

CONSUMER PRODUCT SAFETY COMMISSION

Civil Penalties; Notice of Adjusted Maximum Amounts

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of adjusted maximum civil penalty amounts.

SUMMARY: In 1990, Congress enacted statutory amendments to adjust the maximum civil penalty amounts authorized under the Consumer Product Safety Act (CPSA), the Federal Hazardous Substances Act (FHSA), and the Flammable Fabrics Act (FFA). On August 14, 2008, the Consumer Product Safety Improvement Act of 2008 (CPSIA) increased the maximum civil penalty amounts to \$100,000 for each violation and \$15,000,000 for any related series of violations. The CPSIA tied the effective date of the new amounts to the earlier of the date on which final regulations are issued or 1 year after August 14, 2008. The new amounts became effective on August 14, 2009. The CPSIA also revised the starting date, from December 1, 1994 to December 1, 2011, and December 1 of each fifth calendar year, thereafter, on which the Commission must prescribe and publish in the **Federal Register**, the schedule of maximum authorized penalties. On November 23, 2016, the CPSC published increased maximum authorized civil penalty amounts of \$110,000 for each violation and \$16,025,000 for any related series of violations. As calculated in accordance with the amendments, the new amounts are \$120,000 for each violation and \$17,150,000 for any related series of violations.

DATES: The new amounts will become effective after January 1, 2022.

FOR FURTHER INFORMATION CONTACT: Amy S. Colvin, Attorney, Office of the General Counsel, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; telephone (301) 504-7639; email acolvin@cpsc.gov.

SUPPLEMENTARY INFORMATION: The Consumer Product Safety Improvement Act of 1990 (Improvement Act), Public Law 101-608, 104 stat. 3110 (Nov. 16, 1990), and the CPSIA, Public Law 110-314, 122 stat. 3016 (Aug. 14, 2008), amended the CPSA, FHSA, and the FFA. The Improvement Act added civil penalty authority to the FHSA and FFA, which previously contained only criminal penalties. 15 U.S.C. 1264(c) and 1194(e). The Improvement Act also increased the maximum civil penalty

amounts applicable to civil penalties under the CPSA and set the same maximum amounts for the newly created FHSA and FFA civil penalties. 15 U.S.C. 2069(a)(1), 1264(c)(1) and 1194(e)(1).

The Improvement Act amended the CPSA, FHSA, and FFA to adjust the maximum civil penalty amounts periodically for inflation. 15 U.S.C. 2069(a)(3), 1264(c)(6), and 1194(e)(5). The Improvement Act required that the Commission “prescribe and publish in the **Federal Register** a schedule of maximum authorized penalties that shall apply for violations that occur after January 1 of the year immediately following such publication” not later than December 1, 1994, and December 1 of each fifth calendar year thereafter and directed how the Commission must calculate the schedule. Section 115(a)-(c) of Public Law 101-608.

The CPSIA amended the CPSA, FHSA, and FFA to increase the maximum authorized civil penalty amounts to \$100,000 for each violation, and \$15,000,000 for any related series of violations. 15 U.S.C. 2069(a)(1), 1264(c)(1), and 1194(e)(1). The CPSIA amended the starting date in the CPSA from not later than December 1, 1994, and December 1 of each fifth calendar year thereafter, to not later than December 1, 2011, and December 1 of each fifth calendar year thereafter, as the date on which “the Commission shall prescribe and publish in the **Federal Register** a schedule of maximum authorized penalties that shall apply for violations that occur after January 1 of the year immediately following such publication.” Section 217 (a)(1)-(3) of Public Law 110-314. The CPSIA tied the effective date of the new amounts to the earlier of the date on which final regulations are issued under section 217(b)(2) of Public Law 110-314, or 1 year after August 14, 2008. Section 217(a)(4) of Public Law 110-314. The new amounts became effective on August 14, 2009.

The Commission’s Directorate for Economics calculated the cost-of-living adjustment increases the maximum civil penalty amounts to \$117,656 for each violation, and to \$17,140,340 for any related series of violations. In accordance with statutory directions regarding rounding, the adjusted maximum amounts are \$120,000 for each violation, and \$17,150,000 for any related series of violations. These new

amounts apply to violations that occur after January 1, 2022.

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

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DEPARTMENT OF ENERGY

Notice of Request for Information (RFI) on Using a Consent-Based Siting Process To Identify Federal Interim Storage Facilities

AGENCY: Office of Spent Fuel and Waste Disposition, Office of Nuclear Energy, Department of Energy.

ACTION: Request for information.

SUMMARY: The Office of Nuclear Energy (NE), U.S. Department of Energy (DOE), requests information on how to site Federal facilities for the temporary, consolidated storage of spent nuclear fuel using a consent-based approach. DOE anticipates that communities; governments at the local, State, and Tribal levels; members of the public; energy and environmental justice groups; organizations or corporations; and other stakeholders may be interested in responding to this Request for Information (RFI). We especially welcome insight from people, communities, and groups that have historically not been well-represented in these discussions. Responses to the RFI will inform development of a consent-based siting process, overall strategy for an integrated waste management system, and possibly a funding opportunity.

DATES: Responses to the RFI must be received by March 4, 2022 by 5:00 p.m. (ET).

ADDRESSES: Interested parties may submit comments electronically to consentbasedsiting@hq.doe.gov. Include “RFI: Consent-Based Siting and Federal Interim Storage” in the subject line of the email. Email attachments can be provided as a Microsoft Word (.docx) file or an Adobe PDF (.pdf) file, prepared in accordance with the detailed instructions in the RFI. Documents submitted electronically should clearly indicate which topic areas and specific questions are being addressed, and should be limited to no more than 45MB in size.

FOR FURTHER INFORMATION CONTACT: Please send any questions to consentbasedsiting@hq.doe.gov, or to Alisa Trunzo at 301-903-9600.

SUPPLEMENTARY INFORMATION: