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NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

[NRC-2018-0048]

RIN 3150-AK11

Adjustment of Civil Penalties for Inflation for Fiscal Year 2020; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule; correcting amendment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is correcting a final rule that appeared in the **Federal Register** on January 15, 2020, that amended 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, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015. This document corrects the final rule to provide the correct maximum civil monetary penalty, per day, for a violation of the Atomic Energy Act of 1954, as amended, or any regulation or order issued under the Atomic Energy Act.

DATES: Effective on February 20, 2020.

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: This document corrects the final rule that was published in the **Federal Register** on Wednesday, January 15, 2020 (85 FR 2281), to provide the correct maximum civil monetary penalty, per day, for a violation of the Atomic Energy Act of 1954, as amended, or any regulation or order issued under the Atomic Energy

Act. As previously stated in the January 15 final rule, agency rules that implement the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 are expressly exempt from the notice and comment requirements of the Administrative Procedure Act (Pub. L. 114-74, 129 Stat. 599; 28 U.S.C. 2461 note). As such, this corrective rulemaking is being issued without prior public notice or opportunity for public comment, with an effective date of February 20, 2020.

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; and 5 U.S.C. 552 and 553, the NRC is adopting the following amendment to 10 CFR part 2:

List of Subjects in 10 CFR Part 2

Administrative practice and procedure, Antitrust, Byproduct material, Classified information, Confidential business information, Environmental protection, Freedom of information, 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.

Accordingly, 10 CFR part 2 is corrected by making the following correcting amendments:

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(j), remove the amount “\$303.471” and add in its place “\$303,471”.

Dated at Rockville, Maryland, this 5th day of February, 2020.

For the Nuclear Regulatory Commission.

Cindy Bladey,

Chief, Regulatory Analysis and Rulemaking Support, Division of Rulemaking, Environmental, and Financial Support, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2020-02548 Filed 2-19-20; 8:45 am]

BILLING CODE 7590-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 375

[Docket No. RM19-7-000; Order No. 868]

Custody and Authentication of Commission Records

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) amends its regulations concerning custody and authentication of Commission records. Specifically, this final rule provides clarification that a Senior Agency Official for Records will maintain legal custody of all Commission records. This final rule also clarifies that authentication of records can be performed by staff officials through delegated authority.

DATES: This rule will become effective March 23, 2020.

FOR FURTHER INFORMATION CONTACT:

Christopher Cook, Office of the Secretary, 888 First Street NE, Washington, DC 20426, (202) 502-8102, christopher.cook@ferc.gov
Mark Hershfield, Office of the General Counsel, 888 First Street NE, Washington, DC 20426, (202) 502-8597, mark.hershfield@ferc.gov

SUPPLEMENTARY INFORMATION:

I. Introduction

1. This instant final rule revises 18 CFR 375.102(a) to establish a Senior Agency Official for Records as the legal custodian of all Commission records. This final rule also clarifies that authentication of records can be performed by staff officials through delegated authority under 18 CFR part

375, subpart C. The rule imposes no new obligations on the public.

II. Background

2. The Commission's existing regulations place records in the custody of both the Secretary and the Executive Director.¹ The Secretary has custody over: The Commission's seal; the minutes of all actions taken by the Commission; the transcripts, electronic recordings, or minutes of meetings closed to public observation; the Commission's rules and regulations; and the Commission's administrative orders.² The Executive Director has custody of all other records not in the custody of the Secretary.³ The Commission's regulations also provide that all orders and other actions of the Commission shall be authenticated by the Secretary or the Secretary's designee.⁴

III. Discussion

A. Custody of Records

3. By statute, the head of each federal agency must make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency.⁵ Specifically, federal agencies are responsible for both the physical and legal custody of records.⁶

4. Physical custody involves the responsibility for the care of records and implementing policies governing access to records.⁷ This final rule does not change physical custody of Commission records, which will continue to remain with the individual office within the Commission that maintains the record.⁸

5. This final rule clarifies the agency official responsible for legal custody of the Commission's records. Legal custody involves the ownership and the responsibility for creating policies

governing access to records regardless of their physical location.⁹

6. NARA requires that each agency designate a Senior Agency Official for Records that is responsible for the legal custody of agency records.¹⁰ While the Commission's current regulation, 18 CFR 375.102(a), provides divided legal custody between the Secretary and the Executive Director, we are amending the regulation to place legal custody in one individual, the Senior Agency Official for Records. The Secretary of the Commission is the current Senior Agency Official for Records, and thus legal custody will no longer be divided between the Secretary and the Executive Director, and will be designated with the Secretary or his/her designee.

