

submission must indicate whether the rule is a “major rule.” The CRA states that the Office of Information and Regulatory Affairs (OIRA) determines whether a rule qualifies as a “major rule.”

Pursuant to the CRA, this rule does not qualify as a “major rule,” as defined in 5 U.S.C. 804(2). To comply with the CRA, CPSC will submit the required information to each House of Congress and the Comptroller General.

#### List of Subjects

##### 16 CFR Part 1107

Business and industry, Children, Consumer protection, Imports, Incorporation by reference, Product testing and certification, Records, Record retention, Toys.

##### 16 CFR Part 1112

Audit, Consumer protection, Incorporation by reference, Third party conformity assessment body requirements.

For the reasons discussed in the preamble, the Commission amends 16 CFR chapter II as follows:

#### PART 1107—TESTING AND LABELING PERTAINING TO PRODUCT CERTIFICATION

■ 1. The authority citation for part 1107 continues to read as follows:

**Authority:** 15 U.S.C. 2063, Sec. 3, 102 Pub. L. 110–314, 122 Stat. 3016, 3017, 3022.

■ 2. Amend § 1107.21 by:

- a. In paragraph (d)(1), removing the phrases “ISO/IEC 17025:2005(E)” and “ISO/IEC 17011:2004(E)” everywhere they appear and adding in their places the phrases “ISO/IEC 17025” and “ISO/IEC 17011”, respectively; and
- b. Revising paragraph (g).

The revision reads as follows:

##### § 1107.21 Periodic testing.

\* \* \* \* \*

(g) *Incorporation by reference.* The Director of the Federal Register approves the incorporation by reference of the standards in this section in accordance with 5 U.S.C. 552(a) and 16 CFR part 51. You may inspect a copy at the Division of the Secretariat, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814, telephone (301) 504–7479, email: [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov), or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email [fedreg.legal@nara.gov](mailto:fedreg.legal@nara.gov), or go to: [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html).

(1) International Organization for Standardization (ISO), ISO Central

Secretariat Chemin de Blandonnet 8 CP 401—1214 Vernier, Geneva, Switzerland; Telephone + 41 22 749 01 11, Fax + 41 22 733 34 30; <http://www.iso.org/iso/home.htm>.

(i) ISO/IEC 17011:2017(E) (ISO/IEC 17011), “Conformity assessment—Requirements for accreditation bodies accrediting conformity assessment bodies,” November 10, 2017; and

(ii) ISO/IEC 17025:2017(E) (ISO/IEC 17025), “General requirements for the competence of testing and calibration laboratories,” November 10, 2017.

(2) [Reserved]

##### § 1107.26 [Amended]

■ 3. In § 1107.26(a)(3)(iii), remove the phrase “ISO/IEC 17025:2005(E)” and add in its place the phrase “ISO/IEC 17025 (see § 1107.21 for availability)”.

#### PART 1112—REQUIREMENTS PERTAINING TO THIRD PARTY CONFORMITY ASSESSMENT BODIES

■ 4. The authority citation for part 1112 is continues to read as follows:

**Authority:** Pub. L. 110–314, section 3, 122 Stat. 3016, 3017 (2008); 15 U.S.C. 2063.

##### § 1112.3 [Amended]

■ 5. In § 1112.3, in paragraph (1) under the definition for “Accreditation body”, remove the phrase “ISO/IEC 17025:2005” and add in its place the phrase “ISO/IEC 17025 (see § 1107.21 of this chapter for availability)”.

■ 6. Amend § 1112.13 by:

- a. In paragraph (a)(2)(i)(A), removing the phrase “ISO/IEC Standard 17025:2005(E)” and adding in its place the phrase “ISO/IEC 17025”; and
- b. Revising paragraph (i).

