

inflation by order published no later than January 15 each year. Annual inflation adjustments will be based on the percentage (if any) by which the Consumer Price Index for all Urban Consumers (CPI-U) for October preceding the date of the adjustment

exceeds the prior year's CPI-U for October. The Office of Management and Budget (OMB) will issue adjustment rate guidance no later than December 15 each year to adjust for inflation in the CPI-U as of the most recent October.

(ii) The application of the annual inflation adjustment required by the foregoing Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 results in the following adjusted statutory maximum forfeitures authorized by the Communications Act:

TABLE 1 TO PARAGRAPH (b)(9)(ii)

U.S. Code citation	Maximum penalty after 2020 annual inflation adjustment
47 U.S.C. 202(c)	\$12,294,615
47 U.S.C. 203(e)	12,294,615
47 U.S.C. 205(b)	24,586
47 U.S.C. 214(d)	2,458
47 U.S.C. 219(b)	2,458
47 U.S.C. 220(d)	12,294
47 U.S.C. 223(b)	127,398
47 U.S.C. 227(e)	11,766,35,298,1,176,638
47 U.S.C. 362(a)	10,245
47 U.S.C. 362(b)	2,050
47 U.S.C. 386(a)	10,245
47 U.S.C. 386(b)	2,050
47 U.S.C. 503(b)(2)(A)	51,222,512,228
47 U.S.C. 503(b)(2)(B)	204,892
47 U.S.C. 503(b)(2)(C)	2,048,915,414,454
47 U.S.C. 503(b)(2)(D)	3,825,726,20,489
47 U.S.C. 503(b)(2)(F)	153,669,117,664,1,176,638
47 U.S.C. 507(a)	2,029
47 U.S.C. 507(b)	297
47 U.S.C. 554	908

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**NATIONAL TRANSPORTATION SAFETY BOARD**

**49 CFR Part 831**

[Docket No.: NTSB-GC-2020-0001]

RIN 3147-AA22

**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 2020 adjustment to the civil penalties that the agency may assess against a person for violating certain NTSB statutes and regulations.

**DATES:** This final rule is effective on January 15, 2020.

**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-2020-0001).

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

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the 2015 Act) requires, in pertinent part, agencies to make an 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). The Office of Management and Budget (OMB) annually publishes guidance on the adjustment multiplier to assist agencies in calculating the mandatory annual adjustments for inflation.

The NTSB's most recent adjustment was for fiscal year (FY) 2019, allowing the agency to impose a civil penalty up to \$1,692, effective August 30, 2019, 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). Civil Monetary Penalty Annual Inflation Adjustment, 94 FR 45686 (Aug. 30, 2019).

OMB has since published updated guidance for FY 2020. OMB, M-20-05, *Implementation of Penalty Inflation Adjustments for 2020, Pursuant to the Federal Civil Penalties Inflation*

*Adjustment Act Improvements Act of 2015* (Dec. 16, 2019). Accordingly, this final rule reflects the NTSB's 2020 annual inflation adjustment and updates the maximum civil penalty from \$1,692 to \$1,722.

## II. The 2020 Annual Adjustment

The 2020 annual adjustment is calculated by multiplying the applicable maximum civil penalty amount by the cost-of-living adjustment multiplier, which is based on the Consumer Price Index and rounding to the nearest dollar. OMB, M-20-05, *Implementation of Penalty Inflation Adjustments for 2020, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015* (Dec. 16, 2019). For FY 2020, OMB's guidance states that the cost-of-living adjustment multiplier is 1.01764.

Accordingly, multiplying the current penalty of \$1,692 by 1.01764 equals \$1,721.84688, which rounded to the nearest dollar equals \$1,722. This updated maximum penalty for the upcoming fiscal year applies only to civil penalties assessed after the effective date of this final rule. The next civil penalty adjustment for inflation will be calculated by January 15, 2021.

## III. Regulatory Analysis

The Office of Information and Regulatory Affairs Acting 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-20-05, *Implementation of Penalty Inflation Adjustments for 2020, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015* (Dec. 16, 2019). 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*.

The 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 "\$1,692" and add in its place "\$1,722".

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No.: 191230-0124]

RIN 0648-BH68

### Fisheries of the Northeastern United States; Expanding the Scallop Dredge Exemption Areas Under the Northeast Multispecies Fishery Management Plan

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

**ACTION:** Final rule.

**SUMMARY:** NMFS approves and implements modifications to the regulations implementing the Northeast Multispecies Fishery Management Plan to allow vessels issued a limited access general category individual fishing quota sea scallop permit to fish for scallops with small dredges in an expanded area. In addition, NMFS also implements modifications to the open area days-at-sea trip reporting procedures for limited access scallop vessels. This action is intended to provide consistency, flexibility, and potential economic benefit to the scallop fleet.

**DATES:** Effective February 14, 2020.

**ADDRESSES:** NMFS developed an environmental assessment (EA) for this action that describes the action and other considered alternatives and provides a thorough analysis of the impacts of these measures. Copies of the Amendment, the EA, and the small entity compliance guide are available upon request from Michael Pentony, Regional Administrator (RA), NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930-2298, or available on the internet at: <http://www.greateratlantic.fisheries.noaa.gov/sustainable/species/scallop/>.

**FOR FURTHER INFORMATION CONTACT:** Shannah Jaburek, Fishery Management Specialist, 978-282-8456.

**SUPPLEMENTARY INFORMATION:**

#### Background

This final rule approves and implements the New England Fishery Management Council's recommendation from its meeting on June 20, 2017, that the RA use his authority to expand the Great South Channel (GSC) scallop dredge exemption area to encompass all of Georges Bank (GB). Additionally NMFS is expanding the Southern New