

against such Federal employees and other persons.

(b) As used in this part:

(1) *Appropriate Federal agency* means the Federal agency most closely associated with the program out of which the claim or suit arose. When it cannot be ascertained which Federal agency is the most closely associated with the program out of which the claim or suit arose, the responsible Director of the Torts Branch, Civil Division, Department of Justice, shall be consulted and will thereafter designate the appropriate Federal agency.

(2) *Federal employee* means "employee of the United States" as that term is defined by 28 U.S.C. 2671.

(3) *Covered person* means any person other than a Federal employee or the estate of a Federal employee as to whom Congress has provided by statute that the remedy provided by 28 U.S.C. 1346(b) and 2672 is made exclusive of any other civil action or proceeding for money damages by reason of the same subject matter against such person.

§ 15.2 Expeditious delivery of process and pleadings.

(a) Any Federal employee against whom a civil action or proceeding is brought for money damages for loss or damage to property, or personal injury or death, on account of any act or omission in the scope of the employee's office or employment with the Federal Government, shall promptly deliver all process and pleadings served on the employee, or an attested true copy thereof, to the employee's immediate superior or to whomever is designated by the head of the employee's department or agency to receive such papers. In addition, if prior to the employee's receipt of such process or pleadings, the employee receives information regarding the commencement of such a civil action or proceeding, he shall immediately so advise his superior or the designee. If the action is brought against the employee's estate this procedure shall apply to the employee's personal representative. The superior or designee shall provide the United States Attorney for the district embracing the place where the action or proceeding is brought and the responsible Branch Director of the Torts Branch, Civil Division, Department of Justice, information concerning the commencement of such action or proceeding, and copies of all process and pleadings.

(b) Any covered person against whom a civil action or proceeding is brought for money damages for loss or damage to property, or personal injury or death,

on account of any act or omission, under circumstances in which Congress has provided by statute that the remedy provided by the Federal Tort Claims Act is made the exclusive remedy, shall promptly deliver to the appropriate Federal agency all process and pleadings served on the covered person, or an attested true copy thereof. In addition, if prior to the covered person's receipt of such process or pleadings, the covered person receives information regarding the commencement of such a civil action or proceeding, he shall immediately so advise the appropriate Federal agency. The appropriate Federal agency shall provide to the United States Attorney for the district embracing the place where the action or proceeding is brought, and the responsible Branch Director of the Torts Branch, Civil Division, Department of Justice, information concerning the commencement of such action or proceeding, and copies of all process and pleadings.

§ 15.3 Agency report.

(a) The Federal employee's employing Federal agency shall submit a report to the United States Attorney for the district embracing the place where the civil action or proceeding is brought fully addressing whether the employee was acting within the scope of his office or employment with the Federal Government at the time of the incident out of which the suit arose, and a copy of the report shall be sent by the employing Federal agency to the responsible Branch Director of the Torts Branch, Civil Division, Department of Justice.

(b) The appropriate Federal agency shall submit a report to the United States Attorney for the district embracing the place where the civil action or proceeding is brought fully addressing whether the person was acting as a covered person at the time of the incident out of which the suit arose, and a copy of the report shall be sent by the appropriate Federal agency to the responsible Branch Director of the Torts Branch, Civil Division, Department of Justice.

(c) A report under this section shall be submitted at the earliest possible date, or within such time as shall be fixed upon request by the United States Attorney or the responsible Branch Director of the Torts Branch.

§ 15.4 Removal and defense of suits.

(a) The United States Attorney for the district where the civil action or proceeding is brought, or any Director of the Torts Branch, Civil Division, Department of Justice, is authorized to

make the statutory certification that the Federal employee was acting within the scope of his office or employment with the Federal Government at the time of the incident out of which the suit arose.

(b) The United States Attorney for the district where the civil action or proceeding is brought, or any Director of the Torts Branch, Civil Division, Department of Justice, is authorized to make the statutory certification that the covered person was acting at the time of the incident out of which the suit arose under circumstances in which Congress has provided by statute that the remedy provided by the Federal Tort Claims Act is made the exclusive remedy.

(c) A certification under this section may be withdrawn if a further evaluation of the relevant facts or the consideration of new or additional evidence calls for such action. The making, withholding, or withdrawing of certifications, and the removal and defense of, or refusal to remove or defend, such civil actions or proceedings shall be subject to the instructions and supervision of the Assistant Attorney General in charge of the Civil Division or his or her designee.

Dated: December 16, 2003.

John Ashcroft,
Attorney General.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR PART 27

[USCG-2003-15486]

RIN 1625-AA73

Civil Monetary Penalties—Adjustments for Inflation

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is adjusting fines and other civil monetary penalties to reflect the impact of inflation. These adjustments are made in accordance with the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996.

DATES: This final rule is effective January 22, 2004.

ADDRESSES: Material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG-2003-15486 and are available for

inspection or copying at the Docket Management Facility, U.S. Department of Transportation, room PL-401, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call Mr. Robert Spears of the Office of Standards Evaluation and Development, Coast Guard, telephone 202-267-1099 or 202-267-6826. If you have questions on viewing the docket, call Andrea M. Jenkins, Program Manager, Docket Operations, Department of Transportation, telephone 202-366-0271.

SUPPLEMENTARY INFORMATION:

Background and Purpose

Many fines or other civil monetary penalties (CMPs) for violating Federal laws and regulations were set by Congress long ago, and their deterrent value has weakened with time due to inflation. Congress recognizes this problem and has devised a mechanism to address it. It provides mandatory inflation adjustment formulas and requires Federal agencies to adjust their CMPs using those formulas at least once every four years, making further direct

involvement by Congress unnecessary. This mechanism derives from the Federal Civil Penalties Inflation Adjustment Act of 1990, Pub. L. 101-410, 104 Stat. 890, §§ 1-6, as amended by the Debt Collection Improvement Act of 1996, Pub. L. 104-134, 110 Stat. 1321, § 31001(s)(1); see 28 U.S.C. 2461 note (collectively, “the statute”).

The Coast Guard is amending 33 CFR 27.3 to update CMP adjustments first made in 1997. We expect to repeat the adjustment process in 2007 and quadrennially thereafter. We are also making two non-substantive changes, amending 33 CFR 27.1 to make the legislative authority for CMP adjustments clearer, and removing 33 CFR 27.2 which applied specifically to the 1997 adjustments and is no longer necessary.

Regulatory Procedure

This final rule is published without prior notice of proposed rulemaking or public comment. Pursuant to the Administrative Procedure Act, 5 U.S.C. 553(b)(3)(B), the Coast Guard finds that good cause exists for dispensing with notice and comment in this rulemaking. This rulemaking implements the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of

1996, and with the exception of the non-substantive changes described above, that legislation mandates all our actions and allows us no discretion in implementation, so that prior notice and comment is unnecessary and contrary to the public interest.

Method of Calculation

The statute (see “Background and Purpose”) requires inflation adjustments to be based on changes in the Consumer Price Index (CPI) from June of the calendar year in which the penalties were last set or adjusted, through June of the year prior to the adjustment. The statute also includes precise rules for rounding penalty increases. It limits the first adjustments of an agency’s penalties to 10 percent of the penalty amounts. Our method of calculation takes into account the General Accounting Office (GAO) report “United States Coast Guard Implementation of the Inflation Adjustment Act,” (GAO-03-221R, Nov. 1, 2002) and subsequent discussions with the GAO. Table A below sets forth each CMP provision which is being increased in 2003 and shows the intermediate calculations performed to arrive at the adjusted final maximum penalty contained in the last column.

