

**(h) Installation Prohibition**

After the effective date of this AD, except as part of the inspection required by paragraph (g)(1) of this AD, do not install a magnetic head, P/N 9520011545, with an S/N DU4621 up to and including DU5053 on any engine.

**(i) Alternative Methods of Compliance (AMOCs)**

(1) The Manager, ECO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ECO Branch, send it to the attention of the person identified in paragraph (j)(1) of this AD. You may email your request to: [ANE-AD-AMOC@faa.gov](mailto:ANE-AD-AMOC@faa.gov).

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

**(j) Related Information**

(1) For more information about this AD, contact Robert Green, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781-238-7754; fax: 781-238-7199; email: [robert.green@faa.gov](mailto:robert.green@faa.gov).

(2) Refer to MCAI European Aviation Safety Agency AD 2018-0012-E, dated January 16, 2018, for more information. You may examine the MCAI in the AD docket on the internet at <http://www.regulations.gov> by searching for and locating it in Docket No. FAA-2018-0084.

**(k) Material Incorporated by Reference**

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Safran Helicopter Engines Alert Mandatory Service Bulletin (MSB) A319 79 4840, Version A, dated November 27, 2017.

(ii) Safran Helicopter Engines Alert MSB A319 79 4841, Version A, dated November 20, 2017.

(3) For Safran Helicopter Engines service information identified in this AD, contact Safran Helicopter Engines, S.A., 40220 Tarnos, France; phone: (33) 05 59 74 40 00; fax: (33) 05 59 74 45 15.

(4) You may view this service information at FAA, Engine & Propeller Standards Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781-238-7759.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued in Burlington, Massachusetts, on February 23, 2018.

**Karen M. Grant,**

*Acting Manager, Engine and Propeller Standards Branch, Aircraft Certification Service.*

[FR Doc. 2018-04439 Filed 3-5-18; 8:45 am]

**BILLING CODE 4910-13-P**

**COMMODITY FUTURES TRADING COMMISSION****17 CFR Part 143**

**RIN 3038-AE58**

**Annual Adjustment of Civil Monetary Penalties to Reflect Inflation—2018**

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commodity Futures Trading Commission (Commission) is amending Rule 143.8, its rule that governs the maximum amount of civil monetary penalties, to adjust for inflation. This rule sets forth the maximum, inflation-adjusted dollar amount for civil monetary penalties (CMPs) assessable for violations of the Commodity Exchange Act (CEA) and Commission rules, regulations and orders thereunder. The rule, as amended, implements the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended.

**DATES:** This rule is effective on March 6, 2018 and is applicable to penalties assessed after March 6, 2018.

**FOR FURTHER INFORMATION CONTACT:** Edward J. Riccobene, Associate Chief Counsel, Division of Enforcement, at (202) 418-5327 or [ericcobene@cftc.gov](mailto:ericcobene@cftc.gov), Commodity Futures Trading Commission, 1155 21st Street NW, Washington, DC 20581.

**SUPPLEMENTARY INFORMATION:****I. Background**

The Federal Civil Penalties Inflation Adjustment Act of 1990 (FCPIAA)<sup>1</sup> requires the head of each Federal agency to periodically adjust for inflation the minimum and maximum amount of CMPs provided by law within the jurisdiction of that agency.<sup>2</sup> A 2015

<sup>1</sup> The FCPIAA, Public Law 101-410 (1990), as amended, is codified at 28 U.S.C. 2461 note. The FCPIAA states that the purpose of the FCPIAA is to establish a mechanism that (1) allows for regular adjustment for inflation of civil monetary penalties; (2) maintains the deterrent effect of civil monetary penalties and promote compliance with the law; and (3) improves the collection by the Federal Government of civil monetary penalties.

<sup>2</sup> For the relevant CMPs within the Commission's jurisdiction, the Act provides only for maximum

amendment to the FCPIAA<sup>3</sup> required agencies to make an initial “catch-up” adjustment to its civil monetary penalties effective no later than August 1, 2016.<sup>4</sup> For every year thereafter effective not later than January 15, the FCPIAA, as amended, requires agencies to make annual adjustments for inflation, with guidance from the Director of the Office of Management and Budget.<sup>5</sup>

**II. Commodity Exchange Act Civil Monetary Penalties**

The following sections of the CEA provide for CMPs that meet the FCPIAA definition<sup>6</sup> and these CMPs are, therefore, subject to the inflation adjustment: Sections 6(c), 6b, and 6c of the CEA.<sup>7</sup>

