

is appropriate. This statement constitutes the Agency's "finding of no significant impact," and an environmental impact statement will not be prepared.<sup>86</sup> NHTSA will review comments regarding applying the adjustment beginning in model year 2023 as appropriate.

#### 6. Executive Order 12778 (Civil Justice Reform)

This rule does not have a preemptive or retroactive effect—specifically, it modifies a regulation to avoid having a retroactive effect. Judicial review of a rule based on this interim final rule may be obtained pursuant to 5 U.S.C. 702.

#### 7. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980, NHTSA states that there are no requirements for information collection associated with this rulemaking action.

#### 8. Privacy Act

Please note that anyone is able to search the electronic form of all comments received into any of DOT's dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477), or you may visit <http://dms.dot.gov>.

#### 9. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this action as a "major rule," as defined by 5 U.S.C. 804(2). For the reasons explained above, NHTSA finds that notice and public comment are impracticable, unnecessary, and contrary to the public interest. NHTSA will submit a rule report to each House of the Congress and to the Comptroller General of the United States.

#### List of Subjects in 49 CFR Part 578

Imports, Motor vehicle safety, Motor vehicles, Penalties, Rubber and rubber products, Tires.

In consideration of the foregoing, 49 CFR part 578 is amended as set forth below.

### PART 578—CIVIL AND CRIMINAL PENALTIES

■ 1. The authority citation for 49 CFR part 578 continues to read as follows:

**Authority:** Pub. L. 101–410, 104 Stat. 890; Pub. L. 104–134, 110 Stat. 1321; Pub. L. 109–

59, 119 Stat. 1144; Pub. L. 114–74, 129 Stat. 584; Pub. L. 114–94, 129 Stat. 1312; 49 U.S.C. 30165, 30170, 30505, 32308, 32309, 32507, 32709, 32710, 32902, 32912, and 33115; delegation of authority at 49 CFR 1.81, 1.95.

■ 2. Amend § 578.6 by revising paragraph (h) to read as follows:

#### § 578.6 Civil penalties for violations of specified provisions of Title 49 of the United States Code.

\* \* \* \* \*

(h) *Automobile fuel economy.* (1) A person that violates 49 U.S.C. 32911(a) is liable to the United States Government for a civil penalty of not more than \$43,280 for each violation. A separate violation occurs for each day the violation continues.

(2) Except as provided in 49 U.S.C. 32912(c), beginning with model year 2022, a manufacturer that violates a standard prescribed for a model year under 49 U.S.C. 32902 is liable to the United States Government for a civil penalty of \$14, plus any adjustments for inflation that occurred or may occur (for model years before model year 2022), multiplied by each .1 of a mile a gallon by which the applicable average fuel economy standard under that section exceeds the average fuel economy—

(i) Calculated under 49 U.S.C. 32904(a)(1)(A) or (B) for automobiles to which the standard applies manufactured by the manufacturer during the model year;

(ii) Multiplied by the number of those automobiles; and

(iii) Reduced by the credits available to the manufacturer under 49 U.S.C. 32903 for the model year.

*Note 1 to paragraph (h)(2):* If the August 31, 2020 decision of the United States Court of Appeals for the Second Circuit in Case No. 19–2395 is vacated, 49 CFR 578.6(h)(2), revised October 1, 2019, would apply to all model years, instead of paragraph (h)(2) of this section. In such instance, NHTSA would amend this section in accordance with such vacatur.

Issued in Washington, DC, under authority delegated in 49 CFR 1.95, and 501.5.

**James Clayton Owens,**  
Deputy Administrator

[FR Doc. 2021–00278 Filed 1–12–21; 11:15 am]

**BILLING CODE 4910–59–P**

### SURFACE TRANSPORTATION BOARD

#### 49 CFR Part 1022

[Docket No. EP 716 (Sub-No. 6)]

#### Civil Monetary Penalties—2021 Adjustment

**AGENCY:** Surface Transportation Board.

**ACTION:** Final rule.

**SUMMARY:** The Surface Transportation Board (Board) is issuing a final rule to implement the annual inflationary adjustment to its civil monetary penalties, pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.