BILLING CODE 4910-15-P

Table A - CMP Adjustment Calculations

U.S. Code Citation	Civil Monetary Penalty	Year penalty amount was last set	Maximum Penalty amount last set	CPI Inflation Factors	Percent needed to adjust to dollars in the year the penalty was set	Percentage increase in inflation needed to trigger next adjustment	Maximum Penalty Increase after P.L. 101-410 Rounding	Maximum Penalty Amount After Increase and P.L. 101-410 Rounding	Maximum Penalty Amount After Increase, P.L. 101-410 Rounding, and 10% Limit
14 U.S.C. 88(c)	Saving Life and Property	1997	\$5,500	179.9/160.3	12.2%	7.7%	\$1,000	\$6,500	\$-
14 U.S.C. 645(i)	Confidentiality of Medical Quality Assurance Records (first offense)	1992	3,000	179.9/140.2	28.3%	15.2%	1,000	4,000	3,300
14 U.S.C. 645(i)	Confidentiality of Medical Quality Assurance Records (subsequent offense)	1997	22,000	179.9/160.3	12.2%	9.3%	5,000	27,000	-
33 U.S.C. 471	Anchorage Ground/Harbor Regulations General	1997	110	179.9/160.3	12.2%	45.5%	0	110	-
33 U.S.C. 474	Anchorage Ground/Harbor Regulations St. Mary's River	1997	220	179.9/160.3	12.2%	22.8%	0	220	-
33 U.S.C. 495	Bridges/Failure to Comply with Regulations	1997	1,100	179.9/160.3	12.2%	45.5%	0	1,100	-
33 U.S.C. 499	Bridges/Drawbridges	1997	1,100	179.9/160.3	12.2%	45.5%	0	1,100	-
33 U.S.C. 502	Bridges/Failure to Alter Bridge Obstruction Navigation	1997	1,100	179.9/160.3	12.2%	45.5%	0	1,100	-
33 U.S.C. 533	Bridges/Maintenance and Operation	1997	1,100	179.9/160.3	12.2%	45.5%	0	1,100	-
33 U.S.C. 1208(a)	Bridge to Bridge Communication	1997	550	179.9/160.3	12.2%	7.7%	100	650	-
33 U.S.C. 1208(b)	Bridge to Bridge Communication	1997	550	179.9/160.3	12.2%	7.7%	100	650	-
33 U.S.C. 1232	PWSA Regulations	1997	27,500	179.9/160.3	12.2%	7.7%	5,000	32,500	-
33 U.S.C. 1236(b)	Vessel Navigation: Regattas or Marine Parades	1997	5,500	179.9/160.3	12.2%	7.7%	1,000	6,500	-
33 U.S.C. 1236(c)	Vessel Navigation: Regattas or Marine Parades	1997	5,500	179.9/160.3	12.2%	7.7%	1,000	6,500	-
33 U.S.C. 1236(d)	Vessel Navigation: Regattas or Marine Parades	1990	2,500	179.9/129.9	38.5%	18.2%	1,000	3,500	2,750
33 U.S.C. 1319(d)	Pollution Prevention	1997	27,500	179.9/160.3	12.2%	7.7%	5,000	32,500	-
33 U.S.C. 1319(g)(2)(A)	Pollution Prevention (per violation)	1997	11,000	179.9/160.3	12.2%	22.8%	0	11,000	-
33 U.S.C. 1319(g)(2)(A)	Pollution Prevention (total under subparagraph)	1997	27,500	179.9/160.3	12.2%	7.7%	5,000	32,500	-
33 U.S.C. 1319(g)(2)(B)	Pollution Prevention (per day of violation)	1997	11,000	179.9/160.3	12.2%	22.8%	0	11,000	-
33 U.S.C. 1319(g)(2)(B)	Pollution Prevention (total under subparagraph)	1997	137,500	179.9/160.3	12.2%	3.2%	20,000	157,500	-
33 U.S.C. 1321(b)(6)(B)(i)	Oil/Hazardous Substances: Discharges (per violation)	1997	11,000	179.9/160.3	12.2%	22.8%	0	11,000	-
33 U.S.C. 1321(b)(6)(B)(i)	Oil/Hazardous Substances: Discharges (total under paragraph)	1997	27,500	179.9/160.3	12.2%	7.7%	5,000	32,500	-
33 U.S.C. 1321(b)(6)(B)(ii)	Oil/Hazardous Substances: Discharges (per day of violation)	1997	11,000	179.9/160.3	12.2%	22.8%	0	11,000	-
33 U.S.C. 1321(b)(6)(B)(ii)	Oil/Hazardous Substances: Discharges (total under paragraph)	1997	137,500	179.9/160.3	12.2%	3.2%	20,000	157,500	-
33 U.S.C. 1321(b)(7)(A)	Oil/Hazardous Substances: Discharges (per day of violation)	1997	27,500	179.9/160.3	12.2%	7.7%	5,000	32,500	-
33 U.S.C. 1321(b)(7)(A)	Oil/Hazardous Substances: Discharges (per barrel of oil or unit of hazsub discharged)	1997	1,100	179.9/160.3	12.2%	45.5%	0	1,100	-
33 U.S.C. 1321(b)(7)(B)	Oil/Hazardous Substances: Discharges	1997	27,500	179.9/160.3	12.2%	7.7%	5,000	32,500	-
33 U.S.C. 1321(b)(7)(C)	Oil/Hazardous Substances: Discharges	1997	27,500	179.9/160.3	12.2%	7.7%	5,000	32,500	-
33 U.S.C. 1321(b)(7)(D)	Oil/Hazardous Substances: Discharges (per barrel of oil or unit of hazsub discharged)	1997	3,300	179.9/160.3	12.2%	15.2%	0	3,300	-
33 U.S.C. 1321(j)	Prevention Regulations	1997	27,500	179.9/160.3	12.2%	7.7%	5,000	32,500	-
33 U.S.C. 1322(j)	Marine Sanitation Devices	1997	2,200	179.9/160.3	12.2%	22.8%	0	2,200	-
33 U.S.C. 1322(j)	Marine Sanitation Devices	1997	5,500	179.9/160.3	12.2%	7.7%	1,000	6,500	-
33 U.S.C. 1517(a)	Deepwater Ports Regulations	1997	11,000	179.9/160.3	12.2%	22.8%	0	11,000	-
33 U.S.C. 1608(a)	International Regulations	1997	5,500	179.9/160.3	12.2%	7.7%	1,000	6,500	-
33 U.S.C. 1608(b)	International Regulations	1997	5,500	179.9/160.3	12.2%	7.7%	1,000	6,500	-
33 U.S.C. 1908(b)(1)	Pollution from Ships	1997	27,500	179.9/160.3	12.2%	7.7%	5,000	32,500	-
33 U.S.C. 1908(b)(2)	Pollution from Ships	1997	5,500	179.9/160.3	12.2%	7.7%	1,000	6,500	-
33 U.S.C. 2072(a)	Inland Navigation Rules	1997	5,500	179.9/160.3	12.2%	7.7%	1,000	6,500	-
33 U.S.C. 2072(b)	Inland Navigation Rules	1997	5,500	179.9/160.3	12.2%	7.7%	1,000	6,500	-
33 U.S.C. 2609(a)	Shore Protection	1997	27,500	179.9/160.3	12.2%	7.7%	5,000	32,500	-
33 U.S.C. 2609(b)	Shore Protection	1997	11,000	179.9/160.3	12.2%	22.8%	0	11,000	-

Table A - CMP Adjustment Calculations

33 U.S.C. 2716a(a)	Oil Pollution Liability and Compensation	1997	27,500	179.9/160.3	12.2%	7.7%	5,000	32,500	-
46 U.S.C. App 1505(a)	Safe Containers for International Cargo	1997	5,500	179.9/160.3	12.2%	7.7%	1,000	6,500	-
46 U.S.C. App 1805(c)(2)	Suspension of Passenger Service	1997	55,000	179.9/160.3	12.2%	4.2%	5,000	60,000	-
46 U.S.C. 2110(e)	Vessel Inspection or Examination Fees	1997	5,500	179.9/160.3	12.2%	7.7%	1,000	6,500	-
46 U.S.C. 2115	Alcohol and Dangerous Drug Testing	1998	5,000	179.9/163	10.4%	9.1%	1,000	6,000	5,500
46 U.S.C. 2302(a)	Negligent Operations: Recreational Vessels	2002	5,000	183.7/179.9	2.1%	10.0%	0	5,000	-
46 U.S.C. 2302(a)	Negligent operations: Other Vessels	2002	25,000	183.7/179.9	2.1%	10.0%	0	25,000	-
46 U.S.C. 2302(c)(1)	Negligent Operations	1998	5,000	179.9/163	10.4%	9.1%	1,000	6,000	5,500
46 U.S.C. 2306(a)(2)(B)(4)	Vessel Reporting Requirements: Owner	1997	5,500	179.9/160.3	12.2%	7.7%	1,000	6,500	-
46 U.S.C. 2306(b)(2)	Vessel Reporting Requirements: Master	1997	1,100	179.9/160.3	12.2%	45.5%	0	1,100	-
46 U.S.C. 3102(c)(1)	Immersion suits	1997	5,500	179.9/160.3	12.2%	7.7%	1,000	6,500	-
46 U.S.C. 3302(i)(5)	Inspection Permit	1997	1,100	179.9/160.3	12.2%	45.5%	0	1,100	-
46 U.S.C. 3318(a)	Vessel Inspection	1997	5,500	179.9/160.3	12.2%	7.7%	1,000	6,500	-
46 U.S.C. 3318 (g)	Vessel Inspection	1997	5,500	179.9/160.3	12.2%	7.7%	1,000	6,500	-
46 U.S.C. 3318(h)	Vessel Inspection	1997	1,100	179.9/160.3	12.2%	45.5%	0	1,100	-
46 U.S.C. 3318(i)	Vessel Inspection	1997	1,100	179.9/160.3	12.2%	45.5%	0	1,100	-
46 U.S.C. 3318(j)(1)	Vessel Inspection	1997	11,000	179.9/160.3	12.2%	22.8%	0	11,000	-
46 U.S.C. 3318(j)(1)	Vessel Inspection	1990	2,000	179.9/129.9	38.5%	22.8%	1,000	3,000	2,200
46 U.S.C. 3318(k)	Vessel Inspection	1997	11,000	179.9/160.3	12.2%	22.8%	0	11,000	-
46 U.S.C. 3318(l)	Vessel Inspection	1997	5,500	179.9/160.3	12.2%	7.7%	1,000	6,500	-
46 U.S.C. 3502(e)	List/Count of Passengers	1997	110	179.9/160.3	12.2%	45.5%	0	110	-
46 U.S.C. 3504(c)	Notification to Passengers	1997	11,000	179.9/160.3	12.2%	22.8%	0	11,000	-
46 U.S.C. 3504(c)	Notification to Passengers	1997	550	179.9/160.3	12.2%	7.7%	100	650	-
46 U.S.C. 3506	Copies of Laws on Passenger Vessels	1997	220	179.9/160.3	12.2%	22.8%	0	220	-
46 U.S.C. 3718(a)(1)	Dangerous Cargo Carriage	1997	27,500	179.9/160.3	12.2%	7.7%	5,000	32,500	-
46 U.S.C. 4106	Uninspected Vessels	1997	5,500	179.9/160.3	12.2%	7.7%	1,000	6,500	-
46 U.S.C. 4311(b)	Recreational Vehicles	1997	110,000	179.9/160.3	12.2%	4.2%	10,000	120,000	-
46 U.S.C. 4311(b)	Recreational Vehicles	1997	2,200	179.9/160.3	12.2%	22.8%	0	2,200	-
46 U.S.C. 4311(c)	Recreational Vehicles	1997	1,100	179.9/160.3	12.2%	45.5%	0	1,100	-
46 U.S.C. 4507	Vessel Inspection	1997	5,500	179.9/160.3	12.2%	7.7%	1,000	6,500	-
46 U.S.C. 4703	Abandonment of barges	1997	1,100	179.9/160.4	12.2%	45.5%	0	1,100	-
46 U.S.C. 5116(a)	Load Lines	1997	5,500	179.9/160.3	12.2%	7.7%	1,000	6,500	-
46 U.S.C. 5116(b)	Load Lines	1997	11,000	179.9/160.3	12.2%	22.8%	0	11,000	-
46 U.S.C. 5116(c)	Load Lines	1997	5,500	179.9/160.3	12.2%	7.7%	1,000	6,500	-
46 U.S.C. 6103(a)	Reporting Marine Casualties	1996	25,000	179.9/156.7	14.8%	9.1%	5,000	30,000	27,500
46 U.S.C. 6103(b)	Reporting Marine Casualties	1997	5,500	179.9/160.3	12.2%	7.7%	1,000	6,500	-
46 U.S.C. 8101(e)	Manning of Inspected Vessels	1997	1,100	179.9/160.3	12.2%	45.5%	0	1,100	-
46 U.S.C. 8101(f)	Manning of Inspected Vessels	1997	11,000	179.9/160.3	12.2%	22.8%	0	11,000	-
46 U.S.C. 8101(g)	Manning of Inspected Vessels	1997	11,000	179.9/160.3	12.2%	22.8%	0	11,000	-
46 U.S.C. 8101(h)	Manning of Inspected Vessels	1997	1,100	179.9/160.3	12.2%	45.5%	0	1,100	-
46 U.S.C. 8102(a)	Watchmen on Passenger Vessels	1997	1,100	179.9/160.3	12.2%	45.5%	0	1,100	-
46 U.S.C. 8103(f)	Citizenship Requirements	1997	550	179.9/160.3	12.2%	7.7%	100	650	-
46 U.S.C. 8104(i)	Watches on Vessels	1997	11,000	179.9/160.3	12.2%	22.8%	0	11,000	-
46 U.S.C. 8104(j)	Watches on Vessels	1997	11,000	179.9/160.3	12.2%	22.8%	0	11,000	-
46 U.S.C. 8302(e)	Staff Department on Vessels	1997	110	179.9/160.3	12.2%	45.5%	0	110	-
46 U.S.C. 8304(d)	Officer's Competency Certificates	1997	110	179.9/160.3	12.2%	45.5%	0	110	-
46 U.S.C. 8502(e)	Coastwise Pilotage	1997	11,000	179.9/160.3	12.2%	22.8%	0	11,000	-
46 U.S.C. 8502(f)	Coastwise Pilotage	1997	11,000	179.9/160.3	12.2%	22.8%	0	11,000	-
46 U.S.C. 8503	Federal Pilots	1997	27,500	179.9/160.3	12.2%	7.7%	5,000	32,500	-
46 U.S.C. 8701(d)	Merchant Mariners Documents	1997	550	179.9/160.3	12.2%	7.7%	100	650	-
46 U.S.C. 8702(e)	Crew Requirements	1997	11,000	179.9/160.3	12.2%	22.8%	0	11,000	-
46 U.S.C. 8906	Small Vessel Manning	1996	25,000	179.9/156.7	14.8%	9.1%	5,000	30,000	27,500
46 U.S.C. 9308(a)	Pilotage: Great Lakes	1997	11,000	179.9/160.3	12.2%	22.8%	0	11,000	-
46 U.S.C. 9308(b)	Pilotage: Great Lakes	1997	11,000	179.9/160.3	12.2%	22.8%	0	11,000	-
46 U.S.C. 9308(c)	Pilotage: Great Lakes	1997	11,000	179.9/160.3	12.2%	22.8%	0	11,000	-
46 U.S.C. 10104(b)	Failure to Report Sexual Offense	1997	5,500	179.9/160.3	12.2%	7.7%	1,000	6,500	-
46 U.S.C. 10307	Posting of Agreements	1997	110	179.9/160.3	12.2%	45.5%	0	110	-
46 U.S.C. 10308(b)	Foreign Engagements by Seamen	1997	110	179.9/160.3	12.2%	45.5%	0	110	-
46 U.S.C. 10309(b)	Replacement of Lost/Deserted Seamen	1997	220	179.9/160.3	12.2%	22.8%	0	220	-
46 U.S.C. 10310	Discharge of Seamen	1997	55	179.9/160.3	12.2%	7.7%	10	65	-
46 U.S.C. 10312(c)	Foreign/Intercoastal Voyages	1997	110	179.9/160.3	12.2%	45.5%	0	110	-
46 U.S.C. 10314(a)(2)	Pay Advances to Seamen	1997	550	179.9/160.3	12.2%	7.7%	100	650	-
46 U.S.C. 10314(b)	Pay Advances to Seamen	1997	550	179.9/160.3	12.2%	7.7%	100	650	-

