

Environmental Impacts: Policies and Procedures, paragraph 5–6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points). As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. Accordingly, the FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study for this rulemaking action. On May 31, 2019, in accordance with FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures*, Paragraph 8–2, *Adoption of Other Agencies' NEPA Documents*, the FAA finalized its adoption Environmental Assessment of the Army's Establishment of Restricted Area Airspace (R-) 4102A/B at U.S. Army Garrison Fort Devens, Final Environmental Assessment of *Airspace Change Proposal at U.S. Army Garrison Fort Devens, Massachusetts*. The Army's Final EA analyzed the potential environmental impacts of the proposed establishment of additional restricted area airspace in support of the Army's training exercises. The additional restricted area airspace would lower the risk of encountering non-participating aircraft during those exercises. No changes to the types of aircraft or types and number of operations conducted within the airspace were proposed.

#### List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

#### The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73 as follows:

#### PART 73—SPECIAL USE AIRSPACE

■ 1. The authority citation for part 73 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

#### § 73.41 Massachusetts [Amended]

■ 2. Section 73.38 is amended as follows:

##### R-4102A Fort Devens, MA [Amended]

**Boundaries.** Beginning at lat. 42°31'11" N, long. 71°38'29" W; to lat. 42°30'55" N, long. 71°37'51" W; to lat. 42°30'12" N, long. 71°38'05" W; to lat. 42°29'38" N, long. 71°37'41" W; to lat. 42°28'21" N, long. 71°39'14" W; to lat. 42°28'11" N, long. 71°39'32" W; to lat. 42°28'11" N, long. 71°39'38" W; to lat. 42°28'15" N, long. 71°39'45" W; to lat. 42°28'25" N, long. 71°40'08" W; to lat. 42°28'54" N, long. 71°41'00" W; to lat. 42°29'08" N, long. 71°41'06" W; to lat. 42°29'52" N, long. 71°41'08" W; to lat. 42°30'17" N, long. 71°41'29" W; to lat. 42°30'19" N, long. 71°41'19" W; to lat. 42°30'37" N, long. 71°40'30" W; to lat. 42°30'43" N, long. 71°40'17" W; to lat. 42°30'52" N, long. 71°40'14" W; to lat. 42°30'54" N, long. 71°40'10" W; to lat. 42°30'53" N, long. 71°40'02" W; to lat. 42°30'48" N, long. 71°39'57" W; to lat. 42°30'47" N, long. 71°39'45" W; to lat. 42°30'55" N, long. 71°39'31" W; to lat. 42°30'58" N, long. 71°39'18" W; to lat. 42°30'57" N, long. 71°39'09" W; to lat. 42°30'52" N, long. 71°38'42" W; to lat. 42°30'58" N, long. 71°38'33" W; to lat. 42°31'06" N, long. 71°38'37" W;

thence to the point of beginning.

