

28, 2017 Executive Order entitled “Promoting Energy Independence and Economic Growth.” (E. O. 13783).

*Response:* Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA’s role is to approve state actions, provided that they meet the criteria of the CAA. The EPA cannot consider disapproving a SIP submission or require any changes based on E. O. 13783.

### III. Final Action

The EPA is re-approving the revised Missoula Maintenance Plan submitted on September 19, 2016. This maintenance plan meets the applicable CAA requirements, and we have determined it is sufficient to provide for maintenance of the 8-hour CO NAAQS over the course of the second 10-year maintenance period out to 2027. This rule, which responds to the adverse comment received, finalizes our proposed approval of the revised section of Montana’s SIP.

### IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA’s role is to approve state actions, provided that they meet the criteria of the CAA. Accordingly, this action merely approves some state law provisions as meeting federal requirements; this action does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and

- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP does not apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added 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. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 2, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule

or action. This action may not be challenged later in proceedings to enforce its requirements. (See CAA section 307(b)(2).)

### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Reporting and recordkeeping requirements.

Dated: January 24, 2018.

**Debra H. Thomas,**

*Acting Regional Administrator, Region 8.*

40 CFR part 52 is amended as follows:

### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

*Authority:* 42 U.S.C. 7401 *et seq.*

#### Subpart BB—Montana

■ 2. Section 52.1373 is amended by revising paragraph (d) to read as follows:

#### § 52.1373 Control strategy: Carbon monoxide.

\* \* \* \* \*

(d) Revisions to the Montana State Implementation Plan, revised Carbon Monoxide Maintenance Plan for Missoula, as submitted by the Governor on September 19, 2016 (as approved by the EPA on February 1, 2018).

[FR Doc. 2018–01854 Filed 1–31–18; 8:45 am]

**BILLING CODE 6560–50–P**

### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 124

[FRL–9971–52–OARM]

#### Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation/Termination or Suspension of Permits; Procedures for Decisionmaking; Correction

**AGENCY:** Environmental Protection Agency.

**ACTION:** Correcting amendments.

**SUMMARY:** The Environmental Protection Agency (EPA) published a document in the **Federal Register** on January 9, 2017. That document revised filing and service requirements in permit appeal proceedings before the Environmental Appeals Board, but in doing so two subsections of the procedural rule were

inadvertently and unintentionally removed. This rule corrects that inadvertent removal as well as two other non-substantive typographical errors in the rule.

**DATES:** This final rule correction is effective on February 1, 2018.

**FOR FURTHER INFORMATION CONTACT:** Ammie Roseman-Orr, Environmental Appeals Board, U.S. Environmental Protection Agency, William Jefferson Clinton Building East, 1200 Pennsylvania Ave NW, Mail Code 1103M, Washington DC 20460-0001, phone number (202) 233-0122 or by email at [roseman-orr.ammie@epa.gov](mailto:roseman-orr.ammie@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Why is the EPA issuing this rule in final form without first issuing a proposal?**

Today's final rule is limited to correcting a mistake to procedural requirements for administrative adjudicatory hearings and appeals from such hearings and from permit decisions. As an amendment to a procedural rule, this final rule itself is a procedural rule. Under the Administrative Procedure Act, an agency may issue "rules of agency organization, procedure, or practice" without first proposing such rules for public comment. 5 U.S.C. 553(b). Accordingly, public comment is not required.

In addition, EPA has determined that this rule is effective immediately upon publication in the **Federal Register**. In general, Section 5 U.S.C. 553(d) requires that substantive rules not become effective less than 30 days after publication. However, this action involves not a substantive rule but a procedural rule. Moreover, the purpose of the 30-day waiting period prescribed in section 553(d) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. This action does not create any new regulatory requirements such that affected parties would need time to prepare before the actions take effect. To the contrary, this action merely corrects typographical errors and restores regulatory text that was inadvertently deleted thereby restoring the prior status quo. Furthermore, the absence of these provisions may result in confusion to parties as well as inefficiencies in the appeals process and thus it is in the public interest have the restoration of those provisions effective immediately. See 5 U.S.C. 553(d)(3).

**II. Does this action apply to me?**

This action affects parties involved in EPA administrative adjudicatory

proceedings for the assessment of civil penalties, issuance of various compliance orders, and termination or suspension of certain permits, under part 22 of title 40 of the CFR. See 40 CFR 22.1. This action also affects parties involved in appeal of EPA permits under part 124 of title 40 of the CFR.

**III. Background**

The rule document published on January 9, 2017 (82 FR 2230), revised the filing and service procedures used in permit appeals to the Environmental Appeals Board. The EPA also revised 40 CFR 124.19(b)(1) and (2) so that the deadlines for filing a response to a petition for review are based on the date the petition for review is served, rather than the date it is filed. Subsections (3) and (4) were intended to remain unchanged but were inadvertently removed from the rule.

Additionally, in § 124.19(i)(2)(iii), the address for delivery by hand or courier to the Environmental Appeals Board incorrectly identifies the room number as 3334 when the actual room number is 3332 and language regarding methods of delivery by hand or courier was inadvertently omitted.

Finally, the language in § 124.19(i)(3)(ii) revising the service requirements to allow for service by email inadvertently contains an extra "or" that does not belong so that this provision of the rule now reads: "Service must be by first class U.S. mail, by any reliable commercial delivery service, or, if agreed to by the parties, by facsimile or other electronic means, including but not necessarily limited to or email." Removal of the last "or" will make the sentence clearer.

**IV. Need for Correction**

As published on January 9, 2017 (82 FR 2230), the final regulation contains an error that resulted in the inadvertent removal of two procedural provisions that govern the participation of permit applicants, State, and Tribal Authorities in permit proceedings before the Environmental Appeals Board. The absence of these provisions may result in confusion to parties and inefficiencies in the appeals process and thus these provisions need to be reinstated. Additionally, revising the Environmental Appeals Board's address for delivery by hand or courier in § 124.19(i)(2)(iii) to reflect the correct room number and to include methods of delivery by hand or courier will avoid potential confusion. Finally, the superfluous "or" in the third sentence of § 124.19(i)(3)(ii) is confusing. Removal of that word will not change

the meaning of the sentence and will make the provision clearer.

**List of Subjects in 40 CFR Part 124**

Environmental protection, Administrative practice and procedures.

Dated: January 22, 2018.

**Donna J. Vizian,**

*Principal Deputy Assistant Administrator, Office of Administration and Resources Management.*

Accordingly, 40 CFR part 124 is corrected as follows:

**PART 124—PROCEDURES FOR DECISIONMAKING**

■ 1. The authority citation for part 124 continues to read as follows:

**Authority:** Resource Conservation and Recovery Act, 42 U.S.C. 6901 *et. seq.*; Safe Drinking Water Act, 42 U.S.C. 300f *et. seq.*; Clean Water Act, 33 U.S.C. 1251 *et. seq.*; Clean Air Act, 42 U.S.C. 7401 *et. seq.*

■ 2. In § 124.19:

- a. Add paragraphs (b)(3) and (4).
- b. Revise paragraph (i)(2) introductory text and paragraph (i)(2)(iii).
- c. Revise the third sentence of paragraph (i)(3)(ii).

The addition and revisions read as follows:

**§ 124.19 Appeal of RCRA, UIC, NPDES and PSD Permits.**

\* \* \* \* \*

(b) \* \* \*

(3) A permit applicant who did not file a petition but who wishes to participate in the appeal process must file a notice of appearance and a response to the petition. Such documents must be filed by the deadlines provided in paragraph (b)(1) or (2) of this section, as appropriate.

(4) The State or Tribal authority where the permitted facility or site is or is proposed to be located (if that authority is not the permit issuer) must also file a notice of appearance and a response if it wishes to participate in the appeal. Such response must be filed by the deadlines provided in paragraph (b)(1) or (2) of this section, as appropriate.

\* \* \* \* \*

(i) \* \* \*

(2) *Method of filing.* Unless otherwise permitted under these rules, documents must be filed either by using the Environmental Appeals Board's electronic filing system, by U.S. mail, or by hand delivery or courier (including delivery by U.S. Express Mail or by a commercial delivery service). In addition, a motion or a response to a motion may be submitted by facsimile if the submission contains no attachments.

Upon filing a motion or response to a motion by facsimile, the sender must, within one business day, submit the original copy to the Clerk of the Environmental Appeals Board either electronically, by mail, or by hand delivery or courier. The Environmental Appeals Board may by order require filing by facsimile or the Board's electronic filing system, subject to any appropriate conditions and limitations.

\* \* \* \* \*

(iii) *Filing by hand delivery or courier.* Documents delivered by hand or courier (including deliveries by U.S. Express Mail or by a commercial delivery service) must be delivered to the Clerk of the Environmental Appeals Board at: U.S. Environmental Protection Agency, Environmental Appeals Board, WJC East Building, 1201 Constitution Avenue NW, Room 3332, Washington, DC 20004.

(3) \* \* \*

(ii) *Service requirements for parties.* \* \* \* Service must be by first class U.S. mail, by any reliable commercial delivery service, or, if agreed to by the parties, by facsimile or other electronic means, including but not necessarily limited to email. \* \* \*

\* \* \* \* \*

[FR Doc. 2018-02055 Filed 1-31-18; 8:45 am]

BILLING CODE 6560-50-P

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 1**

[DA 18-12]

**Annual Adjustment of Civil Monetary Penalties To Reflect Inflation**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the 2015 Inflation Adjustment Act) requires the Federal Communications Commission to amend its forfeiture penalty rules to reflect

annual adjustments for inflation in order to improve their effectiveness and maintain their deterrent effect. The 2015 Inflation Adjustment Act provides that the new penalty levels shall apply to penalties assessed after the effective date of the increase, including when the penalties whose associated violation predate the increase.

**DATES:** Effective February 1, 2018.

**FOR FURTHER INFORMATION CONTACT:** Lisa Gelb, Enforcement Bureau, 202-418-1479.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Order, DA 18-12, adopted and released on January 5, 2018. The document is available for download at [http://transition.fcc.gov/Daily\\_Releases/Daily\\_Business/2018/db0105/DA-18-12A1.pdf](http://transition.fcc.gov/Daily_Releases/Daily_Business/2018/db0105/DA-18-12A1.pdf). The complete text of this document is also available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street SW, Room CY-A257, Washington, DC 20554.

The Bipartisan Budget Act of 2015 included, as Section 701 thereto, the 2015 Inflation Adjustment Act, which amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101-410), to improve the effectiveness of civil monetary penalties and maintain their deterrent effect. Under the act, agencies are required to make annual inflationary adjustments by January 15 each year. The adjustments are calculated pursuant to Office of Management and Budget (OMB) guidance. OMB issued guidance on December 15, 2017, and this Order follows that guidance. We therefore update the civil monetary penalties set forth in the Commission's rules, to reflect an annual inflation adjustment that derives from OMB's cost-of-living multiplier of 1.02041.

**Paperwork Reduction Act**

This document does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. In addition, therefore, it

does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4).

**Congressional Review Act**

The Commission will send a copy of this Order to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

**List of Subjects in 47 CFR Part 1**

Administrative practice and procedure, Penalties.

Federal Communications Commission.

**Lisa S. Gelb,**

*Deputy Chief, Enforcement Bureau.*

**Final Rules**

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 1 as follows:

**PART 1—PRACTICE AND PROCEDURE**

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

**Authority:** 47 U.S.C. 34-39, 151, 154(i), 154(j), 155, 157, 160, 201, 225, 227, 303, 309, 310, 332, 1403, 1404, 1451, 1452, 1455; 28 U.S.C. 2461 note.

**Subpart A—General Rules of Practice and Procedure**

■ 2. Section 1.80 is amended by revising the table in Section III of the note to paragraph (b)(8) and revising paragraph (b)(9) to read as follows:

**§ 1.80 Forfeiture proceedings.**

\* \* \* \* \*

(b) \* \* \*

(8) \* \* \*

Note to paragraph (b)(8) \* \* \*  
Section III. Non-Section 503 Forfeitures That Are Affected by the Downward Adjustment Factors

\* \* \* \* \*

Violation	Statutory amount (\$)
Sec. 202(c) Common Carrier Discrimination .....	\$11,784, \$589/day.
Sec. 203(e) Common Carrier Tariffs .....	\$11,784, \$589/day.
Sec. 205(b) Common Carrier Prescriptions .....	\$23,566.
Sec. 214(d) Common Carrier Line Extensions .....	\$2,356/day.
Sec. 219(b) Common Carrier Reports .....	\$2,356/day.
Sec. 220(d) Common Carrier Records & Accounts .....	\$11,784/day.
Sec. 223(b) Dial-a-Porn .....	\$122,110/day.
Sec. 227(e) Caller Identification .....	\$11,278/violation.
	\$33,833/day for each day of continuing violation, up to \$1,127,799 for any single act or failure to act.
Sec. 364(a) Forfeitures (Ships) .....	\$9,819/day (owner).