**III. Annual Inflation Adjustment for Commodity Exchange Act Civil Monetary Penalties****A. Methodology**

The FCPIAA annual inflation adjustment, in the context of the CFTC's CMPs, is determined by increasing the maximum penalty by a “cost-of-living adjustment”, rounded to the nearest multiple of one dollar.<sup>8</sup> Annual inflation adjustments are based on the percent change between the October Consumer Price Index for all Urban Consumers (CPI-U) preceding the date of the adjustment, and the prior year's October CPI-U.<sup>9</sup> In this case, October 2017 CPI-U (246.663)/October 2015 CPI-U (241.729) = 1.02041.<sup>10</sup> In order to

amounts that can be assessed for each violation of the Act or the rules, regulations and orders promulgated thereunder; the Act does not set forth any minimum penalties. Therefore, the remainder of this release will refer only to CMP maximums.

<sup>3</sup> Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Public Law 114-74, 129 Stat. 584 (2015) (2015 Act), title VII, Section 701.

<sup>4</sup> FCPIAA Sections 4 and 5. See also, Adjustment of Civil Monetary Penalties for Inflation, 81 FR 41435 (June 27, 2016).

<sup>5</sup> FCPIAA Sections 4 and 5. See also, Executive Office of the President, Office of Management and Budget Memorandum, M-18-03, Implementation of Penalty Inflation Adjustments for 2018, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Dec. 15, 2017) (2017 OMB Guidance) (<https://www.whitehouse.gov/wp-content/uploads/2017/11/M-18-03.pdf>).

<sup>6</sup> FCPIAA Section 3(2).

<sup>7</sup> 7 U.S.C. 9, 13a-1, 13b. Criminal authorities may also seek fines for criminal violations of the CEA (see 7 U.S.C. 13, 13(c), 13(d), 13(e), and 13b). The FCPIAA does not affect the amounts of these criminal penalties.

<sup>8</sup> FCPIAA Sections 4 and 5.

<sup>9</sup> FCPIAA Section 5(b)(1).

<sup>10</sup> The CPI-U is published by the Department of Labor. Interested parties may find the relevant Consumer Price Index on the internet. To access this information, go to the Consumer Price Index Home Page at: <http://www.bls.gov/cpi/>. Click the “CPI Data/Databases” heading, and select “All Urban Consumers (Current Series)”, “Top Picks.”

complete the 2018 annual adjustment, the CFTC must multiply each of its most recent CMP amounts by the multiplier,

1.02041, and round to the nearest dollar.<sup>11</sup>

*B. Civil Monetary Penalty Adjustments*

Applying the FCPIAA annual inflation adjustment methodology results in the following amended CMPs:

| U.S. Code citation   | Civil monetary penalty description  |   | Violations occurring on or after 11/02/2015             |                  |                             |
|--|---|---|---|------------------|-----------------------------|
|  |   |   | Penalty amount in January 2017 Final Rule <sup>12</sup> | CPI-U multiplier | New adjusted penalty amount |
| <i>Civil Monetary Penalty Imposed by the Commission in an Administrative Action</i>            |   |   |   |                  |                             |
| 7 U.S.C. 9 (Section 6(c) of the Commodity Exchange Act).                                       | For any person other than a registered entity *.                          | Non-Manipulation or Attempted Manipulation. | \$157,892   | 1.02041          | \$161,115                   |
|  | For any person other than a registered entity *.                          | Manipulation or Attempted Manipulation.     | 1,138,937   | 1.02041          | 1,162,183                   |
| 7 U.S.C. 13a (Section 6b of the Commodity Exchange Act).                                       | For a registered entity * or any of its directors, officers or employees. | Non-Manipulation or Attempted Manipulation. | 869,757   | 1.02041          | 887,509                     |
|  | For a registered entity * or any of its directors, officers or employees. | Manipulation or Attempted Manipulation.     | 1,138,937   | 1.02041          | 1,162,183                   |
| <i>Civil Monetary Penalty Imposed by a Federal District Court in a Civil Injunctive Action</i> |   |   |   |                  |                             |
| 7 U.S.C. 13a-1 (Section 6c of the Commodity Exchange Act).                                     | Any Person .....  | Non-Manipulation or Attempted Manipulation. | 173,951   | 1.02041          | 177,501                     |
|  | Any Person .....  | Manipulation or Attempted Manipulation.     | 1,138,937   | 1.02041          | 1,162,183                   |

\* The term “registered entity” is defined in 7 U.S.C. 1a (Section 1a of the Commodity Exchange Act).

