

- ii. In the second sentence, remove the words “telephone number” and add in their place “contact information”;
- iii. Remove the phrase “OSM’s” and add in its place, “OSMRE’s field offices’ contact information is provided in the OHA Standing Orders on Contact Information”;
- iv. Remove the list of undesignated field offices following paragraph (b)(2); and
- c. In paragraph (b)(3), remove “OHA” and add in its place “the Hearings Division”.

#### § 4.1282 [Amended]

- 52. In § 4.1282, in paragraph (a), remove the words “801 N Quincy Street, Arlington, Va. 22203,”.

#### § 4.1301 [Amended]

- 53. In § 4.1301, remove “, 801 North Quincy Street, Arlington, Virginia 22203. Phone: 703–235–3800”.

#### § 4.1352 [Amended]

- 54. In § 4.1352, in paragraph (b), remove “801 N Quincy Street, Suite 300, Arlington, Virginia 22203 (telephone 703–235–3800),”.

#### § 4.1362 [Amended]

- 55. In § 4.1362, in paragraph (a), remove “, 801 North Quincy Street, Arlington, Virginia 22203 (phone 703–235–3800),”.

#### § 4.1367 [Amended]

- 56. In § 4.1367, in paragraph (b), remove “, 801 North Quincy Street, Arlington, Virginia 22203 (phone 703–235–3800),”.

#### § 4.1371 [Amended]

- 57. In § 4.1371, in paragraph (a), remove “, 801 N Quincy Street, Suite 300, Arlington, Virginia 22203 (telephone 703–235–3800)”.

#### § 4.1376 [Amended]

- 58. In § 4.1376, in paragraph (b), remove “, 801 North Quincy Street, Arlington, Virginia 22203 (Telephone 703–235–3800)”.

#### § 4.1381 [Amended]

- 59. In § 4.1381, in paragraph (a), remove “, 801 N Quincy Street, Suite 300, Arlington, Virginia 22203 (telephone 703–235–3800)”.

#### § 4.1386 [Amended]

- 60. In § 4.1386, in paragraph (b), remove “, 801 North Quincy Street, Arlington, Virginia 22203 (Telephone 703–235–3800)”.

#### § 4.1391 [Amended]

- 61. In § 4.1391, in paragraph (a), remove “, 801 N Quincy Street, Suite 300, Arlington, VA 22203 (telephone 703–235–3800)”.

#### Subpart M—Special Procedural Rules Applicable to Appeals of Decisions Made Under OMB Circular A–76

#### § 4.1604 [Amended]

- 62. In § 4.1604 remove the phrase “, 801 N Quincy Street, Arlington, VA 22203”.

This action is taken pursuant to delegated authority.

Joan M. Mooney,

*Principal Deputy Assistant Secretary Policy, Management and Budget.*

[FR Doc. 2023–00990 Filed 1–27–23; 8:45 am]

BILLING CODE 4334–63–P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 11

[Docket No. FWS–HQ–LE–2022–0176; FF09L00200–FX–LE12200900000]

RIN 1018–BG74

#### Civil Penalties; 2023 Inflation Adjustments for Civil Monetary Penalties

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service or we) is issuing this final rule, in accordance with the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Inflation Adjustment Act) and Office of Management and Budget (OMB) guidance, to adjust for inflation the statutory civil monetary penalties that may be assessed for violations of Service-administered statutes and their implementing regulations. We are required to adjust civil monetary penalties annually for inflation according to a formula specified in the Inflation Adjustment Act. This rule replaces the previously issued amounts with the updated amounts after using the 2023 inflation adjustment multiplier provided in the OMB guidance.

**DATES:** This rule is effective January 30, 2023.

**ADDRESSES:** This rule may be found on the internet at <https://www.regulations.gov> in Docket No. FWS–HQ–LE–2022–0176.

**FOR FURTHER INFORMATION CONTACT:** Douglas Ault, Special Agent in Charge,

Headquarters Investigations Unit, U.S. Fish and Wildlife Service, Office of Law Enforcement, (703) 358–2290.

Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

#### SUPPLEMENTARY INFORMATION:

##### Background

The regulations in title 50 of the Code of Federal Regulations at 50 CFR part 11 provide uniform rules and procedures for the assessment of civil penalties resulting from violations of certain laws and regulations enforced by the Service.

The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (sec. 701 of Pub. L. 114–74) (Inflation Adjustment Act) required Federal agencies to adjust the level of civil monetary penalties with an initial “catch up” adjustment through rulemaking and then make subsequent annual adjustments for inflation. The purpose of these adjustments is to maintain the deterrent effect of civil penalties and to further the policy goals of the underlying statutes.

