

Minimums and/or ODPs as identified in the amendatory language for Part 97 of this final rule.

### The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as amended in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flights safety relating directly to published aeronautical charts.

The circumstances that created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPs and Takeoff Minimums and ODPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### Lists of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (air).

Issued in Washington, DC, on December 23, 2022.

**Thomas J. Nichols,**

*Aviation Safety, Flight Standards Service, Manager, Standards Section, Flight Procedures & Airspace Group, Flight Technologies & Procedures Division.*

### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or removing Standard Instrument Approach Procedures and/or Takeoff Minimums and Obstacle Departure Procedures effective at 0901 UTC on the dates specified, as follows:

### PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

*Effective 26 January 2023*

Burlington, VT, KBTW, ILS OR LOC RWY 15, Amdt 25

*Effective 23 February 2023*

Mobile, AL, KBFM, ILS OR LOC RWY 32, Amdt 4

Mobile, AL, KBFM, RNAV (GPS) RWY 14, Amdt 3

Mobile, AL, KBFM, RNAV (GPS) RWY 18, Amdt 3

Mobile, AL, KBFM, RNAV (GPS) RWY 32, Amdt 3

Mobile, AL, KBFM, RNAV (GPS) RWY 36, Amdt 3

Mobile, AL, KBFM, VOR RWY 14, Amdt 9  
Washington, DC, KDCA, ILS OR LOC RWY 1, ILS RWY 1 (SA CAT I), ILS RWY 1 (CAT II), Amdt 41D

Atlanta, GA, KATL, RNAV (RNP) Z RWY 8L, Amdt 1A

Jackson, MI, KJXN, RNAV (GPS) RWY 14, Amdt 2

Jackson, MI, KJXN, RNAV (GPS) RWY 25, Amdt 1

Jackson, MI, KJXN, RNAV (GPS) RWY 32, Amdt 1

Mexico, MO, KMYJ, LOC RWY 24, Amdt 1E  
Wilmington, NC, KILM, RADAR 1, Amdt 7A, CANCELED

Somerville, TN, KFYE, RNAV (GPS) RWY 1, Orig-D

Somerville, TN, KFYE, RNAV (GPS) RWY 19, Amdt 2D

Austin, TX, KEDC, RNAV (GPS) RWY 13, Amdt 1

Austin, TX, KEDC, RNAV (GPS) RWY 31, Amdt 2

Houston, TX, KIAH, GLS RWY 8L, Amdt 2  
Houston, TX, KIAH, GLS RWY 8R, Amdt 2

Houston, TX, KIAH, GLS RWY 9, Amdt 1C  
Houston, TX, KIAH, GLS RWY 26L, Amdt 2

Houston, TX, KIAH, GLS RWY 26R, Amdt 2  
Houston, TX, KIAH, GLS RWY 27, Amdt 2  
Land O'Lakes, WI, KLNL, RNAV (GPS) RWY 14, Amdt 1  
Land O'Lakes, WI, KLNL, RNAV (GPS) RWY 32, Amdt 1

*Rescinded:* On December 9, 2022 (87 FR 75466), the FAA published an Amendment in Docket No. 31458, Amdt No. 4035, to Part 97 of the Federal Aviation Regulations under section 97.20, 97.23, 97.25, 97.29, 97.35, and 97.37. The following entries for, Helena, MT, effective December 29, 2022, is hereby rescinded in its entirety:

Helena, MT, KHLN, COPTER VOR 258, Orig-A

Helena, MT, KHLN, DIVIDE TWO, Graphic DP

Helena, MT, KHLN, ILS Y OR LOC Y RWY 27, Amdt 4

Helena, MT, KHLN, ILS Z OR LOC Z RWY 27, Amdt 3

Helena, MT, KHLN, LOC BC–C, Amdt 6

Helena, MT, KHLN, Takeoff Minimums and Obstacle DP, Amdt 10A

Helena, MT, KHLN, VOR–A, Amdt 16

Helena, MT, KHLN, VOR–B, Amdt 8

[FR Doc. 2022–28616 Filed 1–11–23; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Parts 250 and 385

[Docket No. RM23–3–000; Order No. 886]

### Civil Monetary Penalty Inflation Adjustments

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Final rule.