B. Authentication of Records

7. Additionally, this final rule clarifies that authentication of records can be performed by staff officials exercising delegated authority under 18 CFR part 375, subpart C.¹¹ Specifically, 18 CFR part 375, subpart C delegates authority to certain staff officials to take certain actions, *e.g.*, issue letter orders addressing certain categories of filings.¹²

8. The Commission's existing regulations specify that all orders and other actions of the Commission must be authenticated or signed by the Secretary or the Secretary's designee.¹³ This final rule revises 18 CFR 375.102(b) to provide that the Secretary is required to authenticate all Commission actions and orders except those actions taken pursuant to delegated authority, which will be authenticated by the issuing staff official in lieu of the Secretary. Moreover, issuances in the Commission's electronic document repository (eLibrary) on the Commission's website (<http://www.ferc.gov>) will be considered authenticated.

IV. Information Collection Statement

9. The Office of Management and Budget (OMB) approves certain information collection requirements imposed by agency rule.¹⁴ This instant final rule does not contain any information collection requirements. Therefore, compliance with OMB regulations is not required.

V. Environmental Analysis

10. The Commission is required to prepare an Environmental Assessment

or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment.¹⁵

11. Part 380 of the Commission's regulations lists exemptions to the requirement to draft an Environmental Analysis or Environmental Impact Statement. Included is an exemption for procedural, ministerial, or internal administrative actions.¹⁶ This rulemaking is, accordingly, exempt from the requirement to draft such documents under that provision.

VI. Regulatory Flexibility Act

12. The Regulatory Flexibility Act of 1980 (RFA)¹⁷ generally requires a description and analysis of final rules that will have significant economic impact on a substantial number of small entities. This final rule concerns an interpretation of current Commission regulations and practices. The Commission certifies that it will not have a significant economic impact upon participants in Commission proceedings. An analysis under the RFA is therefore not required.

VII. Document Availability

13. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>) and in the Commission's Public Reference Room during normal business hours (8:30 a.m. to 5:00 p.m. Eastern time) at 888 First Street NE, Room 2A, Washington, DC 20426.

14. From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

15. User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502-6652 (toll free at 1-866-208-3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502-8371, TTY (202) 502-8659. Email the Public Reference Room at public.referenceroom@ferc.gov.

¹⁵ *Regulations Implementing the National Environmental Policy Act of 1969*, Order No. 486, FERC Stats. & Regs. ¶ 30,783 (1987) (cross-referenced at 41 FERC ¶ 61,284).

¹⁶ 18 CFR 380.4(a)(1).

¹⁷ 5 U.S.C. 601-12.

¹ See 18 CFR 375.102.

² See 18 CFR 375.102(a)(1).

³ See 18 CFR 375.102(a)(2).

⁴ See 18 CFR 375.102(b).

⁵ 44 U.S.C. 3101.

⁶ National Archives and Records Administration (NARA) defines the term custody to include care and control of records, including both physical possession (physical custody) and legal responsibility (legal custody), unless one or the other is specified. See NARA, *Strategic Directions: Custody of Federal Records of Archival Value*, (Sept. 2003), <https://www.archives.gov/records-mgmt/initiatives/custody.html>.

⁷ *Id.*

⁸ *Id.* The current regulations provide that the Secretary has custody over, for example, the Commission's seal and the minutes of all actions taken by the Commission, among other things as described above. Although this language has been deleted from the amended regulation, the Secretary will continue to have physical custody over these items.

⁹ See *Id.*

¹⁰ 36 CFR 1220.34(a).

¹¹ See, *e.g.*, 18 CFR 375.307.

¹² 18 CFR part 375.

¹³ See 18 CFR 375.102(b).

¹⁴ 5 CFR 1320.12.

VIII. Effective Date

16. The Commission is issuing this rule as a final rule without a period for public comment. Under 5 U.S.C. 553(b)(3)(A), notice and comment procedures are unnecessary for “rules of agency organization, procedure, or practice.” This rule is such a rule, and is directed at improving the efficient and effective operations of the Commission, not toward a determination of the rights or interests of affected parties. The rule will not significantly affect regulated entities or the general public.

17. These regulations are effective March 23, 2020.

List of Subjects in 18 CFR Part 375.102

Seals and Insignia.

By the Commission.

Issued: January 28, 2020.

Kimberly D. Bose,
Secretary.

In consideration of the foregoing, the Commission amends part 375, chapter I, Title 18, *Code of Federal Regulations*, as follows:

PART 375—THE COMMISSION

■ 1. The authority citation for part 375 continues to read as follows:

Authority: 5 U.S.C. 551–557; 15 U.S.C. 717–717w, 3301–3432; 16 U.S.C. 791–825r, 2601–2645; 42 U.S.C. 7101–7352.

■ 2. Section 375.102 is revised to read as follows:

§ 375.102 Custody and authentication of Commission records.

(a) *Custody of official records.* The Senior Agency Official for Records shall have legal custody of all records of the Commission. The individual Commission office that maintains a record shall have physical custody of that record.

(b) *Authentication of action.* All orders and other actions of the Commission shall be authenticated by the Secretary or the Secretary’s designee, with the exception of actions taken pursuant to delegations of authority under 18 CFR part 375, subpart C, which will be authenticated by the issuing official. Issuances posted on the Commission’s electronic filing system on the Commission’s website are authenticated.

[FR Doc. 2020–02359 Filed 2–19–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 165**

[Docket No. USCG–2020–0076]

Safety Zone, Coast Guard Exercise Area, Hood Canal, Washington

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce safety zones surrounding vessels involved in Coast Guard training exercises in Hood Canal, WA, from May 11, 2020, through May 15, 2020. This enforcement is necessary to ensure the safety of the maritime public and vessels near training exercises. During the enforcement period, entry into the safety zones is prohibited, unless authorized by the Captain of the Port or her Designated Representative.

DATES: The regulations in 33 CFR 165.1339 will be enforced from 8 a.m. on May 11, 2020, through 5 p.m. on May 15, 2020.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email Chief Warrant Officer William Martinez, Sector Puget Sound Waterways Management Division, U.S. Coast Guard; telephone 206–217–6051, email SectorPugetSoundWWM@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zones around vessels involved in Coast Guard training exercises in Hood Canal, WA, set forth in 33 CFR 165.1339, from 8 a.m. on May 11, 2020 through 5 p.m. on May 15, 2020. This enforcement is necessary to ensure the safety of the maritime public and vessels near training exercises. Under the provisions of 33 CFR 165.1339, no person or vessel may enter or remain within 500 yards of any vessel involved in Coast Guard training exercises while such vessel is transiting Hood Canal, WA, between Foul Weather Bluff and the entrance to Dabob Bay, unless authorized by the Captain of the Port or her Designated Representative. In addition, the regulation requires all vessel operators seeking to enter any of the zones during the enforcement period to first obtain permission. You may seek permission by contacting the on-scene patrol commander on VHF channel 13 or 16, or the Sector Puget Sound Joint Harbor Operations Center at 206–217–6001.

You will be able to identify participating vessels as those flying the

Coast Guard Ensign. The Captain of the Port may also be assisted in the enforcement of the zone by other federal, state, or local agencies. The Captain of the Port will issue a general permission to enter the safety zones if the training exercise is completed before 5 p.m. on May 15. In addition to this notice of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via a Local Notice to Mariners.

Dated: January 28, 2020.

Linda A. Sturgis,

Captain, U.S. Coast Guard, Captain of the Port Puget Sound.

[FR Doc. 2020–02972 Filed 2–19–20; 8:45 am]

BILLING CODE 9110–04–P

LIBRARY OF CONGRESS**Copyright Royalty Board****37 CFR Part 383**

[Docket No. 19–CRB–0006–NSR (2021–2025) (NSS IV)]

Digital Performance Right in Sound Recordings and Ephemeral Recordings

AGENCY: Copyright Royalty Board, Library of Congress.

ACTION: Final rule.

SUMMARY: The Copyright Royalty Judges publish a final rule governing the rates and terms for the digital performances of sound recordings by new subscription services and for the making of ephemeral recordings necessary to facilitate those transmissions for the period commencing January 1, 2021, and ending on December 31, 2025.

DATES: *Effective date:* January 1, 2021.

ADDRESSES: *Docket:* For access to the docket to read submitted background documents or comments, go to eCRB, the Copyright Royalty Board’s electronic filing and case management system, at <https://app.crb.gov/> and search for docket number 19–CRB–0006–NSR (2021–2025).

FOR FURTHER INFORMATION CONTACT: Anita Blaine, Program Specialist, by telephone at (202) 707–0078 or email at crb@loc.gov.

SUPPLEMENTARY INFORMATION:**Background**

On November 8, 2019, the Copyright Royalty Judges published a proposed rule governing the rates and terms for the digital performances of sound recordings by new subscription services that provide transmissions to residential subscribers as part of a cable or satellite