The FCPIAA provides that any increase under the FCPIAA in a civil monetary penalty shall apply only to civil monetary penalties, including those whose associated violation predated such increase, which are assessed after the date the increase takes effect.<sup>13</sup> Thus, the new CMP amounts established by this rulemaking shall apply to penalties assessed after March 6, 2018, for violations that occurred on or after November 2, 2015, the effective date of the FCPIAA amendment requiring annual adjustments, the 2015 Act.<sup>14</sup>

**IV. Administrative Compliance**

*A. Notice Requirement*

The FCPIAA specifically exempted from the Administrative Procedure Act (APA) the rulemakings required to implement annual inflation adjustments.<sup>15</sup> “This means that the public procedure the APA generally requires—notice, an opportunity for comment, and a delay in effective

date—is not required for agencies to issue regulations implementing the annual adjustment.”<sup>16</sup> The Commission further notes that the notice and comment procedures of the APA do not apply to this rulemaking because the Commission is acting herein pursuant to statutory language that mandates that the Commission act in a nondiscretionary matter.<sup>17</sup>

*B. Regulatory Flexibility Act*

The Regulatory Flexibility Act<sup>18</sup> requires agencies with rulemaking authority to consider the impact of certain of their rules on small businesses. A regulatory flexibility analysis is only required for rules for which the agency publishes a general notice of proposed rulemaking pursuant to section 553(b) or any other law.<sup>19</sup> Because, as discussed above, the Commission is not obligated by section 553(b) or any other law to publish a general notice of proposed rulemaking with respect to the revisions being made to regulation 143.8, the Commission

additionally is not obligated to conduct a regulatory flexibility analysis.

*C. Paperwork Reduction Act*

The Paperwork Reduction Act of 1995 (PRA),<sup>20</sup> which imposes certain requirements on Federal agencies, including the Commission, in connection with their conducting or sponsoring any collection of information as defined by the PRA, does not apply to this rule. This rule amendment does not contain information collection requirements that require the approval of the Office of Management and Budget.

**D. Consideration of Costs and Benefits**

Section 15(a) of the CEA<sup>21</sup> requires the Commission to consider the costs and benefits of its action before issuing a new regulation. Section 15(a) further specifies that costs and benefits shall be evaluated in light of five broad areas of market and public concern: (1) Protection of market participants and the public; (2) efficiency,

Then check the box for “U.S. All items, 1982–84=100—CUUR0000SA0”, and click the “Retrieve data” button.

<sup>11</sup> 2017 OMB Guidance at 3.

<sup>12</sup> 82 FR 7643.

<sup>13</sup> FCPIAA Section 6.

<sup>14</sup> Prior Commission rulemakings to affect the required inflation adjustments referenced the date

the enforcement action was filed without regard to the date of the corresponding violation. This rulemaking specifically references the date of the violation, thereby the Commission clarifies its determination that these adjusted penalties apply only with respect to violations occurring on or after November 2, 2015, the effective date of the 2015 Act.

<sup>15</sup> FCPIAA Section 4(b)(2).

<sup>16</sup> 2017 OMB Guidance at 4.

<sup>17</sup> *Lake Carriers’ Ass’n v. EPA*, 652 F.3d 1, 10 (DC Cir. 2011).

<sup>18</sup> 5 U.S.C. 601–612.

<sup>19</sup> 5 U.S.C. 603(a).

<sup>20</sup> 44 U.S.C. 3507(d).

<sup>21</sup> 7 U.S.C. 19(a).

competitiveness, and financial integrity of futures markets; (3) price discovery; (4) sound risk management practices; and (5) other public interest considerations.

The Commission believes that benefits of this rulemaking greatly outweigh the costs, if any. As the Commission understands, the statutory provisions by which it is making cost-of-living adjustments to the CMPs in regulation 143.8 were enacted to ensure that CMPs do not lose their deterrence value because of inflation. An analysis of the costs and benefits of these adjustments were made before enactment of the statutory provisions under which the Commission is operating, and limit the discretion of the Commission to the extent that there are no regulatory choices the Commission could make that would supersede the pre-enactment analysis with respect to the five factors enumerated in section 15(a), or any other factors.

**List of Subjects in 17 CFR Part 143**

Civil monetary penalties, Claims.

