

request reconsideration of the recapture determination, an owner/operator must submit to the Department a written request that includes:

(1) An explanation of why the owner/operator believes all or some of the credits (and the value of any credits previously paid) should not be subject to recapture; and

(2) Supporting information and calculations.

(c) *Notification of final amount subject to recapture.* Unless the Department extends the time period, within 60 days of receipt of an owner/operator's request for reconsideration provided pursuant to paragraph (b) of this section, the owner/operator will be notified of the Department's decision to affirm, withdraw, or modify the notice of recapture. The notification will include an explanation of the decision, including responses to the owner/operator's supporting reasons and consideration of additional information provided.

(d) *Effectiveness of recapture.* (1) If the owner/operator has not requested reconsideration as provided in paragraph (b) of this section;

(i) The credits will be deemed to be recaptured as of the date of the notification provided by the Secretary pursuant to paragraph (a) of this section and the owner/operator will have no further right or claim to those credits; and

(ii) The owner/operator shall repay to the Department the value of credits that the Department has paid to the owner/operator and that are subject to recapture under § 612.4 within 30 calendar days of the date of notification provided by the Department pursuant to paragraph (a) of this section.

(2) If the owner/operator has requested reconsideration as provided in paragraph (b) of this section;

(i) The credits will be deemed to be recaptured as of the date of the notification provided by the Department pursuant to paragraph (c) of this section and the owner/operator will have no further right or claim to those credits; and

(ii) The owner/operator shall pay to the Department the value of credits that the Department has previously paid to the owner/operator and that are subject to recapture under § 612.4 within 30 calendar days of the date of notification provided by the Department pursuant to paragraph (c) of this section.

(e) *Notice.* Notices issued by the Department under this section shall be made public by the Department, with the exception of any data or supporting documentation constituting confidential

business information not subject to disclosure.

**§ 612.6 Petition to the Department's Office of Hearings and Appeals.**

In order to exhaust its administrative remedies, an owner/operator who is aggrieved by the Secretary's decision to affirm, withdraw, or modify the notice of recapture as provided in § 612.5(c) may file a petition with the Department's Office of Hearings and Appeals in accordance with 10 CFR 1003.11 not later than thirty days after notification of the Department's decision.

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**DEPARTMENT OF THE TREASURY**

**Office of the Comptroller of the Currency**

**12 CFR Parts 19 and 109**

**Notification of Inflation Adjustments for Civil Money Penalties**

**AGENCY:** Office of the Comptroller of the Currency, Treasury.

**ACTION:** Notification of monetary penalties 2024.

**SUMMARY:** This document announces changes to the Office of the Comptroller of the Currency's (OCC) maximum civil money penalties as adjusted for inflation. The inflation adjustments are required to implement the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.

**DATES:** The adjusted maximum amount of civil money penalties in this document are applicable to penalties assessed on or after January 8, 2024 for conduct occurring on or after November 2, 2015.

**FOR FURTHER INFORMATION CONTACT:** Lee Walzer, Counsel, Chief Counsel's Office, (202) 649-5490, Office of the Comptroller of the Currency.

**SUPPLEMENTARY INFORMATION:** This document announces changes to the maximum amount of each civil money penalty (CMP) within the OCC's jurisdiction to administer to account for inflation pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 (the 1990 Adjustment Act),<sup>1</sup> as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements

Act of 2015 (the 2015 Adjustment Act).<sup>2</sup> Under the 1990 Adjustment Act, as amended, federal agencies must make annual adjustments to the maximum amount of each CMP they administer. The Office of Management and Budget (OMB) is required to issue guidance to federal agencies no later than December 15 of each year providing an inflation adjustment multiplier (*i.e.*, the inflation adjustment factor agencies must use) applicable to CMPs assessed in the following year. The agencies are required to publish their CMPs, adjusted pursuant to the multiplier provided by the OMB, by January 15 of the applicable year.