**DATES:** This final rule is effective January 14, 2021.

#### FOR FURTHER INFORMATION CONTACT:

Sarah Fancher at (202) 245–0355. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877–8339.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act), enacted as part of the Bipartisan Budget Act of 2015, Public Law 114–74, sec. 701, 129 Stat. 584, 599–601, requires agencies to adjust their civil penalties for inflation annually, beginning on July 1, 2016, and no later than January 15 of every year thereafter. In accordance with the 2015 Act, annual inflation adjustments are to be based on the percent change between the Consumer Price Index for all Urban Consumers (CPI-U) for October of the previous year and the October CPI-U of the year before that. Penalty level adjustments should be rounded to the nearest dollar.

##### II. Discussion

The statutory definition of civil monetary penalty covers various civil penalty provisions under the Rail (Part A); Motor Carriers, Water Carriers, Brokers, and Freight Forwarders (Part B); and Pipeline Carriers (Part C) provisions of the Interstate Commerce Act, as amended. The Board's civil (and criminal) penalty authority related to rail transportation appears at 49 U.S.C. 11901–11908. The Board's penalty authority related to motor carriers, water carriers, brokers, and freight forwarders appears at 49 U.S.C. 14901–14916. The Board's penalty authority related to pipeline carriers appears at 49 U.S.C. 16101–16106.<sup>1</sup> The Board has regulations at 49 CFR part 1022 that codify the method set forth in the 2015 Act for annually adjusting for inflation the civil monetary penalties within the Board's jurisdiction.

As set forth in this final rule, the Board is amending 49 CFR part 1022 to

<sup>1</sup> The Board also has various criminal penalty authority, enforceable in a federal criminal court. Congress has not, however, authorized federal agencies to adjust statutorily prescribed criminal penalty provisions for inflation, and this rule does not address those provisions.

<sup>86</sup> 40 CFR 1501.6(a).

make an annual inflation adjustment to the civil monetary penalties in conformance with the requirements of the 2015 Act. The adjusted penalties set forth in the rule will apply only to violations that occur after the effective date of this regulation.

In accordance with the 2015 Act, the annual adjustment adopted here is calculated by multiplying each current penalty by the cost-of-living adjustment factor of 1.01182, which reflects the percentage change between the October 2020 CPI-U (260.388) and the October 2019 CPI-U (257.346). The table at the end of this decision shows the statutory citation for each civil penalty, a description of the provision, the adjusted statutory civil penalty level for 2020, and the adjusted statutory civil penalty level for 2021.

### III. Final Rule

The final rule set forth at the end of this decision is being issued without notice and comment pursuant to the rulemaking provision of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(B), which does not require that process “when the agency for good cause finds” that public notice and comment are “unnecessary.” Here, Congress has mandated that the agency make an annual inflation adjustment to its civil monetary penalties. The Board has no discretion to set alternative levels of adjusted civil monetary penalties, because the amount of the inflation adjustment must be calculated in accordance with the statutory formula. Given the absence of

discretion, the Board has determined that there is good cause to promulgate this rule without soliciting public comment and to make this regulation effective immediately upon publication.

### IV. Regulatory Flexibility Statement

The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 601–612, generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Because the Board has determined that notice and comment are not required under the APA for this rulemaking, the requirements of the RFA do not apply.

### V. Congressional Review Act

Pursuant to the Congressional Review Act, 5 U.S.C. 801–808, the Office of Information and Regulatory Affairs has designated this rule as a non-major rule, as defined by 5 U.S.C. 804(2).

### VI. Paperwork Reduction Act

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3521.

### List of Subjects in 49 CFR Part 1022

Administrative practice and procedures, Brokers, Civil penalties, Freight forwarders, Motor carriers,

Pipeline carriers, Rail carriers, Water carriers.

### It is ordered:

1. The Board amends its rules as set forth in this decision. Notice of the final rule will be published in the **Federal Register**.

2. This decision is effective on January 14, 2021.

Decided Date: January 11, 2021.

By the Board, Board Members Begeman, Fuchs, Oberman, and Primus.

