

TABLE 2—LABOR WAGE COST (SAVINGS) FROM REMOVING 9 CFR 310.11, 2016—Continued

Size of Est.	Number of establishments *	Total annual labor costs (Savings) ** (M\$) ***		
		Low	Medium	High
Assuming a 7% Discount Rate	(5.27)	(11.81)	(19.03)

* Public Health Information System (PHIS).

** Note, the totals may not equal the sum due to rounding.

*** Wage estimates were sourced from BLS OES May 2016 National Industry-Specific Occupational Employment and Wage Estimates for NAICS code 311600 https://www.bls.gov/oes/current/naics4_311600.htm#51-0000. Last Modified 3/31/2017. Accessed on 11/26/2018.

Expected Costs Associated With This Action

The final rule has no expected costs associated with it.

Regulatory Flexibility Act Assessment

The FSIS Administrator certifies that, for the purposes of the Regulatory Flexibility Act (5 U.S.C. 601–602), this final rule will not have a significant impact on a substantial number of small entities in the United States. The expected labor cost reductions associated with the final rule are not likely to be large enough to significantly impact an entity. Further, the final rule does not have any cost increases.

Executive Order 13771

Consistent with E.O. 13771 (82 FR 9339, February 3, 2017), FSIS has estimated that this final rule will yield cost savings. Therefore, this final rule is an E.O. 13771 deregulatory action.

Paperwork Reduction Act

No new paperwork requirements are associated with this final rule.

Executive Order 12988

This final rule has been reviewed under E.O. 12988, Civil Justice Reform. Upon the effective date of this final rule: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) No retroactive effect will be given to this rule; and (3) Administrative proceedings will not be required before parties may file suit in court challenging this rule.

E-Government Act

FSIS and USDA are committed to achieving the purposes of the E-Government Act (44 U.S.C. 3601, *et seq.*) by, among other things, promoting the use of the internet and other information technologies and providing increased opportunities for citizen access to Government information and services, and for other purposes.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is

important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS web page located at: <http://www.fsis.usda.gov/federal-register>.

FSIS also will make copies of this publication available through the FSIS *Constituent Update*, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The *Constituent Update* is available on the FSIS web page. Through the web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: <http://www.fsis.usda.gov/subscribe>. Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

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12.pdf, or write a letter signed by you or your authorized representative.

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Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW, Washington, DC 20250–9410, *Fax:* (202) 690–7442.

Email: program.intake@usda.gov.

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.), should contact USDA’s TARGET Center at (202) 720–2600 (voice and TDD).

List of Subjects in 9 CFR Part 310

Animal diseases, Meat inspection.

For the reasons set out in the preamble, FSIS is amending 9 CFR part 310 as follows:

PART 310—POST-MORTEM INSPECTION

■ 1. The authority citation for part 310 continues to read as follows:

Authority: 21 U.S.C. 601–695; 7 CFR 2.18, 2.53.

§ 310.11 [Removed and reserved]

■ 2. Section 310.11 is removed and reserved.

Done at Washington, DC.

Carmen M. Rottenberg,
Administrator.

[FR Doc. 2019–01345 Filed 2–6–19; 8:45 am]

BILLING CODE 3410–DM–P

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 2 and 13

[NRC–2017–0088; 3150–AK02]

Adjustment of Civil Penalties for Inflation for Fiscal Year 2019

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is amending its regulations to adjust the maximum civil

monetary penalties it can assess under statutes enforced by the agency. These changes are mandated by the Federal Civil Penalties Inflation Adjustment Act of 1990 (FCPIAA), as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Improvements Act). The NRC is amending its regulations to adjust the maximum penalty amount for a violation of the Atomic Energy Act of 1954, as amended (AEA), or any regulation or order issued under the AEA from \$290,875 to \$298,211 per violation, per day. Additionally, the NRC is amending provisions concerning program fraud civil penalties by adjusting the maximum penalty amount under the Program Fraud Civil Remedies Act from \$11,181 to \$11,463 for each false claim or statement.

