

Regulatory Impact Analysis

We examined the impacts of this final rule under Executive Order (E.O.) 12866, Regulatory Planning and Review; E.O. 13563, Improving Regulation and Regulatory Review; E.O. 13132, Federalism; the Regulatory Flexibility Act (5 U.S.C. 601–612); and the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

Executive Orders 12866 and 13563

E.O. 12866, Regulatory Planning and Review, and E.O. 13563, Improving Regulation and Regulatory Review, direct Federal agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity) for all significant regulatory actions. A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects (\$100 million or more in any one year). Based on our analysis, we believe this final rule does not constitute a significant or economically significant regulatory action.

Executive Order 13132

Executive Order 13132, Federalism, requires Federal agencies to consult with State and local government officials in the development of regulatory policies and with federalism implications. We reviewed the final rule as required under the order and determined that it will not have a significant potential negative impact on States, in the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government and does not have any federalism implications. The Secretary asserts that this final rule will not have effect on the States or on the distribution of power and responsibilities among the various levels of government.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601–612) requires Federal agencies to analyze regulatory options that would minimize any significant impact of the rule on small entities. For the purpose of this analysis, small entities include small business concerns as defined by the Small Business Administration (SBA), usually businesses with fewer than 500 employees. The Secretary asserts that the final rule will not create a significant economic impact on a

substantial number of small entities, and therefore a regulatory flexibility analysis, is not required.

Unfunded Mandates Act of 1995

Section 202(a) of the Unfunded Mandates Reform Act of 1995 requires Federal agencies to prepare a written statement that includes an assessment of anticipated costs and benefits before proposing “any rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal organizations, in the aggregate, or by the private sector, of \$100,000,000 or more (adjusted annually for inflation with base year of 1995) in any one year.” The current inflation-adjusted statutory threshold for 2022 is approximately \$165 million based on the Gross Domestic Product deflator. This final rule will not result in a one-year expenditure that would meet or exceed that amount.

Paperwork Reduction Act

This final rule does not contain any information collection requirements that are subject to Office of Management and Budget (OMB) approval under the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35).

List of Subjects in 45 CFR Part 3

Conduct, Federal buildings and facilities, Firearms, Government property, Traffic regulations.

For reasons presented in the preamble, 45 CFR part 3 is amended as set forth below.

PART 3—CONDUCT OF PERSONS AND TRAFFIC ON THE NATIONAL INSTITUTES OF HEALTH FEDERAL ENCLAVE

- 1. The authority citation for part 3 continues to read as follows:

Authority: 40 U.S.C. 318–318d, 486; Delegation of Authority, 33 FR 604.

§ 3.4 [Amended]

- 2. Section 3.4 is amended by removing the last sentence of the paragraph.
- 3. Section 3.42 is amended by revising the last sentence in paragraph (b) and paragraph (f) to read as follows:

§ 3.42 Restricted activities.

* * * * *

(b) * * * The use of a service animal by a person with a disability to assist that person is authorized.

* * * * *

(f) *Smoking.* Except as part of an approved medical research protocol, a person may not smoke on the enclave.

* * * * *

- 4. Section 3.61 is amended by revising paragraph (a) to read as follows:

§ 3.61 Penalties.

(a) A person found guilty of violating any provision of the regulations in this part is subject to a fine or imprisonment of not more than thirty days or both, for each violation (Pub. L. 107–296, Homeland Security Act of 2002).

* * * * *

Xavier Becerra,

Secretary, Department of Health and Human Services.

[FR Doc. 2023–00121 Filed 1–6–23; 8:45 am]

BILLING CODE 4140–01–P

FEDERAL TRADE COMMISSION**16 CFR Part 305**

[File No. R611004]

RIN 3084–AB15

Energy Labeling Rule; Correction

AGENCY: Federal Trade Commission.

ACTION: Final rule; correction and correcting amendment.

SUMMARY: The Federal Trade Commission (“Commission”) published a document in the **Federal Register** of October 12, 2022, concerning the Energy Labeling Rule. After publication, Commission staff learned that the document contained incorrect numbers in water heater tables, refrigerator tables, and regarding propane in certain appendices. Staff also learned that certain language in the Energy Labeling Rule regarding water heater size and type categories requires replacement to reflect accurate categories for water heaters under the Department of Energy conservation standards. The Commission is issuing this correction to reflect the corrected information.