To the extent an agency codified a CMP amount in its regulations, the agency would need to update that amount by regulation. However, if an agency codified a formula for making the CMP adjustments, then subsequent adjustments can be made solely by notice.<sup>3</sup> In 2018, the OCC published a final regulation that removed the CMP amounts from its regulations while updating the CMP amounts for inflation through the notice process.<sup>4</sup>

On December 19, 2023, the OMB issued guidance to affected agencies on implementing the required annual adjustment, which included the relevant inflation multiplier.<sup>5</sup> The OCC has applied that multiplier to the maximum CMPs allowable in 2023 for national banks and Federal savings associations as listed in the 2023 CMP notice<sup>6</sup> to calculate the maximum amount of CMPs that may be assessed by the OCC in 2024.<sup>7</sup> There were no new statutory CMPs administered by the OCC during 2023.

The following charts provide the inflation-adjusted CMPs for use beginning on January 8, 2024, pursuant to 12 CFR 19.240(b) and 109.103(c)(2)

<sup>2</sup> Public Law 114-74, Title VII, section 701(b), Nov. 2, 2015, 129 Stat. 599, codified at 28 U.S.C. 2461 note.

<sup>3</sup> See OMB Memorandum M-18-03, Implementation of the 2018 Annual Adjustment Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, at 4, which permits agencies that have codified the formula to adjust CMPs for inflation to update the penalties through a notice rather than a regulation.

<sup>4</sup> 83 FR 1517 (Jan. 12, 2018) (final rule); 83 FR 1657 (Jan. 12, 2018) (2018 CMP Notice).

<sup>5</sup> The inflation adjustment multiplier for 2024 is 1.03241. See OMB Memorandum M-24-07, Implementation of Penalty Inflation Adjustments for 2024, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Dec. 19, 2023).

<sup>6</sup> See 88 FR 289 (Jan. 4, 2023).

<sup>7</sup> Penalties assessed for violations occurring prior to November 2, 2015, will be subject to the maximum amounts set forth in the OCC's regulations in effect prior to the enactment of the 2015 Adjustment Act.

<sup>1</sup> Public Law 101-410, Oct. 5, 1990, 104 Stat. 890, codified at 28 U.S.C. 2461 note.

for conduct occurring on or after November 2, 2015:

PENALTIES APPLICABLE TO NATIONAL BANKS

| U.S. Code citation                | Description and Tier (if applicable)  | Maximum penalty amount (in dollars) <sup>1</sup>                |
|-----------------------------------|---|---|
| 12 U.S.C. 93(b)                   | Violation of Various Provisions of the National Bank Act:<br>Tier 1<br>Tier 2<br>Tier 3   | 12,249<br>61,238<br>2,449,575                                   |
| 12 U.S.C. 164                     | Violation of Reporting Requirements:<br>Tier 1<br>Tier 2<br>Tier 3  | 4,899<br>48,992<br>2,449,575                                    |
| 12 U.S.C. 481                     | Refusal of Affiliate to Cooperate in Examination  | 12,249  |
| 12 U.S.C. 504                     | Violation of Various Provisions of the Federal Reserve Act:<br>Tier 1<br>Tier 2<br>Tier 3   | 12,249<br>61,238<br>2,449,575                                   |
| 12 U.S.C. 1817(j)(16)             | Violation of Change in Bank Control Act:<br>Tier 1<br>Tier 2<br>Tier 3  | 12,249<br>61,238<br>2,449,575                                   |
| 12 U.S.C. 1818(i)(2) <sup>3</sup> | Violation of Law, Unsafe or Unsound Practice, or Breach of Fiduciary Duty:<br>Tier 1<br>Tier 2<br>Tier 3  | 12,249<br>61,238<br>2,449,575                                   |
| 12 U.S.C. 1820(k)(6)(A)(ii)       | Violation of Post-Employment Restrictions: Per violation  | 402,920   |
| 12 U.S.C. 1832(c)                 | Violation of Withdrawals by Negotiable or Transferable Instrument for Transfers to Third Parties: Per violation.  | 3,558   |
| 12 U.S.C. 1884                    | Violation of the Bank Protection Act  | 356   |
| 12 U.S.C. 1972(2)(F)              | Violation of Anti-Tying Provisions regarding Correspondent Accounts, Unsafe or Unsound Practices, or Breach of Fiduciary Duty:<br>Tier 1<br>Tier 2<br>Tier 3  | 12,249<br>61,238<br>2,449,575                                   |
| 12 U.S.C. 3110(a)                 | Violation of Various Provisions of the International Banking Act (Federal Branches and Agencies).   | 55,981  |
| 12 U.S.C. 3110(c)                 | Violation of Reporting Requirements of the International Banking Act (Federal Branches and Agencies):<br>Tier 1<br>Tier 2<br>Tier 3   | 4,480<br>44,783<br>2,239,210                                    |
| 12 U.S.C. 3909(d)(1)              | Violation of International Lending Supervision Act  | 3,047   |
| 15 U.S.C. 78u-2(b)                | Violation of Various Provisions of the Securities Act, the Securities Exchange Act, the Investment Company Act, or the Investment Advisers Act:<br>Tier 1 (natural person)—Per violation<br>Tier 1 (other person)—Per violation<br>Tier 2 (natural person)—Per violation<br>Tier 2 (other person)—Per violation<br>Tier 3 (natural person)—Per violation<br>Tier 3 (other person)—Per violation | 11,524<br>115,231<br>115,231<br>576,158<br>230,464<br>1,152,314 |
| 15 U.S.C. 1639e(k)                | Violation of Appraisal Independence Requirements:<br>First violation<br>Subsequent violations   | 14,069<br>28,135  |
| 42 U.S.C. 4012a(f)(5)             | Flood Insurance: Per violation  | 2,661   |

<sup>1</sup> The maximum penalty amount is per day, unless otherwise indicated.

<sup>2</sup> The maximum penalty amount for a national bank is the lesser of this amount or 1 percent of total assets.

<sup>3</sup> These amounts also apply to CMPs in statutes that cross-reference 12 U.S.C. 1818, such as 12 U.S.C. 2804, 3108, 3349, 4309, and 4717 and 15 U.S.C. 1607, 1693o, 1681s, 1691c, and 1692l.

PENALTIES APPLICABLE TO FEDERAL SAVINGS ASSOCIATIONS

| U.S. Code citation | CMP description   | Maximum penalty amount (in dollars) <sup>3</sup> |
|--------------------|---|--|
| 12 U.S.C. 1464(v)  | Reports of Condition:<br>1st Tier<br>2nd Tier<br>3rd Tier | 4,899<br>48,992<br>2,449,575                     |