Under section 4 of the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. 2461 note, as amended by the Inflation Adjustment Act, each Federal agency is required to issue regulations adjusting for inflation the statutory civil monetary penalties (civil penalties) that can be imposed under the laws administered by that agency. The Inflation Adjustment Act provided that the initial “catch up adjustment” take effect no later than August 1, 2016, followed by subsequent adjustments to be made no later than January 15 every year thereafter. This final rule adjusts the civil penalty amounts that may be imposed pursuant to each statutory provision beginning on the date specified above in **DATES**.

On June 28, 2016, the Service published in the **Federal Register** an interim rule that revised 50 CFR part 11 (81 FR 41862) to carry out the Inflation Adjustment Act. The Service subsequently published a final rule to that interim rule on December 23, 2016 (81 FR 94274). The Service has published final rules every year thereafter, further adjusting the civil penalty amounts in 50 CFR 11.33 per OMB guidance:

- 82 FR 6307, January 19, 2017;
- 83 FR 5950, February 12, 2018;
- 84 FR 15525, April 16, 2019;

- 85 FR 10310, February 24, 2020;
- 86 FR 15427, March 23, 2021; and
- 87 FR 13948, March 11, 2022.

This final rule adjusts the civil monetary penalty amounts that were listed in the 2022 final rule and subsequently codified at 50 CFR 11.33 by using the 2023 inflation multiplier provided to all Federal agencies by OMB (see below).

OMB issued a memorandum, M–23–05, entitled “Implementation of Penalty Inflation Adjustments for 2023, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015,” which provides the cost-of-living adjustment multiplier for 2023: 1.07745. Therefore, we multiplied each penalty in the table in 50 CFR 11.33 by 1.07745 to obtain the 2023 annual adjustment. The new amounts are reflected in the table in the rule portion of this document and replace the current amounts in 50 CFR 11.33.

**Required Determinations**

In addition, in this final rule, we affirm the required determinations we made in the June 28, 2016, interim rule (81 FR 41862); for descriptions of our actions to ensure compliance with the following statutes and Executive Orders, see that rule:

- National Environmental Policy Act (42 U.S.C. 4321 *et seq.*);
- Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 804(2));
- Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*);
- Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*);

- Executive Orders 12630, 12866, 12988, 13132, 13175, 13211, and 13563.

**Administrative Procedure Act**

As stated above, under section 4 of the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. 2461 note, as amended by the Inflation Adjustment Act, Public Law 114–74, 129 Stat. 584 (2015), each Federal agency is required to issue regulations adjusting for inflation the statutory civil monetary penalties that can be imposed under the laws administered by that agency. The Inflation Adjustment Act provided for an initial “catch up adjustment” to take effect no later than August 1, 2016, followed by subsequent adjustments to be made no later than January 15 every year thereafter. This final rule adjusts the civil penalty amounts that may be imposed pursuant to each statutory provision beginning on the effective date of this rule. To comply with the Inflation Adjustment Act, we are issuing these regulations as a final rule.

Section 553(b) of the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for prior public comment. The Service finds that providing for public comment before issuing this rule is unnecessary as this rulemaking is a nondiscretionary action. The Service is required to publish this rule in order to update the civil penalty amounts by the specified formula described above. The Service has no discretion to vary the

amount of the adjustment to reflect any views or suggestions provided by commenters. Since this update to the March 11, 2022, final rule (87 FR 13948) is merely ministerial, we find that pre-publication notice and public comment with respect to the revisions set forth in this rule is unnecessary. We also believe that we have good cause under 5 U.S.C. 553(d) to make this rule effective upon publication to meet the statutory deadline imposed by the Inflation Adjustment Act.

**List of Subjects in 50 CFR Part 11**

Administrative practice and procedure, Exports, Fish, Imports, Penalties, Plants, Transportation, Wildlife.

**Regulation Promulgation**

For the reasons described above, we amend part 11, subchapter B of chapter I, title 50 of the Code of Federal Regulations as set forth below.

**PART 11—CIVIL PROCEDURES**

- 1. The authority citation for part 11 continues to read as follows:

**Authority:** 16 U.S.C. 470aa–470mm, 470aaa–470aaa-11, 668–668d, 1361–1384, 1401–1407, 1531–1544, 3371–3378, 4201–4245, 4901–4916, 5201–5207, 5301–5306; 18 U.S.C. 42–43; 25 U.S.C. 3001–3013; and Sec. 107, Pub. L. 114–74, 129 Stat. 599, unless otherwise noted.