**Designated altitudes.** Surface to, but not including, 2000 feet MSL.

**Time of designation.** Intermittent, 0730–2200 local time, daily; other times by NOTAM issued 24 hours in advance.

**Controlling agency.** FAA, Boston Approach Control.

**Using agency.** Commander, U.S. Army Garrison, Fort Devens, MA.

##### R-4102B Fort Devens, MA [Amended]

**Boundaries.** Beginning at lat. 42°31'11" N, long. 71°38'29" W; to lat. 42°30'55" N, long. 71°37'51" W; to lat. 42°30'12" N, long. 71°38'05" W; to lat. 42°29'38" N, long. 71°37'41" W; to lat. 42°28'21" N, long. 71°39'14" W; to lat. 42°28'11" N, long. 71°39'32" W; to lat. 42°28'11" N, long. 71°39'38" W; to lat. 42°28'15" N, long. 71°39'45" W; to lat. 42°28'25" N, long. 71°40'08" W; to lat. 42°28'54" N, long. 71°41'00" W; to lat. 42°29'08" N, long. 71°41'06" W; to lat. 42°29'52" N, long. 71°41'08" W; to lat. 42°30'17" N, long. 71°41'29" W; to lat. 42°30'19" N, long. 71°41'19" W; to lat. 42°30'37" N, long. 71°40'30" W; to lat. 42°30'43" N, long. 71°40'17" W; to lat. 42°30'52" N, long. 71°40'14" W; to lat. 42°30'54" N, long. 71°40'10" W; to lat. 42°30'53" N, long. 71°40'02" W; to lat. 42°30'48" N, long. 71°39'57" W; to lat. 42°30'47" N, long. 71°39'45" W; to lat. 42°30'55" N, long. 71°39'31" W; to lat. 42°30'58" N, long. 71°39'18" W; to lat. 42°30'57" N, long. 71°39'09" W; to lat. 42°30'52" N, long. 71°38'42" W; to lat. 42°30'58" N, long. 71°38'33" W; to lat. 42°31'06" N, long. 71°38'37" W;

thence to the point of beginning.

**Designated altitudes.** 2000 feet MSL to 3995 feet MSL.

**Time of designation.** Intermittent, 0730–2200 local time, daily; other times by NOTAM issued 24 hours in advance.

**Controlling agency.** FAA, Boston Approach Control.

**Using agency.** Commander, U.S. Army Garrison, Fort Devens, MA.

Issued in Washington, DC, on May 3, 2022.

**Scott M. Rosenbloom,**

*Manager, Airspace Rules and Regulations.*

[FR Doc. 2022–09921 Filed 5–6–22; 8:45 am]

**BILLING CODE 4910–13–P**

## RAILROAD RETIREMENT BOARD

### 20 CFR Part 220

#### RIN 3220–AB77

#### Consultative Examinations

**AGENCY:** Railroad Retirement Board.

**ACTION:** Final rule.

**SUMMARY:** The Railroad Retirement Board amends its regulations concerning consultative examinations used in adjudication of claims for disability annuities. The amendment permits psychological and psychiatric consultative examinations to be conducted through the use of video teleconferencing technology. The amendment allows the remote conduct of examinations where physical contact is not required and facilitates medical evaluations when physical proximity is not feasible.

**DATES:** This regulation is effective May 9, 2022.

**FOR FURTHER INFORMATION CONTACT:** Marguerite P. Dadabo, (312) 751–4945, TTD (312) 751–4701, [Marguerite.Dadabo@rrb.gov](mailto:Marguerite.Dadabo@rrb.gov).

**SUPPLEMENTARY INFORMATION:** The Railroad Retirement Board (Board) amends its disability regulations to allow video teleconferencing technology (VTT) to be used to conduct a psychological or a psychiatric consultative examination in a case where such technology permits proper evaluation of a claimant. A VTT consultative examination is an examination conducted through a telecommunications system that allows the examining physician or psychologist and the claimant to see and hear each other for the purpose of communication in real time. A VTT consultative examination must comply with all requirements for consultative examinations in subpart G of part 220 of the Board's regulations, 20 CFR part 220, subpart G. In addition, the following requirements must be followed if a VTT consultative examination is used. The examining

physician or psychologist must be currently licensed in the state in which the provider practices.

The examining physician or psychologist must have the training and experience to perform the type of examination requested. The examining physician or psychologist must have access to VTT, and the claimant must live in the same state in which the provider practices. The claimant shall have the right to refuse a VTT consultative examination without penalty.

A proposed rule was published on February 3, 2022, and comments were requested by April 4, 2022, 87 FR 6094, February 3, 2022. One comment was submitted. While expressing support for the proposed change as “a positive change by the agency to embrace the technological transformation,” the commenter quoted the proposed sentence in § 220.57(c)(2), which states that “[t]he examining physician or psychologist has the training and experience to perform the type of examination requested” and commented that this statement does not quantify the required minimum years of experience for the examining physician or psychologist. The commenter explained that unless years of experience are specified, any physician with just 1 prior experience of performing such kind of examination will be qualified and suggested that the minimum number of years of experience be added to the clause to avoid any confusion and make the rule clear. The Board considered the commenter’s suggestion, but decided not to quantify a minimum number of years of experience to use VTT as the examining physician or psychologist would be licensed and in good standing in the state in which he or she practices and would have the training and experience necessary to perform the type of examination or test required.

