

reconsideration of the emergency order. All such requests must be submitted in writing to the Secretary. The Department will post all such requests on the DOE website consistent with 10 CFR part 1004. To the extent the ordered entity believes the grid security emergency order lacks necessary clarity for implementation, or conflicts with the technically feasible operations of the electric grid or existing regulatory requirements, the ordered entity should seek immediate clarification from the Department.

(b) Upon receipt of a request for clarification or reconsideration, the Secretary may, in his or her sole discretion, order a stay of the emergency order for which such clarification or rehearing is sought. The Secretary will act as soon as practicable on each request, with or without further proceedings. Such responsive actions may include granting or denying the request or abrogating or modifying the order, in whole or in part.

**§ 205.386 Temporary access to classified and sensitive information.**

(a) To the extent practicable, and consistent with obligations to protect classified and sensitive information, the Secretary may provide temporary access to classified and sensitive information, at the level necessary in light of the conditions of the incident, related to a grid security emergency for which emergency measures are issued to key personnel of any entity subject to such emergency measures, to the extent the Secretary deems necessary under the circumstances. The purpose of this access, as defined under section 215A(b)(7) of the Federal Power Act, is to enable optimum communication between the entity and the Secretary and other appropriate Federal agencies regarding the grid security emergency.

(b) CEII will be shared, where deemed necessary by the Secretary, in accordance with 10 CFR part 1004.

**§ 205.387 Tracking compliance.**

Beginning at the time the Secretary issues an emergency order, the Department may, at the discretion of the Secretary, require the entity or entities subject to an emergency order to provide a detailed account of actions taken to comply with the terms of the emergency order.

**§ 205.388 Enforcement.**

In accordance with available enforcement authorities, the Secretary may take or seek enforcement action against any entity subject to an emergency order who fails to comply with the terms of that emergency order.

**§ 205.389 Rehearing and judicial review.**

The procedures of Part III of the Federal Power Act apply to motions for rehearing of an emergency order. A request for clarification or reconsideration filed under § 205.385 of this subpart, if the filing entity so designates, may serve as a request for rehearing pursuant to section 313(a) of the Federal Power Act.

**§ 205.390 Liability exemptions.**

(a) To the extent any action or omission taken by an entity that is necessary to comply with an emergency order issued pursuant to section 215A(b)(1) of the Federal Power Act and this Part, including any action or omission taken to voluntarily comply with such order, results in noncompliance with, or causes such entity not to comply with any rule, order, regulation, or provision of or under the Federal Power Act, including any reliability standard approved by the Federal Energy Regulatory Commission pursuant to section 215 of the Federal Power Act, the Department will not consider such action or omission to be a violation of such rule, order, regulation, or provision.

(b) The Department will treat an action or omission by an owner, operator, or user of critical electric infrastructure or of defense critical electric infrastructure to comply with an emergency order issued pursuant to section 215A(b)(1) of the Federal Power Act as the functional equivalent of an action or omission taken to comply with an order issued under section 202(c) of the Federal Power Act for purposes of section 202(c).

(c) The liability exemptions specified in paragraphs (a) and (b) of this section do not apply to an entity that, in the course of complying with an emergency order by taking an action or omission for which the entity would otherwise be liable, takes such action or omission in a grossly negligent manner.

**§ 205.391 Termination of an emergency order.**

(a) An emergency order will expire no later than 15 days after its issuance. The Secretary may reissue an emergency order for subsequent periods, not to exceed 15 days for each such period, provided that the President, for each such period, issues and provides to the Secretary a written directive or determination that the grid security emergency for which the Secretary intends to reissue an emergency order continues to exist or that the emergency measures continue to be required.

(b) The Secretary may rescind an emergency order after finding that the

grid security emergency for which that order was issued has ended, and that protective or mitigation measures required by that order have been sufficiently taken.

(c) An entity or entities subject to an emergency order issued under this subpart may, at any time, request termination of the emergency order by demonstrating, in a petition to the Secretary, that the emergency no longer exists and that protective or mitigation measures required by the order have been sufficiently taken.

[FR Doc. 2018-00259 Filed 1-9-18; 8:45 am]

BILLING CODE 6450-01-P

**FEDERAL RESERVE SYSTEM**

**12 CFR Part 263**

[Docket No. R-1595]

RIN 7100 AE 95

**Rules of Practice for Hearings**

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Final rule.

**SUMMARY:** The Board of Governors of the Federal Reserve System (the “Board”) is issuing a final rule amending its rules of practice and procedure to adjust the amount of each civil money penalty (“CMP”) provided by law within its jurisdiction to account for inflation as required by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.

**DATES:** This final rule is effective on January 10, 2018.

**FOR FURTHER INFORMATION CONTACT:** Patrick M. Bryan, Assistant General Counsel, (202) 974-7093, or Thomas O. Kelly, Senior Attorney, (202) 974-7059, Legal Division, Board of Governors of the Federal Reserve System, 20th Street and Constitution Ave. NW, Washington, DC 20551. For users of Telecommunication Device for the Deaf (TDD) only, contact (202) 263-4869.

