

“Miscellaneous Safety Requirements”, Sections 165:25–6–34 and 165:25–6–35.

Subchapter 8, “Special Requirements for Underground Storage Tanks Utilized by Marinas”: Part 1, “General Application and Compliance Provisions”, Sections 165:25–8–1 and 165:25–8–2; Part 3, “Over-water Piping Requirements”, Sections 165:25–8–3 and 165:25–8–4; Part 5, “Dispenser Requirements”, Sections 165:25–8–14 through 165:25–8–17; Part 9, “Dispensing Procedures”, Section 165:25–8–29; Part 11, “Miscellaneous Safety Requirements, Sections 165:25–8–35 and 165:25–8–36.

Subchapter 14, “Special Requirements for Underground Storage Tank Systems Utilized by Bulk Plant Facilities”: Part 1, “General Application and Compliance Provisions”, Section 165:25–14–1; Part 3, “Dispenser Requirements”, Section 165:25–14–7; Part 5, “Loading Facilities”, Sections 165:25–14–13 and 165:25–14–14; Part 7, “Tank Filling Procedures”, Section 165:25–14–20; Part 9, “Dispensing Procedures”, Sections 165:25–14–26 and 165:25–14–27.

2. Chapter 27 “Indemnity Fund. Subchapter 1, “General Provisions”, Section 165:27–1–2; Subchapter 5, “Qualifications for Reimbursement”, Section 165:27–5–2; Subchapter 7, “Reimbursement”, Sections 165:27–7–2 and 165:27–7–6.

3. Chapter 29 “Corrective Action of Petroleum Storage Tank Releases”:

Subchapter 1, “General Provisions”: Part 1, “Purpose and Statutory Authority”, Sections 165:29–1–1 and 165:29–1–2; Part 3, “Definitions”, Section 165:29–1–11; Part 5, “Scope of Rules”, Section 165:29–1–21; Part 7, “National Industry Codes”, Sections 165:29–1–31 and 165:29–1–32.

Subchapter 3, “Release Prevention, Detection and Correction”: Part 1, “Release Prohibition, Reporting and Investigation”, Sections 165:29–3–1, 165:29–3–2 and 165:29–3–3; Part 3, “Removal and Closure of Petroleum Storage Tank Systems”, Section 165:29–3–65; Part 5, “Corrective Action Requirements”, Sections 165:29–3–71 through 165:29–3–76, Sections 165:29–3–78, 165:29–3–79, 165:29–3–80, 165:29–3–82 and 165:29–3–83.

(b) Copies of the Oklahoma regulations that are incorporated by reference are available from the State’s Office of Administrative Rules, Secretary of State, P.O. Box 53390, Oklahoma City, OK 73152–3390; Phone number: 405–521–4911; website: <https://www.sos.ok.gov/oar/Default.aspx>.

\* \* \* \* \*

[FR Doc. 2018–00039 Filed 1–8–18; 8:45 am]

BILLING CODE 6560–50–P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 96

[GN Docket No. 12–354, FCC 15–47; 16–55]

#### Amendment of the Commission’s Rules With Regard to Operation in the 3550–3650 MHz Band

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; announcement of effective date.

**SUMMARY:** The Federal Communications Commission (Commission) is announcing that three final rules that appeared in the **Federal Register** as part of the Commission’s rulemaking Commercial Operations in the 3550–3650 MHz Band do not need information collection approval from the Office of Management and Budget (OMB) and are effective immediately. This document is consistent with the *First Report and Order* and *Second Report and Order*, which stated that the Commission would publish a document in the **Federal Register** announcing OMB approval and the effective date of these rules.

**DATES:** 47 CFR 96.29 published at 80 FR 36164, June 23, 2015, and 47 CFR 96.17(b) and 47 CFR 96.3 published at 81 FR 49024, July 26, 2016, are effective on January 9, 2018.

**FOR FURTHER INFORMATION CONTACT:** Becky Schwartz, Mobility Division, Wireless Telecommunications Bureau, FCC, (202) 418–7178. For additional information concerning the information collection requirements contained in the *First Report and Order* or *Second Report and Order*, contact Cathy Williams at (202) 418–2918, or via the internet at [PRA@fcc.gov](mailto:PRA@fcc.gov).