- 2. Amend § 11.33 by revising paragraphs (a) through (h) in the table to read as follows:

**§ 11.33 Adjustments to penalties.**

\* \* \* \* \*

Law	Citation	Type of violation	Maximum civil monetary penalty
(a) African Elephant Conservation Act ....	16 U.S.C. 4224(b) .....	Any violation .....	\$12,397
(b) Bald and Golden Eagle Protection Act.	16 U.S.C. 668(b) .....	Any violation .....	15,662
(c) Endangered Species Act of 1973 .....	16 U.S.C. 1540(a)(1) .....	(1) Knowing violation of section 1538 .....	61,982
		(2) Other knowing violation .....	29,751
		(3) Any other violation .....	1,566
(d) Lacey Act Amendments of 1981 .....	16 U.S.C. 3373(a) .....	(1) Violations referred to in 16 U.S.C. 3373(a)(1).	31,326
		(2) Violations referred to in 16 U.S.C. 3373(a)(2).	783
(e) Marine Mammal Protection Act of 1972.	16 U.S.C. 1375 .....	Any violation .....	31,326
(f) Recreational Hunting Safety Act of 1994.	16 U.S.C. 5202(b) .....	(1) Violation involving use of force or violence or threatened use of force or violence.	19,933
		(2) Any other violation .....	9,966
(g) Rhinoceros and Tiger Conservation Act of 1998.	16 U.S.C. 5305a(b)(2) .....	Any violation .....	21,805

Law	Citation	Type of violation	Maximum civil monetary penalty
(h) Wild Bird Conservation Act .....	16 U.S.C. 4912(a)(1) .....	(1) Violation of section 4910(a)(1), section 4910(a)(2), or any permit issued under section 4911. (2) Violation of section 4910(a)(3) .....	52,540 25,218 1,052
		(3) Any other violation .....	

**Shannon A. Estenoz,**  
*Assistant Secretary for Fish and Wildlife and Parks.*  
 [FR Doc. 2023-01726 Filed 1-27-23; 8:45 am]  
**BILLING CODE 4333-15-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

[Docket No. 220216-0049; RTID 0648-XC717]

**Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Western Regulatory Area of the Gulf of Alaska**

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

**ACTION:** Temporary rule; modification of a closure; request for comments.

**SUMMARY:** NMFS is opening directed fishing for Pacific cod by catcher vessels using trawl gear in the Western Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to fully use the A season allowance of the 2023 total allowable catch of Pacific cod allocated to catcher vessels using trawl gear in the Western Regulatory Area of the GOA.

**DATES:** Effective 1200 hours, Alaska local time (A.l.t.), January 28, 2023, through 2400 hours, A.l.t., December 31, 2023. Comments must be received at the following address no later than 4:30 p.m., A.l.t., February 14, 2023.

**ADDRESSES:** You may submit comments on this document, identified by docket number NOAA-NMFS-2022-0094, by any of the following methods:

*Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov> and enter

NOAA-NMFS-2022-0094 in the Search box. Click on the “Comment” icon, complete the required fields, and enter or attach your comments.

*Mail:* Submit written comments to Gretchen Harrington, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS. Mail comments to P.O. Box 21668, Juneau, AK 99802-1668.

*Instructions:* Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

**FOR FURTHER INFORMATION CONTACT:** Obren Davis, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

NMFS closed directed fishing for Pacific cod by catcher vessels using trawl gear in the Western Regulatory Area of the GOA on January 22, 2023 (88 FR 4089, January 24, 2023). NMFS has determined that as of January 24, 2023, approximately 1,300 metric tons of Pacific cod remain in the A season allowance of the 2023 Pacific cod apportionment for catcher vessels using trawl gear in the Western Regulatory

Area of the GOA. Therefore, in accordance with § 679.25(a)(1)(i), (a)(2)(i)(C), and (a)(2)(iii)(D), and to fully use the A season allowance of the 2023 total allowable catch (TAC) of Pacific cod allocated to catcher vessels using trawl gear in the Western Regulatory Area of the GOA, NMFS is terminating the previous closure and is opening directed fishing for Pacific cod by catcher vessels using trawl gear in the Western Regulatory Area of the GOA. The Administrator, Alaska Region, NMFS, (Regional Administrator) considered the following factors in reaching this decision: (1) the current catch of Pacific cod by catcher vessels using trawl gear in the Western Regulatory Area of the GOA and, (2) the harvest capacity and stated intent on future harvesting patterns of vessels in participating in this fishery.

**Classification**

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion, and would delay the opening of directed fishing for Pacific cod by catcher vessels using trawl gear in the Western Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of January 24, 2023.

The Assistant Administrator for Fisheries, NOAA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice.