§ 1986.110 [Corrected]

2. On page 1793, in the third column, correct amendatory instruction 133 to read: “133. In § 1986.110, revise the section heading and paragraph (c) to read as follows:”.

Stephanie Swirsky,
Deputy Assistant Secretary for Labor Policy.

[FR Doc. 2021–01619 Filed 2–1–21; 8:45 am]

DEPARTMENT OF THE INTERIOR
Office of Natural Resources Revenue
30 CFR Part 1241

[Docket No. ONRR–2020–0002; DS63644000 DRT000000.CH7000 212D1113RT]

RIN 1012–AA29

Inflation Adjustments to Civil Monetary Penalty Rates for Calendar Year 2021

AGENCY: Office of the Secretary, Office of Natural Resources Revenue, Interior.

ACTION: Final rule.

SUMMARY: The Office of Natural Resources Revenue (ONRR) publishes this final rule to increase its maximum civil monetary penalty (CMP) rates to account for inflation occurring between October 2019 and October 2020.

DATES: This rule is effective on February 2, 2021.

FOR FURTHER INFORMATION CONTACT: For questions on technical issues, contact Michael Marchetti, Program Manager for Enforcement and Litigation Support, by telephone at (303) 231–3125 or email to Michael.Marchetti@onrr.gov. For questions on procedural issues, contact Luis Aguilar, Regulatory Specialist, by telephone at (303) 231–3418 or email to Luis.Aguilar@onrr.gov. You may obtain a paper copy of this rule by contacting Mr. Aguilar by phone or email.

SUPPLEMENTARY INFORMATION:

I. Background

II. Inflation-Adjusted Maximum Rates

III. Procedural Requirements

IV. Procedural Requirements

A. Regulatory Planning and Review

B. Regulatory Flexibility Act

This rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (RFA), 5 U.S.C. 601, et seq., because the rule only makes adjustments for inflation. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 requires agencies to adjust civil penalties with an annual inflation adjustment. Therefore,
the RFA does not apply to this

C. Small Business Regulatory
Enforcement Fairness Act

This rule is not a major rule under 5
U.S.C. 804(2), the Small Business
Regulatory Enforcement Fairness Act. This rule:

a. Does not have an annual effect on
the economy of $100 million or more;
and
b. Will not cause a major increase in
costs or prices for consumers;
individual industries; Federal, State,
local government agencies; or
geographic regions; and

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

D. Unfunded Mandates Reform Act

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. This rule
does not have a significant or
unique effect on State, local, or Tribal
governments or the private sector.
Therefore, ONRR is not required to
provide a statement containing the
information that the Unfunded
Mandates Reform Act (2 U.S.C. 1531, et
seq.) requires because this rule is not an
unfunded mandate.

E. Takings (E.O. 12630)

This rule does not result in a taking
of private property or otherwise have
takings implications under E.O. 12630.
Therefore, this rule does not require a
takings implication assessment.

F. Federalism (E.O. 13132)

Under the criteria in section 1 of E.O.
13132, this rule does not have sufficient
federalism implications to warrant the
preparation of a federalism summary
impact statement.

G. Civil Justice Reform (E.O. 12988)

This rule complies with the
requirements of E.O. 12988.
Specifically, this rule:

a. Meets the criteria of section 3(a),
which requires that ONRR review all
regulations to eliminate errors and
ambiguity and to write them to
minimize litigation; and

b. Meets the criteria of section 3(b)(2),
which requires that ONRR write all
regulations in clear language, using

clear legal standards.

H. Consultation With Indian Tribal
Governments (E.O. 13175)

The Department of the Interior (DOI)
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.
Under the DOI’s consultation policy and
the criteria in E.O. 13175, ONRR
evaluated this rule and determined that
it will have no substantial, direct effects
on federally recognized Indian Tribes
and does not require consultation.

I. Paperwork Reduction Act

This rule:

(a) Does not contain any new
information collection requirements; and

(b) Does not require a submission to
OMB under the Paperwork Reduction
5 CFR 1320.4(a)(2).

J. National Environmental Policy Act of
1969 (NEPA)

This rule does not constitute a major
Federal action significantly affecting the
quality of the human environment.
ONRR is not required to provide a
detailed statement under NEPA because
this rule qualifies for categorical
exclusion under 43 CFR 46.210(i) that
in this rule is “...of an administrative,
financial, legal, technical, or procedural
nature. ...” ONRR also has
determined that this rule is not involved
in any of the extraordinary
circumstances listed in 43 CFR 46.215
that would require further analysis
under NEPA.

K. Effects on the Energy Supply (E.O.
13211)

This rule is not a significant energy
action under the definition in E.O.
13211 and, therefore, does not require a
Statement of Energy Effects.

L. Clarity of This Regulation

ONRR is required by E.O. 12866
(section 1(b)(12)), E.O. 12988 (section
3(b)(1)[B]), and E.O. 13563 (section
1(a)), and by the Presidential
Memorandum of June 1, 1998, to write
all rules in plain language. This means
that each rule ONRR publishes must:

(a) Be logically organized;
(b) Use the active voice to address
readers directly;
(c) Use common, everyday words and
clear language rather than jargon;
(d) Be divided into short sections and
sentences;
(e) Use lists and tables wherever
possible;

If you feel that ONRR has not met
these requirements, send your
comments to Luis.Aguilar@onrr.gov.
Your comments should be as specific as
possible. For example, you should
identify the number of the sections or
paragraphs that you find unclear, which
sections or sentences are too long, the
sections where you feel lists or tables
would be useful, etc.

