

being removed is outdated and unnecessary.

*Small Business Regulatory Enforcement Fairness Act (SBREFA)*

This rule is not a major rule under 5 U.S.C. 804(2), the SBREFA. This rule:

(a) Does not have an annual effect on the economy of \$100 million or more;

(b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions;

(c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

*Administrative Procedure Act (Notice of Proposed Rulemaking)*

We recognize that under 5 U.S.C. 553(b) and (c) notice of proposed rules ordinarily must be published in the **Federal Register** and the agency must give interested parties an opportunity to submit their views and comments. We have determined under 5 U.S.C. 553(b) and 318 DM HB 5.3, however, that notice and public comment for this rule are not required. We find good cause to treat notice and comment as unnecessary. As discussed above, the document entitled "Environmental Criteria for Electric Transmission Lines" is no longer used by the NPS to evaluate applications for right-of-way permits for power transmission lines. The current reference in 36 CFR 14.78(b)(6)(ii) is potentially confusing for right-of-way applicants and its removal will simply reflect how the NPS currently processes applications. This correction will not benefit from public comment, and further delaying it is contrary to the public interest.

We also recognize that rules ordinarily do not become effective until at least 30 days after their publication in the **Federal Register**. We have determined, however, that good cause exists for all the rule to be effective immediately upon publication for the reasons stated above.

*Unfunded Mandates Reform Act (UMRA)*

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than \$100 million per year. The rule does not have a significant or unique effect on State, local or tribal governments or the private sector. This rule does not impose requirements on other agencies or governments. A statement containing the information

required by the UMRA (2 U.S.C. 1531 *et seq.*) is not required.

*Takings (Executive Order 12630)*

This rule does not effect a taking of private property or otherwise have takings implications under Executive Order 12630. A takings implication assessment is not required.

*Federalism (Executive Order 13132)*

Under the criteria in section 1 of Executive Order 13132, the rule does not have sufficient federalism implications to warrant the preparation of a Federalism summary impact statement. A Federalism summary impact statement is not required.

*Civil Justice Reform (Executive Order 12988)*

This rule complies with the requirements of Executive Order 12988. This rule:

(a) Meets the criteria of section 3(a) requiring agencies to review all regulations to eliminate errors and ambiguity and write them to minimize litigation; and

(b) Meets the criteria of section 3(b)(2) requiring agencies to write all regulations in clear language and contain clear legal standards.

*Consultation With Indian Tribes (Executive Order 13175 and Department Policy)*

The Department of the Interior strives to strengthen its government-to-government relationship with Indian tribes through a commitment to consultation with Indian tribes and recognition of their right to self-governance and tribal sovereignty. We have evaluated this rule under the Department's consultation policy and under the criteria in Executive Order 13175 and have determined it has no substantial direct effects on federally recognized Indian tribes and consultation under the Department's tribal consultation policy is not required.

*Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*)*

This rule does not contain new collections of information that require approval by the Office of Management and Budget under the PRA. The rule does not impose new recordkeeping or reporting requirements on State, tribal, or local governments; individuals; businesses; or organizations. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

*National Environmental Policy Act (NEPA)*

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the NEPA of 1969 is not required. We have determined the rule is categorically excluded under 43 CFR 46.210(i) because it is administrative, legal, and technical in nature. We also have determined the rule does not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under NEPA.

*Effects on the Energy Supply (Executive Order 13211)*

This rule is not a significant energy action under the definition in Executive Order 13211. A Statement of Energy Effects is not required.

*Drafting Information:* The primary author of this regulation was Jay Calhoun, Regulations Program Specialist, National Park Service.

**List of Subjects in 36 CFR Part 14**

Electric power, Highways and roads, Public lands-rights-of-way.

In consideration of the foregoing, the National Park Service amends 36 CFR part 14 as follows:

**PART 14—RIGHTS-OF-WAY**

- 1. The authority citation for part 14 is revised to read as follows:

**Authority:** 54 U.S.C. 100902; 23 U.S.C. 317.

**§ 14.78 [Amended]**

- 2. In § 14.78, remove and reserve paragraph (b)(6)(ii).

**Jason Larrabee,**

*Principal Deputy Assistant Secretary for Fish and Wildlife and Parks, exercising the authority of the Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 2018–00516 Filed 1–12–18; 8:45 am]

**BILLING CODE 4310–EJ–P**

**LIBRARY OF CONGRESS**

**U.S. Copyright Office**

**37 CFR Parts 201 and 202**

[Docket No. 2017–8]

**Secure Tests: Extension of Comment Period**

**AGENCY:** U.S. Copyright Office, Library of Congress.

**ACTION:** Interim rule with request for comments; extension of comment period.

**SUMMARY:** The U.S. Copyright Office is further extending the deadline for the submission of written comments in response to its June 12, 2017 and November 13, 2017 interim rules, regarding changes to the special procedure for examining secure tests, and the creation of a new group registration option for secure tests, respectively.

**DATES:** The comment period for the interim rules, published on June 12, 2017 (82 FR 26850), and November 13, 2017 (82 FR 52224), is extended by an additional sixty days. Comments must be made in writing and must be received in the U.S. Copyright Office no later than April 2, 2018.

