REVISIONS TO IFR ALTITUDES & CHANGEOVER POINT—Continued

[Amendment 544 effective date February 28, 2019]

§ 95.8003 VOR Federal Airway Changeover Point V97 Is Amended To Add Changeover Point

<table>
<thead>
<tr>
<th>FROM</th>
<th>TO</th>
<th>MEA</th>
</tr>
</thead>
<tbody>
<tr>
<td>GRANT, GA FIX</td>
<td>*SMARR, GA FIX</td>
<td>**4000</td>
</tr>
<tr>
<td>**4500—MCA SMARR, GA FIX, NE BND</td>
<td>**2500—MOCA</td>
<td></td>
</tr>
<tr>
<td>**2600—GNSS MEA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SMARR, GA FIX</td>
<td>*SINCA, GA FIX</td>
<td>**4500</td>
</tr>
<tr>
<td>**4500—MCA SINCA, GA FIX, SW BND</td>
<td>**2500—MOCA</td>
<td></td>
</tr>
<tr>
<td>**2500—GNSS MEA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SINCA, GA FIX</td>
<td>*MADDI, GA FIX</td>
<td>**3000</td>
</tr>
<tr>
<td>**4000—MCA MADDI, GA FIX, NE BND</td>
<td>**2200—MOCA</td>
<td></td>
</tr>
<tr>
<td>MADDI, GA FIX</td>
<td>*VESTO, GA FIX</td>
<td>**4000</td>
</tr>
<tr>
<td>**4000—MCA VESTO, GA FIX, SW BND</td>
<td>**2300—MOCA</td>
<td></td>
</tr>
<tr>
<td>GREENWOOD, SC VORTAC</td>
<td>LOCKS, SC FIX</td>
<td>2400</td>
</tr>
</tbody>
</table>

Airway segment Changeover points

<table>
<thead>
<tr>
<th>From</th>
<th>To</th>
<th>Distance</th>
<th>From</th>
</tr>
</thead>
<tbody>
<tr>
<td>CINCINNATI, KY VORTAC</td>
<td>SHELBYVILLE, IN VOR/DME</td>
<td>39</td>
<td>CINCINNATI</td>
</tr>
<tr>
<td>SHELBYVILLE, IN VOR/DME</td>
<td>BOILER, IN VORTAC</td>
<td>50</td>
<td>SHELBYVILLE</td>
</tr>
<tr>
<td>SIOUX CITY, IA VORTAC</td>
<td>FAIRMONT, MN VOR/DME</td>
<td>74</td>
<td>SIOUX CITY</td>
</tr>
</tbody>
</table>

FOR FURTHER INFORMATION CONTACT:

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. This definition applies to the maximum civil penalties that may be imposed under the Federal Power Act (FPA), the Natural Gas Act (NGA), the Natural Gas Policy Act of 1978 (NGPA), and the Interstate Commerce Act (ICA).

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
preceeding year exceeds the CPI–U for October of the year before that. The CPI–U for October 2018 exceeded the CPI–U for October 2017 by 2.522 percent.  

5. The second step requires multiplying the CPI–U percentage increase by the applicable existing maximum civil monetary penalty. 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.

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.

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

<table>
<thead>
<tr>
<th>Source</th>
<th>Existing maximum civil monetary penalty</th>
<th>New adjusted maximum civil monetary penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>16 U.S.C. 825–1(b), Sec. 316A of the Federal Power Act.</td>
<td>$1,238,271 per violation, per day</td>
<td>$1,269,500 per violation, per day.</td>
</tr>
<tr>
<td>16 U.S.C. 823b(c), Sec. 31(c) of the Federal Power Act.</td>
<td>$22,363 per violation, per day</td>
<td>$22,927 per violation, per day.</td>
</tr>
<tr>
<td>16 U.S.C. 825n(a), Sec. 315(a) of the Federal Power Act.</td>
<td>$2,852 per violation</td>
<td>$2,994 per violation.</td>
</tr>
<tr>
<td>15 U.S.C. 717–1, Sec. 22 of the Natural Gas Act.</td>
<td>$1,238,271 per violation, per day</td>
<td>$1,269,500 per violation, per day.</td>
</tr>
<tr>
<td>15 U.S.C. 3414(b)(6)(A)(i), Sec. 504(b)(6)(A)(i) of the Natural Gas Policy Act of 1978.</td>
<td>$1,238,271 per violation, per day</td>
<td>$1,269,500 per violation, per day.</td>
</tr>
<tr>
<td>49 App. U.S.C. 6(10) (1988), Sec. 6(10) of the Interstate Commerce Act.</td>
<td>$1,296 per offense and $65 per day after the first day.</td>
<td>$1,329 per offense and $67 per day after the first day.</td>
</tr>
<tr>
<td>49 App. U.S.C. 16(8) (1988), Sec. 16(8) of the Interstate Commerce Act.</td>
<td>$12,964 per violation, per day</td>
<td>$13,291 per violation, per day.</td>
</tr>
<tr>
<td>49 App. U.S.C. 19a(k) (1988), Sec. 19a(k) of the Interstate Commerce Act.</td>
<td>$1,296 per offense, per day</td>
<td>$1,329 per offense, per day.</td>
</tr>
<tr>
<td>49 App. U.S.C. 20(7)(a) (1988), Sec. 20(7)(a) of the Interstate Commerce Act.</td>
<td>$1,296 per offense, per day</td>
<td>$1,329 per offense, per day.</td>
</tr>
</tbody>
</table>