No changes were made in the proposed rule, which is now being published as a final regulation.

#### Regulatory Requirements

#### Executive Order 12866, as Supplemented by Executive Order 13563

We consulted with the Office of Management and Budget (OMB) and determined that this final rule does not meet the criteria for a significant regulatory action under Executive Order 12866, as supplemented by Executive Order 13563.

#### Executive Order 13132 (Federalism)

This final rule will not have substantial direct effects on the States,

on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, the Board believes that this final rule will not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

#### Regulatory Flexibility Act

We certify that this final rule would not have a significant economic impact on a substantial number of small entities because the final rule affects individuals only. Therefore, a regulatory flexibility analysis is not required under the Regulatory Flexibility Act, as amended.

#### Unfunded Mandates Reform Act of 1995

This final rule will not 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, and it will not significantly or uniquely affect small governments. Therefore, no actions are deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

#### Paperwork Reduction Act

This final rule does not create any new or affect any existing collections and, therefore, does not require OMB approval under the Paperwork Reduction Act.

#### List of Subjects in 20 CFR Part 220

Disability benefits, Railroad employees, Railroad retirement.

For the reasons discussed in the preamble, the Railroad Retirement Board amends 20 CFR part 220 as follows:

#### PART 220—DETERMINING DISABILITY

■ 1. The authority citation for part 220 continues to read as follows:

**Authority:** 45 U.S.C. 231a; 45 U.S.C. 231f.

■ 2. Amend § 220.57 by adding paragraph (c) to read as follows:

#### § 220.57 Types of purchased examinations and selection of sources.

\* \* \* \* \*

(c) *Use of video teleconferencing technology.* Video teleconferencing technology (VTT) may be used for a psychological or a psychiatric consultative examination provided that the following requirements are met:

(1) The examining physician or psychologist is currently state-licensed

in the state in which the provider practices;

(2) The examining physician or psychologist has the training and experience to perform the type of examination requested;

(3) The examining physician or psychologist has access to video teleconferencing technology;

(4) The examining physician or psychologist is permitted to perform the exam in accordance with state licensing laws and regulations;

(5) The protocol for the examination does not require physical contact;

(6) The claimant has the right to refuse a VTT examination without penalty; and

(7) The VTT examination complies with all requirements in this subpart governing consultative examinations.

Dated: May 4, 2022.

For the Board.

**Stephanie Hillyard,**

*Secretary to the Board.*

[FR Doc. 2022-09905 Filed 5-6-22; 8:45 am]

**BILLING CODE 7905-01-P**

## DEPARTMENT OF JUSTICE

### 28 CFR Part 85

[Docket No. OLP 172]

#### Civil Monetary Penalties Inflation Adjustments for 2022

**AGENCY:** Department of Justice.

**ACTION:** Final rule.

**SUMMARY:** The Department of Justice is adjusting for inflation the civil monetary penalties assessed or enforced by components of the Department, in accordance with the provisions of the Bipartisan Budget Act of 2015, for penalties assessed after May 9, 2022 with respect to violations occurring after November 2, 2015.

**DATES:** This rule is effective May 9, 2022.

**FOR FURTHER INFORMATION CONTACT:** Robert Hinchman, Senior Counsel, Office of Legal Policy, U.S. Department of Justice, Room 4252 RFK Building, 950 Pennsylvania Avenue NW, Washington, DC 20530, telephone (202) 514-8059 (not a toll-free number).

#### SUPPLEMENTARY INFORMATION:

#### I. Statutory Process for Implementing Annual Inflation Adjustments

Section 701 of the Bipartisan Budget Act of 2015, Public Law 114-74 (Nov. 2, 2015) (“BBA”), 28 U.S.C. 2461 note, substantially revised the prior provisions of the Federal Civil Monetary