**SUPPLEMENTARY INFORMATION:**

**Federal Civil Penalties Inflation Adjustment Act**

The Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. 2461 note (“FCPIA Act”), requires federal agencies to adjust, by regulation, the CMPs within their jurisdiction to account for inflation. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the “2015 Act”) <sup>1</sup> amended the FCPIA Act to

<sup>1</sup> Public Law 114-74, 129 Stat. 599 (2015) (codified at 28 U.S.C. 2461 note).

require federal agencies to make annual adjustments not later than January 15 of every year.<sup>2</sup> The Board is now issuing a new final rule to set the CMP levels pursuant to the required annual adjustment for 2018. The Board will apply these adjusted maximum penalty levels to any penalties assessed on or after January 10, 2018, whose associated violations occurred on or after November 2, 2015. Penalties assessed for violations occurring prior to November 2, 2015 will be subject to the amounts set in the Board's 2012 adjustment pursuant to the FCPIA Act.<sup>3</sup>

Under the 2015 Act, the annual adjustment to be made for 2018 is the percentage by which the Consumer Price Index for the month of October 2017 exceeds the Consumer Price Index for the month of October 2016. On December 15, 2017, as directed by the 2015 Act, the Office of Management and Budget (OMB) issued guidance to affected agencies on implementing the required annual adjustment which included the relevant inflation multiplier.<sup>4</sup> Using OMB's multiplier, the Board calculated the adjusted penalties for its CMPs, rounding the penalties to the nearest dollar.<sup>5</sup>

**Administrative Procedure Act**

The 2015 Act states that agencies shall make the annual adjustment "notwithstanding section 553 of title 5, United States Code." Therefore, this rule is not subject to the provisions of the Administrative Procedure Act (the "APA"), 5 U.S.C. 553, requiring notice,

public participation, and deferred effective date.

**Regulatory Flexibility Act**

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, requires a regulatory flexibility analysis only for rules for which an agency is required to publish a general notice of proposed rulemaking. Because the 2015 Act states that agencies' annual adjustments are to be made notwithstanding section 553 of title 5 of United States Code—the APA section requiring notice of proposed rulemaking—the Board is not publishing a notice of proposed rulemaking. Therefore, the Regulatory Flexibility Act does not apply.

**Paperwork Reduction Act**

There is no collection of information required by this final rule that would be subject to the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*

**List of Subjects in 12 CFR Part 263**

Administrative practice and procedure, Claims, Crime, Equal access to justice, Lawyers, Penalties.

**Authority and Issuance**

For the reasons set forth in the preamble, the Board amends 12 CFR part 263 as follows:

**PART 263—RULES OF PRACTICE FOR HEARINGS**

■ 1. The authority citation for part 263 continues to read as follows:

**Authority:** 5 U.S.C. 504, 554–557; 12 U.S.C. 248, 324, 334, 347a, 504, 505, 1464, 1467, 1467a, 1817(j), 1818, 1820(k), 1829, 1831o, 1831p–1, 1832(c), 1847(b), 1847(d), 1884, 1972(2)(F), 3105, 3108, 3110, 3349, 3907, 3909(d), 4717; 15 U.S.C. 21, 78l(i), 78o–4, 78o–5, 78u–2; 1639e(k); 28 U.S.C. 2461 note; 31 U.S.C. 5321; and 42 U.S.C. 4012a.

■ 2. Section 263.65 is revised to read as follows:

**§ 263.65 Civil money penalty inflation adjustments.**

(a) *Inflation adjustments.* In accordance with the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, which further amended the Federal Civil Penalties Inflation Adjustment Act of 1990, the Board has set forth in paragraph (b) of this section the adjusted maximum amounts for each civil money penalty provided by law within the Board's jurisdiction. The authorizing statutes contain the complete provisions under which the Board may seek a civil money penalty. The adjusted civil money penalties apply only to penalties assessed on or after January 10, 2018, whose associated violations occurred on or after November 2, 2015.

(b) *Maximum civil money penalties.* The maximum (or, in the cases of 12 U.S.C. 334 and 1832(c), fixed) civil money penalties as set forth in the referenced statutory sections are set forth in the table in this paragraph (b).