For the reasons set forth in the preamble, the Commodity Futures Trading Commission amends part 143 of title 17 of the Code of Federal Regulations as follows:

**PART 143—COLLECTION OF CLAIMS OWED THE UNITED STATES ARISING FROM ACTIVITIES UNDER THE COMMISSION'S JURISDICTION**

■ 1. The authority citation for part 143 continues to read as follows:

**Authority:** 7 U.S.C. 9, 15, 9a, 12a(5), 13a, 13a-1(d), 13(a), 13b; 31 U.S.C. 3701-3720E; 28 U.S.C. 2461 note.

■ 2. Revise § 143.8 to read as follows:

**§ 143.8 Inflation-adjusted civil monetary penalties.**

(a) *Statutory inflation adjustment of civil monetary penalties.* The Inflation Adjustment Act of 1990, as amended, requires annual inflation adjustments to the civil monetary penalties imposed under the Commodity Exchange Act for violations that occurred on or after November 2, 2015. The Commission will publish notice of these adjusted

penalty amounts in the **Federal Register**. The inflation adjustment is calculated by multiplying the maximum dollar amount of the civil monetary penalty for the previous calendar year by the cost-of-living inflation adjustment multiplier provided by the Office Management and Budget, which is based on the change in the Consumer Price Index, and rounding the total to the nearest dollar. Set forth in the charts in paragraph (b) of this section are the inflation adjusted penalty amounts for violations occurring on or after November 2, 2015 and the penalty amounts for violations that occurred prior to November 2, 2015. These penalty charts are also available on the Commission's website at: <http://www.cftc.gov/LawRegulation/Enforcement/InflationAdjustedCivilMonetaryPenalties/index.htm>.

(b) *2018 inflation adjustment.* The maximum amount of each civil monetary penalty in the following charts applies to penalties assessed after March 6, 2018:

(1) For Non-Manipulation or Attempted Manipulation Violations:

TABLE 1 TO PARAGRAPH (b)(1)

| U.S. Code citation   | Civil monetary penalty description   | Date of violation and corresponding penalty |                               |                               |                       |
|--|--|---|-------------------------------|-------------------------------|-----------------------|
|  |  | 10/23/2004 through 10/22/2008               | 10/23/2008 through 10/22/2012 | 10/23/2012 through 11/01/2015 | 11/02/2015 to present |
| <b>Civil Monetary Penalty Imposed by the Commission in an Administrative Action</b>            |  |   |                               |                               |                       |
| 7 U.S.C. 9 (Section 6(c) of the Commodity Exchange Act).                                       | For any person other than a registered entity <sup>1</sup> .                         | \$130,000                                   | \$130,000                     | \$140,000                     | \$161,115             |
| 7 U.S.C. 13a (Section 6b of the Commodity Exchange Act).                                       | For a registered entity <sup>1</sup> or any of its directors, officers or employees. | 625,000                                     | 675,000                       | 700,000                       | 887,509               |
| <b>Civil Monetary Penalty Imposed by a Federal District Court in a Civil Injunctive Action</b> |  |   |                               |                               |                       |
| 7 U.S.C. 13a-1 (Section 6c of the Commodity Exchange Act).                                     | Any Person .....   | 130,000                                     | 140,000                       | 140,000                       | 177,501               |

<sup>1</sup> The term "registered entity" is defined in 7 U.S.C. 1a (Section 1a of the Commodity Exchange Act).

(2) For Manipulation or Attempted Manipulation Violations:

TABLE 1 TO PARAGRAPH (b)(2)

| U.S. Code citation  | Civil monetary penalty description   | Date of violation and corresponding penalty |                               |                               |                       |
|---|--|---|-------------------------------|-------------------------------|-----------------------|
|   |  | 10/23/2004 through 05/21/2008               | 05/22/2008 through 08/14/2011 | 08/15/2011 through 11/01/2015 | 11/02/2015 to present |
| <b>Civil Monetary Penalty Imposed by the Commission in an Administrative Action</b> |  |   |                               |                               |                       |
| 7 U.S.C. 9 (Section 6(c) of the Commodity Exchange Act).                            | For any person other than a registered entity <sup>1</sup> .                         | \$130,000                                   | \$1,000,000                   | \$1,025,000                   | \$1,162,183           |
| 7 U.S.C. 13a (Section 6b of the Commodity Exchange Act).                            | For a registered entity <sup>1</sup> or any of its directors, officers or employees. | 625,000                                     | 1,000,000                     | 1,025,000                     | 1,162,183             |

TABLE 1 TO PARAGRAPH (b)(2)—Continued

| U.S. Code citation   | Civil monetary penalty description | Date of violation and corresponding penalty |                               |                               |                       |
|--|------------------------------------|---|-------------------------------|-------------------------------|-----------------------|
|  |                                    | 10/23/2004 through 05/21/2008               | 05/22/2008 through 08/14/2011 | 08/15/2011 through 11/01/2015 | 11/02/2015 to present |
| <b>Civil Monetary Penalty Imposed by a Federal District Court In a Civil Injunctive Action</b> |                                    |   |                               |                               |                       |
| 7 U.S.C. 13a-1 (Section 6c of the Commodity Exchange Act).                                     | Any Person .....                   | 130,000                                     | 1,000,000                     | 1,025,000                     | 1,162,183             |

<sup>1</sup> The term “registered entity” is defined in 7 U.S.C. 1a (Section 1a of the Commodity Exchange Act).