**ADDRESSES:** For reasons of government efficiency, the Copyright Office is using the *regulations.gov* system for the submission and posting of public comments in this proceeding. All comments are therefore to be submitted electronically through *regulations.gov*. Specific instructions for submitting comments are available on the Copyright Office website at <https://www.copyright.gov/rulemaking/securetests/>. If electronic submission of comments is not feasible due to lack of access to a computer and/or the internet, please contact the Office for special instructions using the contact information below.

**FOR FURTHER INFORMATION CONTACT:** Robert J. Kasunic, Associate Register of Copyrights and Director of Registration Policy and Practice; Sarang Vijay Damle, General Counsel and Associate Register of Copyrights; Erik Bertin, Deputy Director of Registration Policy and Practice; or Kevin R. Amer, Senior Counsel for Policy and International Affairs, by telephone at 202-707-8040 or by email at [rkas@loc.gov](mailto:rkas@loc.gov), [sdam@loc.gov](mailto:sdam@loc.gov), [ebertin@loc.gov](mailto:ebertin@loc.gov), and [kamer@loc.gov](mailto:kamer@loc.gov).

**SUPPLEMENTARY INFORMATION:** On June 12, 2017, the U.S. Copyright Office issued an interim rule memorializing its special procedures for examining secure tests.<sup>1</sup> On November 13, 2017, the Office issued an additional interim rule establishing a new group registration option for secure test questions.<sup>2</sup> The Office invited public comment on each of these interim rules, and previously extended its initial deadline for the submission of written comments.<sup>3</sup> To ensure that members of the public have sufficient time to respond, and to ensure that the Office has the benefit of a complete record, the Office is further

extending the submission deadline by an additional sixty days. Written comments now are due no later than April 2, 2018.

Dated: January 9, 2018.

**Sarang V. Damle,**  
General Counsel and Associate Register of Copyrights.

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**BILLING CODE 1410-30-P**

## NATIONAL FOUNDATION FOR THE ARTS AND HUMANITIES

### National Endowment for the Arts

#### 45 CFR Parts 1149 and 1158

**RIN 3135-AA33**

#### Civil Penalties Adjustment for 2018

**AGENCY:** National Endowment for the Arts, National Foundation for the Arts and Humanities.

**ACTION:** Final rule.

**SUMMARY:** The National Endowment for the Arts (NEA) is adjusting the maximum civil monetary penalties (CMPs) that may be imposed for violations of the Program Fraud Civil Remedies Act (PFCRA) and the NEA's Restrictions on Lobbying to reflect the requirements of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the 2015 Act). The 2015 Act further amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (the Inflation Adjustment Act) to improve the effectiveness of civil monetary penalties and to maintain their deterrent effect. This final rule provides the 2018 annual inflation adjustments to the initial "catch-up" adjustments made on June 15, 2017.

**DATES:** *Effective date:* This rule is effective January 15, 2018. *Applicability date:* The adjusted civil monetary penalties established by this rule are applicable only to civil penalties assessed after January 15, 2018.

**FOR FURTHER INFORMATION CONTACT:** Aswathi Zachariah, Assistant General Counsel, National Endowment for the Arts, 400 7th St., SW, Washington, DC 20506, Telephone: 202-682-5418.

#### SUPPLEMENTARY INFORMATION:

##### 1. Background

On December 12, 2017 the NEA issued a final rule entitled "Federal Civil Penalties Adjustments" which finalized the NEA's June 15, 2017 interim final rule entitled "Implementing the Federal Civil Penalties Adjustment Act Improvements

Act", implementing the 2015 Act (section 701 of Pub. L. 114-74), which amended the Inflation Adjustment Act (28 U.S.C. 2461 note) requiring catch-up and annual adjustments to the NEA's CMPs. The 2015 Act requires agencies make annual adjustments to its CMPs for inflation.

A CMP is defined in the Inflation Adjustment Act as any penalty, fine, or other 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.

These annual inflation adjustments are based on the percentage change in the Consumer Price Index for all Urban Consumers (CPI-U) for the month of October preceding the date of the adjustment, relative to the October CPI-U in the year of the previous adjustment. The formula for the amount of a CMP inflation adjustment is prescribed by law, as explained in OMB Memorandum M-16-06 (February 24, 2016), and therefore the amount of the adjustment is not subject to the exercise of discretion by the Chairman of the National Endowment for the Arts (Chairman).

The Office of Management and Budget has issued guidance on implementing and calculating the 2018 adjustment under the 2015 Act.<sup>1</sup> Per this guidance, the CPI-U adjustment multiplier for this annual adjustment in 1.02041. In its prior rules, the NEA identified two civil penalties which require adjustment: The penalty for false statements under the PFCRA and the penalty for violations of the NEA's Restrictions on Lobbying. The NEA adjusts the amount of those CMPs amount accordingly.

##### 2. Effective Dates

The inflation adjustments contained in this rule shall apply to any violations assessed after January 15, 2018, the effective date of this rule.

##### 3. Adjustments

Two civil penalties in NEA regulations require adjustment in accordance with the 2015 Act: (1) The penalty associated with Restrictions on Lobbying (45 CFR 1158.400; 45 CFR part 1158, app. A) and (2) the penalty associated with the Program Fraud Civil Remedies Act (45 CFR 1149.9).

<sup>1</sup> OMB Memorandum M-18-03 (December 15, 2017).

<sup>1</sup> 82 FR 26850 (June 12, 2017).

<sup>2</sup> 82 FR 52224 (Nov. 13, 2017).

<sup>3</sup> 82 FR 56890 (Dec. 1, 2017).