Statute	Adjusted civil money penalty
12 U.S.C. 324:	
<i>Inadvertently late or misleading reports, inter alia</i> .....	\$3,928
<i>Other late or misleading reports, inter alia</i> .....	39,278
<i>Knowingly or reckless false or misleading reports, inter alia</i> .....	1,963,870
12 U.S.C. 334 .....	285
12 U.S.C. 374a .....	285
12 U.S.C. 504:	
<i>First Tier</i> .....	9,819
<i>Second Tier</i> .....	49,096
<i>Third Tier</i> .....	1,963,870
12 U.S.C. 505:	
<i>First Tier</i> .....	9,819
<i>Second Tier</i> .....	49,096
<i>Third Tier</i> .....	1,963,870
12 U.S.C. 1464(v)(4) .....	3,928
12 U.S.C. 1464(v)(5) .....	39,278
12 U.S.C. 1464(v)(6) .....	1,963,870
12 U.S.C. 1467a(i)(2) .....	49,096
12 U.S.C. 1467a(i)(3) .....	49,096
12 U.S.C. 1467a(r):	
<i>First Tier</i> .....	3,928

<sup>2</sup> 28 U.S.C. 2461 note, sec. 4(b)(1).

<sup>3</sup> 77 FR 68,680 (Nov. 16, 2012).

<sup>4</sup> OMB Memorandum M–18–03, *Implementation of Penalty Inflation Adjustments for 2018, Pursuant*

*to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015* (Dec. 15, 2017).

<sup>5</sup> Under the 2015 Act and implementing OMB guidance, agencies are not required to make an adjustment to a CMP if, during the 12 months preceding the required adjustment, such penalty

increased due to a law other than the 2015 Act by an amount greater than the amount of the required adjustment. No other laws have adjusted the CMPs within the Board's jurisdiction during the preceding 12 months.

Statute	Adjusted civil money penalty
Second Tier .....	39,278
Third Tier .....	1,963,870
12 U.S.C. 1817(j)(16):	
First Tier .....	9,819
Second Tier .....	49,096
Third Tier .....	1,963,870
12 U.S.C. 1818(i)(2):	
First Tier .....	9,819
Second Tier .....	49,096
Third Tier .....	1,963,870
12 U.S.C. 1820(k)(6)(A)(ii) .....	323,027
12 U.S.C. 1832(c) .....	2,852
12 U.S.C. 1847(b) .....	49,096
12 U.S.C. 1847(d):	
First Tier .....	3,928
Second Tier .....	39,278
Third Tier .....	1,963,870
12 U.S.C. 1884 .....	285
12 U.S.C. 1972(2)(F):	
First Tier .....	9,819
Second Tier .....	49,096
Third Tier .....	1,963,870
12 U.S.C. 3110(a) .....	44,881
12 U.S.C. 3110(c):	
First Tier .....	3,591
Second Tier .....	35,904
Third Tier .....	1,795,216
12 U.S.C. 3909(d) .....	2,443
15 U.S.C. 78u-2(b)(1):	
For a natural person .....	9,239
For any other person .....	92,383
15 U.S.C. 78u-2(b)(2)	
For a natural person .....	92,383
For any other person .....	461,916
15 U.S.C. 78u-2(b)(3):	
For a natural person .....	184,767
For any other person .....	923,831
15 U.S.C. 1639e(k)(1) .....	11,279
15 U.S.C. 1639e(k)(2) .....	22,556
42 U.S.C. 4012a(f)(5) .....	2,133

By order of the Board of Governors of the Federal Reserve System, January 4, 2018.

**Ann E. Misback,**  
Secretary of the Board.

[FR Doc. 2018-00227 Filed 1-9-18; 8:45 am]

BILLING CODE 6210-01-P

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Docket No. FAA-2017-0666; Airspace Docket No. 17-ANM-15]

**Amendment of Class D and Class E Airspace; Pueblo, CO**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule, correction.

**SUMMARY:** This action corrects a final rule published in the **Federal Register** of November 27, 2017, that amends Class D and Class E airspace at Pueblo

Memorial Airport, Pueblo, CO. The airspace description for the airport in Class E airspace designated as an extension to a Class D surface area contained a wording error.

**DATES:** Effective date 0901 UTC, February 1, 2018. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

**FOR FURTHER INFORMATION CONTACT:** Tom Clark, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW, Renton, WA 98057; telephone (425) 203-4511.

**SUPPLEMENTARY INFORMATION:**

**History**

The FAA published a final rule in the **Federal Register** (82 FR 55943, November 27, 2017) Docket No. FAA-2017-0666 amending Class D and Class E airspace at Pueblo Memorial Airport,

Pueblo, CO. Subsequent to publication, the FAA identified a clerical error in the legal description of the Class E airspace designated as an extension to a Class D or Class E surface area at Pueblo Memorial Airport. This correction changes the words “. . . from 700 feet above the surface . . .” to read “. . . from the surface. . . .”

**Correction to Final Rule**

Accordingly, pursuant to the authority delegated to me, in the **Federal Register** of November 27, 2017 (82 FR 55943) FR Doc. 2017-25310, Amendment of Class D and Class E Airspace; Pueblo, CO, is corrected as follows:

**§ 71.1 [Amended]**

**ANM CO E4 Pueblo, CO [Corrected]**

■ On page 55945, column 1, lines 14 and 15, the words “That airspace extending upward from 700 feet above the surface” are corrected to read “That