

Transportation (DOT). The FMCSA analyzed this rule under the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*) (NEPA), the Council on Environmental Quality Regulations implementing NEPA (40 CFR parts 1500–1508), and DOT Order 5610.1C, Procedures for Considering Environmental Impacts. This rule would be categorically excluded from further analysis and documentation in an environmental assessment or environmental impact statement since this action does not have any effect on the quality of the environment.

#### Unfunded Mandates Reform Act of 1995

This rule does not impose an unfunded Federal mandate, as defined by the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532 *et seq.*), that will result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year.

#### Executive Order 12988 (Civil Justice Reform)

This action meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

#### Executive Order 13045 (Protection of Children)

The FMCSA has analyzed this action under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environment risk to health or safety that may disproportionately affect children.

#### Executive Order 12630 (Taking of Private Property)

This rule will not affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

#### List of Subjects in 49 CFR Part 386

Administrative procedures, Commercial motor vehicle safety, Highways and roads, Motor carriers, Penalties.

■ In consideration of the foregoing, the FMCSA amends title 49, Code of Federal Regulations, chapter III, part 386 as set forth below:

### PART 386—RULES OF PRACTICE FOR MOTOR CARRIER, BROKER, FREIGHT FORWARDER, AND HAZARDOUS MATERIALS PROCEEDINGS

■ 1. The authority citation for part 386 continues to read as follows:

**Authority:** 49 U.S.C. 13301, 13902, 31132–31133, 31136, 31502, 31504; sec. 204, Pub. L. 104–88, 109 Stat. 803, 941 (49 U.S.C. 701 note); sec. 217, Pub. L. 105–159, 113 stat. 1748, 1767; and 49 CFR 1.73.

#### APPENDIX A TO PART 386—[AMENDED]

■ 2. Appendix A to part 386 is amended by revising the figure “\$550” to read as “\$650”, the figure “\$1,100” to read as “\$2,100”, the figure “\$10,000” to read as “\$11,000”, and the figure “\$11,000” to read as “\$16,000”, whenever they appear throughout the appendix.

#### APPENDIX B TO PART 386—[AMENDED]

■ 3. In Appendix B to part 386 the introductory text is amended by revising the second sentence to read as follows:

\* \* \* Pursuant to that authority, the inflation-adjusted civil penalties listed in paragraphs (a) through (g) of this appendix supersede the corresponding civil penalty amounts listed in title 49, United States Code. \* \* \*

■ Appendix B to part 386 is further amended as follows:

a. Paragraph (a)(1) is amended by revising the figure “\$500” to read as “\$550”, and the figure “\$5,000” to read as “\$5,500”.

■ b. Paragraph (a)(2) is amended by revising the figure “\$5,000” to read as “\$5,500”.

■ c. Paragraph (a)(3) is amended by revising the figure “\$10,000” to read as “\$11,000”.

■ d. Paragraph (a)(4) is amended by revising the figure “\$2,500” to read as “\$2,750”.

■ e. Paragraph (a)(5) is amended by revising the figure “\$2,750” to read as “\$3,750”.

■ f. Paragraph (b) is amended by revising the figure “\$2,750” to read as “\$3,750”.

■ g. Paragraph (c) is amended by revising the figure “\$1,100” to read as “\$2,100”, the figure “\$2,750” to read as “\$3,750”, and the figure “\$11,000” to read as “\$16,000” whenever they appear throughout paragraph (c).

■ h. Paragraph (d) is amended by revising the figure “\$11,000” to read as “\$16,000”.

■ i. Paragraph (e) is amended by revising the figure “\$250” to read as “\$275”, and the figure “\$27,500” to read as “\$32,500”, wherever they appear

throughout paragraphs (e)(1) through (e)(3).

■ j. Paragraph (f) is revised to read as follows:

(f) *Operating after being declared unfit by assignment of a final unsatisfactory safety rating.* A motor carrier operating a commercial motor vehicle in interstate commerce after receiving a final unsatisfactory safety rating is subject to a civil penalty of not more than \$11,000 (49 CFR 385.13). Each day the transportation continues constitutes a separate offense.

\* \* \* \* \*

■ k. Paragraph (g) is amended by revising the figure “\$200” to read as “\$220” the figure “\$250” to read as “\$275”, the figure “\$500” to read as “\$550”, the figure “\$1,000” to read as “\$1,100”, the figure “\$2,000” to read as “\$2,200”, the figure “\$5,000” to read as “\$5,500”, the figure “\$10,000” to read as “\$11,000”, the figure “\$20,000” to read as “\$22,000”, the figure “\$25,000” to read as “\$27,500”, and the figure “\$100,000” to read as “\$110,000”, whenever they appear throughout paragraph (g).

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Annette M. Sandberg,

Acting Administrator.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 020718172–2303–02; I.D. 032503D]

### Fisheries of the Exclusive Economic Zone Off Alaska; Pacific cod by Catcher Vessels Less Than 60 ft (18.3 m) LOA Using Jig or Hook-and-Line Gear in the Bogoslof Pacific Cod Exemption Area in the Bering Sea and Aleutian Islands Area

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

**ACTION:** Closure.

**SUMMARY:** NMFS is prohibiting directed fishing for Pacific Cod by catcher vessels less than 60 ft (18.3 m) LOA using jig or hook-and-line gear in the Bogoslof Pacific cod exemption area of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the limit of Pacific cod for catcher vessels less than 60 ft (18.3 m) LOA using jig or