Issued in Washington, DC, on February 28, 2018, by the Commission.

**Robert N. Sidman,**  
*Deputy Secretary of the Commission.*

**Note:** The following appendix will not appear in the Code of Federal Regulations.

**Appendix to Adjustment of Civil Monetary Penalties for Inflation—2018—Commission Voting Summary**

On this matter, Chairman Giancarlo and Commissioners Quintenz and Behnam voted in the affirmative. No Commissioner voted in the negative.

[FR Doc. 2018-04480 Filed 3-5-18; 8:45 am]

**BILLING CODE 6351-01-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 117**

[Docket No. USCG-2018-0126]

**Drawbridge Operation Regulation; Columbia River, Vancouver, WA**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of deviation from drawbridge regulations.

**SUMMARY:** The Coast Guard has issued a temporary deviation from the operating schedule that governs the Burlington Northern Santa Fe (BNSF) Railway Bridge across the Columbia River, mile 105.6, at Vancouver, WA. The deviation is necessary to accommodate maintenance and replacement of various bridge components. This deviation allows the bridge to remain in the closed-to-navigation position during maintenance activities.

**DATES:** This deviation is effective from 8 a.m. on March 5, 2018 to 4 p.m. on March 14, 2018.

**ADDRESSES:** The docket for this deviation, USCG-2018-0126 is available at <http://www.regulations.gov>. Type the docket number in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this deviation.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary deviation, call or email Mr. Steven Fischer, Bridge Administrator, Thirteenth Coast Guard District; telephone 206-220-7282, email [d13-pf-d13bridges@uscg.mil](mailto:d13-pf-d13bridges@uscg.mil).

**SUPPLEMENTARY INFORMATION:** BNSF, bridge owner, requested that the BNSF Swing Bridge across the Columbia River, mile 105.6, remain in the closed-to-navigation position to marine vessel traffic for maintenance and component replacement activities. The BNSF Swing Bridge provides 39 feet of vertical clearance above Columbia River Datum 0.0 while in the closed-to-navigation position. This deviation allows the BNSF Swing Bridge to remain in the closed-to-navigation position, and need not open for maritime traffic as listed in the table below:

| Time/date start           | Time/date end             | Action                                     |
|---------------------------|---------------------------|--|
| 8 a.m. Mar 5, 2018 .....  | 4 p.m. Mar 5, 2018 .....  | span in the closed-to-navigation position. |
| 8 a.m. Mar 6, 2018 .....  | 4 p.m. Mar 6, 2018 .....  | span in the closed-to-navigation position. |
| 8 a.m. Mar 7, 2018 .....  | 4 p.m. Mar 7, 2018 .....  | span in the closed-to-navigation position. |
| 8 a.m. Mar 8, 2018 .....  | 4 p.m. Mar 8, 2018 .....  | span in the closed-to-navigation position. |
| 8 a.m. Mar 9, 2018 .....  | 4 p.m. Mar 9, 2018 .....  | span in the closed-to-navigation position. |
| 8 a.m. Mar 12, 2018 ..... | 4 p.m. Mar 12, 2018 ..... | span in the closed-to-navigation position. |
| 8 a.m. Mar 13, 2018 ..... | 4 p.m. Mar 13, 2018 ..... | span in the closed-to-navigation position. |
| 8 a.m. Mar 14, 2018 ..... | 4 p.m. Mar 14, 2018 ..... | span in the closed-to-navigation position. |

The subject bridge operates in accordance with 33 CFR 117.5. The bridge shall operate in accordance to 33 CFR 117.5 at all other times.

Waterway usage on this part of the Columbia River includes vessels ranging from large ships to commercial tug and tow vessels to recreational pleasure craft including cabin cruisers and sailing vessels. Vessels able to pass through the bridge in the closed-to-navigation position may do so at any time. The

bridge will be able to open for emergencies during this closure period if a one hour notice is given except on March 6, 2018 and March 8, 2018, and there is no immediate alternate route for vessels to pass. We contacted known river users, and requested objections to reschedule BNSF’s maintenance period. We have not received any objections to this deviation. The Coast Guard will also inform the users of the waterways through our Local and Broadcast

Notices to Mariners of the change in operating schedule for the bridge so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.