determined that Executive Order 13132, entitled “Federalism” (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled “Consultation and Coordination with Indian Tribal Governments” (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 et seq.).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 et seq.), EPA 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 prior to publication of the rule in the Federal Register. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Agricultural commodities, Pesticides, Licenses, permits or other regulatory requirements.


Daniel Rosenblatt,
Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, for the reasons stated in the preamble, EPA is amending 40 CFR chapter 1 as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

§ 180.622 Ethaboxam; tolerances for residues.

(a) * * *

<table>
<thead>
<tr>
<th>Commodity</th>
<th>Parts per million</th>
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<tr>
<td>Brassica, leafy greens, subgroup 4–16B</td>
<td>7</td>
</tr>
<tr>
<td>Vegetable, Brassica, head and stem, group 5–16</td>
<td>3</td>
</tr>
</tbody>
</table>

BILLY CODE 6560–50–P

II. Method of Calculation

The inflation adjustment for each applicable civil monetary penalty is determined using the percent increase in the Consumer Price Index for all Urban Consumers (CPI–U) for the month of October of the year in which the amount of each civil money penalty was most recently established or modified. See December 15, 2021, OMB Memo for the Heads of Executive Departments and Agencies, M–22–07, Implementation of Penalty Inflation Adjustments for 2022, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.

The cost-of-living adjustment multiplier for 2022, based on the CPI–U for the month of October 2021, not seasonally adjusted, is 1.0622.

The agency identified two civil penalties in its regulations: (1) The penalty associated with Restrictions on Lobbying (45 CFR 1230.400) and (2) the penalty associated with the Program Fraud Civil Remedies Act (45 CFR 2554.1):

• The civil monetary penalties related to Restrictions on Lobbying (45 CFR 1230.400) range from $20,732 to $207,313. Using the 2022 multiplier of 1.0622, the new range of possible civil monetary penalties is from $22,022 to $220,212.

• The Program Fraud Civil Remedies Act of 1986 (45 CFR 2554.1) civil monetary penalty has an upper limit of $11,803. Using the 2022 multiplier, the new upper limit of the civil monetary penalty is $12,537.

III. Summary of Final Rule

This final rule adjusts the civil monetary penalty amounts related to Restrictions on Lobbying (45 CFR 1230.400) and the Program Fraud Civil Remedies Act of 1986 (45 CFR 2554.1). The range of civil monetary penalties related to Restrictions on Lobbying for 2022 is $20,732 to $207,313. Using the 2022 multiplier of 1.0622, the new range of possible civil monetary penalties is from $22,022 to $220,212. The civil monetary penalties for the Program Fraud Civil Remedies Act of 1986...
increase from “up to $11,803” to “up to $12,537.”

IV. Regulatory Procedures

A. Determination of Good Cause for Publication Without Notice and Comment and With an Immediate Effective Date

Section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 553) provides that, when an agency for good cause finds that notice and public comment procedures are impracticable, unnecessary, or contrary to the public interest, then the agency may issue a rule without providing notice and an opportunity for prior public comment. The agency finds that there is good cause to except this rule from the public notice and comment provisions of the APA in this case. Because the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 requires the agency to update its regulations based on a prescribed formula, the agency has no discretion in the nature or amount of the change to the civil monetary penalties to reflect any views or suggestions provided by commenters. Accordingly, it would serve no purpose to provide an opportunity for public comment on this rule prior to promulgation. Thus, providing for notice and public comment is impracticable and unnecessary. Additionally, it would not be possible to meet the deadlines imposed by the Act if we were to first publish a proposed rule, allow the public sufficient time to submit comments, analyze the comments, and publish a final rule. Therefore, notice and comment for these proscribed updates is impracticable and unnecessary.

Furthermore, the agency finds under section 553(d)(3) of the APA that good cause exists to make this final rule effective immediately upon publication in the Federal Register. In the Act, Congress expressly required Federal agencies to publish annual inflation adjustments to civil penalties in the Federal Register by January 15 of each year, notwithstanding section 553 of the APA. Under the statutory framework and OMB guidance, the new penalty levels take effect immediately upon the effective date of the adjustment. The statutory deadline does not allow time to delay this rule’s effective date beyond publication. Moreover, an effective date after January 15 would delay application of the new penalty levels, contrary to Congress’s intent.

Accordingly, we are issuing the annual adjustments as a final rule without prior notice or an opportunity for comment and with an effective date immediately upon publication in the Federal Register.

B. Review Under Procedural Statutes and Executive Orders

The agency has determined that making technical changes to the amount of civil monetary penalties in its regulations does not trigger any requirements under procedural statutes and Executive orders that govern rulemaking procedures.

List of Subjects

45 CFR Part 1230

Government contracts, Grant programs, Loan programs, Lobbying, Penalties, Reporting and recordkeeping requirements.

45 CFR Part 2554

Claims, Fraud, Organization and functions (Government agencies), Penalties.

For the reasons discussed in the preamble, under the authority of 42 U.S.C. 12651(c), the Corporation for National and Community Service amends chapters XII and XXV, title 45 of the Code of Federal Regulations as follows:

PART 1230—NEW RESTRICTIONS ON LOBBYING

§ 1230.400 [Amended]

a. Amend §1230.400 by:

i. In paragraphs (a), (b), and (e), removing “$20,732” and adding, in its place, “$22,022” each place it appears.

ii. In paragraphs (a), (b), and (e), removing “$207,313” and adding, in its place, “$220,212” each place it appears.

Appendix A to Part 1230 [Amended]

3. Amend Appendix A to part 1230 by:

a. Removing “$20,732” and adding, in its place, “$22,022” each place it appears.

b. Removing “$207,313” and adding, in its place, “$220,212” each place it appears.

PART 2554—PROGRAM FRAUD CIVIL REMEDIES ACT REGULATIONS

§ 2554.1 [Amended]

5. Amend §2554.1 by removing “$11,803” in paragraph (b) and adding, in its place, “$12,537.”


Fernando Laguarda,
General Counsel.

[FR Doc. 2022–00909 Filed 1–18–22; 8:45 am]
BILLING CODE 6050–28–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

47 CFR Part 300

[Docket Number: 220112–0011]

RIN 0660–AA37


AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Final rule.

SUMMARY: The National Telecommunications and Information Administration (NTIA) is making certain changes to its regulations relating to the public availability of the Manual of Regulations and Procedures for Federal Radio Frequency Management (NTIA Manual). Specifically, NTIA is releasing a new edition of the NTIA Manual, with which Federal agencies must comply when requesting use of radio frequency spectrum.

DATES: Effective: January 19, 2022. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of February 18, 2022.

ADDRESSES: A reference copy of the NTIA Manual, including all revisions in effect, is available in the Office of Spectrum Management, 1401 Constitution Avenue NW, Room 1087, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Alan Frable, Office of Spectrum Management, at (202) 482–1670 or afrable@ntia.gov.

SUPPLEMENTARY INFORMATION:

Background

NTIA authorizes the U.S. Government’s use of radio frequency spectrum, 47 U.S.C. 902(b)(2)(A). As part of this authority, NTIA developed the NTIA Manual to provide further guidance to applicable Federal agencies