**SUMMARY:** The Federal Energy Regulatory Commission (Commission) is issuing a final rule to amend its regulations governing the maximum civil monetary penalties assessable for violations of statutes, rules, and orders within the Commission’s jurisdiction. The Federal Civil Penalties Inflation Adjustment Act of 1990, as amended most recently by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, requires the Commission to issue this final rule.

**DATES:** This final rule is effective January 12, 2023.

**FOR FURTHER INFORMATION CONTACT:** Colin Chazen, Attorney, Office of Enforcement, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Phone: (202) 502–8732; email: [Colin.Chazen@ferc.gov](mailto:Colin.Chazen@ferc.gov).

### SUPPLEMENTARY INFORMATION:

1. In this final rule, the Federal Energy Regulatory Commission

(Commission) is complying with its statutory obligation to amend the civil monetary penalties provided by law for matters within the agency’s jurisdiction.

**I. Background**

2. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Adjustment Act),<sup>1</sup> which further amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (1990 Adjustment Act),<sup>2</sup> required the head of each Federal agency to issue a rule by July 2016 adjusting for inflation each “civil monetary penalty” provided by law within the agency’s jurisdiction and to make further inflation adjustments on an annual basis every January 15 thereafter.<sup>3</sup>

**II. Discussion**

3. The 2015 Adjustment Act defines a civil monetary penalty as any penalty,

fine, or other sanction that: (A)(i) is for a specific monetary amount as provided by Federal law; or (ii) has a maximum amount provided for by Federal law; (B) is assessed or enforced by an agency pursuant to Federal law; and (C) is assessed or enforced pursuant to an administrative proceeding or a civil action in the federal courts.<sup>4</sup> This definition applies to the maximum civil penalties that may be imposed under the Federal Power Act (FPA),<sup>5</sup> the Natural Gas Act (NGA),<sup>6</sup> the Natural Gas Policy Act of 1978 (NGPA),<sup>7</sup> and the Interstate Commerce Act (ICA).<sup>8</sup>

4. Under the 2015 Adjustment Act, the first step for such adjustment of a civil monetary penalty for inflation requires determining the percentage by which the U.S. Department of Labor’s Consumer Price Index for all-urban consumers (CPI-U) for October of the preceding year exceeds the CPI-U for October of the year before that.<sup>9</sup> The

CPI-U for October 2022 exceeded the CPI-U for October 2021 by 7.745%.<sup>10</sup>

5. The second step requires multiplying the CPI-U percentage increase by the applicable existing maximum civil monetary penalty.<sup>11</sup> This step results in a base penalty increase amount.

6. The third step requires rounding the base penalty increase amount to the nearest dollar and adding that amount to the base penalty to calculate the new adjusted maximum civil monetary penalty.<sup>12</sup>

7. Under the 2015 Adjustment Act, an agency is directed to use the maximum civil monetary penalty applicable at the time of assessment of a civil penalty, regardless of the date on which the violation occurred.<sup>13</sup>

8. The adjustments that the Commission is required to make pursuant to the 2015 Adjustment Act are reflected in the following table:

Source	Existing maximum civil monetary penalty	New adjusted maximum civil monetary penalty
16 U.S.C. 825o–1(b), sec. 316A of the Federal Power Act .....	\$1,388,496 per violation, per day	\$1,496,035 per violation, per day.
16 U.S.C. 823b(c), sec. 31(c) of the Federal Power Act .....	\$25,075 per violation, per day .....	\$27,017 per violation, per day.
16 U.S.C. 825n(a), sec. 315(a) of the Federal Power Act .....	\$3,275 per violation .....	\$3,529 per violation.
15 U.S.C. 717t–1, sec. 22 of the Natural Gas Act .....	\$1,388,496 per violation, per day	\$1,496,035 per violation, per day.
15 U.S.C. 3414(b)(6)(A)(i), sec. 504(b)(6)(A)(i) of the Natural Gas Policy Act of 1978.	\$1,388,496 per violation, per day	\$1,496,035 per violation, per day.
49 App. U.S.C. 6(10) (1988), sec. 6(10) of the Interstate Commerce Act.	\$1,453 per offense and \$73 per day after the first day.	\$1,566 per offense and \$78 per day after the first day.
49 App. U.S.C. 16(8) (1988), sec. 16(8) of the Interstate Commerce Act.	\$14,536 per violation, per day .....	\$15,662 per violation, per day.
49 App. U.S.C. 19a(k) (1988), sec. 19a(k) of the Interstate Commerce Act.	\$1,453 per offense, per day .....	\$1,566 per offense, per day.
49 App. U.S.C. 20(7)(a) (1988), sec. 20(7)(a) of the Interstate Commerce Act.	\$1,453 per offense, per day .....	\$1,566 per offense, per day.