PENALTIES APPLICABLE TO FEDERAL SAVINGS ASSOCIATIONS—Continued

| U.S. Code citation                      | CMP description  | Maximum penalty amount (in dollars) <sup>8</sup> |
|---|--|--|
| 12 U.S.C. 1467(d) .....                 | Refusal of Affiliate to Cooperate in Examination .....   | 12,249   |
| 12 U.S.C. 1467a(r) .....                | Late/Inaccurate Reports:   |  |
|   | 1st Tier .....   | 4,899  |
|   | 2nd Tier .....   | 48,992   |
|   | 3rd Tier .....   | <sup>2</sup> 2,449,575                           |
| 712 U.S.C. 1817(j)(16) .....            | Violation of Change in Bank Control Act:   |  |
|   | Tier 1 .....   | 12,249   |
|   | Tier 2 .....   | 61,238   |
|   | Tier 3 .....   | <sup>2</sup> 2,449,575                           |
| 12 U.S.C. 1818(i)(2) <sup>3</sup> ..... | Violation of Law, Unsafe or Unsound Practice, or Breach of Fiduciary Duty:   |  |
|   | Tier 1 .....   | 12,249   |
|   | Tier 2 .....   | 61,238   |
|   | Tier 3 .....   | <sup>2</sup> 2,449,575                           |
| 12 U.S.C. 1820(k)(6)(A)(ii) .....       | Violation of Post-Employment Restrictions: Per violation .....   | 402,920  |
| 12 U.S.C. 1832(c) .....                 | Violation of Withdrawals by Negotiable or Transferable Instruments for Transfers to Third Parties: Per violation.                                | 3,234  |
| 12 U.S.C. 1884 .....                    | Violation of the Bank Protection Act .....   | 356  |
| 12 U.S.C. 1972(2)(F) .....              | Violation of Provisions regarding Correspondent Accounts, Unsafe or Unsound Practices, or Breach of Fiduciary Duty:                              |  |
|   | Tier 1 .....   | 12,249   |
|   | Tier 2 .....   | 61,238   |
|   | Tier 3 .....   | <sup>2</sup> 2,449,575                           |
| 15 U.S.C. 78u-2(b) .....                | Violations of Various Provisions of the Securities Act, the Securities Exchange Act, the Investment Company Act, or the Investment Advisers Act: |  |
|   | 1st Tier (natural person)—Per violation .....  | 11,524   |
|   | 1st Tier (other person)—Per violation .....  | 115,231  |
|   | 2nd Tier (natural person)—Per violation .....  | 115,231  |
|   | 2nd Tier (other person)—Per violation .....  | 576,158  |
|   | 3rd Tier (natural person)—Per violation .....  | 230,464  |
|   | 3rd Tier (other person)—Per violation .....  | 1,152,314  |
| 15 U.S.C. 1639e(k) .....                | Violation of Appraisal Independence Requirements:  |  |
|   | First violation .....  | 14,069   |
|   | Subsequent violations .....  | 28,135   |
| 42 U.S.C. 4012a(f)(5) .....             | Flood Insurance: Per violation .....   | 2,661  |

<sup>8</sup> The maximum penalty amount is per day, unless otherwise indicated.

<sup>2</sup> The maximum penalty amount for a federal savings association is the lesser of this amount or 1 percent of total assets.

<sup>3</sup> These amounts also apply to statutes that cross-reference 12 U.S.C. 1818, such as 12 U.S.C. 2804, 3108, 3349, 4309, and 4717 and 15 U.S.C. 1607, 1681s, 1691c, and 1692l.

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R09-OAR-2022-0925; FRL-10943-02-R9]

**Air Quality Implementation Plan; California; Great Basin Unified Air Pollution Control District; Stationary Source Permits**

*Correction*

In Rule Document 2023-27889, appearing on pages 88255 to 88257 in the issue of Wednesday, December 21, 2023, make the following correction:

**§ 52.220 Identification of plan-in part. [Corrected]**

■ On page 88257, in the second column, beginning on the thirty-fifth line, the entry “(ii)” should read “(i)”.

■ On the same page, in the same column, beginning on the thirty-eighth line, the entry “(ii)” should read “(1)”.

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 15**

[ET Docket No. 18-295 and GN Docket No. 17-183; FCC 23-86; FR ID 190574]

**Unlicensed Use of the 6 GHz Band; and Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document, the Federal Communications Commission (Commission) builds on the 6 GHz band unlicensed rules by permitting very low power (VLP) devices in the U-NII-5 (5.925–6.425 MHz) and U-NII-7 (6.525–6.875 MHz) portions of the 6 GHz band. The Commission will limit VLP devices to low power levels and subject them to other technical and operational requirements that will permit these devices to operate across the United States while protecting incumbent licensed services that operate in the 6 GHz band from harmful interference. The Commission also takes action in a Memorandum Opinion and Order on Remand that addresses a remand from the United States Court of Appeals for the District of Columbia Circuit concerning an issue raised by television broadcasters. The Commission finds that broadcasters’ unsubstantiated claims of interference in the 2.4 GHz