DATES: Effective January 10, 2023.

FOR FURTHER INFORMATION CONTACT:

Hampton Newsome (202–326–2889), Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Room CC–9528, 600 Pennsylvania Avenue NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: The final rule document submitted by Commission staff for publication contained errors related to certain range numbers; specifically, the ranges for medium capacity gas and electric water heaters in appendices D1, D2, and D4 (as well as conforming changes to Sample Label 5 in appendix L), the description for high-capacity models in appendices D1 through D5, and a

specific range number for refrigerators covered by appendix A6. The final rule also contained a typographical error; specifically, a decimal point was omitted from the price-per-gallon figure for propane in the table for revised appendix K1.

In addition, the Commission is correcting 16 CFR part 305 to replace language in § 305.17(a)(9) to reflect the accurate size and type categories for water heaters under the Department of Energy conservation standards (10 CFR part 430).

Federal Register Corrections

In final rule FR Doc. 2022–22036 appearing at 87 FR 61465 in the **Federal Register** of Wednesday, October 12, 2022, make the following corrections.

■ 1. On page 61470, in the table in appendix A6, the entry “14.5 to 16.4” is corrected to read as follows:

Appendix A6 to Part 305—Refrigerator Freezers With Automatic Defrost With Bottom-Mounted Freezer No Through The-Door Ice

RANGE INFORMATION

Manufacturer's rated total refrigerated volume in cubic feet	Range of estimated annual energy costs (dollars/year)	
	Low	High
* * *	*	*
14.5 to 16.4	\$53	\$84

RANGE INFORMATION

Capacity (first hour rating in gallons)	Range of estimated annual energy costs (dollars/year)			
	Natural gas (\$/year)		Propane (\$/year)	
	Low	High	Low	High
“Very Small”—less than 18	(*)	(*)	(*)	(*)
“Low”—18 to 50.9	162	172	(*)	(*)
“Medium”—51 to 74.9	179	235	361	476
“High”—75 and over	227	336	460	679

(*) No data.

Appendix D2 to Part 305—Water Heaters—Electric

RANGE INFORMATION

Capacity First hour rating	Range of estimated annual energy costs (dollars/year)	
	Low	High
“Very Small”—less than 18	(*)	(*)
“Low”—18 to 50.9	90	357
“Medium”—51 to 74.9	121	494
“High”—75 and over	173	747

(*) No data.

Appendix D3 to Part 305—Water Heaters—Oil

RANGE INFORMATION

Capacity First hour rating	Range of estimated annual energy costs (dollars/year)	
	Low	High
“Very Small”—less than 18	(*)	(*)
“Low”—18 to 50.9	(*)	(*)
“Medium”—51 to 74.9	(*)	(*)
“High”—75 and over	625	686

(*) No data.

RANGE INFORMATION—Continued

Manufacturer's rated total refrigerated volume in cubic feet	Range of estimated annual energy costs (dollars/year)	
	Low	High
* * *	*	*

■ 2. On pages 61473–61474, instruction 8 and the accompanying regulatory text is corrected to read as follows:

8. Revise appendices D1 through D5 to read as follows:

Appendix D1 to Part 305—Water Heaters—Gas

Appendix D4 to Part 305—Water Heaters—Instantaneous—Gas**RANGE INFORMATION**

Capacity	Range of estimated annual energy costs (dollars/year)			
Capacity (maximum flow rate); gallons per minute (gpm)	Natural gas (\$/year)		Propane (\$/year)	
	Low	High	Low	High
“Very Small”—less than 1.6	24	30	50	61
“Low”—1.7 to 2.7	(*)	(*)	(*)	(*)
“Medium”—2.8 to 3.9	144	170	291	343
“High”—4.0 and over	210	253	427	511

(*) No data.