**SUPPLEMENTARY INFORMATION:** The *First Report and Order*, FCC 15–47, published at 80 FR 36164, June 23, 2015, stated that section 96.29 would not become effective until after the **Federal Register** publication of the date that OMB approved the resulting modification of the information collections under the Paperwork Reduction Act (PRA) and effective date of such modifications. The *Second Report and Order*, GN Docket No. 12–354, FCC 16–55, published at 81 FR 49024, July 26, 2016, stated that modifications to section 96.17(b) and section 96.3 would not become effective until after the **Federal Register** publication of the date that OMB approved the resulting modification of the information collections under the

PRA and the effective date of such modifications. Because subsequent review and consultation with OMB has revealed that there is no existing clearance that will be modified by these rules, OMB review is not necessary. Thus, these rules may become effective immediately.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 2018–00190 Filed 1–8–18; 8:45 am]

BILLING CODE 6712–01–P

## SURFACE TRANSPORTATION BOARD

### 49 CFR Part 1022

[Docket No. EP 716 (Sub-No. 3)]

#### Civil Monetary Penalties—2018 Adjustment

**AGENCY:** Surface Transportation Board.

**ACTION:** Final rule.

**SUMMARY:** The Surface Transportation Board (Board) is issuing a final rule to implement the annual inflationary adjustment to its civil monetary penalties, pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.

**DATES:** This final rule is effective on January 9, 2018.

**FOR FURTHER INFORMATION CONTACT:** Amy Ziehm: (202) 245–0391. Federal Information Relay Service (FIRS) for the hearing impaired: (800) 877–8339.

**SUPPLEMENTARY INFORMATION:**

#### I. Background

The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act), enacted as part of the Bipartisan Budget Act of 2015, Public Law 114–74, 129 Stat. 599, requires agencies to adjust their civil penalties for inflation annually, beginning on January 15, 2017, and no later than January 15 of every year thereafter. In accordance with the 2015 Act, annual inflation adjustments are to be based on the percent change between the Consumer Price Index for all Urban Consumers (CPI–U) for October of the previous year and the October CPI–U of the year before that. Penalty level adjustments should be rounded to the nearest dollar.

#### II. Discussion

The statutory definition of civil monetary penalty covers various civil penalty provisions under the Rail (Part A); Motor Carriers, Water Carriers, Brokers, and Freight Forwarders (Part B); and Pipeline Carriers (Part C)

provisions of the Interstate Commerce Act, as amended. The Board's civil (and criminal) penalty authority related to rail transportation appears at 49 U.S.C. 11901–11908. The Board's penalty authority related to motor carriers, water carriers, brokers, and freight forwarders appears at 49 U.S.C. 14901–14915. The Board's penalty authority related to pipeline carriers appears at 49 U.S.C. 16101–16106.<sup>1</sup> The Board has regulations at 49 CFR pt. 1022 that codify the method set forth in the 2015 Act for annually adjusting for inflation the civil monetary penalties within the Board's jurisdiction.

As set forth in this final rule, the Board is amending 49 CFR pt. 1022 to make an annual inflation adjustment to the civil monetary penalties in conformance with the requirements of the 2015 Act. The adjusted penalties set forth in the rule will apply only to violations that occur after the effective date of this regulation.

In accordance with the 2015 Act, the annual adjustment adopted here is calculated by multiplying each current penalty by the cost-of-living adjustment factor of 1.02041, which reflects the percentage change between the October 2017 CPI-U (738.893) and the October 2016 CPI-U (724.113). The table at the end of this decision shows the statutory citation for each civil penalty, a description of the provision, the current baseline statutory civil penalty level, and the adjusted statutory civil penalty level for 2018.

**III. Final Rule**

The final rule set forth at the end of this decision is being issued without notice and comment pursuant to the

Administrative Procedure Act (APA), 5 U.S.C. 553(b)(B), which does not require that process “when the agency for good cause finds” that public notice and comment are “unnecessary.” Here, Congress has mandated that the agency make an annual inflation adjustment to its civil monetary penalties. The Board has no discretion to set alternative levels of adjusted civil monetary penalties, because the amount of the inflation adjustment must be calculated in accordance with the statutory formula. Given the absence of discretion, the Board has determined that there is good cause to promulgate this rule without soliciting public comment and to make this regulation effective immediately upon publication.