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). 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. The requirements of the Regulatory Flexibility Act apply only to rules promulgated following notice and comment. 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.

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 document via the internet through the Commission’s Home Page (http://www.ferc.gov) and in the Commission’s Public Reference Room during normal business hours (8:30 a.m. to 5:00 p.m. Eastern time) at 888 First Street NE, Room 2A, Washington, DC 20426.

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, or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659, 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 Administrative Procedure Act, 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

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11 Id. (5)(a).
12 Id. (6).
13 Id. (5)(b)(1).
14 Id. (3)(b)(2).
15 3 U.S.C. 601 et seq.
17 44 U.S.C. 3507(d).
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 8, 2019.
Kimberly D. Bose,
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:

2. Amend § 250.16 by revising paragraph (e)(1) to read as follows:

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

(e) Penalty for failure to comply.

(1) Any person who transports gas for others pursuant to part B or G of part 284 of this chapter and who knowingly violates the requirements of §§ 358.4 and 358.5, § 250.16, 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 a civil penalty of up to $22,927 for each day that the violation continues.

§ 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 $22,927 per day 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:

(b) 16 U.S.C. 823b(c), Federal Power Act: $22,927 per day.
(c) 16 U.S.C. 825n(a), Federal Power Act: $2,994.
(d) 16 U.S.C. 825o–1(b), Federal Power Act: $1,269,500 per day.
(e) 15 U.S.C. 717–1, Natural Gas Act: $1,269,500 per day.

* * * * *

PART 385—RULES OF PRACTICE AND PROCEDURE

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

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 $22,927 for each day that the violation continues.

* * * * *

DEPARTMENT OF DEFENSE
Office of the Secretary
32 CFR Part 100
[Docket ID: DOD–2018–OS–0069]
RIN 0790–AK28
Unsatisfactory Performance of Ready Reserve Obligation
AGENCY: Under Secretary of Defense (Personnel and Readiness), DoD.
ACTION: Final rule.

SUMMARY: This final rule removes DoD’s regulation which contains internal policy on actions to be taken in regard to members of the Ready Reserve whose performance of duty or participation in Reserve training is unsatisfactory. This part has not been updated since 1979 and is obsolete. Current internal procedures will continue to be maintained and updated in a DoD issuance.

DATES: This rule is effective on February 1, 2019.

FOR FURTHER INFORMATION CONTACT:
Colonel David Feeley, (703) 693–2195 or david.c.feeley.mil@mail.mil.

SUPPLEMENTARY INFORMATION: It has been determined that publication of this CFR part removal for public comment is impracticable, unnecessary, and contrary to public interest since it is based on removing DoD internal policies and procedures that are publicly available on the Department’s issuance website. DoD Instruction 1215.13, “Ready Reserve Member Participation Policy,” most recently updated in 2015, is the governing DoD policy (available at http://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/121513p.pdf). This rule is not significant under Executive Order (E.O.) 12866, “Regulatory Planning and Review,” therefore, the requirements of E.O. 13771, “Reducing Regulation and Controlling Regulatory Costs” do not apply.

List of Subjects in 32 CFR Part 100
Armed forces reserves.

PART 100—[REMOVED]

Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 100 is removed.


Aaron T. Siegel,
Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–00445 Filed 1–31–19; 8:45 am]
BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE
Office of the Secretary
32 CFR Part 101
[Docket ID: DOD–2018–OS–0070]
RIN 0790–AK29
Participation in Reserve Training Programs
AGENCY: Under Secretary of Defense (Personnel and Readiness), DoD.
ACTION: Final rule.

SUMMARY: This final rule removes DoD’s regulation which contains internal policy regarding actions to be taken in regard to members of the Reserve components of the U.S. Armed Forces, and uniform DoD policy for training