Appendix D5 to Part 305—Water Heaters—Instantaneous—Electric**RANGE INFORMATION**

Capacity	Range of estimated annual energy costs (dollars/year)	
Capacity (maximum flow rate); gallons per minute (gpm)		
	Low	High
“Very Small”—less than 1.6	82	90
“Low”—1.7 to 2.7	(*)	(*)
“Medium”—2.8 to 3.9	(*)	(*)
“High”—4.0 and over	(*)	(*)

(*) No data.

■ 3. On page 61477, in the table in appendix K1, the entry “Propane” is corrected to read as follows:

**Appendix K1 to Part 305—
Representative Average Unit Energy
Costs for Refrigerators, Refrigerator-
Freezers, Freezers, Clothes Washers,
Dishwashers, and Water Heater Labels**

* * * * *

Type of energy	In commonly used terms	As required by DOE test procedure
Propane	\$2.23/gallon ⁸	\$0.00002446/Btu.

* * * * *

⁸ For the purposes of this table, one gallon of liquid propane has an energy equivalence of 91,333 Btu.

* * * * *

■ 4. On page 61483, in appendix L, Sample Label 5 is corrected to read as follows:

Appendix L to Part 305—Sample Labels

* * * * *

BILLING CODE 7550-01-P

Sample Label 5 – Water Heater

U.S. Government	Federal law prohibits removal of this label before consumer purchase.	
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ENERGYGUIDE

Water Heater - Natural Gas Tank Size (Storage Capacity): 80 gallons	XYZ Corporation Model XXXXXXX
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Estimated Yearly Energy Cost

\$179\$235

\$229

Cost Range of Similar Models

First Hour Rating

(How much hot water you get in the first hour of use)

very small	low	medium 70 Gallons	high
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- **Your cost will depend on your utility rates and use.**
- Cost range based only on models fueled by natural gas with a medium first hour rating (51-74.9 gallons).
- Estimated energy cost based on a national average natural gas cost of \$1.21 per therm.
- Estimated yearly energy use: 145 therms.

[ftc.gov/energy](https://www.ftc.gov/energy)

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List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling, Reporting and recordkeeping requirements.

Correcting Amendment

For the reasons discussed above, 16 CFR part 305 is corrected by making the following correcting amendment:

PART 305—ENERGY AND WATER USE LABELING FOR CONSUMER PRODUCTS UNDER THE ENERGY POLICY AND CONSERVATION ACT (“ENERGY LABELING RULE”)

■ 1. The authority citation for part 305 continues to read as follows:

Authority: 42 U.S.C. 6294.

§ 305.17 [Amended]

■ 2. In § 305.17:

■ a. In paragraph (a)(9)(i), remove the phrase “or greater than 75 gallons” and add in its place “or 75 gallons or more”.

■ b. In paragraph (a)(9)(ii), remove the phrases “[electric models or models fueled by natural gas]” and “2.8 to 4.0, or greater than 4.0” and add in their places “[electric models or models fueled by natural gas or models fueled by propane]” and “2.8 to 3.9, or 4.0 or more”, respectively.

Dated: December 15, 2022.

April J. Tabor,
Secretary.

[FR Doc. 2022–27680 Filed 1–6–23; 8:45 am]

BILLING CODE 7550–01–C

OFFICE OF GOVERNMENT ETHICS**5 CFR Parts 2634 and 2636**

RIN 3209–AA66

2023 Civil Monetary Penalties Inflation Adjustments for Ethics in Government Act Violations

AGENCY: Office of Government Ethics.

ACTION: Final rule.

SUMMARY: In accordance with the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, the U.S. Office of Government Ethics is issuing this final rule to make the 2023 annual adjustments to the Ethics in Government Act civil monetary penalties.

DATES: This final rule is effective January 15, 2023.

FOR FURTHER INFORMATION CONTACT: Margaret Dylus-Yukins, Assistant Counsel, General Counsel and Legal Policy Division, Office of Government

Ethics, Telephone: 202–482–9300; TTY: 800–877–8339; FAX: 202–482–9237.

SUPPLEMENTARY INFORMATION:**I. Background**

In November 2015, Congress passed the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Sec. 701 of Pub. L. 114–74) (the 2015 Act), which further amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410). The 2015 Act required Federal agencies to make inflationary adjustments to the civil monetary penalties (CMPs) within their jurisdiction with an initial “catch-up” adjustment through an interim final rule effective no later than August 1, 2016, and further mandates that Federal agencies make subsequent annual inflationary adjustments of their CMPs, to be effective no later than January 15 of each year.

