advise the Office of Self-Regulation within 10 business days of any changes in circumstances that are material to the approval criteria in § 518.5 and may reasonably cause the Commission to review and revoke the tribe's certificate of self-regulation. Failure to do so is grounds for revocation of a certificate of self-regulation. Such circumstances may include, but are not limited to, a change of primary regulatory official; financial instability; or any other factors that are material to the decision to grant a certificate of self-regulation.

■ 4. Revise §§ 518.13 and 518.14 to read as follows:

§ 518.13 When may the Commission revoke a certificate of self-regulation?

If the Office of Self-Regulation determines that the tribe no longer meets or did not comply with the eligibility criteria of § 518.3, the approval criteria of § 518.5, the requirements of § 518.10, or the requirements of § 518.11, the Office of Self-Regulation shall prepare a written recommendation to the Commission and deliver a copy of the recommendation to the tribe. The Office of Self-Regulation's recommendation shall state the reasons for the recommendation and shall advice the tribe of its right to a hearing under part 584 of this chapter or right to appeal under part 585 of this chapter. The Commission may, after an opportunity for a hearing, revoke a certificate of self-regulation by a majority vote of its members if it determines that the tribe no longer meets the eligibility criteria of § 518.3, the approval criteria of § 518.5, the requirements of § 518.10 or the requirements of § 518.11.

§ 518.14 May a tribe request a hearing on the Commission's proposal to revoke its certificate of self-regulation?

Yes. A tribe may request a hearing regarding the Office of Self-Regulation's recommendation that the Commission revoke a certificate of self-regulation. Such a request shall be filed with the Commission pursuant to part 584 of this chapter. Failure to request a hearing within the time provided by part 584 of this chapter shall constitute a waiver of the right to a hearing. At any hearing where the Commission considers revoking a certificate, the Office of Self-Regulation bears the burden of proof to support its recommendation by a preponderance of the evidence. The decision to revoke a certificate is a final agency action and is appealable to Federal District Court pursuant to 25 U.S.C. 2714.

Dated: September 27, 2022.

E. Sequoyah Simermeyer,

Chairman.

Jeannie Hovland,

Vice Chair.

[FR Doc. 2022–21948 Filed 10–17–22; 8:45 am]

BILLING CODE 7565–01–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Parts 207 and 326

RIN 0710–AB13

Civil Monetary Penalty Inflation Adjustment Rule

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Final rule.

SUMMARY: The U.S. Army Corps of Engineers (Corps) is issuing this final rule to adjust its civil monetary penalties (CMP) under the Rivers and Harbors Appropriation Act of 1922 (RHA), the Clean Water Act (CWA), and the National Fishing Enhancement Act (NFEA) to account for inflation.

DATES: This final rule is effective on October 18, 2022.

FOR FURTHER INFORMATION CONTACT: For the RHA portion, please contact Mr. Paul Clouse at 202–761–4709 or by email at *Paul.D.Clouse@usace.army.mil,* or for the CWA and NFEA portion, please contact Mr. Matt Wilson 202–761–5856 or by email at *Matthew.S.Wilson@usace.army.mil* or access the U.S. Army Corps of Engineers Regulatory Home Page at *https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/.*

SUPPLEMENTARY INFORMATION: The Federal Civil Penalties Inflation Adjustment Act of 1990, Public Law 101–410, codified at 28 U.S.C. 2461, note, as amended, requires agencies to annually adjust the level of CMP for inflation to improve their effectiveness and maintain their deterrent effect, as required by the Federal Civil Penalties Adjustment Act Improvements Act of 2015, Public Law 114–74, sec. 701, November 2, 2015 (''Inflation Adjustment Act'').

With this rule, the new statutory maximum penalty levels listed in Table 1 will apply to all statutory civil penalties assessed on or after the effective date of this rule. Table 1 shows the calculation of the 2022 annual inflation adjustment based on the guidance provided by the Office of Management and Budget (OMB) (see December 15, 2021, Memorandum for the Heads of Executive Departments and Agencies, Subject: Implementation of Penalty Inflation Adjustments for 2022, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015). The OMB provided to agencies the cost-of-living adjustment multiplier for 2022, based on the Consumer Price Index for All Urban Consumers (CPI–U) for the month of October 2021, not seasonally adjusted, which is 1.06222. Agencies are to adjust ''the maximum civil monetary penalty or the range of minimum and maximum civil monetary penalties, as applicable, for each civil monetary penalty by the cost-of-living adjustment.'' For 2022, agencies multiply each applicable penalty by the multiplier, 1.06222, and round to the nearest dollar. The multiplier should be applied to the most recent penalty amount, *i.e.,* the one that includes the 2021 annual inflation adjustment.

