

profile issue pending for decision before NASA;

(2) To involve one of the NASA Administrator's top policy priorities;

(3) To garner significant press or congressional attention; or

(4) To raise significant questions or concerns from constituencies of importance to NASA, such as Committees of Congress, states, Indian tribes, the White House or other departments of the Executive Branch, courts, consumer or public interest groups, or leading representatives of industry.

#### § 1204.307 Designation procedures.

(a) OGC may request a NASA responsible office to prepare a designation request for their respective guidance document. Designation requests must include the following information:

(1) A summary of the guidance document; and

(2) The NASA responsible office's recommended designation of "not significant," "significant," or "economically significant," as well as a justification for that designation.

(b) Except as otherwise provided in paragraph (c) of this section, the NASA MSD will seek significance determinations from OIRA. Prior to publishing these guidance documents, and with sufficient time to allow OIRA to review the document in the event that a significance determination is made, the NASA MSD should provide OIRA with an opportunity to review the designation request or the guidance document, if requested, to determine if it meets the definition of "significant" or "economically significant" under Executive Order 13891.

(c) Unless they present novel issues, significant risks, interagency considerations, unusual circumstances, or other unique issues, the categories of guidance documents exempted pursuant to an agreement between NASA and OIRA do not require designation by OIRA.

#### § 1204.308 Notice-and-comment procedures.

(a) Except as provided in paragraph (b) of this section, all proposed NASA guidance documents determined to be a "significant guidance document" within the meaning of § 1204.306 are subject to notice-and-comment procedures. The issuing NASA responsible office shall publish an advance notice in the **Federal Register** of the proposed guidance document and invite public comments for a minimum of 30 days, then publish a response to major concerns raised in the comments when

the final guidance document is published.

(b) The requirements of paragraph (a) of this section will not apply to any significant guidance document or categories of significant guidance documents for which OGC finds, in consultation with OIRA, the proposing NASA responsible office, and the NASA Administrator, good cause that notice-and-comment procedure thereon are impracticable, unnecessary, or contrary to the public interest (and incorporates the finding of good cause and a brief statement of reasons in the guidance issued). Unless the NASA responsible office, in consultation with OGC, advises otherwise in writing, the categories of guidance exempted pursuant to an agreement between NASA and OIRA will be exempt from the requirements of paragraph (a) of this section.

(c) Where appropriate, the NASA responsible office, in consultation with OGC, may recommend to the NASA Administrator that a particular guidance document that is otherwise of importance to NASA's interests shall also be subject to the informal notice-and-comment procedures described in paragraph (a) of this section.

#### § 1204.309 Petitions for guidance.

(a) Interested parties may submit petitions to NASA requesting withdrawal or modification of any effective guidance document by selecting the "petition" link for the respective guidance document located on the NASA Regulations website at: [https://nodis3.gsfc.nasa.gov/CFR\\_rep/CFR\\_list.cfm](https://nodis3.gsfc.nasa.gov/CFR_rep/CFR_list.cfm).

(b) Interested parties should include the guidance document's title and a summarized justification describing why the document should be withdrawn, how it should be modified, or the nature of the complaint in the petition in order to receive an expedited response.

(c) The responsible office, in consultation with OGC, will review the petition, determine if withdrawal or modification is necessary or the best way to resolve the complaint, and respond to the petitioner with a decision no later than 90 days after receipt of the request.

#### § 1204.310 Rescinded guidance.

No NASA office or NASA Center may cite, use, or rely on guidance documents that are rescinded, except to establish historical facts.

#### § 1204.311 Exigent circumstances.

In emergency situations or when NASA is required by statutory deadline

or court order to act more quickly than normal review procedures allow, the issuing NASA responsible office shall coordinate with NASA's MSD to notify OIRA as soon as possible and, to the extent practicable, comply with the requirements of this subpart at the earliest opportunity. Wherever practicable, the issuing NASA responsible office should schedule its proceedings to permit sufficient time to comply with the procedures set forth in this subpart.