Table A - CMP Adjustment Calculations

46 U.S.C. 10315(c)	Allotment to Seamen	1997	550	179.9/160.3	12.2%	7.7%	100	650	-
46 U.S.C. 10321	Seamen Protection: General	1997	220	179.9/160.3	12.2%	22.8%	0	220	-
46 U.S.C. 10505(b)	Advances	1997	550	179.9/160.3	12.2%	7.7%	100	650	-
46 U.S.C. 10508(b)	Seamen Protection: General	1997	22	179.9/160.3	12.2%	22.8%	0	22	-
46 U.S.C. 10711	Effects of Deceased Seamen	1997	220	179.9/160.3	12.2%	22.8%	0	220	-
46 U.S.C. 10902(a)(2)	Complaints of Unfitness	1997	550	179.9/160.3	12.2%	7.7%	100	650	-
46 U.S.C. 10903(d)	Proceedings on Examination of Vessel	1997	110	179.9/160.3	12.2%	45.5%	0	110	-
46 U.S.C. 10907(b)	Permission to Make Complaint	1997	550	179.9/160.3	12.2%	7.7%	100	650	-
46 U.S.C. 11101(f)	Accommodations for Seamen	1997	550	179.9/160.3	12.2%	7.7%	100	650	-
46 U.S.C. 11102(b)	Medicine Chests on Vessels	1997	550	179.9/160.3	12.2%	7.7%	100	650	-
46 U.S.C. 11104(b)	Destitute Seamen	1997	110	179.9/160.3	12.2%	45.5%	0	110	-
46 U.S.C. 11105(c)	Wages on Discharge	1997	550	179.9/160.3	12.2%	7.7%	100	650	-
46 U.S.C. 11303(a)	Log Books	1997	220	179.9/160.3	12.2%	22.8%	0	220	-
46 U.S.C. 11303(b)	Log Books	1997	220	179.9/160.3	12.2%	22.8%	0	220	-
46 U.S.C. 11303(c)	Log Books	1997	165	179.9/160.3	12.2%	30.4%	0	165	-
46 U.S.C. 11506	Carrying of Sheath Knives	1997	55	179.9/160.3	12.2%	7.7%	10	65	-
46 U.S.C. 12122(a)	Identification of Vessels	1996	10,000	179.9/158.7	14.8%	22.8%	1,000	11,000	11,000
46 U.S.C. 12122(c)	Vessel Documentation	1998	100,000	179.9/163.0	10.4%	4.6%	10,000	110,000	110,000
46 U.S.C. 12309(b)	Numbering of Undocumented Vessels	1997	1,100	179.9/160.3	12.2%	45.5%	0	1,100	-
46 U.S.C. 12507(b)	Vessel Identification System	1997	11,000	179.9/160.3	12.2%	22.8%	0	11,000	-
46 U.S.C. 14701	Measurement of Vessels	1997	22,000	179.9/160.3	12.2%	9.3%	5,000	27,000	-
46 U.S.C. 14701	Registry/Recording: Tonnage	1997	22,000	179.9/160.3	12.2%	9.3%	5,000	27,000	-
46 U.S.C. 14702	Measurement/False Statements	1997	22,000	179.9/160.3	12.2%	9.3%	5,000	27,000	-
46 U.S.C. 31309	Instruments and Liens	1997	11,000	179.9/160.3	12.2%	22.8%	0	11,000	-
49 U.S.C. 5123(a)(1)*	Hazardous Materials-Related to Vessels	1997	27,500	179.9/160.3	12.2%	9.1%	5,000	32,500	-

*Note: 49 U.S.C. 5123 (a) (1) was formerly 49 U.S.C. App 1809 (a) (1)

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Regulatory Evaluation

This rule is not a “significant regulatory action” under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not “significant” under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. This rule concerns civil monetary penalties imposed for violating Federal law and regulations. It has no impact on law-abiding persons.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. This rule concerns civil monetary penalties

imposed for violating Federal law and regulations. It has no impact on law-abiding persons.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities.

Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), we will assist small entities in understanding this rule. If you are a small entity and the Coast Guard has assessed a civil monetary penalty against you, let your hearing officer know if you need help understanding the provisions of this rule or how it applies to you.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency’s responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247).

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. This rule affects only those persons who violate Federal law or regulations, and involves no discretion on the part of the Coast Guard.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and

Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule 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.

Protection of Children

We have analyzed this rule 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 create an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have

determined that it is not a “significant energy action” under that order because it is not a “significant regulatory action” under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Environment

We have analyzed this rule under Commandant Instruction M16475.ID, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, figure 2–1, paragraph (34)(a) of the Instruction categorically excludes this rule from further environmental documentation. An “Environmental Analysis Check List” and a “Categorical Exclusion Determination” are available in the docket where indicated under

ADDRESSES.

List of Subjects in 33 CFR Part 27

Marine safety, Oil pollution, Penalties, Vessels, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 27 as follows:

PART 27—ADJUSTMENT OF CIVIL MONETARY PENALTIES FOR INFLATION

■ 1. Revise the authority citation for part 27 to read as follows:

Authority: Secs. 1–6, Pub. L. 101–410, 104 Stat. 890, as amended by Sec. 31001(s)(1), Pub. L. 104–134, 110 Stat. 1321 (28 U.S.C. 2461 note); Department of Homeland Security Delegation No. 0170.1, sec. 2 (106).

■ 2. Revise § 27.1 to read as follows:

§ 27.1 Applicability.

This part implements the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended, by periodically adjusting the maximum civil monetary penalty provided by statute for laws administered by the Coast Guard and assessable in either civil judicial or administrative proceedings.

§ 27.2 [Removed]

■ 3. Remove § 27.2.

■ 4. Revise § 27.3 to read as follows:

§ 27.3 Penalty Adjustment Table.

Table 1 identifies statutes administered by the Coast Guard that authorize a civil monetary penalty. The “adjusted maximum penalty” is the maximum penalty authorized by the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended, as determined by the Coast Guard.

TABLE 1.—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. Code citation	Civil monetary penalty description	Adjusted maximum penalty amount (\$)*
14 U.S.C. 88(c)	Saving Life and Property	6,500
14 U.S.C. 645(i)	Confidentiality of Medical Quality Assurance Records (first offense)	3,300
14 U.S.C. 645(i)	Confidentiality of Medical Quality Assurance Records (subsequent offenses)	27,000
33 U.S.C. 471	Anchorage Ground/Harbor Regulations General	110
33 U.S.C. 474	Anchorage Ground/Harbor Regulations St. Mary’s river	220
33 U.S.C. 495	Bridges/Failure to Comply with Regulations	1,100
33 U.S.C. 499	Bridges/Drawbridges	1,100
33 U.S.C. 502	Bridges/Failure to Alter Bridge Obstructing Navigation	1,100
33 U.S.C. 533	Bridges/Maintenance and Operation	1,100
33 U.S.C. 1208(a)	Bridge to Bridge Communication	650
33 U.S.C. 1208(b)	Bridge to Bridge Communication	650
33 U.S.C. 1232	PWSA Regulations	32,500
33 U.S.C. 1236(b)	Vessel Navigation: Regattas or Marine Parades	6,500
33 U.S.C. 1236(c)	Vessel Navigation: Regattas or Marine Parades	6,500
33 U.S.C. 1236(d)	Vessel Navigation: Regattas or Marine Parades	2,750
33 U.S.C. 1319(d)	Pollution Prevention	32,500
33 U.S.C. 1319(g)(2)(A)	Pollution Prevention (per violation)	11,000
33 U.S.C. 1319(g)(2)(A)	Pollution Prevention (total under subparagraph)	32,500
33 U.S.C. 1319(g)(2)(B)	Pollution Prevention (per day of violation)	11,000
33 U.S.C. 1319(g)(2)(B)	Pollution Prevention (total under subparagraph)	157,500
33 U.S.C. 1321(b)(6)(B)(i)	Oil/Hazardous Substances: Discharges (per violation)	11,000
33 U.S.C. 1321(b)(6)(B)(i)	Oil/Hazardous Substances: Discharges (total under paragraph)	32,500
33 U.S.C. 1321(b)(6)(B)(ii)	Oil/Hazardous Substances: Discharges (per day of violation)	11,000
33 U.S.C. 1321(b)(6)(B)(ii)	Oil/Hazardous Substances: Discharges (total under paragraph)	157,500
33 U.S.C. 1321(b)(7)(A)	Oil/Hazardous Substances: Discharges (per day of violation)	32,500