TABLE 1

Citation	Civil Monetary Penalty (CMP) amount established by law	2021 CMP amount in effect prior to this rulemaking	2022 Inflation adjustment multiplier	CMP Amount as of October 18, 2022
Rivers and Harbors Act of 1922 (33 U.S.C. 555).	$2,500 per violation	$5,903 per violation	1.06222	$6,270 per violation.
CWA, 33 U.S.C. 1319(g)(2)(A).	$10,000 per violation, with a maximum of $25,000.	$22,585 per violation, with a maximum of $56,461.	1.06222	$23,990 per violation, with a maximum of $59,974.
CWA, 33 U.S.C. 1344(s)(4) ...	Maximum of $25,000 per day for each violation.	Maximum of $56,461 per day for each violation.	1.06222	Maximum of $59,974 per day for each violation.

TABLE 1—Continued

Citation	Civil Monetary Penalty (CMP) amount established by law	2021 CMP amount in effect prior to this rulemaking	2022 Inflation adjustment multiplier	CMP Amount as of October 18, 2022
National Fishing Enhancement Act, 33 U.S.C. 2104(e).	Maximum of $10,000 per violation.	Maximum of $24,730 per violation.	1.06222	Maximum of $26,269 per violation.

Section 4 of the Inflation Adjustment Act directs federal agencies to publish annual penalty inflation adjustments. In accordance with section 553 of the Administrative Procedures Act (APA), many rules are subject to notice and comment and are effective no earlier than 30 days after publication in the **Federal Register**. Section 4(b)(2) of the Inflation Adjustment Act further provides that each agency shall make the annual inflation adjustments ''notwithstanding section 553'' of the APA. According to the December 2021 OMB guidance issued to Federal agencies on the implementation of the 2022 annual adjustment, the phrase ''notwithstanding section 553'' means that, ''the public procedure the APA generally requires—notice, an opportunity for comment, and a delay in effective date—is not required for agencies to issue regulations implementing the annual adjustment.'' Consistent with the language of the Inflation Adjustment Act and OMB's implementation guidance, this rule is not subject to notice and opportunity for public comment or a delay in effective date. This rule adjusts the value of current statutory civil penalties to reflect and keep pace with the levels originally set by Congress when the statutes were enacted, as required by the Inflation Adjustment Act. This rule will apply prospectively to penalty assessments beginning on the effective date of this final rule.

Regulatory Procedures

Plain Language

In compliance with the principles in the President's Memorandum of June 1, 1998, regarding plain language, this preamble is written using plain language. The use of ''we'' in this notice refers to the Corps and the use of ''you'' refers to the reader. We have also used the active voice, short sentences, and common everyday terms except for necessary technical terms.

Executive Order 12866, ''Regulatory Planning and Review,'' and Executive Order 13563, ''Improving Regulation and Regulatory Review''

This rule is not designated a ''significant regulatory action'' under Executive Order 12866 and OMB determined this rule to not be significant. Moreover, this final rule makes nondiscretionary adjustments to existing civil monetary penalties in accordance with the Inflation Adjustment Act and OMB guidance. The Corps, therefore, did not consider alternatives and does not have the flexibility to alter the adjustments of the civil monetary penalty amounts as provided in this rule.

Public Law 96–511, ''Paperwork Reduction Act'' (44 U.S.C. Chapter 35)

The Department of Defense determined that provisions of the Paperwork Reduction Act of 1995, Public Law 104–13, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this rule because there are no new or revised recordkeeping or reporting requirements. This action merely increases the level of statutory civil penalties that could be imposed in the context of a federal civil administrative enforcement action or civil judicial case for violations of Corps-administered statutes and implementing regulations.

Executive Order 13132, ''Federalism''

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a rule that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has Federalism implications. This final rule will not have a substantial effect on State and local governments.

Public Law 96–354, ''Regulatory Flexibility Act'' (5 U.S.C. Chapter 6)

The Assistant Secretary of the Army (Civil Works) certified that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities. Because notice of proposed rulemaking and opportunity for comment are not required pursuant to 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act are inapplicable. Therefore, the Regulatory Flexibility Act, as amended, does not require the Corps of Engineers to prepare a regulatory flexibility analysis.

Unfunded Mandates Reform Act (2 U.S.C. Chapter 25)

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1532) requires agencies to assess anticipated costs and benefits before issuing any rule the mandates of which require spending in any year of $100 million in 1995 dollars, updated annually for inflation. This rule will not mandate any requirements for State, local, or tribal governments, nor will it affect private sector costs.