**Tammy Lowery,**  
Clearance Clerk.

For the reasons set forth in the preamble, part 1022 of title 49, chapter X, of the Code of Federal Regulations is amended as follows:

### PART 1022—CIVIL MONETARY PENALTY INFLATION ADJUSTMENT

■ 1. Revise the authority citation for part 1022 to read as follows:

**Authority:** 5 U.S.C. 551–557; 28 U.S.C. 2461 note; 49 U.S.C. 11901, 14901, 14903, 14904, 14905, 14906, 14907, 14908, 14910, 14915, 14916, 16101, 16103.

■ 2. Revise § 1022.4(b) to read as follows:

### § 1022.4 Cost-of-living adjustments of civil monetary penalties.

\* \* \* \* \*

(b) The cost-of-living adjustment required by the statute results in the following adjustments to the civil monetary penalties within the jurisdiction of the Board:

TABLE 1 TO PARAGRAPH (b)

U.S. code citation	Civil monetary penalty description	Adjusted penalty amount 2020	Adjusted penalty amount 2021
<b>Rail Carrier Civil Penalties</b>			
49 U.S.C. 11901(a) .....	Unless otherwise specified, maximum penalty for each knowing violation under this part, and for each day.	\$8,128	\$8,224
49 U.S.C. 11901(b) .....	For each violation under § 11124(a)(2) or (b) .....	813	823
49 U.S.C. 11901(b) .....	For each day violation continues .....	42	42
49 U.S.C. 11901(c) .....	Maximum penalty for each knowing violation under §§ 10901–10906.	8,128	8,224
49 U.S.C. 11901(d) .....	For each violation under §§ 11123 or 11124(a)(1) .....	162–813	164–823
49 U.S.C. 11901(d) .....	For each day violation continues .....	81	82
49 U.S.C. 11901(e)(1), (4) .....	For each violation under §§ 11141–11145, for each day .....	813	823
49 U.S.C. 11901(e)(2), (4) .....	For each violation under § 11144(b)(1), for each day .....	162	164
49 U.S.C. 11901(e)(3)–(4) .....	For each violation of reporting requirements, for each day .....	162	164
<b>Motor and Water Carrier Civil Penalties</b>			
49 U.S.C. 14901(a) .....	Minimum penalty for each violation and for each day .....	1,112	1,125
49 U.S.C. 14901(a) .....	For each violation under §§ 13901 or 13902(c) .....	11,125	11,257
49 U.S.C. 14901(a) .....	For each violation related to transportation of passengers .....	27,813	28,142
49 U.S.C. 14901(b) .....	For each violation of the hazardous waste rules under § 3001 of the Solid Waste Disposal Act.	22,251–44,501	22,514–45,027
49 U.S.C. 14901(d)(1) .....	Minimum penalty for each violation of household good regulations, and for each day.	1,625	1,644