#### § 1204.312 Reports to Congress and the Government Accountability Office (GAO).

Unless otherwise determined in writing by NASA, it is the policy of the Agency that upon issuing a guidance document determined to be "significant" within the meaning of § 1204.306, the issuing NASA responsible office will submit a report to Congress and GAO in accordance with the procedures described in 5 U.S.C. 801 (the "Congressional Review Act").

#### § 1204.313 No judicial review or enforceable rights.

This subpart is intended to improve the internal management of NASA. As such, it is for the use of NASA personnel only and is not intended to, and does not create any right or benefit, substantive or procedural, enforceable by law or in equity by any party against the United States, its agencies or other entities, its officers or employees, or any other person.

**Nanette Smith,**

*Team Lead for NASA Directives and Regulations.*

[FR Doc. 2020-05675 Filed 3-23-20; 8:45 am]

**BILLING CODE 7510-13-P**

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### 14 CFR Parts 1264 and 1271

[Document Number NASA-2020-032; Docket Number-NASA-2020-0002]

RIN 2700-AE52

#### Implementation of the Federal Civil Penalties Inflation Adjustment Act and Adjustment of Amounts for 2020

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Final rule.

**SUMMARY:** The National Aeronautics and Space Administration (NASA) has adopted a final rule making inflation adjustments to civil monetary penalties within its jurisdiction. This final rule represents the annual 2020 inflation adjustments of monetary penalties.

These adjustments are required by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.

**DATES:** This final rule is effective March 24, 2020.

**FOR FURTHER INFORMATION CONTACT:** Bryan R. Diederich, Office of the General Counsel, NASA Headquarters, telephone (202) 358-0216.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The Inflation Adjustment Act, as amended by the 2015 Act, required Federal agencies to adjust the civil penalty amounts within their jurisdiction for inflation by July 1, 2016.

Subsequent to the 2016 adjustment, Federal agencies were required to make an annual inflation adjustment by January 15 every year thereafter.<sup>1</sup> Under the amended Act, any increase in a civil penalty made under the Act will apply to penalties assessed after the increase takes effect, including penalties whose associated violation predated the increase.<sup>2</sup> The inflation adjustments mandated by the Act serve to maintain the deterrent effect of civil penalties and to promote compliance with the law.

Pursuant to the Act, adjustments to the civil penalties are required to be made by January 15 of each year. The annual adjustments are based on the percent change between the U.S.

Department of Labor’s Consumer Price Index for All Urban Consumers (“CPI-U”) for the month of October preceding the date of the adjustment and the CPI-U for October of the prior year (28 U.S.C. 2461 note, section (5)(b)(1)). Based on that formula, the cost-of-living adjustment multiplier for 2020 is 1.01764 percent. Pursuant to the 2015 Act, adjustments are rounded to the nearest dollar.

**II. The Final Rule**

This final rule makes the required adjustments to civil penalties for 2020. Applying the 2020 multiplier above, the adjustments for each penalty are summarized below.

Law	Penalty description	2019 penalty	Penalty adjusted for 2020
Program Fraud Civil Remedies Act of 1986 .....	Maximum Penalties for False Claims .....	\$11,463	\$11,665
Department of the Interior and Related Agencies Appropriations Act of 1989, Public Law 101-121, sec. 319.	Minimum Penalty for use of appropriated funds to lobby or influence certain contracts.	20,134	20,489
Department of the Interior and Related Agencies Appropriations Act of 1989, Public Law 101-121, sec. 319.	Maximum Penalty for use of appropriated funds to lobby or influence certain contracts.	201,340	204,892
Department of the Interior and Related Agencies Appropriations Act of 1989, Public Law 101-121, sec. 319.	Minimum penalty for failure to report certain lobbying transactions.	20,134	20,489
Department of the Interior and Related Agencies Appropriations Act of 1989, Public Law 101-121, sec. 319.	Maximum penalty for failure to report certain lobbying transactions.	201,340	204,892

This rule codifies these civil penalty amounts by amending parts 1264 and 1271 of title 14 of the CFR.

**III. Legal Authority and Effective Date**

NASA issues this rule under the Federal Civil Penalties Inflation Adjustment Act of 1990,<sup>3</sup> as amended by the Debt Collection Improvement Act of 1996,<sup>4</sup> and further amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015,<sup>5</sup> which requires NASA to adjust the civil penalties within its jurisdiction for inflation according to a statutorily prescribed formula.