TABLE 1.—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS—Continued

U.S. Code citation	Civil monetary penalty description	Adjusted maximum penalty amount (\$)*
33 U.S.C. 1321(b)(7)(A)	Oil/Hazardous Substances: Discharges (per barrel of oil or unit of hazsub discharged).	1,100
33 U.S.C. 1321(b)(7)(B)	Oil/Hazardous Substances: Discharges	32,500
33 U.S.C. 1321(b)(7)(C)	Oil/Hazardous Substances: Discharges	32,500
33 U.S.C. 1321(b)(7)(D)	Oil/Hazardous Substances: Discharges (per barrel of oil or unit of hazsub discharged)..	3,300
33 U.S.C. 1321(j)	Oil/Hazardous Substances: Prevention Regulations	32,500
33 U.S.C. 1322(j)	Marine Sanitation Devices	2,200
33 U.S.C. 1322(j)	Marine Sanitation Devices	6,500
33 U.S.C. 1517(a)	Deepwater Ports Regulations	11,000
33 U.S.C. 1608(a)	International Regulations	6,500
33 U.S.C. 1608(b)	International Regulations	6,500
33 U.S.C. 1908(b)(1)	Pollution from Ships	32,500
33 U.S.C. 1908(b)(2)	Pollution from Ships	6,500
33 U.S.C. 2072(a)	Inland Navigation Rules	6,500
33 U.S.C. 2072(b)	Inland Navigation Rules	6,500
33 U.S.C. 2609(a)	Shore Protection	32,500
33 U.S.C. 2609(b)	Shore Protection	11,000
33 U.S.C. 2716a(a)	Oil Pollution Liability and Compensation	32,500
46 U.S.C. 1505(a)	Safe Containers for International Cargo	6,500
46 U.S.C. App 1805(c)(2)	Suspension of passenger service	60,000
46 U.S.C. 2110(e)	Vessel inspection or examination fees	6,500
46 U.S.C. 2115	Alcohol and dangerous drug testing	5,500
46 U.S.C. 2302(a)	Negligent operations: recreational vessels	5,000
46 U.S.C. 2302(a)	Negligent operations: other vessels	25,000
46 U.S.C. 2302(c)(1)	Negligent operations	5,500
46 U.S.C. 2306(a)(2)(B)(4)	Vessel Reporting Requirements: Owner	6,500
46 U.S.C. 2306(b)(2)	Vessel Reporting Requirements: Master	1,100
46 U.S.C. 3102(c)(1)	Immersion suits	6,500
46 U.S.C. 3302(i)(5)	Inspection Permit	1,100
46 U.S.C. 3318(a)	Vessel inspection	6,500
46 U.S.C. 3318(g)	Vessel inspection	6,500
46 U.S.C. 3318(h)	Vessel inspection	1,100
46 U.S.C. 3318(i)	Vessel inspection	1,100
46 U.S.C. 3318(j)(1)	Vessel inspection	11,000
46 U.S.C. 3318(j)(1)	Vessel inspection	2,200
46 U.S.C. 3318(k)	Vessel inspection	11,000
46 U.S.C. 3318(l)	Vessel inspection	6,500
46 U.S.C. 3502(e)	List/count of passengers	110
46 U.S.C. 3504(c)	Notification to passengers	11,000
46 U.S.C. 3504(c)	Notification to passengers	650
46 U.S.C. 3506	Copies of laws on passenger vessels	220
46 U.S.C. 3718(a)(1)	Dangerous cargo carriage	32,500
46 U.S.C. 4106	Uninspected vessels	6,500
46 U.S.C. 4311(b)	Recreational vessels (maximum for related series of violations)	120,000
46 U.S.C. 4311(b)	Recreational vessels	2,200
46 U.S.C. 4311(c)	Recreational vessels	1,100
46 U.S.C. 4507	Vessel inspection	6,500
46 U.S.C. 4703	Abandonment of barges	1,100
46 U.S.C. 5116(a)	Load lines	6,500
46 U.S.C. 5116(b)	Load lines	11,000
46 U.S.C. 5116(c)	Load lines	6,500
46 U.S.C. 6103(a)	Reporting marine casualties	27,500
46 U.S.C. 6103(b)	Reporting marine casualties	6,500
46 U.S.C. 8101(e)	Manning of inspected vessels	1,100
46 U.S.C. 8101(f)	Manning of inspected vessels	11,000
46 U.S.C. 8101(g)	Manning of inspected vessels	11,000
46 U.S.C. 8101(h)	Manning of inspected vessels	1,100
46 U.S.C. 8102(a)	Watchmen on passenger vessels	1,100
46 U.S.C. 8103(f)	Citizenship requirements	650
46 U.S.C. 8104(i)	Watches on vessels	11,000
46 U.S.C. 8104(j)	Watches on vessels	11,000
46 U.S.C. 8302(e)	Staff department on vessels	110
46 U.S.C. 8304(d)	Officer's competency certificates	110
46 U.S.C. 8502(e)	Coastwise Pilotage	11,000
46 U.S.C. 8502(f)	Coastwise Pilotage	11,000
46 U.S.C. 8503	Federal Pilots	32,500
46 U.S.C. 8701(d)	Merchant mariners documents	650
46 U.S.C. 8702(e)	Crew requirements	11,000
46 U.S.C. 8906	Small vessel manning	27,500

