

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. \* \* \*

\* \* \* \* \*

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**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).

Violation	Statutory amount (\$)
Sec. 364(b) Forfeitures (Ships) .....	\$1,964 (vessel master).
Sec. 386(a) Forfeitures (Ships) .....	\$9,819/day (owner).
Sec. 386(b) Forfeitures (Ships) .....	\$1,964 (vessel master).
Sec. 634 Cable EEO .....	\$870/day.

(9) *Inflation adjustments to the maximum forfeiture amount.* (i) Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Public Law 114–74 (129 Stat. 599–600), which amends the Federal Civil Monetary Penalty Inflation Adjustment Act of 1990, Public Law 101–410 (104 Stat. 890; 28 U.S.C. 2461 note), the statutory maximum amount of a forfeiture penalty assessed under this section shall be adjusted annually for inflation by order published no later than January 15 each year. Annual inflation adjustments will be based on the percentage (if any) by which the CPI–U for October preceding the date of the adjustment exceeds the prior year’s CPI–U for October. The Office of Management and Budget (OMB) will issue adjustment rate guidance no later than December 15 each year to adjust for inflation in the CPI–U as of the most recent October.

(ii) The application of the annual inflation adjustment required by the foregoing Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 results in the following adjusted statutory maximum forfeitures authorized by the Communications Act:

U.S. Code citation	Maximum penalty after 2018 inflation adjustment
47 U.S.C. 202(c) .....	\$11,784,589
47 U.S.C. 203(e) .....	11,784,589
47 U.S.C. 205(b) .....	23,566
47 U.S.C. 214(d) .....	2,356
47 U.S.C. 219(b) .....	2,356
47 U.S.C. 220(d) .....	11,784
47 U.S.C. 223(b) .....	122,110
47 U.S.C. 227(e) .....	11,278,338,333
	1,127,799
47 U.S.C. 362(a) .....	9,819
47 U.S.C. 362(b) .....	1,964
47 U.S.C. 386(a) .....	9,819
47 U.S.C. 386(b) .....	1,964
47 U.S.C. 503(b)(2)(A) ...	49,096
	490,967
47 U.S.C. 503(b)(2)(B) ...	196,387
	1,963,870
47 U.S.C. 503(b)(2)(C) ...	397,251
	3,666,930
47 U.S.C. 503(b)(2)(D) ...	19,639
	147,290
47 U.S.C. 503(b)(2)(F) ...	112,780
	1,127,799

U.S. Code citation	Maximum penalty after 2018 inflation adjustment
47 U.S.C. 507(a) .....	1,945
47 U.S.C. 507(b) .....	285
47 U.S.C. 554 .....	870

\* \* \* \* \*  
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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

[Docket No. 171023999–8070–02]

RIN 0648–BH35

**Fisheries of the Northeastern United States; Black Sea Bass Fishery; 2018 February Recreational Season Modification**

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

**ACTION:** Final rule.

**SUMMARY:** NMFS is implementing regulations to open a 2018 February recreational season in the Federal black sea bass fishery. This action provides additional recreational fishing opportunities in winter, while maintaining management measures to prevent overfishing consistent with the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan. This rule is intended to inform the public of this new 2018 recreational season.

**DATES:** Effective February 1 through February 28, 2018.

**ADDRESSES:** Copies of the Environmental Assessment (EA), Regulatory Flexibility Act Analyses, and other supporting documents for the action are available upon request from Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, Suite 201, 800 N. State Street, Dover, DE 19901.

**FOR FURTHER INFORMATION CONTACT:** Cynthia Hanson, Fishery Management Specialist, (978) 281–9180.

**SUPPLEMENTARY INFORMATION:**

**General Background**

Black sea bass are jointly managed by the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission (Commission) as part of the joint Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP). States manage black sea bass within 3 nautical miles (4.83 km) of their coasts under the Commission’s plan. The applicable Federal regulations govern vessels and individual anglers fishing in Federal waters of the exclusive economic zone (EEZ), as well as vessels possessing a Federal black sea bass charter/party vessel permit, regardless of where they fish. This rule applies to black sea bass (*Centropristis striata*) in U.S. waters of the Atlantic Ocean from 35 E 13.3’ N lat. (the latitude of Cape Hatteras Lighthouse, Buxton, North Carolina) northward to the U.S./Canada border.

This action implements the addition of a Federal recreational black sea bass fishing season during February of 2018. Additional background information regarding the development of this action was provided in the proposed rule (83 FR 780; January 8, 2018) and is not repeated here. The Federal recreational measures for the remainder of 2018 are still in development and will be implemented through a separate rulemaking later this spring.

**Final Action**

This action implements a 28-day winter season for the 2018 recreational black sea bass fishery during the month of February. The current black sea bass recreational management measures of a 12.5-inch (31.75-cm) minimum size and 15-fish possession limit still apply during this February season. As explained in the proposed rule, this action responds to the favorable 2016 benchmark stock assessment for black sea bass, and is intended to increase recreational fishing access to a stable stock at a time of year when few other recreational species are available.

Two states, North Carolina and Virginia, have formally declared their intent to participate in the February 2018 recreational season. To confirm their participation, both states