**IV. Regulatory Flexibility Statement**

The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 601 *et seq.*, generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Because the Board has determined that notice and comment are not required under the APA for this rulemaking, the requirements of the RFA do not apply.

**V. Paperwork Reduction Act**

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*

*It is ordered:*

1. The Board amends its rules as set forth in this decision. Notice of the final rule will be published in the **Federal Register**.

2. This decision is effective on its date of service.

**List of Subjects in 49 CFR Part 1022**

Administrative practice and procedures, Brokers, Civil penalties, Freight forwarders, Motor carriers, Pipeline carriers, Rail carriers, Water carriers.

Decided: January 3, 2018.

By the Board, Board Members Begeman and Miller.

**Jeffrey Herzig,**  
*Clearance Clerk.*

For the reasons set forth in the preamble, part 1022 of title 49, chapter X, of the Code of Federal Regulations is amended as follows:

**PART 1022—CIVIL MONETARY PENALTY INFLATION ADJUSTMENT**

■ 1. The authority citation for part 1022 continues to read as follows:

**Authority:** 5 U.S.C. 551–557; 28 U.S.C. 2461 note; 49 U.S.C. 11901, 14901, 14903, 14904, 14905, 14906, 14907, 14908, 14910, 14915, 16101, 16103.

■ 2. Revise § 1022.4(b) to read as follows:

**§ 1022.4 Cost-of-living adjustments of civil monetary penalties.**

\* \* \* \* \*

(b) The cost-of-living adjustment required by the statute results in the following adjustments to the civil monetary penalties within the jurisdiction of the Board:

| U.S. Code citation                             | Civil monetary penalty description  | Adjusted penalty amount 2017 | Adjusted penalty amount 2018 |
|--|---|------------------------------|------------------------------|
| <b>Rail Carrier Civil Penalties</b>            |   |                              |                              |
| 49 U.S.C. 11901(a) .....                       | Unless otherwise specified, maximum penalty for each knowing violation under this part, and for each day. | \$7,635                      | \$7,791                      |
| 49 U.S.C. 11901(b) .....                       | For each violation under § 11124(a)(2) or (b) .....   | 763                          | 779                          |
| 49 U.S.C. 11901(b) .....                       | For each day violation continues .....  | 39                           | 40                           |
| 49 U.S.C. 11901(c) .....                       | Maximum penalty for each knowing violation under §§ 10901–10906.  | 7,635                        | 7,791                        |
| 49 U.S.C. 11901(d) .....                       | For each violation under §§ 11123 or 11124(a)(1) .....  | 152–763                      | 155–779                      |
| 49 U.S.C. 11901(d) .....                       | For each day violation continues .....  | 76                           | 78                           |
| 49 U.S.C. 11901(e)(1) .....                    | For each violation under §§ 11141–11145 .....   | 763                          | 779                          |
| 49 U.S.C. 11901(e)(2) .....                    | For each violation under § 11144(b)(1) .....  | 152                          | 155                          |
| 49 U.S.C. 11901(e)(3–4) .....                  | For each violation of reporting requirements, for each day .....  | 152                          | 155                          |
| <b>Motor and Water Carrier Civil Penalties</b> |   |                              |                              |
| 49 U.S.C. 14901(a) .....                       | Minimum penalty for each violation and for each day .....   | 1,045                        | 1,066                        |
| 49 U.S.C. 14901(a) .....                       | For each violation under §§ 13901 or 13902(c) .....   | 10,450                       | 10,663                       |
| 49 U.S.C. 14901(a) .....                       | For each violation related to transportation of passengers .....  | 26,126                       | 26,659                       |

<sup>1</sup> The Board also has various criminal penalty authority, enforceable in a federal criminal court.