DATES: This final rule is effective on February 7, 2019.

ADDRESSES: Please refer to Docket ID NRC–2017–0088 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking website:* Go to <http://www.regulations.gov> and search for Docket ID NRC–2017–0088. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: Carol.Gallagher@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to pdr.resource@nrc.gov. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** section.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Eric Michel, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–0932, email: Eric.Michel2@nrc.gov.

SUPPLEMENTARY INFORMATION:

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I. Background

Congress passed the FCPIAA in 1990 to allow for regular adjustment for inflation of civil monetary penalties, maintain the deterrent effect of such penalties and promote compliance with the law, and improve the collection of civil monetary penalties by the Federal government (Pub. L. 101–410, 104 Stat. 890; 28 U.S.C. 2461 note). Pursuant to this authority, and as amended by the Debt Collection Improvement Act of 1996 (Pub. L. 104–34, 110 Stat. 1321–373), the NRC increased, via rulemaking, the penalty amounts for violations of the AEA (codified at § 2.205 of title 10 of the *Code of Federal Regulations* (10 CFR)) and Program Fraud Civil Remedies Act (codified at § 13.3) on four occasions between 1996 and 2008.¹

On November 2, 2015, Congress amended the FCPIAA through the 2015 Improvements Act (Sec. 701, Pub. L. 114–74, 129 Stat. 599). The 2015 Improvements Act required that the head of each agency perform an initial “catch-up” adjustment via rulemaking, adjusting the civil monetary penalties enforced by that agency according to the percentage change in the Consumer Price Index (CPI) between the month of October 2015 and the month of October of the calendar year when the penalty amount was last established by Congress. The NRC performed this catch-up rulemaking on July 1, 2016 (81 FR 43019).

The 2015 Improvements Act also requires that the head of each agency continue to adjust penalty amounts, rounded to the nearest dollar, on an annual basis. Specifically, each civil

¹ Adjustment of Civil Penalties for Inflation, 73 FR 54,671; Sept. 23, 2008; Adjustment of Civil Penalties for Inflation, 69 FR 62,393; Oct. 26, 2004; Adjustment of Civil Penalties for Inflation; Miscellaneous Administrative Changes, 65 FR 59,270; Oct. 4, 2000; Adjustment of Civil Monetary Penalties for Inflation, 61 FR 53,554; Oct. 11, 1996. An adjustment was not performed in 2012 because the FCPIAA at the time required agencies to round their penalty amounts to the nearest multiple of \$1,000 or \$10,000, depending on the size of the penalty amount, and the 2012 adjustments based on the statutory formula were small enough that no adjustment resulted.

monetary penalty is to be adjusted based on the percentage change between the CPI for the previous month of October, and the CPI for the month of October in the year preceding that. The NRC most recently adjusted its civil penalties for inflation according to this statutory formula on January 12, 2018 (83 FR 1515). This year's adjustment is based on the percentage change between the CPI for October 2018 and October 2017.

II. Discussion

Section 234 of the AEA limits civil penalties for violations of the AEA to \$100,000 per day, per violation (42 U.S.C. 2282). However, as discussed in Section I, “Background,” of this document, the NRC has increased this amount several times since 1996 per the FCPIAA, as amended. Using the formula in the 2015 Improvements Act, the \$290,875 amount last established in January 2018 will increase by 2.522 percent, resulting in a new penalty amount of \$298,211. This is based on the percentage change between the October 2018 CPI (252.885) and the October 2017 CPI (246.663). Therefore, the NRC is amending § 2.205 to reflect a new maximum civil monetary penalty under the AEA in the amount of \$298,211 per day, per violation. This represents an increase of \$7,336.

