142:

■ a. Add alphabetically the commodities “Cotton, gin byproducts” and “cotton, undelinted seed” to the table in paragraph (a); and

■ b. Remove the entry for “cotton, undelinted seed” from the table in paragraph (d) to read as follows:

**§ 180.142 2.4–D; tolerances for residues.**

(a) \* \* \*

Commodity	Parts per million
* * * * *	* * * * *
Cotton, gin byproducts .....	1.5
Cotton, undelinted seed .....	0.08
* * * * *	* * * * *

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**SURFACE TRANSPORTATION BOARD**

**49 CFR Part 1250**

[Docket No. EP 724 (Sub–No. 4)]

**United States Rail Service Issues—  
Performance Data Reporting**

**AGENCY:** Surface Transportation Board.

**ACTION:** Final rule; stay of regulations.

**SUMMARY:** On December 5, 2016, the Board published a final rule in this docket that established new regulations requiring all Class I railroads and the Chicago Transportation Coordination Office (CTCO), through its Class I members, to report certain service performance metrics on a weekly, semiannual, and occasional basis. The Board is staying the effective date of the final rule.

**DATES:** Effective February 7, 2017 and applicable on January 27, 2017, the final rule establishing 49 CFR part 1250 published at 81 FR 87472 on December 5, 2016, is stayed until March 21, 2017. The initial reporting date under the final rule will be March 29, 2017.

**FOR FURTHER INFORMATION CONTACT:**

Sarah Fancher at (202) 245–0355. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at (800) 877–8339.

**SUPPLEMENTARY INFORMATION:** On November 30, 2016, the Board adopted a final rule to establish new regulations requiring all Class I railroads and the CTCO, through its Class I members, to report certain service performance metrics on a weekly, semiannual, and occasional basis. *U.S. Rail Serv. Issues—Performance Data Reporting (November Decision)*, EP 724 (Sub–No. 4), slip op. at 1 (STB served Nov. 30, 2016). The Board published the final rule in the **Federal Register** on December 5, 2016,

and set an effective date of January 29, 2017. *November Decision*, slip op. at 4; 81 FR 87472. On January 20, 2017, a Memorandum for the Heads of Executive Departments and Agencies from Reince Priebus, Chief of Staff to President Trump, was issued.<sup>1</sup> Although the Board is an independent regulatory agency, it will stay the January 29, 2017 effective date in Docket No. EP 724 (Sub–No. 4) in accordance with the Memorandum’s request that the effective date of rules published in the **Federal Register** that had not yet become effective be postponed for 60 days.<sup>2</sup> As a result, the final rule in Docket No. EP 724 (Sub–No. 4) will now be stayed until March 21, 2017, and initial reporting will begin March 29, 2017.

The final rule adopted requirements for reporting cars in fertilizer service, as defined by 14 Standard Transportation Commodity Codes (STCCs) that The Fertilizer Institute (TFI) provided in comments. *November Decision*, slip op. at 15. On December 20, 2016, TFI petitioned the Board to reconsider the final rule to modify the definition of fertilizer by adding one STCC to the 14 that were previously included in the final rule. The Board will rule on the petition in a subsequent decision.

*It is ordered:*

1. The final rule in the *November Decision*, which was published in the **Federal Register** on December 5, 2016, will be stayed until March 21, 2017. The initial reporting date will be March 29, 2017.

2. Notice of the Board’s action will be published in the **Federal Register**.

Decided: January 27, 2017.

By the Board, Rachel D. Campbell,  
Director, Office of Proceedings.

**Brendetta S. Jones,**

*Clearance Clerk.*

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<sup>1</sup> Reince Priebus, Memorandum for the Heads of Executive Departments and Agencies (Memorandum) (Jan. 20, 2017), <http://www.whitehouse.gov/briefing-room/presidential-actions> (follow hyperlink to Memorandum for the Heads of Executive Departments and Agencies).

<sup>2</sup> The Board’s entire decision, *U.S. Rail Serv. Issues—Data Collection*, EP 724 (Sub–No. 3) et al. (STB served Jan. 27, 2017), is available on the Board’s Web site by search at <https://www.stb.gov/home.nsf/enhancedsearch?OpenForm>.