The revision reads as follows:

##### § 1112.13 How does a third party conformity assessment body apply for CPSC acceptance?

\* \* \* \* \*

(i) *Incorporation by reference.* The Director of the Federal Register approves the incorporation by reference in paragraph (a)(2)(i) of this section in accordance with 5 U.S.C. 552(a) and 16 CFR part 51. You may obtain a copy of ISO/IEC 17025:2017(E), “Requirements for the competence of testing and calibration laboratories,” approved November 10, 2021 from the International Organization for Standardization (ISO), ISO Central Secretariat Chemin de Blandonnet 8 CP 401—1214 Vernier, Geneva, Switzerland; Telephone + 41 22 749 01 11, Fax + 41 22 733 34 30; <http://www.iso.org/iso/home.htm>. You may inspect a copy at the Division of the Secretariat, U.S. Consumer Product Safety Commission,

Room 820, 4330 East West Highway, Bethesda, MD 20814, telephone (301) 504–7479, email: [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov), or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email [fedreg.legal@nara.gov](mailto:fedreg.legal@nara.gov), or go to: [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html).

##### § 1112.43 [Amended]

■ 7. In § 1112.43(a)(3), remove the phrase “ISO/IEC 17025:2005(E)” and add in its place the phrase “ISO/IEC 17025:2017(E)”.

Alberta E. Mills,

Secretary, U.S. Consumer Product Safety Commission.

[FR Doc. 2021–08819 Filed 4–29–21; 8:45 am]

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#### RAILROAD RETIREMENT BOARD

##### 20 CFR Part 200

##### RIN 3220–AB 76

#### Guidance Documents

**AGENCY:** Railroad Retirement Board.

**ACTION:** Final rule; rescission of regulation.

**SUMMARY:** In accordance with Executive Order 13992, “Revocation of Certain Executive Orders Concerning Federal Regulation,” issued by President Biden on January 20, 2021, this final rule rescinds the Railroad Retirement Board’s rule on guidance.

**DATES:** This final rule is effective April 30, 2021.

**FOR FURTHER INFORMATION CONTACT:** Marguerite P. Dadabo, Assistant General Counsel, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–1275, telephone (312) 751–4945, TTD (312) 751–4701.

**SUPPLEMENTARY INFORMATION:** On August 28, 2020, the Railroad Retirement Board published an interim final rule on guidance implementing Executive Order 13891, “Promoting the Rule of Law Through Improved Agency Guidance Documents,” signed by President Donald Trump on October 9, 2019 (85 FR 53160). As required by the Executive Order, the rule contained policy and requirements for issuing, modifying, withdrawing, and using guidance, making guidance available to the public, a notice and comment process for significant guidance, and taking and responding to petitions about guidance. On January 20, 2021, President Joseph Biden issued Executive Order 13992, “Revocation of Certain Executive Orders

Concerning Federal Regulation” which among other things, revoked Executive Order 13891 and directed agencies to take steps promptly to rescind any orders, rules, regulations, guidelines, or policies, or portions thereof, implementing or enforcing the revoked Executive Orders (86 FR 7049).

In order to comply with Executive Order 13992, the Railroad Retirement Board has determined that this rule is suitable for final rulemaking. The Railroad Retirement Board also finds good cause to provide for an immediate effective date for this rule, because it imposes no obligations on parties inside or outside the federal government and therefore no advance notice is required to enable employees or other private parties to come into compliance.

#### List of Subjects in 20 CFR Part 200

Railroad employees, Railroad retirement, General administration.

For the reasons set out in the preamble and under the authority of 45 U.S.C. 231f(b)(5), the Railroad Retirement Board amends title 20, chapter II, subchapter A, part 200, of the Code of Federal Regulations as follows:

#### PART 200—GENERAL ADMINISTRATION

■ 1. The authority citation for part 200 continues to read as follows:

**Authority:** 45 U.S.C. 231f(b)(5) and 45 U.S.C. 362; § 200.4 also issued under 5 U.S.C. 552; § 200.5 also issued under 5 U.S.C. 552a; § 200.6 also issued under 5 U.S.C. 552b; and § 200.7 also issued under 31 U.S.C. 3717.

#### § 200.11 [Removed]

■ 2. Remove § 200.11.

By Authority of the Board.

Dated: April 26, 2021.