Monetary penalties under the Program Fraud Civil Remedies Act were established in 1986 at \$5,000 per claim (Pub. L. 99–509, 100 Stat. 1938; 31 U.S.C. 3802). The NRC has also adjusted this amount (currently set at \$11,181) multiple times pursuant to the FCPIAA, as amended, since 1996. Using the formula in the 2015 Improvements Act, the \$11,181 amount last established in January 2018 will also increase by 2.522 percent, resulting in a new civil monetary penalty amount of \$11,463. Therefore, the NRC is amending § 13.3 to reflect a new maximum penalty amount of \$11,463 per claim or statement. This represents an increase of \$282.

As permitted by the 2015 Improvements Act, the NRC may apply these increased penalty amounts to any penalties assessed by the agency after the effective date of this rulemaking (February 7, 2019), regardless of whether the associated violation occurred before or after this date (Pub. L. 114–74, 129 Stat. 600; 28 U.S.C. 2461 note). The NRC assesses civil penalty amounts for violations of the AEA based on the class of licensee and severity of the violation, in accordance with the NRC Enforcement Policy (ADAMS Accession No. ML18138A138).

III. Rulemaking Procedure

The 2015 Improvements Act expressly exempts this final rule from the notice and comment requirements of the Administrative Procedure Act, by directing agencies to adjust civil monetary penalties for inflation “notwithstanding section 553 of title 5, United States Code” (Pub. L. 114–74, 129 Stat. 599; 28 U.S.C. 2461 note). As such, this final rule is being issued without prior public notice or opportunity for public comment, with an effective date of February 7, 2019.

IV. Section-by-Section Analysis

Section 2.205 Civil Penalties

This final rule revises paragraph (j) by replacing “\$290,875” with “\$298,211”.

Section 13.3 Basis for Civil Penalties and Assessments

This final rule revises paragraphs (a)(1)(iv) and (b)(1)(ii) by replacing “\$11,181” with “\$11,463”.

V. Regulatory Analysis

This final rule adjusts for inflation the maximum civil monetary penalty amounts the NRC may assess under the AEA and under the Program Fraud Civil Remedies Act of 1986. The formula for determining the amount of the adjustment is mandated by Congress in the FCPIAA, as amended by the 2015 Improvements Act (codified at 28 U.S.C. 2461 note). Congress passed this legislation on the basis of its findings that the power to impose monetary civil penalties is important to deterring violations of Federal law and furthering the policy goals of Federal laws and regulations. Congress has also found that inflation diminishes the impact of these penalties and their effect. The principal purposes of this legislation are to provide for adjustment of civil monetary penalties for inflation, maintain the deterrent effect of civil monetary penalties, and promote compliance with the law. Therefore, these are the anticipated impacts of this rulemaking. Direct monetary impacts fall only upon licensees or other persons subjected to NRC enforcement for violations of the AEA and regulations and orders issued under the AEA (§ 2.205), or those licensees or persons subjected to liability pursuant to the provisions of the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801–3812) and the NRC’s implementing regulations (10 CFR part 13).

VI. Regulatory Flexibility Act

The Regulatory Flexibility Act does not apply to regulations for which a Federal agency is not required by law,

including the rulemaking provisions of the Administrative Procedure Act, 5 U.S.C. 553(b), to publish a general notice of proposed rulemaking (5 U.S.C. 604). As discussed in this document under Section III., “Rulemaking Procedure,” the NRC has determined that this final rule is exempt from the requirements of 5 U.S.C. 553(b) and notice and comment need not be provided. Accordingly, the NRC also determines that the requirements of the Regulatory Flexibility Act do not apply to this final rule.

VII. Backfit and Issue Finality

The NRC has not prepared a backfit analysis for this final rule. This final rule does not involve any provision that would impose a backfit, nor is it inconsistent with any issue finality provision, as those terms are defined in 10 CFR chapter I. As mandated by Congress, this final rule increases penalty amounts for violations of already-existing NRC regulations and requirements. This final rule does not modify any licensee systems, structures, components, designs, approvals, or procedures required for the construction or operation of any facility.