TABLE 1.—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS—Continued

U.S. Code citation	Civil monetary penalty description	Adjusted maximum penalty amount (\$)*
46 U.S.C. 9308(a)	Pilotage: Great Lakes	11,000
46 U.S.C. 9308(b)	Pilotage: Great Lakes	11,000
46 U.S.C. 9308(c)	Pilotage: Great Lakes	11,000
46 U.S.C. 10104(b)	Failure to report sexual offense	6,500
46 U.S.C. 10307	Posting of agreements	110
46 U.S.C. 10308(b)	Foreign engagements by seamen	110
46 U.S.C. 10309(b)	Replacement of lost/deserted seamen	220
46 U.S.C. 10310	Discharge of seamen	65
46 U.S.C. 10312(c)	Foreign/intercoastal voyages	110
46 U.S.C. 10314(a)(2)	Pay advances to seamen	650
46 U.S.C. 10314(b)	Pay advances to seamen	650
46 U.S.C. 10315(c)	Allotment to seamen	650
46 U.S.C. 10321	Seamen protection: general	220
46 U.S.C. 10505(b)	Advances	650
46 U.S.C. 10508(b)	Seamen protection: general	22
46 U.S.C. 10711	Effects of deceased seamen	220
46 U.S.C. 10902(a)(2)	Complaints of unfitness	650
46 U.S.C. 10903(d)	Proceedings on examination of vessel	110
46 U.S.C. 10907(b)	Permission to make complaint	650
46 U.S.C. 11101(f)	Accommodations for seamen	650
46 U.S.C. 11102(b)	Medicine chests on vessels	650
46 U.S.C. 11104(b)	Destitute seamen	110
46 U.S.C. 11105(c)	Wages on discharge	650
46 U.S.C. 11303(a)	Log books	220
46 U.S.C. 11303(b)	Log books	220
46 U.S.C. 11303(c)	Log books	165
46 U.S.C. 11506	Carrying of sheath knives	65
46 U.S.C. 12122(a)	Identification of vessels	11,000
46 U.S.C. 12122(c)	Vessel Documentation	110,000
46 U.S.C. 12309(b)	Numbering of undocumented vessels	1,100
46 U.S.C. 12507(b)	Vessel identification system	11,000
46 U.S.C. 14701	Measurement of vessels	27,000
46 U.S.C. 14701	Registry/recording: tonnage	27,000
46 U.S.C. 14702	Measurement/false statements	27,000
46 U.S.C. 31309	Instruments and liens	11,000
49 U.S.C. 5123(a)(1)**	Hazardous materials—related to vessels	32,500

* The penalty amounts listed in this column include penalties that were adjusted in 1997 and 2003; some penalties that were adjusted in 1997 did not qualify for an adjustment this year according to the rounding rules. However, we decided to include the adjusted 1997 penalties that were not adjusted in 2003 to show the comprehensive list of civil penalties.

** 49 U.S.C. 5123(a)(1) was formerly 49 U.S.C. 1809(a)(1).

Dated: December 5, 2003.

L.L. Hereth,

Rear Admiral, Coast Guard, Acting Assistant Commandant for Marine Safety, Security and Environmental Protection.

[FR Doc. 03-31491 Filed 12-22-03; 8:45 am]

BILLING CODE 4910-15-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 3710, 3730, 3810, 3820, 3830-3840, and 3850

[WO-620-1430-00-24 1A]

RIN 1004-AD31

Locating, Recording, and Maintaining Mining Claims or Sites; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule; correction.

SUMMARY: This document corrects editorial and typographical errors in a final rule published in the **Federal Register** on October 24, 2003, regarding locating, recording, and maintaining mining claims or sites on public lands managed by the Bureau of Land Management (BLM).

EFFECTIVE DATE: November 24, 2003.

FOR FURTHER INFORMATION CONTACT: Ted Hudson, (202) 452-5042.

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections reorganized the regulations on locating, filing, and maintaining mining claims or sites by consolidating provisions that were scattered in various portions of Groups 3700 and 3800 into 10 consecutive parts, placing the provisions in logical order, clarifying conflicting language,

eliminating duplication, and removing obsolete provisions.

Need for Correction

As published, the final rule contained editorial and typographical errors in the preamble and regulatory text, some of which may prove to be misleading and need to be clarified and all of which need to be corrected.

■ In rule FR Doc. 03-26673 published on October 24, 2003 (68 FR 61046), make the following corrections.

■ 1. On page 61049, in the first column, correct the table under “Part 3835” by removing 10th row of the table beginning with “3835.17” and revising the 9th row of the table to read as follows:

3835.17	New; 3833.1-6(d); 3833.1-7(a)-(d); 3833.2-1
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■ 2. On page 61051, in the first column, correct the first paragraph under the heading *Subpart C-Mining Law Minerals*