**III. Administrative Findings**

9. Congress directed that agencies issue final rules to adjust their maximum civil monetary penalties notwithstanding the requirements of the Administrative Procedure Act (APA).<sup>14</sup> Because the Commission is required by law to undertake these inflation adjustments notwithstanding the notice and comment requirements that otherwise would apply pursuant to the APA, and because the Commission lacks discretion with respect to the method and amount of the adjustments, prior notice and comment would be

impractical, unnecessary, and contrary to the public interest.

**IV. Regulatory Flexibility Statement**

10. The Regulatory Flexibility Act, as amended, requires agencies to certify that rules promulgated under their authority will not have a significant economic impact on a substantial number of small businesses.<sup>15</sup> The requirements of the Regulatory Flexibility Act apply only to rules promulgated following notice and comment.<sup>16</sup> The requirements of the Regulatory Flexibility Act do not apply to this rulemaking because the

Commission is issuing this final rule without notice and comment.

**V. Paperwork Reduction Act**

11. This rule does not require the collection of information. The Commission is therefore not required to submit this rule for review to the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1995.<sup>17</sup>

**VI. Document Availability**

12. 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 print the contents of this

<sup>1</sup> Public Law 114–74, sec. 701, 129 Stat. 584, 599.

<sup>2</sup> Public Law 101–410, 104 Stat. 890 (codified as amended at 28 U.S.C. 2461 note).

<sup>3</sup> 28 U.S.C. 2461 note at (4). The Commission made its January 2022 adjustment on January 7, 2021, in Docket No. RM22–6–000. *See Civ. Monetary Penalty Inflation Adjustments*, Order No. 882, 87 FR 2036 (Jan. 13, 2022), 178 FERC ¶ 61,008 (2022).

<sup>4</sup> 28 U.S.C. 2461 note at (3).

<sup>5</sup> 16 U.S.C. 791a *et seq.*

<sup>6</sup> 15 U.S.C. 717 *et seq.*

<sup>7</sup> 15 U.S.C. 3301 *et seq.*

<sup>8</sup> 49 App. U.S.C. 1 *et seq.* (1988).

<sup>9</sup> 28 U.S.C. 2461 note at (5)(b)(1).

<sup>10</sup> *See, e.g.*, Memorandum from Shalanda D.

Young, Office of Management and Budget, Implementation of the Penalty Inflation Adjustments for 2023, Pursuant to the Federal Civil

Penalties Inflation Adjustment Act Improvements Act of 2015 (Dec. 15, 2022).

<sup>11</sup> 28 U.S.C. 2461 note at (5)(a).

<sup>12</sup> *Id.*

<sup>13</sup> *Id.* at (6).

<sup>14</sup> *Id.* at (3)(b)(2).

<sup>15</sup> 5 U.S.C. 601 *et seq.*

<sup>16</sup> 5 U.S.C. 603, 604.

<sup>17</sup> 44 U.S.C. 3507(d).

document via the internet through the Commission's Home Page (<https://www.ferc.gov>). At this time, the Commission has suspended access to the Commission's Public Reference Room due to the President's March 13, 2020 proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19).

13. 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 downloading. To access this document in eLibrary, type the docket number (excluding the last three digits) in the docket number field.

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

#### VII. Effective Date and Congressional Notification

15. For the same reasons the Commission has determined that public notice and comment are unnecessary, impractical, and contrary to the public interest, the Commission finds good cause to adopt an effective date that is less than 30 days after the date of publication in the **Federal Register** pursuant to the APA,<sup>18</sup> and therefore, the regulation is effective upon publication in the **Federal Register**.

16. The Commission has determined, with the concurrence of the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget, that this rule is not a "major rule" as defined in section 351 of the Small Business Regulatory Enforcement Fairness Act of 1996. This final rule is being submitted to the Senate, House, and Government Accountability Office.

#### List of Subjects

18 CFR Part 250

Natural gas, Reporting and recordkeeping requirements.

18 CFR Part 385

Administrative practice and procedure, Electric power, Penalties, Pipelines, Reporting and recordkeeping requirements.

By the Commission.

Issued: January 6, 2023.

**Debbie-Anne A. Reese,**  
Deputy Secretary.

In consideration of the foregoing, the Commission amends parts 250 and 385, chapter I, title 18, *Code of Federal Regulations* as follows:

#### PART 250—FORMS

■ 1. The authority citation for part 250 continues to read as follows:

**Authority:** 15 U.S.C. 717-717w, 3301-3432; 42 U.S.C. 7101-7352; 28 U.S.C. 2461 note.

■ 2. Revise § 250.16(e)(1) to read as follows:

#### § 250.16 Format of compliance plan for transportation services and affiliate transactions.

\* \* \* \* \*

(e) \* \* \*

(1) Any person who transports gas for others pursuant to subpart B or G of part 284 of this chapter and who knowingly violates the requirements of §§ 358.4 and 358.5 of this chapter, this section, or § 284.13 of this chapter will be subject, pursuant to sections 311(c), 501, and 504(b)(6) of the Natural Gas Policy Act of 1978, to a civil penalty, which the Commission may assess, of not more than \$1,496,035 for any one violation.

\* \* \* \* \*

#### PART 385—RULES OF PRACTICE AND PROCEDURE

■ 3. The authority citation for part 385 continues to read as follows:

**Authority:** 5 U.S.C. 551-557; 15 U.S.C. 717-717w, 3301-3432; 16 U.S.C. 791a-825v, 2601-2645; 28 U.S.C. 2461; 31 U.S.C. 3701, 9701; 42 U.S.C. 7101-7352, 16441, 16451-16463; 49 U.S.C. 60502; 49 App. U.S.C. 1-85 (1988); 28 U.S.C. 2461 note (1990); 28 U.S.C. 2461 note (2015).

■ 4. Revise § 385.1504(a) to read as follows:

#### § 385.1504 Maximum civil penalty (Rule 1504).

(a) Except as provided in paragraph (b) of this section, the Commission may assess a civil penalty of up to \$27,017 for each day that the violation continues.

\* \* \* \* \*

■ 5. Revise § 385.1602 to read as follows:

#### § 385.1602 Civil penalties, as adjusted (Rule 1602).

The current inflation-adjusted civil monetary penalties provided by law within the jurisdiction of the Commission are:

(a) 15 U.S.C. 3414(b)(6)(A)(i), Natural Gas Policy Act of 1978: \$1,496,035.

(b) 16 U.S.C. 823b(c), Federal Power Act: \$27,017 per day.

(c) 16 U.S.C. 825n(a), Federal Power Act: \$3,529.

(d) 16 U.S.C. 825o-1(b), Federal Power Act: \$1,496,035 per day.

(e) 15 U.S.C. 717t-1, Natural Gas Act: \$1,496,035 per day.

(f) 49 App. U.S.C. 6(10) (1988), Interstate Commerce Act: \$1,566 per offense and \$73 per day after the first day.

(g) 49 App. U.S.C. 16(8) (1988), Interstate Commerce Act: \$15,662 per day.

(h) 49 App. U.S.C. 19a(k) (1988), Interstate Commerce Act: \$1,566 per day.

(i) 49 App. U.S.C. 20(7)(a) (1988), Interstate Commerce Act: \$1,566 per day.

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BILLING CODE 6717-01-P

#### PENSION BENEFIT GUARANTY CORPORATION

#### 29 CFR Parts 4071 and 4302

RIN 1212-AB45

#### Adjustment of Civil Penalties for Inflation

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Final rule.

**SUMMARY:** The Pension Benefit Guaranty Corporation is required to amend its regulations annually to adjust for inflation the maximum civil penalty for failure to provide certain notices or other material information and for failure to provide certain multiemployer plan notices.

#### DATES:

*Effective date:* This rule is effective on January 12, 2023.

*Applicability date:* The increases in the civil monetary penalties under sections 4071 and 4302 of the Employee Retirement Income Security Act provided for in this rule apply to such penalties assessed after January 12, 2023.

#### FOR FURTHER INFORMATION CONTACT:

Melissa Rifkin ([rifkin.melissa@pbgc.gov](mailto:rifkin.melissa@pbgc.gov)), Attorney, Regulatory Affairs Division, Pension Benefit Guaranty Corporation, 445 12th Street SW, Washington, DC 20024-2101; 202-229-6563. If you are deaf or hard of hearing or have a speech disability, please dial 7-1-1 to access telecommunications relay services.

<sup>18</sup> 5 U.S.C. 553(d)(3).