Section 553 of title 5 of the United States Code generally requires an agency to publish a rule at least 30 days before its effective date to allow for advance notice and opportunity for public comments.<sup>6</sup> After the initial adjustment for 2016, however, the Civil Penalties Inflation Adjustment Act requires agencies to make subsequent annual adjustments for inflation “notwithstanding section 553 of title 5,

United States Code.” Moreover, the 2020 adjustments are made according to a statutory formula that does not provide for agency discretion. Accordingly, a delay in effectiveness of the 2020 adjustments is not required.

**IV. Regulatory Requirements**

*Executive Orders 12866 and 13563*

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule is not a significant regulatory action under E.O. 12866 and was not reviewed by the Office of Management and Budget (OMB).

*Executive Order 13771*

This rule is not an E.O. 13771 regulatory action because this final rule is not significant under E.O. 12866.

*Regulatory Flexibility Act*

Because no notice of proposed rulemaking is required, the Regulatory Flexibility Act does not require an initial or final regulatory flexibility analysis.<sup>7</sup>

*Paperwork Reduction Act*

In accordance with the Paperwork Reduction Act of 1995,<sup>8</sup> NASA reviewed this final rule. No collections of information pursuant to the Paperwork Reduction Act are contained in the final rule.

**List of Subjects in 14 CFR Parts 1264 and 1271**

Claims, Lobbying, Penalties.

For the reasons stated in the preamble, the National Aeronautics and Space Administration is amending 14 CFR parts 1264 and 1271 as follows:

<sup>1</sup> See 28 U.S.C. 2461 note.

<sup>2</sup> Inflation Adjustment Act section 6, codified at 28 U.S.C. 2461 note.

<sup>3</sup> Public Law 101-410, 104 Stat. 890 (1990).

<sup>4</sup> Public Law 104-134, section 31001(s)(1), 110 Stat. 1321, 1321-373 (1996).

<sup>5</sup> Public Law 114-74, section 701, 129 Stat. 584, 599 (2015).

<sup>6</sup> See 5 U.S.C. 533(d).

<sup>7</sup> 5 U.S.C. 603(a), 604(a).

<sup>8</sup> 44 U.S.C. 3506.

## PART 1264—IMPLEMENTATION OF THE PROGRAM FRAUD CIVIL PENALTIES ACT OF 1986

■ 1. The authority citation for part 1264 continues to read as follows:

**Authority:** 31 U.S.C. 3809, 51 U.S.C. 20113(a).

### § 1264.102 [Amended]

■ 2. Amend § 1264.102, by removing the number “\$11,463” everywhere it appears and adding in its place the number “\$11,665.”

## PART 1271—NEW RESTRICTIONS ON LOBBYING

■ 3. The authority citation for part 1271 continues to read as follows:

**Authority:** Section 319, Pub. L. 101–121 (31 U.S.C. 1352); Pub. L. 97–258 (31 U.S.C. 6301 *et seq.*).

### § 1271.400 [Amended]

■ 4. In § 1271.400:

■ a. Amend paragraphs (a) and (b), by removing the words “not less than \$20,134 and not more than \$201,340” and adding in their place the words “not less than \$20,489 and not more than \$204,892.”

■ b. Amend paragraph (e), by removing “\$20,134” wherever it appears and adding in its place “\$20,489” and removing “\$201,340” and adding in its place “\$204,892.”

### Appendix A to Part 1271 [Amended]

■ 5. Amend appendix A to part 1271 by:

■ a. Removing the number “\$20,134” everywhere it appears and adding in its place the number “\$20,489.”

■ b. Removing the number “\$201,340” everywhere it appears and adding in its place the number “\$204,892.”

**Nanette Smith,**

*Team Lead for NASA Directives and Regulations, Mission Support Operations.*

[FR Doc. 2020–05337 Filed 3–23–20; 8:45 am]

**BILLING CODE 7510–13–P**

## SUSQUEHANNA RIVER BASIN COMMISSION

### 18 CFR Parts 806

#### Review and Approval of Projects

**AGENCY:** Susquehanna River Basin Commission.

**ACTION:** Final rule.

**SUMMARY:** This document contains rules that amend the regulations of the Susquehanna River Basin Commission (Commission) dealing with the mitigation of consumptive uses.