Public Law 104–113, ''National Technology Transfer and Advancement Act'' (15 U.S.C. Chapter 7)

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, (15 U.S.C. 272 note), directs us to use voluntary consensus standards in our regulatory activities, unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs us to provide Congress, through OMB, explanations when we decide not to use available and applicable voluntary consensus standards. This rule does not involve technical standards. Therefore, we did not consider the use of any voluntary consensus standards.

Executive Order 13045, ''Protection of Children From Environmental Health Risks and Safety Risks''

Executive Order 13045 applies to any rule that: (1) is determined to be ''economically significant'' as defined under Executive Order 12866, and (2)

concerns an environmental health or safety risk that we have reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, we must evaluate the environmental health or safety effects of the rule on children, and explain why the regulation is preferable to other potentially effective and reasonably feasible alternatives. This rule is not subject to this Executive Order because it is not economically significant as defined in Executive Order 12866. In addition, it does not concern an environmental or safety risk that we have reason to believe may have a disproportionate effect on children.

Executive Order 13175, ''Consultation and Coordination With Indian Tribal Governments''

Executive Order 13175 requires agencies to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' The phrase ''policies that have tribal implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.'' This rule does not have tribal implications. The rule imposes no new substantive obligations on tribal governments. Therefore, Executive Order 13175 does not apply to this rule.

Public Law 104–121, ''Congressional Review Act,'' (5 U.S.C. Chapter 8)

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. We will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Executive Order 12898, ''Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations''

Executive Order 12898 requires that, to the greatest extent practicable and permitted by law, each Federal agency must make achieving environmental justice part of its mission. Executive Order 12898 provides that each Federal agency conduct its programs, policies, and activities that substantially affect human health or the environment in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons (including populations) from participation in, denying persons (including populations) the benefits of, or subjecting persons (including populations) to discrimination under such programs, policies, and activities because of their race, color, or national origin. This rule merely adjusts civil penalties to account for inflation, and therefore, is not expected to negatively impact any community, and therefore is not expected to cause any disproportionately high and adverse impacts to minority or low-income communities.

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use''

This rule is not a ''significant energy action'' as defined in Executive Order 13211 because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

List of Subjects

33 CFR Part 207

Navigation (water), Penalties, Reporting and recordkeeping requirements, and Waterways.

33 CFR Part 326

Administrative practice and procedure, Intergovernmental relations, Investigations, Law enforcement, Navigation (Water), Water pollution control, and Waterways.

Approved by:

Michael L. Connor,

Assistant Secretary of the Army (Civil Works).

For the reasons set out in the preamble, title 33, chapter II, part 207 of the Code of Federal Regulations is amended as follows:

PART 207—NAVIGATION REGULATIONS

■ 1. The authority citation for part 207 is revised to read as follows:

Authority: 33 U.S.C. 1; 33 U.S.C. 555; 28 U.S.C. 2461 note.

■ 2. Amend § 207.800 by revising paragraph (c)(2) to read as follows:

§ 207.800 Collection of navigation statistics.

* * * * *

(c) * * *

(2) In addition, any person or entity that fails to provide timely, accurate, and complete statements or reports required to be submitted by the regulation in this section may also be assessed a civil penalty of up to $6,270 per violation under 33 U.S.C. 555, as amended.

* * * * *

PART 326—ENFORCEMENT

■ 3. The authority citation for part 326 continues to read as follows:

Authority: 33 U.S.C. 401 *et seq.;* 33 U.S.C. 1344; 33 U.S.C. 1413; 33 U.S.C. 2104; 33 U.S.C. 1319; 28 U.S.C. 2461 note.

■ 4. Amend § 326.6 by revising paragraph (a)(1) to read as follows:

§ 326.6 Class I administrative penalties.

(a) * * * (1) This section sets forth procedures for initiation and administration of Class I administrative penalty orders under Section 309(g) of the Clean Water Act, judicially-imposed civil penalties under Section 404(s) of the Clean Water Act, and Section 205 of the National Fishing Enhancement Act. Under Section 309(g)(2)(A) of the Clean Water Act, Class I civil penalties may not exceed $23,990 per violation, except that the maximum amount of any Class I civil penalty shall not exceed $59,974. Under Section 404(s)(4) of the Clean Water Act, judicially-imposed civil penalties may not exceed $59,974 per day for each violation. Under Section 205(e) of the National Fishing Enhancement Act, penalties for violations of permits issued in accordance with that Act shall not exceed $26,269 for each violation.

TABLE 1 TO PARAGRAPH(a)(1)

Environmental statute and U.S. code citation	Statutory civil monetary penalty amount for violations that occurred after November 2, 2015, and are assessed on or after October 18, 2022
Clean Water Act (CWA), Section 309(g)(2)(A), 33 U.S.C. 1319(g)(2)(A)	$23,990 per violation, with a maximum of $59,974.
CWA, Section 404(s)(4), 33 U.S.C. 1344(s)(4)	Maximum of $59,974 per day for each violation.
National Fishing Enhancement Act, Section 205(e), 33 U.S.C. 2104(e)	Maximum of $26,269 per violation.