TABLE 1 TO PARAGRAPH (b)—Continued

U.S. code citation	Civil monetary penalty description	Adjusted penalty amount 2020	Adjusted penalty amount 2021
49 U.S.C. 14901(d)(2) .....	Minimum penalty for each instance of transportation of household goods if broker provides estimate without carrier agreement.	16,258	16,450
49 U.S.C. 14901(d)(3) .....	Minimum penalty for each instance of transportation of household goods without being registered.	40,640	41,120
49 U.S.C. 14901(e) .....	Minimum penalty for each violation of a transportation rule .....	3,251	3,289
49 U.S.C. 14901(e) .....	Minimum penalty for each additional violation .....	8,128	8,224
49 U.S.C. 14903(a) .....	Maximum penalty for undercharge or overcharge of tariff rate, for each violation.	162,568	164,490
49 U.S.C. 14904(a) .....	For first violation, rebates at less than the rate in effect .....	325	329
49 U.S.C. 14904(a) .....	For all subsequent violations .....	407	412
49 U.S.C. 14904(b)(1) .....	Maximum penalty for first violation for undercharges by freight forwarders.	813	823
49 U.S.C. 14904(b)(1) .....	Maximum penalty for subsequent violations .....	3,251	3,289
49 U.S.C. 14904(b)(2) .....	Maximum penalty for other first violations under § 13702 .....	813	823
49 U.S.C. 14904(b)(2) .....	Maximum penalty for subsequent violations .....	3,251	3,289
49 U.S.C. 14905(a) .....	Maximum penalty for each knowing violation of § 14103(a), and knowingly authorizing, consenting to, or permitting a violation of § 14103(a) or (b).	16,258	16,450
49 U.S.C. 14906 .....	Minimum penalty for first attempt to evade regulation .....	2,226	2,252
49 U.S.C. 14906 .....	Minimum amount for each subsequent attempt to evade regulation .....	5,562	5,628
49 U.S.C. 14907 .....	Maximum penalty for recordkeeping/reporting violations .....	8,128	8,224
49 U.S.C. 14908(a)(2) .....	Maximum penalty for violation of § 14908(a)(1) .....	3,251	3,289
49 U.S.C. 14910 .....	When another civil penalty is not specified under this part, for each violation, for each day.	813	823
49 U.S.C. 14915(a)(1)–(2) .....	Minimum penalty for holding a household goods shipment hostage, for each day.	12,919	13,072
49 U.S.C. 14916(c)(1) .....	Maximum penalty for each knowing violation under § 14916(a) for unlawful brokerage activities.	11,125	11,257
<b>Pipeline Carrier Civil Penalties</b>			
49 U.S.C. 16101(a) .....	Maximum penalty for violation of this part, for each day .....	8,128	8,224
49 U.S.C. 16101(b)(1), (4) .....	For each recordkeeping violation under § 15722, each day .....	813	823
49 U.S.C. 16101(b)(2), (4) .....	For each inspection violation liable under § 15722, each day .....	162	164
49 U.S.C. 16101(b)(3)–(4) .....	For each reporting violation under § 15723, each day .....	162	164
49 U.S.C. 16103(a) .....	Maximum penalty for improper disclosure of information .....	1,625	1,644

[FR Doc. 2021–00755 Filed 1–13–21; 8:45 am]

BILLING CODE 4915–01–P

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 229**

[Docket No. 210108–0005]

RIN 0648–BJ72

**List of Fisheries for 2021**

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

**ACTION:** Final rule.

**SUMMARY:** The National Marine Fisheries Service (NMFS) publishes its final List of Fisheries (LOF) for 2021, as required by the Marine Mammal Protection Act (MMPA). The LOF for 2021 reflects new information on interactions between commercial

fisheries and marine mammals. NMFS must classify each commercial fishery on the LOF into one of three categories under the MMPA based upon the level of mortality and serious injury of marine mammals that occurs incidental to each fishery. The classification of a fishery on the LOF determines whether participants in that fishery are subject to certain provisions of the MMPA, such as registration, observer coverage, and take reduction plan (TRP) requirements.

**DATES:** The effective date of this final rule is February 16, 2021.

**ADDRESSES:** Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:**

Jaclyn Taylor, Office of Protected Resources, 301–427–8402; Allison Rosner, Greater Atlantic Region, 978–281–9328; Jessica Powell, Southeast Region, 727–824–5312; Dan Lawson, West Coast Region, 206–526–4740; Suzie Teerlink, Alaska Region, 907–

586–7240; Diana Kramer, Pacific Islands Region, 808–725–5167. Individuals who use a telecommunications device for the hearing impaired may call the Federal Information Relay Service at 1–800–877–8339 between 8 a.m. and 4 p.m. Eastern time, Monday through Friday, excluding Federal holidays.

**SUPPLEMENTARY INFORMATION:****What is the List of Fisheries?**

Section 118 of the MMPA requires NMFS to place all U.S. commercial fisheries into one of three categories based on the level of incidental mortality and serious injury of marine mammals occurring in each fishery (16 U.S.C. 1387(c)(1)). The classification of a fishery on the LOF determines whether participants in that fishery may be required to comply with certain provisions of the MMPA, such as registration, observer coverage, and take reduction plan requirements. NMFS must reexamine the LOF annually, considering new information in the Marine Mammal Stock Assessment Reports (SARs) and other relevant