**DATES:** This rule is effective on April 1, 2020.

**ADDRESSES:** Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, PA 17110–1788.

#### FOR FURTHER INFORMATION CONTACT:

Jason E. Oyler, Esq., General Counsel and Secretary, telephone: 717–238–0423, ext. 1312; fax: 717–238–2436; email: [joyler@srbc.net](mailto:joyler@srbc.net). Also, for further information, including the comment response document, visit the Commission’s website at <http://www.srbc.net>.

**SUPPLEMENTARY INFORMATION:** Notice of proposed rulemaking was published in the *Federal Register* on September 13, 2019; *New York Register* on October 2, 2019; *Pennsylvania Bulletin* on September 21, 2019; and *Maryland Register* on October 11, 2019. The Commission convened a public hearing on October 31, 2019 in Harrisburg, Pennsylvania. A written comment period was held open through November 12, 2019. Concurrent with the proposed rule, the Commission also released a draft Consumptive Use Mitigation Policy for public review and comment.

The Commission received four comments on the proposed rule and policy. Two of the comments were fully supportive of the rule and policy and offered no suggested changes. The additional two comments were supportive but offered a few suggestions for revisions to the rule and/or the policy.

One commenter sought clarification of the term “present” low flow conditions in § 806.22(b)(1)(i) and offered alternative phrasing. The Commission believes the phrasing of the rule is not ambiguous and provided clarification in the comment response document. Two commenters asked for the Commission to further amend § 806.22(b)(1)(iii) related to discontinuance. One commenter wanted discontinuance to be limited to a 45 day period. This would be a new requirement and a change to the current practice that requires discontinuance to endure for the entire Commission declared low flow period, and the Commission declines to make this change. Another commenter suggested that 20,000 gallon per day threshold for discontinuance be on an average 30 day basis instead of a peak day basis established in the rulemaking. The Commission was purposeful in the discontinuance revision to be based on a peak day rate. The use of a 30-day average rate would be inappropriate given it would allow an exceedance of the Commission’s regulatory threshold that could introduce impacts during

Commission-designated low flow periods, which do not have a set minimum or maximum duration.

Accordingly, after thorough review and analysis of the comments, the Commission has not made any changes to the rulemaking as proposed. To the degree the comments seek clarification of the rules or explanation how they will be implemented, the Commission believes that can be addressed through explanation or clarifications in fact sheets, application instructions and other implementation documents. A more detailed comment response document has been prepared and is available upon request and also at the Commission’s website listed above.

#### List of Subjects in 18 CFR Part 806

Administrative practice and procedure, Water resources.

Accordingly, for the reasons set forth in the preamble, the Susquehanna River Basin Commission amends 18 CFR part 806 as follows:

## PART 806—REVIEW AND APPROVAL OF PROJECTS

■ 1. The authority citation for part 806 continues to read as follows:

**Authority:** Secs. 3.4, 3.5 (5), 3.8, 3.10 and 15.2, Pub. L. 91–575, 84 Stat. 1509 *et seq.*

■ 2. Amend § 806.22 by revising paragraphs (b)(1) and (e)(1) to read as follows:

### § 806.22 Standards for consumptive use of water.

\* \* \* \* \*

(b) \* \* \*

(1) During low flow periods as may be designated by the Commission for consumptive use mitigation.

(i) Reduce withdrawal from the approved source(s), in an amount equal to the project’s consumptive use, and withdraw water from alternative surface water storage or aquifers or other underground storage chambers or facilities approved by the Commission, from which water can be withdrawn for a period of 45 continuous days such that impacts to nearby surface waters will not likely be at a magnitude or in a timeframe that would exacerbate present low flow conditions.

(ii) Release water for flow augmentation, in an amount equal to the project’s consumptive use, from surface water storage or aquifers, or other underground storage chambers or facilities approved by the Commission, from which water can be withdrawn for a period of 45 continuous days such that impacts to nearby surface waters will not likely be at a magnitude or in a