**Stephanie Hillyard,**

*Secretary to the Board.*

[FR Doc. 2021-09036 Filed 4-29-21; 8:45 am]

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#### DEPARTMENT OF THE TREASURY

#### Alcohol and Tobacco Tax and Trade Bureau

#### 27 CFR Part 16

[Docket No. TTB-2021-0002; Notice No. 201]

#### Civil Monetary Penalty Inflation Adjustment—Alcoholic Beverage Labeling Act

**AGENCY:** Alcohol and Tobacco Tax and Trade Bureau, Treasury.

**ACTION:** Notification of civil monetary penalty adjustment.

**SUMMARY:** This document informs the public that the maximum penalty for violations of the Alcoholic Beverage Labeling Act (ABLA) is being adjusted in accordance with the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended. Prior to the publication of this document, any person who violated the provisions of the ABLA was subject to a civil penalty of not more than \$21,039, with each day constituting a separate offense. This document announces that this maximum penalty is being increased to \$21,663.

**DATES:** The new maximum civil penalty for violations of the ABLA takes effect on April 30, 2021 and applies to penalties that are assessed after that date.

**FOR FURTHER INFORMATION CONTACT:** Kate M. Bresnahan, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005; (202) 453-1039, ext. 151.

#### SUPPLEMENTARY INFORMATION:

##### Background

##### *Statutory Authority for Federal Civil Monetary Penalty Inflation Adjustments*

The Federal Civil Penalties Inflation Adjustment Act of 1990 (the Inflation Adjustment Act), Public Law 101-410, 104 Stat. 890, 28 U.S.C. 2461 note, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Public Law 114-74, section 701, 129 Stat. 584, requires the regular adjustment and evaluation of civil monetary penalties to maintain their deterrent effect and helps to ensure that penalty amounts imposed by the Federal Government are properly accounted for and collected. A “civil monetary penalty” is defined in the Inflation Adjustment Act as any penalty, fine, or other such sanction that is: (1) For a specific monetary amount as provided by Federal law, or has a maximum amount provided for by Federal law; (2) assessed or enforced by an agency pursuant to Federal law; and (3) assessed or enforced pursuant to an administrative proceeding or a civil action in the Federal courts.

The Inflation Adjustment Act, as amended, requires agencies to adjust civil monetary penalties annually by the inflation adjustment described in section 5 of the Inflation Adjustment Act. The Act also provides that any increase in a civil monetary penalty shall apply only to civil monetary penalties, including those whose

associated violation predated such an increase, which are assessed after the date the increase takes effect.

The Inflation Adjustment Act, as amended, provides that the inflation adjustment does not apply to civil monetary penalties under the Internal Revenue Code of 1986 or the Tariff Act of 1930.

##### *Alcoholic Beverage Labeling Act*

The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers the Federal Alcohol Administration Act (FAA Act) pursuant to section 1111(d) of the Homeland Security Act of 2002, codified at 6 U.S.C. 531(d). The Secretary has delegated various authorities through Treasury Department Order 120-01, dated December 10, 2013 (superseding Treasury Department Order 120-01, dated January 24, 2003), to the TTB Administrator to perform the functions and duties in the administration and enforcement of this law.

The FAA Act contains the Alcoholic Beverage Labeling Act (ABLA) of 1988, Public Law 100-690, 27 U.S.C. 213-219a, which was enacted on November 18, 1988. Section 204 of the ABLA, codified in 27 U.S.C. 215, requires that a health warning statement appear on the labels of all containers of alcoholic beverages manufactured, imported, or bottled for sale or distribution in the United States, as well as on containers of alcoholic beverages that are manufactured, imported, bottled, or labeled for sale, distribution, or shipment to members or units of the U.S. Armed Forces, including those located outside the United States.

The health warning statement requirement applies to containers of alcoholic beverages manufactured, imported, or bottled for sale or distribution in the United States on or after November 18, 1989. The statement reads as follows:

**GOVERNMENT WARNING:** (1) According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects. (2) Consumption of alcoholic beverages impairs your ability to drive a car or operate machinery, and may cause health problems.

Section 204 of the ABLA also specifies that the Secretary of the Treasury shall have the power to ensure the enforcement of the provisions of the ABLA and issue regulations to carry them out. In addition, section 207 of the ABLA, codified in 27 U.S.C. 218, provides that any person who violates the provisions of the ABLA is subject to a civil penalty of not more than \$10,000, with each day constituting a separate offense.