M. Administrative Procedure Act (APA)

The Act requires agencies to publish
annual inflation adjustments by no later
than January 15 of each year,
notwithstanding section 553 of the
Administrative Procedure Act (APA) (5
U.S.C. 553). OMB has interpreted this
direction to mean that the usual APA
public procedure for rulemaking—
which includes public notice of a
proposed rule, an opportunity for public
comment, and a delay in the effective
date of a final rule—is not required
when agencies issue regulations to
implement the annual adjustments to
civil penalties that the Act requires.
Accordingly, ONRR is issuing the 2021
annual adjustments as a final rule
without prior notice or an opportunity
for comment and with an effective date
immediately upon publication in the
Federal Register.

Section 553(b) of the Administrative
Procedure Act (APA) provides that,
when an agency for good cause finds
that “notice and public procedure . . .
are impracticable, unnecessary, or
counter to the public interest,” the
agency may issue a rule without
providing notice and an opportunity for
public comment. Under section
553(b), ONRR finds that there is good
cause to promulgate this rule without
first providing for public comment.
ONRR is promulgating this final rule to
implement the statutory directive in the
Act, which requires agencies to publish
a final rule and to update the civil
penalty amounts by applying a specified
formula. ONRR has no discretion to vary
the amount of the adjustment to reflect
any views or suggestions provided by
commenters. Accordingly, it would
serve no purpose to provide an
opportunity for public comment on this
rule prior to promulgation. Thus,
providing for notice and public
comment is unnecessary.

Furthermore, ONRR finds under
section 553(d)(3) of the APA that good
cause exists to make this direct final
rule effective immediately upon
publication in the Federal Register. In
the Act, Congress expressly required
Federal agencies to publish annual
inflation adjustments to civil penalties in
the Federal Register no later than
January 15 of every year,
notwithstanding section 553 of the APA.
Under the statutory framework and
OMB guidance, the new penalty levels
are to take effect immediately upon
publication. Moreover, an effective date
after January 15 would delay application of the new penalty levels, contrary to Congress’s intent.

List of Subjects in 30 CFR Part 1241

Administrative practice and procedure, Civil penalties, Coal, Geothermal, Inflation, Mineral resources, Natural gas, Notices of non-compliance, Oil.

Kimbra G. Davis,
Director for Office of Natural Resources Revenue.

Editorial note: This document was received for publication by the Office of the Federal Register on January 19, 2021.

Authority and Issuance

For the reasons discussed in the preamble, ONRR amends 30 CFR part 1241 as set forth below:

PART 1241—PENALTIES

1. The authority citation for part 1241 continues to read as follows:


§ 1241.52 [Amended]

2. Amend § 1241.52 by:

a. In paragraph (a)(1), removing “$64,452” and adding in its place “$25,780”.

b. In paragraph (b) introductory text, removing “$25,479” and adding in its place “$12,891”.

§ 1241.60 [Amended]

3. Amend § 1241.60 by:

a. In paragraph (b)(1) introductory text, removing “$25,479” and adding in its place “$25,780”.

b. In paragraph (b)(2), removing “$63,699” and adding in its place “$64,452”.

[FR Doc. 2021–01502 Filed 2–1–21; 8:45 am]

BILLING CODE 4335–30–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 1010

[Docket Number USCG–2020–0556]

RIN 1625–AA11

Regulated Navigation Area; Sparkman Channel, Tampa, FL

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is removing an existing regulated navigation area in Sparkman Channel, located in Tampa, FL. The regulated navigation area is no longer needed to protect vessels navigating in the area. This action removes the existing regulations related to restricting vessel draft in the channel due to an underwater pipeline that is no longer a navigational concern.

DATES: This rule is effective March 4, 2021.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to www.regulations.gov, type USCG–2020–0556 in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Clark Sanford, Sector St. Petersburg, Coast Guard; telephone (813) 228–2191 x8105, email Clark.W.Sanford@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section

II. Background Information and Regulatory History

On January 25, 1991, the Coast Guard established a regulated navigation area in Sparkman Channel. The regulated navigation area is described in 33 CFR 165.752. The regulated navigation area was created to restrict navigation in the area to vessels with a draft of less than 34.5 feet. A recent survey places the sewer line at or below the permitted depth of 42 feet. The navigation hazard is properly marked on the water surface as well as on navigation charts. With the advancement in technologies and mechanical innovations coupled with the expertise of the pilots that guide vessels in and around Port Tampa Bay, the current restricted navigation area along Sparkman Channel has become outdated. In response, on November 27, 2020, the Coast Guard published a notice of proposed rulemaking (NPRM) titled, “Regulated Navigation Area; Sparkman Channel, Tampa, FL” (85 FR 75996). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to this fireworks display. During the comment period that ended December 28, 2020, we received three comments.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The Commander, Seventh Coast Guard District has determined the current restricted navigation area along Sparkman Channel has become outdated and is no longer needed for Sparkman Channel. The purpose of this rule is to remove unnecessary restrictions to navigation in Sparkman Channel in Tampa, FL.

IV. Discussion of Comments, Changes, and the Rule

The Coast Guard received three submissions from private citizens in response to the proposed rule. One commenter endorsed the Coast Guard’s proposal. The other two comments were not relevant to the scope of this rulemaking. There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

This rule removes the existing regulated navigation area established in 33 CFR 165.752. This regulation placed restrictions on vessel navigation in Sparkman Channel in Tampa, Florida based on vessel drafts.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.