Congress has not, however, authorized federal agencies to adjust statutorily prescribed criminal

penalty provisions for inflation, and this rule does not address those provisions.

| U.S. Code citation                      | Civil monetary penalty description   | Adjusted penalty amount 2017 | Adjusted penalty amount 2018 |
|---|--|------------------------------|------------------------------|
| 49 U.S.C. 14901(b) .....                | For each violation of the hazardous waste rules under § 3001 of the Solid Waste Disposal Act.  | 20,900–41,801                | 21,327–42,654                |
| 49 U.S.C. 14901(d)(1) .....             | Minimum penalty for each violation of household good regulations, and for each day.  | 1,527                        | 1,558                        |
| 49 U.S.C. 14901(d)(2) .....             | Minimum penalty for each instance of transportation of household goods if broker provides estimate without carrier agreement.                      | 15,271                       | 15,583                       |
| 49 U.S.C. 14901(d)(3) .....             | Minimum penalty for each instance of transportation of household goods without being registered.   | 38,175                       | 38,954                       |
| 49 U.S.C. 14901(e) .....                | Minimum penalty for each violation of a transportation rule .....  | 3,054                        | 3,116                        |
| 49 U.S.C. 14901(e) .....                | Minimum penalty for each additional violation .....  | 7,635                        | 7,791                        |
| 49 U.S.C. 14903(a) .....                | Maximum penalty for undercharge or overcharge of tariff rate, for each violation.  | 152,703                      | 155,820                      |
| 49 U.S.C. 14904(a) .....                | For first violation, rebates at less than the rate in effect .....   | 305                          | 311                          |
| 49 U.S.C. 14904(a) .....                | For all subsequent violations .....  | 382                          | 390                          |
| 49 U.S.C. 14904(b)(1) .....             | Maximum penalty for first violation for undercharges by freight forwarders.  | 763                          | 779                          |
| 49 U.S.C. 14904(b)(1) .....             | Maximum penalty for subsequent violations .....  | 3,054                        | 3,116                        |
| 49 U.S.C. 14904(b)(2) .....             | Maximum penalty for other first violations under § 13702 .....   | 763                          | 779                          |
| 49 U.S.C. 14904(b)(2) .....             | Maximum penalty for subsequent violations .....  | 3,054                        | 3,116                        |
| 49 U.S.C. 14905(a) .....                | Maximum penalty for each knowing violation of § 14103(a), and knowingly authorizing, consenting to, or permitting a violation of § 14103(a) & (b). | 15,271                       | 15,583                       |
| 49 U.S.C. 14906 .....                   | Minimum penalty for first attempt to evade regulation .....  | 2,090                        | 2,133                        |
| 49 U.S.C. 14906 .....                   | Minimum amount for each subsequent attempt to evade regulation .....   | 5,225                        | 5,332                        |
| 49 U.S.C. 14907 .....                   | Maximum penalty for recordkeeping/reporting violations .....   | 7,635                        | 7,791                        |
| 49 U.S.C. 14908(a)(2) .....             | Maximum penalty for violation of § 14908(a)(1) .....   | 3,054                        | 3,116                        |
| 49 U.S.C. 14910 .....                   | When another civil penalty is not specified under this part, for each violation, for each day.   | 763                          | 779                          |
| 49 U.S.C. 14915(a)(1) & (2) .....       | Minimum penalty for holding a household goods shipment hostage, for each day.  | 12,135                       | 12,383                       |
| <b>Pipeline Carrier Civil Penalties</b> |  |                              |                              |
| 49 U.S.C. 16101(a) .....                | Maximum penalty for violation of this part, for each day .....   | 7,635                        | 7,791                        |
| 49 U.S.C. 16101(b)(1) & (4) .....       | For each recordkeeping violation under § 15722, each day .....   | 763                          | 779                          |
| 49 U.S.C. 16101(b)(2) & (4) .....       | For each inspection violation liable under § 15722, each day .....   | 152                          | 155                          |
| 49 U.S.C. 16101(b)(3) & (4) .....       | For each reporting violation under § 15723, each day .....   | 152                          | 155                          |
| 49 U.S.C. 16103(a) .....                | Maximum penalty for improper disclosure of information .....   | 1,527                        | 1,558                        |

[FR Doc. 2018–00166 Filed 1–8–18; 8:45 am]

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