VIII. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, “Plain Language in Government Writing,” published June 10, 1998 (63 FR 31883).

IX. National Environmental Policy Act

The NRC has determined that this final rule is the type of action described as a categorical exclusion in § 51.22(c)(1). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

X. Paperwork Reduction Act

This final rule does not contain a collection of information as defined in the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and, therefore, is not subject to the requirements of the Paperwork Reduction Act of 1995.

XI. Congressional Review Act

This final rule is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

List of Subjects

10 CFR Part 2

Administrative practice and procedure, Antitrust, Byproduct material, Classified information, Confidential business information; Freedom of information, Environmental protection, Hazardous waste, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Penalties, Reporting and recordkeeping requirements, Sex discrimination, Source material, Special nuclear material, Waste treatment and disposal.

10 CFR Part 13

Administrative practice and procedure, Claims, Fraud, Organization and function (Government agencies), Penalties.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; 28 U.S.C. 2461 note; and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR parts 2 and 13:

PART 2—AGENCY RULES OF PRACTICE AND PROCEDURE

- 1. The authority citation for part 2 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 29, 53, 62, 63, 81, 102, 103, 104, 105, 161, 181, 182, 183, 184, 186, 189, 191, 234 (42 U.S.C. 2039, 2073, 2092, 2093, 2111, 2132, 2133, 2134, 2135, 2201, 2231, 2232, 2233, 2234, 2236, 2239, 2241, 2282); Energy Reorganization Act of 1974, secs. 201, 206 (42 U.S.C. 5841, 5846); Nuclear Waste Policy Act of 1982, secs. 114(f), 134, 135, 141 (42 U.S.C. 10134(f), 10154, 10155, 10161); Administrative Procedure Act (5 U.S.C. 552, 553, 554, 557, 558); National Environmental Policy Act of 1969 (42 U.S.C. 4332); 44 U.S.C. 3504 note.

Section 2.205(j) also issued under 28 U.S.C. 2461 note.

§ 2.205 [Amended]

- 2. In § 2.205, in paragraph (j), remove the amount “\$290,875” and add in its place the amount “\$298,211”.

PART 13—PROGRAM FRAUD CIVIL REMEDIES

- 3. The authority citation for part 13 continues to read as follows:

Authority: 31 U.S.C. 3801 through 3812; 44 U.S.C. 3504 note.

Section 13.3 also issued under 28 U.S.C. 2461 note. Section 13.13 also issued under 31 U.S.C. 3730.

§ 13.3 [Amended]

- 4. In § 13.3, in paragraphs (a)(1)(iv) and (b)(1)(ii), remove the amount

“\$11,181” and add in its place the amount “\$11,463”.

Dated in Rockville, Maryland, this 31st date of January, 2019.

For the Nuclear Regulatory Commission.

Margaret M. Doane,

Executive Director for Operations.

[FR Doc. 2019-01191 Filed 2-6-19; 8:45 am]

BILLING CODE 7590-01-P

DEPARTMENT OF ENERGY

10 CFR Part 430

[EERE-2010-BT-STD-0011]

RIN 1904-AC22

Energy Conservation Program for Consumer Products: Energy Conservation Standards for Residential Furnace Fans; Correction

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Final rule; correction; correcting amendment.

SUMMARY: On July 3, 2014, the U.S. Department of Energy (“DOE”) published a final rule adopting new energy conservation standards for residential furnace fans (hereafter the “July 2014 final rule”). This correction addresses typographical errors that appear in both the preamble of the July 2014 final rule and regulatory text in the Code of Federal Regulations (“CFR”). In certain locations (primarily table headings), the units for fan energy rating (“FER”) were inadvertently listed as “Watts/cfm.” This document corrects the units designation to “Watts/1000 cfm.” Neither the error nor the corrections in this document affect the substance of the energy conservation standards rulemaking or any conclusions reached in support of the final rule.

DATES: Effective February 7, 2019.