* * * * *

[FR Doc. 2022–22480 Filed 10–17–22; 8:45 am]

BILLING CODE 3720–58–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2020–0187; FRL–10244–01–R4]

Air Plan Approval; North Carolina; Revisions to Exclusionary Rules and Permit Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving portions of revisions to the State Implementation Plan (SIP) submitted by the State of North Carolina, through the North Carolina Department of Environmental Quality, Division of Air Quality (DAQ), on September 18, 2009, and July 10, 2019. These revisions modify two different sections of the North Carolina SIP which (1) exclude certain categories of facilities from title V permitting requirements by imposing limitations on their potential emissions (Section 2Q .0800, ''Exclusionary Rules''), and (2) exclude certain categories of facilities from the SIP's permitting requirements by imposing limitations on their potential emissions (Section 2Q .0900, ''Permit Exemptions''). EPA is approving these revisions pursuant to the Clean Air Act (CAA or Act).

DATES: This rule is effective November 17, 2022.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2020–0187. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information may not be publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials can either be retrieved electronically via *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Pearlene Williams, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. Ms. Williams can be reached via telephone at (404) 562–9144 or via electronic mail at *williams.pearlene@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In a notice of proposed rulemaking (NPRM) published on January 19, 2021 (86 FR 5091), EPA proposed to approve changes to several provisions under 15A North Carolina Administrative Code (NCAC) Subchapter 2Q, Air Quality Permit Procedures,[1] of the North Carolina SIP. EPA proposed revisions to the following rules under Section 2Q .0800 (''Exclusionary Rules''), which defines the categories of facilities that are not subject to title V permitting requirements due to limitations on their potential emissions: 2Q .0801, *Purpose and Scope;* 2Q .0802, *Gasoline Service Stations and Dispensing Facilities;*[2] 2Q .0803, *Coating, Solvent Cleaning, Graphic Arts Operations;* 2Q .0804, *Dry Cleaning Facilities;* 2Q .0805, *Grain Elevators;* 2Q .0806, *Cotton Gins;* and 2Q .0807, *Emergency Generators.* In addition, EPA proposed to remove from the SIP Rule 2Q .0809, *Concrete Batch Plants.*

EPA also proposed revisions to the following rules under Section 2Q .0900 (''Permit Exemptions''), which defines the categories of facilities that are exempt from the State's SIP permitting requirements for non-title V facilities by limiting their potential emissions: 2Q .0901, *Purpose and Scope,* and 2Q .0902, *Temporary Crushers.*[3] [4] The January 19, 2021, NPRM provides additional detail regarding the background and rationale for EPA's action. Comments were due on or before February 18, 2021.

II. Response to Comments

EPA received comments on the January 19, 2021, NPRM, which are included in the docket for this rulemaking. The comments arrived in a letter dated February 18, 2021, and originate from one commentor, Air Law for All. The Commenter also provided supplemental documentation to support its comments. The comments are generally opposed to the revisions to the permit exemption provisions of Rule 2Q .0902, *Temporary Crushers,* which exempts temporary rock crushers that meet certain criteria from the requirement to obtain stationary source construction and operating permits under Section 2Q .0300 of the SIP. EPA received no comments on the changes to rules under Section 2Q .0800 or other rule revisions proposed for approval in the NPRM. Below, EPA summarizes and responds to the comments received and briefly describes the temporary crushers covered by Rule 2Q .0902.

A crusher is a machine designed to crush rocks into sand, gravel, or smaller crushed rocks. The term ''temporary crusher'' means a crusher that will be operated at any one site or facility for

[1] In the table of North Carolina regulations federally approved into the SIP at 40 CFR 52.1770(c), 15A NCAC 2Q is referred to as ''Subchapter 2Q Air Quality Permits.''

[2] This amendment changes the title of Rule 2Q .0802 in 40 CFR 52.1770(c) from ''Gasoline Servicing Stations and Dispensing Facilities'' to ''Gasoline Service Stations and Dispensing Facilities.''

[3] In the September 18, 2009, submittal, North Carolina changes the title of Rule 2Q .0902 from ''Portable Crushers'' to ''Temporary Crushers.''

[4] DAQ supplemented the September 18, 2009, submittal in a letter dated June 7, 2019, which includes the correct redline/strikeout of the regulatory changes and final regulations that became state effective on January 1, 2009. This letter is available in the docket for this rulemaking.