The Ethics in Government Act of 1978 as amended, Chapter 131, title 5 of the United States Code, provides for five CMPs.¹ Specifically, the Ethics Act provides for penalties that can be assessed by an appropriate United States district court, based upon a civil action brought by the Department of Justice, for the following five types of violations:

(1) knowing and willful failure to file, report required information on, or falsification of a public financial disclosure report, 5 U.S.C. 13106(a), 5 CFR 2634.701(b);

(2) knowing and willful breach of a qualified trust by trustees and interested parties, 5 U.S.C. 13104(f)(6)(C)(i), 5 CFR 2634.702(a);

(3) negligent breach of a qualified trust by trustees and interested parties, 5 U.S.C. 13104(f)(6)(C)(ii), 5 CFR 2634.702(b);

(4) misuse of a public report, 5 U.S.C. 13107(c)(2), 5 CFR 2634.703; and

(5) violation of outside employment/activities provisions, 5 U.S.C. 13145(a), 5 CFR 2636.104(a).

In compliance with the 2015 Act and guidance issued by the Office of Management and Budget (OMB), the U.S. Office of Government Ethics (OGE) made previous inflationary adjustments

¹ OGE has previously determined, after consultation with the Department of Justice, that the \$200 late filing fee for public financial disclosure reports that are more than 30 days overdue (see section 104(d) of the Ethics Act, Chapter 131, title 5 of the United States Code, 104(d), and 5 CFR 2634.704 of OGE’s regulations thereunder) is not a CMP as defined under the Federal Civil Penalties Inflation Adjustment Act, as amended. Therefore, that fee is not being adjusted in this rulemaking (nor was it adjusted by OGE in previous CMP rulemakings), and will remain at its current amount of \$200.

to the five Ethics Act CMPs, and is issuing this rulemaking to effectuate the 2023 annual inflationary adjustments to those CMPs. In accordance with the 2015 Act, these adjustments are based on the percent change between the Consumer Price Index for all Urban Consumers (CPI–U) for the month of October preceding the date of the adjustment, and the prior year’s October CPI–U. Pursuant to OMB guidance, the cost-of-living adjustment multiplier for 2022, based on the CPI–U for October 2021, not seasonally adjusted, is 1.07745. To calculate the 2023 annual adjustment, agencies must multiply the most recent penalty by the 1.07745 multiplier, and round to the nearest dollar.

Applying the formula established by the 2015 Act and OMB guidance, OGE is amending the Ethics Act CMPs through this rulemaking to:

(1) Increase the three penalties reflected in 5 CFR 2634.702(a), 2634.703, and 2636.104(a)—which were previously adjusted to a maximum of \$22,021—to a maximum of \$23,727;

(2) Increase the penalty reflected in 5 CFR 2634.702(b)—which was previously adjusted to a maximum of \$11,011—to a maximum of \$11,864; and

(3) Increase the penalty reflected in 5 CFR 2634.701(b)—which was previously adjusted to a maximum of \$66,190—to a maximum of \$71,316.

These adjusted penalty amounts will apply to penalties assessed after January 15, 2023 (the effective date of this final rule) whose associated violations occurred after November 2, 2015.

OGE will continue to make future annual inflationary adjustments to the Ethics Act CMPs in accordance with the statutory formula set forth in the 2015 Act and OMB guidance.

II. Matters of Regulatory Procedure*Administrative Procedure Act*

Pursuant to 5 U.S.C. 553(b), as Director of the Office of Government Ethics, I find that good cause exists for waiving the general notice of proposed rulemaking and public comment procedures as to these technical amendments. The notice and comment procedures are being waived because these amendments, which concern matters of agency organization, procedure and practice, are being adopted in accordance with statutorily mandated inflation adjustment procedures of the 2015 Act, which specifies that agencies shall adjust civil monetary penalties notwithstanding Section 553 of the Administrative Procedure Act. It is also in the public interest that the adjusted rates for civil