FOR FURTHER INFORMATION CONTACT:

Mr. Antonio Bouza, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE-5B, 1000 Independence Avenue SW, Washington, DC 20585-0121. Telephone: (202) 586-4563. Email: Antonio.Bouza@ee.doe.gov.

Mr. Eric Stas, U.S. Department of Energy, Office of the General Counsel, GC-33, 1000 Independence Avenue SW, Washington, DC 20585-0121. Telephone: (202) 586-5827. Email: Eric.Stas@hq.doe.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The test procedure established for furnace fans specifies that the applicable rating metric of FER must be expressed in terms of watts per 1000 cubic feet per minute (“Watts/1000 cfm”). 79 FR 500, 523 (Jan. 3, 2014); 10 CFR 430.23(cc). In the July 2014 final rule, DOE established energy conservation standards for furnace fans using the FER metric. 79 FR 38130 (July 3, 2014). Consistent with the test procedure, the certification requirements established in the July 2014 final rule require reporting of FER in terms of Watts/1000 cfm. 79 FR 38130, 38208 (July 3, 2014); 10 CFR 429.58(b)(2). Additionally, the preamble to the July 2014 final rule generally presents the units for the FER metric as Watts/1000 cfm. 79 FR 38130, 38138, 38201, 38202 (July 3, 2014). However, in a number of places in the July 2014 final rule preamble and regulatory text, the units for FER are improperly written as “Watts/cfm” instead of “Watts/1000 cfm.” This document identifies and corrects these typographical errors. DOE notes that the energy conservation standards and related equations adopted in the July 3, 2014 final rule are correct as published and do not require substantive revision.

II. Need for Correction

As published, the adopted energy conservation standards text may result in confusion due to incorrect unit reference. Because this final rule would simply correct errors in the text without making substantive changes in the energy conservation standards, the changes addressed in this document are technical in nature. Accordingly, DOE finds that there is good cause under 5 U.S.C. 553(b)(B) to not issue prior notice to solicit public comment on the changes contained in this document. Issuing a separate document to solicit public comment would be unnecessary and contrary to the public interest.

III. Procedural Issues and Regulatory Review

DOE has concluded that the determinations made pursuant to the various procedural requirements applicable to the July 3, 2014 final rule remain unchanged for this final rule technical correction. These determinations are set forth in the July 3, 2014 final rule. 79 FR 38130, 38203–38208.

Corrections

In the **Federal Register** of July 3, 2014, in FR Doc. 2014-15387, the following corrections are made:

1. On page 38131, in Table I.1—Energy Conservation Standards for Covered Residential Furnace Fans, correct the second column header to read: FER* (Watts/1000 cfm).
2. On page 38152, in the second column, in the first paragraph, replace all instances of “watts/cfm” with “Watts/1000 cfm.”
3. On page 38157, in the third column, in the first paragraph, replace “watts/cfm” with “Watts/1000 cfm.”
4. On page 38209, in Table 1—Energy Conservation Standards for Covered Residential Furnace Fans, correct the second column header to read: FER** (Watts/1000 cfm).

List of Subjects in 10 CFR Part 430

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Incorporation by reference, Intergovernmental relations, Small businesses.

Signed in Washington, DC, on January 28, 2019.

Steven Chalk,

Acting Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

Correcting Amendment

For the reasons stated in the preamble, DOE amends part 430 of chapter II, subchapter D, of title 10 of the Code of Federal Regulations as set forth below:

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

- 1. The authority citation for part 430 continues to read as follows:

Authority: 42 U.S.C. 6291–6309; 28 U.S.C. 2461 note.

§ 430.32 [Amended]

- 2. Section 430.32(y) is amended in Table 1 by removing the column heading “FER** (Watts/cfm)” adding in its place the column heading “FER** (Watts/1000 cfm)”.

[FR Doc. 2019-01242 Filed 2-6-19; 8:45 am]

BILLING CODE 6450-01-P