

governments. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply.

#### *Environmental Assessment*

FRA has evaluated this rule in accordance with its “Procedures for Considering Environmental Impacts” (FRA’s Procedures) (64 FR 28545, May 26, 1999) as required by the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), other environmental statutes, Executive Orders, and related regulatory requirements. FRA has determined that this rule is not a major FRA action (requiring the preparation of an environmental impact statement or environmental assessment) because it is categorically excluded from detailed environmental review pursuant to section 4(c)(20) of FRA’s Procedures. See 64 FR 28547, May 26, 1999.

In accordance with section 4(c) and (e) of FRA’s Procedures, the agency has further concluded that no extraordinary circumstances exist with respect to this regulation that might trigger the need for a more detailed environmental review. As a result, FRA finds that this rule is not a major Federal action significantly affecting the quality of the human environment.

#### *Unfunded Mandates Reform Act of 1995*

Pursuant to section 201 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1531), each Federal agency shall, unless otherwise prohibited by law, assess the effects of Federal regulatory actions on State, local, and tribal governments, and the private sector (other than to the extent that such regulations incorporate requirements specifically set forth in law). Section 202 of the Act (2 U.S.C. 1532) further requires that before promulgating any general notice of proposed rulemaking that is likely to result in the promulgation of any rule that includes any Federal mandate that may result in expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more (adjusted annually for inflation) in any 1 year, and before promulgating any final rule for which a general notice of proposed rulemaking was published, the agency shall prepare a written statement detailing the effect on State, local, and tribal governments and the private sector. This final rule will not result in such an expenditure, and thus preparation of such a statement is not required.

#### *Energy Impact*

Executive Order 13211 requires Federal agencies to prepare a Statement

of Energy Effects for any “significant energy action.” 66 FR 28355 (May 22, 2001). FRA has evaluated this rule in accordance with Executive Order 13211 and has determined that this regulatory action is not a “significant energy action” within the meaning of Executive Order 13211.

Executive Order 13783, “Promoting Energy Independence and Economic Growth,” requires Federal agencies to review regulations to determine whether they potentially burden the development or use of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear energy resources. See 82 FR 16093 (Mar. 31, 2017). FRA determined this regulatory action will not burden the development or use of domestically produced energy resources.

#### **List of Subjects in 49 CFR Part 270**

Penalties, Railroad safety, Reporting and recordkeeping requirements, System safety.

#### **The Rule**

In consideration of the foregoing, FRA extends the stay of the SSP final rule published August 12, 2016 (81 FR 53850) until March 4, 2020.

**Authority:** 49 U.S.C. 20103, 20106–20107, 20118–20119, 20156, 21301, 21304, 21311; 28 U.S.C. 2461, note; and 49 CFR 1.89.

Issued in Washington, DC.

**Ronald Louis Batory,**  
*Administrator.*

[FR Doc. 2019–18789 Filed 8–29–19; 8:45 am]

**BILLING CODE 4910–06–P**

## **NATIONAL TRANSPORTATION SAFETY BOARD**

### **49 CFR Part 831**

[Docket No.: NTSB–GC–2019–0001]

RIN 3147–AA21

### **Civil Monetary Penalty Annual Inflation Adjustment**

**AGENCY:** National Transportation Safety Board (NTSB).

**ACTION:** Final rule.

**SUMMARY:** Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, this final rule provides the 2018 and 2019 adjustments to the civil penalties that the NTSB may assess against a person for violating certain NTSB statutes and regulations.

**DATES:** This final rule is effective on August 30, 2019.

**ADDRESSES:** A copy of this final rule, published in the **Federal Register** (FR), is available for inspection and copying in the NTSB’s public reading room, located at 490 L’Enfant Plaza SW, Washington, DC 20594–2003.

Alternatively, a copy is available on the government-wide website on regulations at <http://www.regulations.gov> (Docket ID Number NTSB–GC–2019–0001).

**FOR FURTHER INFORMATION CONTACT:** Kathleen Silbaugh, General Counsel, (202) 314–6080 or [rulemaking@ntsb.gov](mailto:rulemaking@ntsb.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

Currently, the NTSB may impose a civil penalty up to \$1,617 on a person who violates 49 U.S.C. 1132 (Civil aircraft accident investigations), 1134(b) (Inspection, testing, preservation, and moving of aircraft and parts), 1134(f)(1) (Autopsies), or 1136(g) (Prohibited actions when providing assistance to families of passengers involved in aircraft accidents). 49 CFR 831.15.

The current maximum penalty amount was calculated after the passage of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the 2015 Act), which required agencies to: (1) Adjust the level of civil monetary penalties with an initial “catch-up” adjustment through an interim final rulemaking (IFR); and (2) make subsequent annual adjustment for inflation by January 15th every year. OMB, M–16–06, *Implementation of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015* (Feb. 24, 2016).

At the time of the 2015 Act, the maximum civil penalty amount had been \$1,000. 49 U.S.C. 1155. Pursuant to the 2015 Act, the NTSB issued an IFR on October 12, 2017 that calculated the agency’s catch-up adjustment and its 2017 annual inflation adjustment. Civil Monetary Catch Up Inflation Adjustment and Annual Inflation Adjustment, 82 FR 47401 (Oct. 12, 2017). The catch-up adjustment increased the original maximum penalty from \$1,000 to \$1,591. And the 2017 annual adjustment increased the maximum civil penalty from \$1,591 to \$1,617. While the IFR stated that the maximum civil penalty would be adjusted for inflation by January 15, 2018, the agency did not publish subsequent annual inflation adjustments.

The Office of Management and Budget (OMB) has since published updated guidance for Fiscal Years 2018 and 2019. OMB, M–19–04, *Implementation of Penalty Inflation Adjustments for 2019, Pursuant to the Federal Civil*

*Penalties Inflation Adjustment Act Improvements Act of 2015* (Dec. 14, 2018); OMB, M–18–03, *Implementation of Penalty Inflation Adjustments for 2018, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015* (Dec. 15, 2017). Accordingly, this final rule reflects the NTSB’s 2018 and 2019 annual inflation adjustments, which were due on January 15, 2018 and January 15, 2019, respectively. This final rule updates the maximum civil penalty established by the October 12, 2017 IFR.

No violations will be assessed at the 2018 inflation adjustment amount. Nevertheless, the 2018 adjustment was used to calculate the 2019 maximum penalty amount, which ultimately increased the maximum civil penalty from \$1,617 to \$1,692.

## II. The 2018 and 2019 Annual Adjustments

The 2018 and 2019 annual adjustments are calculated by multiplying the applicable maximum civil penalty amount by the cost-of-living adjustment multiplier, which is based on the Consumer Price Index (CPI–U), and rounding to the nearest dollar. OMB, M–19–04, *Implementation of Penalty Inflation Adjustments for 2019, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015* (Dec. 14, 2018); OMB, M–18–03, *Implementation of Penalty Inflation Adjustments for 2018, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015* (Dec. 15, 2017). The OMB annually publishes guidance on the adjustment multiplier to assist agencies in calculating the mandatory annual adjustments for inflation.

For the 2018 annual adjustment, the December 15, 2017 OMB annual guidance states that the cost-of-living adjustment multiplier for 2018 is 1.02041. Multiplying \$1,617 (the 2017 inflation adjustment amount) by 1.02041 equals \$1,650.00297, which rounded to the nearest dollar equals \$1,650. As explained above, no violations will be assessed at this amount.

For the 2019 adjustment, the December 14, 2018 OMB annual guidance states that the CPI–U multiplier for 2019 is 1.02522. Multiplying \$1,650 (the 2018 inflation adjustment amount) by 1.02522 equals \$1,691.613, which rounded to the nearest dollar equals \$1,692. This updated maximum penalty applies only to civil penalties assessed after the effective date of this final rule. The next

adjustment for inflation will be calculated by January 15, 2020.

## III. Regulatory Analysis

The Office of Information and Regulatory Affairs (OIRA) Administrator has determined agency regulations that exclusively implement the annual adjustment are consistent with OMB’s annual guidance, and have an annual impact of less than \$100 million are generally not significant regulatory actions under Executive Order (E.O.) 12866. OMB, M–19–04, *Implementation of Penalty Inflation Adjustments for 2019, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015* (Dec. 14, 2018). An assessment of its potential costs and benefits under E.O. 12866, *Regulatory Planning and Review* and E.O. 13563, *Improving Regulation and Regulatory Review* is not required because this final rule is not a “significant regulatory action.”

Likewise, this rule does not require analyses under the Unfunded Mandates Reform Act of 1995 and E.O. 13771, *Reducing Regulation and Controlling Regulatory Costs* because this final rule is nonsignificant.

The NTSB does not anticipate this rule will have a substantial direct effect on state government or will preempt state law. Accordingly, this rule does not have implications for federalism under E.O. 13132, *Federalism*.

This NTSB also evaluated this rule under E.O. 13175, *Consultation and Coordination with Indian Tribal Governments*. The agency has concluded that this final rule will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

The Paperwork Reduction Act of 1995 is inapplicable because the final rule imposes no new information reporting or recordkeeping necessitating clearance by OMB.

The Regulatory Flexibility Act of 1980 does not apply because, as a final rule, this action is not subject to prior notice and comment. *See* 5 U.S.C. 604(a).

The NTSB has concluded that this final rule neither violates nor requires further consideration under the aforementioned Executive Orders and acts.

### List of Subjects in 49 CFR Part 831

Aircraft accidents, Aircraft incidents, Aviation safety, Hazardous materials transportation, Highway safety, Investigations, Marine safety, Pipeline safety, Railroad safety.

Accordingly, for the reasons stated in the Preamble, the NTSB amends 49 CFR part 831, as follows:

## PART 831—INVESTIGATION PROCEDURES

■ 1. The authority citation for part 831 continues to read as follows:

**Authority:** 49 U.S.C. 1113(f).

Section 831.15 also issued under Pub. L. 101–410, 104 Stat. 890, amended by Pub. L. 114–74, sec. 701, 129 Stat. 584 (28 U.S.C. 2461 note).

### § 831.15 [Amended]

■ 2. Amend § 831.15 by removing the dollar amount “\$1,617” and add in its place “\$1,692”.

**Robert L. Sumwalt, III,**  
*Chairman.*

[FR Doc. 2019–18780 Filed 8–29–19; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[Docket No. 160426363–7275–02]

RIN 0648–XS010

### Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic Region; Commercial Trip Limit Reduction for King Mackerel in the Atlantic Southern Zone

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; trip limit reduction.

**SUMMARY:** NMFS reduces the commercial trip limit for Atlantic migratory group king mackerel (Atlantic king mackerel) in or from Federal waters in the Atlantic southern zone off the Florida east coast between the border of Flagler and Volusia Counties and the border of Miami-Dade and Monroe Counties to 50 fish per day. This commercial trip limit reduction is necessary to protect the Atlantic king mackerel resource.

**DATES:** This temporary rule is effective from September 1, 2019, through September 30, 2019.

**FOR FURTHER INFORMATION CONTACT:** Mary Vara, NMFS Southeast Regional Office, telephone: 727–824–5305, email: [mary.vara@noaa.gov](mailto:mary.vara@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The fishery for coastal migratory pelagic fish